

**STEPHEN F. HUMPHREYS, P.C.**

**Attorney at Law  
191 E. Broad Street  
Athens, Georgia**

**P.O. Box 192  
Athens, GA 30603**

**706 207-6982  
athenslaw@gmail.com**

October 31, 2009

Chancellor Erroll B. Davis, Jr.  
Board of Regents  
University System of Georgia  
270 Washington Street SW #7027  
Atlanta, GA 30334-9056

***Via Electronic Mail***

Chancellor Erroll B. Davis, Jr. <chancellor@usg.edu>  
Cc: Burns Newsome burns.newsome@usg.edu

Dear Chancellor Davis:

I am writing to follow up on my previous correspondence of July 24, 2009, sent on behalf of some disappointed UGA students and their angry parents. At that time I wrote to inform you of a serious breach in academic integrity at the University of Georgia involving the denial of credit to UGA students for the Maymester in Budapest and other study-abroad programs without regard to either the academic quality of the programs or the interests of the UGA students involved.

Moreover, although students questioning the denial of credit were informed that the decision was based on a "rigorous evaluation" of the Maymester program, it was documented that Eotvos Lorand University of Budapest (ELTE), the Hungarian University offering the program, was not even contacted by anyone at UGA prior to the decision to deny credit. Inquiries made to ELTE after the fact by Dean Noel Fallows and Provost Arnett Mace documented that UGA had not done any substantive evaluation prior to altering UGA's longstanding practice of issuing credit for the Maymester program to instead deny credit in 2009. There is no explanation for why this was done without any evidence anything had changed in the program. The belated inquiries by Drs. Fallows and Mace to ELTE, although they appeared to be premised on the assumption that Maymester in Budapest was not an actual or legitimate program, and they included outrageous allegations that the Hungarian university officials with whom these UGA administrators were corresponding may themselves be frauds, did not uncover any information whatsoever to support the denial of credit.

Yet, as stated in the July 24 correspondence, the decision to deny credit stands, to the detriment of the UGA students who attended Maymester in Budapest in 2009. In fact, two students failed to graduate on time due to the denial of credit and have been forced to enroll, at considerable inconvenience and expense to themselves and their families, for an additional semester. All the 2009 Maymester students lost HOPE funding for attending the program. Since the letter of July 24, the UGA administration has taken further action in this matter *against* the best interests and welfare of its own students, as well as its own interests in academic integrity. Moreover, it appears that laws may have been violated in continuing attempts to justify, after the fact, the denial of academic credit and HOPE funding to these students. We are concerned that, in what appear to be attacks directed at a particular UGA faculty member, it is students and their parents who are being harmed, as well.

As the parents of one student denied credit for Maymester 2009 wrote:

We sent our daughter to the University of Georgia because we were convinced that it was the best and strongest school in the state. We never ever would have thought that at a university like UGA there could be such serious problems with ethics. Our daughter is quite upset, and we, as her parents, are very angry too. We are seriously concerned about this issue. We feel that UGA did not live up to our expectations as a role model for honesty! We feel that what our child could actually see and learn from how the University handled her Maymester credits, is that lying and cheating is not only condonable but actually quite useful if it serves the administration's interests. This is fundamentally wrong and totally unacceptable to us. We feel that institutions of education should NOT be allowed to lie! Our children should not be exposed to such serious flaws of ethics at an institution of higher learning. We see this as a serious moral damage and we would like to ask you to look into this matter.

As a UGA graduate myself, I am troubled to see this perception of UGA being created by actions of the University administration. To summarize the factors in the Maymester affair that we think have engendered this negative response:

Disregarding Academic Quality. Credit was denied without any regard to the academic quality of the program. It was not a factor in the decision. In fact, there was no evidence of any change in this award-winning program for which UGA issued credit every year for ten years.

Ignoring the Best Interests of the Students. The UGA administration showed no concern for the best interests of the students enrolled in the program in 2009 who were harmed by the denial of credit. The administration allowed other agendas to spill over and affect students and their families.

Violating Principles of Transparency. In violation of the Regents' principles of transparency, no actual substantive evaluation of the study-abroad program was even conducted. The university sponsoring the program was not even contacted for information until five months after the decision to deny credit was made, clearly demonstrating that the decision had nothing to do with the academic quality of the program itself. It remains to be seen what actually was behind the decision.

Misrepresentations to Students. The reasons for denying credit were misrepresented to UGA students and their families. Contrary to what the students were told, there was no rigorous evaluation or prior communication with the external program.

Backfired Attempts to Backtrack. The actions taken to try to justify the denial of credit--after the fact--further harmed UGA students and violated their rights under state and federal law, in addition to further harming the University academic community.

### **The Referral Back to UGA**

Your office referred our July 24 correspondence back to the University of Georgia for resolution. We are sorry to report that the University has not addressed the lack of transparency by which the original decision to deny credit was made, the failure to conduct any actual substantive evaluation before making the decision to deny credit, the misrepresentations to students regarding the alleged basis of the decision (with respect to "rigorous evaluations" that never, in fact, occurred), clumsy attempts to find some justification for the decision to deny credit after it was already made, or the hardships visited on UGA students by these arbitrary and capricious actions.

The University in its responses ignored or dismissed all these issues without explanation or justification.

Not only has there been a concerted and coordinated effort by elements of the University administration to brush these claims aside without investigation or substantive response, there appear to be additional and continuing efforts to go back and correct the failure to actually evaluate the program before denying credit--by surreptitiously seeking justification for the action after the fact. In these most recent efforts the interests of UGA students have again been completely disregarded and compromised.

