



April 25, 2016

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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

Dear Chancellor Folt:

The purpose of this letter and its enclosure is to provide the University of North Carolina, Chapel Hill, with an amended notice of allegations. Please note that the policies and procedures outlined in the May 20, 2015, notice of allegations and corresponding cover letter still apply.

I look forward to working together with all parties to present complete and reliable information to the hearing panel of the NCAA Division I Committee on Infractions. If you have questions in the meantime, please do not hesitate to contact Tom Hosty, director of enforcement, at thosty@ncaa.org or 317/917-6042.

Sincerely,


Jonathan F. Duncan
Vice President of Enforcement

JFD:hlm

Enclosures

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

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AMENDED NOTICE OF ALLEGATIONS

to the

Chancellor of the University of North Carolina, Chapel Hill

A. Processing Level of Case.

Based on information contained within the following allegations, the NCAA enforcement staff believes this case should be reviewed by a hearing panel of the NCAA Division I Committee on Infractions pursuant to procedures applicable to a severe breach of conduct (Level I violation).

B. Allegations.

1. [NCAA Division I Manual Bylaws 10.1, 10.1-(c) and 16.11.2.1 (2003-04 through 2010-11)]

It is alleged that from February 2003 to July 2010¹, Jan Boxill (Boxill), then philosophy instructor, director of the Parr Center for Ethics, women's basketball athletic academic counselor in the Academic Support Program for Student-Athletes and chair of the faculty, knowingly provided extra benefits in the form of impermissible academic assistance and special arrangements to women's basketball student-athletes. Specifically:

- a. On _____, Boxill provided the beginning of a paper in the form of an introduction and additional written content to a student-athlete to use in an unknown course. [NCAA Bylaws 10.1, 10.1-(c) and 16.11.2.1 (_____)]
- b. On _____, Boxill provided an annotated bibliography for a student-athlete to edit and use for an unknown course. [NCAA Bylaws 10.1, 10.1-(c) and 16.11.2.1 (_____)]
- c. On _____, Boxill provided the beginning of a paper in the form of an introduction for a student-athlete to use in her AFAM _____ course. [NCAA Bylaws 10.1, 10.1-(c) and 16.11.2.1 (_____)]
- d. On _____, Boxill provided the beginning of a paper in the form an introduction and additional content to a student-athlete to use in

¹ The NCAA enforcement staff believes this allegation meets two exceptions to the statute of limitations in NCAA Bylaw 19.5.11. First, the factual information indicates a pattern of willful violations that began before and continued into the four-year period. Second, the factual information indicates a blatant disregard for the NCAA's fundamental extra-benefit and ethical-conduct bylaws [and the enforcement staff satisfied the conditions identified in Bylaw 19.5.11-(c)].

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- her AFAM course. [NCAA Bylaws 10.1, 10.1-(c) and 16.11.2.1 ()]
- e. On _____, Boxill provided the beginning of a paper in the form of an introduction and additional content to a student-athlete to use in her AFAM course. [NCAA Bylaws 10.1, 10.1-(c) and 16.11.2.1 ()]
- f. On _____, Boxill provided a completed quiz for a student-athlete to use in a PHIL course. [NCAA Bylaws 10.1, 10.1-(c) and 16.11.2.1 ()]
- g. On _____, after reviewing a student-athlete's incomplete paper for the course AFAM _____, Boxill added content to the student-athlete's introduction and conclusion. [NCAA Bylaws 10.1, 10.1-(c) and 16.11.2.1 ()]
- h. On _____, Boxill provided the beginning of a paper in the form of an introduction and additional content to a student-athlete to use in her AFAM course. [NCAA Bylaws 10.1, 10.1-(c) and 16.11.2.1 ()]
- i. On _____, after reviewing a student-athlete's incomplete paper for the course AFAM _____, Boxill added content to the paper in the form of a conclusion. [NCAA Bylaws 10.1, 10.1-(c) and 16.11.2.1 ()]
- j. On _____, after reviewing a student-athlete's incomplete paper, Boxill added content in the form of several additional paragraphs to use in an unknown course. [NCAA Bylaws 10.1, 10.1-(c) and 16.11.2.1 ()]
- k. On _____, Boxill provided the beginning of a paper in the form of an introduction and additional content for a student-athlete to use in an unknown course. [NCAA Bylaw 10.1, 10.1-(c) and 16.11.2.1 ()]
- l. On _____, after reviewing a student-athlete's journal entries, Boxill added additional content in the form of a conclusion to one of the journal entries for an unknown course. [NCAA Bylaw 10.1, 10.1-(c) and 16.11.2.1 ()]
- m. On _____, after reviewing a student-athlete's incomplete paper for the course AFAM _____, Boxill added content to the paper in the form of a conclusion. [NCAA Bylaws 10.1, 10.1-(c) and 16.11.2.1 ()]

