

May 12, 2017

VIA ELECTRONIC MAIL

Mr. Greg Sankey
Chair, NCAA Division I Committee on Infractions
P.O. Box 6222
Indianapolis, IN 46206-6222

Re: *University of North Carolina, Chapel Hill — Case No. 00231*

Dear Chairman Sankey:

On Wednesday, May 10, 2017, the enforcement staff, University outside counsel and Randall Roden, counsel for Jan Boxill, interviewed Deborah Crowder in Chapel Hill, North Carolina. Ms. Crowder testified for more than five hours and responded to each and every question that she was asked by each of the parties, on subjects that are at the heart of this case.

Among other things, Ms. Crowder testified that the courses at issue were not created for student-athletes; were available to all students; and were not managed in such a way that student-athletes had access to them at a disproportionately higher rate than non-athlete students. She further testified that she treated all students the same and that grades were assigned according to standards provided by Professor Nyang'oro without regard to whether a student was also an athlete. Ms. Crowder rejected any notion that she and Professor Nyang'oro had delegated academic responsibilities to ASPSA academic advisors or the Department of Athletics, or that people in those departments leveraged relationships with her or Professor Nyang'oro to the advantage of student-athletes. She also confirmed that there was no policy in place at the University that would have prohibited Professor Nyang'oro from delegating responsibility to her in the manner that he did or from allowing her to exercise the authority that she did. She testified that she had no intent to violate any NCAA regulation and does not believe that she ever did.

The University found Ms. Crowder's testimony to be credible and consistent with the record. Following the interview, the enforcement staff's leadership informed the

University that the staff needed to assess her credibility and follow up on some emails to evaluate how they squared with her testimony.

All of this evidence was unavailable to the staff and each of the parties before Wednesday.

In its November 28, 2016 decision to all parties, the Panel requested that the staff review whether the allegations in this matter are alleged in a fashion that will permit the Panel to best decide the case. In response to that request, and in light of the fact that at that time Ms. Crowder had not given an interview, in December 2016, the staff issued a Second Amended Notice of Allegations on the factual record as it then existed. Again, this was without the benefit of Ms. Crowder's testimony, and included her failure to cooperate as an element of the basis of the new allegations. Now that she has testified, prudence dictates that the staff should have an opportunity to review the current allegations in light of the complete factual record as the Panel requested in its November 28 decision. Ms. Crowder's testimony, and the ability of the staff to conclude that her testimony is credible, should now be taken into consideration, just as her failure to cooperate was earlier. This important element of the investigative effort and the testimony that she provided should affect the drafting of the allegations as they are brought for the Panel's consideration.

In this regard, the current deadline for the University to respond to the Second Amended Notice of Allegations is May 16, 2017. Due to reasonable scheduling difficulties, Ms. Crowder's interview occurred less than a week before that deadline. At this point, no official transcript is available, and we do not know if a transcript will be available in time for it to be used in the Response. The fact that this weekend is graduation weekend at the University further complicates the availability of University officials to evaluate any changes that would need to be made with respect to Ms. Crowder's testimony.

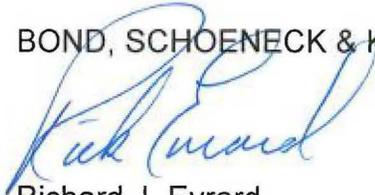
In light of the timing of Ms. Crowder's interview, and the significance of her testimony, the University requests a reasonable adjustment to the briefing schedule that will permit the staff to carry out the review that the Panel suggested in its November decision. Additionally, if no adjustment to the Second Amended Notice of Allegations is made by the staff then, in order for the institution and the involved parties to have a reasonable opportunity to incorporate Ms. Crowder's testimony into their responses in a clear and cogent manner, we respectfully request a one-week addition to the deadline for the University's Response.

Mr. Greg Sankey
May 12, 2017
Page 3

Messrs. Abrams and Roden support the University's request. The enforcement staff has indicated that it takes a neutral position on the institution's request. Mr. Thomas has not responded to the University's request for his position on this matter.

Sincerely,

BOND, SCHOENECK & KING, PLLC



Richard J. Evrard

RJE/gm

cc: Mr. Elliot Abrams
Mr. Tom Hosty
Mr. Steve Keadey
Mr. Bob Kirchner
Mr. Scott Lassar
Mr. Joel McGormley
Mr. Mark Merritt
Mr. Randall Roden
Mr. Todd Shumaker
Ms. Kathy Sulentic
Mr. William Thomas