### **Violations of FERPA and Open Records Act**

As an example of the disregard shown to the interests of UGA students, in one effort to "evaluate" the Maymester in Budapest program (months after announcing the decision to deny credit for the 2009 program), the transcript of one UGA student who participated in the Maymester in Budapest program in 2008, and was given credit by UGA last year, was sent to the International Educational Research Foundation (IERF) in California. IERF is a non-profit agency that evaluates study-abroad programs for

purposes of transfers of academic credit and degree equivalencies. According to correspondence from Eotvos Lorand University of Budapest (ELTE), the Hungarian university that administers the Maymester program, IERF, at the request of someone at the University of Georgia, inquired as to the legitimacy of the transcript allegedly supplied to UGA by the student in 2008.

In its correspondence to ELTE, IERF indicated that our client, the specifically-identified UGA student, allegedly submitted this transcript to UGA, and that UGA questioned the legitimacy of the program and the authenticity of the transcript. IERF stated that UGA required a speedy response so that UGA could “move forward with their plans for this student,” who was identified by name and other personally-identifying information in the correspondence to IERF and subsequently to ELTE in apparent violation of FERPA § 99.30(a).

This obviously concerned our client, the student in question, for UGA to submit his transcript with personally identifying information, including his Social Security number, to an outside agency, without his knowledge or consent in apparent violation of FERPA. Our client was even more alarmed that this was done in the context of an inquiry whether he, the student, may have submitted a fraudulent transcript to UGA, and that UGA needed to determine whether to take action against him.

In Open Records requests to get to the bottom of what appeared to be a serious potential threat or smear leveled against the student, the University has so far taken inconsistent and rather odd positions. When the affected student made an Open Records request seeking the correspondence from UGA that prompted IERF’s inquiry to ELTE, UGA’s Open Records office issued the curious reply on September 30, 2009 that no such documents existed—but that the student in question should contact Dean Noel Fallows about the matter. Failure to release such responsive documents would appear to be a violation of the Georgia Open Records Act and FERPA § 99.30(c)(1).

This firm wrote to the Office of Legal Affairs on October 7, 2009, to call attention to the apparent improper use of our client’s name in connection with attempts to find support for the denial of credit after the fact, and to apparent discrepancies in UGA’s response to the Open Records request, noting that it seemed unlikely that IERF obtained our client’s transcript by magic or spontaneous generation. The Office of Legal Affairs responded, immediately upon reviewing our correspondence, stating only that the University stood by its decision to deny credit and would continue its efforts to find support for that position. The Office of Legal Affairs did not respond to the issues regarding the use of this student’s name and personal information in this manner, or the issue raised by the failure to produce any documents under the Open Records Act.

On October 15, 2009, this firm made its own Open Records request for UGA’s correspondence to IERF concerning our client, the affected UGA student, at his authorization. The response to our request differed from that to our client’s previous request. On October 21, 2009, UGA admitted the existence of the requested documents, but stated that their release was blocked by provisions of FERPA. Of course FERPA

exists to protect the privacy interests of the student who originally made the Open Records request, only to be told there were no such documents, and on whose behalf this firm made the subsequent request.

FERPA is also the law that should prevent the unauthorized release to a third party of the student's transcript and Social Security number, not to mention any unsupported allegation that the student may have committed academic fraud by submitting a fake transcript for a non-existent study-abroad program. Of course using the student's name in this fashion would also constitute common law defamation.

UGA's Open Records Office also claimed in its second answer that other responsive documents existed that were exempt from disclosure because they pertained to materials obtained in the investigation of complaints against a public employee. The Open Records request, however, asked for documents pertaining to the transmittal of the UGA's student's records to IERF. We very much doubt that the documents requested, namely correspondence that improperly used a student's personal information in order to gather information after-the-fact to justify a decision to deny credit that was already made, would qualify for such an exemption.

At the very least there should be an investigation of these seemingly prejudiced and prejudicial attempts to "back date" an evaluation of the Maymester in Budapest, including whether violations of FERPA and the Open Records Act were committed in the process.

### **Response to the July 24 Correspondence**

In response to our documentation that, despite claims of "rigorous evaluation," no substantive evaluation of the Maymester in Budapest was even attempted until five months after the decision to deny credit, the University, through its Office of Legal Affairs, issued a response that merely stated that the denial of credit was "appropriate," without further explanation or supporting authority. There was no discussion of the demonstrated facts, and there was no discussion of how and why the decision to deny credit preceded any actual inquiry.

### **Reprisals Against the Maymester Director**

The other development that has occurred since our July24 letter to the Regents is that the professor who founded and runs the Maymester in Budapest, Dr. Dezso Benedek of the UGA Comparative Literature Department, has been severely censured and disciplined by the University. Dr. Benedek was placed under restrictions and relieved of duties within his department by the Dean of the Franklin College without consultation with the Department of Comparative Literature, which has also been harmed by these punitive measures.

This action has been taken on top of the already unjustified actions taken against the Maymester program, and in spite of the fact that no fault has been found with either Professor Benedek or his program.

In fact, the great irony is that, while Professor Benedek's detractors have resorted to clandestine means in an attempt to find ways to discredit the Maymester in Budapest program, these same detractors within the UGA administration have ignored the greatest readily-available source of information about the program, the many UGA students who have attended the program in the ten years since it was started as a UGA program, including the UGA students who attended in 2009 and were denied credit. These students invariably report an enriching cultural and academic experience. In fact, this firm represents virtually all of the 2009 Maymester in Budapest students and their parents against the unwarranted actions of the UGA administration in this matter.

### **Background of the Affair**

Chancellor Davis, to aid in your understanding of how we got to the point of denying credit without respect to academic quality and defaming students while making inquiries about the program under false pretenses, we will endeavor to provide a timeline that gives the background of the Maymester affair.

