

September 19, 2016



P.O. Box 6222
Indianapolis, Indiana 46206
Telephone: 317/917-6222

Shipping/Overnight Address:
1802 Alonzo Watford Sr. Drive
Indianapolis, Indiana 46202

www.ncaa.org

CONFIDENTIAL/VIA SECURE WEBSITE

Chancellor Carol Folt
University of North Carolina, Chapel Hill
c/o Mr. Rick Evrard
Bond Schoeneck & King
7500 College Boulevard, Suite 910
Overland Park, Kansas 66210

RE: Enforcement Written Reply and Statement of the Case, University of North Carolina, Chapel Hill, Case No. 00231.

Dear Chancellor Folt:

Enclosed is the enforcement written reply and the statement of the case regarding University of North Carolina, Chapel Hill's infractions case. NCAA Division I Bylaw 19.7.3 states that the NCAA enforcement staff shall submit a written reply to the hearing panel and pertinent portions to an involved individual or institution. In addition to submitting its reply and after the prehearing conference, the enforcement staff shall prepare a statement of the case, which shall set forth a brief history of the case, summary of the parties' positions on each allegation and a list of any remaining items of disagreement. An involved individual will be provided those portions of the statement in which he or she is named.

Any impermissible disclosure of confidential information that is contrary to Bylaw 19, and failure to protect the integrity of this case could result in an allegation that you violated the NCAA Principles of Ethical Conduct and/or the NCAA Cooperative Principle.

Please contact this office if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Hosty".

Tom Hosty
Director of Enforcement

TCH:hlm

Enclosures

cc: Ms. Lisa Broome
Mr. Lawrence R. Cunningham
Mr. John D. Swofford
Ms. Marielle vanGelder
NCAA Division I Committee on Infractions
Selected NCAA Staff Members

National Collegiate Athletic Association

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I. INTRODUCTION

As noted by the institution, several internal and external investigations, along with their corresponding reports, sought to shed light into anomalous courses offered in the Department of African and Afro-American Studies (AFRI/AFAM) at the University of North Carolina, Chapel Hill (North Carolina). Each successive report provided additional insight into how these anomalous courses grew into an 18-year issue at North Carolina. However, no one, including the NCAA enforcement staff, had an opportunity to review the full body of evidence detailing the range of the problem. That changed when the University of North Carolina System, of which the institution is a part, hired the law firm of Cadwalader, Wickersham & Taft LLP (Cadwalader) in 2014 to investigate.

The institution gave Cadwalader access to roughly 1.6 million emails and other evidentiary materials, most of which were not available to prior investigators. This changed matters significantly for the institution, the university system, at least nine of its employees and the enforcement staff. For the institution, it caused the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) to reconsider its previous accreditation and place the institution on probation.¹ For at least six employees, the information uncovered in the Cadwalader investigation led to their separation. For the institution and the NCAA, materials uncovered by Cadwalader provided an opportunity to look at a substantially larger amount of information not previously reviewed by investigators.

¹ University of North Carolina at Chapel Hill Response to NCAA Amended Notice of Allegations, Page No. 4.

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The new information provided, for the first time, a complete picture of the athletics department's preferential access to anomalous AFRI/AFAM courses and, in some cases, how it used those courses to retain NCAA academic eligibility for student-athletes. This access provided student-athletes with advantages that other students simply did not have. However, at no point did the institution monitor the relationship between the AFRI/AFAM department and athletics. Nor did it monitor the athletics department's access to and use of these courses. Indeed, the institution demonstrated a lack of control by declining to act when notified of concerns and by allowing preferential access to anomalous AFRI/AFAM courses to continue unchecked.

The Cadwalader investigation also surfaced new information about Jan Boxill (Boxill), philosophy instructor, director of the Parr Center for Ethics, women's basketball athletics academic counselor in the Academic Support Program for Student-Athletes (ASPSA) and chair of the faculty. Specifically, the information uncovered in 2014 made clear for the first time how Boxill worked with student-athletes she supervised as an athletics academic counselor. Based on her dealings with members of the women's basketball team, she knew their academic eligibility needs and yet saw no conflict in using her position as an instructor on campus to provide impermissible academic assistance to student-athletes. Although other athletics academic counselors operated under the structure of ASPSA, the institution allowed Boxill to work with women's basketball student-athletes independently and without supervision. The institution failed in its obligation to monitor her. The failure of leaders in the athletics department to act over a period of years constituted a lack of institutional control and enabled athletics to take advantage of the AFRI/AFAM department in a way that differed from the general student body.

II. TIMING OF FACTS

In 2010, the enforcement staff began investigating potential violations involving members of the football team. The enforcement staff issued a notice of allegations in June 2011 asserting violations including unethical conduct by a former assistant coach, agent activity, academic misconduct, and impermissible benefits involving cash and other items. The hearing was scheduled for October 28, 2011. In August 2011, the institution became aware of potential issues surrounding the AFRI/AFAM department. In the two months between the discovery of the AFRI/AFAM issues and the scheduled hearing, the institution and enforcement staff began looking into the AFRI/AFAM department based on the very limited information available at that time. At that point, the institution had not completed any of its numerous internal and external investigations. Accordingly, violations regarding the AFRI/AFAM courses were unknown, were not presented to the NCAA Division I Committee on Infractions in October and were not part of the Committee on Infractions' decision dated March 12, 2012.

On several occasions after the March 2012 decision, and based on information available at the time, the enforcement staff elected not to pursue additional investigation into the AFRI/AFAM matter. Similarly, SACSCOC visited the institution in April 2013 and notified the institution in July 2014 that "no further reports related to this matter were necessary."² Shortly before this date, however, the enforcement staff learned the scope of the Cadwalader investigation and began learning about the new information uncovered as a result of Cadwalader's work. In June 2014, the enforcement staff notified the institution that additional investigation was necessary in light of the

² Institution's response, Page No. 4.

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new information and the potential NCAA rules violations uncovered. The enforcement staff communicated candidly with the institution about many of the procedural matters addressed below and worked proactively to address them. The enforcement staff issued a notice of inquiry June 30, 2014, and a notice of allegations May 20, 2015.

After receiving the May 20 notice of allegations, the institution informed the staff that institution officials had not reviewed all emails recovered during the Cadwalader investigation for possible NCAA violations. As a result of the institution's oversight, the NCAA and the institution notified the Committee on Infractions October 26, 2015, that they would re-open the investigation. This was the first point where the enforcement staff had access to the full body of pertinent information. After reviewing the remaining materials and in light of the information contained therein, the enforcement staff revised its allegations and issued an amended notice of allegations April 25, 2016.

III. PROCEDURAL ISSUES

The institution raised four procedural issues in its response. Indeed, its response rests almost entirely on these procedural issues and touches only minimally on the underlying substantive facts. In an effort to work collaboratively, the enforcement staff discussed many of these issues with the institution before the investigation began and long before releasing the notice of allegations and the amended notice of allegations. The parties explored each at length throughout this case and each is without merit.

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A. Jurisdictional issues.

The institution argues that "The NCAA's constitution and bylaws do not extend to matters related to academic structure, content, and process on a member institution's campus."³ The enforcement staff agrees. The functions identified by the institution are reserved to the sound discretion of the academic academy, its leaders and its accrediting agency. The amended notice of allegations does not suggest otherwise. If the allegations are read closely, it is evident that the enforcement staff has no desire to challenge the institution on how academic departments are managed, even if managed poorly. Instead, each allegation in the amended notice of allegations is tethered directly to athletics and how the unmonitored athletics department used anomalous courses in a manner different from the general student body in violation of NCAA rules. The preferential and near unfettered access the AFRI/AFAM department gave athletics to the anomalous courses provided student-athletes with advantages that others simply did not have. This is best demonstrated by uncontroverted enrollment numbers.

Over the 18 years the institution offered these anomalous courses, student-athlete enrollment in the courses amounted to 47.4 percent of total enrollment.⁴ That level of use by student-athletes did not happen accidentally. Administrators who were responsible for monitoring student-athlete access to and use of courses failed in their monitoring duties. This failure is an NCAA violation impacting values at the heart of the NCAA. In addition, the institution, which is responsible for controlling its athletics department, failed in its fundamental obligation to operate in compliance

³ Institution's response, Page No. 11.

⁴ FI32, WainsteinReport_102114_NorthCarolina_00231, Page No. 3. The student-athlete enrollment was comprised of 50.9 percent football student-athletes, 12.2 percent men's basketball student-athletes, 6.1 percent women's basketball student-athletes, and 30.6 percent other student-athletes.

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with the NCAA constitution and bylaws by allowing the conduct to occur unchecked or uncorrected over a period of many years. This lack of control is also an NCAA violation impacting values at the heart of the NCAA. Contrary to the institution's position, these are athletics issues tied directly to NCAA bylaws, governing principles and basic tenets of the NCAA as articulated in the amended notice of allegations. Accordingly, as charged by the membership, the Committee on Infractions has the authority, jurisdiction and duty to consider this case on the merits, weigh the uncontroverted facts and determine whether the institution violated NCAA legislation as alleged. The institution identified no basis for concluding that the Committee on Infractions is without jurisdiction and, instead, wholly mischaracterized the nature of the allegations.

B. Statute of limitations.

The institution argue that the NCAA statute of limitations bars Allegation Nos. 1, 4 and 5.⁵ It is the enforcement staff's position that Allegation Nos. 1, 4 and 5 meet two exceptions to the four-year statute of limitations in NCAA Bylaw 19.5.11 and are, therefore, properly before the Committee on Infractions.

The clock tolled for the statute of limitations February 21, 2014. This was the date the enforcement staff received notice of the institution's additional inquiries into the matters at issue here.⁶ Accordingly, any violations that occurred after February 21, 2010, would be timely, together with any violations meeting one or more of the legislated exceptions to the four-year window.

⁵ There is no dispute that Allegation Nos. 2 and 3 involving Crowder and Nyang'oro, respectively, are within the four-year window of the statute of limitations.

⁶ While the institution agrees that the enforcement staff was first notified February 21, 2014, of the institution's additional inquiries into the matters, the institution's position is that the clock tolled May 28, 2014, when the institution formally established a communication protocol with the enforcement staff.

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Allegation Nos. 1, 4 and 5 are either timely on their face or, for those portions outside the window, satisfy at least one exception.

The first exception, identified in Bylaw 19.5.11-(b), applies when there is a pattern of willful violations by an institution or involved individual. In those instances, violations that began before and continue into the four-year period are not subject to the four-year limitation.

In Allegation No. 1, paragraphs (q) and (r) fall within the four-year window as the dates of the alleged violations are and As explained in more detail in Allegation No. 1, Boxill engaged in a willful pattern of violations involving impermissible academic assistance. That pattern began before and continued into the four-year period. Allegation No. 4, the failure to monitor allegation that is also tied in part to Allegation No. 1 and Boxill's willful violations, involves alleged violations between 2005 and 2011. Again, these demonstrate a pattern of willful violations that began before and continued into the four-year window.

Allegation No. 5 is the institutional control allegation that is tied to Allegation Nos. 1 and 4. It is properly before the Committee on Infractions because the underlying allegations are properly before the Committee on Infractions. Therefore, Allegation Nos. 1, 4 and 5 satisfy the first exception, are not barred under the statute of limitations and should be considered on their merits.

The second exception, identified in Bylaw 19.5.11-(c), applies when allegations indicate a blatant disregard for the NCAA's fundamental recruiting, extra benefit, academic or ethical conduct bylaws or involve an effort to conceal the occurrence of the violation. In those instances, allegations are not subject to the four-year limitation. The bylaw states that in such cases the

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enforcement staff has one year after the date information becomes available to investigate and submit a notice of allegations.

