

John J. Dougherty

From: Brent Barringer <Brent@barringerlaw.com>
Sent: Saturday, August 11, 2012 1:08 PM
To: Tom Ross
Subject: RE: N&O article expected

Tom, I agree with all/most of your observations below, but also take some reassurance in the fact that this D Kane article was below the fold in today's Saturday edition, NOT in Sunday's (unless they waste more column inches tomorrow essentially repeating it). I am told their Sat readership is the smallest of the week so I hope this is a sign that their OCD mentality on this subject may be starting to subside.

Keep your fingers crossed, and enjoy your escape from high humidity AND the N&O these next few days!

Brent

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From: Tom Ross [mailto:tomross@northcarolina.edu]
Sent: Saturday, August 11, 2012 12:06
To: Brent Barringer
Subject: FW: N&O article expected

Again, FYI. I don't think this article changes anything. And, I don't think the N&O ought to be allowed to set the agenda for the University or dictate what they do or don't do. The University needs to be focused on fixing the problem. I don't think they learn anything new by going further back in time. They don't deny it was going on for a long time, but there is no evidence anyone else was involved beyond the two people already identified. There is nothing new in this article. They have had this information for months. They have an agenda in my view. Wouldn't surprise me if we saw another editorial tomorrow. I believe this is an entirely choreographed effort.

Thomas W. Ross

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From: Tom Ross

Sent: Friday, August 10, 2012 8:57 PM

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Cc: Celeste Parrish; Kathy Jones; Alisa Chapman; Bart Cognati; Bruce Mallette; Cathy Hanby-Sikora; Charlie E. Perusse; Christopher S. Brown; Gwen A. Canady; 'Herron, Brent'; Jeff Davies; John Leydon; Joni Worthington; Kimrey Rhinehardt; Laura Fjeld; Lesley A. Cates; Leslie Boney; Suzanne T. Ortega; William A. Fleming

Subject: FW: N&O article expected

Members of the Board of Governors:

Below is more information about the Dan Kane article that is likely to appear this weekend. The email was sent today to the Chapel Hill BOT. Just want to keep you informed.

Thanks for your time, ideas, advice and patience during the meetings this week.

All the best,

Tom

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Sent: Friday, August 10, 2012 5:37 PM

To: 'WHARGROVE@brookspierce.com'; 'bhyde@pittcomanagement.com'; 'plclay@mit.edu'; Caudill, Walter Lowry; 'dcurtis@curtismedia.com'; 'Alston Gardner'; 'pgrauer@bloomberg.net'; 'Klandis@plexuscap.com'; 'Steve Lerner'; 'Russell, Sallie Shuping'; 'JOHN TOWNSEND'; 'Washington, Felicia'; 'Will Leimenstoll'; erin_schuettpelz@unc.edu; Thorp, Holden

Subject: N&O article expected

Trustees:

We expect a story by Dan Kane in the News and Observer on Sunday. Based on our work with him over the past couple of weeks, his story will focus on (in his words):

"1.) Information that I've brought to the attention of the university that has not been pursued."

"2.) Information that has not been provided by the university despite a compelling public interest for its release."

We continue to remind him that we've made public a great deal of information that showed the serious problems that existed in African and Afro-American Studies. We identified the problems, and our focus has been on fixing them. We are cooperating fully with the UNC Board of Governors' panel. We're providing them with any information they request, and we look forward to their analysis and conclusions.

In addition to the general themes he laid out, Dan will likely also include information about a 2005 class for which he has a source who says it was a lecture course by Professor Nyang'oro that wasn't taught and only required a paper. We've told Dan that the former student's experience was consistent with the patterns we identified in our review. Jonathan Hartlyn addressed this issue of the review period in the Board of Governors' panel meeting. The size of our sample was large enough to identify the scope of the problems, determine who was accountable, address the issues and implement the improvements needed so this doesn't happen again. We've acknowledged that the problems might have gone back further.

He also will likely focus on an eleven-year-old test transcript that he's found online that looks like a student-athlete who took a lot of AFAM courses. In Dan's words, "The information in this transcript bears an uncanny resemblance to the issues raised within the AFAM department." These test transcripts were part of the University's old student system, and they were evidently created to stress test certain processes in the old system. We've told him that the test cases often looked like what they were intended to test ... in this case, eligibility and progress toward degree.

He also has asked us again about issues related to courses going back to the late 1990s in which no classroom or class time was listed and the maximum enrollment was set at one student. We have told him again that, in the old system, it wasn't unusual for class time and location to be absent. It was often communicated to students through the departments. Over the last several years, we've made concerted efforts to include classroom and time information in the permanent system.

With regard to maximum capacity, we have reiterated that we looked at the max capacity issue and determined that it didn't provide meaningful information. African and Afro-American Studies was not unique in using max capacity of 1 to control for pre-requisites, limit the class to students in the major or to seniors, or require department or instructor permission. Even now some departments continue to use the convention for max capacity as one or even zero. For example, there are 11 Economics classes for Fall 2012 that indicate 'zero' for max capacity. Yet these are classes that typically enroll anywhere from 20 to 75 students.

Finally, Dan has asked again why we won't disclose when Dr. Nyang'oro received his most recent review. We responded that we are complying with North Carolina law and the State Personnel Act. Under state law, when and how Dr. Nyang'oro was last reviewed is not public personnel file information. The personnel information that we did release was specific to the review of African and Afro-American Studies.

Nancy