



March 13, 2017

CONFIDENTIAL/VIA EMAIL

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Mr. Greg Sankey  
c/o Joel McGormley  
NCAA, Office of the Committees on  
Infractions  
P.O. Box 6222  
Indianapolis, Indiana 46206

Chancellor Carol Folt  
University of North Carolina, Chapel Hill  
c/o Mr. Rick Evrard  
Bond, Schoeneck & King  
7500 College Boulevard, Suite 910  
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Dr. Jan Boxill  
c/o Mr. Randall Roden  
Tharrington Smith, LLP  
P.O. Box 1151  
Raleigh, North Carolina 27602

Ms. Deborah Crowder  
c/o Mr. Elliot S. Abrams  
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P.O. Box 1029  
Raleigh, North Carolina 27609

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.

Dear Mr. Sankey,

In response to your March 10, 2017, letter, the NCAA enforcement staff contacted the parties and proposed the following: The institution and the involved individuals would submit their responses to the Second Amended Notice of Allegations by March 20, 2017. The enforcement staff would submit its written reply by May 12, 2017. Additionally, the enforcement staff would work with the parties to interview Ms. Deborah Crowder on or before March 20, 2017 (consistent with Committee on Infractions Internal Operating Procedure 3-12-1). If the institution or any involved individual needed to submit amended materials in light of Ms. Crowder's interview, each could do so on or before May 12, 2017. This would allow all parties time to provide hearing panel members full information while also preserving the scheduled June hearing.

The parties' reactions to this proposal are as follows:

National Collegiate Athletic Association

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

Equal Opportunity/Affirmative Action Employer

Institution:

The University is pleased that Ms. Crowder is willing to participate in the disposition of this case. Despite the late hour in which she has made this decision, the University believes it is appropriate for her to fully participate and cooperate per NCAA Bylaw 19.2.3. The Second Amended Notice of Allegations includes many allegations regarding her conduct. Much of the University's response has been built around the available evidence that relates to the behavior of Ms. Crowder. Having the opportunity to interview her will assist the University in providing a more accurate and complete response to the Second Amended Notice of Allegations, and will give the opportunity to the committee to have a thorough review of the facts. In that regard, the University believes that if Ms. Crowder interviews with the enforcement staff, University and Ms. Boxill, that the University will need additional time to evaluate her statements and to determine how it may affect its Response. Also, based on Ms. Crowder's statements, additional investigation might be warranted. In light of these developments, the University proposes that the enforcement staff invoke the provisions of Div. I COI IOP 3-12-3-2 (Reopening Investigation and New Allegations) and request to reopen the investigation until the information that Ms. Crowder provides can be properly evaluated and followed up on.

Dr. Jan Boxill:

On behalf of Dr. Boxill, we object to your proposed timetable for the following reasons:

1. The unexpected appearance of Deborah Crowder as a participant is potentially very important to this case. She is virtually the only person with first hand knowledge of many events in question. We believe we are entitled to know what she will say before being required to submit our Response to the NCAA allegations. The current proposal to supplement the record after the fact does not solve the problem of needing to know the evidence and evaluate it prior to creating the record for the hearing.
2. The Committee's decision to include the Wainstein Report in its entirety is an additional burden in preparing a proper Response and is an additional reason why it is critical to hear from Debby Crowder before the record is set.
3. We have just received at least 25,000 unsearchable emails from UNC that need to be reviewed somehow, even though all the useful information has been redacted. It will not be possible to accomplish that and prepare a written Response in the same time period.
4. I will be out of the country from May 12 to June 1, 2017, and the proposed schedule will impose a severe hardship on our ability to prepare for the hearing.

Ms. Deborah Crowder:

As you may know, we don't yet have access to the investigative file. I anticipate that it is voluminous, however. Therefore, while we are committed to a working quickly to get up to speed, I don't believe a March 20 date for an interview is likely—and it may well be impossible.

It may be beneficial to inform Chairman Sankey that your office will be providing us access to the material shortly and that, once we have an opportunity to take a look at the volume and its accessibility, etc., we will discuss an anticipated date for an interview.

Dr. Julius Nyang'oro:

No response from attorney Mr. William Thomas.

The enforcement staff does not believe it is necessary or advisable to delay resolution of this matter further, especially in light of the substantive affidavit and response already provided by Ms. Crowder and her counsel. To that end, the enforcement staff is prepared to take all reasonable steps to develop any probative information from Ms. Crowder, and also to provide all parties with time to share their respective positions about Ms. Crowder's information with the hearing panel. However, we were unable to reach agreement on a briefing schedule. Further, we are still coordinating an interview with Ms. Crowder. We look forward to direction from the hearing panel regarding how to proceed.

Sincerely,



Tom Hosty  
Director of Enforcement

TCH:hlm

cc: Selected NCAA Staff Members