Here, Allegation Nos. 1, 4 and 5 involve alleged violations of academic, extra benefit and ethical conduct bylaws. The intentional underlying conduct spanned from 2003 until 2011, indicating a blatant disregard of these bylaws. With regard to the timing requirement, Cadwalader shared information with the enforcement staff that suggested possible violations of NCAA legislation; and on June 2, 2014, Jon Duncan, NCAA vice president of enforcement, notified the institution by letter that the enforcement staff would investigate. On May 20, 2015, and within one year of that letter, the enforcement staff issued its notice of allegations. Therefore, Allegation Nos. 1, 4 and 5 satisfy a second exception and are properly before the Committee on Infractions for a decision on the merits.

C. Finality of decisions.

The institution argues that the Committee on Infractions should not decide this case because the enforcement staff previously received and reviewed a very small subset of the complete information presently available. As the institution correctly points out, Bylaw 19.8.2 notes that a *decision* of the Committee on Infractions is final (emphasis added). Further, the institution correctly notes that Bylaws 19.02.1 and 19.8.3 permit reconsideration of a public infractions report when "relevant, material information that could not have been reasonably ascertained prior to the Committee on Infractions hearing" becomes available.⁷

⁷ Bylaws 19.02.2, 19.8.2 and 19.8. (2015-16).

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Although the Committee on Infractions decided a case involving the institution in 2012, the Committee on Infractions did not hear the facts and did not decide the issues presented in the amended notice of allegations. The 2012 case involved a tutor's academic misconduct with student-athletes, together with related unethical-conduct and benefits issues involving cash and other items. That was a different case. At no point did the 2012 allegations involve AFRI/AFAM courses, athletics' use of those courses, Julius Nyang'oro's, former chair and professor in the AFRI/AFAM department's, behavior or Boxill's behavior. In 2011, the institution and enforcement staff conducted approximately 16 interviews, led primarily by the institution and conducted via phone without the benefit of voluminous additional documentation produced much later. Contrast this to the approximately 40 interviews conducted during the 2014 investigation and the approximately 2000 additional e-mails, documents and other materials not previously available.

The institution argues that, "there was nothing to prevent the enforcement staff from seeking and obtaining additional evidence of the contact that was clearly in front of them in 2010-2011..."⁸ The argument is without merit. First, under the NCAA cooperative principle, the enforcement staff relied on the institution in 2011 to provide relevant information within the institution's control. It is now clear that the institution did not provide the enforcement staff with the entire body of pertinent information at that time, and the NCAA relied to its detriment on the thoroughness of the institution's production. Second, no less than seven other investigations, some led by high-profile and powerful officials, failed to uncover the same information the institution now suggests should have been so readily available to the enforcement staff. The institution has not explained how the

⁸ Institution's response, Page No. 16.

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enforcement staff could or should have reviewed in 2011 institutional materials the institution could not locate.

One consistent issue with this case is that information has trickled in slowly. At the beginning of the 2014 case, the enforcement staff received approximately 1,200 emails from the institution. The enforcement staff issued the original notice of allegations on the belief that the institution, before producing emails to the NCAA, thoroughly vetted the emails it had produced to Cadwalader. We now know this did not occur. It was not until after the enforcement staff issued the original notice of allegations that the institution shared that it was reviewing additional emails potentially containing information related to NCAA violations. On or around September 20, 2015, the enforcement staff received 900 new emails from the institution. They were not available to the NCAA when the March 2015 notice of allegations was released, and they certainly were not available to the NCAA in 2011. These new emails led to the additional allegations in Allegation No. 1.

The institution makes much in its response of Exhibit JUR-5 and intimates in footnote 8 that the enforcement staff withheld this document. The institution's suggestion is inaccurate for at least three reasons. First, the document is an ordinary string of internal e-mails between and among NCAA staff members that would not be part of an official case file. As such, it would not be produced or provided in the ordinary course of a case. Second, the email string predated the large body of information contained in the Cadwalader report and the 1.6 million emails subsequently reviewed by both the institution and the Cadwalader firm. In conducting the current investigation with access to the full body of information, the enforcement staff believed, and still believes, the

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2013 communication was wholly immaterial in light of voluminous information revealed much later. The communication was long-obsolete, rendered irrelevant and supplanted by an entirely new set of facts. Third, the communication was related to and housed with a separate matter (i.e., the prior case involving this institution). There is no reason for the enforcement staff to revisit files from past cases looking for internal communications to produce in a new matter.

Although under no legislative obligation, the enforcement staff allowed the institution to review all information – whether part of the official case file or not – from the prior investigation. Rather than withholding the document, the enforcement staff made it available to the institution as a courtesy and absent any obligation. It would be an error to convert the enforcement staff's good-faith effort to satisfy the cooperative principle into something nefarious.

The institution also points to the NCAA's review of a press release as an example that the issues presented in this case were previously adjudicated. It is common for the NCAA to review press releases. The review, however, is to ensure the contents adhere to the confidentiality restrictions in place in an infractions matter.

The voluminous new material, developed as a result of the Cadwalader report and additional efforts by the institution, provided a picture of institutional behaviors not detected before by any investigator. Notably, when the institution provided the Cadwalader report to SACSCOC, it prompted an additional round of review by the accrediting agency.⁹ Moreover, the institution took significant personnel actions following receipt of the Cadwalader report that it had not taken

⁹ Institution's response, Page No. 4.

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previously. In a similar way, the Cadwalader review prompted a new investigation by the enforcement staff because of the additional facts presented.

The institution argues that it "reasonably relied to its detriment" that the March 2012 decision and the 2010-11 investigation settled the AFRI/AFAM matter.¹⁰ This does not correspond with Bylaw 19.8.2.1, particularly when the institution itself continued to examine the issue through subsequent investigations. The institution's position also ignores the voluminous and pertinent information first uncovered after the 2010-11 investigation. When information about serious rules violations becomes available, the enforcement staff can and should review the information pursuant to Article 19 and present it to the membership through the Committee on Infractions. The enforcement staff did so here. The contrary model advanced by the institution would bar review of new and material information, artificially preclude a Committee on Infractions' decision on the merits, and undermine the common values of the NCAA.

Finally, the institution argues that a _____, email involving Boxill should not be included in the amended notice of allegations. The NCAA enforcement staff disagrees with that argument. The enforcement staff gave notice to the institution when it provided a draft Factual Information (FI) chart specifically listing the information on which the staff would rely.¹¹ The institution did not object to inclusion of the email at that time and offers no compelling reason to exclude it from the Committee on Infractions' consideration.

¹⁰ Institution's response, Page No. 19.

¹¹ See Exhibit NCAA-2.

D. Fairness.

The institution argues that inclusion of the Cadwalader report and the firm's corresponding conclusions is unduly prejudicial because those who were interviewed did not have the same procedural protections inherent in an NCAA investigation (e.g., recording the interviews and reading interview guidelines). There is no prejudice. First, where the enforcement staff relies on the Cadwalader report, it largely relies on factual information such as emails and statistical information rather than conclusory statements or witness statements. Second, the Committee on Infractions can and will weigh the importance, relevance and accuracy of this information as it weighs all other information. Committee on Infractions members can assign whatever weight they choose, but they should at least have access to the publicly available report. Third, the attempt to exclude this document appears only to be an effort to omit information the institution believes to be damaging in this context. In other contexts, the institution has never publicly disavowed the material contained within the Cadwalader report, nor disagreed with any of its conclusions. On the contrary, the institution boasts that it implemented a number of material reforms upon receipt of the report.

IV. ALLEGATION NO. 1 –Boxill knowingly provided academic extra benefits to women's basketball student athletes. [NCAA Division I Manual Bylaws 10.1, 10.1-(c) and 16.11.2.1 (through)]

A. Overview.

The institution and enforcement staff agree that the factual information in subparagraphs (a), (b), (d) through (o) and (q) are substantially correct and violations of Bylaw 16.11.2.1 occurred. However, the institution argues the factual information in subparagraphs (c) and (p) does not

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amount to an NCAA violation and the information identified in subparagraph (r) was previously reviewed and found to not be a violation. The institution further asserts that Boxill did not knowingly violate Bylaw 16 and any misconduct did not amount to unethical conduct under Bylaw 10. Boxill disputes Allegation No. 1 on the basis that she did not violate NCAA rules deliberately or unethically and that the allegations are barred by the statute of limitations.

B. Enforcement staff's position as to why the violations should be considered Level I [NCAA Bylaw 19.1.1] and if the institution and involved individual(s) are in agreement.

The enforcement staff believes Allegation No. 1 should be considered a Level I violation because the substantial academic benefits provided by Boxill seriously undermine the NCAA Division I Collegiate Model. Boxill occupied multiple positions that afforded her a special relationship with both the women's basketball program and her faculty colleagues. Boxill abused these positions to provide impermissible benefits to multiple women's basketball student-athletes over the course of seven years. She knowingly provided the assistance, which amounts to unethical conduct under Bylaw 10.1. Boxill's impermissible assistance to these student-athletes who, she admits, may have failed but for her assistance, provided an extensive competitive advantage.

The institution argues that Boxill's violations should be processed as Level III,

C. Enforcement staff's review of facts related to the allegation.

Boxill's tenure in intercollegiate athletics dates back to her earliest days as a student-athlete during the 1960s. Over the next two decades, she was a coach and an athletics administrator before she arrived at North Carolina in 1988. Boxill served the institution in a variety of capacities

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spanning four decades. She was a philosophy instructor. She was the director of the ethics center. She was the chair of the faculty. Boxill also traveled with the women's basketball program, called games as a radio announcer and assisted the student-athletes as an athletics academic counselor. She, in fact, served as a counselor throughout much of her career at the institution, including concurrent to her position on the faculty.

As an athletics academic counselor, Boxill had special access to the women's basketball program and possessed information related to the eligibility needs of student-athletes. As a member of the faculty who would also serve as the director for the center for ethics and the eventual chair of the faculty, Boxill also maintained a special status even among her peers. It is out of this context that Boxill's NCAA violations emerged.

Boxill's impermissible academic assistance fell primarily into the categories of adding substantive content to papers of student-athletes and advising her colleagues on student-athlete grades.

, specifically the violations identified in subparagraphs (g), (i), (l), (m), (n) and (o). The first instance of misconduct was identified in subparagraph (g) and was reflected in an exchange between Boxill and , in which Boxill attached an AFAM paper to an email and told ,

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The second instance identified as improper assistance is included as subparagraph (i) and related to an exchange of a paper on music, for what appeared to be an AFAM class. Boxill told, "I added a brief conclusion which follows nicely from what you have."¹⁴ 15

Subparagraphs (l) and (m) can be read in conjunction with one another

The first of the emails included an exchange between Boxill and, related to a field journal was preparing for one of her classes. Boxill stated: "I've made some grammatical changes and added an ending. You will need to format it."¹⁶ The final pages of the attachment included the ending in a separate font which read:

¹² FI5, Item1_BoxillTo_NorthCarolina_00231.

¹³ FI43, JBoxill_TR_070814_NorthCarolina_00231, Page Nos. 89 and 90;
FI35, JBoxill_TR_092415_NorthCarolina_00231, Page No. 82.

¹⁴ FI4, Item1_BoxillTo_NorthCarolina_00231.

¹⁵ FI35, JBoxill_TR_092415_NorthCarolina_00231, Page Nos. 86 and 87.

¹⁶ FI21, JBoxillEmailTo_506,507_NorthCarolina_00231.

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Subparagraph (m) reflected a later exchange between _____ and Boxill from _____, and represented later entries in this field journal from AFAM _____. Boxill again relayed to _____: "Is there a conclusion you want to add to this? If so, I've added a last paragraph. You can keep it or delete it."¹⁷ Similar to the exchange from _____, the paper from Boxill included a separate paragraph at the end of the attachment. Equally notable, however, is the language of the concluding paragraph

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Subparagraph (n) is the fifth instance of impermissible assistance and is also dated

It referred to a paper from an AFAM _____ class. The communication started with an email from earlier in the chain on _____, in which Boxill told _____: "I have read the paper and edited the grammar etc. I didn't get to the conclusion..." The final page of the attached paper

.¹⁹ The exchange in (n) followed from this and included Boxill's comment to _____: "Here is the paper again. I've added a conclusion."²⁰

¹⁷ FI2, Item1_BoxillTo _____NorthCarolina_00231.

