

**THE REPORT OF THE  
UNC BOARD OF GOVERNORS ACADEMIC REVIEW PANEL**

**FEBRUARY 7, 2013**

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APPENDIX

## SELECTED DEFINITIONS AND ABBREVIATIONS<sup>1</sup>

The following are selected terms and abbreviations used in this report and their definitions, which clarify the terms' particular meanings within the report:

**Academic Advisors** – individuals in the Academic Advising Program in the College of Arts and Sciences and the General College responsible for working with students to discuss and evaluate a student's academic course load and desired area(s) of study for each term and his/her overall collegiate career.

**Academic Counselors** – Academic Support Program for Student-Athletes employees assigned to a group of student-athletes to assist them in achieving their academic goals and remaining compliant with NCAA and ACC regulations.

**Academic Support Program for Student-Athletes (“ASPSA”)** – a constituent program of Center for Student Success and Academic Counseling which offers additional academic assistance to student-athletes to meet the goal of keeping student-athletes on track for graduation while balancing the demands of their schedules.

**AFAM Department** – Department of African and Afro-American Studies at UNC-Chapel Hill.

**Course** - (sometimes used interchangeably with “class”) – an academic offering for a particular subject. Courses are scheduled within the overall academic offerings each term; multiple sections can be offered, led by one or more instructors.

**Course Irregularity** - (sometimes used interchangeably with “academic anomaly”) – a course section or student grade for which the establishment of the course section, method of instruction, or assignment of grades was found to differ from the expected standards of how these academic, or the related administrative, processes are completed within the University. This term encompasses all categories of course irregularities that have been defined in one or more of the investigative reports under review (e.g., aberrant courses, courses taught irregularly, unauthorized grade changes).

**Faculty Athletics Committee (“FAC”)** – a committee of faculty members that advises the chancellor on athletics, including the academic experience of varsity athletes, athletic opportunities for members of the UNC-Chapel Hill community, and the operation of the athletic program.

**Faculty Athletics Representative (“FAR”)** – a member of the faculty who serves as voting delegate to the NCAA and the Atlantic Coast Conference. At UNC-

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<sup>1</sup> To maintain consistency where possible, some of the definitions in this section are adapted from the December 19, 2012, University of North Carolina at Chapel Hill Academic Anomalies Review Report of Findings prepared by former Governor James G. Martin, Ph.D. and Baker Tilly, at pp. 17-24, Tab 4.

Chapel Hill, the FAR serves as an advisor to the chancellor and director of athletics and as a liaison to the faculty.

**Faculty Executive Committee (“FEC”)** – a legislative body of faculty which makes educational policy decisions, prescribes requirements for programs of study, and advises the chancellor, administrators, and the student body regarding student conduct and discipline.

**Grade Change** – the process of changing the initial grade, either temporary or permanent, assigned to a student on the course’s grade roll. The grade change process is completed through the submission of a grade change form to the Office of the University Registrar.

**Independent Study** – the pursuit of a topic of interest by a student (generally in their major or minor), under the supervision of a faculty member with expertise related to the topic.<sup>2</sup>

**Independent Study Task Force** – task force formed in September 2011 by Senior Associate Dean for Undergraduate Education Bobbi Owen to review independent study and directed reading courses across the College of Arts and Sciences.

**Instructor of Record (“IOR”)** – the approved university instructor assigned to teach each course section and responsible for the completion, approval, and submission of grade rolls and any required grade change forms.

**UNC Task Force on Athletics and Academics (“President’s 2011 Task Force”)** - task force created by UNC President Thomas Ross in January 2011 to 1) identify and prioritize institutional risks in intercollegiate athletics related to academic integrity and NCAA compliance; and 2) review and propose best practices related to these risks with special emphasis on academic support services and tutoring for student-athletes.

**Term** – the defined timing assigned to each period for which a course section is offered. For the University, existing terms are Fall semester, Spring semester, Summer Session I, and Summer Session II.

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<sup>2</sup> This definition is adapted from the Independent Study Task Force Report, Tab 2, p. 11.

## INDIVIDUALS INTERVIEWED

The UNC Board of Governors Academic Review Panel interviewed the following individuals during the course of its review:

Steven Bachenheimer  
Professor, Department of Microbiology and Immunology  
The University of North Carolina at Chapel Hill

Jan Boxill  
Chair of the Faculty Council  
The University of North Carolina at Chapel Hill

Lissa Broome  
Wells Fargo Professor of Banking Law  
Faculty Athletics Representative  
The University of North Carolina at Chapel Hill

Lawrence “Bubba” Cunningham  
Director of Athletics  
The University of North Carolina at Chapel Hill

Chris Derickson  
University Registrar  
The University of North Carolina at Chapel Hill

Michael Gerhardt  
Professor, School of Law  
The University of North Carolina at Chapel Hill

Karen Gil  
Dean of the College of Arts and Sciences  
The University of North Carolina at Chapel Hill

Stephen Farmer  
Director of Admissions  
The University of North Carolina at Chapel Hill

Jonathan Hartlyn  
Senior Associate Dean for Social Sciences and Global Programs, College of Arts and Sciences  
The University of North Carolina at Chapel Hill

Laurie Maffly-Kipp  
Professor, Department of Religious Studies  
The University of North Carolina at Chapel Hill

James G. Martin, Ph.D.  
Former Governor of North Carolina

Bobbi Owen  
Senior Associate Dean for Undergraduate Education, College of Arts and Sciences  
The University of North Carolina at Chapel Hill

Joy Renner  
Clinical Associate Professor, Department of Allied Health Sciences  
Chair of the Faculty Athletics Committee  
The University of North Carolina at Chapel Hill