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- n. On _____, after reviewing a student-athlete's incomplete paper for course AFAM _____, Boxill added content to the paper in the form of a conclusion. [NCAA Bylaws 10.1, 10.1-(c) and 16.11.2.1 (_____)]
- o. On _____, after reviewing a student-athlete's incomplete paper, Boxill added content to the paper by providing additional quotations to use in an unknown course. [NCAA Bylaws 10.1, 10.1-(c) and 16.11.2.1 (_____)]
- p. On _____, Boxill wrote to an instructor in the exercise science department and asked that the instructor provide a specific grade to a student-athlete in the course. This occurred after the conclusion of the semester. [NCAA Bylaws 10.1, 10.1-(c) and 16.11.2.1 (_____)]
- q. On _____, after reviewing a student-athlete's incomplete paper for a psychology course, Boxill added additional content at the end of the paper. [NCAA Bylaws 10.1, 10.1-(c) and 16.11.2.1 (_____)]
- r. On _____, in an email communication with the African and Afro-American Studies department concerning a student-athlete's paper, Boxill requested a grade to the department for the submitted work. [NCAA Bylaws 10.1, 10.1-(c) and 16.11.2.1 (_____)]

This serves as part of the basis for the lack of institutional control allegation in Allegation No. 5.

Level of Allegation No. 1:

The NCAA enforcement staff believes a hearing panel of the NCAA Division I Committee on Infractions could determine that Allegation No. 1 is a severe breach of conduct (Level I) because the violations involve unethical conduct and, thus, seriously undermine or threaten the integrity of the NCAA Collegiate Model. The impermissible academic assistance along with the academic arrangements also provided or were intended to provide extensive or substantial impermissible benefits. [NCAA Constitution 2.2 and Bylaws 19.1.1 and 19.1.1-(d) (2015-16)]

- 2. [NCAA Division I Manual Bylaws 10.1, 10.1-(a) and 19.2.3 (2014-15)]

It is alleged that in 2014 and 2015, Deborah Crowder (Crowder), former student services manager in the African and Afro-American Studies department, violated the NCAA principles of ethical conduct when she failed to furnish information

relevant to an investigation of possible violations of NCAA legislation when requested to do so by the NCAA enforcement staff and the institution. Specifically, Crowder refused to participate in an interview with both the institution and the enforcement staff despite at least three requests for her participation.

Level of Allegation No. 2:

The enforcement staff believes a hearing panel of the NCAA Division I Committee on Infractions could determine that Allegation No. 2 is a severe breach of conduct (Level I) because the violation involves individual unethical conduct and a failure to cooperate in an NCAA enforcement investigation. Participation in an NCAA enforcement investigation is critical to the common interests of the NCAA's membership. [NCAA Bylaws 19.1.1 and 19.1.1-(c) (2015-16)]

3. [NCAA Division I Manual Bylaws 10.1, 10.1-(a) and 19.2.3 (2014-15)]

It is alleged that in 2014 and 2015, Dr. Julius Nyang'oro (Nyang'oro), former professor and chair of the African and Afro-American Studies department, violated the NCAA principles of ethical conduct when he failed to furnish information relevant to an investigation of possible violations of NCAA legislation when requested to do so by the NCAA enforcement staff and the institution. Specifically, Nyang'oro refused to participate in an interview with both the institution and the enforcement staff despite at least five requests for his participation.