¹⁸FI35, JBoxill_TR_092415_NorthCarolina_00231, Page Nos. 93 through 96.

¹⁹ Institution's response, Exhibit 1-11.

²⁰ FI7, Item1_BoxillTo (2) _____NorthCarolina_00231.

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The sixth instance of impermissible assistance _____ was reflected in subparagraph (o) and involved an email from _____, on an _____ paper. Boxill wrote to _____: "I've attached your paper. I made some grammatical changes, and added some quotes if you want to use them. Also, the conclusion is good—I edited it."²² _____ 23

At the time of the investigation,

²⁴ As a result, the enforcement staff was left to review the documentary evidence and assess Boxill's statements without the benefit of _____'s input.

Significantly, in each of the email exchanges _____, Boxill spoke in the first person regarding the work she performed: "*I* added a brief conclusion which follows nicely from what *you* have" in (i) and "*I've* added a last paragraph. *You* can keep it or delete it" in (m) (emphasis

²¹ FI43, JBoxill_TR_070814_NorthCarolina_00231, Page Nos. 51 through 54.

²² FI6, Item1_BoxillTo _____NorthCarolina_00231.

²³ FI43, JBoxill_TR_070814_NorthCarolina_00231, Page Nos. 56 through 58.

²⁴ Due to ensuing litigation, the enforcement staff elected not to pursue interviews with any remaining former student-athletes.

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added). This is not the language of collaborative revision. In addition, these comments reflect more substantive changes than a sentence or two. They are more than suggestions with dots. They are more than suggestions with quotation marks.

It is, in fact, the language of content editing, all in classes Boxill did not instruct.

Boxill also provided impermissible assistance in subparagraphs (d), (f) and (k). In subparagraph (d), Boxill sent an email, and a message that read, "Here is an idea for your paper," for an AFAM class.²⁵ Attached was an introduction and a six-part outline that included a brief conclusion.²⁶ Subparagraph (f) was an email from Boxill to , referencing a quiz that said, "Attached – change it or fill in as you wish."²⁷ Subparagraph (k) encompassed an extensive exchange between Boxill and , in which asked of Boxill, "I just need some ideas on how I could start this paper if you could help any thanks!!!"²⁸ Boxill provided a lengthy response that included an introduction to the issue, pros, cons and answers to the cons.

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Subparagraphs (d) and (k) reflected a common theme in the assistance Boxill provided to women's basketball student-athletes.

²⁵ FI16, JBoxillEmailTo 287,288 NorthCarolina 00231.

²⁶ FI35, JBoxill_TR_092415_NorthCarolina_00231, Page Nos. 76 through 78.

²⁷ FI18, JBoxillEmailTo 364 NorthCarolina 00231.

²⁸ FI10, JBoxillEmailTo 500 NorthCarolina 00231.

²⁹ FI35, JBoxill_TR_092415_NorthCarolina_00231, Page No. 93.

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³⁰ That Boxill provided substantive content edits, then left the decision to the student-athlete whether to incorporate, revise or delete the edits does not make the level of assistance provided permissible under Bylaw 16.3. The institution and enforcement staff agree the assistance was not permissible.

Subparagraphs (a) and (b)

Subparagraph (a) identified an email exchange between Boxill and _____ from _____, in which Boxill provided information on _____ related to an assignment designated as Paper 2.³¹ Subparagraph (b) reflected an email exchange _____, in which Boxill told _____ : "Here is a biblio. Edit it for class. Be sure to look up how she wants it. I've also attached 2 of the essays."³² Attached was an "Annotated Bibliography" that included four entries and the note at the bottom, "You can do the websites."

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³⁴ However, the language of the email suggested otherwise.

³⁰ FI35, JBoxill_TR_092415_NorthCarolina_00231, Page No. 91.

³¹ FI15, JBoxillEmailTo _____165_____NorthCarolina_00231.

³² FI11, JBoxillEmailTo _____473&474_____NorthCarolina_00231.

³³ FI35, JBoxill_TR_092415_NorthCarolina_00231, Page Nos. 32 through 37.

³⁴

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Subparagraphs (c) and (h)

On _____, Boxill
emailed to _____ a sample introduction for a paper in AFAM _____, as referenced in subparagraph
(c).³⁵ _____ 36

Similarly, _____, Boxill emailed to _____ an introduction and basic outline for an AFAM
paper.³⁷

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At the time of the investigation,
_____. However, the email
referenced in subparagraph (c) was not produced by the institution until September 2015, just prior
to Boxill's September 24 interview.

_____ This material,
along with subparagraph (h), was nevertheless consistent with the type of impermissible assistance
Boxill provided to other women's basketball student-athletes.

Subparagraphs (e), (j) and (q) are all related to content revisions Boxill made to the papers of
women's basketball student-athletes. In subparagraph (e), Boxill sent women's basketball student-
athlete _____ a paper for AFAM _____, with the message: "Here's
a start. Now take each woman and go step by step, give examples of how they have to switch back

³⁵ FI13, JBoxillEmailTo_5915_NorthCarolina_00231.

³⁶ FI35, JBoxill_TR_092415_NorthCarolina_00231, Page Nos. 63 and 64.

³⁷ FI19, JBoxillEmailTo_425_NorthCarolina_00231.

³⁸ FI 35, JBoxill_TR_092415_NorthCarolina_00231, Page No. 82.

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and forth from one world to the other, and how difficulties arise. Then wrap up with a conclusion that says how the movie takes each to show living a lie imitates life, how it creates conflicts for everyone."³⁹ Attached was a paper with three paragraphs and the note,

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Similarly, in subparagraph (j) women's basketball student-athlete wrote to Boxill, "I need to add a little more... wanted to see what you thought." Boxill responded to _____, "I've attached it with some edits—you'll see them in bold."⁴¹ Attached was a paper that included three bold paragraphs.

The last of these three subparagraphs, (q), reflected an exchange between Boxill and women's basketball student-athlete _____ from _____, in which Boxill said to _____: "I've reworded some of the stuff at the end. There is one sentence, which you will see with my red comment that doesn't make sense...."⁴²

These are consistent with the type of impermissible assistance Boxill provided to other women's basketball student-athletes.

³⁹ FI17, JBoxillEmailTo _____306,307_____NorthCarolina_00231.

⁴⁰ FI 35, JBoxill_TR_092415_NorthCarolina_00231, Page Nos. 78 and 79.

⁴¹ FI20, JBoxillEmailTo _____479,480_____NorthCarolina_00231.

⁴² FI22, JBoxillEmailTo' _____631,632_____NorthCarolina_00231.

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The

paper, in fact, contains significant work in bold provided by Boxill.

The remaining allegations of impermissible assistance are identified in subparagraphs (p) and (r). In subparagraph (p), Boxill emailed an instructor to confirm that women's basketball student-athlete _____ submitted an EXSS paper and noted (1) she hoped it was sufficient for a C+, and (2) the grade could be changed the following day.⁴³

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The institution argued that subparagraph (r) should not be included because it was part of the 2011 investigation.⁴⁷ As noted at the outset of this reply, the enforcement staff disagrees.

_____ ; however, when the enforcement staff later received and reviewed more significant volumes of emails and other documents discovered during the Cadwalader

⁴³ FI14, JBoxillEmailsWith _____150,151,152_____NorthCarolina_00231.

⁴⁴ FI 35, JBoxill_TR_092415_NorthCarolina_00231, Page Nos. 67 through 70.

⁴⁵ FI1, Item1_BoxillTo _____NorthCarolina_00231.

⁴⁶ Institution's response, Exhibit JUR-1, Page Nos. 27 through 36.

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review, there was no

At the time the enforcement staff reviewed the email in 2011, it was one of approximately 150 that were available. The set was decidedly incomplete, especially contrasted to the thousands of emails the institution provided throughout 2014 and 2015. A comprehensive review of Boxill's communications with her colleagues and with women's basketball student-athletes – which was not available in 2011 – demonstrates Boxill was much more involved in assisting the student-athletes in their academics than she originally portrayed. Without the full body of emails and documents, and without candid interview responses from Boxill, there was no way for the enforcement staff to know the nature or extent of her assistance in 2011. Once the enforcement staff was able to access and analyze all the relevant information regarding Boxill's work on behalf of student-athletes, it then became clear that this single email was a small part of a larger pattern of ongoing impermissible academic assistance spanning seven years.

These allegations demonstrate the underlying issue raised by Boxill's impermissible assistance. As an athletics academic counselor, Boxill was invested in the academic and athletic success of women's basketball student-athletes. As a member of the faculty, Boxill had relationships and access to other members of the faculty that were not as readily available to other students at the institution as they were to the women's basketball program.

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As a result, Boxill went beyond the walls of her own classroom and inserted herself into the educational process of student-athletes in the classes of her colleagues. This is a violation of rules adopted by NCAA member institutions.

As an athletics academic counselor, Boxill owed a responsibility to the student-athletes she counseled to know and observe NCAA rules. She did not, and instead, used her special relationship with the student-athletes as a counselor and her special relationship with the faculty as an instructor, ethics director and eventual chair to knowingly provide impermissible academic assistance to the women's basketball program, resulting in unethical conduct.

D. Remaining issues.

Based on the positions identified by the parties in their responses, the remaining issues are as follows:

1. Is Allegation No. 1 barred on grounds related to jurisdiction, procedure or statute of limitations?
2. Does the factual information support violations of NCAA Bylaws 10 and 16 as alleged?
3. Should any violations that occurred be Level I, as alleged, or Level II or III?

E. Rebuttal information.

The enforcement staff does not dispute that Boxill's assistance to student-athletes in those limited instances fell within the range of permissible help. However, Allegation No. 1

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identified 18 occasions on which that assistance crossed the line and amounted to impermissible academic assistance.

This demonstrates two points. First, there were occasions where Boxill provided comments and suggestions in a paper, Comments and suggestions of this nature are clearly distinguishable from instances where she provided content for the paper. Allegation No. 1 cited only the latter, which constitute violations. Second, the language Boxill used in this email was consistent with the action she took in that particular paper.

They are not substantive edits, they are not content additions and they do not constitute NCAA violations.

⁴⁸ FI24, Boxill_ProducedAtInterview_14-1_ _Phil _NorthCarolina_00231;
FI28, Boxill_ProducedAtInterview_14-3_ _NorthCarolina_00231; and
FI29, Boxill_ProducedAtInterview_14-2_ _NorthCarolina_00231.

In this regard, they were significantly different from the substantive content editing Boxill provided in the violations that appear in Allegation No. 1. Accordingly, they are appropriately not alleged as violations by the enforcement staff. While these examples may demonstrate that Boxill occasionally provided permissible assistance, they do not cure or negate the many instances in Allegation No. 1 where her assistance was impermissible.

F. Additional matters that relate to Allegation No. 1.

To support its argument, the violations identified in Allegation No. 1 should be processed as Level III, the institution cites to the Weber State University (Weber State) case. The institution speculates about the "analysis" of the enforcement staff in that matter to support its preference regarding the level of Boxill's impermissible assistance in this case. The institution's speculation is inaccurate. In fact, the decision to process the identified violations in Weber State as Level III was not based on substantive analysis as posited by the institution. Instead and unfortunately, it was simply an error by the enforcement staff. Specifically, the violations processed as Level III should have been included in the Level I case, but were inadvertently omitted. As a result, the violations were not adjudicated with the case and were processed as Level III for the sake of completeness. Here, because the violations identified in Allegation No. 1 are properly included with this Level I case, as the Weber State allegations should have been, the Weber State decision is not relevant for the current matter. Viewing the Weber State case as controlling or persuasive authority in this matter would only compound the prior mistake and create a windfall for the institution here.

