ANATOMY OF A SCANDAL

There it was, the line in the story that I had been looking for, the one that said that the “former department chair” and the “longtime former department administrator” were the “only ones the university’s internal investigation said could have created ‘aberrant or irregularly taught courses’” in the Department of African and Afro-American Studies at UNC Chapel Hill, the department where I teach.

Of course, that was not news to me or to any of my colleagues, but I believed that it might offer a new perspective to most of the people who have learned about this scandal through the press. How could it be otherwise after over year of a steady flow of stories and broadcasts that cast disturbing dark clouds of suspicion over the ethics and integrity of the whole department. Those stories made it appear as though our primary function has been to maintain the eligibility of athletes, by providing them with good grades, for fluff courses, that did not require the attendance of either students or professors.

The headlines and editorials in the News and Observer, and in the Daily Tar Heel, our own campus newspaper, screamed that the department had committed “fraud” and had compromised the integrity of the university. So, I could understand why an outraged student would write a letter to the editor of the DTH urging the elimination of “the entire African and Afro-American Studies department” because it had “brought shame and embarrassment onto the entire UNC community.”

Too bad that the exculpatory sentence I was so glad to find was actually buried in the 13th paragraph of an article in the Durham Herald Sun.

Of course, being clear and specific about the individuals who were responsible for creating the sham courses does not mitigate the magnitude of the harm that has been done to the university, but it does begin to reveal that the reputation and morale of the entire faculty of one department have been battered for months without sound reasons.

At least since last spring, when the Dean’s Office issued its “Review of Courses in the Department of African and Afro-American Studies,” it has been clear that a kind of shadow curriculum had been devised and orchestrated by the former department administrator and the former department chair. That shadow curriculum was taught mainly during the summer, when most of the regular faculty were away doing research, and it was taught entirely by one person, the former chair. The shadow curriculum offered courses with exactly the same names and numbers as courses that were taught during the regular fall and spring semesters, but that was the only resemblance that the two sets of courses had to each other.

For example, the News and Observer reported correctly that the “Afro-American Seminar class, known as...AFAM 398...appears four times as a no-show class” in the Dean’s report. I know something about AFAM 398, because I taught that course for many years, in fact, I helped develop it. My students had to read, and critically engage, six seminal Afro-American Studies texts, and they also heard a lecture from my colleague Perry Hall who has written the most authoritative analysis of the history of the field of Afro-American Studies. In addition, they had
to do comparative analyses of the portrayals of black culture in Jamaica and Martinique in two classic films. For written work, they were required to write three five page critical analyses and one ten page research essay.

Whenever the enrollment for the course rose above 20, I would routinely volunteer to teach an extra section - without extra compensation - to insure that the quality of the interaction that students had with me, and with each other, would not be diluted. The last time I taught the course - with a pro-bono extra section - was just last year. So, I know the content of AFAM 398 very well....that is I know the content of the course that was actually taken by most of our majors, and that course was definitely not a “no show.”

Until I read the Dean’s report, I was completely unaware that another version of the “AFAM Seminar” had been offered during the summer on four occasions. I was not informed or consulted about it, and if I had been I would have said that it was pedagogically impossible to conduct that seminar adequately during a brief summer session. Still, a shadow has been cast over the real seminar, because the press reported on the sham course with the same name and number.

Here are some percentages that I worked out based on some figures in the Dean’s report. Of all the “registered students” in AFAM courses between the summer of 2007 and the summer of 2011, 95.4 % were in regular courses, taught by the regular faculty. Only 4.6 % were registered in the shadow curriculum of “aberrant and irregular” courses. Certainly, 4.6 is too large a percentage, but it does not quite evoke the image of a department riddled with fraudulent classes filled with athletes seeking an easy major. By the way, in his testimony before the UNC Board of Governors at the end of August, the Director of Athletics reported that of all the current athletes who have a declared major, TWO are majoring in African and Afro-American Studies. That was not a misprint, only two athletes are majoring in African and Afro-American Studies.

People often make assumptions about what we teach, who we teach, and how we teach. I taught a section of our introductory survey course last summer. About a third of the students in that class were Asian Americans, about a third were white, and about a third were black. To my knowledge, none of them were athletes, but if they had been, they would have been welcome, as would have been any students who had an interest in the subject, and were willing to do the work.

In an extraordinarily clever, tenacious, and technologically resourceful effort to further implicate the department in fraud, the private academic records of NFL player, Julius Peppers, were found by hackers, put online, and made available for scrutiny and ridicule by the press and the general public. (The University acknowledged that it should have provided better protection for the confidentiality of those records.)

