

**The University of North Carolina  
at Chapel Hill**

**Response to Notice of Allegations**

**Case Number M357**

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## **INTRODUCTION**

The University of North Carolina at Chapel Hill (the “University”) has had a long-standing reputation as a leader in higher education that began when it first opened its doors for students in 1795 as the nation’s first public university. In the area of athletics, we have long prided ourselves on a commitment to NCAA rules compliance, and our record is evidence of that commitment. Our only appearance before the NCAA’s Committee on Infractions (the “Committee”) took place more than 50 years ago. Before this investigation, we had never had a major infraction in the football program. These facts make the allegations in this case all the more disappointing for an institution where NCAA compliance has been not only a proud tradition, but a cultural norm.

The University acknowledges, however, that despite our efforts and expectations, major violations occurred in the football program. These violations resulted from poor decisions by some student-athletes and former University employees. We understand the serious nature of these violations, and we have responded to them in a manner consistent with our long-standing commitment to NCAA compliance. We accept responsibility for these violations and have self-imposed significant penalties as a result.

## **BACKGROUND**

From the outset, the University joined the NCAA as a full partner in the investigation. It addressed the issues raised by the investigation directly and made tough decisions. It withheld from competition 13 football student-athletes in its first game of the 2010 season. Four of these student-athletes never again competed for the University. Two days after the first game, the University requested and received the resignation of an assistant football coach. As the

investigation proceeded, the University disassociated a former student-athlete and a former part-time student tutor and academic mentor as a result of their involvement in rules violations.

These violations occurred at a time when the University believed it had an effective NCAA compliance program. The University has responded to these events with multiple enhancements to its compliance efforts. It has implemented corrective actions to reinforce its commitment to compliance and to minimize the chance that violations will occur in the future.

The investigation began in June 2010, when the enforcement staff notified the University of information it had obtained that suggested several football student-athletes had received impermissible extra benefits. The University worked jointly with the enforcement staff in July and August 2010 to investigate possible rules violations. The investigation cast a wide net and included interviews of student-athletes, institutional staff members, and witnesses outside the University. The University and enforcement staff concluded that several football student-athletes had received impermissible benefits in violation of NCAA bylaws governing agents, runners, and preferential treatment. Some of the violations involved trips taken by student-athletes during breaks in the academic year, such as spring break or before summer school. Other violations involved benefits provided closer to campus and without the University's knowledge.

Early in the investigation into the possible provision of extra benefits, the University discovered and self-reported issues related to a former part-time tutor and academic mentor that now are among the allegations before the Committee. The enforcement staff directed the University to investigate these academic issues initially on its own, before joining the institution as part of a joint investigative team. This approach illustrates the degree of cooperation and trust between the University and the enforcement staff that continued throughout the investigation.

The University believes, by virtue of remarks from the enforcement staff, that its participation fully met, and perhaps exceeded, the expectations embodied in the cooperative principle set forth in NCAA bylaws and practiced by member institutions.

In July 2010, the University discovered information that suggested Jennifer Wiley, had provided impermissible help in the form of free tutoring services to several football student-athletes

the University specifically instructed her that she should not tutor or provide benefits of any type to any student-athlete. Wiley did not follow these instructions.

Upon this discovery, the University expanded its 2010 investigation of Wiley's conduct to include sports other than football

Wiley did not write papers for the student-athletes She did, however, edit papers the student-athletes sent her – correcting spelling and grammar mistakes and adding a few sentences

Wiley

She knew or should have known that the assistance she provided, though limited in scope, violated NCAA legislation. The joint investigation indicated that Wiley's violations, while admittedly serious and major in nature, were limited to football student-athletes.

As a result of the investigation into impermissible benefits and academic issues, the University withheld 13 football student-athletes from its first football contest in 2010. Four of these 13 never again competed for the University, and others missed a substantial part of the 2010 season. The University subsequently uncovered evidence that indicated at least one football student-athlete competed while ineligible during the 2008, 2009 and part of the 2010 seasons.

The joint investigation also revealed that then-assistant football coach John Blake had undisclosed dealings with a now-deceased sports agent, Gary Wichard. Blake failed to inform the University that, during his employment with the University, Wichard provided him financial assistance. Prior to the investigation, the University had no notice of this assistance or the extent of Blake's relationship with Wichard. Shortly after learning of the financial assistance, the University requested Blake's resignation. Blake resigned on September 5, 2010, two days after the first game of the 2010 season.

The violations in this case resulted from poor decisions by several student-athletes, a former student tutor, and a former assistant football coach. The University believes that nearly all of those decisions were made despite knowledge that they violated NCAA rules. The University believes that, with regard to nearly every violation, at least one person – and often all of the people – involved had received rules education that either identified the conduct now at issue as impermissible (such as improper academic assistance), or should have prompted the person to ask the Department of Athletics' Compliance Office ("Compliance Office") for guidance prior to acting (such as accepting benefits from former student-athletes). Such violations can occur at any institution, no matter how extensive its rules education and monitoring programs might be.

This fact does not diminish, however, the University's responsibility for these violations. The investigation did reveal that, in hindsight and with enhanced monitoring, the University could have taken additional steps that might have discouraged some of the people involved from committing some of the extra benefit violations or led to their discovery at an earlier date. The University accepts that responsibility, as discussed in Allegation No. 9(a) and (c). Despite these missed opportunities, the enforcement staff correctly concluded that the University neither knew nor should have known about the majority of the student-athlete extra benefit violations at the time they occurred. The same is true with regard to the violations involving [redacted] and former assistant football coach John Blake.

The University notes, however, that significant mitigating evidence applies to the student-athlete extra benefit violations. With regard to the University's monitoring of former University student-athlete Chris Hawkins (Allegation No. 9(a)), for example, the University's shortcomings must be viewed in light of the circumstances known at the relevant time. Hawkins presence on campus raised no red flags. The University did not view him as someone who required special monitoring because he used the University's weight room as the close friend and training partner of former University student-athlete (and then NFL player) Willie Parker. The University has for many years allowed former student-athletes to train in University facilities, a practice common at institutions across the country. None of the staff members knew, prior to the joint investigation, that Hawkins impermissibly socialized with current student-athletes away from campus. These issues are discussed in detail in the University's response to Allegation No. 9(a).

The investigation also confirmed many of the strengths of the University's compliance program. The University's extensive rules education program touched on virtually every issue in

this case; the student-athletes and employees received regular rules education that conduct of the kind that occurred here violated NCAA bylaws. The University had appropriate monitoring systems in place during the relevant times.

The University realizes, however, that rules education and monitoring programs are not static. They must be evaluated and enhanced to meet changing conditions and new issues – particularly issues related in any way to major violations. The University has further strengthened both its rules education and monitoring programs based upon the lessons learned during this investigation. These changes are discussed in the corrective action section in response to Question 11 below.

The University is embarrassed and disappointed by these violations. It has attempted to respond in an appropriate and timely manner to the issues it confronted, student-athlete eligibility and employment decisions among them. The University has taken the same approach with regard to self-imposed penalties. It understands and acknowledges it is responsible for and Blake's conduct that violated bylaws with institutional implications. As a result, the University will vacate wins for the 2008 and 2009 seasons in their entirety. The University also will reduce the number of initial and total grants-in-aid as follows: (a) a reduction of three initial and total grants in aid for the 2012-2013 academic year; (b) a reduction of three initial and total grants in aid for the 2013-2014 academic year; and (c) a reduction of three initial and total grants in aid for the 2014-2015 academic year. The University also will self-impose two years of probation. Finally, the University will pay a monetary fine of \$50,000.

The University believes in the NCAA and its ideals of fairness, integrity, and accountability. We fully appreciate the serious nature of the issues before the Committee, and we accept responsibility for them. We believe we have taken the difficult but necessary steps to

address the issues identified within our football program and to move forward in a new direction consistent with our tradition of NCAA rules compliance.

**1. [NCAA Bylaws 10.1, 10.1-(b) and 14.11.1]**

It was reported that during the 2008-09 academic year and summer of 2009, then academic support center tutor, and then football student-athletes and failed to deport themselves in accordance with the generally recognized high standards of honesty and sportsmanship normally associated with the conduct and administration of intercollegiate athletics and violated provisions of ethical conduct legislation when they engaged in academic fraud. As a result of the academic fraud, competed while ineligible during the 2009 and 2010 football seasons, and competed while ineligible during the 2008 and 2009 football seasons. Specifically, provided impermissible academic assistance to and which constituted academic fraud as follows:

- a. On April 21, 2008, wrote conclusion paragraphs for five of Education course writing assignments. [NCAA Bylaws 10.1 and 10.1-(b)]
- b. During the spring and summer of 2009, provided improper academic assistance to on two occasions. On April 15, 2009, emailed an outline that included a thesis statement and other substantive material for a Communication writing assignment, which used to write the paper submitted for course credit. Further, on June 12, 2009, responded to email request from June 11, 2009, that she provide him information to add to a Communication writing assignment by sending a revised version of the draft he had sent to her to which she had made various grammatical corrections and added approximately four sentences to the approximately 2 1/2-page document. [NCAA Bylaws 10.1, 10.1-(b) and 14.11.1]
- c. During the fall of 2008 and summer of 2009, provided improper academic assistance to by composing and typing citations and works-cited pages for three of his writing assignments, making substantive changes to the body of two of the assignments and researching sources for one assignment. In November 2008, composed a works-cited page, composed and inserted citations into the body of the paper, and added words to an African studies course writing assignment regarding the . Further, in June 2009, composed a works-cited page, composed and inserted citations into the body of the paper, and added and edited content to an African Studies writing assignment regarding the . Additionally, in July 2009, composed a works-cited page, composed and inserted citations into the body of the paper, and conducted research for a Swahili writing assignment regarding the . [NCAA Bylaws 10.1, 10.1-(b) and 14.11.1]

**Please indicate whether this information is substantially correct and whether the institution agrees that violations of NCAA legislation occurred. Submit evidence to support your response.**

RESPONSE:

The University agrees that the information contained in Allegation No. 1 is substantially correct and that violations of NCAA legislation occurred. The assignments at issue in Allegation No. 1(c) were submitted to the University's Honor Court.

**Also, please provide the following:**

- a. A statement describing the means by which the institution initially became aware of this violation. Please describe the investigative efforts taken by the institution once it became aware of the matter.**

As part of the joint investigation conducted by the enforcement staff and the University regarding certain student-athletes' possible receipt of agent-related benefits in July and August 2010, the University discovered email evidence that suggested a former part-time tutor and mentor in the Academic Support Program for Student-Athletes ("ASPSA"), provided potentially impermissible academic assistance to student-athletes. The University advised the enforcement staff of its discovery. It subsequently discussed the matter with then-Director of Enforcement David Price. The University proposed a plan to investigate the issue and asked whether the enforcement staff would participate. Price advised the University to proceed with

the investigation on its own. He also indicated that a member of the enforcement staff likely would join the investigation at a later time.

Following this conversation, the University initially investigated whether academic assistance had resulted in NCAA rules violations for the football student-athletes the staff had interviewed in July 2010. It expanded the investigation, jointly with the enforcement staff, to determine whether additional student-athletes received academic assistance from that could affect their eligibility.

In addition to academic work that may have reflected improper assistance, the joint investigation examined a wide range of documents regarding ASPSA's operations, including materials that reflected the recruitment, education, and assignment of academic tutors and mentors to particular student-athletes. It encompassed the education provided to student-athletes about their use of academic mentors and tutors, and instructions provided to academic mentors and tutors about their work with student-athletes. It considered assessments submitted by football student-athletes about the performance of their academic mentors, and similar documents prepared by academic mentors to evaluate the work of the student-athletes to whom they were assigned. It gathered records of specific mentoring sessions that submitted to her supervisors as well as documents, signed and submitted by each academic mentor at the beginning and end of each semester, that were meant to convey the importance of academic integrity and identify academic violations if they occurred.

The University and enforcement staff conducted more than 60 interviews related at least in part to the receipt of impermissible academic assistance or free academic tutoring at issue in Allegation No. 1 and 2. These interviews included student-athletes, coaches, Department of Athletics administrators, current and former employees of ASPSA, and other University

employees who possessed knowledge about [redacted] or the work of ASPSA. Each interviewee was informed of his or her right to individual legal counsel for the interview. The University and enforcement staff interviewed every student-athlete, and attempted to interview every former student-athlete, whom evidence suggested may have received impermissible academic assistance from

**b. Copies of emails regarding academic work that were exchanged between [redacted] and the student-athletes identified in the allegation.**

See Exhibit 1.

**c. A statement summarizing the information reported by the student-athletes identified in this allegation relating to their involvement in academic fraud.**

[redacted] reported, and documents discovered during the University's review substantiate, that [redacted] provided [redacted] with a half-page outline that [redacted] used to organize his thoughts for a paper during the spring of 2009. The outline was not required, and it was not submitted for a grade in his Communications Studies (COMM) [redacted] course. Because the outline was not graded, [redacted] reported that he did not believe its use constituted academic fraud.

Additionally, during the summer of 2009, [redacted] sought assistance from [redacted] for a paper in his COMM [redacted] course. His emailed request was for [redacted] to provide him with additional information to include in his paper. When [redacted] returned the 2 ½ page paper, it contained three new sentences and multiple grammatical edits. [redacted] stated that [redacted] did not generally add sentences to his papers but that, because she referenced it in her email response, he most likely noticed them. [redacted] stated that he did not believe this assistance constituted academic fraud.

[redacted] stated that [redacted], his assigned tutor for two courses during his first years at the University, assisted him with citations and reference pages, sometimes typing them in the correct

format. He also stated that she helped him fix grammar and spelling issues in papers, but that she did not make such changes without first speaking with him about them. He stated that the writing throughout all of these papers was his, aside from minor corrections described above.

denied knowing that such assistance would constitute academic fraud.

failed to respond to multiple requests by the University and the enforcement staff for interviews.

**d. Transcripts of institution. August 24 and 29, 2010, interviews with the**

*See Exhibits 2 & 3.*

**e. A transcript of enforcement staff. November 3, 2010, interview with the institution and**

*See Exhibit 4.*

**f. A statement describing the organizational structure of the institution's academics support center.**

ASPSA is part of the University's College of Arts and Sciences and is one of several academic support service units at the University. Its employees are employed by the College of Arts and Sciences, and its Director reports to the Associate Dean of the College of Arts and Sciences and Director of the Center for Student Success-Academic Counseling. The Senior Associate Director of Athletics for Student-Athlete Services serves as the Department of Athletics' liaison to ASPSA. The College's Assistant Dean for Academic Advising and the Assistant Director of Athletics for Eligibility and Certification routinely participate in ASPSA staff functions. Funding for ASPSA, including tutor positions, is provided by the Department of Athletics.

ASPSA's Director provides leadership and direction to a permanent staff that consists of four associate directors, four full-time and one half-time academic counselors, two learning

specialists, and one administrative assistant, in addition to approximately 100 academic tutors and learning assistants who are employed as temporary employees. (When the events that gave rise to Allegation No. 1 occurred, ASPSA employed three associate directors and approximately 65 temporary tutors and academic mentors.) Part-time academic tutors perform their work under the supervision of full-time, permanent employees.

- g. An overview of [redacted] employment in the institution's academic support center. In this regard, please provide (1) a statement detailing [redacted] job duties as determined by the institution, (2) the dates of [redacted] employment, (3) the identities of the individuals responsible for monitoring or supervising work performance and (4) a statement detailing the reasons why [redacted] is no longer employed at the institution.**

1. Job Duties. [redacted] was employed as an undergraduate tutor and academic mentor for the football program. ASPSA tutors help student-athletes become independent, responsible, and confident learners by explaining, clarifying and answering questions, typically in group settings, about content information from various fields of academic study. ASPSA tutors also encourage students in their studies and help them with strategies within the particular academic area.

In her role as an academic mentor, [redacted] introduced student-athletes to the skills needed to become a successful student at the University. ASPSA no longer employs academic mentors. During the program's existence, however, academic mentors worked with student-athletes one-on-one to address college survival skills, as well as specific academic needs. Similarly, academic mentors provided guidance and support to their mentees, helping these students develop time management skills and otherwise supporting them as they navigated the University's academic environment.

2. Dates of Employment. [redacted] to [redacted]

3. Supervisors. Beth Bridger, Learning Specialist and Associate Director of ASPSA; Cynthia Reynolds, Associate Director of ASPSA; and Robert Mercer, Director of ASPSA.

4. Departure from ASPSA. During the time that worked as a part-time tutor and mentor, the University had no knowledge that had engaged in any form of academic misconduct. She graduated from the University in May 2009. In the summer of 2009, concerns arose that had become too close to football student-athletes socially.

**h. A statement describing all NCAA rules education provided to academic support center personnel and specifically to**

The University provided thorough rules education to ASPSA staff, including during the relevant time period, and it has continued to provide such training. Two areas of rules education are relevant to this investigation: improper academic assistance (Allegation No. 1) and extra benefits (Allegation No. 2). The rules education provided to ASPSA staff regarding extra benefits is discussed in detail in the University's response to Allegation No. 2, Question 2(1). Here, the University focuses on the rules education provided to ASPSA staff regarding improper academic assistance.

During employment, ASPSA conducted a comprehensive training program shortly before each academic year for all academic counselors, new and returning tutors, academic mentors, and study hall monitors. NCAA rules education, conducted by a member of the University's Compliance Staff, represented a significant portion of the training. The Tutor Handbook (Exhibit 5A) served as a guide for this training, which was designed to encourage dialogue and questions. Tutors who were unable to attend, and any new tutors hired after the

session, were required to receive one-on-one or small-group NCAA training from a member of the Compliance Staff and a University administrator who works with the Honor Court before they were permitted to work with student-athletes.

