



May 23, 2017

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

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

Dear Chancellor Folt:

On May 16, 2017, the institution filed its response to the second amended notice of allegations (ANOA). The response consisted of approximately 2,500 pages, roughly 2,400 of which were attachments. The response did not comply with either the NCAA Division I Committee on Infractions' (COI's) page limitation or the COI's caution to not abuse the use of attachments. After a post-submission request from the institution to exceed the response page limitation, I accept the response into the record with a caution for future submissions. Although noncompliant, accepting the submission keeps this case on the timeline set by the panel and avoids further delay by the parties.

Division I COI Internal Operating Procedure 3-13-3 sets the page limitation for responses at 50 pages. It also cautions parties not to abuse the use attachments. At the time of its submission, the institution had not requested leave to exceed the 50-page requirement. On May 18, 2017, at my direction, the Office of the Committees on Infractions (OCOI) informed counsel for the institution that it did not have a request to exceed the page limitation on file. Later that day, the institution submitted an email requesting a page extension and informing the OCOI that counsel for Ms. Crowder did not object. The following day, counsel for the institution informed the OCOI that the enforcement staff did not believe a lengthy extension was necessary but deferred to the chief hearing officer. Counsel also informed the OCOI that Ms. Boxill's counsel did not object. Neither the bylaws nor the IOPs contemplate procedural submissions totaling hundreds, and in this instance thousands, of pages. Such submissions do not facilitate the panel's preparation, particularly when such submissions duplicate Factual Information (FIs) in their entirety rather than identifying the most pertinent portions. Regardless, pursuant to COI IOP 3-13-3-1, I grant the institution's request and accept the response into the record.

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

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I note, however, that in its response to the second ANOA the institution indicates its intention to file a supplemental response. Given the total length of its response to the second ANOA, any supplemental response shall be **limited to no more than 30 pages, including attachments**. Also, in considering fairness to all parties and to ensure that the panel has adequate time to prepare for the August hearing, any supplemental response must be submitted by **June 17, 2017**. This deadline provides the institution with sufficient time to complete its supplemental response and provides the enforcement staff with adequate time to incorporate the institution's full position into its written reply. It also avoids the potential for multiple supplemental submissions, while protecting the panel's preparation time.

NCAA Bylaw 19 contemplates a structured response and reply period that preserves adequate time for the panel to review parties' statements and the full record in preparation of an infractions hearing. It does not anticipate an extended period of rebuttal. Pursuant to Bylaw 19.7.5 and COI IOP 3-15, supplemental written materials are intended for parties to address newly developed information. They are not intended to be an extended response.

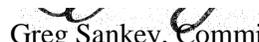
Finally, Bylaw 19.01.3 requires that all infractions-related information remain confidential throughout the infractions process. The panel remains concerned about the past and continuing release of confidential case information. With its response, the institution attaches only a portion of the record it wants to highlight, including unofficial transcripts. While expansive, this represents select information from the entire record before the panel. The panel assesses relevancy, materiality and weight of information contained in the entire record when it decides infractions cases.

The panel will continue to monitor the parties' compliance with confidentiality 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 or Matt Mikrut, associate director, at (317/917-6838) mmikrut@ncaa.org.

Sincerely,




Greg Sankey, Commissioner
Southeastern Conference
Chair
NCAA Division I Committee on Infractions

GS: mjm

cc: Ms. Jan Boxill (c/o Mr. Randall Roden)
Ms. Deborah Crowder (c/o Mr. Elliott S. Abrams)
Mr. Julius Nyang'oro (c/o Mr. William J. Thomas II)
Commissioner John Swofford
NCAA Division I Committee on Infractions Panel Members
Selected NCAA Staff Members