Level of Allegation No. 3:

The enforcement staff believes a hearing panel of the NCAA Division I Committee on Infractions could determine that Allegation No. 3 is a severe breach of conduct (Level I) because the violation involves individual unethical conduct and a failure to cooperate in an NCAA enforcement investigation. Participation in an NCAA enforcement investigation is critical to the common interests of the NCAA's membership. [NCAA Bylaws 19.1.1 and 19.1.1-(c) (2015-16)]

4. [NCAA Division I Manual Constitution 2.8.1 (2005-06 through 2010-11)]

It is alleged that from the 2005 fall semester and continuing through the 2011 summer semester, 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 Academic Support Program for Student-Athletes (ASPSA) and the African and Afro-American Studies (AFRI/AFAM) department. Certain AFRI/AFAM courses were anomalous because they were designed as lecture courses but taught as independent study courses. The nature of these anomalous courses went undetected or was known and not addressed due to the institution's failure to sufficiently monitor the department's operations and students', including student-athletes', enrollment in such courses. The department did not adequately document independent study course offerings, and the college of arts and sciences failed to effectively address the use of these courses by students, including student-athletes.

It is also alleged that from the beginning of the 2005 fall semester and continuing through the 2011 summer semester, the institution failed to monitor the activities of Jan Boxill (Boxill), then philosophy instructor, director of the Parr Center for Ethics, women's basketball athletics academic counselor in ASPSA and chair of the faculty. Although employed by ASPSA, Boxill conducted her athletics academic advising responsibilities largely within the philosophy department. Despite concerns by some at the institution that Boxill's relationship with the women's basketball student-athletes may have been too close, the institution did not monitor Boxill or determine whether her conduct violated institutional rules or NCAA bylaws. As a result, Boxill provided extra benefits in the form of impermissible academic assistance to women's basketball student-athletes over multiple years.

Level of Allegation No. 4:

The NCAA enforcement staff believes a hearing panel of the NCAA Division I 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 NCAA Collegiate Model. [NCAA Bylaws 19.1.1 and 19.1.1-(c) (2015-16)]

5. [NCAA Division I Manual Constitution 2.1.1, 2.8.1 and 6.01.1 (2005-06 through 2010-11)]

It is alleged that 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 African

and Afro-American Studies (AFRI/AFAM) department and students', including student-athletes', enrollment in such courses.

Specifically, the AFRI/AFAM department created anomalous courses that were available to the general student body and went unchecked for at least six years. As a result of the institution's obligation and ability to provide academic support services to student-athletes, and as a result of the relationships between the Academic Support Program for Student-Athletes (ASPSA) and the AFRI/AFAM department, student-athletes had increased exposure to the anomalous course offerings. When individuals brought concerns to the attention of then leaders both on campus and within athletics, those leaders had multiple opportunities to investigate the AFRI/AFAM course anomalies and student-athletes' exposure to those courses. However, the institution failed to exert control when it did not recognize and sufficiently investigate these practices. Both campus and the athletics department administrators' reactions and responses to those opportunities were inadequate and ineffective, creating the conditions and opportunities that made possible the violations described in Allegation Nos. 1 and 4. As a result of the failure of leadership and the lack of corrective action, problems within the AFRI/AFAM department and athletics were allowed to continue for multiple years.