ASPSA staff were trained to understand the differences between permissible and impermissible academic assistance. The training included the definition of Unethical Conduct in Bylaw 10.1, and specifically the prohibitions against (1) knowing involvement in arranging fraudulent academic credit or false transcripts for prospective or enrolled student-athletes, and (2) knowing involvement in offering or providing a prospective or enrolled student-athlete an improper inducement or extra benefit, improper academic assistance or improper financial aid. The Tutor Handbook and the training session included examples to illustrate the limits of permissible academic conduct. The training session encouraged discussion of these examples and others.

ASPSA staff received clear rules to follow in their tutoring and academic mentoring activities. Some of these rules, including the definition of academic fraud, flowed directly from NCAA legislation. Others, while not directly related to violations of NCAA legislation, reflected the University's philosophy and policies regarding academic support. A representative from the University's campus-wide Writing Center provided guidance about proper ways to help students with writing. A member of the Dean of Students Office discussed unauthorized academic assistance and the University's prohibition in its Honor Code against representing another person's work as one's own. ASPSA tutors and academic mentors were instructed to report to their supervisors anything that appeared to violate University policy or NCAA rules, even if it was merely a rumor. The Tutor Handbook and the Mentor Handbook (Exhibit 5B) reinforced this instruction.

ASPSA tutors and academic mentors were trained never to do academic work for a student-athlete. They also were trained not to write on a student-athlete's paper at any time to change its content. If a grammar rule was continuously misused throughout a paper, tutors and mentors were told that it was permissible to write the rule on the paper to help student-athletes find their own mistakes in their paper. The student-athletes themselves, however, were required to write their own notes during tutoring sessions.

The Compliance Office and ASPSA staff trained tutors and academic mentors on internal policies designed to minimize the opportunity for improper academic assistance. ASPSA tutors and academic mentors were instructed that tutoring and mentoring services must occur in the Academic Support Center, under the supervision of ASPSA permanent staff. They also were trained that all papers should be reviewed in a hard copy version, and that they should never, under any circumstances, make changes on an electronic copy of a student-athlete's paper.

After this beginning-of-term training, all new and returning tutors and mentors signed the University's Academic Honesty Policy acknowledging that they received training on NCAA legislation and pledging to abide by NCAA rules governing academic fraud, impermissible assistance, and extra benefits when working with student-athletes. In addition, at the conclusion of each term, tutors and academic mentors certified in writing that their work with student-athletes during the preceding semester did, in fact, conform to these standards. As part of this certification, ASPSA asked the tutors and academic mentors whether they witnessed or committed academic fraud. Tutors and academic mentors also were required to disclose in writing whether they witnessed (or engaged in) other NCAA violations, including the giving of extra benefits.

Throughout each semester, academic mentors, including \_\_\_\_\_ were required to provide a description of each academic session they held with a football student-athlete shortly after that session concluded. An ASPSA staff member reviewed these reports daily and followed up with academic mentors as needed. In addition, academic mentors of football student-athletes met regularly with an ASPSA staff member. These sessions provided an opportunity for academic counselors and the mentor program coordinator to assess working relationships between mentors and student-athletes and to discuss how to approach particular assignments or academic challenges.

At mid-year, tutors and academic mentors received additional training from a Compliance Office staff member that was designed to facilitate dialogue between the Compliance Staff and ASPSA employees, who were invited to share their experiences from the fall semester and discuss how best to approach issues of general interest. ASPSA and the Compliance Staff also held an additional training session for tutors and mentors, including \_\_\_\_\_ dedicated specifically to academic fraud violations discovered at another institution and how to prevent such violations from occurring at the University.

The Compliance Staff augmented these training sessions throughout the year with a variety of communications about NCAA rules compliance. Permanent ASPSA staff members received additional NCAA rules education from the Compliance Staff through regular emails with pertinent rules interpretations, educational columns, monthly compliance newsletters, and rules guidance emails (called the “Ram Rules”) sent to all student-athletes and Department of Athletics staff.

- i. A statement indicating whether [redacted] was aware she was providing impermissible academic assistance to student-athletes.**

[redacted] declined multiple requests to be interviewed by the enforcement staff and the University. Accordingly, the University does not have information regarding [redacted] state of mind at the time she provided the assistance referenced in this allegation. [redacted] repeatedly received detailed rules education regarding permissible academic assistance under NCAA legislation prior to the violations at issue. The University believes that [redacted] knew or should have known that her actions as a student tutor in assisting the student-athletes listed in Allegation No. 1 were impermissible.

- j. Copies of the course descriptions and class requirements for the courses identified in this allegation. Also, include the instructor's final grade provided to the student-athletes.**

See Exhibit 6.

- k. Copies of reports issued by the institution's undergraduate honor court regarding the student-athletes identified in this allegation.**

The "Rationale for the Undergraduate Honor Court" [redacted] is attached as Exhibit 7.

The Honor Court

- l. A statement indicating whether the institution withdrew the academic credits awarded to the student-athletes identified in this allegation and the reasons for that decision. Also, indicate whether the student-athletes would have met the NCAA's satisfactory-progress requirements if the credit hours associated with the courses were removed from the student-athletes' transcripts.**

There were [redacted] courses at issue for

Honor Court

If the credit hours associated with courses identified in Allegation were removed from transcript, have met the NCAA's progress-toward-degree requirements, credit hours ( during the fall and spring semesters) going into his semester, with a GPA. If failing grades were assigned in these courses, have met the NCAA's GPA requirement, as his GPA would have been

The Honor Court

If the credit hours associated with courses identified in Allegation were removed from transcript, have met the NCAA's progress-toward-degree requirements, credit hours ( during the fall and spring semesters) going into his semester, with a GPA. if failing grades were assigned in these courses, have met the NCAA's GPA requirement with a GPA.

The Honor Court

If, the credit hours associated with the course identified in Allegation were removed from have met the NCAA's progress-toward-degree requirements, credit hours ( during the fall and spring semesters) going into his semester, with a GPA.



meeting included a presentation and discussion of academic dishonesty and the Honor Code that reiterated and reinforced information previously conveyed to incoming student-athletes during the SCORES program.

As part of their introduction to ASPSA at the beginning of each academic year, football student-athletes were instructed that any academic work they submit must be their own. They also were instructed about how to use ASPSA resources, including tutors and academic mentors, properly and in a manner consistent with NCAA rules and University policies. As described in Response No. 1(h), ASPSA employees were trained to support student-athletes in their academic work, but within boundaries designed to ensure that the student-athletes themselves prepared their own assignments.

Freshman student-athletes, like most other freshman students, were required to take at least one first-year English composition course. (Many student-athletes take as many as three such courses early in their academic careers at the University.) Instructors in this curriculum discuss plagiarism, unauthorized assistance, unauthorized collaboration, and other forms of academic dishonesty. All students in this curriculum, including student-athletes, are informed not to submit work unless they were satisfied that they have properly attributed the words, thoughts, and ideas of others. As part of their introduction to English composition, all students, including student-athletes, receive a Student Guide to English 100, 101, and 102/102i that includes a discussion of academic dishonesty, a citation exercise designed to help avoid plagiarism, and a pledge to adhere to the University's policies about academic conduct. *See* Exhibit 8.

- n. A statement indicating whether the student-athletes identified in the allegation were aware they had received fraudulent academic credits.**

and stated they were not aware that the assistance they received was impermissible and, thus, did not knowingly receive fraudulent academic credits. failed to respond to repeated requests from the University and the enforcement staff to be interviewed.

- o. Copies of all correspondence between the institution and the NCAA student-athlete reinstatement staff concerning**

See Exhibit 9.

- p. A statement indicating whether and represented the institution in intercollegiate athletics competition at the time they were ineligible to do so as a result of their involvement in academic fraud and the dates and number of contests each individual competed in while ineligible. In that regard, please indicated [sic] the level of participation for each young man in those contests (e.g. minutes played, contribution to the team by way of contests started and game statistics).**

See Exhibit 10.

- q. A statement describing the reasons the football student-athletes identified in the allegation accepted impermissible academic assistance and engaged in unethical conduct in light of NCAA legislation prohibiting such activities.**

and stated they were not aware that the assistance they received was impermissible. failed to respond to repeated requests from the University and the enforcement staff to be interviewed.

- r. A statement describing the reasons provided impermissible academic assistance to student-athletes and engaged in unethical conduct in light of NCAA rules prohibiting such activities.**

has declined repeated requests from the University and the enforcement staff to be interviewed. Accordingly, the University does not have information regarding subjective reasons for her actions. received detailed and repeated rules education regarding permissible academic assistance under NCAA legislation prior to the violations at

issue. The University believes that \_\_\_\_\_ knew or should have known that her actions as a student tutor in assisting the student-athletes listed in Allegation No. 1 were impermissible.

**2. [NCAA Bylaw 16.11.2]**

**It was reported that during the 2009-10 academic year and August 2010, Jennifer Wiley, provided approximately \$3,500 in impermissible extra benefits to football student-athletes. Specifically:**

- a. Wiley paid \$150 for an airline ticket in May 2010, and \$1,789 in parking violation expenses on August 20, 2010, for then football student-athlete**
- b. Wiley provided approximately 142 hours of free tutoring services (valued by the institution at \$11 per hour) to nine football student-athletes during the 2009-10 academic year**

**The following chart details the provision of free tutoring services:**

<b>Involved Student-Athlete</b>	<b>Hours of Tutoring Services Provided</b>	<b>Monetary Value of Tutoring Services</b>
	<b>8</b>	<b>\$88</b>
	<b>45</b>	<b>\$495</b>
	<b>13</b>	<b>\$143</b>
	<b>27</b>	<b>\$297</b>
	<b>1</b>	<b>\$11</b>
	<b>14</b>	<b>\$154</b>
	<b>10</b>	<b>\$110</b>
	<b>4</b>	<b>\$44</b>
	<b>20</b>	<b>\$220</b>
<b>TOTAL</b>	<b>142</b>	<b>\$1,562</b>

**Please indicate whether this information is substantially correct and whether the institution agrees that violations of NCAA legislation occurred. Submit evidence to support your response.**

RESPONSE:

The University agrees that the information contained in Allegation No. 2 is substantially correct and that violations of NCAA legislation occurred. The University self-reported these violations in 2010 in conjunction with multiple reinstatement requests. In addition, the University and enforcement staff agree that Wiley provided free tutoring services to student-athletes (25 hours/\$275) and (27 hours/\$297).

**Also, please provide the following:**

**a. A statement indicating when the institution learned of the violations detailed in this allegation and how the violations were discovered.**

The University learned of Wiley's payment of a \$150 airline change fee for during interview on July 12, 2010, when he indicated that Wiley paid the fee to change his return flight from a trip to sooner than originally planned.

In November 2010, the University learned that Wiley made a one-time payment in August 2010 to pay outstanding University parking tickets prior to the start of the semester. The University learned this information during a separate review of parking citations received by football student-athletes in response to media requests for records under the North Carolina Public Records Act.

The University discovered and self-reported the violations in Allegation 2(b) in August 2010 after University staff members discovered emails indicating that, she may have provided tutoring services to student-athletes at no charge. The University reported the information to the enforcement staff and subsequently interviewed the involved student-athletes starting in late August 2010. During these interviews, the University confirmed that Wiley continued to tutor several student-athletes at no charge

**b. A statement summarizing the information reported by the student-athletes identified in this allegation relating to their receipt of extra benefits.**

The student-athletes stated that Wiley provided free tutoring services

The student-athletes indicated that they did not know that to work with Wiley at no charge violated NCAA legislation.

the student-athletes viewed her as a friend who was willing to continue

assisting them

Wiley

did not request payment for these tutoring services, a fact consistent with the student-athletes' beliefs that she was assisting them solely as a friend and peer.

- c. Copies of all correspondence between the institution and the NCAA student-athlete reinstatement staff concerning restoration of eligibility for football student-athletes**

**and**

**.**

*See Exhibit 11.*

- d. A copy of the institution's November 8, 2010, self-report regarding extra benefits received by**

*See Exhibit 12.*

- e. A statement indicating whether the student-athletes identified in the allegation represented the institution in intercollegiate athletics competition at the time they were ineligible to do so as a result of their receipt of impermissible benefits and the dates and number of contests each individual competed in while ineligible. In that regard, please indicate the level of participation for each young man in those contests (e.g., minutes played, contribution to the team by way of contests started and game statistics).**

and represented the University in intercollegiate athletics competition in 2009, at a time when they were ineligible to do so as a result of their receipt of free tutoring services. Exhibit 13 details the student-athletes' levels of participation in these contests.

- f. A statement describing the identities of all athletics department staff members involved in or having knowledge of the receipt of the extra benefits by the student-athletes. Also, provide a description of this involvement or knowledge prior to, at the time of and subsequent to the receipt of these extra benefits.**

No member of the Department of Athletics staff was involved in or had knowledge of the violations listed in Allegation No. 2 prior to or at the time of the receipt of impermissible benefits. The University did not learn of the violations in Allegation No. 2 until after the joint

investigation began. The investigation produced no evidence that football administrators or coaches were aware that Wiley had provided extra benefits to student-athletes.

In April 2010, Blanchard received an anonymous report about a football student-athlete suggesting, among other issues, that Wiley had provided academic assistance to the student-athlete. Blanchard discussed the matter with Maloy and Mercer. He also informed Amy Herman, Assistant Director of Athletics for Compliance, and Senior Associate Director of Athletics for Administration Larry Gallo. Gallo, Blanchard, and Herman informed Director of Athletics Dick Baddour, who ordered an investigation.

Blanchard asked the Dean of Students Office, which originally had received the anonymous report, for information about the source. He learned that the person insisted on anonymity and would not consent to an interview. The anonymous report was discussed with football administrators.

The student-athlete was questioned three times about the allegation that Wiley had provided him with academic assistance. Football administrators and an assistant football coach interviewed the student-athlete, and the student-athlete denied the allegation. Former head football coach Butch Davis interviewed the student-athlete, who again denied wrongdoing. Gallo, Blanchard, and Herman also interviewed the student-athlete, who yet again denied the allegation and insisted that he received academic assistance only from tutors in the Academic Support Center.

As part of the investigation into agent-related benefits, the University discovered email evidence in July and August 2010 that suggested Wiley might have provided free tutoring services to student-athletes. After notifying the enforcement staff of this discovery, the University interviewed the involved student-athletes starting in late August 2010. Those interviews produced evidence about Wiley's free tutoring services for student-athletes that constituted impermissible benefits.

The University also provides the following additional information:

Airline Change Fee – Amy Herman (then-Assistant Director of Athletics for Compliance and current Associate Director of Athletics for Compliance), Larry Gallo (Senior Associate Director of Athletics for Administration), and Joanna Carey Cleveland (Associate University Counsel) were present on July 12, 2010, when [redacted] informed the enforcement staff and the University in his interview that Wiley paid his airline change fee.

Parking Tickets – The Office of University Counsel learned of this violation in November 2010 during a review of records in response to media requests for records under the North Carolina Public Records Act.

The University discovered that on August 20, 2010, Wiley used a personal credit card to make an online payment of \$1,789 for parking tickets that owed. To the best of the University's knowledge, no member of its Department of Athletics staff knew, prior to November 2010, that owed this amount or that Wiley had paid the tickets.

- g. A statement describing the relationship of Wiley to the institution and its intercollegiate athletics program. In that regard, please indicate whether Wiley**
- (1) Has participated in or is a member of an agency or organization promoting the institution's intercollegiate athletics program.** No.
- (2) Has made financial contributions to the institution, its intercollegiate athletics program or an athletics booster organization.** No.
- (3) Has a personal relationship in any manner with any current or former member of the institution's athletics programs.**

The family of former head football coach Butch Davis employed Wiley as a tutor for their son. The enforcement staff informed the University that this tutor relationship did not make Wiley a booster. Wiley had a close relationship with former football student-athlete who reported that he and Wiley were friends and stayed in regular contact. Wiley also was a friend or acquaintance of other football student-athletes.

- (4) Has been involved in any manner with the recruitment of a prospective student-athlete.** No.
- (5) Has provided benefits in any manner to any enrolled student-athletes, prospective student-athletes or their families.**

Yes, as the University previously self-reported and detailed in Allegation No. 1 and 2.

- (6) Has been involved in any manner in the promotion of the institution's intercollegiate athletics program.** No.

**Also, please indicate if the institution believes Wiley to be a representative of the institution's athletics interests and, if so, the date Wiley became a representative.**

Yes. Pursuant to Bylaw 13.02.14, Wiley became a representative of the University's athletics interests on or after August 24, 2010, when the University learned through interviews of student-athletes that Wiley had provided free tutoring services to enrolled student-athletes.

- h. A copy of Chance Miller's, NCAA assistant director of agent, gambling and amateurism activities, August 22, 2010, email to \_\_\_\_\_ attorney, \_\_\_\_\_ and \_\_\_\_\_ August 24, 2010, letter to Miller explaining that trip flight expense was paid with a credit card billed to Wiley.**

*See Exhibit 14.*

- i. Payment receipts detailing Wiley's payment of \_\_\_\_\_ parking violation expenses in August 2010.**

*See Exhibit 15.*

- j. A transcript of \_\_\_\_\_ August 3, 2010, interview with the institution and enforcement staff.**

*See Exhibit 16.*

- k. A statement describing the NCAA rules education provided to football student-athletes regarding receipt of extra benefits.**

The University is satisfied that its Compliance Office provided student-athletes, including those involved in the violations in Allegation No. 2, thorough and appropriate rules education regarding NCAA legislation that prohibits extra benefits. Football student-athletes were educated on the receipt of extra benefits through a variety of methods, using multiple forms of communication.