Mr. Peppers had been one our majors over a decade ago. I suppose that it’s hard to feel sorry for a successful and well-known professional athlete.....but the records that were flung into the blogosphere were those of a 17 or 18 year old kid, who was overwhelmed and struggling, and probably more than a little scared that he might lose everything, and have to return home in disgrace. He got “D”s in both of the AFAM introductory survey courses.
That young man did not recruit himself to come to Carolina. He did not admit himself to the university, or advise himself on which courses to take. He tried to do everything that was asked of him. But he made one terrible mistake. He was an athlete, who took courses in African and Afro-American Studies, and he managed to get some acceptable grades. He should have known better. His good grades are now regarded as prima facie evidence that his courses were fraudulent, and that his professors were most probably ethically challenged scoundrels lacking in character and competence.

It is not unusual for new students to take a while to get their ‘sea legs’. Nor is it unusual for students to get their best grades in the subject they have chosen for their major. Still, it is possible that there may have been some chicanery involved with those grades from a decade ago. But the threshold for publically trashing the reputation of a specific person should be a little higher than suspicion, conjecture, and guilt by association.

Even though Peppers has been dragged into the center ring of a media circus, he has consistently conducted himself as a gentleman. He must know that his records, reputation and fame were simply being used as battering rams to open a new phase in an ongoing investigation of African and Afro-American Studies.

Back in 2005, Peppers sponsored an academic enrichment program for middle and high school boys in Chapel Hill, Carrboro and Durham, and in 2009 he donated $100,000 to a scholarship fund sponsored by the UNC Black Alumni Reunion, to which he recently made another gift of $250,000.8

In the current atmosphere, one can almost imagine a McCarthy-like interrogation of some hapless athlete: “Are you now, or have you ever been, enrolled in a course in the Department of African and Afro-American Studies?” And we wait for someone to respond as Joseph Welch did in 1954 when the reputation of a young member of his law firm was attacked: “Little did I dream you could be so reckless and cruel...he shall always bear a scar needlessly inflicted by you. You have done enough.”

Enough??? Well, so far there have been four separate investigations of our department, including the investigations of the original investigation, but not counting the investigations being conducted by the press and broadcast media, and by some relentless bloggers from NC State. One afternoon in July, two vans from a television station in Raleigh pulled up in front of my home. Two reporters then proceeded to attempt to catch me unexpectedly, in the tradition of Mike Wallace and of “Dateline: To Catch a Predator.” That remarkable news “sweep” did not spare the home of my distinguished octogenarian colleague, who once served as the Attorney General of Ethiopia, nor was my colleague with young children spared the intrusion. I have taken calls from a print journalist after 9:30 at night. Two agents of the State Bureau of Investigation interviewed me for over an hour in my office on campus, and on two occasions I have dutifully gathered documents from every course I taught between 2007 and 2011 and trooped over to the Dean’s Office to respond to questions. I have talked with a subcommittee of the Faculty Council, and not long ago I sat with a delegation of my colleagues as our new chair made a report to a special investigatory panel of the Board of Governors. If the members of our department had been charged with murder in the first degree, we could only have been tried once.
I should add that all of my interrogators were pleasant, and a couple of them are friends. I think that with the exception of the professional journalists, they all wished that they could have been doing something else. So did I.

I understand that former Governor Jim Martin and the consulting firm of Baker Tilly Virchow, Krause LLP have launched a fifth investigation, but their mandate is not limited to African & Afro-American Studies and they will examine years before 2007, which was the end date of the Dean’s report. Maybe the fifth time will be the charm.

In the meantime, the department has gone through a top to bottom re-organization. We have had new office administrators for a couple of years. A year ago, we were assigned an interim chair from the Political Science Department. In January, Eunice Sahle, a highly respected member of our department, became our new chair. She accepted a very heavy responsibility and has worked unstintingly. We now have new organizational structures and committees, new procedures, guidelines, requirements, and policies that will produce greater accountability and transparency, and provide for more active faculty governance in matters large and small. We have expanded the guidelines for what information must be included on course syllabi. We have established more stringent criteria for allowing students to do independent study, and after regular registration, no student can be added to the roll of any class without the knowledge and permission of the chair of the department. We also have new and more efficient methods of record keeping. The department is now governed by a notebook of policies and procedures that would probably be more than adequate to run General Motors.

After 20 years under one chair, and 30 years with the same administrator, we were long overdue for a season of reform and restructuring. But in this case, our reforms also serve the purpose of helping us try to assure a very skeptical public that we will never do again, what none of us now in the department ever did in the first place.

As a practical matter, the specific problem we are dealing with was resolved over a year ago, on the day when our former chair stepped down, and the shadow curriculum ceased to exist. Period. Since then we have been hoping that the clouds would lift and the aspersions would cease, so that we could get on with our work.