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- V. ALLEGATION NO. 2 –Deborah Crowder (Crowder), former AFRI/AFAM department student services manager, engaged in unethical conduct and failed to cooperate when she refused to interview with the enforcement staff. [NCAA Division I Manual Bylaws 10.1, 10.1-(a) and 19.2.3 (2014-15)]**

A. Overview.

The institution and enforcement staff agree that the factual information contained in Allegation No. 2 is substantially correct and a violation occurred. Crowder has provided no response.

- B. Enforcement staff's position as to why the violations should be considered Level I [NCAA Bylaw 19.1.1] and if the institution and involved individual(s) are in agreement.**

The refusal of a former institutional staff member, such as Crowder, to interview with the enforcement staff adversely impacts the NCAA's ability to investigate alleged violations. Such unethical conduct undermines the common interests of the NCAA's membership and the preservation of its enduring values and is presumptively a Level I violation. The institution takes no position on the level of Allegation No. 2.

C. Enforcement staff's review of facts related to the allegation.

Crowder resigned her position with the institution in 2009. The enforcement staff and institution requested an interview with Crowder through her attorney. Crowder refused. Consistent with Bylaw 19.7.2, the Committee on Infractions may view the lack of timely response by Crowder as an admission.

D. Remaining issue.

None.

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VI. ALLEGATION NO. 3 –Nyang'oro engaged in unethical conduct and failed to cooperate when he refused to interview with the enforcement staff. [NCAA Division I Manual Bylaws 10.1, 10.1-(a) and 19.2.3 (2014-15)]

A. Overview.

The institution and enforcement staff agree that the factual information contained in Allegation No. 3 is substantially correct and a violation occurred. Nyang'oro has provided no response.

B. Enforcement staff's position as to why the violations should be considered Level I [NCAA Bylaw 19.1.1] and if the institution and involved individual(s) are in agreement.

The refusal of a former institutional staff member, such as Nyang'oro, to interview with the enforcement staff adversely impacts the NCAA's ability to investigate alleged violations. Such unethical conduct undermines the common interests of the NCAA's membership and the preservation of its enduring values and is presumptively a Level I violation. The institution takes no position on the level of Allegation No. 3.

C. Enforcement staff's review of facts related to the allegation.

Nyang'oro retired from the institution in 2012. The enforcement staff and the institution requested an interview with Nyang'oro through his attorney. Nyang'oro refused. Consistent with Bylaw 19.7.2, the Committee on Infractions may view the lack of timely response by Nyang'oro as an admission.

D. Remaining issue.

None.

VII. ALLEGATION NO. 4 – Failure to monitor. [NCAA Division I Manual Constitution 2.8.1 (2005-06 through 2010-11)]

The institution violated the NCAA Principle of Rules Compliance when individuals in the athletics and academic administrations on campus, particularly in the college of arts and sciences, did not sufficiently monitor the ASPSA and the AFRI/AFAM department. Also, from the beginning of the 2005 fall semester and continuing through the 2011 summer semester, the institution failed to monitor the activities of Boxill.

A. Overview.

The institution agrees that it failed to monitor Boxill's activity, but not ASPSA and the AFRI/AFAM department. Further, the institution believes that its failure to monitor Boxill only rises to a Level II violation. The enforcement staff disagrees and believes that the institution failed not only to monitor Boxill, but also ASPSA and the AFRI/AFAM department, resulting in a Level I violation.

B. Enforcement staff's position as to why the violations should be considered Level I [NCAA Bylaw 19.1.1] and if the institution and involved individual(s) are in agreement.

The enforcement staff believes the Committee on Infractions could determine that Allegation No. 4 is a severe breach of conduct (Level I) because the violation seriously undermines or threatens the integrity of the collegiate model. The failure to monitor the ASPSA staff, Boxill and the AFRI/AFAM department led to preferential access to the anomalous courses, use of those courses by student-athletes at a higher rate than the general student body, and the provision of impermissible academic assistance by Boxill.

C. Enforcement staff's review of facts related to the allegation.

Beginning in 1999, Crowder developed "paper" courses used by the student body, ASPSA and student-athletes.⁴⁹ The almost complete lack of faculty interaction, the absence of classroom attendance, the relatively little amount of academic work required and the higher-than-average grades awarded on completion made these courses anomalous from those typically taught at North Carolina. An additional type of anomalous course involved a bifurcated class where certain enrolled students were required to attend a traditional lecture course, while others were allowed to finish the class by only turning in a paper.⁵⁰

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⁵² Some students had difficulty meeting certain undergraduate academic requirements and Crowder designed these courses to help students missing these requirements.⁵³ Crowder's provision of these classes grew over time, as did athletics' use of these courses for student-athletes.⁵⁴

⁴⁹ FI32, WainsteinReport_102114_NorthCarolina_00231, Page No. 17.

⁵⁰FI32, WainsteinReport_102114_NorthCarolina_00231, Page No. 18. For those students enrolled in the bifurcated classes, 57 percent of the students were student-athletes.

⁵¹FI83, CReynolds_TR_112014_NorthCarolina_00231, Page No. 77.

⁵² The enforcement staff has never interviewed Crowder and relies on other investigations for this information. See FI32, WainsteinReport_102114_NorthCarolina_00231.

⁵³FI 32, WainsteinReport_102114_NorthCarolina_00231, Page No. 17 and 18.

⁵⁴FI31, GovernorMartinFinalReport&Addendum_121912_NorthCarolina_00231, Page Nos. 36 through 38.

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ASPSA suffered from organizational challenges as well. Although housed in athletics, ASPSA reported to a dean in the arts and sciences department.

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⁵⁵FI39, BBridger_TR_081414_NorthCarolina_00231, Page No. 42.

⁵⁶ FI39, BBridger_TR_081414_NorthCarolina_00231, Page No. 12.

⁵⁷ FI41, JBlanchard_TR_073014_NorthCarolina_00231, Page Nos. 13 and 14.

⁵⁸ FI41, JBlanchard_TR_073014_NorthCarolina_00231, Page Nos. 13 and 14.

⁵⁹ The one exception is the special admits program which will be discussed below.

⁶⁰ FI39, BBridger_TR_081414_NorthCarolina_00231,

Page No. 11 and FI83, CReynolds_TR_112014_NorthCarolina_00231, Page Nos. 24 and 25.

⁶¹ FI39, BBridger_TR_081414_NorthCarolina_00231,

Page No. 11 and FI83, CReynolds_TR_112014_NorthCarolina_00231, Page Nos. 24 and 25.

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⁶⁸ The institution

took no action to monitor her, confirm the propriety of her conduct or otherwise assure that she operated in compliance with NCAA rules.

Adding to the difficulties experienced by the ASPSA staff was the volume of academically at-risk student-athletes admitted by the institution. Blanchard was responsible for working with the Committee on Special Talents that reviewed admissions applications of student-athletes with academic records below those of a typical admit at North Carolina.⁶⁹

⁶² FI42, RMercer_TR_070714_NorthCarolina_00231, Page Nos. 47 and 48.

⁶³ FI39, BBridger_TR_081414_NorthCarolina_00231, Page No. 21.

⁶⁴ FI39, BBridger_TR_081414_NorthCarolina_00231, Page No. 21.

⁶⁵ FI41, JBlanchard_TR_073014_NorthCarolina_00231, Page No. 41.

⁶⁶ FI48, BOwen_TR_070714_NorthCarolina_00231, Page No. 23.

⁶⁷ FI83, CReynolds_TR_112014_NorthCarolina_00231, Page Nos. 47 and 48.

⁶⁸ FI41, JBlanchard_TR_073014_NorthCarolina_00231, Page No. 49.

⁶⁹ On some occasions, these student-athletes were referred to as special admits.

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⁷⁴ This caused the athletics academic counselors within ASPSA to turn to the anomalous AFRI/AFAM courses as a way to bolster the athletics academic eligibility of these at-risk student-athletes who struggled with the academic rigor of the institution. Yet, even with these documented concerns and warning signs, the institution failed to assure compliant practices and failed to monitor the important work of ASPSA staff members working with student-athletes.

Although allegedly driven by a motivation to help all students, Crowder had a special relationship with athletics, specifically ASPSA, and with student-athletes. Crowder had a long-time relationship with ASPSA and believed that student-athletes were often treated unfairly.⁷⁵ This relationship allowed the athletics academic counselors within ASPSA to manipulate or take

⁷⁰ FI41, JBlanchard_TR_073014_NorthCarolina_00231, Page Nos. 24 and 25.

⁷¹ FI83, CReynolds_TR_112014_NorthCarolina_00231, Page Nos. 11 and 12

⁷² FI41, JBlanchard_TR_073014_NorthCarolina_00231, Page No. 26.

⁷³ FI39 BBridger_TR_081414_NorthCarolina_00231, Page No. 28.

⁷⁴ FI41, JBlanchard_TR_073014_NorthCarolina_00231, Page No. 30.

⁷⁵ Exhibit NCAA-3.

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advantage in order to obtain a greater level of support and privileges from the AFRI/AFAM department when compared to the general student body.

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,⁷⁷ obtaining assignments⁷⁸ and turning in papers on behalf of student-athletes.⁷⁹ Typically, all of these responsibilities lie with the student and not with campus administrators.⁸⁰ The sheer volume of activity and the closeness between the two departments allowed student-athletes to enroll in these classes at a rate of 47 percent when student-athletes comprised only 3 percent of the student body population⁸¹ and allowed these student-athletes to excel in these courses. Although it is not unusual for an institution to have perceived "easy courses" and for student-athletes to enroll in these courses, what makes this situation unique is the sheer volume of these courses, athletics' preferential access to them and the lack of institutional monitoring.⁸²

⁷⁶ FI83, CReynolds_TR_112014_NorthCarolina_00231, Page No. 76

⁷⁷ FI39 BBridger_TR_081414_NorthCarolina_00231, Page No. 35.

⁷⁸ Exhibit NCAA-4.

⁷⁹ Exhibit NCAA-5.

⁸⁰ When asked why the students could not do these matters themselves,
(see FI57, Item2_NyangoroToOwen_042407_NorthCarolina_00231) and

(see FI87, JLee_TR_081214_NorthCarolina_00231, Page 67). The fact that Crowder would even request that ASPSA be involved in these matters speaks to the sheer volume of student-athletes enrolled in these courses.

⁸¹ FI32, WainsteinReport_I02114_NorthCarolina_00231, Page No. 3.

⁸² For example, Crowder indicated that if a student-athlete was on a waitlist for an AFRI/AFAM course, she would take care of it and enroll the student-athlete in the course. See Exhibit NCAA-6.

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At risk student-athletes in particular needed these courses to retain their athletics eligibility.

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⁸⁵ Student-athletes were not required to attend class, would often wait until the last minute to complete the assignments and then a member of the ASPSA staff would be waiting to deliver the final papers to the AFRI/AFAM department.⁸⁶

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When Crowder decided to retire in 2009 and the ASPSA staff realized these courses would no longer be offered, it caused two reactions. First, the ASPSA staff alerted the student-athletes that they would need to complete and turn in their homework as soon as possible so Crowder could grade the papers.⁸⁸

⁸⁹ Second, ASPSA informed the coaching staff, specifically the football coaching

⁸³FI41, JBlanchard_TR_073014_NorthCarolina_00231, Page No. 41.

⁸⁴ FI83, CReynolds_TR_112014_NorthCarolina_00231, Page No. 43.

⁸⁵FI83, CReynolds_TR_112014_NorthCarolina_00231, Page No. 49

⁸⁶ Exhibit NCAA-7.

⁸⁷ FI39, BBridger_TR_081414_NorthCarolina_00231, Page No. 36.

⁸⁸ Exhibit NCAA-8.

⁸⁹FI83, CReynolds_TR_112014_NorthCarolina_00231, Page No. 81.

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staff, to highlight the ramifications the loss of these courses would cause. In a Power Point presentation to the football coaches, Bridger noted the following in one of the slides copied here.⁹⁰

What was part of the solution in the past?