The Maymester in Budapest program started as a UGA program in 1999. It was conceived and organized by Dr. Dezso Benedek. Participating students engage in a rich array of cultural experiences, including internships with various Hungarian public agencies and law firms, in which they are placed at a very high level. Part of the time is spent traveling through the region, including close encounters with both sedentary and nomadic Roma/Gypsy groups for the interactive study of their culture, music and dances—exposure impossible to replicate in any classroom. In addition to the internships and cultural aspects of the courses, there is an academic instruction component that consists of extensive lecturing, essay writing and oral exams. In short, the program offers learning experiences that are hard to match by any measure, and the popularity of this program among UGA students is incontestable. This study-abroad program was developed at UGA by Professor Benedek. The courses of the Maymester are valid academic courses (still listed in the University's 2009 course bulletin) and were taught since 1999 by Dr. Benedek, who was at all times a UGA professor.

In 2004, however, the Maymester in Budapest ceased to be a UGA program. This development coincided with a prior run-in between Dr. Benedek and the administration, in which the administration was also found to be in the wrong, as will be further discussed below with respect to the Ikaria affair. At that time, for the benefit of the UGA students already enrolled in the program, a cooperation agreement was entered between ELTE and UGA. This agreement provided that ELTE would continue to offer the courses and submit the transcripts to UGA. UGA would continue to issue credit under the cooperation agreement so long as the syllabi remained unchanged and the courses were taught by UGA professors.

Those conditions have been met since that time, including in 2009 when UGA denied credit. Other prestigious universities, such as the University of Notre Dame, continue to issue academic credit for the program. UGA, in fact, is the only university that has refused credit for the program, arguably one of the best study-abroad programs it has ever created.

The cooperation agreement followed by UGA and ELTE from 2005 until 2009 is memorialized, among other places, in an email from former Dean Clifton Pannell to Dr Laszlo Boros, Director of ELTE International Relations, on January 28, 2005. Though in the course of recent events UGA has disclaimed knowledge of the agreement, it is also documented in recent correspondence between University Provost Arnett Mace and officials at ELTE. However, one of the reasons the University stated it would not take further action on our July 24 letter to you, when it was referred back to UGA by your office, was that UGA had no record of the agreement with ELTE concerning Maymester in Budapest.

In September of 2008 recruiting began for the 2009 Maymester program. Students who enrolled in the Maymester program submitted transfer of credit forms to the Office of International Education (OIE) for approval, as they had since the cooperation agreement was entered with ELTE in 2004. In 2009, however, OIE informed students that credit would not be issued and steered the students toward other study-abroad programs. A number of students who were enrolled in the program asked why, after ten years of issuing credit for courses developed and taught by a UGA professor, credit was now being denied. OIE responded that the decision had been made based on a “rigorous evaluation” of study-abroad programs, in which the Maymester in Budapest had not passed muster, and offered to enroll the students in UGA study-abroad programs.

As outlined in our July 24 letter, some students who had previously signed up decided against enrolling in the Maymester in Budapest program, based on the denial of credit, and demanded the return of their tuition—which they received despite the fact that the program had already paid non-refundable fees in Hungary based on their participation. Other students remained with the program, and Professor Benedek committed to appealing the decision to deny credit, and this is a continuing part of that effort.

On May 5, 2009, Professor Benedek received a letter from Dean Garnett Stokes, Dean of Franklin College, in which she accused Dr. Benedek of promoting the Maymester program as a UGA program, as well as engaging in unspecified unauthorized outside activities, unspecified use of University resources without reimbursement, and unspecified conflicts of interest. The letter demanded that Dr. Benedek respond to these charges, though they were not defined in any way. At that point this firm undertook representation of Professor Benedek in this matter.

This firm answered the Dean’s letter and addressed the charges it contained on May 9, 2009. The only concrete demand in the Dean’s letter was that Professor Benedek

identify all complaints by students that Dr. Benedek was promoting the Maymester in Budapest as a UGA program. This firm responded that there were no such complaints to our knowledge because the Maymester had never been promoted as a UGA program since the cooperation agreement with ELTE, and asked the Dean to identify any such complaints if they existed. We confirmed that all the participating students were aware that the University had taken the position to deny credit and HOPE funding. This firm further responded that we were unable to guess at the unintelligible claims of unauthorized activities, use of University resources, and conflicts of interest, which the Dean did not identify with any specificity that would allow a more focused response on our part.

After our firm responded, the Office of Legal Affairs then took over correspondence on behalf of the University. The sole exception has been a subsequent letter from Dean Stokes, which we will discuss more fully further down the timeline, censuring and demoting Professor Benedek for failing to respond to her letter of May 5 and provide the information requested.

Meanwhile, the Office of Legal Affairs made numerous demands for information which, to our surprise, did not seem to have any legal foundation. On May 13, 2009, this firm received a response from Legal Affairs to our letter of May 9 to Dean Stokes. In particular, Legal Affairs demanded to know the names of the students enrolled in Maymester in Budapest, though it is not a UGA program. The purpose stated by Legal Affairs was to ensure that students understood that they would not receive academic credit or HOPE funding. However, our letter of May 9 had already addressed these issues, giving assurance that all students enrolled were aware of the University's position on credit and HOPE funding.

In fact, certain students had questioned OIE and Dean Stokes on this position and were told that the decision to deny credit was based on a "rigorous evaluation" of the program. And all the students were prepared to submit transfer of credit approval forms until OIE informed them it would not accept them.

In particular, OIE told the students who questioned this decision that a high-level faculty review had occurred and further claimed that information had been requested from many external programs, but that the external program at ELTE "never submitted any information in response to the college's request." As we will discuss in the following section in more detail, however, ELTE had never been contacted. When ELTE was first contacted by Dean Fallows and Provost Mace in May of 2009, after the Maymester in Budapest program was already underway, ELTE did respond promptly. Nevertheless, UGA has ignored those responses, continues to deny credit, and censured Dr. Benedek.