All of this has been made all the more difficult, complicated, sensitive, and painful, because of race. Race is the whale that has been swimming just below the surface during this whole travail, even though many observers insist that it is not there. Just raising the issue has a tendency to make discussions shut down or blow up, so we avoid the subject. The fact is that we aren’t just talking about athletes and academics in general. For the most part, we are talking about black athletes in the Department African and Afro-American Studies. Questions about the integrity with which we teach, seamlessly slide into questions about the legitimacy of what we teach, and even a few judgmental assumptions about who we teach.

Suppose that the chairs and office administrators of the departments of Political Science or Physics were caught misusing their authority in a manner similar to what happened in our department. It is hard to imagine that the legitimacy and value of those whole fields of study
would be called into question, or that every faculty member in those departments would have to go through serial investigations. Because of race, there are some negative assumptions, questions, and suspicions that adhere to our department. We don’t have to become as obsessed as Captain Ahab, but we shouldn’t ignore the whale either.

Our department has become a kind of pinata, that earnest, honorable, and genuinely sincere people feel obligated to take a whack at, in the name of restoring the wholesomeness and integrity of the relationships that had existed between the university, and student athletes, and the world of lucrative corporate endorsements, merchandising agreements, TV deals, luxury boxes, and multi-million dollar coaching contracts. I think that many people hope that once the department has been raked over the coals sufficiently, the rest of the university can go back to rooting for the football team, just like nothing had ever happened.

Of course, anyone who has read Taylor Branch’s article in *The Atlantic*, called “The Shame of College Sports,” or Charles Clotfelter’s book, *Big-Time Sports in American Universities*, or is familiar with the often stated views of former UNC President William Friday, knows that the underlying problem does not begin and end in one department, or with two individuals.

There is no tension between a genuine amateur athletic program of high quality and the educational mission of a great university, none at all. The problems in that realm can be worked out. But there is a fundamental conflict between the values and responsibilities of a community learning, and the legitimate business requirements of running a successful professional minor league franchise. The market is very clear on one point. A good coach for a revenue producing sport is worth many times more than a great chancellor, or a distinguished scholar. In fact, some coaches are worth more than entire academic departments. That’s why the athletics industry cannot set the priorities, or compromise the values, of a community of learning. They’re different priorities. They’re different values. One cannot help but corrode the other.

According to the current business model, the best athletic talent available is obtained by providing them with scholarships and admission to outstanding universities, instead of pay. Everybody believes in affirmative action when it comes to the admission of athletes. On the face of it, athletic scholarships are certainly in keeping with the values of a community of learning....but they have a catch. In order to get a meaningful education, many athletes would have to commit significant amounts of extra time to studying during their first few semesters, or until they got up to speed. The catch is that no serious athletics business could allow them to do that. The expectation is that they will make their sport their first priority, and it is understood that they will have *less* time for study than other students.

The athletic industry at UNC has compensated for this by devising an elaborate and expensive apparatus for academic support that includes tutors and note takers and a 29,000 square foot Academic Support Center, named in honor of John W. Pope, in recognition of a $3 million dollar gift from the Pope Foundation. In short, revenue producing sports do whatever is necessary to make it possible for athletes to keep their primary focus on their main job, and still survive in the classroom. The only thing it can’t allow them to do is to make education their first priority. It isn’t that coaches don’t really care about the welfare of the young men whose lives they structure. It’s just that they have millions of dollars at stake. In addition, every student athlete
knows full well that unless they remain focused and fully committed to their sport, their already slim chances of graduating to the NFL or NBA will dwindle to zero. This is a business and a profession. It is not a game.

If there actually is a special virtue in preserving the ethos of amateur (i.e. unpaid) sports, then coaches and NCAA and ACC officials could be expected to model that virtue. They too should work without pay as volunteers, or only receive modest stipends. What used to be their income could go instead into need-based scholarships across the university. Symbolically, that would reaffirm the athletic program’s commitment to the priority of the educational mission. That would give everybody something to cheer about. Of course, that would never happen because, well...business is business. You have to be a little suspicious about people who profit from imposing virtue on others.

Another fond hope of people who long to square this circle, is that athletes should become fully integrated into the life of the campus, and that they should not be allowed to live in a parallel universe of special, separate, academic support systems. If it is reasonable to expect revenue-producing athletes to also be full-time students, taking demanding courses, and fully integrated into the life of the campus, then it could also be reasonable to expect coaches to be full-time academics, teaching demanding courses, and fully integrated into the life of the faculty.