- We put them in classes that met degree requirements in which
 - They didn't go to class
 - They didn't take notes, have to stay awake
 - They didn't have to meet with professors
 - They didn't have to pay attention or necessarily engage with the material
- AFAM/AFRI SEMINAR COURSES
 - 20-25 page papers on course topic
 - **THESE NO LONGER EXIST!**

⁹¹ Both reactions

demonstrate the importance of these courses to ASPSA and the student-athletes enrolled in them.

As previously discussed, the lack of oversight from campus, within athletics, and within ASPSA itself contributed to the environment that led to the closeness between ASPSA and the AFRI/AFAM department and the corresponding high level of enrollment in the anomalous courses. Perhaps no one within ASPSA had less oversight than Boxill. Boxill operated largely on her own.

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⁹⁰ FI94, PowerPoint1_WainsteinSupplement_NorthCarolina_00231.

⁹¹ FI41, JBlanchard_TR_073014_NorthCarolina_00231, Page Nos. 20 and 21.

⁹² FI39, BBridger_TR_081414_NorthCarolina_00231, Page No. 21.

⁹³ FI39, BBridger_TR_081414_NorthCarolina_00231, Page No. 21.

⁹⁴ FI42, RMercer_TR_070714_NorthCarolina_00231, Page No. 49.

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⁹⁷ This environment where Boxill had little to no oversight provided her the opportunity to engage in the behavior described in Allegation No. 1. Administrators responsible for identifying risks and monitoring situations that could compromise the integrity of operations failed in both regards. Even with notice of many concerning facts, administrators simply failed or refused to engage, monitor, address or cure this situation.

The institution argues that the facts demonstrate a Level II violation because the institution only failed to monitor Boxill. However, as discussed above, the institution not only failed to monitor Boxill, but it also failed to monitor the relationship between the AFRI/AFAM department and ASPSA. Further, it failed to monitor student-athletes' preferential access to and use of the anomalous courses despite red flags. This failure to monitor was not limited in nature as the institution suggests and occurred over a seven-year time span. Ultimately, these circumstances provided the institution with a competitive advantage because it helped keep at-risk student-athletes eligible.

⁹⁵FI42, RMercer_TR_070714_NorthCarolina_00231, Page No. 20.

⁹⁶FI41, JBlanchard_TR_073014_NorthCarolina_00231, Page No. 49

⁹⁷FI42, RMercer_TR_070714_NorthCarolina_00231, Page No. 21.

D. Remaining issues.

The remaining issues are:

1. Did the institution fail to monitor not only Boxill, but ASPSA and the AFRI/AFAM department, as well?
2. Is the failure to monitor allegation a Level I or Level II violation?

E. Rebuttal information.

None.

F. Additional matters that relate to Allegation No. 4.

Please refer to Section No. III. addressing the procedural issues raised by the institution.

VIII. ALLEGATION NO. 5 – Lack of institutional control. [NCAA Division I Manual Constitution 2.1.1, 2.8.1 and 6.01.1 (2005-06 through 2010-11)]

The scope and nature of the allegations set forth in Allegation Nos. 1 and 4 demonstrate that the institution violated the NCAA Principle of Institutional Control and Responsibility when individuals in the athletics and academic administrations on campus, particularly in the college of arts and sciences, did not identify or investigate anomalous courses offered by the AFRI/AFAM department and students', including student-athletes', enrollment in such courses.

A. Overview.

The institution and enforcement staff disagree on whether a lack of institutional control occurred. The institution believes that the enforcement staff is prohibited from bringing these violations due to the procedural issues discussed in Section No. III. The enforcement staff believes the procedural objections are without merit and that the facts demonstrate a lack of institutional control.

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B. Enforcement staff's position as to why the violations should be considered Level I [NCAA Bylaw 19.1.1] and if the institution and involved individual(s) are in agreement.

The enforcement staff believes the Committee on Infractions could determine that Allegation No. 5 is a severe breach of conduct (Level I) because the violations seriously undermine or threaten the integrity of the collegiate model and lack of control violations are presumed Level I. Although leadership both on campus and within athletics knew of the anomalous courses and athletics' use of those courses, the institution failed to investigate and curb those practices. Accordingly, they continued for many years. Further, the institution did not provide adequate guidance and oversight of the ASPSA department.

C. Enforcement staff's review of facts related to the allegation.

On several occasions, the issue of the anomalous courses and athletics' use of those courses came to the attention of campus administrators. They had actual notice of concerns. During the summer of 2006, a news media report discussing an NCAA Division I school, student-athletes and their use of independent study courses garnered nation-wide attention.

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¹⁰² Because

of Dick Baddour's, former athletics director's, hands-off management approach, Mercer and Blanchard also did not receive support from the athletics department on this issue. Institutional leaders chose not to act.

ASPSA employees understood that those on campus, at the very least, knew of the courses.

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⁹⁹FI41, JBlanchard_TR_073014_NorthCarolina_00231, Page No. 36.

¹⁰⁰FI41, JBlanchard_TR_073014_NorthCarolina_00231, Page Nos. 36 and 37.

¹⁰¹FI41, JBlanchard_TR_073014_NorthCarolina_00231, Page No. 37.

¹⁰²FI42, RMercer_TR_070714_NorthCarolina_00231, Page No. 15.

¹⁰³FI42, RMercer_TR_070714_NorthCarolina_00231, Page No. 70.

¹⁰⁴FI42, RMercer_TR_070714_NorthCarolina_00231, Page No. 71.

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Cadwalader report points to a meeting in 2005 or 2006 between Owen and Nyang'oro discussing the need to curtail the number of anomalous courses offered.¹⁰⁶

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Despite the warning to reduce student-athlete enrollment numbers and other red flags, the institution did not eliminate or otherwise address the courses and student-athletes continued to enroll in them at disproportionate rates. Further, nobody from the institution's leadership looked into why student-athletes had enrolled in these courses at such high numbers.

¹⁰⁸ Because of the failure

of campus or athletics leaders to investigate or question the offering and use of these anomalous courses, those employed with ASPSA did not believe their behavior and use of the anomalous courses was wrong.

An example of the openness concerning the anomalous courses was the discussion between the ASPSA staff and the student-athletes concerning Crowder's retirement. This was perhaps most clear in an email from Amy Kleissler (Kleissler), former ASPSA tutor, to multiple student-athletes

¹⁰⁵ FI39, BBridger_TR_081414_NorthCarolina_00231, Page No. 42 and FI83 CReynolds_TR_112014_NorthCarolina_00231, Page Nos. 96 and 97.

¹⁰⁶ FI32, WainsteinReport_102114_NorthCarolina_00231, Page No. 21.

¹⁰⁷ FI48, BOwen_TR_070714_NorthCarolina_00231, Page No. 52.

¹⁰⁸ FI83, CReynolds_TR_112014_NorthCarolina_00231, Page No. 89.

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announcing Crowder's impending retirement and the need to submit papers by a certain date so Crowder could grade them.¹⁰⁹

¹¹⁰ Reynolds noted in an additional email that if someone other than Crowder graded the papers, the student-athletes would receive "C's and D's at best."¹¹¹ This series of correspondence shows not only the openness with which the ASPSA department discussed the anomalous courses, but also the level of communication between ASPSA and the AFRI/AFAM department to the point where ASPSA knew that Crowder, and not an instructor, would grade the final papers. Despite this openness and the knowledge of the anomalous courses by leadership in the college of arts and sciences, at no point did those in authority put an end to the anomalous courses or athletics' use of those courses. Further, nobody questioned the appropriateness of a department administrator, not an instructor, grading coursework. As a result, practices that compromised the collegiate model and provided unfair advantages to the institution continued unchecked for many years.

Not only did ASPSA receive little guidance from arts and sciences concerning the anomalous courses, the ASPSA staff received little training and support from athletics compliance. A common theme between the ASPSA staff was the lack of involvement by the compliance staff.

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¹⁰⁹ Exhibit NCAA-8.

¹¹⁰ Exhibit NCAA-9, Page No. 4.

¹¹¹ Exhibit NCAA-10.

¹¹² FI42, RMercer_TR_070714_NorthCarolina_00231, Page No. 27.

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¹¹⁶ Because of this lack of involvement, the compliance staff could not provide adequate guidance and supervision for those employed within ASPSA. This, coupled with the failure of arts and sciences to become involved in this issue, contributed to the circumstances described in Allegation No. 4. Despite this deficiency, it appears the compliance staff had some level of knowledge concerning the anomalous courses. In an email exchange between Brent Blanton, athletics academic counselor, and Amy Hermann (Hermann), former director of compliance, Hermann references the "infamous paper classes."¹¹⁷ The record does not indicate any time where the compliance staff looked into the anomalous course issue or investigated ASPSA's close relationship with the AFRI/AFAM department. Accordingly, the institution allowed both to continue for a disturbing duration.

¹¹³ FI42, RMercer_TR_070714_NorthCarolina_00231, Page No. 28.

¹¹⁴ FI39 BBriderg TR_081414_NorthCarolina_00231, Page No. 16.

¹¹⁵ FI87, JLee_TR_081214_NorthCarolina_00231, Page No. 20.

¹¹⁶ FI14, JBoxillEmailsWith_150,151,152_NorthCarolina_00231, Page No. 53.

¹¹⁷ Exhibit NCAA-11.

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As the institution acknowledges, it failed to monitor Boxill in an adequate manner, and this helped create the environment that made possible the circumstances described in Allegation No. I. This violation resulted from a lack of supervision by both the college of arts and science and the athletics compliance office.

¹¹⁸ Institutional failures not only allowed the violations to occur, but they continued over a long period of time, as Boxill's behavior continued unchecked for a period of almost eight years.

D. Remaining issue.

Whether the procedural arguments raised by the institution bar this allegation, and if not barred, whether the facts and circumstances support a conclusion that the institution lacked institutional control.

E. Rebuttal information.

Please refer to Section No. III. addressing the procedural issues raised by the institution.

IX. ADDITIONAL MATTERS RELATED TO THE CASE

Please refer to Section No. III. addressing the procedural issues raised by the institution

X. POTENTIAL AGGRAVATING AND MITIGATING FACTORS

The following potential aggravating and mitigating factors have been identified for the Committee on Infractions to consider.

¹¹⁸FI43, Item1_BoxillTo

_ NorthCarolina_00231, Page Nos. 76 and 77.

A. Institution.

The enforcement staff identified the following aggravating and mitigating factors pursuant to the amended notice of allegations.

1. Aggravating factors. [NCAA Bylaw 19.9.3]
 - a. The amended notice of allegations includes multiple Level I violations involving unethical conduct, extra benefits, failure to monitor and a lack of institutional control. [NCAA Bylaw 19.9.3-(a)] (2015-16)]
 - b. A history of Level I, Level II or major violations by the institution, sport program(s) or involved individual. [NCAA Bylaw 19.9.3-(b) (2015-16)]
 - c. Lack of institutional control. [Bylaw 19.9.3-(c) (2015-16)]
 - d. Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct. [NCAA Bylaw 19.9.3-(h) (2015-16)]
2. Mitigating factor. [NCAA Bylaw 19.9.4]

An established history of self-reporting Level III or secondary violations [Bylaw 19.9.4-(d) (2015-16)].
3. Position of institution.

The institution does not take a position on the aggravating and mitigating factors.

4. Position of enforcement staff.

The enforcement staff believes the facts support the aggravating and mitigating factors identified.

B. Involved individual [Crowder].

The NCAA enforcement staff identified the following aggravating and mitigating factors pursuant to the amended notice of allegations.

1. Aggravating factor. [NCAA Bylaw 19.9.3]

Unethical conduct, compromising the integrity of an investigation, failing to cooperate during an investigation, or refusing to provide all relevant or requested information. [Bylaw 19.9.3-(e) (2015-16)]

2. Mitigating factor(s). [NCAA Bylaw 19.9.4]

None.

