

**BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

DISCRETIONARY REVIEW OF :

HAYDEN BARNES,

Petitioner,

***TO BOARD OF REGENTS FROM
FINAL INSTITUTIONAL-LEVEL
DECISION OF:***

VALDOSTA STATE UNIVERSITY,

Respondent.

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OSAH DOCKET NO.:

**OSAH-REGENTS-0809039-92-
GATTO**

“Attachment 2”

AMENDED STATEMENT OF APPEAL

4.

On or about March 26, 2007, Petitioner wrote a letter to President Zaccari apologizing for his actions in relation to his opposition of the parking decks to the extent they were “perceived as a personal ‘attack’” against the President and announcing the end of his public opposition to the building of the parking decks by removing the flyers and deleting the Facebook website and the blog website.

5.

Petitioner reversed his decision to discontinue public opposition of the parking decks several days prior to the Board of Regents’ monthly meeting scheduled for April 17-18, 2007. Petitioner contacted the Governor’s office, the Chancellor’s office, and numerous members of the Board of Regents concerning the parking deck issue, telling them that he had met with President Zaccari on this issue, when he had not.

6.

As a result of Petitioner’s activity in relation to the Board of Regents’ meeting, Vice Chancellor Linda Daniels contacted President Zaccari on or about April 16, 2007, inquiring about Petitioner’s actions.

7.

On or about April 16, 2007, President Zaccari and the Dean of Students, Russ Mast, met with Petitioner, suggesting to Petitioner productive ways to address the parking deck issue and explaining to Petitioner the business plan regarding the parking decks.

8.

On or about April 16, 2007, the VSU campus was shaken by the news of more than 30 deaths in the Virginia Tech massacre.

9.

On or about April 18, 2007, President Zaccari received a paper copy of Petitioner's Facebook website complaining about parking issues. The Website featured a picture of President Zaccari accompanied by the caption, "S.A.V.E.-Zaccari Memorial Parking Deck."¹

10.

On or about April 20, 2007, Petitioner sent an email to President Zaccari referencing Easter Island and mocking its business plan.

11.

On or about this time, Petitioner posted a link on his website page to an article discussing the massacre at Virginia Tech. The linked information included a graphic which stated, "Shoot it. Upload it. Get famous. Project Spotlight is searching for the next big thing. Are you it?" Below the link on the posting, Petitioner added the comment, "[Petitioner] is cleaning out and rearranging his room and thus, his mind, or so he hopes."

12.

President Zaccari considered Petitioner's actions, including the statement on the Facebook website, to be a specific threat to his safety and a general threat to the safety of the campus.

13.

On or about this time, based on Petitioner's actions, President Zaccari consulted with campus police. For the remainder of the semester, President Zaccari was

¹ S.A.V.E. is a student group at VSU. The acronym stands for Students Against Violating the Environment.

accompanied to high-profile events by plain-clothed police officers, and uniformed police officers were placed on high alert.

14.

On or about this time until the end of the semester, President Zaccari convened several meetings with top-level campus administrators to discuss the threat posed by Petitioner.

15.

During these meetings, President Zaccari considered his concern for the safety of the campus, his concern for his personal safety, and his concern that the campus would erupt into chaos if the threat against him became public balanced against Petitioner's ability to complete his Spring-semester classes.

16.

Based on the totality of circumstances, President Zaccari determined Petitioner's presence on campus could create a clear and present danger of material interference with the normal operation of VSU.

17.

Based on the totality of the circumstances, President Zaccari determined Petitioner had clearly obstructed or disrupted, or attempted to obstruct or disrupt, administrative activities on campus.

18.

Petitioner was allowed to complete his 2007 Spring-semester classes.

removed from all of his VSU records, that he be provided copies of VSU and/or Regents policies that define an administrative withdrawal,

26.

Valdosta State University contends that Petitioner was administratively withdrawn from school because he posed a threat to President Zaccari and to the campus, and that the administrative withdrawal was not arbitrary or capricious.

27.

Valdosta State University further contends that this *de novo* hearing, which includes the opportunity to supplement the existing Record on Appeal, will show that the institutional-level decision to administratively withdraw Petitioner from school was one

PLEASE ADDRESS ALL
COMMUNICATIONS TO:

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CERTIFICATE OF SERVICE

I do hereby certify that I have this day served the within and foregoing
AMENDED STATEMENT OF APPEAL prior to filing the same, by depositing a copy
thereof, postage prepaid, in the United States Mail, properly addressed upon:

Hayden Barnes
1408 Iola Dr., Apt. B
Valdosta, GA 31602

This ____ day of October, 2007.

DEBRAE C. KENNEDY 414335
Assistant Attorney General