As part of the SCORES program, conducted during the summer prior to initial full-time enrollment to orient freshman football student-athletes to campus life, the Director of Compliance conducted an introductory NCAA rules education session with incoming football

student-athletes. This session included education regarding the definition of extra benefits, examples of impermissible benefits, and how to determine if something would be considered an extra benefit. A copy of the agenda for this meeting is attached as Exhibit 17. Additionally, the University educated football student-athletes on the eligibility ramifications should they accept impermissible benefits and encouraged them to seek clarification if they had any concerns prior to accepting a benefit offered to them.

The Compliance Staff also met with the entire football team before the start of preseason practice each year to discuss NCAA regulations, including extra benefits. Football student-athletes received information regarding the definition of an extra benefit and how to determine if a benefit is permissible. Student-athletes were encouraged to “ask before they act” upon an offer of a benefit. The team also was reminded of the “Local Business Letter” sent to area establishments to notify them of NCAA regulations that preclude student-athletes from receiving any discounted or free items or services. In addition to these measures, the Compliance Staff stressed to the student-athletes that they, themselves, ultimately were responsible for their behavior. The Compliance Staff also explained the ramifications of accepting impermissible benefits, including the loss of eligibility.

The Department of Athletics delivered rules education to student-athletes electronically using Ram Rules newsletters. The Compliance Staff sent rules education materials to student-athletes via this method multiple times throughout each academic year. Education concerning receipt of extra benefits was highlighted in this manner several times. *See* Exhibit 18. These newsletters supplemented and reinforced material in the Student-Athlete Handbook, which is available electronically for all student-athletes. The Handbook includes a section that describes NCAA regulations that student-athletes must follow to maintain amateur status. The information

regarding extra benefits includes a definition and examples of extra benefits, and a caution to student-athletes to ask a coach or athletics administrator prior to accepting any benefits to avoid eligibility problems. A copy of this page in the Student-Athlete Handbook is attached as Exhibit 19, and the complete 2010-2011 Handbook can be found at:

[http://tarheelblue.cstv.com/auto\\_pdf/p\\_hotos/s\\_schools/unc/genrel/auto\\_pdf/sa-handbook2010-11](http://tarheelblue.cstv.com/auto_pdf/p_hotos/s_schools/unc/genrel/auto_pdf/sa-handbook2010-11)

Finally, on multiple occasions throughout the academic year, the football staff invites guest speakers to speak to football student-athletes on a range of topics. In March of 2010, Tony Dungy, former head coach of the Indianapolis Colts, visited campus to speak to the team on the topic of “Being a Champion On and Off the Field.” During his lecture, Coach Dungy spoke briefly on the issue of extra benefits and encouraged the student-athletes to make the right choices while participating in intercollegiate athletics.

**I. A statement describing the NCAA rules education provided to academic support staff members regarding provision of extra benefits.**

Academic support staff members were educated on NCAA regulations, including the provision of extra benefits, through various means each year.

At the beginning of each academic year, the Compliance Office and ASPSA permanent staff conducted tutor training sessions that were mandatory for all tutors and academic mentors in ASPSA. This annual training contained extensive education on extra benefits.

Tutors and academic mentors, including \_\_\_\_\_ were trained by a member of the Compliance Staff that the actions at issue in Allegation No. 2 are impermissible under NCAA legislation. That training explained that tutors and academic mentors are prohibited from the following actions because they would constitute extra benefits:

- Writing or typing a paper for a student-athlete at no charge;
- Providing services to a student-athlete without charge;

- Making a charge on his or her credit card for a student-athlete, even with the understanding that the student-athlete will provide reimbursement; and
- Providing a loan to or paying expenses for a student-athlete, even if the student-athlete plans to repay the loan.

The training covered numerous examples, both academic and nonacademic in nature. The first example specifically confirmed that writing or typing a paper for a student-athlete is impermissible. The Compliance Staff instructed tutors and mentors that they could not provide student-athletes with pencils, pens, notebooks, or other study materials, no matter how unprepared the student-athlete may be for an academic session. Tutors and mentors were trained that they could not provide meals, lodging, or transportation expenses to student-athletes. If a student-athlete asked a tutor or mentor for such benefits, tutors and academic mentors were instructed to inform ASPSA staff, who in turn would notify the Compliance Staff. This training was reflected and reinforced in the 2008-2009, 2009-2010, and 2010-2011 Tutor Handbooks, attached as Exhibits 5A & 20. Information on extra benefits appears on pages 10-12 of the 2008-2009 Handbook, 12-14 of the 2009-2010 Handbook, and 9-10 of the 2010-2011 Handbook.

These start-of-year training sessions were attended by new and veteran employees of ASPSA, including permanent staff members and part-time tutors and academic mentors such as

In addition to this training, a Compliance Staff member regularly attended weekly ASPSA staff meetings. This practice provided routine and repeated opportunities to further educate ASPSA staff members about applicable NCAA regulations. This education included training and reinforcement of the NCAA prohibition against extra benefits such as meals, transportation, or other expenses to student-athletes.

ASPSA staff members received regular educational communications from the Compliance Staff, which include monthly newsletters regarding NCAA legislation. *See* Exhibit 21. ASPSA staff members also received Ram Rules compliance newsletters described in the University's response to Question 2(k) above.

The University specifically instructed \_\_\_\_\_ – and subsequently has instructed other departing tutors and mentors – that providing tutoring services to student-athletes after ASPSA employment ends is impermissible. ASPSA specifically informed \_\_\_\_\_ that her provision of such services could result in NCAA rules violations.

- m. A copy of a September 30, 2009, letter from Robert Mercer, director of academic support for student-athletes, and Susan Maloy, assistant athletics director for certification and eligibility, September 30, 2009, letter to Wiley regarding restrictions on providing academic assistance**

*See* Exhibit 22.

- n. A statement describing the reason Wiley provided the benefits to the student-athletes in light of NCAA legislation prohibiting such conduct.**

Wiley refused to be interviewed by the enforcement staff or the University. Accordingly, the University does not have information regarding Wiley's subjective reasons for her actions. The University specifically instructed Wiley that she should not work with student-athletes in an academic setting \_\_\_\_\_ The University is satisfied that Wiley knew that her actions as listed in Allegation No. 2 were impermissible.

**3. [NCAA Bylaws 10.1, 10.1-(a), 10.1-(c) and 19.01.3]**

**It was reported that during the period 2009 through 2011, Jennifer Wiley failed to deport herself in accordance with the generally recognized high standards of honesty and sportsmanship normally associated with the conduct and administration of intercollegiate athletics by knowingly providing nine football student-athletes with improper benefits and by refusing to furnish information relevant to an investigation of possible violations of NCAA regulations when requested to do so by the enforcement staff and institution. Specifically:**

- a. Regarding her knowing provision of improper benefits to football student-athletes, during the 2009-10 academic year and August 2010, Wiley knowingly provided the benefits detailed in Allegation No. 2. [NCAA Bylaws 10.1 and 10.1-(c)]**
- b. Regarding her refusal to cooperate, from November 2010 through mid-January 2011, Wiley or her attorneys initially did not respond to multiple attempts by the enforcement staff and institution to schedule an interview with her regarding her knowledge of or involvement in violations of NCAA legislation. Wiley's attorneys were contacted via telephone November 4, 12 and 17, and December 16, and did not return voicemail messages left at their offices, except for a November 18, 2010, voicemail message from a paralegal who stated that Wiley's attorney planned to return a voicemail message left for him later that day. Further, Wiley's attorney responded to a January 3, 2011, letter requesting an interview with Wiley in a January 19, 2011, letter stating that Wiley "has chosen not to be interviewed by the [institution] or anyone else" and that she understood that declining to be interviewed may result in a charge that she violated NCAA ethical-conduct principles. [NCAA Bylaws 10.1, 10.1-(a) and 19.01.3]**

**Please indicate whether this information is substantially correct and whether the institution agrees that violations of NCAA legislation occurred. Submit evidence to support your response.**

**RESPONSE:**

The University agrees that the information contained in Allegation No. 3 is substantially correct and that violations of NCAA legislation occurred.

**Also, please provide the following:**

- a. Copies of the enforcement staff's January 3, 2011, letter to Wiley's attorney requesting her cooperation in the investigation and Wiley's attorney's January 19, 2011, letter declining the staff's request.**

*See* Exhibit 23.

- b. A statement detailing the institution's attempts to interview Wiley and whether those attempts were successful.**

None of the University's attempts to interview Wiley was successful. From August 21-26, 2010, the University made multiple requests to Wiley and her counsel for an interview.

Wiley declined those requests.

Starting on September 1, and for the next six weeks, representatives from the Office of University Counsel left multiple voice mail messages with Wiley's counsel about the University's desire to interview Wiley. Wiley's counsel did not return any of the University's calls or other messages during this period.

On December 1, 2010, Wiley's new attorney, Joseph Cheshire, informed the University's Director of Athletics that Wiley would not consent to an interview. In a subsequent letter to the NCAA enforcement staff, Cheshire confirmed that Wiley would not consent to an interview.

**4. [NCAA Bylaws 12.1.2.1.6 and 12.3.1.2]**

**It was reported that during 2009 and 2010, seven football student athletes received \$27,097.38 in benefits from individuals, some of whom trigger NCAA agent legislation. The benefits were provided to (\$13,507.47), (\$5,642.92), (\$5,040.20), (\$1,396.54), (\$1,320.75), (\$135) and (\$54.50). Specifically:**

**a. Regarding benefits provided to**

<b>Description of Benefit</b>	<b>Monetary Value</b>	<b>Provider</b>	<b>Date/Location Provided</b>	<b>Type of Benefit</b>
	\$1,260.29	Gary Wichard, Pro Tect Management	2009	12.3.1.2
	\$1,000	Wichard	2009	12.3.1.2
	\$420	Wichard	2009	12.3.1.2
	\$357.80	Todd Stewart, Pro Sports Financial	2009	12.3.1.2
	\$1,802.08	Wichard	2009	12.3.1.2
	\$600	Wichard	2009	12.3.1.2
	\$488.80	Stewart	2010	12.3.1.2
	\$774	Stewart	2010	12.3.1.2
	\$89	Stewart	2010	12.3.1.2
	\$10	Stewart	2010	12.3.1.2

Description of Benefit	Monetary Value	Provider	Date/Location Provided	Type of Benefit
	\$299.40	Stewart	2010	12.3.1.2
	\$477.80	Stewart	2010	12.3.1.2
	\$474	Stewart	2010	12.3.1.2
	\$175	Stewart	2010	12.3.1.2
	\$200	Stewart	2010	12.3.1.2
	\$905.90	Stewart	2010	12.3.1.2
	\$258	Stewart	2010	12.3.1.2
	\$1,000	Stewart	2010	12.3.1.2
	\$2,000	Kentwan Balmer, former North Carolina football student-athlete	2010	12.1.2.1.6
<b>TOTAL</b>	<b>\$13,507.47</b>			

**b. Regarding benefits provided to**

Description of Benefit	Monetary Value	Provider	Date/Location Provided	Type of Benefit
	\$5,000	A.J. Mosciato, jeweler	2010	12.1.2.1.6

		jeweler		
	\$266	Willie [last name unknown]	2010	12.1.2.1.6
	\$57.92	Willie [last name unknown]	2010	12.1.2.1.6
	\$120	Various financial advisors	2010	12.3.1.2
	\$199	Michael Katz, Rosenhaus Sports	2010	12.3.1.2
<b>TOTAL</b>	<b>\$5,642.92</b>			

**c. Regarding benefits provided to**

Description of Benefit	Monetary Value	Provider	Date/Location Provided	Type of Benefit
	\$375	Hakeem Nicks, former North Carolina football student-athlete	2010	12.1.2.1.6
	\$1,234.70	Nicks	2010	12.1.2.1.6
	\$1,000	Nicks	2010	12.1.2.1.6
	\$579.50	Nicks	2010	12.1.2.1.6
	\$10	Stewart	2010	12.3.1.2
	\$44.50	Stewart	2010	12.3.1.2

Description of Benefit	Monetary Value	Provider	Date/Location Provided	Type of Benefit
	\$485	Stewart	2010	12.3.1.2
	\$158	Stewart	2010	12.3.1.2
	\$200	Stewart	2010	12.3.1.2
	\$175	Stewart	2010	12.3.1.2
	\$579.50	Stewart	2010	12.3.1.2
	\$199	Katz	2010	12.3.1.2
<b>TOTAL</b>	<b>\$5,040.20</b>			

**d. Regarding benefits provided to**

Description of Benefit	Monetary Value	Provider	Date/Location Provided	Type of Benefit
	\$20	Omar Brown, former North Carolina football student-athlete	2009	12.1.2.1.6
	\$82	Brown	2009	12.1.2.1.6
	\$19.25	Brown	2009	12.1.2.1.6

Description of Benefit	Monetary Value	Provider	Date/Location Provided	Type of Benefit
	\$945.87	Brown	2010	12.1.2.1.6
	\$77.42	Brown	2010	12.1.2.1.6
	\$60	Brown	2010	12.1.2.1.6
	\$152	Brown	2010	12.1.2.1.6
	\$40	Chris Hawkins, individual triggering NCAA agent legislation and former North Carolina football student-athlete	Over several years	12.3.1.2
<b>TOTAL</b>	<b>1,396.54</b>			

e. Regarding benefits provided to

Description of Benefit	Monetary Value	Provider	Date/Location Provided	Type of Benefit
	\$20	Brown	2009	12.1.2.1.6
	\$440.50	Brown	2009	12.1.2.1.6
	\$19.25	Brown	2009	12.1.2.1.6

Description of Benefit	Monetary Value	Provider	Date/Location Provided	Type of Benefit
	\$60	Mahlon Carey, former North Carolina football student-athlete	2010	12.1.2.1.6
	\$5	Carey	2010	12.1.2.1.6
	\$70	Hawkins	2010	12.3.1.2
	\$400	Hawkins	2010	12.3.1.2
	\$56	Hawkins	2010	12.3.1.2
	\$50	Hawkins	2010	12.3.1.2
	\$200	Hawkins	Over several years	12.3.1.2
<b>TOTAL</b>	<b>\$1,320.75</b>			

**f. Regarding benefits provided to**

Description of Benefit	Monetary Value	Provider	Date/Location Provided	Type of Benefit
	\$60	Carey	2010	12.1.2.1.6
	\$5	Carey	2010	12.1.2.1.6
	\$70	Hawkins	2010	12.3.1.2
<b>TOTAL</b>	<b>\$135</b>			

**g. Regarding benefits provided to**

<b>Description of Benefit</b>	<b>Monetary Value</b>	<b>Provider</b>	<b>Date/Location Provided</b>	<b>Type of Benefit</b>
	\$44.50	Stewart	2010	12.3.1.2
	\$10	Stewart	2010	12.3.1.2
<b>TOTAL</b>	<b>\$54.50</b>			

**Please indicate whether this information is substantially correct and whether the institution agrees that violations of NCAA legislation occurred. Submit evidence to support your response.**

RESPONSE:

The University agrees that the information contained in Allegation No. 4 is substantially correct and that violations of NCAA legislation occurred.<sup>1</sup>

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<sup>1</sup> The University has identified the following minor discrepancies in Allegation No. 4. In Allegation No. 4(c), the monetary value of the benefit of [in table 4(c), 6th row] should be \$89.00. In Allegation No. 4(d), the monetary value of the benefit of [in table 4(d), 2nd row] should be \$440.50. Also in Allegation No. 4(d), the monetary value of [in table 4(d), 4th row] should be \$617.37, which represents the value of [in table 4(d), 4th row] on 2010 and 2010. The student-athlete personally paid for [in table 4(d), 4th row] 2010. In Allegation 4(g), his [in table 4(g), 1st row] the monetary value of the benefit [in table 4(g), 1st row] should be \$89.00.

**Also, please provide the following:**

- a. A statement describing the means by which the institution initially became aware of this violation. Please describe the investigative efforts taken by the institution once it became aware of the matter.**

The University learned of a potential violation on June 21, 2010, when a representative of the NCAA's Agent, Gambling, and Amateurism ("AGA") staff notified the University's Compliance Staff of information that suggested several then-current football student-athletes had received impermissible extra benefits during the spring of 2010. The Compliance Staff initially gathered documents regarding the football program's handling of agent issues, pro timing day, vehicle forms, grant-in-aid files, disability insurance, and other materials in response to the enforcement staff's request for information. Members of the Athletics' Compliance Office and the Office of University Counsel met with the named student-athletes to notify them of the upcoming interviews, their obligations to participate and be forthcoming, and their right to counsel. The University also promptly formed an investigation working group, comprised of the Director of Athletics, General Counsel, and staff members from the Department of Athletics and the Office of University Counsel, to participate in the joint investigation with the enforcement staff. Members of the working group reported regularly to the Chancellor about developments in the investigation. After the University discovered email evidence that suggested Wiley had provided potentially impermissible academic assistance to student-athletes, the working group expanded to include faculty representatives and the Vice-Chancellor for Student Affairs.