3. Position of Crowder.

Crowder has not responded; therefore, she has not provided a position on aggravating and mitigating factors.

4. Position of enforcement staff.

The enforcement staff believes the facts support the aggravating and mitigating factors identified.

C. Involved individual [Nyang'oro].

The NCAA enforcement staff identified the following aggravating and mitigating factors pursuant to the amended notice of allegations.

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1. Aggravating factor. [NCAA Bylaw 19.9.3]

Unethical conduct, compromising the integrity of an investigation, failing to cooperate during an investigation, or refusing to provide all relevant or requested information. [Bylaw 19.9.3-(e) (2015-16)]

2. Mitigating factor(s). [NCAA Bylaw 19.9.4]

None.

3. Position of Nyang'oro.

Nyang'oro has not responded; therefore, he has not provided a position on aggravating and mitigating factors.

4. Position of enforcement staff.

The enforcement staff believes the facts support the aggravating and mitigating factors identified.

D. Involved individual [Boxill].

The NCAA enforcement staff identified the following aggravating and mitigating factors pursuant to the amended notice of allegations.

1. Aggravating factors. [NCAA Bylaw 19.9.3]

a. Unethical conduct. [Bylaw 19.9.3-(e)]

b. Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct. [Bylaw 19.9.3-(h)]

2. Mitigating factor(s). [NCAA Bylaw 19.9.4]

None.

3. Position of Boxill.

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4. Position of enforcement staff.

The enforcement staff believes the facts support the aggravating and mitigating factors identified.

Individuals Who May Be Mentioned During The Hearing

University of North Carolina, Chapel Hill – Case No. 00231

– former women's basketball student-athlete.

Blanchard, John – former senior associate director of athletics.

– former women's basketball student athlete.

Boxill, Jan – philosophy instructor, director of the Parr Center for Ethics, women's basketball athletics academic counselor in the Academic Support Program for Student-Athletes (ASPSA) and chair of the faculty.

Bridger, Beth – former associate director in the ASPSA.

– former women's basketball student-athlete.

Crowder, Debbie – former department administrator in the department of African and Afro-American Studies (AFRI/AFAM).

– former women's basketball student-athlete.

Duncan, Jon – NCAA vice president of enforcement.

Kleissler, Amy – former learning specialist in the ASPSA.

– former women's basketball student-athlete

– former women's basketball student-athlete.

Lee, Jamie – former academic counselor.

– former women's basketball student-athlete.

Mercer, Robert – former director of the academic support program for student-athletes.

– former women's basketball student-athlete.

Nyang'oro, Dr. Julius – former chair and professor in the AFRI/AFAM department.

Owen, Bobbi – former senior associate dean for undergraduate education.

Reynolds, Cynthia – former associate director of the ASPSA.

– former women's basketball student-athlete.

Sulentic, Katherine

From: Sulentic, Katherine
Sent: Monday, March 28, 2016 4:18 PM
To: Richard J. Evrard (revrard@bsk.com)
Subject: Draft_FIChart_031716_NorthCarolina_00231.xlsm
Attachments: Draft_FIChart_031716_NorthCarolina_00231.xlsm

Rick,

Please find a copy of the revised Draft FI Chart. Thanks.

KS

Factual Information - DRAFI

Allegation Filed	File Type	Sort By: FI Number	File Name	Allegations Supported
1	May 2, 2012	Hartlyn Andrews Report.	HartlynAndrewsReport_050212_NorthCarolina_00231	1, 4, 5
2	December 19, 2012	Martin Report.	GovernorMartinFinalReport&Addendum_121912_NorthCarolina_00231	1, 4, 5
3	October 21, 2014	Wainstein Report.	WainsteinReport_102114_NorthCarolina_00231	1, 4, 5
4	October 21, 2014	Wainstein Exhibits.	ExhibitsToWainsteinReport_102114_NorthCarolina_00231	1, 4, 5
5	October 21, 2014	Wainstein Supplements.	SupplementsToWainsteinReport_102214_NorthCarolina_00231	1, 4, 5
6		Email from Boxill to	Item1_BoxillTo	1
7		Email from Boxill to	Item1_BoxillTo	1
8		Email from Boxill to	Item1_BoxillTo	1
9		Email from Boxill to	Item1_BoxillTo	1
10		Email from Boxill to	Item1_BoxillTo	1
11		Email from Boxill to	Item1_BoxillTo	1
12		Email from Boxill to	Item1_BoxillTo (2)	1
13		Email from	Item1_BoxillFrom	1
14		Email from	Item1_BoxillFrom	1
15		Email from Boxill to	JBoxillEmailTo	1
16		Email from Boxill to	JBoxillEmailTo	1
17		Email from Boxill to	JBoxillEmailTo	1
18		Email from Boxill to	JBoxillEmailTo	1
19		Email from Boxill to	JBoxillEmailsWith	1
20		Email from Boxill to	JBoxillEmailTo	1
21		Email from Boxill to	JBoxillEmailTo	1
22		Email from Boxill to	JBoxillEmailTo	1
23		Email from Boxill to	JBoxillEmailTo	1
24		Email from Boxill to	JBoxillEmailTo	1

Exact Information - DRAFT

File No.	Date	File Type	Factual Information Includes, but is not limited to, the following:	File Name	Allegations Supported
25		Email from Boxill to	Additions made to a final paper.	JBoxillEmailTo_479.480_NorthCarolina_00231	1
26		Email from Boxill to	providing a conclusion for a paper.	JBoxillEmailTo_506.507_NorthCarolina_00231	1
27		Email from Boxill to	An email containing concluding paragraphs for a paper.	JBoxillEmailTo_531.632_NorthCarolina_00231	1
28	September 24, 2015	Interview of Boxill	A discussion regarding how Boxill worked with the women's basketball team.	JBoxill_TR_092415_NorthCarolina_00231	1, 4, 5
29	August 19, 2015	Memo from outside counsel			1
30	September 24, 2015	An example of editing for a student enrolled in Boxill's philosophy course as provided by Boxill during her September 24, 2015 interview with the institution and the enforcement staff.	An example of how Boxill would edit papers for students.	Boxill_ProducedAInterview_14_Phil_092415_NorthCarolina_00231	1
31	September 24, 2015	An example of editing for a student enrolled in Boxill's philosophy course as provided by Boxill during her September 24, 2015 interview with the institution and the enforcement staff.	An example of how Boxill would edit papers for students.	Boxill_ProducedAInterview_10_092415_NorthCarolina_00231	1
32	September 24, 2015	An example of a bibliography that Boxill offered to students as provided by Boxill during her September 24, 2015 interview with the institution and the enforcement staff.	How Boxill would offer bibliographies to students enrolled in her course.	Boxill_ProducedAInterview_24_Phil_092415_NorthCarolina_00231	1
33	September 24, 2015	An example of how Boxill assisted students in their research as provided by Boxill during her September 24, 2015 interview with the institution and the enforcement staff.	How Boxill would assist students performing research for her class.	Boxill_ProducedAInterview_24_Phil_092415_NorthCarolina_00231	1
34	September 24, 2015	An example of editing for a student enrolled in Boxill's philosophy course as provided by Boxill during her September 24, 2015 interview with the institution and the enforcement staff.	An example of how Boxill would edit papers for students enrolled in her course.	Boxill_ProducedAInterview_14_092415_NorthCarolina_00231	1
35	September 24, 2015	An example of editing for a student enrolled in Boxill's philosophy course as provided by Boxill during her September 24, 2015 interview with the institution and the enforcement staff.	An example of how Boxill would edit papers for students enrolled in her course.	Boxill_ProducedAInterview_14_092415_NorthCarolina_00231	1
36	July 17, 2014	Email from Katharine Sulentnic (Sulentnic), associate director of enforcement, to Chris Browning (Browning), then counsel for Crowder.	An email containing NCAA Bylaw 10.1.	KSulentnic_CO_NCAABylaw10.1Attachment_071714_NorthCarolina_00231	2
37	July 22, 2014	Email from Browning to Sulentnic.	Crowder's refusal to participate in an NCAA interview.	KSulentnic_CO_NCAABylaw10.1_072214_NorthCarolina_00231	2
38	April 20, 2015	Crowder's interview request letter.	A final letter from the enforcement staff requesting Crowder's participation in an NCAA interview.	DCrowder_CO_InterviewRequest_042015_NorthCarolina_00231	2
39	July 23, 2014	Email from Todd Shumaker (Shumaker), assistant director of enforcement, to William Thomas (Thomas), counsel for Nyangoro.	Shumaker's request that Nyangoro participate in an NCAA interview.	TShumaker_CO_NyangoroInterview_072314_NorthCarolina_00231	3
40	July 25, 2014	Email from Thomas to Shumaker.	Nyangoro's refusal to participate in an NCAA interview.	WThomas_CO_NyangoroInterview_072514_NorthCarolina_00231	3

Factual Information--DRAFI

File No.	Date	File Type	Factual Information included, but is not limited to, the following:	File Name	Allegations Supported
41	April 20, 2015	Email from Rick Eward (Eward), outside counsel for The University of North Carolina, Chapel Hill, to Sulentic.	A list of Eward's attempts to contact Thomas	KSulentic_CO_AttemptsToContactAttorneyBThomas_042015_NorthCarolina_00231	3
42	April 6, 2015	Nyangoro interview request letter.	A final letter from the enforcement staff requesting Nyangoro's participation in an NCAA interview.	JNyangoro_CO_InterviewRequest_040615_NorthCarolina_00231	3
43	September 6, 2007	Email from Nyangoro to Owen.	Owen's concern at the type of academic exceptions Nyangoro provided to students.	Item2_NyangoroToOwen_090607_NorthCarolina_00231	4, 5
44	April 24, 2007	Email from Nyangoro to Owen.	Nyangoro's concern regarding students enrolled in an independent study class assigned to him.	Item2_NyangoroToOwen_042407_NorthCarolina_00231	4, 5
45		Email from Nyangoro to Crowder.	Crowder's request that Nyangoro provide help to Suzy Durr, former tutor in ASPSA, to answer a question she had concerning an assignment.	Item2_NyangoroToCrowder_NorthCarolina_00231	4, 5
46	May 10, 2005	Email from Reynolds to Holliday.	Reynolds mentioning the cut back in "paper courses" in the APRU/AFAM department and the impact the reduction in courses could have on student-athlete eligibility.	Item7_HollidayFromReynolds_051005_NorthCarolina_00231	4, 5
47	May 23, 2008	Email from Amy Herman (Herman), former associate athletics director for compliance, to Brent Blanton (Blanton), associate director in ASPSA.	Herman's description of "infamous paper classes."	Item7_HermanToBlanton_052308_NorthCarolina_00231	4, 5
48	February 16, 2004	Email from Jonathan Welber, adjunct assistant professor of global studies and faculty advisor for the academic advising program in the college of arts and sciences and the general college, to Crowder.	Crowder explaining that they treat student-athletes like everyone else, but that student-athletes get "too much scrutiny."	Item2_CrowderFromWelber_021604_NorthCarolina_00231	4, 5
49	June 17, 2009	Email from Reynolds to Crowden.	Crowder stating that ties between the two departments have been severed.	Item2_CrowderFromReynolds_061709_NorthCarolina_00231	4, 5
50	March 11, 2002	Email from Murphy to Blanchard.	A discussion of the number of student-athletes enrolled in independent study courses.	Item6_MurphyToBlanchard_031102_NorthCarolina_00231	4, 5
51	March 11, 2002	Email from Murphy to Blanchard.	A discussion of the number of student-athletes enrolled in independent study courses.	Item6_MurphyToBlanchard(2)_031102_NorthCarolina_00231	4, 5
52	March 11, 2002	Email from Murphy to Blanchard.	A discussion of the number of student-athletes enrolled in independent study courses.	Item6_MurphyToBlanchard(2)_031102_NorthCarolina_00231	4, 5
53	November 3, 2006	Email from Owen to Nyangoro.	Owen's discussion about the tracking of independent study courses.	Item2_NyangoroToOwen_110306_NorthCarolina_00231	4, 5
54	July 18, 2006	Email from Lisa Broome (Broome), Wells Fargo professor of banking law, director of the center for banking and finance school of law and faculty athletics representative, to Blanchard and others.	Broome's dissemination of a news article describing the use of independent study by the Auburn University (Auburn) athletics department.	Item5_BroomeToMultiple_071806_NorthCarolina_00231	4, 5
55	January 25, 2013	Email from Broome to Jack Evans (Evans), professor emeritus of operations for the Kenan-Flagler Business School and former faculty athletics representative.	Broome's discussion of The Martin Report and what the Faculty Athletics Committee knew or did not know concerning independent study courses.	Item5_BroomeToMultiple_012513_NorthCarolina_00231	4, 5
56	July 19, 2006	Email from Robert Mercer (Mercer), former director of ASPSA, to Susan Malloy (Malloy), former assistant athletics director for certification and eligibility and current tutorial coordinator, and others.	This includes, but is not limited to, an email discussing if athletics had done its "due diligence" after the Auburn independent study issue.	Item6_MalloyFromMercer_071906_NorthCarolina_00231	4, 5
57	February 28, 2002	Email from Kathy Parker (Parker), then academic counselor, ASPSA, to Blanchard.	A list of student-athletes enrolled in independent study courses.	Item5_BlanchardFromParker_022802_NorthCarolina_00231	4, 5
58	February 26, 2002	Email from Parker to Blanchard.	A list of student-athletes enrolled in independent study courses.	Item5_BlanchardFromParker_022602_NorthCarolina_00231	4, 5
59	March 12, 2002	Email from Murphy to Blanchard.	Murphy stating that some courses with student-athlete enrollment identified as independent study were "actual courses."	Item5_BlanchardFromMurphy_031202_NorthCarolina_00231	4, 5