Further, the institutional leadership did not provide adequate guidance and supervision to those employed within ASPSA. Because of this failure in leadership and oversight, those charged with providing academic support for student-athletes did not believe their actions or the actions of the AFRI/AFAM department were inappropriate. The institution's failure to take necessary steps to provide adequate oversight of the anomalous AFRI/AFAM courses resulted in an investigation, analysis and ultimately disciplinary action taken against the institution by the Southern Association of Colleges and Schools Commission on Colleges, its accrediting agency.

Level of Allegation No. 5:

The NCAA enforcement staff believes a hearing panel of the NCAA Division I 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 NCAA Collegiate Model and lack of control violations are presumed Level I. [NCAA Bylaws 19.9.1 and 19.1.1-(a) (2015-16)]

Specific to Allegation Nos. 1 through 5:

- a. Please indicate whether the information contained within these allegations is substantially correct and whether the institution and the involved individuals identified in these allegations believe that violations of NCAA legislation occurred. Submit materials to support your response.
- b. If the institution and the involved individuals believe that NCAA violations occurred, please indicate whether there is substantial agreement on the level of the violation. Submit materials to support your response.
- c. Please indicate whether the factual information is substantially correct and whether the institution has additional pertinent information and/or facts. Submit facts in support of your response.

C. Potential Aggravating and Mitigating Factors.

Pursuant to NCAA Bylaw 19.7.1, the NCAA enforcement staff has identified the following potential aggravating and mitigating factors a hearing panel of the NCAA Division I Committee on Infractions may consider.

1. Institution:

- a. Aggravating factors. [NCAA Bylaw 19.9.3]
 - (1) Multiple Level I violations. [Bylaw 19.9.3-(a)]

The notice of allegations includes multiple Level I violations involving unethical conduct, failure to monitor and a lack of institutional control.
 - (2) A history of Level I, Level II or major violations by the institution, sport program(s) or involved individual [Bylaw 19.9.3-(b)]. They include:
 - March 12, 2012 – Violations of NCAA legislation regarding academic fraud, impermissible benefits, impermissible participation, unethical conduct, failure to monitor, preferential treatment, failure to cooperate and failure to report outside income.

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- January 10, 1961 – Violations of NCAA legislation involving improper entertainment and lodging and improper recruiting entertainment.

(3) Lack of institutional control. [Bylaw 19.9.3-(c)]

As described in Allegation Nos. 4 and 5, the institution failed to monitor and demonstrated a lack of institutional control.

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

Jan Boxill (Boxill), then 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, abused her position as a faculty member by providing impermissible academic assistance.

b. Mitigating factor. [Bylaw 19.9.4]

An established history of self-reporting Level III or secondary violations [Bylaw 19.9.4-(d)]. They include:

The institution reported approximately 95 Level III/secondary self-reports over the last four years.

2. **Involved individual [Deborah Crowder (Crowder), former student services manager in the AFRI/AFAM department]:**

a. 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)]

Despite several requests from both the enforcement staff and the institution, Crowder refused to participate in an interview to determine her knowledge of or involvement in potential violations of NCAA legislation. Because of her deep involvement in the administration of the AFRI/AFAM department, she had information relevant to the investigation.

- b. Mitigating factor(s). [NCAA Bylaw 19.9.4]

The enforcement staff did not identify any mitigating factors for Crowder.

3. **Involved Individual [Julius Nyang'oro (Nyang'oro), former chair of the AFRI/AFAM department]**

- a. 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)]

Despite several requests from both the enforcement staff and the institution, Nyang'oro refused to participate in an interview to determine his knowledge of or involvement in potential violations of NCAA legislation. Because of his deep involvement in the administration of the AFRI/AFAM department, he had information relevant to the investigation.

- b. Mitigating factor(s). [NCAA Bylaw 19.9.4]

The enforcement staff did not identify any mitigating factors for Nyang'oro.

4. **Involved individual (Boxill):**

- a. Aggravating factors. [NCAA Bylaw 19.9.3]

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

Boxill provided repeated impermissible academic extra benefits in the form of providing content to student-athletes' papers.