At the enforcement staff's request, the University scheduled interviews of ten student-athletes on July 12-13, 2010. On July 12, members of the University working group met with Rachel Newman-Baker and Chance Miller, who outlined the information that led to their interest in specific football student-athletes. The University expressed a strong desire to investigate any

potential NCAA violations together with the staff to the extent a joint investigation was possible. The University and the enforcement staff have worked closely together in this investigation since that date. University representatives participated in interviews with witnesses affiliated with the University and, with limited exceptions as decided by the enforcement staff, witnesses outside the University as well.

In addition to participating in interviews, the University has compiled and provided numerous documents as requested by the enforcement staff. After the interviews on July 12-13, the University's Compliance Staff collected and promptly sent to the NCAA a variety of documents from those student-athletes. In addition, the University searched the email accounts of the 10 student-athletes for more than 300 search terms provided by the enforcement staff.

The NCAA staff and University representatives subsequently interviewed assistant football coaches, administrators from the football program and the Department of Athletics, several football student-athletes, and Chris Hawkins. Following the interviews, Miller complimented the University's participation and noted that it had led to a faster investigation than he had anticipated.

The working group also collected information from assistant football coach John Blake. The University searched Blake's University email account using search terms provided by Miller and requested additional information from Blake himself. On August 31, 2010, University representatives participated with the enforcement staff in a second interview with Blake. After that interview, Newman-Baker and Miller met with members of the working group and assessed the potential significance of the evidence against Blake.

Based upon the information gathered during July and August, the University determined, after consultation with the enforcement staff, that several student-athletes were potentially

ineligible as a result of receiving the impermissible benefits detailed in Allegation No. 4. Prior to the first football game of the season, the University declared the student-athletes ineligible and sought reinstatement for all but one of them. The University also requested and received Blake's resignation on September 5, 2010. The University and the enforcement staff continued to investigate the issues surrounding the violations in Allegation 4 throughout the fall of 2010.

The University and the enforcement staff conducted more than 60 interviews related, at least in part, to the violations in Allegation No. 4 and the persons involved in them. These interviews included numerous student-athletes, coaches, Department of Athletics administrators, and third parties outside the University. Many witnesses were interviewed more than once.

**b. Copies of all correspondence between the institution and NCAA student-athlete reinstatement staff concerning restoration of eligibility for**

*See Exhibit 24.*

**c. A statement summarizing information reported by and regarding their receipt of benefits.**

The student-athletes reported that they received benefits from, and took trips sponsored by, the individuals listed as "Providers" in Allegation No. 4. Specifically, the student-athletes acknowledged receipt of travel accommodations, meals, entertainment expenses, and, in some instances, cash and jewelry from a wide range of "Providers," including agents, financial advisors, and former North Carolina football student-athletes. The University acknowledges that the student-athletes should not have received these improper benefits. For purposes of assessing future penalties, however, the seriousness of these violations must be viewed in light of certain mitigating factors.

First, some of the student-athletes reported repaying various amounts of cash reimbursements to Providers upon, or shortly after, receipt of the improper benefits.

and [redacted] for example, repaid in cash or in like kind almost immediately for many of the benefits they received. *See e.g.*, Sept. 24, 2010 Reinstatement Request Letter of [redacted] (\$1,015.87 of benefits received by [redacted] was immediately repaid in cash by [redacted] to Brown or repaid in like kind to Hawkins); Sept. 24, 2010 Reinstatement Request Letter of [redacted] (\$958.50 was either repaid in cash by [redacted] to Brown and Hawkins or repaid in like kind to Hawkins).

Second, the student-athletes who received improper benefits in the form of lodging in the homes or apartments of former North Carolina football student-athletes reported that, as a result of long-standing friendships with these former student-athletes, they did not suspect that such activities would amount to the receipt of improper benefits. *See, e.g.*, Sept. 24, 2010 Reinstatement Request Letters of [redacted] and [redacted]. In this sense, their behavior amounted to unknowing participation in the receipt of improper benefits under NCAA Bylaws 12.1.2.1.6 and 12.3.1.2. It is also important to note the modest value of the improper benefits [redacted] and [redacted] received.

Finally, a small number of student-athletes provided untruthful information during their initial questioning by the enforcement staff or were not deemed to be forthcoming in their information. When given the opportunity to correct their testimony, however, these student-athletes, except one, supplemented their testimony with truthful and complete information and expressed sincere regret for failing to be truthful during their initial interviews.

**d. Transcripts of [redacted] July 12 and August 4 and 5, 2010, interviews with the institution and enforcement staff.**

*See Exhibits 25, 26 & 27.*

- e. **Transcripts of [redacted] July 12, August 4 and September 14, 2010, interviews with the institution and enforcement staff.**

*See Exhibits 28, 29 & 30.*

- f. **Transcripts of [redacted] July 12 and August 3, 2010, interviews with the institution and enforcement staff.**

*See Exhibits 31A & 31B.*

- g. **Transcripts of [redacted] July 13, August 3 and September 2, 2010, interviews with the institution and enforcement staff.**

*See Exhibits 32, 33 & 34.*

- h. **Transcripts of [redacted] July 12, August 4 and September 2, 2010, interviews with the institution and enforcement staff.**

*See Exhibits 35, 36 & 37.*

- i. **Transcripts of [redacted] July 13 and August 3, 2010, interviews with the institution and enforcement staff.**

*See Exhibits 38 & 39.*

- j. **A transcript of [redacted] July 13, 2010, interview with the institution and enforcement staff.**

*See Exhibit 40.*

- k. **A statement summarizing information reported by Stewart regarding his provision of benefits to student-athletes.**

Todd Stewart stated that he has known [redacted] since [redacted] was in middle school or high school. He stated that he made payments for airline tickets and lodging for certain student-athletes in connection with three trips to [redacted] in 2010, and that he paid for lodging on a trip to [redacted] in 2010. First, with regard to the [redacted] 2010 [redacted] trip to [redacted] Stewart stated that he paid for airline tickets on his credit card for [redacted] at the request of [redacted] an NFL player who, along with [redacted] and fellow NFL player [redacted], has maintained a long-standing friendship with [redacted] According to Stewart, [redacted] later repaid [redacted]

who, in turn, repaid Stewart. Stewart also stated that he booked a room for at the in For the 2010, trip to Stewart stated that, again at request, he paid for plane tickets for and on Stewart's credit card. With regard to the late 2010 trip to Stewart stated that he booked an airline flight for and again booked rooms at the Stewart also stated that he booked rooms for and a student-athlete at another institution at the in connection with a trip to the area. According to Stewart, repaid him for these expenses. Finally, Stewart stated that he deposited approximately \$200 on a prepaid debit card for

**1. A transcript of Stewart's August 19, 2010, interview with the institution and enforcement staff.**

*See Exhibit 41.*

**m. Copies of invoices and related checks for Todd Amis, payments to Altour travel agency for and 2009 flights to**

*See Exhibit 42.*

**n. A copy of the March 1, 2011, search warrant issued by a North Carolina Superior Court judge and accompanying application regarding Wichard's Bank of America financial accounts indicating that Wichard reimbursed Amis for flight expenses.**

*See Exhibit 43.*

**o. A copy of the receipt for 2009, stay at the listed under the name of**

*See Exhibit 44.*

**p. A copy of the receipt for 2009, stay at the**

*See Exhibit 45.*

**q. A copy of a bill issued by Proactive Sports Performance to 2009, training. regarding**

*See Exhibit 46.*

**r. Copies of flight records detailing flight expenses paid for by Stewart or Pro Sports Financial.**

*See Exhibit 47.*

**s. A statement describing NCAA rules education regarding preferential-treatment benefits and benefits from individuals triggering NCAA agent legislation that was provided to football student-athletes during the 2008-09 and 2009-10 academic years.**

The University is satisfied that its Compliance Office provided its student-athletes, including those involved in the violations in Allegation No. 4, thorough and appropriate rules education regarding NCAA agent legislation during the relevant time periods. Additionally, the University's football staff reinforced and emphasized this rules education, both in team meetings and in smaller group settings, instructing the student-athletes not to accept benefits from any agent or person affiliated with an agent. The University is satisfied that these student-athletes knew that NCAA legislation prohibited them from accepting any benefit from an agent or person affiliated with an agent.

The Compliance Staff educated football student-athletes on extra benefits and preferential treatment in the manner addressed in response to Question 2(k). Because student-athletes generally are unlikely to focus on whether an outside individual (non-institutional staff member) is a representative of the University's athletics interests, the Compliance Staff stressed to student-athletes that they should never accept a benefit from an outside individual that is not

available to the student body or the general public, regardless of the individual's identity or status. The Compliance Staff emphasized this basic tenet repeatedly in its rules education of student-athletes. The Compliance Staff also put great emphasis upon educating football student-athletes regarding agents and other individuals who trigger NCAA agent legislation.

Each year, prior to the start of preseason practice, the Compliance Staff conducted a rules education meeting with the entire football team on NCAA regulations applicable to them as student-athletes. NCAA legislation regarding agents and those acting on their behalf was an area of particular emphasis in a meeting that covered a number of topics. The staff informed the student-athletes that they are prohibited from entering into any agreement, verbal or written, with agents or financial advisors, as doing so would render them ineligible for intercollegiate competition. Additionally, the staff informed the student-athletes that they are prohibited from accepting any benefits of any kind from agents, runners, or financial advisors, as this, too, would jeopardize their eligibility.

In addition, football upperclassmen participated in the Department's annual Agent Day Seminars on August 16, 2008, May 20, 2009, and April 10, 2010 (flyers attached as Exhibit 48). Speakers at these annual events have included selected agents, financial advisors, NFL personnel, and former UNC student-athletes. Each of these individuals, from their various perspectives, educated the student-athletes on the appropriate process to select agents and financial advisor to represent their interests. These individuals, along with a Compliance Staff member, also informed the student-athletes of what types of agent/advisor interactions are permissible for student-athletes while they have intercollegiate eligibility remaining, and more importantly, which types of interactions are impermissible under NCAA legislation. The student-athletes' parents were invited to participate in the Agent Day events.

Student-athletes who attended the Agent Day Seminars received the Department of Athletics' Agent Brochure, which includes specific information on NCAA agent legislation. Copies of the 2008-2009 and 2009-2010 brochures are attached as Exhibit 49. The most recent version of the Department's Agent Brochure has been available to student-athletes at all relevant times on the Department's website, tarheelblue.com. *See* [http://tarheelblue.cstv.com/auto\\_pdf/p\\_hotos/s\\_chools/unc/genrel/auto\\_pdf/agent-brochure](http://tarheelblue.cstv.com/auto_pdf/p_hotos/s_chools/unc/genrel/auto_pdf/agent-brochure).

Moreover, as previously described in the University's response to Question 2(k), Ram Rules are educational newsletters sent on a regular basis to all student-athletes and Department of Athletics personnel. The April 23, 2009, Ram Rules (attached as Exhibit 50) specifically addressed the issue of benefits from agents and reminded student-athletes that it never is permissible to accept any type of benefit from agents.

The Student-Athlete Handbook, available electronically on tarheelblue.com for all student-athletes, includes a section that describes NCAA regulations concerning agents. A copy of this page in the Student-Athlete Handbook is attached as Exhibit 51. The complete 2010-2011 Handbook can be found at:

[http://tarheelblue.cstv.com/auto\\_pdf/p\\_hotos/s\\_chools/unc/genrel/auto\\_pdf/sa-handbook2010-](http://tarheelblue.cstv.com/auto_pdf/p_hotos/s_chools/unc/genrel/auto_pdf/sa-handbook2010-)

11. The material in the Ram Rules newsletter and Student Athlete Handbook reiterates and reinforces instructions provided directly to student-athletes by the institution's Compliance Staff.

- t. A copy of the form the institution used for monitoring the whereabouts of football student-athletes traveling away from the institution's campus during breaks and vacations. Also, please indicate the purpose of the form and identify the individuals who had responsibility for monitoring the information requested on the form.**

A copy of the Travel Notification Form is attached as Exhibit 52. During the 2008-2009 and 2009-2010 academic years, the football staff required its student-athletes to complete this

form during extended breaks during the academic or football calendar (e.g., winter break, spring break, conclusion of second session summer school) but not for weekends or other short breaks during the academic year. The primary purpose of the form was to obtain student-athletes' contact information during breaks. To complete the form, student-athletes were required to obtain the signatures of football and academic staff members, who were responsible for addressing any concerns they might have regarding the travel plans of the student-athletes.

Representatives from the following offices were required to sign the form:

- Academic Support
- Athletic Training
- Coaching Staff (Position Coach or Head Coach)
- Strength and Conditioning
- Student-Athlete Development

Student-athletes submitted completed forms to the Director of Football Student-Athlete Development, who reviewed the forms and maintained them only until the conclusion of the student-athletes' time away from campus.

- u. Copies of the completed forms monitoring the whereabouts of football student-athletes for the student-athletes identified in the allegation above for the periods in which they received the benefits detailed in the allegation. If copies of the completed forms cannot be provided, please include a statement indicating why they cannot be produced.**

Because the primary purpose of these forms was to have contact information for student-athletes who were traveling away from campus on extended breaks, the forms were discarded when the student-athletes returned to campus. Therefore, copies of the forms completed by student-athletes during the periods in which they received the benefits described in this allegation are no longer available.

**v. A statement describing the nature of all compliance and monitoring activities in the athletics department during the 2008-09 and 2009-10 academic years designed to detect and prevent the violations of NCAA legislation that occurred in the above allegation.**

The University focused first on educating student-athletes, coaches and Department of Athletics staff members on NCAA legislation that prohibits the receipt of extra benefits. The University appropriately placed particular emphasis on legislation related to sports agents, runners, and financial advisors. The University also educated student-athletes on the general principles of extra benefits and preferential treatment, so they understood they could not receive free or discounted services, goods, or benefits from any party based upon their status as student-athletes. The University has discussed these rules education efforts in detail and provided selected documents that reflect these efforts in response to Questions 2(k), 2(l), and 4(s) above.

In addition to rules education efforts, the University used the forms described in response to Question 4(t) to monitor the whereabouts of football student-athletes who traveled away from campus during extended academic calendar breaks. When the staff members responsible for approving these forms had questions about a student-athlete's plans, the staff members discussed the concerns with the student-athlete. Because of the difficulty of monitoring benefits provided to student-athletes at off-campus locations by individuals outside of the University, the Department necessarily relied in large part on its educational efforts with student-athletes to prevent violations of this nature from occurring.

Additionally, during the 2008-2009 and 2009-2010 academic years, the University closely monitored access to institutional facilities by outside individuals. The University has permitted former football student-athletes (including Kentwan Balmer, Hakeem Nicks, Omar Brown, Willie Parker, Chris Hawkins, and Mahlon Carey) to use the weight room, but such use is permitted only with the permission of departmental staff members who oversee the facility. In

this case, the University did not know that Hawkins was affiliated in any way with sports agent(s), instead viewing him as Parker’s training partner and a former student-athlete. There is no indication that the student-athletes knew Hawkins was affiliated in any way with sports agent(s) either. Other individuals unaffiliated with the University are not permitted to use the weight room or to be present in the locker room without prior administrative approval and supervision.

- w. A statement indicating whether the student-athletes identified in the allegation represented the institution in intercollegiate athletics competition at the time they were ineligible to do so as a result of their receipt of impermissible benefits and the dates and number of contests each individual competed in while ineligible. In that regard, please indicate the level of participation for each young man in those contests (e.g., minutes played, contribution to the team by way of contests started and game statistics).**

and represented the University in intercollegiate athletics competition at a time when they were ineligible to do so as a result of their receipt of impermissible benefits. Exhibit 53 details these student-athletes’ levels of participation in these contests.

- x. A statement describing the reasons why the student-athletes identified in this allegation accepted benefits prohibited by NCAA legislation.**

The student-athletes acknowledged receipt of travel accommodations, meals, entertainment expenses, and, in some instances, cash and jewelry from a wide range of “Providers,” including agents, financial advisors, and former University football student-athletes. The student-athletes stated that they accepted these benefits for one of two reasons.

First, many student-athletes stated that they repaid the Providers concurrent with, or shortly after, receipt of the improper benefits. *See e.g.*, Sept. 24, 2010, Reinstatement Request Letter of (\$1,015.87 of benefits received by was immediately repaid in cash by to Brown or repaid in like kind to Hawkins); Sept. 24, 2010, Reinstatement

Request Letter of \_\_\_\_\_ (\$958.50 was either repaid in cash by \_\_\_\_\_ to Brown and Hawkins or repaid in like kind to Hawkins). Second, many student-athletes who received improper benefits in the form of (a) lodging in the homes or apartments of former University football student-athletes, (b) wristbands at parties, and (c) travel accommodations and meals, reported that they did not suspect that such activities would amount to the receipt of improper benefits, either because of a long-standing relationship with the Provider or because of the seemingly minor value of the benefit. *See, e.g.*, Sept. 24, 2010, Reinstatement Request Letters of \_\_\_\_\_ and \_\_\_\_\_

5. [NCAA Bylaws 10.1 and 10.1-(d)]

It is alleged that on July 12 and August 4 and 5, 2010, then football student-athlete [redacted] failed to deport himself in accordance with the generally recognized high standards of honesty and sportsmanship normally associated with the conduct and administration of intercollegiate athletics by providing false and misleading information regarding his involvement in or knowledge of matters relevant to possible violations of NCAA regulations. Specifically, during interviews conducted by the institution and enforcement staff, [redacted] provided false and misleading information regarding the details of trips he had taken to the [redacted] area from [redacted] and [redacted] 2009; the [redacted] area from [redacted] and [redacted] 2010; and the [redacted] area from [redacted] 2010, which constitute the violations listed in Allegation No. 4 provided false and misleading information as follows:

- a. Regarding his trips to the [redacted] area, [redacted] produced a receipt from the [redacted] for the [redacted] 2009 trip and stated that former University of North Carolina, Chapel Hill, football student-athlete [redacted] booked and paid for his hotel and training at [redacted]. However, it subsequently was discovered that [redacted] paid hotel costs for the [redacted] and [redacted] 2009 trips with [redacted] knowledge.
- b. Regarding his trips to the [redacted] area, [redacted] stated during the July 12 and August 4 interviews that his friend and current National Football League (NFL) athlete [redacted] paid for all flights, hotels and transportation related to that trip. During his August 5 interview, [redacted] reported that he was not aware who booked or paid for his [redacted] travel but noted that he believed [redacted] then employees of [redacted] and individuals triggering NCAA agent legislation, might have booked the trip, and [redacted] paid the expenses. However, it subsequently was discovered that [redacted] paid for the flights through [redacted] with [redacted] knowledge.
- c. Regarding his trip to the [redacted] area, [redacted] originally stated that either [redacted] or [redacted] a current NFL athlete named [redacted] paid for a hotel room in the [redacted] area but later noted that he thought [redacted] or [redacted] had someone else whose identity he did not know book the room. However, it subsequently was discovered that [redacted] had booked and paid for [redacted] hotel reservation with [redacted] knowledge.