NCAA-2

Factual Information-DRAFT

File No.	Date	File Type	Factual Information Includes, but is not limited to, the following:	File Name	Allegation Supported
60	March 11, 2002	Email from Murphy to Blanchard. Email from Heather Murphy, athletic academic counselor in ASPSA, to Blanchard.	Murphy informs Blanchard that he will collect more information on some courses.	Items5_BlanchardFromMurphy_031202_NorthCarolina_00231	4, 5
61	February 22, 2002		A report demonstrating student-athlete enrollment in independent study courses.	Items5_BlanchardFromMurphy_022202_NorthCarolina_00231	4, 5
62	July 20, 2006	Email from Mercer to Blanchard.	Mercer explaining to Blanchard that he has a difficult time questioning "paper courses."	Items5_BlanchardFromMercer_072006_NorthCarolina_00231	4, 5
63	March 4, 2002	Email from Mercer to Blanchard.	A list of student-athletes enrolled in independent study courses.	Items5_BlanchardFromMercer_030402_NorthCarolina_00231	4, 5
64	March 11, 2002	Email from Murphy to Blanchard.	List of independent study courses.	Items5_BlanchardFromMurphy_031202_NorthCarolina_00231	4, 5
65	February 21, 2002	Email from Marissa Marucci, then academic counselor in ASPSA, to Blanchard.	A list of student-athletes enrolled in independent study courses.	Items5_BlanchardFromMarucci_022102_NorthCarolina_00231	4, 5
66	November 30, 2006	Email from Evans to Blanchard and others.	Minutes from the Faculty Committee on Athletics, indicating a discussion about independent study courses.	Items5_BlanchardFromEvans_113006_NorthCarolina_00231	4, 5
67	September 20, 2005	Email from Crowder to Walden.	Crowder's mention that they are "getting pressure from on high" to reduce the number of independent study type courses the department offered.	Items2_CrowderToWalden_092005_NorthCarolina_00231	4, 5
68	July 1, 2009	Email from Crowder to the AFPA/AFAM studies faculty.	Crowder asking the faculty for their teaching requests and Crowder mentioning that she would no longer add fictitious courses on Monday, Wednesday and Friday in order to comply with the institution's regulations.	Items2_CrowderToAFAMFaculty_070109_NorthCarolina_00231	4, 5
69	February 11, 2015	Interview transcript of Everett Withers (Withers), former interim head football coach.	Withers' description of his role in academics.	EWithers_TR_021115_NorthCarolina_00231	4, 5
70	September 24, 2014	Interview transcript of Townsend.	Townsend's description of her role as athletic academic advisor.	JTownsend_092414_TR_NorthCarolina_00231	4, 5
71	September 25, 2014	Interview transcript of Dick Boddour (Boddour), former director of athletics.	Describing how Boxill managed to juggle many responsibilities both within and outside athletics.	DBoddour_TR_092514_NorthCarolina_00231	1, 4, 5
72	November 4, 2014	Interview transcript of Ivory Latta (Latta), assistant women's basketball coach.		ILatta_TR_110414_NorthCarolina_00231	1, 4, 5
73	November 20, 2014	Interview transcript of Reynolds.	Reynolds' description of her role as an athletic academic advisor.	CR Reynolds_TR_112014_NorthCarolina_00231	4, 5
74	November 5, 2014	Interview transcript of Holliday.	Holliday's description of his role in academics.	CHolliday_TR_110514_NorthCarolina_00231	4, 5
75	September 25, 2014	Interview transcript of Gore.	Description of relationship with ASPSA.	TGore_092514_TR_NorthCarolina_00231	4, 5
76	September 24, 2014	Interview transcript of Joe Holladay (Holladay), former assistant men's basketball coach.	Description of Holladay's role in academics.	JHolladay_TR_092414_NorthCarolina_00231	4, 5
77	August 27, 2014	Interview transcript of Walden.	Walden's description of Boxill's role in ASPSA.	WWalden_TR_082714_NorthCarolina_00231	1, 4, 5
78	August 12, 2014	Interview transcript of Lee.	Lee's description of her role as an athletic academic advisor.	JLee_TR_081214_NorthCarolina_00231	4, 5
79	August 14, 2014	Interview transcript of Bridger.	Bridger's description that Boxill would rarely attend ASPSA staff meetings.	BBridger_TR_081414_NorthCarolina_00231	1, 4, 5
80	July 30, 2014	Interview transcript of Woodard.	Woodard's description of his former role as head of ASPSA.	HWoodard_TR_073014_NorthCarolina_00231	4, 5
81	July 31, 2014	Interview transcript of Blanton.	Blanton's description of how he and Boxill would work together with the women's basketball team.	BBlanton_TR_073114_NorthCarolina_00231	1, 4, 5
82	July 30, 2014	Interview transcript of Blanchard.		JBlanchard_TR_073014_NorthCarolina_00231	1, 4, 5
83	July 7, 2017	Interview transcript of Mercer.	Mercer's description of Boxill's relationship with the ASPSA staff.	RMercer_TR_070717_NorthCarolina_00231	1, 4, 5
84	July 8, 2014	Interview transcript of Boxill.	Boxill's description of the type of academic assistant she would provide to women's basketball student-athletes.	JBoxill_TR_070814_NorthCarolina_00231	1, 4, 5
85	January 9, 2015	Interview transcript of Bunting.	Bunting's description of his role in academics.	JBunting_TR_010915_NorthCarolina_00231	4, 5
86	November 4, 2014	Interview transcript of Andrew Calder (Calder), former assistant women's basketball coach.		ACalder_TR_110414_NorthCarolina_00231	1, 4, 5
87	November 4, 2014	Interview transcript of Sylvia Hatchell (Hatchell), head women's basketball coach.	Hatchell's description of her relationship with Boxill.	SHatchell_TR_110414_NorthCarolina_00231	1, 4, 5

Facsimile Information--DRAFT

File No.	Date	File Type	Facsimile Information (facsimiles, but is not limited to, the following):	File Name	Allegations Supported
88	November 5, 2014	Interview transcript of Joy Renner (Renner), clinical associate professor department of allied health sciences, director of the division of radiologic science and chair of the Faculty Athletics Committee (FAC).	Renner's description of the FAC's oversight role of athletics.	JRenner_TR_110514_NorthCarolina_00231	4, 5
89	January 27, 2015	Interview transcript of Butch Davis (Davis), former head football coach.	Davis' description of how football worked with academics.	BDavis_TR_012715_NorthCarolina_00231	4, 5
90	August 13, 2014	Interview transcript of Evans.		JEvans_TR_081314_NorthCarolina_00231	1, 4, 5
91	July 30, 2014	Interview transcript of Woodward.	Woodward's description of Boxill's role in ASPSA.	HWoodard_TR_073014_NorthCarolina_00231	1, 4, 5
92	July 7, 2014	Interview transcript of Owen.		BOwen_TR_070714_NorthCarolina_00231	1, 4, 5
93	August 28, 2014	Interview transcript of Betsy Taylor (Taylor), student services manager with the academic advising program in the college of arts and sciences and the general college.	A discussion of Taylor's role.	BTaylor_TR_082814_NorthCarolina_00231	4, 5
94	January 12, 2015	Response to the Southern Association of Colleges and Schools Commission on Colleges Letter of November 13, 2014.	The institution's response to inquiry.	ReportToSACSCOC_011215_NorthCarolina_00231	4, 5
95	Unknown	PowerPoint drafted by Bridger for the football staff.	Bridger presentation to football staff concerning academics.	PowerPoint!_WainsteinSupplement_NorthCarolina_00231	4, 5
96	July 6, 2012	Report Faculty Executive Committee	Report of Special Subcommittee of Faculty Executive committee	ReporttotheSpecialSubcommitteeoftheFacultyExecutiveCommittee_72612_030716_NorthCarolina_00231	4, 5
97	October 22, 2014	Chancellor's press conference	Transcript of press conference.	TranscriptofUNCPressConferenceheld102214_030716_NorthCarolina_00231	4, 5
98	July 1, 2006	Faculty Code of University Government	Faculty Code.	FacultyCodeofUniversityGovernment_July2006_030716_NorthCarolina_00231	4, 5
99	Unknown	Email between student and Crowder	Email from student indicating Betsy Taylor sent student as Crowder for help.	WainsteinSupp toDCrowder NorthCarolina_00231	4, 5
100	December 28, 2004	Email from Charlen Register to Crowder.	Email discussing a paper a student had turned in.	WainsteinSuppCRegisterEmailtoDCrowder_122804_NorthCarolina_00231	4, 5
101	April 29, 2005	Email from Reynolds to Holliday.	Reynolds' reference to independent studies listed as paper courses by Wainstein.	WainsteinSuppCRoyndolsEmailtoCHolliday_042905_NorthCarolina_00231	4, 5
102	February 21, 2006	Email from Alice Dawson to Crowder.	Email discussing a student adding a class.	WainsteinSuppAliceDawsonEmailtoDCrowder_022106_NorthCarolina_00231	4, 5
103	May 17, 2006	Email from Alice Dawson to Crowder.	Thank you email.	WainsteinSuppAliceDawsonEmailtoDCrowder_051706_NorthCarolina_00231	4, 5
104	September 14, 2008	Email from Boxill to Donna Lefebvre.	Boxill references an investigation of all special and independent studies.	WainsteinSuppBoxillEmailtoDLefebvre_091408_NorthCarolina_00231	4, 5
105	January 27, 2005	Email from Dawson to Crowder.	Email discussing sending students to see Crowder.	WainsteinEx_012705_A DawsonEmailtoDCrowder_012705_NorthCarolina_00231	4, 5
106	July 19, 2006	Email from Evans to Baddour and others.	Discussing problems at another institution. Evans indicates that the abuses there came to light and were corrected through the faculty processes.		4, 5
107	July 21, 2006	Email from Moesser to Broome.	Broome forwards COIA statement regarding another institution and about collecting data on student-athletes' enrollment and grading patterns		4, 5
108	January 9, 2007	FAC Meeting Minutes	Minutes of the next FAC meeting after November 30, 2006.		4, 5
109	October 2, 2007	FAC meeting minutes	The minutes do not contain any references to any data being provided regarding independent studies.		4, 5
110	October 5, 2007	Annual FAC report.	Report of the Faculty Athletics Committee.		4, 5
111	March 17, 2008	Email from Mercer to ASPSA counselors.	Mercer's forward of Broome's email to athletics and FAC.		4, 5
112	May 2, 2008	Email from Broome to FAC members and athletics officials.	Broome sends agenda for May 6, 2008 FAC meeting.		4, 5

Factual Information--DRAFT

FI No.	Date	File Type	Factual Information Includes, but is not limited to, the following:	File Name	Allegations Supported
113	June 3, 2008	Email from Broome to FAC members and athletics officials.	Broome distributed the May 6, 2008 meeting minutes and analyses of APR, GSR and Federal Graduation results.		4, 5

From: jonathan weiler <jweiler@email.unc.edu>
Sent: Monday, February 16, 2004 3:49 PM
To: Debby Crowder <dacrowde@email.unc.edu>
Cc: rahildebrand <rahildebrand@email.unc.edu>
Subject: Re: meeting last Tuesday

Hi Debby
Thanks for your response. I look forward to continuing to work with you and Dr. Hildebrand.