In one of the more absurd ironies of this affair, the UGA administration now principally bases its continuing refusal to grant credit and its other reprisals against Dr. Benedek on his failure to provide a list, first demanded in May when the Maymester program was set to begin, of UGA students enrolled. Apparently, that is the only rationale left for denying credit and it is completely unrelated to academic quality. As

you will see, subsequent attempts to find ways to discredit the program simply did not pan out.

### **Inquiries Initiated After the Denial of Credit**

As described in the introduction to this letter, on May 19, 2009, Associate Dean for International Programs Noel Fallows contacted ELTE asking for syllabi for the Maymester courses and a list of UGA students who attended the program. *This initial inquiry to ELTE did not occur until after the 2009 Maymester program had already begun, and more than four months after the decision to deny credit for the program was made in January 2009.*

The same Dr. Laszlo Boros with whom Dean Pannell had previously entered the cooperation agreement between UGA and ELTE responded to Dean Fallows' request on May 21, 2009. In his response, Dr. Boros explained that these were actually UGA courses for which UGA already had the syllabi, outlining the cooperation agreement with UGA under which ELTE had sponsored the program since it ceased to be a UGA program in 2004. Dr. Boros explained the history of the program, with which Dean Fallows did not appear to be familiar, noting that all this information, including the information Dean Fallows sought, must be on record at UGA in the office of Dean Pannell, and cited the excellent cooperation between UGA and ELTE over the past ten years.

Dean Fallows wrote back questioning the credentials and authority of Dr. Boros, and informing him that the decision had already been made to deny credit based on a timely and "rigorous and on-going review" of the program. Dean Fallows also asked Dr. Boros if it were "common practice for your university to issue credit for courses for which you apparently do not have syllabi."

On May 26, 2009, Dr. Boros responded that perhaps his English was not clear but reiterating the statements of his previous email and including his CV for Dean Fallows' reference.

Also on May 26, 2009, UGA Provost Arnett Mace wrote to the Rector and Chancellor of ELTE stating that UGA was "in the process of reviewing" the Maymester in Budapest and asking if it were a legitimate program and if Dr. Boros were really a faculty member at ELTE. Mace attached to his correspondence to the ELTE Chancellor a Maymester transcript previously submitted on behalf of a UGA student and asked if it were a valid ELTE transcript. Provost Mace also questioned the Hungarian university officials about Dr. Benedek's association with ELTE. Mace's inquiry was obviously based on the premise that the Maymester was a non-existent or otherwise fraudulent program.

This, however, was not borne out by any of the responses to these belated inquiries, which occurred five months after the decision to deny credit. ELTE's rector

responded by reaffirming that Dr. Boros was a respected member of the ELTE faculty, and that Dr Benedek's only association with the Hungarian university fell under the cooperation agreement by which ELTE had continued offering the former UGA courses taught by Professor Benedek, and stating again that all this information must be in the records of Dean Pannell.

On July 13, 2009, Dr. Boros further responded to Mace, noting that he did not send them earlier since, as he stated, he believed UGA must have the syllabi for its own courses, but sending the requested syllabi anyway. Dr. Boros further expressed his surprise at "Dr. Fallows' dedication to deny credit to his own students, especially in the case of such an excellent, and celebrated study abroad program as the Maymester in Budapest," and added that the "arrogance" of Dean Fallows in questioning Boros' integrity and credentials did not help matters.

Soon thereafter we learned of the administration's after-the-fact attempts, in the form of the communications by Fallows and Mace, to find some justification for the decision already made to deny credit. While disturbing in their brazenness, these acts also clearly demonstrated that no actual substantive academic evaluation had occurred prior to the denial of credit. On July 24, this firm wrote to the Regents asking for an investigation of this matter. The Regents referred the matter back to UGA for resolution.

On August 5, 2009, Legal Affairs responded to our July 24 letter referred from your office. It stated it could not reply until FERPA consents had been received from the students enrolled in Maymester, despite the fact that the decision to issue or deny credit was not dependent on which students were involved and did not require any reference to them by name or release of their personal information. The students would obviously make their own identities known when they presented their transfer of credit approval forms to OIE.

Legal Affairs also demanded a complete financial accounting of the Maymester program, as well as copies of the cooperation agreement between ELTE and UGA, and a list of all institutions accepting credit for Maymester in Budapest. As with other demands asserted by Legal Affairs, we are not sure what the legal basis is for these demands or what they have to do with whether academic credit should be issued for the Maymester program by UGA.

Nonetheless, Legal Affairs stated that it would not respond till all its demands for information were met—without providing any legal justification whatsoever for these conditions on its response. However, we were just beginning to learn that the Office of Legal Affairs at UGA concerns itself only very peripherally with the law.

This firm responded on August 18, 2009, detailing the facts outlined above of UGA's failure to evaluate the program before denying credit, despite its repeated claims that a rigorous evaluation had already occurred. We also reiterated that Legal Affairs did not need the names or FERPA releases of the students we represent in order to review the described facts and circumstances of the decision to deny credit for the Maymester

program, irrespective of who attended. We are not aware of the identity of the students enrolled being a factor in decisions whether to issue academic credit for coursework. We also supplied FERPA releases just so Legal Affairs could not continue to hide behind that as an excuse for not responding.

As mentioned earlier, on September 1, 2009, Legal Affairs answered our letter of August 18 that outlined the facts of the failure to conduct any actual evaluation of the Maymester program with the bare response that the denial of credit was “appropriate.” Legal Affairs did not address the failure to conduct an actual evaluation of the program prior to the decision. In fact, Legal Affairs’ letter contained no treatment whatsoever of the relevant facts, or laws, policies, or standards bearing on the situation. According to Legal Affairs’ statement of UGA’s position, there are no applicable laws, policies, or standards. It did not even elaborate on what is meant by “appropriate” from a legal point of view. This correspondence was copied to President Michael Adams, among others.

