



## GEORGIA DEPARTMENT OF LAW

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February 2, 2013

Mr. James Barsness  
[REDACTED]

Re: Statement of Charges - Termination of Tenure

Dear Professor Barsness:

As a designee of Michael F. Adams, President of the University of Georgia, I am responding to your request for a statement of charges against you, and presenting you with the allegations upon which this action is based. This correspondence will also include information concerning the policies and procedures for disciplinary action for the Board of Regents of the University System of Georgia. Pursuant to your request, you will be provided a formal hearing on the charges before a faculty committee. We propose to have that hearing at the earliest opportunity.

### Policies and Procedures

The Policies of the Board of Regents of the University System of Georgia for the removal of faculty members provide that:

A tenured or non-tenured faculty member may be dismissed before the end of his/her contract term for any of the following reasons, provided that the institution has complied with procedural due process requirements:

2. Professional incompetence, neglect of duty, or default of academic integrity in teaching, in research, or in scholarship;
- .....
7. Disruption of any teaching, research, administrative, disciplinary, public service, or other authorized activity.

Board of Regents Policy No. 8.3.9.1

Further, the Policies provide that:

The president of an institution may at any time remove any faculty member or other employee of an institution for cause. Cause shall include willful or intentional violation of the policies of the Board of Regents or the approved statutes of an institution. Further causes or grounds for dismissal are set forth in the tenure regulations of the policies of the Board of Regents and in the approved statutes or bylaws of an institution.

Board of Regents Policy No. 8.3.9

The Statement of Charges against you is as follows:

Charges

Charge 1: You are charged with willful violation of the policies of the Board of Regents and University of Georgia relating to neglect of duty or default of academic integrity by having a public sexual encounter with a student under your care and supervision during a study abroad program in Costa Rica.

Charge 2: You are charged with willful violation of the policies of the Board of Regents and University of Georgia relating to disruption of any teaching, research, administrative, disciplinary, public service, or other authorized activity by having a public sexual encounter with a student under your care and supervision during a study abroad program in Costa Rica.

Charge 3: You are charged with willful violation of the University of Georgia's "Non-Discrimination and Anti-Harassment Policy" by having a public sexual encounter with a student who you were supervising and teaching during a study abroad program in Costa Rica.

You are charged specifically with engaging in sexual activity with an undergraduate student, [REDACTED] under your supervision in a public area during the Costa Rica 2012 Maymester study abroad program held on the UGA Costa Rica campus. This sexual encounter was witnessed by students and caused substantial disruption in the program. As a result of your actions, you were immediately removed from the program. You later told [REDACTED] that she should not tell anyone about the sexual encounter and you were going to deny that it occurred so that you would not lose your job.

The conduct enumerated in the above paragraphs demonstrates a neglect of duty and default of academic integrity, a disruption of teaching and service and a violation of the "Non-Discrimination and Anti-Harassment Policy" as defined by the Board of Regents and University

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Policy. These actions undermine the University's core mission and render you unfit for continued service with the University of Georgia.

**Witnesses:**

The witnesses who may testify against you on these charges are as follows:

Janyce Dawkins  
Gene Wright

Georgia Strange  
Quint Newcomer

Pursuant to your request, this matter will be scheduled for a hearing before a faculty committee at the earliest possible opportunity. I will be in touch with your attorney shortly to arrange for the final make up of the faculty panel and hearing date.

Sincerely,

Rehana S. Muki

REBECCA S. MICK  
Senior Assistant Attorney General

cc: Janet Hill, Esq.