Please indicate whether this information is substantially correct and whether the institution agrees that violations of NCAA legislation occurred. Submit evidence to support your response.

RESPONSE:

The University agrees that the information contained in Allegation No. 5 is substantially correct and that violations of NCAA legislation occurred.

**Also, please provide a list of the dates [redacted] was interviewed by the institution and enforcement staff and the identities of those present for each interview.**

July 12, 2010: Rachel Newman-Baker and Chance Miller of the NCAA; Larry Gallo, Joanna Carey Cleveland, and Amy Herman from the University.

August 4, 2010: [redacted] counsel for [redacted]; Angie Cretors, Chance Miller, and Molly Richman of the NCAA; Larry Gallo, Joanna Carey Cleveland, and Amy Herman from the University; and Richard Evrard, outside counsel for the University.

August 5, 2010: [redacted] counsel for [redacted]; Angie Cretors, Chance Miller, and Molly Richman of the NCAA; Larry Gallo, Joanna Carey Cleveland, and Amy Herman from the University; and Richard Evrard, outside counsel for the University.

**6. [NCAA Bylaw 11.1.4]**

**It is alleged that from 2007 to 2010, then assistant football coach John Blake partnered with Gary Wichard, National Football League Players Association (NFLPA) certified agent, and Pro Tect Management to represent individuals in the marketing of their athletic abilities in violation of NCAA legislation. Specifically, Blake was employed and compensated by Pro Tect Management to influence football student-athletes to hire Wichard to represent them in marketing their athletic abilities and reputations.**

**Please indicate whether this information is substantially correct and whether the institution agrees that violations of NCAA legislation occurred. Submit evidence to support your response.**

RESPONSE:

The University agrees that the information contained in Allegation No. 6 is substantially correct and that violations of NCAA legislation occurred.

**Also, please provide the following:**

- a. An overview of Blake's employment at the institution. In this regard, please provide (1) a statement detailing Blake's job duties as determined by the institution, (2) the date that Blake was hired, (3) the date that Blake ceased working for the institution and (4) the identity of Blake's supervisors.**

Blake was employed as an assistant football coach from December 15, 2006, to September 5, 2010. He was supervised by former head football coach Butch Davis. Blake's duties, as assigned by the former head football coach, included associate head coach, defensive line coach, and recruiting coordinator.

- b. A copy of Blake's July 2010 credit report listing Pro Tect Management as Blake's previous employer.**

*See Exhibit 54.*

- c. A copy of the Pro Tect Management brochure identifying Blake as the organization's vice president of football operations.**

*See Exhibit 55.*

**d. A statement summarizing the information reported by Josh Luchs, former NFLPA-certified sports agent, regarding Blake's employment with Pro Tect Management.**

In his May 6, 2011, interview with the enforcement staff, Josh Luchs reported that he is a former NFLPA-certified sports agent who worked with Wichard for approximately 4½ years from 2000 to 2004. Luchs's relationship with Wichard's company ended when Luchs sued Wichard and was suspended by the NFLPA.

Luchs stated that when he began working with Wichard in 2000, Wichard, Blake, and Luchs were involved in recruiting student-athletes. According to Luchs, Blake had the title of vice-president of football operations and worked with Pro Tect Management for approximately 2½ years until he got back into coaching in mid-2002.

Luchs stated that it was his understanding that Blake continued to recruit players for Wichard after he left Pro Tect Management, but Luchs acknowledged that he had no direct evidence that Blake had done so. Blake introduced and recommended Luchs to student-athlete Ron Fields at Mississippi State and student-athletes Josh Bullocks and Daniel Bullocks at the University of Nebraska.

Although he has no personal knowledge of Blake's relationship with Wichard and Pro Tect after 2004, Luchs stated that that he believes Blake continued to recruit student-athletes for Wichard because Wichard signed players at schools where Blake coached when Wichard had not signed players at those schools previously.

**e. A statement summarizing the information reported by former University of Oklahoma football student-athlete Brian Bosworth regarding Blake's recruitment of student-athletes for Pro Tect Management.**

The enforcement staff interviewed Brian Bosworth, a former University of Oklahoma football student athlete, on March 23, 2011. According to Bosworth, Blake was a graduate

assistant at Oklahoma during the time Bosworth played there from 1983 to 1987. Bosworth stated that, following Blake's termination as head football coach at Oklahoma in 1998, it was Bosworth's understanding that Blake moved to California to partner with Wichard to recruit certain players for Pro Tect Management. Bosworth stated that he did not know if Wichard compensated Blake for his work. Bosworth also stated that Blake had relationships with former Oklahoma student-athletes Keith Jackson, Steven Alexander, and Aubrey Beavers, who played with Bosworth in the mid 1980's and signed with Wichard. Bosworth had no knowledge that Blake ever recruited any North Carolina student-athletes for Wichard.

**f. A statement summarizing the information reported by Marvin Sanders, then University of Nebraska, Lincoln (Nebraska) assistant football coach, in his January 21, 2011, interview with the enforcement staff regarding Blake's contact with then Nebraska football student-athlete Ndamukong Suh.**

The enforcement staff interviewed Marvin Sanders on January 21, 2011. Sanders reported that two independent sources – Sanders' agent, Shane Meacham, and an unidentified high school coach in Los Angeles, California – informed him that Blake had attempted to contact then-Nebraska football student-athlete Ndamukong Suh shortly after the 2008 college football season, during which time Suh was contemplating entering the NFL draft. Sanders reported that he informed Nebraska head football coach Bo Pelini about the rumors, and that Pelini instructed Sanders to contact the University of North Carolina coaching staff to ask them to refrain from contacting any Nebraska players. Sanders contacted then-linebackers coach Tommy Thigpen at the University of North Carolina and asked him to tell Blake to refrain from contacting Suh. Sanders stated he had no knowledge about whether anyone on the University of Nebraska's coaching staff confronted Suh about the rumor. Sanders also stated that he followed up with Thigpen after the initial phone call, and learned that Thigpen had relayed the message to Blake.

Sanders also noted that, during Blake's time at the University of Nebraska, Blake was Suh's primary recruiter, and Sanders believed that the two continued their friendship after Blake left.

- g. A statement describing the phone calls between Blake and Suh's sister, Ngum Suh, during November and December 2009. In this regard, please identify the date, time, duration and each phone call between Blake and Suh's family during that time period.**

See Exhibit 56.

- h. A statement describing funds deposited into Blake's Bank of America bank account from the First National Bank of Long Island. In this regard, please identify the date, amount and originator of each deposit.**

Based upon a review of bank records Blake provided to the NCAA and Blake's testimony in his August 31, 2010, interview, it appears that the following funds were deposited into Blake's Bank of America account through the First National Bank of Long Island:

- (1) A \$10,000.00 wire transfer was made to Blake on May 21, 2007, from a Pro Tect Management account at the First National Bank of Long Island, ID number ;
- (2) A \$1,000.00 wire transfer was made to Blake on June 22, 2007, from a Pro Tect Management account at the First National Bank of Long Island, ID ;
- (3) A \$2,500.00 wire transfer was made to Blake on October 25, 2007, from a Pro Tect Management account at the First National Bank of Long Island, ID ;
- (4) A \$3,000.00 wire transfer was made to Blake on December 4, 2007, from a Pro Tect Management account at the First National Bank of Long Island, ID ;
- (5) A \$45,000.00 deposit and wire transfer was made on December 26, 2007, from the First National Bank of Long Island, ID Number , to Blake's checking account. Blake's bank records indicate that the deposit related to a term loan originating with CVS Loans In Process;
- (6) A \$5,000.00 wire transfer was made to Blake on April 1, 2008, from a Pro Tect Management account at the First National Bank of Long Island, ID ;

- (7) A \$5,000.00 wire transfer was made to Blake on March 31, 2009, from a Pro Tect Management account at the First National Bank of Long Island, ID ;
- (8) A \$5,000.00 wire transfer was made to Blake on October 15, 2009 from a Pro Tect Management account at the First National Bank of Long Island, ID

**i. A chart detailing the phone contact between Blake and Wichard, between Blake and then football student-athlete and between Blake and , Todd Amis, during the periods of March 6 to 14 and July 24 to 31, 2009, when was training at Proactive Sports Performance. In this regard, please identify the date, time, duration and originator of each phone call between Blake and Wichard or**

*See Exhibit 57.*

**j. Transcripts of Blake's August 3 and 31, 2010, interviews with the institution and enforcement staff.**

*See Exhibits 58 & 59.*

**k. A statement describing the reason Blake partnered with Wichard to represent individuals in the marketing of their athletic abilities in light of NCAA legislation prohibiting such conduct.**

In his interview, Blake denied having recruited any players for Wichard or any other agent. The University has no other information regarding Blake's subjective reasons for his conduct.

**7. [NCAA Bylaw 11.2.2]**

**It is alleged that from May 2007 to October 2009, then assistant football coach John Blake did not report \$31,000 in athletically related outside income from Pro Tect Management, a sports agency representing athletes competing in the National Football League, National Basketball League and Major League Baseball. Specifically, Blake received wire transfers in amounts ranging from \$1,000 to \$10,000 from a Pro Tect Management bank account at the First National Bank of Long Island into his personal bank account on seven occasions; however, he did not provide a written account of the income to the institution, as required by NCAA legislation. The following chart details the deposits Blake received from Pro Tect Management:**

<b>Date of Deposit</b>	<b>Amount of Deposit</b>
<b>May 21, 2007</b>	<b>\$10,000</b>
<b>June 22, 2007</b>	<b>\$1,000</b>
<b>October 25, 2007</b>	<b>\$2,500</b>
<b>December 4, 2007</b>	<b>\$3,000</b>
<b>April 1, 2008</b>	<b>\$5,000</b>
<b>March 31, 2009</b>	<b>\$5,000</b>
<b>October 15, 2009</b>	<b>\$5,000</b>

**Please indicate whether this information is substantially correct and whether the institution agrees that violations of NCAA legislation occurred. Submit evidence to support your response.**

RESPONSE:

The University agrees that the information contained in Allegation No. 7 is substantially correct and that violations of NCAA legislation occurred.

**Also, please provide the following:**

- a. Copies of all outside income forms Blake submitted while employed at the institution.**

*See Exhibit 60A.*

- b. A statement describing NCAA rules education provided to Blake concerning reporting of athletically related outside income.**

In his appointment letter dated April 13, 2007, and his reappointment letters for 2008-2010, the University instructed Blake that he was required annually to receive prior written

approval from the Chancellor for all athletically related income and benefits from sources outside the University. *See* Exhibit 60B.

Additionally, pursuant to Bylaw 11.2.2, all Department of Athletics' staff members (excluding secretarial and clerical personnel) are required to provide a detailed written account annually to the University's Chancellor for all athletically-related income and benefits from sources outside the University. Information about this requirement is sent regularly to staff members to educate them on this requirement and assist in their compliance with it. *See* Exhibit 61.

**c. A statement describing the reason Blake did not provide a complete written account of his outside athletically related income as required by NCAA legislation.**

Blake did not testify regarding his reasons for failing to report those sums received from Pro Tect Management from 2007 to 2009. Blake did testify, however, that these payments were not for athletically-related activities. According to Blake, he had a long-standing personal relationship with Wichard. Blake stated that during the 2007-2009 timeframe, he incurred significant financial expenses in connection with (1) his move from Nebraska to North Carolina; (2) his father-in-law's health care issues; and (3) school tuition for his son. Blake testified that Wichard agreed to assist him with these financial issues based upon their existing personal relationship. Blake denied having ever performed athletically-related employment for Wichard or Pro Tect Management from 2007 to 2009. The University, however, expects any coach to disclose payments received from an agent.

**8. [NCAA Bylaws 10.1, 10.1-(a), 10.1-(d) and 19.01.3]**

**It is alleged that beginning in August 2010, then assistant football coach John Blake failed to deport himself in accordance with the generally recognized high standards of honesty and sportsmanship normally associated with the conduct and administration of intercollegiate athletics by refusing to furnish information relevant to an investigation of possible violations of NCAA legislation when requested to do so by the NCAA and by furnishing the NCAA and the institution false and misleading information. Specifically:**

- a. Regarding his refusal to provide information relevant to the investigation, Blake refused to provide to the institution and the enforcement staff his tax records for the years 2005 through 2010 and information regarding a \$45,000 deposit he received from the First National Bank of Long Island on December 26, 2007. The staff sent letters September 28, 2010, and March 10 and June 13, 2011, to Blake's attorney requesting these items in order to determine whether Blake listed Pro Tect Management as an employer and whether he was being compensated for acting as an agent or runner. Neither Blake nor his attorney provided the requested information. Additionally, in the June 13 letter, the staff requested an additional interview with Blake and was informed by Blake's attorney on June 13 that he would not agree to participate in an interview. [NCAA Bylaws 10.1, 10.1-(a) and 19.01.3]**
- b. Regarding his provision of false and misleading information, during his August 3 and 31, 2010, interviews with the institution and enforcement staff, Blake falsely stated that he was never employed by Pro Tect Management even though Pro Tect Management was listed as a former employer on his July 6, 2010, credit report and Blake was listed as holding the position of Pro Tect Management vice president of football operations on a brochure distributed by the agency. [NCAA Bylaws 10.1 and 10.1-(d)]**

**Please indicate whether this information is substantially correct and whether the institution agrees that violations of NCAA legislation occurred. Submit evidence to support your response.**

RESPONSE:

The University agrees that the information contained in Allegation No. 8 is substantially correct and that violations of NCAA legislation occurred.

**Also, please provide the following:**

- a. Copies of the September 28, 2010, and March 10 and June 13, 2011, letters sent to Blake by the enforcement staff requesting his cooperation in the investigation.**

*See Exhibit 62.*

- b. A list of the dates Blake was interviewed by the institution and enforcement staff and the identities of those present for each interview.**

August 3, 2010: John Blake; Chance Miller and Molly Richman of the NCAA; Larry Gallo, Joanna Carey Cleveland, and Amy Herman from the University; and Rick Evrard, outside counsel for the University.

August 31, 2010: John Blake; William Beaver and Wade Smith, counsel for Blake; Chance Miller of the NCAA; Leslie Strohm from the University; and Rick Evrard, outside counsel for the University.

**9. [NCAA Constitution 2.8.1]**

**It is alleged that during 2009 and 2010, the institution failed to adequately monitor the conduct and administration of the football program. Specifically:**

- a. During 2009 and 2010, the institution failed to properly monitor the conduct of Chris Hawkins, an individual triggering NCAA agent legislation, after allowing him access to the institutional athletics facilities at times that put him in close contact with the football program in years when the program included a large number of projected top-round picks in the National Football League draft, which led to \$886 in impermissible benefits provided by Hawkins to student-athletes, as detailed in Allegation No. 4. The institution allowed Hawkins to use practice facilities and participate in drills and one-on-one training sessions with football student-athletes without providing adequate guidance to the football student-athletes regarding permissible interactions with him.**

**RESPONSE:**

The University agrees that the information contained in Allegation No. 9(a) is substantially correct and that violations of NCAA legislation occurred. The University agrees that Chris Hawkins provided \$886 in impermissible benefits to three student-athletes as alleged in Allegation No. 4(d), (e), and (f). Based upon media reports in September 2010, after this investigation began, the University believes the University of Georgia deemed Hawkins to be an individual triggering NCAA agent legislation in connection with an unrelated student-athlete eligibility reinstatement request. The University accepts this conclusion regarding Hawkins' status for purposes of Allegation No. 9(a) but notes that, prior to this investigation, it had no notice of Hawkins' status as an individual triggering NCAA agent legislation.

The University also believes that there is significant mitigating information related to Allegation No. 9(a), as follows:

**1. The University's View of Hawkins Prior to this Investigation.**

Prior to this investigation, the University viewed Hawkins as (1) the friend and training partner of former University football student-athlete and then-NFL player Willie Parker, and (2)

a former University student-athlete himself. Hawkins was a football student-athlete at the University from 2001 to 2004 and he returned to the University with Parker, who also was a University football student-athlete from 2000 to 2003. Parker worked out on the University campus during the off-season while he was an NFL player. The University allowed Parker (and, at Parker's request, Hawkins) to use its weight room and facilities during Parker's NFL career, including 2009 and 2010. The University viewed Hawkins as Parker's former teammate, current training partner, and friend.