As also briefly described above, a subsequent inquiry into the Maymester program was made using student information under false pretenses. On August 31, 2009, IERF, saying it was acting at the urgent request of UGA, sent the following communication to ELTE:

University of Georgia, Athens has contacted us with the request that we verify information regarding a student who completed a study abroad program through Eötvös Loránd University. The student, Mr. [name included in original IERF communication], provided University of Georgia, Athens with a transcript stating he completed several courses at Eötvös Loránd University between May 15 and June 25, 2008 (see attachment). We would like to know the following:

- 1- Is the program in which Mr. [name included in original] participated a valid, official study abroad program at Eötvös Loránd University?
- 2- Was the transcript that Mr. [name included in original] submitted genuinely issued by Eötvös Loránd University?
- 3- If Mr. [name included in original] did complete the program at Eötvös Loránd University, what are the course titles of the listed courses?

This email request was forwarded along with the statement that “University of Georgia, Athens is quite anxious to move forward with their plans for this student.”

The attachment referenced in this message, similar to Provost Mace’s previous message to ELTE officials with a transcript attached, included the student’s transcript with his name and Social Security number. It is worth noting that, contrary to the statement by IERF, the student in question never provided UGA with a transcript. When

the student participated in the Maymester program, the transcript for transfer credits was forwarded directly to UGA by ELTE. It is also worth noting that this roundabout attempt to gather information on the Maymester program came long after the decision to deny credit and, like the communications from Drs. Fallows and Mace, after the students were already in Budapest and the 2009 Maymester program had begun.

That would not seem to be the proper time for investigating and evaluating a program for the purposes of deciding whether to deny credit, especially when the decision to deny credit has already been made and students incorrectly informed that a “rigorous evaluation” was undertaken before the decision was made. Nor would it appear proper to inform students that the external program had been contacted when, in fact, it had not—or to claim that ELTE had failed to respond to requests that had never been sent to it at the time.

According to ELTE, IERF subsequently amended its request to inquire whether Maymester in Budapest was a legitimate program offered by ELTE, without reference to the particular student. ELTE responded that it was indeed a bona fide academic program offered at ELTE and that the transcripts were valid. Of course ELTE had already informed UGA, via the Provost, that Maymester in Budapest was indeed a continuing and excellent program.

We cannot help noting that if these were UGA’s actual concerns with respect to the decision whether to issue academic credit—that is, whether Maymester was a legitimate program and whether the transcripts issued by ELTE were authentic—then upon finding these concerns were unwarranted and without basis UGA should have simply issued credit to the UGA students who participated in the Maymester program in 2009. If the issue were actually something besides the academic merit of the program, then the students denied credit are being punished as part of an agenda that had nothing to do with their education.

Notwithstanding this failure to find anything amiss with the program, Dean Stokes wrote again directly to Professor Benedek on September 4, 2009, informing him of action taken against him in connection with the controversy over the Maymester program. The letter specifically stated that the actions were being taken against him for failure to “directly” respond to Dean Stokes’ letter of May 5, which was, in fact, responded to by this firm’s letter of May 9.

Without raising any new issues, or referencing the failure of the administration to find any support by any means for its inchoate charges against Dr. Benedek, Stokes claimed Dr. Benedek no longer merited the “trust” of the Comparative Literature Department. Given that this firm did, in fact, respond to the initial charges against Dr. Benedek contained in the May 5 letter, given that the charges have never been detailed and have no basis in fact, and given that no fault was ever found with Dr. Benedek or the Maymester program, it is unclear, to say the least, what is the basis of that rather damning accusation.

Nonetheless, Stokes' letter announced the following actions against Dr. Benedek: his position as director of the Asian Language Program was discontinued; restrictions were imposed on his teaching of Directed Reading courses; his travel authorization was terminated. Additionally, despite Dr. Benedek's representation by counsel on all the matters raised in Dean Stokes' correspondence, Dr. Benedek was ordered to meet with Dean Stokes and Dean Fallows to discuss the issues raised in the May 5 letter.

And while Dr. Benedek has been demoted and reproached for reasons that cannot be explained in any concrete way, officials of this University have engaged in denying credit to students without any academic evaluation of the coursework. They have made misrepresentations to students in that regard, and created hardships for the students denied credit. They have overlooked extreme irregularities under FERPA and the Open Records Act. And all of this apparently passes without comment by the UGA administration while Dr. Benedek is censured in this affair.

This firm responded on September 11, 2009, that the premise of Dean Stoke's September 4 letter was false, that we had responded to the Dean's charges the best we could decipher what they were, and that there was nothing further to discuss until such time as the University identified a concrete issue, or such time as it was prepared to address the concrete examples of apparent malfeasance by the administration we had identified in our correspondence to the Office of Legal Affairs and the Regents.

It was around this same time that we learned that, as mentioned above, IERF had contacted ELTE regarding the transcript of a specific UGA student, asking for ELTE's response so that UGA could "move ahead with its plans for this student," who was specifically identified. The student named in the IERF correspondence submitted an Open Records request on September 16, 2009, seeking UGA's correspondence with IERF concerning the student's supposed submission of a transcript from ELTE. On September 23, 2009 the student received the following response to his request:

The university has processed your attached request under the Georgia Open Records Act and found no responsive documents. However, you should contact Associate Dean Noel Fallows to discuss this matter. He can be reached in the Arts and Sciences Dean's Office at 706-542-3400 or at [nfallows@uga.edu](mailto:nfallows@uga.edu).

