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Activists: DBCC illegally banned student

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DAYTONA BEACH -- Daytona Beach Community College has unconstitutionally banned a student from campus in an effort to silence him, a nationally recognized civil rights organization contends.

The Foundation for Individual Rights in Education - or FIRE - is demanding that DBCC allow Thomas Rebman to return to campus and finish his associate's degree. FIRE became involved after Rebman contacted the organization.

"FIRE is gravely concerned about the threats to free expression, due process and the right to petition for the redress of grievances," says a letter sent this week by the group to DBCC President Kent Sharples.

Rebman is a 46-year-old Navy veteran whose return to school became notable in 2006 because of his efforts to take on the campus bookstore's policies. He started a competing online book exchange, filed police reports against bookstore employees and ultimately sued both the bookstore's operator, Follett Corp., and the college, alleging they were overcharging students in violation of a contract.

Last April, Rebman got into a verbal altercation with a college staff member, Heather Lippert, at her office on the New Smyrna Beach campus. Lippert told college officials she was "threatened and extremely distraught" by the confrontation, which she described as Rebman standing over her and using an "aggressive tone" to complain about Lippert's being unavailable to tutor him the previous weekend.

A witness, Claudia Haughwout, wrote to school officials that Rebman was "storming" toward Lippert's office, where he slapped the door. After he left, Haughwout said she found Lippert "crying and very disturbed."

Rebman has said he was confronting Lippert, whom he described as a friend, about a personal matter. He said he never touched or threatened her.

The next month, DBCC charged Rebman with violating the Student Code of Conduct by threatening to harm an employee and "engaging in disorderly, disruptive and belligerent conduct."

Rebman never attended the hearing on his case. FIRE contends his being tried "in absentia" violated his rights.

Nonetheless, Michael Elam, DBCC's vice president for student affairs, later had an e-mail exchange with Rebman, which appeared to clear him of any code violations.

Rebman attended classes during the summer.

Then, in August, only a day after Rebman had requested to speak to the DBCC Board of Trustees, school officials told the Volusia County sheriff that they considered Rebman a threat to other students.

On Aug. 10, campus security director William Tillard gave Rebman a verbal trespass warning, meaning he could not come on campus. The move effectively kept him from speaking at the board meeting and attending classes during the fall semester.

The next week, the college's judicial officer conducted a hearing where a new charge was levied against Rebman - that he violated an agreement with the school over the earlier hearing by enrolling for classes in the fall. Rebman, who was not at that hearing, contended he had intended to finish his schooling over the summer, but that he never agreed he would not enroll in the fall.

That panel took no action, allowing for settlement negotiations.

In the FIRE letter faxed to Sharples late Tuesday, Adam Kissel, director of the individual rights defense program, asked that the college not infringe on the rights of students who complain about college affairs.

"Please spare DBCC the embarrassment of fighting against the Constitution, by which it is legally and morally bound," Kissel wrote.

The college has not formally responded to FIRE, and Rand Spiwak, executive vice president, said Wednesday the college had met with Rebman earlier this week in an attempt to settle the dispute.

The meeting was unproductive, according to both sides.

"It's impossible to please the gentleman," Spiwak said of Rebman. He later added: "It's over. He's trespassed. End of story."

Sharples said Wednesday he hadn't read the FIRE letter, but defended the college's handling of the Rebman case, saying he puts the safety and security of students, faculty and staff above all else.

"He poses a risk to the people of Daytona Beach College," Sharples said.

Rebman was offered the option of finishing his degree by taking online classes, but rejected the offer, Sharples said. "His goal is to demonstrate and perpetuate his own martyrdom," Sharples said.

Rebman, who wants to be a teacher, said he will not settle for anything less than to be allowed back on campus with a clear record and finish the two classes he needs to graduate.

Because of his inability to attend classes this semester, he said, he has lost thousands of dollars in Veterans Administration benefits and student loans.

"The financial burden has been devastating, but me and my family are not giving up," he said. "This is about my good name."

Rebman received an e-mail this week from DBCC's general counsel, Brian Babb, which states: "Please be advised the college will schedule another administrative hearing in this matter . . . The original hearing was concluded without a final decision and deferred until the end of the settlement negotiations."

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