Importantly, Hawkins was not a random individual who appeared on campus without a reasonable explanation, or in a manner that would trigger heightened vigilance due to his presence. The University's decision to allow Parker and Hawkins to use the weight room was consistent with the University's long-standing policy of welcoming former student-athletes back to campus. As part of this policy, the University has routinely approved former student-athletes to use its weight room and athletics facilities.

Prior to this investigation, the University was unaware of any suggestion that Hawkins might be affiliated or associated with any sports agent. The University did not know and had no reason to know that Hawkins might engage in the improper conduct now at issue. With the benefit of hindsight and additional information, including the information learned in September 2010 that Hawkins provided impermissible benefits to a football student-athlete at the University of Georgia, the University acknowledged the need to disassociate Hawkins. At the time these violations occurred, however, the University did not view Hawkins as an individual who should be precluded from having any contact with its student-athletes.

## **2. Hawkins' On-Campus Contacts with Football Student-Athletes.**

The University offers the following information regarding the allegation that Hawkins had “close contact” with the football program. The interviews establish that Hawkins became friends with various University football student-athletes, primarily away from the University’s facilities and off-campus. The information gathered shows that Parker and Hawkins almost always lifted weights during times when no student-athletes were present, because Parker was a well-known NFL player and wanted to avoid distractions when he trained. Hawkins occasionally participated in drills with some student-athletes (more than three years ago according to Hawkins) during off-season conditioning and training activities, but not regularly, and perhaps only a few times. To the extent these activities occurred during the voluntary summer period, NCAA legislation prohibited the University’s coaches and departmental staff members from watching or monitoring such activities. The University did not make a knowing decision to allow Hawkins to participate in drills with football student-athletes.

Hawkins was present only with Parker. Prior to this investigation, the University viewed Hawkins as a member of Parker’s group of close friends by virtue of the fact they were teammates at the University. Hawkins was viewed as a person with a legitimate reason to be on campus.

## **3. Knowledge of Department of Athletics Staff.**

Interviews with departmental staff members also serve as mitigation for this failure to monitor charge. Three Department of Athletics staff members – and – were aware of Parker’s use of the weight room and knew that Hawkins trained with Parker on campus. None of the three was aware that Hawkins socialized with or provided impermissible benefits to football student-athletes. None of the three was suspicious of

Hawkins. Each stated that he never had reason to suspect Hawkins had any affiliation with a sports agent or had provided impermissible benefits to any student-athletes.

a. \_\_\_\_\_ – \_\_\_\_\_ stated that the only people given access to the University’s weight room, other than current student-athletes, are former University football student-athletes who are professional athletes or otherwise have been approved. \_\_\_\_\_ was familiar with Hawkins and was aware of his use of the University’s weight room because of \_\_\_\_\_ and his association with Parker. \_\_\_\_\_ stated that he knew Hawkins to be a long-time acquaintance and training partner of Parker’s. \_\_\_\_\_ stated that he and Parker are close friends,

\_\_\_\_\_ stated that Parker and Hawkins “always came in when nobody else was in there. Like 99 percent of the time . . . Willie doesn’t like a lot of people around him. I mean when he’s training he doesn’t want a lot of distractions, you know. So he always came in there when it was pretty much dead time, like nobody else in there.” \_\_\_\_\_ also stated that Hawkins often did not accompany Parker when Parker used the UNC weight room.

\_\_\_\_\_ said he asked Hawkins what he did for a living. Hawkins replied that he sold jerseys, helped Parker, and planned to open a fitness facility in Atlanta. \_\_\_\_\_ said Hawkins rarely spoke to anyone other than Parker.

\_\_\_\_\_ was not asked specifically about monitoring efforts he made with respect to Hawkins. In answering other questions, however, \_\_\_\_\_ made clear that he neither observed nor heard about any contact between Hawkins and UNC student-athletes. \_\_\_\_\_ said he “had absolutely no knowledge that there was anything suspect about” Hawkins, and that he never saw Hawkins speak to UNC football student-athletes – including the three student-athletes who

received impermissible benefits from Hawkins. said that during the summer of 2010, he never saw Hawkins speak to anyone other than Parker. never heard of any UNC student-athlete “hanging out” or socializing with Hawkins. had no knowledge or notice of any UNC student-athlete receiving benefits of any type from agents or financial advisors.

b. —

during the time relevant to these allegations, has known Hawkins since Hawkins’ time as a football student-athlete at the University. was aware of Hawkins’ use of the University’s weight room to train with Parker once or twice per week during the off-season. said he asked Hawkins about his occupation, and Hawkins replied that he “takes care of Willie’s stuff.” stated that he viewed Hawkins solely as Parker’s friend, training partner, and perhaps business manager.

stated he was not aware of Hawkins’ improper conduct and had no reason to suspect that Hawkins provided any impermissible benefits to the University’s football student-athletes. stated he never saw Hawkins speaking to any current student-athlete and had no knowledge that Hawkins had social relationships with football student-athletes off-campus.

c. —

during the times relevant to these allegations,

stated he and Parker have remained friends.

said he did not know Hawkins’ occupation during the relevant time period. He heard from Parker, however, that Hawkins sold sports memorabilia, including jerseys autographed by Parker, to collectors. had no knowledge or reason to suspect that Hawkins was affiliated with any sports agents.

knew that Hawkins trained with Parker in the University's weight room, as other former student-athletes had done, but he never saw Hawkins around football student-athletes, other than when he was in the weight room working out independently. never saw Hawkins training with student-athletes. observed Parker and Hawkins perform the same running drills as football student-athletes, but they did so "off to the side" rather than with the student-athletes. stated he never suspected that Hawkins had an advisory relationship with any football student-athlete.

**b. In February through June 2010, the institution did not adequately and consistently monitor social networking activity that visibly illustrated potential amateurism violations within the football program, which delayed the institution's discovery and compounded the provision of impermissible benefits provided in Allegation Nos. 4-a, 4-c, 4-d and 4-e.**

RESPONSE:

The University does not agree that the information contained in Allegation No. 9 (b) is substantially correct or that a violation of NCAA legislation occurred.

Allegation No. 9 (b) is unprecedented. No NCAA member institution has ever been found to have violated NCAA legislation due to an alleged failure to monitor "social networking activity" of student-athletes. The NCAA constitution and bylaws are silent with respect to any alleged institutional obligation to monitor the day-to-day communications of all of its student-athletes on undefined and ever-multiplying "social networking" sites. If the Committee agrees with the enforcement staff that a member institution is required to monitor student-athlete communications on all social networking sites, the University agrees that it did not do so. The University believes, however, that for the period relevant to this Allegation, its efforts to monitor football student-athlete social network communications were consistent with the requirements of NCAA legislation and the monitoring efforts of other institutions.

The University has educated its student-athletes about their use of the most popular social networking sites, and it has used social networking to communicate with student-athletes. University personnel provided guidance to football student-athletes on the proper use of social-networking services such as Facebook and Twitter to avoid damage to the reputation of the student-athlete and the University, including but not limited to the period from February to June 2010. Student-athletes were instructed that they should only post pictures or words that were respectful. If the University was alerted to something posted that did not represent the University appropriately, the student-athlete would be asked to remove the post. Student-athletes were not, however, prohibited from using social-networking services.

In addition, during the time period relevant to this allegation, the University's \_\_\_\_\_, asked all freshmen to "friend" \_\_\_\_\_ on Facebook, not for purposes of monitoring all communications, but as a means of communicating with them more effectively. In addition, the University's \_\_\_\_\_ stated that \_\_\_\_\_ took corrective action if \_\_\_\_\_ received information about a student-athlete's inappropriate conduct on social-networking sites. No Department of Athletics staff member, however, attempted to follow all of the on-line activity of each player on the football roster.

The Department of Athletics has implemented additional policies in an effort to increase its monitoring of student-athletes' social networking activity. *See Exhibit 63* The policy provides guidelines for student-athletes pertaining to their use of various social networking sites, and it informs student-athletes of online behavior that will not be tolerated by the Department. Additionally, the policy notifies student-athletes that a coach or administrator has been assigned

to monitor sites regularly, and that sanctions for violations of the policy could include termination of athletics grant-in-aid or dismissal from the team.

**c. During 2009 and 2010, the institution failed to investigate information related to preferential treatment benefits and benefits from individuals triggering NCAA agent legislation provided to football student-athlete [redacted]. The institution did not adequately follow up on information indicating a risk of improper benefits being provided when reported by [redacted] to administrators within the football program, which led to impermissible benefits provided in Allegation No. 4**

RESPONSE:

The University agrees that the information contained in Allegation No. 9(c) is substantially correct and that violations of NCAA legislation occurred. With the benefit of hindsight, the University acknowledges that there may have been instances where, if the University had conducted additional investigation of information provided by [redacted] some of the impermissible benefits provided to [redacted] might have been prevented.

Significant mitigating factors are present, however, with regard to this allegation. First, the administrators within the football program consistently emphasized to [redacted] the importance of NCAA compliance. The administrators informed [redacted] not only that he must notify the coaching staff and obtain permission before participating in off-campus trips, but also cautioned him to “do the right thing” while on those trips.

Second, despite his knowledge of the rules regarding off-campus activities, [redacted] often failed to inform the administrators of trips. When [redacted] did inform the administrators that he planned to travel, he frequently said he was traveling home to [redacted] to visit his mother, who he said was ill. In addition to their lack of knowledge of [redacted] off-campus personal trips, the administrators stated that [redacted] did not inform them of his plans to travel to [redacted] in [redacted] and [redacted] of 2009. In fact, when [redacted] expressed his desire

outside of the football department, one football administrator told [redacted] that he must notify the coaching staff and obtain permission before doing so. This administrator emphasized that [redacted] never asked him for permission [redacted] or informed him after the fact that he had done so.

Finally, the administrators stated that they learned of [redacted] trips to [redacted] in [redacted] of 2010 only shortly before the NCAA notified the University in June 2010 of its impending investigation. At the enforcement staff's direction, the University instructed the administrators not to discuss the [redacted] trips with [redacted] or anyone else while the enforcement staff and the University conducted a joint investigation. Accordingly, any failure to monitor related to [redacted] off-campus activities in [redacted] spanned a very short time.

**Also, please provide the following:**

- a. A statement indicating when and how the institution discovered that Hawkins was involved in providing benefits to football student-athletes. Please detail any action the institution took at that time to explore whether Hawkins provided benefits to student-athletes and whether he triggered NCAA agent legislation.**

The University learned that Hawkins was involved in providing benefits to three football student-athletes in July and August 2010 during interviews conducted with the enforcement staff as part of this investigation. The University worked jointly with the enforcement staff to determine the extent of Hawkins' violations, as well as the possible reasons for his misconduct. The University disassociated Hawkins on October 4, 2010. *See* Exhibit 64.

- b. A statement summarizing information reported by Hawkins regarding the access to institutional facilities and football student-athletes that he was afforded by the institution's athletics department.**

Hawkins stated that he had trained with Parker at the University since Parker began his professional football career (five years, according to Hawkins). Hawkins stated that Parker pays

him to train with Parker. He said he gave advice to the University's football student-athletes on drills and footwork. Hawkins also stated that he participated with the University's football student-athletes (in particular, defensive backs) in "one-on-one drills . . . and pass skill work" prior to 2008 for his own training purposes, not for purposes of training the student-athletes.

- c. A statement summarizing information reported by [redacted] regarding his interactions with Hawkins and his efforts to determine Hawkins' employment or affiliation with Willie Parker, a former football student-athlete at the institution and a current National Football League athlete.**

*See* Response to Allegation No. 9(a).

- d. A statement summarizing information reported by Marvin Sanders, then University of Nebraska, Lincoln, assistant football coach, regarding Hawkins' desire to become a sports agent.**

Sanders reported that, apart from coaching Hawkins at the University many years ago, his only interaction with Hawkins occurred when Hawkins accompanied Parker to Chapel Hill. During a single, brief conversation between Sanders and Hawkins, which Sanders reported took place in a parking lot in front of a model home, Hawkins told Sanders that he was still trying to play football, but that, if he was unsuccessful in doing so, he might look into becoming an agent. Sanders reported that he did not share this information with anyone at the University. Sanders also stated that he did not speak with Hawkins after that brief encounter. Sanders' employment with the University ended on December 6, 2007.

- e. A statement summarizing information reported by [redacted] regarding his approval of Hawkins' presence at the institution's athletics facilities; his efforts to determine Hawkins' employment or affiliation with Parker; and his efforts to monitor Hawkins' interaction with football student-athletes.**

*See* Response to Allegation No. 9(a).

- f. A statement describing the nature of all compliance and monitoring activities in the athletics department during the 2008-09 and 2009-10 academic years**

**designed to detect and prevent violations of NCAA legislation regarding benefits provided by individuals triggering NCAA agent legislation and the reason those activities did not detect or prevent the violations detailed in the above allegation.**

*See* Response to Questions 1(h), 2(k), 2(l), and 4(s). In addition, the University used the forms described in response to Question 4(t) to monitor the whereabouts of football student-athletes who traveled away from campus during extended academic calendar breaks. When the staff members responsible for monitoring these forms had questions about a student-athlete's plans, the staff member discussed them with the student-athlete. Due to the difficulty of monitoring benefits provided to student-athletes at off-campus locations by individuals outside the University, the Department relied in large part on its educational efforts with student-athletes to prevent violations of this kind from occurring.

Further, during the 2008-2009 and 2009-2010 academic years, the University did not provide individuals known to have triggered NCAA agent legislation access to institutional facilities outside of highly-controlled, formal events that they were invited to attend (e.g., Agent Day) under the supervision of Department of Athletics' administrators. The University was unaware that NCAA staff suspected Hawkins as an individual triggering NCAA agent legislation until the staff so notified the University in July 2010. Prior to this time, Hawkins was given the same access to facilities as other former student-athletes.

- g. Copies of materials posted on Twitter by football student-athletes and regarding trips on which they received impermissible benefits.**

*See* Exhibit 65.

**h. A statement summarizing information reported by**

**regarding the institution's efforts to monitor the social networking activity of football student-athletes.**

stated that, during the relevant period, student-athletes attended a workshop at the beginning of each academic year, where they were educated about the University's expectations of their conduct on social networks and e-mail. Student-athletes are not prohibited from using social networking sites. asks all freshmen to "friend" on Facebook as a means of communicating with them, not for purposes of monitoring their social networking activity. does not review each individual Facebook page on a daily basis, and rarely uses Twitter. In addition, coaches who have Facebook accounts are asked to "friend" student-athletes.

stated that neither nor any other Department of Athletics staff member attempted to follow each player on football the roster on Facebook, but took action if learned that a student-athlete had posted something inappropriate. also stated that the University administers programs that advise all student-athletes on the importance of proper use of social networks.

stated that did not personally monitor student-athletes' social networking communications but that understood other members of the staff, including and made an effort to check regularly. stated that, at the time the violations arose, the University was evaluating methods used by other institutions regarding social network monitoring to assess the institution's approach to the issue.

**i. A statement summarizing information reported by administrators within the football program regarding their knowledge of trips taken by [redacted] on which he received improper benefits.**

**Trips to [redacted] – 2009 and 2009**  
[redacted] traveled to [redacted] in 2009 and 2009. The first trip occurred during the University's [redacted] and the second during the University's [redacted]

[redacted] Football administrators stated they had no knowledge of [redacted] trips to [redacted] in 2009 or any of his activities while there. One administrator recalled that [redacted] asked him why University student-athletes could not train in [redacted] as another high-profile student-athlete [redacted] from another institution did, but [redacted] did not indicate that he intended to travel to [redacted] or to train at [redacted] in [redacted]

**Trips to [redacted]**

[redacted] Football administrators had some general knowledge that [redacted] made several trips to his hometown of [redacted]. The administrators did not view the trips as suspicious, because [redacted] grew up there, his mother still lived there, and he could drive to and from his hometown in a weekend. Some administrators recalled [redacted] telling them prior to the trips that he planned to go home to visit his ailing mother. Based upon information gathered during the investigation, but unknown to administrators at the time, it appears [redacted] received impermissible benefits from agents or persons affiliated with an agent in violation of Bylaw 12.3.1.2 on some of these trips home. One of the administrators had knowledge of [redacted] friendship since childhood with current NFL players [redacted]

## Trips to

With regard to trips to in 2010, the administrators reported that they had no knowledge of these trips until shortly before the enforcement staff notified the University on June 21, 2010 (slightly more than after final trip to ) of possible violations associated with the trips. The first trip was during

The second trip occurred after

The third trip occurred over

In short, the

trips occurred during times when most students were out of town, so absence was not unusual.

When the administrators learned that had been to they prepared to investigate these trips themselves. They abandoned those efforts based upon instructions from the NCAA in June 2010. Consistent with its customary practice, the enforcement staff instructed the University not to discuss issues related to the current investigation with the student-athletes. The University relayed this instruction immediately to pertinent institutional staff, including football administrators. The administrators' alleged failure to investigate is the result of the University's instructions to the administrators to stand down, not any indifference toward or disregard of the issues surrounding trips to

**j. A statement summarizing any investigation conducted by the institution regarding the activities of football student-athletes during trips on which they received impermissible benefits.**

The University did not investigate certain trips taken by football student-athletes for two reasons. First, the circumstances surrounding the trips were such that football administrators did not suspect that violations would occur. As explained in response to Question No. 9(i), trips occurred during times when most students were out of town, so his absence was not

unusual. The administrators did not view the trips as suspicious, because they understood that [redacted] traveled to his hometown. He had good reasons to return home to visit family, and he could drive there for the weekend. They had no knowledge of [redacted] trips to [redacted] in 2009.