Sincerely, Jonathan

Debby Crowder wrote:

- >
- > Thanks for your email Jonathan. I did worry a bit about what you said,
- > fussed some and then got over it. It is no huge deal, really. We do
- > have a fair number of athletes who are majors and many more who take our
- > classes. By and large, I believe, that is because we try to treat them
- > as regular students. Some of all of our students come in for advising,
- > or cause us problems, or are wonderful, or whatever, but sometimes I
- > think the athletes get too much scrutiny in relation to the average
- > student population. That being said, we try to accommodate their
- > schedules, just as we do the single moms, or the students who have to
- > work two jobs to stay in school. We work with them all, on an
- > individual basis, and that is my only point. Some of our athletes are
- > good students, some not, but that goes for the general student
- > population. Not to worry, we'll all make it through. If I overreacted,
- > it may well be the stress of a particularly difficult semester. We'll
- > make it work, that's what we do. DC

-
Jonathan Weiler, Ph. D.
Academic Advising Programs
UNC Chapel Hill, Team#60
Adjunct Assistant Professor, Russian and East European Studies and
Fellow, Center for Slavic, Eurasian and East European Studies,
UNC Chapel Hill
(919) 843-3342

From: Deborah Crowder <dacrowde@email.unc.edu>
Sent: Thursday, 4:28 PM
To: @email.unc.edu>; Reynolds, Cynthia
 <cynthiar@unca.unc.edu>; Huffstetler, Janet
 @email.unc.edu>; @aol.com;
 @email.unc.edu>; @email.unc.edu>;
 @email.unc.edu>;
 @email.unc.edu>; Walden, Wayne <wwalden@unca.unc.edu>
Subject: afri

Hello. Here are your assignments for AFRI for Dr. Julius Nyang'oro. There are two papers assigned for this class. Each paper should be 15 pages in length and should be submitted to the AFAM/AFRI office in 109 Battle Hall. Do not submit your paper via email. The first is due on Thursday October 26 no later than 4:00 pm. The second paper is due no later than Wednesday December 6 no later than 4:00 pm in 109 Battle Hall. Please make to cite all of your sources and sign the honor pledge.

Paper I

Critically examine the political and economic transformation of the Southern African region in light of the demise of apartheid in South Africa. In responding to this question, you need to consider the various conflicts in the region which were triggered by the presence of apartheid and how these conflicts have been resolved. You need to choose one country in the region for special attention.

Paper II

Why is the issue of race still an important question in the political, social and economic conditions of South Africa? What significant changes have occurred in all three areas since the end of formal apartheid? In considering this question, please analyze social issues associated with economic ownership of the major means of production in South Africa, and their relation to the global economy.

From: Amy Kleissler <kleissle@unca.unc.edu>
Sent: Wednesday, 12:56 PM
To: Williams, Andre <awilliams@unca.unc.edu>; Bridger, Beth <bridgerb@unca.unc.edu>; Lee, Jaimie <jaimielee@unca.unc.edu>
Subject: Re: afam research papers...
Attach: TEXT.htm

emailed me his so I will print it for you, but he knows he needs to come sign honor pledge. Thanks Jaimie!

A

Amy Kleissler
Academic Support Program for Student Athletes
UNC-Chapel Hill
919-593-3033 c
kleissle@unca.unc.edu

>>> Jaimie Lee 12:10 PM >>>
FYI--I will deliver papers to the AFAM dept NO LATER THAN 3:30PM! I have received papers from everyone EXCEPT the following:

If I do not get their papers by 3:30pm, they may not get their grades in time. If they must submit papers after 3:30pm, the grades should post by next semester, but may not post before bowl time.

Thank you for your assistance! I just wanted to keep you informed...

Jaimie Lee
Academic Counselor, UNC Football
Academic Support Program for Student Athletes
University of North Carolina-Chapel Hill
919-843-6566 w
c
jaimielee@unca.unc.edu

From: Deborah Crowder <dacrowde@email.unc.edu>
Sent: Thursday, April 13, 2006 3:29 PM
To: Wayne Walden <wwalden@unca.unc.edu>
Subject: thanks

Hi Wayne: Thanks for your kind words and your report on the ceremony. [redacted] are special--although I guess we get to the point where we think most of them are special. I remember when [redacted] came Burgess was skeptical of him [redacted] but he stuck with it and I think he really deserves some credit for that. [redacted] has surpassed my wildest expectations. [redacted] No problem about adding your kids--I try to monitor the wait lists but I miss things so just send me an email any time you can't get what you want. I have a lot of leeway at this point. I hope you have a great holiday weekend. Debby

From: Jaimie Lee <jaimielee@unca.unc.edu>
Sent: Wednesday, 4:58 PM
To: Kleissler, Amy <kleissle@unca.unc.edu>
Subject: Re:
Attach: TEXT.htm

lol u called lol!

Jaimie Lee
 Academic Counselor, UNC Football
 Academic Support Program for Student Athletes
 University of North Carolina-Chapel Hill
 919-843-6566 w
 c
 jaimielee@unca.unc.edu

>>> Amy Kleissler 1:27 PM >>>

I'm smiling reading this -- if poor Whitney only knew that the usual MO is for the guys to be sitting at the computer the morning the paper is due, typing like mad, and hitting the print button as Jaimie stands there ready to walk out the door to hand them in!!

Amy Kleissler
 Academic Support Program for Student Athletes
 UNC-Chapel Hill
 c
 kleissle@unca.unc.edu

>>> "J. Whitney Read" @gmail.com> 1:21 PM>>>

Hey,

I was wondering if we could schedule extra sessions for the guys to come in to work independently or with me. I told them we will be writing for the next 2 weeks and then editing for the last 2 weeks, in the run up to the due date of April 19. Some guys are doing well but others aren't doing as well, and I think some scheduled time for them to do writing would be good and help get the ball rolling more (especially , though everyone else could also benefit from the extra time). I'm just afraid that we won't have any time to edit and that they will be writing up to April 19, which would not be good!! A lot of the guys are getting stuff done, but slowly, and I know it's hard for them to set aside some of their own free time to write a research paper. Please let me know if this will happen.

Thanks,
Whitney

--
Jessica Whitney Read

African Studies B.A.
 UNC-Chapel Hill 2009
 Cell:
 Email: @gmail.com

Your paper is DUE FRIDAY, JULY 17th

DEBBIE CROWDER IS RETIRING THE FOLLOWING WEEK SO IF YOU WOULD PREFER THAT SHE READ AND GRADE YOUR PAPER RATHER THAN PROFESSOR NYANG'ORO YOU WILL NEED TO HAVE THE PAPER COMPLETED **BEFORE** THE LAST DAY OF CLASSES, TUESDAY, JULY 21ST.

I will be out of the office Tuesday, June 30th through Wednesday, July 8th.

I will be back at the Academic Center for my regularly scheduled sessions on Thursday, July 9th.

IMPORTANT:

- Although I will not be with you, you are still required to be at the Academic Center during your scheduled time in order to work on your paper.
- Each day, Monday through Thursday, you will email me the latest version of your paper. Each day you need to produce two (2) pages in order to make the July 17th deadline.
- These two pages each day do not need to be in order, meaning that you can skip around and work on different sections of your paper. This means two pages worth of progress each day.
- Cynthia/Beth/Jaimie all will be checking on your progress. Failure to attend your session or complete the daily goal will be noted on their infraction reports. If I don't hear from you I will assume you have not make progress so keep in touch with me!

→ Even though I am away I can still help you. If you are having trouble with a particular area of your paper, getting your thoughts rolling, with the thesis, introduction, etc. just send me an email/text with your concerns and I will help right away.

Let me know if you need anything,

Amy Kleissler

@nc.rr.com

kleissle@email.unc.edu

cell

NCAA-9

These records are confidential personnel records.

From: Cynthia Reynolds <cynthiar@unca.unc.edu>
Sent: Friday, June 19, 2009 5:57 PM
To: Williams, Andre <awilliams@unca.unc.edu>
Cc: Bridger, Beth <bridgerb@unca.unc.edu>; Lee, Jaimie <jaimielee@unca.unc.edu>
Subject: Re: checks.....
Attach: TEXT.htm

I will be on vacation so Jaimie will need to handle these issues while I am gone. With Beth teaching classes, etc., Jaimie will be the only one available from 9-4:00 to take care of issues like this. Beth can also help, but she will be out of the office for a few hours each day.
cr

>>> Andre Williams 6/19/2009 5:37 PM >>>

We will hand out another check no earlier than July 2nd or July 6th..

Best regards,

Andre'

>>> Cynthia Reynolds 6/19/2009 11:40 AM >>>

Andre,

When is the next check given to the guys?

I would like all future summer checks given to me.....No check will be given to any student with an AB from summer I session.

In addition any student who has a paper class second summer session will not be given their check if they do not have 80% of the required work done by the time the check is given to me.

No exceptions.....

Ms. Crowder is retiring at the end of July.....if the guys papers are not in.....I would expect D's or C's at best.

Most need better than that.....**ALL WORK FROM THE AFAM DEPT. MUST BE DONE AND TURNED IN ON THE LAST DAY OF CLASS.**

c

From: Amy Herman <ajschae@unca.unc.edu>
Sent: Friday, May 23, 2008 2:10 PM
To: Blanton, Brent <blanton@unca.unc.edu>
Subject: RE:
Attach: TEXT.htm

Fine, it is. Just trying to decide if I should let her keep her computer until it's over... What do YOU think?

>>> "Brent Blanton" <blanton@unca.unc.edu> 5/23/2008 1:59 PM >>>

I'm not saying it is, and I'm not saying it isn't

From: Amy Herman [mailto:ajschae@unca.unc.edu]
Sent: Friday, May 23, 2008 1:54 PM
To: Brent Blanton
Subject: RE:

So it IS a "paper course"? :-)

>>> "Brent Blanton" <blanton@unca.unc.edu> 5/23/2008 1:52 PM >>>

Don't knock what gets it done. I saw her today, so I should get her registered today.

From: Amy Herman [mailto:ajschae@unca.unc.edu]
Sent: Friday, May 23, 2008 1:45 PM
To: Brent Blanton
Subject:

Brent,

Have you gotten in a 2nd session class? If so, is it an online class? Don't think so - probably one of your infamous "paper courses".

Let me know...

Amy

@email.unc.edu>

1:35 PM >>>

Hello,

I am replying to the email I received this morning concerning my loaner laptop. I understand that it is a loaner and I will be returning it back to the department. However I have the understanding that I am still waiting for an email Brent Blanton (academic athletic advisor) to take an Independent Study On line course during second session summer school. I just didn't know what or when I was to return the computer in regards to this class.

Thank you,