We cannot help but find this unusual, first that there would be no correspondence from UGA to generate IERF's request to ELTE, and then that the student would be directed to contact a university administrator deeply involved in the whole Maymester affair. We believe this matter requires further investigation.

On October 7, 2009, this firm wrote to the Office of Legal Affairs to complain about the use of the student's transcript and identifying information in this unauthorized manner, the apparent slander to the student's reputation, and UGA's failure to provide the student with the IERF correspondence in which his name was used without his knowledge or authorization, apparently for purposes of surreptitiously soliciting negative

information about the Maymester in Budapest program, months after the decision to deny credit. In fact, FERPA appears to require the disclosure to the student of such a release of information, without the necessity of even filing an Open Records request.

On October 15, 2009, as described above, this firm submitted its own Open Records request on behalf of our client, seeking the same documents.

The Office of Legal Affairs responded to our October 7 letter on October 15, 2009. The Office of Legal Affairs did not directly address the release of student information or the negative response to the Open Records request, but indicated that UGA would continue to investigate the Maymester program by “proper means” including the “validation of transcripts.” That appears to be a tacit admission of using the student’s information in the way we complained of, and to the existence of the documents denied in response to the Open Records request.

In fact, six days’ after Legal Affairs’ response, on October 21, 2009, when the UGA Open Records Office responded to this firm’s October 15 request for the documents, it admitted, contrary to its previous response to the student in question, that the documents existed, but claimed they were exempt from disclosure under FERPA. The response did not specify which provision of FERPA barred disclosure.

In addition to ignoring the legal issues raised in our correspondence, the Office of Legal Affairs, in its October 15 letter, took the unusual quasi-legal position that “we continue to be concerned about the academic validity of the Maymester in Budapest program.” This statement was made after ELTE responded that it was indeed a valid academic course offering and a credit to the University.

The October 15 letter from the Office of Legal Affairs also took the unusual quasi-legal step of purporting to identify, for the first time on the record, to our knowledge, the reasons for denying credit for Maymester in 2009. The Office of Legal Affairs’ letter states that “Dean Stokes communicated the reasons for denial of credit to Dr. Benedek in May.” Presumably this refers to the same May 5 letter which makes totally unfounded charges of promoting Maymester as a UGA program, along with unspecified conflicts of interest, use of university resources and unauthorized outside activities. These are the same vague charges for which Dean Stokes took action against Dr. Benedek in the September 19 letter because Dr. Benedek allegedly did not respond to these unfounded and unspecified allegations, though in fact Dr. Benedek did respond by way of this firm’s letter of May 9.

The Office of Legal Affairs goes on to make another extraordinary quasi-legal judgment that this decision to deny credit, based on the completely unsupported allegations of Dean Stokes’ May 5 letter, is justified by the subsequent failure of Professor Benedek and this firm to supply the information requested. As we already responded, in effect, we are being asked to supply information that does not exist, and being punished for a failure to do so. Needless to say, Legal Affairs does not cite any legal authority or University policy supporting its position. Moreover, this alleged failure

to cater to the administration's demands has nothing to do with the academic quality of the program, the transparency of the process by which credit was denied, or the interests of the students harmed by the continuing refusal to award academic credit.

In any case the UGA administration appears to be conceding that it has no other rationale that precedes Dean Stoke's May 5 letter for any of its actions, and it has not been able to develop another rationale for denying credit since then.

This reliance on the unsupported allegations of the May 5 letter only appears to have brought this Kafkaesque episode full circle. In fact, its roots reach deeper than the circular and black box logic behind the 2009 denial of credit, an intrigue into which unsuspecting UGA students and their families have unfortunately been swept up.

### **Further History of Intrigue**

The Maymester affair is not Professor Benedek's first brush with these sorts of reprisals. In fact, this firm first represented Professor Benedek in 2004 when he was first accused of serious wrongdoing with respect to the Maymester program.

In that case, Dr Benedek sought and received approval from the Dean of the College and OIE to use a single-payer system of accounting for the in-country travel expenses associated with the Maymester program. That was because it was impossibly cumbersome to collect and maintain individual receipts on a daily basis for a large group of students traveling in rough areas of Eastern Europe where Gypsies don't accept credit cards or give receipts. So Dr. Benedek arranged for a single agency, Ikaria, to handle and account for all these expenses. The program issued a single check to Ikaria and Ikaria paid the various vendors and service providers along the way--with the approval, which Dr. Benedek properly sought and obtained, of the responsible UGA administrators.

During a 2004 audit Dr. Benedek was accused of violating University policy and demands were made to investigate his personal finances, based on this same single-payer accounting system described above. The administration officials involved denied approving the procedures and none of the correspondence documenting the approvals could be located in University administration files.

Because we were able to independently produce copies of the missing documents showing that all of Professor Benedek's actions had been approved by the proper UGA authorities, the serious threats of action against Dr. Benedek were withdrawn and the matter concluded. It was at that time, however, that the very officials who had approved the single-payer accounting procedures terminated the Maymester in Budapest as a UGA program, leaving it in the hands of ELTE.

In addition, in 2008, in an incident similar to the Maymester affair, the University sought to deny study-abroad transfer credit for a program organized by Professor Benedek at Huangshan University in China and with the Hokkaido International Foundation in Japan. Dr. Benedek implemented the Hokkaido program at the request of

the Board of Regents, which paid for two of his official trips to Hakodate, Japan for that purpose. Similar to the present Maymester case, the denial of credit for the Huangshan and Hokkaido programs was done irrespective of any evaluation of their academic quality and without consulting the academic department involved. This matter was taken directly in protest to President Adams. As a result of the vigorous protests by students and faculty, Provost Arnett Mace visited Huangshan University in China to evaluate the external program.