Second, the University learned of [redacted] trips to [redacted] in [redacted] 2010 shortly before the NCAA began its official investigation. The University investigated these trips, together with the others at issue in Allegation No. 9(c), jointly with the enforcement staff.

## **INFORMATION REQUESTED BY THE COMMITTEE ON INFRACTIONS**

- 10. Please provide all information concerning other possible violations of NCAA legislation that was discovered by the institution as a result of its review of this matter. In this regard, please indicate the means by which the information was discovered and the institution's position whether a violation has occurred.**

In addition to the violations included in the Notice of Allegations, the University reported four violations through the Level II conference reporting process. In September and October of 2010, the University discovered and reported violations of Bylaw 16.02.3 with regard to student-athletes \_\_\_\_\_ and \_\_\_\_\_ each of whom received free tutoring services from Wiley. Because the benefits they received had a value less than \$100 each, these violations were submitted through the Level II process. The student-athletes were required to repay the impermissible benefits to a charity of their choice.

In March 2011, the University discovered a violation of Bylaw 13.1.3.1 during a review of Blake's phone records. Specifically, on Wednesday, November 4, 2009, Blake phoned and spoke with a prospective student-athlete for 13 minutes. On Friday of that same week, November 6, 2009, Blake placed another call to the prospective student-athlete's phone number. This second call took place during a week when only one call was permissible, thus resulting in a violation.

Because recruitment of the prospective student-athlete had ceased, the University imposed the NCAA prescribed penalty for such violations and prohibited the entire coaching staff from making phone calls to any prospective student-athletes during the one-week time period of March 6, 2011, through March 12, 2011.

- 11. Please provide a detailed description of any corrective or punitive actions implemented by the institution as a result of the violations acknowledged in this inquiry. In that regard, explain the reasons the institution believes these actions to be appropriate and identify the violations upon which the actions were based. Additionally, indicate the date that any corrective or punitive actions were implemented.**

### **CORRECTIVE ACTIONS**

The University has undertaken or will undertake the following corrective actions as a result of violations acknowledged in this inquiry.

- 1. Corrective Actions Regarding the Academic Support Program for Student-Athletes.**

In the fall of 2010, the University formed a review committee to develop a strategic plan for ASPSA. The committee was led by Bobbi Owen, Senior Associate Dean of Undergraduate Education in the College of Arts and Sciences and the Michael R. McVaugh Distinguished Professor of Dramatic Art, and John Blanchard, Senior Associate Director of Athletics for Student-Athlete Services. It included a number of faculty members, the Dean of the University's School of Education, the Director of the University's Writing Center, the Director of the Center for Student Success and Academic Counseling (the administrative unit within the College of Arts and Sciences to which the ASPSA director reports), and a student-athlete. The review committee met six times as a group, and its members formed subcommittees that met independently on several other occasions.

The University had contemplated such a review in advance of ASPSA's transition to a new facility for the 2011-2012 academic year. When the University learned of the events that gave rise to Allegation No. 1 and 2, however, the review committee performed its work and made its recommendations with those events prominently in mind. The review committee's report is attached as Exhibit 66.

The review committee's recommendations, together with the events that gave rise to Allegation No. 1 and 2, led ASPSA to make several significant changes:

- a. ASPSA has abandoned the academic mentor program. Learning assistants now work with those student-athletes who are the least prepared for college-level academic work. Unlike academic mentors, learning assistants are not assigned to work with a single student-athlete for an entire academic term. They do not assist student-athletes with writing. All ASPSA learning assistants are graduate students, doctoral candidates, or current or former school teachers.
- b. ASPSA has imposed additional constraints on communications between student-athletes and their tutors and learning assistants. Contact between student-athletes and tutors outside of tutoring sessions, including communications by phone, email, social networking services, or text message, is expressly prohibited. Any communication between a student-athlete and his or her tutor must occur as part of an in-person tutoring session at the Academic Support Center, or through the student-athlete's academic counselor.
- c. ASPSA has hired dedicated writing tutors to assist student-athletes with papers and other writing assignments. Nearly all writing tutors are graduate students, and many of them teach English composition on campus. The vast majority of the more than 20 writing tutors currently on staff has completed coursework from the Department of English and Comparative Literature dedicated to the teaching of writing in a college classroom.
- d. The Department of Athletics has substantially increased the budget to hire and retain tutors. This change enabled ASPSA to increase the percentage of graduate

students, retired faculty, and community members who serve as tutors. ASPSA has reduced dramatically the number of undergraduate tutors it employs. Of the approximately 80 tutors ASPSA currently employs, fewer than five are undergraduates. The rest are graduate students or professionals, including many school teachers, from the local community.

- e. ASPSA has hired an additional reading, writing, and learning specialist to work with those student-athletes who are the least academically prepared for college, particularly in the areas of writing and reading.
- f. ASPSA has started the process of hiring a full-time tutor coordinator dedicated specifically to recruit, hire, train, supervise, and evaluate the performance of tutors. This new position frees academic counselors, one of whom previously coordinated tutor assignments, to devote more attention to the academic progress of student-athletes.
- g. ASPSA has expanded rules education and training for its tutors beyond that described in the University's response to Questions 1(h) and 2(l). Tutors now receive four evening training sessions at the beginning of each academic year. Training for the 2011-2012 academic year featured, among other programming, a presentation by Marcia L. Toms, Associate Director of the Undergraduate Tutorial Center at North Carolina State University. Ms. Toms drew from the content of her book, *Put the Pencil Down: Essentials of Tutoring*, to provide guidance about effective tutoring and writing instruction. ASPSA also will provide additional training sessions more frequently during the academic year.

- h. ASPSA has expanded and improved its Tutor Handbook to include, among other material, more specific written guidance about helping student-athletes with writing assignments. The University's Judicial Programs Officer, who works closely with the Honor Court, reviewed and approved this portion of the Handbook.
- i. ASPSA now provides student-athletes with NCAA rules education above and beyond that described in the University's response to Questions 1(m) and 2(k). This additional education session, conducted as part of student-athletes' orientation to ASPSA, addresses their work with tutors specifically and in detail. Among other instructions, student-athletes are reminded that they may not socialize with any tutor outside the Academic Support Center or work with a tutor who is not employed by the University. This session augments and reinforces the Compliance Staff's rules education provided to the student-athletes discussed in Corrective Action No. 4 below.
- j. A Compliance Staff member now works full-time from an office in the Academic Support Center. Her presence facilitates communication between ASPSA and the Compliance Staff and provides a ready resource for rules education and the reporting of potential violations.
- k. ASPSA has collaborated with the Honor Court and the Office of the Dean of Students to reinforce the importance of the University's Honor Code among student-athletes. In addition to annual Honor Court education sessions by University administrators, members of each athletics team now lead peer-driven discussions about the importance of the Honor Code and the consequences of

Code violations. Posters that feature student-athletes and the Honor Code will be placed not only in the Academic Support Center, but also in locker rooms. *See, e.g., Exhibit 67.*

1. The football program has embraced changes at ASPSA. The summer SCORES program for football student-athletes now provides additional focus on academic skills and expectations. The interim head football coach has indicated that the ASPSA employee who coordinates academic support for football student-athletes will attend coaches meetings regularly.

A revitalized faculty advisory committee will oversee the changes at ASPSA. Among other issues, this advisory committee will emphasize the University's commitment to a thorough and ongoing assessment of ASPSA's program. The faculty advisory committee will serve not only an oversight function, but also as a resource for strategic planning and advice on day-to-day issues. This committee also will coordinate with ASPSA to develop and conduct annual assessments of the programming provided to student-athletes.

**2. Certification of Ethical Conduct Requirement for the Department of Athletics.**

Effective December 2010, the Department of Athletics instituted a policy by which all new staff members and continuing staff members must, on an annual basis, sign a statement certifying that they have not engaged in activities specifically precluded by Bylaw 10.1. Additionally, the policy requires that staff members disclose either past or current involvement with agents, financial advisors, or representatives of agents or advisors (e.g., runners). A copy of this policy is attached as Exhibit 68.

**3. Enhanced Rules Education Regarding Agents, Extra Benefits, and Preferential Treatment.**

There was no indication during the joint investigation that student-athletes are not well-educated on regulations concerning agents, extra benefits, and preferential treatment.

Nonetheless, the University's Compliance Staff is enhancing the rules education provided to student-athletes in this area. The following efforts have already occurred, and continued enhancements will be added during the current academic year.

- a. The 2010-2011 Football Player Guide (attached as Exhibit 69) includes an educational document on agents and extra benefits. That material has been revised and included in the 2011-2012 Football Player Guide (attached as Exhibit 70). Additionally, the document has been edited to make it applicable to all sports (attached as Exhibit 71) and was provided to all student-athletes at their team eligibility meetings in the Fall of 2011. During these meetings, student-athletes were directed specifically to review the document, and the Compliance Staff explained its contents in detail.
- b. During each team's eligibility meeting in the Fall of 2011, the University's Compliance Staff provided direction to student-athletes regarding the NCAA's stance on the receipt of benefits from former teammates who are no longer in college, including, but not limited to, professional athletes. Student-athletes were informed that they are not permitted to accept benefits from these individuals beyond those that are consistent with the benefits provided to the student-athlete by the individual when he or she was a fellow college student.
- c. The 2011-2012 Student-Athlete Handbook contains enhanced rules education concerning extra benefits and receipt of benefits from former teammates.

- d. The Department of Athletics has contracted with Cornerstone Sports Consulting, an outside agency, to provide football student-athletes with an educational program to better prepare them to make informed decisions as they navigate the agent selection process as upperclassmen. Representatives from Cornerstone will meet with upperclass football student-athletes and their parents before a home football game during the 2011 season. Additionally, Cornerstone staff will meet with these student-athletes at various times during the academic year to assist them with the agent selection process responsibly, legally, and in compliance with NCAA rules.
- e. Beginning in August 2011, the Compliance Staff mailed letters to all agents registered with the Department of Athletics. These letters identify the guidelines in place for football student-athletes regarding contact with agents during the football season. A student-athlete may not meet with an agent on campus unless the agent is registered with both the North Carolina Department of the Secretary of State and the Department of Athletics. The Compliance Staff also mailed copies of these letters to the parents of all senior football student-athletes. Additionally, the letter was provided to, and regulations reviewed with, all departmental staff members who work in the Kenan Football Center.

**4. Enhanced Rules Education Regarding Assistance Provided by Tutors.**

During team eligibility meetings prior to the start of the 2011 football training camp, the Compliance Staff provided detailed information to all football student-athletes about the level of assistance they should expect to receive from tutors. For example, student-athletes were informed that they are not permitted to communicate electronically with tutors – by email, text

message, Facebook, or otherwise – and that all necessary communication between tutors and student-athletes should be either in-person at the Academic Support Center or directed through ASPSA’s full-time academic counselors. Additionally, student-athletes were reminded that tutors should never write or type on a student-athlete’s paper. Rather, the tutor should employ strategies to assist student-athletes in finding errors and identifying solutions. These messages previously had been delivered to student-athletes in other ways, but the University has now added this issue to team eligibility meetings, as well. The Compliance Staff implemented this enhanced education for football student-athletes, but it also provides the same information to student-athletes in other sports.

These points of emphasis were reiterated by the Compliance Staff to tutors during their training session on August 23, 2011. Additionally, tutors were informed that they will be required to sign a statement at the end of each semester to certify that they followed all NCAA, UNC, and ASPSA regulations, including those regarding electronic communication with student-athletes.

The 2011-2012 Tutor Handbook (attached as Exhibit 72) contains enhanced education regarding extra benefits and the scope of permissible academic assistance that may be provided to a student-athlete.

#### **5. More Restrictive Agent Contact Policy.**

The football program has implemented a policy that limits football student-athletes’ contact with agents, runners, and financial advisors to specific times and locations. The policy provides:

- a. Student-athletes with eligibility remaining are permitted to have in-person contact with agents only in the on-campus Kenan Football Center.

- b. In-person contact is not permitted between the dates of August 1<sup>st</sup> through the end of the regular season.
- c. Phone calls during this time period are permitted only between the hours of 7:00 p.m. and 10:00 p.m. on Sunday nights.
- d. Electronic communication (e.g., email, text messaging, social networking) is prohibited from Thursday through Saturday.
- e. All literature must be sent through the Compliance Staff, which will deliver it to the student-athletes at an appropriate time.

Student-athletes have been educated on this policy, and the Compliance Staff has sent a letter detailing the regulations to all agents who have registered with the Department of Athletics.

#### **6. Expanded Compliance Staffing.**

Prior to the joint investigation, the Department of Athletics approved the addition of a Compliance Staff member with responsibilities concentrated in the area of financial aid. The goal of this staffing increase was to enable the Associate Director of Athletics for Compliance to focus efforts on enhancing the overall compliance program. The Assistant Director of Compliance for Financial Aid began employment in May of 2011.

As explained in Corrective Action No. 1(j), the Assistant Director of Athletics for Eligibility and Certification, a member of the Compliance Staff, has relocated to ASPSA's facility. This move provides for enhanced and timely communication between the Compliance Staff and ASPSA staff (including tutors), and also makes the Compliance Staff more accessible to the student-athletes, who frequent the Academic Support Center.

During the fall of 2010, the Director of Athletics convened a committee to conduct a review of the Department of Athletics' compliance operation. This committee reviewed the staffing and responsibilities of the Compliance Office and compared them to the work performed by athletics compliance departments at other universities. It also explored NCAA, ACC, and the University's areas of compliance focus and made recommendations to efficiently and effectively improve the University's compliance efforts. Following this review, the Committee recommended that the Compliance Office expand to include a fifth full-time staff member. The Director of Athletics has approved the addition of this staff member, whose responsibilities will concentrate in the areas of rules education and monitoring.

**7. Additional Monitoring Mechanisms.**

- a. Travel Notification Forms. Beginning with the 2010-2011 academic year, football student-athletes were required to complete a Travel Notification Form any time they left campus, as opposed to solely during extended academic year or football breaks. Effective for the 2011-2012 academic year, completion of these forms requires that a student-athlete obtain prior permission, by signature, from his position coach, the head coach, the associate director of athletics for football administration, or the director of football student-athlete development. Football staff members still use these forms to obtain contact information for the student-athletes, but they now review the forms to identify potential concerns about extra benefits or preferential treatment, as well. Football staff members will be reminded periodically in writing of their obligation to monitor these student-athlete forms and, in addition, to be attentive to any student-athlete communication that indicates the student-athlete might be at risk of engaging in

conduct that violates NCAA legislation regarding impermissible benefits. If such concerns arise, football staff will address them with the student-athlete and the Compliance Staff.

- b. Use of Football Center Facilities by Former Student-Athletes. Effective May 16, 2011, the Department of Athletics and the football program instituted a written policy concerning the use of Kenan Football Center facilities by former football student-athletes. A copy of the policy is attached as Exhibit 73. All former football student-athletes who want to use Kenan Football Center facilities will be required to read and sign this policy annually, certifying both their understanding of the regulations and their agreement to abide by them. Additionally, appointed personnel in the Kenan Football Center will maintain attendance logs to record the days on which these individuals use the facility. Compliance Staff will review these logs regularly.
- c. Social Networking Policy. The Department of Athletics has implemented an updated policy regarding social networking use by student-athletes. *See* Exhibit 63. The policy provides guidelines for student-athletes pertaining to their use of various social networking sites and informs them of online behavior that the Department will not tolerate. The policy notifies student-athletes that at least one coach or administrator has been assigned to monitor sites regularly, including specifically evaluating postings that identify possible improper extra benefits or agent-related activities. The policy also provides direct contact information for the Compliance Office so that any concerns about a student-athlete's posting or other online activity related to potential NCAA violations can be reported

immediately to that office. Finally, the policy specifies a range of sanctions for violations, including termination of athletics grant-in-aid and dismissal from the team.

- d. Parking Citations. The University's Parking Services Division will provide the Department of Athletics with biweekly reports of parking citations received by student-athletes during the academic year. The football program has implemented a policy that requires football student-athletes to pay all parking citations by the end of each month. If a football student-athlete receives four parking citations in a semester, he will lose driving privileges until all parking fines have been paid. If that student-athlete receives five parking citations in a semester, he will forfeit driving privileges for the rest of the academic term.

### **PUNITIVE ACTIONS**

As a result of the violations acknowledged in this Response, the University has self-imposed the following penalties:

1. In response to the violations acknowledged in Allegation No. 1 and 4, the University will vacate all victories by the football program during the 2008 and 2009 seasons.
2. In response to the violations acknowledged in Allegation No.1, 4, 6 and 9 in this Response, the University has self-imposed the following penalties:
  - a. The University will reduce by a total of nine the number of both initial and total grants-in-aid over a three-year period covering the 2012-2013, 2013-2014, and 2014-2015 academic years as follows:
    - a reduction of three initial and total grants in aid for the 2012-2013 academic year;

- a reduction of three initial and total grants in aid for the 2013-2014 academic year; and
- a reduction of three initial and total grants in aid for the 2014-2015 academic year.

b. The University will self-impose two years of probation beginning on the date this response is submitted.