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

Boxill abused her position as a faculty member by providing impermissible academic assistance.

- b. Mitigating factor(s). [NCAA Bylaw 19.9.4]

The enforcement staff did not identify any mitigating factors for Boxill.

D. Request for Supplemental Information.

1. Provide mailing and email addresses for all necessary parties to receive communications from the hearing panel of the NCAA Division I Committee on Infractions related to this matter.
2. Indicate how the violations were discovered.
3. Provide a detailed description of any corrective or punitive actions implemented by the institution as a result of the violations acknowledged in this inquiry. In that regard, explain the reasons the institution believes these actions to be appropriate and identify the violations on which the actions were based. Additionally, indicate the date that any corrective or punitive actions were implemented.
4. Provide a detailed description of all disciplinary actions taken against any current or former athletics department staff members as a result of violations acknowledged in this inquiry. In that regard, explain the reasons the institution believes these actions to be appropriate and identify the violations on which the actions were based. Additionally, indicate the date that any disciplinary actions were taken and submit copies of all correspondence from the institution to each individual describing these disciplinary actions.
5. Provide a short summary of every past Level I, Level II or major infractions case involving the institution or individuals named in this notice. In this summary, provide the date of the infractions report(s), a description of the violations found by the Committee on Infractions/hearing panel, the individuals involved, and the penalties and corrective actions. Additionally, provide a copy of any major infractions reports involving the institution or individuals named in this notice that were issued by the Committee on Infractions/hearing panel within the last 10 years.
6. Provide a chart depicting the institution's reporting history of Level III and secondary violations for the past five years. In this chart, please indicate for each academic year the number of total Level III and secondary violations reported involving the institution or individuals named in this notice. Also include the applicable bylaws for each violation, and then indicate the number of Level III and secondary violations involving just the sports team(s) named in this notice for the same five-year time period.

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7. Provide the institution's overall conference affiliation, as well as the total enrollment on campus and the number of men's and women's sports sponsored.
8. Provide a statement describing the general organization and structure of the institution's intercollegiate athletics department, including the identities of those individuals in the athletics department who were responsible for the supervision of all sport programs during the previous four years.
9. State when the institution has conducted systematic reviews of NCAA and institutional regulations for its athletics department employees. Also, identify the agencies, individuals or committees responsible for these reviews and describe their responsibilities and functions.
10. Provide the following information concerning the sports programs identified in this inquiry:
 - The average number of initial and total grants-in-aid awarded during the past four academic years.
 - The number of initial and total grants-in-aid in effect for the current academic year (or upcoming academic year if the regular academic year is not in session) and the number anticipated for the following academic year.
 - The average number of official paid visits provided by the institution to prospective student-athletes during the past four years.
 - Copies of the institution's squad lists for the past four academic years.
 - Copies of the institution's media guides, either in hard copy or through electronic links, for the past four academic years.
 - A statement indicating whether the provisions of NCAA Bylaws 31.2.2.3 and 31.2.2.4 apply to the institution as a result of the involvement of student-athletes in violations noted in this inquiry.
 - A statement indicating whether the provisions of Bylaw 19.9.7-(g) apply to the institution as a result of the involvement of student-athletes in violations noted in this inquiry.
11. Consistent with Committee on Infractions IOP 4-16-2-1 Total Budget for Sport Program and 4-16-2-2 Submission of Total Budget for Sport Program, please

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submit the three previous fiscal years' total budgets for all involved sport programs. At a minimum, a sport program's total budget shall include: (1) all contractual compensation including salaries, benefits and bonuses paid by the institution or related entities for coaching, operations, administrative and support staff tied to the sport program; (2) all recruiting expenses; (3) all team travel, entertainment and meals; (4) all expenses associated with equipment, uniforms and supplies; (5) game expenses; and (6) any guarantees paid associated with the sport program.

Any additional information or comments regarding this case are welcome.