Upon finding it to be an outstanding program the Provost agreed that it could be approved, and credit awarded, but only if it were a UGA program. Dr. Benedek agreed to the transfer and the independently created program became a UGA program with all tuition and fees paid directly to the University of Georgia. Four students were enrolled in the program at the time and witnessed this exchange between the Provost, Dr. Benedek, and officials of Huangshan University.

However, the next time UGA students sought credit approval for this program, they were informed, without explanation to the students or prior notice to Dr. Benedek, that credit would not be awarded. One UGA student still enrolled in the program at the time of this decision, given the subsequent denial of credit, had to return home and was never awarded credit.

He later wrote the following letter to Dr. Benedek:

Dr. Benedek:

Concerning the HSU credit issue, my attorney finally concluded that UGA probably will never answer our question, giving us an honest answer why they did not want to accept my HSU transfer credits. He also suggested to my father not to pursue this with UGA because actually asking too many questions may harm me while I am still at UGA.

I cannot express to you fully how upset I am. When the UGA provost visited HSU, I was there. I finally started to believe what you told us: the provost had agreed to give credits and authorize HOPE if the HSU program became a UGA program. I find it still hard to believe that a public official, the provost of a university, can look a student or a faculty member in the eye and say something that he does not mean, something that is not true.

While I am quite thankful to you for all that you have done for me making this study abroad in China possible, I also hold you responsible to some extent for what had happened. The study abroad truly did teach me Chinese, to a level beyond what I had imagined. Yet, I believe now that you actually knew that our administrators were not to be trusted, and you should have warned us about this. Had you told me that the word of our provost was

not something that we could have built our plans on, I would have done something else with my time.

When I hear UGA's "Culture of Honesty" being mentioned, it makes my stomach turn. What I, and perhaps the others in my class, learned from how we have been handled, is that in this university environment not being honest is OK, as long as it serves a purpose and as long as we can get away with it. I am confused, angry, and sad in the same time. This is not what I would have expected from my student years at UGA.

Thanks for everything that you have done for the students who are genuinely interested in learning, but please do not let it go unnoticed the bitter taste all of this has all left.

This firm also represents students harmed by the arbitrary denial of credit, the unwarranted shutting down of these external programs, and the diversion of UGA students by OIE to inferior and more expensive study-abroad programs.

In another example of the purely political motives for academic decisions, a Foundation Fellows student was advised in 2007 that she would not receive her summer stipend if she attended Professor Benedek's Maymester in Budapest program. Professor Benedek personally intervened to prevent revocation of the stipend and allow the student to attend the Maymester in Budapest program in 2008, the last year that UGA awarded credit for the program.

We bring this background to the attention of the Regents to demonstrate that what has transpired with respect to the Maymester in Budapest program is part of a pattern and possible vendetta. While it is not shocking to learn that petty backbiting may exist within academe, it is not reassuring that decisions are being made on that basis that affect UGA's academic integrity and reputation. It is outrageous, above all, to think that the best interests of its students are allowed to be negatively impacted on that basis.

## **Areas of Concern**

The Maymester affair raises so many concerns, not only for the clients of this firm who have been negatively affected, but for the University community as a whole. We have therefore attempted to identify particular areas of concern we feel need to be addressed.

### 1. Harm to the Students

Of course our primary concern on behalf of our clients is the University administration's cavalier attitude towards the interests of its students. They have suffered academic and financial hardships which do not appear to concern the administration.

Moreover, in these matters, the actual quality of their education appears to be the last consideration. As the students and their parents have stated with such palpable anger and frustration, the administration actions described in this letter have provided very poor examples of integrity for our students. It has also caused them unnecessary monetary costs.

## 2. Harm to the Professor and the Department

In this case the failure to adhere to the academic integrity of UGA and the interests of its students has further resulted in unjustified actions taken against a UGA professor. While no fault has been found with Professor Benedek or the Maymester in Budapest program, and the UGA administration's conduct in this affair has been highly questionable, it is Professor Benedek who has been censured and demoted. A stipend he received for performing extra departmental duties has been eliminated. It is worth noting that none of these actions have been taken at the request of, or with the support of, his department, the heads of which were not even consulted. Relieving him of duties has actually put an increased burden on the Comparative Literature Department.

Professor Benedek's academic credentials and his reputation for integrity have been called into question, damaging his standing with students, as well as with his peers and colleagues at UGA and universities abroad. He has been identified by his own university as potentially being a fraud to his colleagues in Budapest, and has made commitments to universities in China and Japan that UGA has not kept. And now UGA has censured him in front of his peers in Athens. All of this harms him in his career and reputation, falsely and without justification, and has caused him actionable monetary damages.

Furthermore, the decision to deny credit has caused financial losses to the Maymester in Budapest program. It has also undermined the future viability of the program, which started as a UGA program and has traditionally been attended largely by UGA students. Thus the University has been harmed from within, and also in its stature abroad.

## 3. Ineffective Office of Legal Affairs

The Office of Legal Affairs seems to have a questionable role in these affairs--from rubberstamping administration actions and making demands that are outside its legal purview, to defending actions that do not appear to be informed by any sense of ethics or propriety. It has done this without offering any legal or policy justification—as when it blessed the denial of credit, based on misrepresentations to UGA students that the program had been rigorously evaluated, with the one-word justification: “appropriate.” As this matter has unfolded, Legal Affairs' blind affirmations of administration actions appear to have extended to violations of FERPA and the Open Records Act.

While it may be appropriate at some level for the University to have a legal advocate that defends its actions, UGA appears, at least in this affair, to be wholly

lacking in any internal controls to make sure UGA follows courses of action that are at least within the law. Certainly there has been no counselor to guide UGA's actions by a steadier moral or ethical compass.