3. The University will pay a monetary fine of \$50,000.

4. The University declared \_\_\_\_\_ ineligible prior to the first football game of the 2010 season (September 4, 2010). On September 28, 2010, the University submitted a reinstatement request to the Student-Athlete Reinstatement (“SAR”) staff, self-imposing a \_\_\_\_\_ % withholding penalty and requiring repayment of impermissible benefits for violations of Bylaws 16.02.3, 16.11.2.1, 12.3.1.2, and 10.1 \_\_\_\_\_. On October 4, 2010, the University submitted a revised reinstatement request that provided additional detail surrounding the 10.1 \_\_\_\_\_ violation.

The University informed the SAR staff about actions taken by the University’s Honor Court regarding the conduct alleged in the 10.1 \_\_\_\_\_ violation against

On November 12, 2010, \_\_\_\_\_ the SAR staff denied the University’s reinstatement request and declared \_\_\_\_\_ permanently ineligible to compete in intercollegiate athletics.

5. The University declared [redacted] ineligible prior to the first football game of the 2010 season (September 4, 2010). On September 24, 2010, the University submitted a reinstatement request to the SAR staff, self-imposing a [redacted] % withholding penalty and requiring repayment of impermissible benefits for violations of Bylaws 16.02.3, 16.11.2.1, 12.3.1.2, 12.1.2.1.6, and 10.1 [redacted]. On October 11, 2010, the SAR staff denied the reinstatement request and declared [redacted] permanently ineligible to compete in intercollegiate athletics.

6. The University declared [redacted] ineligible prior to the first football game of the 2010 season (September 4, 2010). On September 24, 2010, the University submitted a reinstatement request to the SAR staff, self-imposing a [redacted] % withholding penalty and requiring repayment of impermissible benefits for violations of Bylaws 12.3.1.2, 12.1.2.1.6, and 10.1 [redacted]. On October 11, 2010, the SAR staff denied the reinstatement request and declared [redacted] permanently ineligible to compete in intercollegiate athletics.

7. The University declared [redacted] ineligible prior to the first football game of the 2010 season (September 4, 2010). Due to multiple violations of Bylaws 12.3.1.2 and 12.1.2.1.6 and an alleged violation of Bylaw 10.1 [redacted], the University

[redacted] The University did not submit a request for reinstatement of his eligibility.

8. The University declared [redacted] ineligible prior to the first football game of the 2010 season (September 4, 2010). On September 14, 2010, the University submitted a reinstatement request to the SAR staff, self-imposing a [redacted] % withholding penalty and requiring repayment of impermissible benefits for violations of Bylaws 12.3.1.2, 12.1.2.1.6, and 16.02.3. On September 22, 2010, the SAR staff reinstated [redacted] however, the staff imposed a [redacted] % withholding penalty and repayment of benefits. The University appealed and the Committee on

Student-Athlete Reinstatement heard the appeal on October 1, 2010. The Committee upheld the staff decision.

9. [redacted] was declared ineligible by the University prior to the first football game of the 2010 season (September 4, 2010). On September 10, 2010, the University submitted a reinstatement request to the SAR staff, self-imposing a [redacted] % withholding penalty and requiring repayment of impermissible benefits for violations of Bylaws 12.3.1.2, 12.1.2.1.6, and 16.02.3. On September 22, 2010, the SAR staff reinstated [redacted] however, the staff imposed a [redacted] % withholding penalty and repayment of benefits. The University appealed and the Committee on Student-Athlete Reinstatement heard the appeal on October 1, 2010. The Committee upheld the staff decision.

10. [redacted] was declared ineligible by the University prior to the first football game of the 2010 season (September 4, 2010). On September 15, 2010, the University submitted a reinstatement request to the SAR staff, requiring repayment of impermissible benefits for violations of Bylaws 12.3.1.2 and 16.02.3. On September 17, 2010, the SAR staff reinstated [redacted] however, the staff imposed a [redacted] % withholding penalty and repayment of benefits.

11. The University declared [redacted] ineligible prior to the first football game of the 2010 season (September 4, 2010). On September 15, 2010, the University submitted a reinstatement request to the SAR staff, self-imposing a [redacted] % withholding penalty and requiring repayment of impermissible benefits for violations of Bylaw 16.02.3. On September 21, 2010, the SAR staff reinstated [redacted]

12. The University declared [redacted] ineligible prior to the first football game of the 2010 season (September 4, 2010). On September 15, 2010, the University submitted a reinstatement request to the SAR staff, self-imposing a [redacted] % withholding penalty and requiring

repayment of impermissible benefits for violations of Bylaw 16.02.3. On September 21, 2010, the SAR staff reinstated

13. The University declared \_\_\_\_\_ ineligible prior to the first football game of the 2010 season (September 4, 2010). On September 15, 2010, the University submitted a reinstatement request to the SAR staff, self-imposing a \_\_\_\_\_ % withholding penalty and requiring repayment of impermissible benefits for violations of Bylaw 16.02.3. On September 21, 2010, the SAR staff reinstated \_\_\_\_\_. On October 26, 2010, the University amended the self-imposed withholding penalty and, on January 31, 2011, the SAR staff accepted the amendment, thus resulting in no withholding penalty.

14. The University declared \_\_\_\_\_ ineligible on September 3, 2010. That same day, the University submitted a reinstatement request to the SAR staff requiring repayment of impermissible benefits for violations of Bylaw 16.02.3. That evening, the SAR staff reinstated \_\_\_\_\_ based upon institutional action requiring repayment.

15. The University declared \_\_\_\_\_ ineligible on September 3, 2010. That same day, the University submitted a reinstatement request to the SAR staff requiring repayment of impermissible benefits for violations of Bylaw 16.02.3. That evening, the SAR staff reinstated \_\_\_\_\_ based upon institutional action requiring repayment.

16. The University requested and received Blake's resignation on September 5, 2010, less than a week after an interview of Blake that concerned the conduct specified in Allegation No. 4-6.

17. On October 4, 2010, the Department of Athletics issued a Disassociation Letter to Chris Hawkins. *See* Exhibit 64. As Hawkins is not formally affiliated with the University in any way, this disassociation letter was the only disciplinary action available to the University.

18. On November 5, 2010, the Department of Athletics issued a Disassociation Letter to Jennifer Wiley. *See* Exhibit 74. As Wiley is no longer formally affiliated with the University in any way, this disassociation letter was the only disciplinary action available to the University.

- 12. Please provide a detailed description of all disciplinary actions taken against any current or former athletics department staff members as a result of violations acknowledged in this inquiry. In that regard, explain the reasons that the institution believes these actions to be appropriate and identify the violations upon which the actions were based. Additionally, indicate the date that any disciplinary actions were taken and submit copies of all correspondence from the institution to each individual describing these disciplinary actions.**

The University requested and received Blake's resignation on September 5, 2010, less than a week after an interview of Blake that concerned the conduct specified in Allegation No. 6-8.

On November 5, 2010, the Department of Athletics issued a Letter of Disassociation to Wiley. *See* Exhibit 74. The University found that Wiley had provided impermissible financial and academic assistance to football student-athletes as specified in Allegation No. 2. As Wiley was no longer employed by the University upon discovery of these violations, disassociation was the sole manner in which the Department of Athletics and the College of Arts and Sciences could take action.

- 13. Please provide a statement indicating the dates and titles of all positions at the institution held by individuals identified during the inquiry as allegedly having significant involvement in NCAA violations as well as a brief overview of each position. Additionally, provide the dates, title and employer of all positions held by such individual(s) during the five years prior to the dates of the alleged violations. Furthermore, provide a brief review of the previous major infractions case history for the identified individuals.**

Blake was employed as an assistant football coach from December 15, 2006, to September 5, 2010 and supervised by former head football coach Butch Davis. Blake's duties, as assigned by the former head football coach, included associate head coach, defensive line coach and recruiting coordinator. Before he arrived at the University, Blake served as defensive line coach at the University of Nebraska from 2003-2006 and defensive line coach at Mississippi State in 2002-2003. Blake informed the University that from 2001 to 2003, he worked in real estate development and as a consultant for the editor of football recruiting publications. Blake has no previous major infractions case history.

served as a part-time tutor and academic mentor in ASPSA from  
to has no previous major infractions case history.

14. Please provide a short summary of every major infractions case involving the institution or individuals named in this notice. In this summary, provide the date of the infractions report, a description of the violations found by the Committee on Infractions, the individuals involved, and the penalties and corrective actions. Additionally, please provide a copy of any major infractions reports involving the institution or individuals named in this notice that were issued by the Committee on Infractions within the last 10 years.

**Date of Infractions Report:** January 10, 1961

**Violation Summary:**

The Committee on Infractions found that The University of North Carolina at Chapel Hill violated provisions prohibiting excessive entertainment of prospective student-athletes, in that the University paid for its head basketball coach, Frank McGuire, to provide items of entertainment to prospective student-athletes that were deemed excessive.

Additionally, the Committee found that The University of North Carolina at Chapel Hill provided entertainment, lodging, and meals on various occasions for the parents of its men's basketball student-athletes. These were, in the Committee's judgment, special arrangements that provided student-athletes with extra benefits that were not made available to the student body and, therefore, constituted improper financial assistance.

**Penalties:** 1 year probation, 1 year postseason ban

**Corrective Actions:** The Chancellor of The University of North Carolina at Chapel Hill effected a reorganization of accounting procedures and controls to monitor expenditures in the areas of athletics' recruiting and financial aid to student-athletes.

There have been no major infractions involving the University or individuals named in this notice within the last 10 years.

- 15. Please provide a chart depicting the institution's reporting history of secondary violations for the past five years. In this chart, please indicate for each academic year the number of total secondary violations reported involving the institution or individuals named in this notice. Also, please include the applicable bylaws for each violation, and then indicate the number of secondary violations involving just the sports team named in this notice for the same five-year time period.**

*See Exhibit 75.*

**16. Please provide the institution's overall NCAA division and conference affiliation as well as the total enrollment on campus and the number of men's and women's sports sponsored.**

Overall NCAA Division:	I FBS
Conference:	Atlantic Coast Conference
Undergraduate Enrollment:	18,430
Total Men's Sports Sponsored:	13
Total Women's Sports Sponsored:	15

- 17. Please provide a statement describing the general organization and structure of the institution's intercollegiate athletics department, including the identities of those individuals in the athletics department who were responsible for the supervision of all sport programs during the previous four years, and whether the institution conducts a systematic review of NCAA and institutional regulations for its athletics department employees. If yes, identify the agency, individual or committee responsible for this review, and describe the responsibilities and functions of each identified.**

The Department of Athletics' organizational charts for the past four years are attached as Exhibit 76. As noted on these charts, the following individuals are responsible for supervision of the University's 28 sport programs:

Richard Baddour, Director of Athletics: Men's Basketball and Football.

Beth Miller, Senior Woman Administrator: Remaining 26 sport programs.

Pursuant to NCAA Bylaw 22.2.1.2, the Department of Athletics' rules compliance program is reviewed by an entity outside of the Department of Athletics. These reviews are conducted by the Atlantic Coast Conference and include all program areas included in Bylaw 22.2.1.2 (e).

18. Please provide the following information concerning the sport programs identified in this inquiry:

- The average number of initial and total grants-in-aid that have been awarded during the past four academic years.

<b>Initial and Total Grants-in-Aid (Past 4 Years)</b>		
<b>Academic Year</b>	<b>Initial Grants</b>	<b>Total Grants</b>
2010-2011	21	85
2009-2010	24	85
2008-2009	17	85
2007-2008	23	85
4-Year Average	21.25	85

- The number of initial and total grants-in-aid in effect for the current academic year (or upcoming academic year if the regular academic year is not in session) and the number anticipated being in effect for the following academic year.

<b>Initial and Total Grants-in-Aid (Future Years)</b>		
<b>Academic Year</b>	<b>Initial Grants</b>	<b>Total Grants</b>
2011-2012	23	85
Anticipated 2012-2013	25	85

- The identities of all student-athletes anticipated to be on athletically related financial aid as of the first semester of the next academic year who will have four years of remaining eligibility and five years of enrollment (per the NCAA's five-year rule) to complete those four years; the identities of all student-athletes who have three years of remaining eligibility and four years of remaining enrollment to complete those three years; the identities of all student-athletes who have two years of remaining eligibility and three years of remaining enrollment to complete those two years; and the identities of all student-athletes who have one year of remaining eligibility and two years of remaining enrollment to complete that year.

*See Exhibit 77.*

- The average number of student-athletes during the previous four years who have redshirted and the number who are redshirting during the current academic year (or upcoming academic year if regular academic year is not in session).

*See Exhibit 78.*

- **The number of student-athletes in each of the previous four years who were awarded athletically related financial aid but who withdrew from the squad for reasons other than graduation or loss of eligibility.**

See Exhibit 79.

- **A list of the institution's win-loss record for the past four seasons and the dates and results of all postseason competition in which the institution has participated during those years. If there was postseason competition, please indicate how this was earned; i.e., conference automatic bid, at-large bid.**

<b>Win-Loss Record and Postseason Competition</b>					
<b>Academic Year</b>	<b>Win-Loss Record</b>	<b>Post-Season Bowl</b>	<b>Date</b>	<b>Result</b>	<b>Bid Earned</b>
<b>2010-2011</b>	8-5	Music City Bowl	12/30/2010	Won, 30-27	At-Large
<b>2009-2010</b>	8-5	Meineke Car Care Bowl	12/26/2009	Lost, 19-17	At-Large
<b>2008-2009</b>	8-5	Meineke Car Care Bowl	12/27/2008	Lost, 31-30	At-Large
<b>2007-2008</b>	4-8	No Post-Season Appearance			

- **The average number of official paid visits provided by the institution to prospective student-athletes during the past four years.**

<b>Official Visits</b>	
<b>Academic Year</b>	<b>Number of Visits</b>
<b>2010-2011</b>	49
<b>2009-2010</b>	37
<b>2008-2009</b>	41
<b>2007-2008</b>	58
<b>4-Year Average</b>	46.25

- The cost of room, board, books and tuition at the institution for the past four academic years.

<b>Cost of Room, Board, Books, and Tuition for Past 4 Years</b>					
<b>Academic Year</b>	<b>Room</b>	<b>Board</b>	<b>Books</b>	<b>In-State Tuition</b>	<b>Out-of-State Tuition</b>
<b>2010-2011</b>	\$5,408	\$3,898	\$400	\$4,815	\$23,430
<b>2009-2010</b>	\$5,250	\$3,420	\$400	\$3,865	\$21,753
<b>2008-2009</b>	\$5,050	\$3,068	\$400	\$3,705	\$20,603
<b>2007-2008</b>	\$4,830	\$2,866	\$400	\$3,705	\$19,353

- Copies of the institution's squad lists for the past four academic years.  
*See Exhibit 80.*
- One copy of the institution's media guides for the past four academic years to be sent to Mr. Shep Cooper, director of the Committees on Infractions, and, if available, the Internet URL(s) for the members of the committee to use to review the same information contained in these media guides. If this information is not available through the Internet, then the provision of one complete set of media guides to Mr. Cooper will suffice.

A complete set of media guides has been sent to Mr. Shep Cooper. The regular season media guides for each year are available at the below links:

2007: <http://tarheelblue.cstv.com/sports/m-footbl/spec-rel/073107aaa.html>  
 2008: <http://tarheelblue.cstv.com/sports/m-footbl/spec-rel/072708aaa.html>  
 2009: <http://tarheelblue.cstv.com/sports/m-footbl/spec-rel/072809aab.html>  
 2010: <http://viewer.zmags.com/publication/35175126#/35175126/1>

The spring guides for each year are available at the below links:

2008: [http://tarheelblue.cstv.com/auto\\_pdf/p\\_hotos/s\\_chools/unc/sports/m-footbl/auto\\_pdf/08-spring-guide](http://tarheelblue.cstv.com/auto_pdf/p_hotos/s_chools/unc/sports/m-footbl/auto_pdf/08-spring-guide)  
 2009: [http://tarheelblue.cstv.com/auto\\_pdf/p\\_hotos/s\\_chools/unc/sports/m-footbl/auto\\_pdf/09-spring-guide](http://tarheelblue.cstv.com/auto_pdf/p_hotos/s_chools/unc/sports/m-footbl/auto_pdf/09-spring-guide)  
 2010: [http://tarheelblue.cstv.com/auto\\_pdf/p\\_hotos/s\\_chools/unc/sports/m-footbl/auto\\_pdf/2010springguide](http://tarheelblue.cstv.com/auto_pdf/p_hotos/s_chools/unc/sports/m-footbl/auto_pdf/2010springguide)  
 2011: [http://tarheelblue.cstv.com/auto\\_pdf/p\\_hotos/s\\_chools/unc/sports/m-footbl/auto\\_pdf/2011springguide-2](http://tarheelblue.cstv.com/auto_pdf/p_hotos/s_chools/unc/sports/m-footbl/auto_pdf/2011springguide-2)

- **A review of the institution's obligations (contractual or otherwise) concerning live telecasts of contests during the next three seasons. These should include, but not be limited to, contractual agreements negotiated by the institution's conference and opponent or through its sports network affiliations.**

All Atlantic Coast Conference-controlled football games are obligated to be produced and will appear on one of the various ESPN platforms or those of ESPN's designee pursuant to the Atlantic Coast Conference's contract with ESPN. The current contract runs through the 2022 college football season.

- **A statement indicating whether the provisions of NCAA Bylaws 31.2.2.3 and 31.2.2.4 apply to the institution as a result of the involvement of student-athletes in violations noted in this inquiry.**

No

- **A statement indicating whether the provisions of NCAA Bylaw 19.5.2.2-(e) apply to the institution as a result of the involvement of student-athletes in violations noted in this inquiry.**

2008: Yes

2009: Yes

2010: No