



October 17, 2016

VIA EMAIL

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

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

Dr. Jan Boxill
c/o Mr. Randall Roden
Tharrington Smith, LLP
P.O. Box 1151
Raleigh, North Carolina 27602

Ms. Deborah Crowder

Mr. Jon Duncan
Vice President of Enforcement
NCAA
P.O. Box 6222
Indianapolis, Indiana 46206

Dr. Julius Nyang'oro
c/o Mr. William J. Thomas, II
Thomas, Ferguson & Mullins, LLP
119 East Main Street
Durham, North Carolina 27701

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

To All Parties:

On October 14, 2016, the University of North Carolina, Chapel Hill submitted to Chief Hearing Officer Greg Sankey correspondence with a number of attachments. The institution asserts that it meets the good cause standard established in NCAA Bylaw 19.7.5 and Division I COI IOP 3-15 to submit information within 30 days from the hearing date. It is unclear whether the institution shared its request with all parties in the case, although it appears it may not have. Over the weekend, the chief hearing officer reviewed the request and the attached documents as a prehearing procedural issue under NCAA Bylaw 19.7.6 and COI IOP 2-6-3. The chief officer concludes that the institution has not met the good cause standard, and he will not add the October 14, 2016, material to the record. However, he approves the institution submitting up to a 10-page targeted and synthesized submission by close of business on Wednesday, October 19, 2016. If the institution chooses to provide the submission, it must be provided to all parties. All parties shall have until Friday, October 21, 2016, to submit any response in a similar format and provide it to all parties.

The chief hearing officer believes the facts and timing support a modified approach here. The institution asserts that it meets the good cause requirement established by NCAA Bylaw 19.7.5 and COI IOP 3-15 because it did not learn of the procedural hearing until 32 days prior to the October 28, 2016, procedural hearing date. But it was the institution that raised its procedural claims at the time it filed its Response to the Amended Notice of Allegations on August 1, 2016. The information in the October 14 submission was known to the institution then. Whether the panel chose to have a single

N a t i o n a l C o l l e g i a t e A t h l e t i c A s s o c i a t i o n

Supporting student-athlete success on the field, in the classroom and for life

Equal Opportunity/Affirmative Action Employer

hearing that addressed procedural and substantive issues or chose to address the procedural issues first, does not change the institution's underlying procedural arguments or that it had the opportunity to supply information at the time of its response. Moreover, COI IOP 3-15 indicates that a party cannot meet the good cause standard by "restatement of previously made arguments." The chief hearing officer concludes that much of the information appears to restate arguments the institution has made in its response. Some of the information could relate to the substance of the case (e.g., citation to certain transcripts), which the panel will not address at the procedural hearing. Some of the information's relevance is not apparent. However, in the interest of affording the parties a fair and efficient hearing, the chief hearing officer approves a modified submission.

The institution shall have the opportunity to submit a supplemental response that complies with four limitations: (1) limits information to what is relevant to the panel addressing arguments at the procedural hearing; (2) expressly identifies how that information is relevant to the procedural hearing; (3) efficiently synthesizes and captures the information by providing timelines, other charts or overviews of the information as it relates to the procedural arguments; and (4) where practicable, limits the inclusion of information that appears to relate more to whether violations occurred. This process affords the institution the opportunity to convey information relevant to the procedural hearing but does not provide redundant and unclear information to the panel. The institution must provide any supplemental response in this format to all other parties and submit to COI@ncaa.org by close of business on October 19, 2016. Any other party who wishes to respond may provide a supplemental response in this format to all other parties and submit to the same email address by close of business on Friday, October 21, 2016. If the submissions comport with these requirements, the chief hearing officer will add them to the procedural hearing record, which focuses only on the institution's procedural arguments.

You are reminded that NCAA Bylaw 19.01.3 requires that all infractions-related information such as location, date/time, panel identification and involved parties remain confidential throughout the infractions process. *See also* COI IOP 4-1 Confidentiality.

Sincerely,



Joel D. McGormley, Managing Director
NCAA Office of the Committees on Infractions

JDM:cad

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