The Office of Legal Affairs should not become a public relations agency or political operative for the administration. Somewhere within the University there needs to be a source of sound, independent legal and policy judgment that can prevent and correct possible mis-steps and mistakes.

#### 4. External Commitments and the University's Reputation

Throughout the Maymester affair, elements of the UGA administration, in their apparent zeal to pursue a narrow and pre-determined agenda, have not only compromised legal and ethical principles, as well as academic integrity. They have done more than harm individual students, parents, professors, and departments. They have harmed the most valuable asset of the University and all of us associated with it, its reputation outside its own halls.

They have done this not only by leveling unfounded charges against their own, but also by accusing faculty members of cooperating universities. They have done this not only by betraying their obligations to their own students and faculty, but by renegeing on commitments made to foreign universities with respect to these external programs, as well. We believe the contacts with foreign universities related to the external programs addressed here have been an embarrassment to UGA. We believe that additional contacts with domestic universities that continue to issue credit for the Maymester program, when they come to light, will not do credit to the University of Georgia either.

The University of Georgia should strive for courtesy, respect, and integrity in all its external dealings. At the very least it should adhere to the principle of keeping its commitments to sister institutions of higher learning, and it should be a firm policy of the Regents that these commitments cannot be undone on an ad hoc basis without following any accepted policies or procedures. Such standards guiding outside commitments related to study-abroad programs, standards which did not exist with respect to Huangshan, Hokkaido, or Budapest, must be implemented and followed. Surely there was a time when UGA administrators did not have to be told to follow basic principles of integrity and trustworthiness. Now the University's reputation depends on it.

#### 5. Lack of Academic Standards

At the heart of the Maymester affair, there appears to be no legitimate policy and procedure governing the issuance or denial of credit at UGA. It is clear that no such standards or procedures have been followed in the cases illustrated here. Credit was merely denied and it is not clear why or how and by whom. The reason given to the students in the case of the Maymester was "rigorous evaluation"--when in fact no such evaluation preceded the decision--and "failure to respond to the college's requests"--when in fact no such requests were directed to the external program. ELTE was only

contacted for the first time *after* the 2009 Maymester students arrived in Budapest, after already being informed they would not receive credit.

There is clearly a need to implement standards and procedures that at least ensure that these decisions are, in fact, based on a substantive academic evaluation, with the academic integrity of UGA and the interests of its students in mind, and not taken for any purely personal or improper purpose.

In the end, the students are harmed when decisions of credit are based on anything but the academic quality of the programs; the University of Georgia exists to serve those students. They are harmed not only by having their academic interests disregarded, but by being given such a poor example of leadership to follow, and by seeing the reputation of their University tarnished. Chancellor Davis, it is the harm done directly to UGA students that sets the Maymester affair apart from other infamous incidents that have called into question the current integrity of the institution.

## CONCLUSION

In an article addressing questions posed by faculty members on the subjects of academic honesty of administrators and the evaluation of study-abroad programs, the Red & Black student newspaper quoted President Adams:

“It won’t surprise you that I’m for academic honesty,” Adams said in response to a question from comparative literature Professor Dezso Benedek. “We ought to hold ourselves to a higher standard than ‘Is it legal?’ That is not the only question I want asked about those issues.”

In the Maymester affair, it is not clear that the University even passes the legality test. It surely does not appear to merit high grades for academic integrity, ethics, or honesty. When even the Office of Legal Affairs is not asking the question “Is it legal?,” then the rest of the University can hardly be asked to make decisions in a transparent manner or consider the best interests of the students it exists to serve.

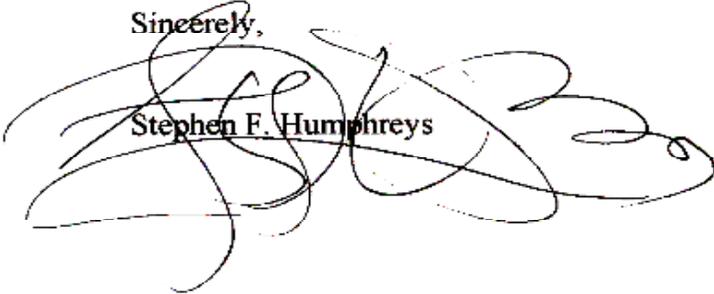
It is true that universities have the prerogative to accept or deny credit from external programs. Denial of credit, however, must be based on sound academic professional judgment, which is in the interest of the students and of higher learning. To avoid situations when denial of credit is the result of personal agendas or unilateral decisions, which have nothing to do with academic rigor, and damage the interest of students and their learning, a healthy decision-making transparency must be maintained.

In this case we can demonstrate that the denial of credit is not in the interest of the students and higher learning, and has nothing to do with academic rigor. We also believe we have demonstrated that the stipulations of the Regents Academic Honesty concerning transparency have been violated.

In light of the foregoing, we respectfully request that the Regents address the lack of transparency with which academic decisions were made in this affair and put proper measures in place to ensure the integrity of academic decision-making and protect the best interests of the University and its students against abuses of the power to deny credit or terminate programs. We also ask that, upon further consideration, the students who participated in the 2009 Maymester in Budapest be issued credit and awarded HOPE funding. We ask that all who have suffered other financial loss or damages be compensated by the University. We further request that the Regents assign to their investigative arm the task of determining whether any violations of law have occurred in association with attempts to provide after-the-fact justification for the denial of credit.

Chancellor Davis, thank you for your generous time and attention to this account and to our requests. Please do not hesitate to let me know if you have any questions or need additional information, documentation, or assistance. As I am frequently in and out of the country, I would appreciate it if any response could be sent to my email address above. Thank you again for your time and attention to this matter.

Sincerely,



Stephen F. Humphreys