Of course, the moment we consider what would be the consequences of asking highly paid coaches and athletic officials to accept some of the same kinds of conditions and expectations that we routinely impose on student athletes, it becomes apparent that we are engaged in wishful thinking. We really want to believe that if we are tough and sincere, this business can be made to operate as something other than a business. It can’t. (And athletics is only the most visible of the business interests that try to modify the mission and values of universities to suit their particular needs, not to be confused with businesses who actually do support the educational mission as a corporate and civic responsibility.)

In moments of sober reflection, we are forced to confront the fact that this charade can only be kept going through the resourceful manipulation of smoke and mirrors and by a lot of winking and nodding. The system will find, or create, enough academic wiggle room and gimmicks to keep things moving along. When folks get caught doing just that, we are shocked, sickened, and indignant, and profess that we won’t rest until we get to the bottom of whatever infraction happens to be the current scandal. It would be more honest to just keep quiet, and be ashamed, and accept responsibility for the system that we have created and enjoy.

If we are not going to have genuine amateurism in marquee sports, then universities should develop some non-exploitative ways for their students to work within the business model of the athletic entertainment industry. One proposal could be to allow student athletes to take half the normal course load during four years of eligibility. That would finally be a realistic and honest acknowledgment of the amount of time, energy, and focus that is required by revenue-producing sports, and of the amount of time athletes actually have available for serious study. That would greatly reduce the need for winking and nodding.

At the end of their four years of eligibility, athletes would be granted full scholarships for two years, that could be used at the school where they played, or at any other school where they
chose to complete their degree. In this plan, after their career on the playing field is over, they will actually be given an opportunity to make their education their first priority, and to become full members of a community of learning.

A few of them will have the option of moving directly into professional sports. A significant number will find other things to do with their lives and will not use the scholarship....but for those who want it, it will be there, and this time there will be no catch. No elaborate system of bells and whistles, just a real chance to be a student and get an education. It would be sort of like an athletic version of the G.I. Bill. This proposal is flawed and imperfect to be sure, but flawed and imperfect compared to what?

Another alternative would be to simply pay players the way you would pay any other professional athletes in the minor leagues, and allow them to take classes as an employee benefit. But of course, the most desirable path would be for universities to cease being adjuncts of the athletic entertainment industry. That is not their business.

Over a thirty year period, our former department administrator accumulated far too much power, in part because the former chair was often disengaged. She used that power to become a major supplier of academic wiggle room, but she also helped all kinds of students in legitimate ways. Students who desperately needed to get into a course in order to graduate, or to keep their scholarship....they knew they could turn to her for help, as did two of my colleagues after they were stricken with cancer.

I hate what has happened to the reputation of my department and of the whole university because of what she did, but if anybody wants to form a delegation to symbolically burn the evil ogre at the stake, they can just count me out. A lot of people in the athletics industry knowingly benefitted from what she did, and none of them said stop we can’t go along with this. There are more than a few self-serving, pious hypocrites involved in this mess, but she is not one of them.

It seems that almost anything is fair game in scandal reporting. The News and Observer published her age, her salary, and the name of the man with whom she has had a “long time personal relationship.” It also revealed where that man worked as a public school teacher. The paper published the names of all her facebook friends who had anything to do with athletics. It also identified the kind of music and the breed of dog she likes. Even in the midst of scandal, surely there must be some category of information that remains irrelevant, immaterial, and nobody’s business.

An unrelenting, media-driven search for scandal is inherently destructive, even if its objectives are noble. No matter how powerful and insistent the outside pressures, universities must remain communities of learning, and must deal with issues and individuals and athletic programs in a manner that is consistent with the values of communities of learning. At a recent meeting, UNC’s Faculty Council passed a resolution in support of the members of our department who are guilty of no fraud, and in recognition of what we have been through. They also heard a statement read on behalf of the department by my colleague, Kia Caldwell. Following the statement, everyone in a very crowded meeting room rose to their feet. That meant a lot, and it helped heal some wounds.
There are other signs that the tide is beginning to turn. So, I hope that someday, we will see headlines that proclaim that the ethics and integrity of the members of the faculty of the Department of African and Afro-American Studies have been cleared of all suspicion, and that their full cooperation with every official investigation has been gratefully acknowledged. I hope that someday soon someone will say - Enough.

-Reginald F. Hildebrand, Associate Professor of African and Afro-American Studies

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5 There was a total of 14,234 “registered students.” Of them 59 were registered in “aberrant” courses, and 599 were in courses “taught irregularly,” a total of 658 students. Based on figures in Hartlyn and Andrews, pp. 3-4.


8 Peppers Donates $100,000 to Scholarship Fund,” statement posted online by UNC General Alumni Association, February 2, 2009; Childress, “Peppers Donates $250K to UNC,” Herald Sun, August 20, 2012


10 Kane, “Former UNC Aide was close to Athletics,” N & O, June 15, 2012.