



April 14, 2017

CORRECTED

VIA EMAIL

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

To All Parties:

Over the last several weeks, the parties have sent correspondence to the enforcement staff, copying me and the Office of the Committees on Infractions (OCOI). Additional correspondence was sent directly to me in my role as Chair of the Division I Committee on Infractions (COI). These letters raise certain claims, among others, about the process and my role as the COI Chair and Chief Hearing Officer (CHO) in this case. Some correspondence includes misstatements of fact. The enforcement staff has also responded to certain process-related assertions. Finally, there are outstanding issues of timing regarding an interview of Ms. Crowder, the deadline for responses and the timing of the hearing. I will address each of these issues in turn and remind the parties of their obligation to abide by confidentiality.

For more than 60 years, peer review has been the cornerstone of the NCAA infractions process. This infractions process was developed and approved by the NCAA membership. Further, as recently as 2012, the membership reaffirmed this model and specifically identified conference representatives as a desired category of COI membership pursuant to NCAA Bylaw 19.3.1-(d). The membership has identified no limitation on a conference representative sitting as the Chair of the full COI or a CHO for any given case.

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Moreover, regarding my role as Chair of the COI, the NCAA Division I Board of Directors approved my appointment to this role pursuant to Bylaw 19.3.1. Regarding case-specific conflicts of interest, the membership anticipated that concern in Bylaw 19.3.4. My conference affiliation within a peer review model does not create a direct conflict or the appearance of partiality.

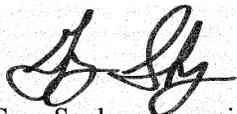
Although a party in the infractions process may raise a conflict of interest concern, there is no requirement that a COI member directly refute allegations of the appearance of partiality. However, I reaffirm the panel's and my commitment to fairly decide this case. Misstatements of fact (e.g., that the panel directed the enforcement staff to change allegations, that the panel is somehow conflicted or that I previously investigated a Southeastern Conference institution on an academic matter) included in some of these letters do not change this commitment to impartiality. The panel, including me, will hear and decide this case based on the case record and the membership's bylaws.

The COI will hear the case in August. Based on anticipated hearing dates of August 16 and 17, 2017, the parties' responses to the second amended notice of allegations (ANOVA) will be due May 16, 2017, which results in roughly a two-month extension, exceeding the institution's 30-day extension request. The enforcement staff's procedural documents will be due July 17, 2017. The parties should conduct Ms. Crowder's interview over the next several weeks in order to meet that schedule. There will be no further delays, and the case will be heard on this schedule.

Finally, Bylaw 19.01.3 requires that all infractions-related information remain confidential throughout the infractions process. The panel will continue to monitor the parties' compliance with this requirement and, if necessary, address any failures at the upcoming infractions hearing. Again, the panel will hear and decide this case within the infractions process, based on the case record. The panel will not decide this case by public comment on confidential or incomplete information.

If you have any questions regarding this matter, please contact Joel D. McGormley, managing director at (317-917-6774) [jmcgormley@ncaa.org](mailto:jmcgormley@ncaa.org) or Matt Mikrut, associate director, at (317-917-6838) [mmikrut@ncaa.org](mailto:mmikrut@ncaa.org).

Sincerely,



Greg Sankey, Commissioner  
Southeastern Conference  
Chair  
NCAA Office of the Committees on Infractions

GS: jdm

cc: Commissioner John Swofford  
NCAA Division I Committee on Infractions Panel Members  
Selected NCAA Staff Members