Eunice Sahle  
Chair, Department of African and Afro-American Studies  
The University of North Carolina at Chapel Hill

Leslie Chambers Strohm  
Vice Chancellor and General Counsel  
The University of North Carolina at Chapel Hill

Raina Rose Tagle  
Partner  
Baker Tilly

Holden Thorp  
Chancellor  
The University of North Carolina at Chapel Hill

Harold Woodard  
Associate Dean and Director of the Center for Student Success and Academic Counseling  
The University of North Carolina at Chapel Hill

Jan Yopp  
Dean of the Summer School  
The University of North Carolina at Chapel Hill

1. EXECUTIVE SUMMARY

In June 2012, the UNC Board of Governors (the “Board”) was briefed by Chancellor Holden Thorp and others about serious and sustained academic irregularities related to courses that were either not taught, requiring only the submission of a paper, or not taught properly, in the Department of African and Afro-American Studies at UNC-Chapel Hill (the “AFAM Department”). In addition to the irregular courses, it had also been determined that grade entries and grade changes with respect to certain courses in the AFAM Department had been made without proper faculty authorization. Even though these course irregularities<sup>1</sup> that had been uncovered at that time had ceased, and appeared to be traceable to the conduct of two individuals who were no longer employed at the university, University of North Carolina President Thomas W. Ross and the Board were deeply concerned about the facts and circumstances surrounding these issues, which came to light in the context of an NCAA investigation of the football program at UNC-Chapel Hill. As a result, President Ross and then Board Chair Hannah Gage appointed this Panel, which was later charged with independently reviewing the campus-based response to the unfolding scandal.

Since that time, this Panel has learned a great deal, and its scope of inquiry has been somewhat broadened as a natural result of conducting an in-depth review. Essential to the work of this Panel, as outlined in the original charge, was the careful and

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<sup>1</sup> Various investigators have developed definitions to differentiate these course irregularities and practices. This Report does not adopt any one definition, but, where necessary, makes reference to terms that have been defined in one or more of the investigative reports under review.

independent assessment of the adequacy and completeness of the campus-based investigations and remedial measures that have been initiated to date. During the course of the Panel's work, it met on 7 occasions, reviewed five separate campus-initiated investigative reports and voluminous supporting materials, and interviewed nearly 20 individuals related to these reports, many of them on numerous occasions. The investigative reports reviewed were:

1. The May 2, 2012, Hartlyn/Andrews Review of Courses in the Department of African and Afro-American Studies (the "Hartlyn/Andrews Report") (Tab 1);
2. The April 10, 2012, Independent Study Task Force Report (Tab 2);
3. The July 26, 2012, Report of the Special Subcommittee of the Faculty Executive Committee (Tab 3);
4. The December 19, 2012, Report of Findings of the Academic Anomalies Review prepared by former Governor James G. Martin, with the assistance of Baker Tilly (the "Martin Report"), with addendum provided January 25, 2013 (Tab 4); and
5. The December 19, 2012, Baker Tilly Report Addressing Plans to Enhance Academic Policies, Processes, Procedures and Systems (the "Baker Tilly Report") (Tab 5).

At the heart of all these investigations were actions clearly traceable to two former employees in the AFAM Department: the long-serving chair, Dr. Julius Nyang'oro, and the long-time departmental office administrator, Deborah Crowder, who together participated in the offering and proliferation of courses that failed to provide enrolled students with a rigorous and meaningful educational experience.

This fundamental academic failure affected students who were athletes and students who were not athletes, alike. Through comprehensive analysis of the 172 anomalous courses found to have occurred from the fall of 2001 through the second summer session of 2012, Baker Tilly found that 44.9% of the total student enrollments in the anomalous course sections were student-athletes, and 55.1% were not student-athletes. In a similarly distributed cluster grouping of 172 courses that were cleared of any irregularity, 48.9% were student-athletes, and 51.1% were not athletes. Baker Tilly further determined that there were more anomalous courses with no student athletes enrolled than there were with only student athletes enrolled. Regardless of the composition of the classes, however, or the characterization of the scandal as academic or athletic, the Panel believes that it was inexcusable for any student to have been deprived of a meaningful educational experience.

We may never know whether some student-athletes were advised to enroll in the irregular courses specifically as a mechanism to help preserve their athletic eligibility, but no evidence has been found to support a conclusion that a conspiracy or collusion existed between the Athletic Department and the Academic Support Program for Student Athletes (“ASPSA”), on the one hand, and the two complicit former employees in the AFAM Department on the other hand. It is, however, reasonable to assume that many students – athletes and non-athletes alike -- enrolled in these irregular AFAM Department courses expecting to achieve good grades with little rigor.

The fact that these improper courses extended over a 14-year period without detection is extremely troubling. Imperfect institutional processes and systems contributed substantially to the university’s failure to detect and stop these irregular

courses and unauthorized grading practices. There was no process in place that required a periodic performance review of the departmental chair, so long as that individual remained as chair. There was no review of the department chair's course load or course requirements by his supervisors. There were no policies limiting the number of independent study courses that a faculty member could teach or that defined the responsibilities of faculty members teaching in an independent study format.

The Panel concludes that these and other serious institutional failures cannot be traced to any individual. The system vulnerabilities that were documented in the various reports and explained at length by many who were interviewed by this Panel existed both in the academic sector, which enabled the irregularities to flourish over many years, and in the athletic sector, where some academic counselors guided student-athletes into the courses because of their flexible scheduling and minimal requirements. The potential for problems in this area was heightened by the fact that the ASPSA had strong ties to the Athletic Department, as well as to academic affairs. UNC-Chapel Hill has acknowledged the potential for problems in this reporting structure, and has transferred the sole supervision of the ASPSA to Academic Affairs. President Ross has also mandated this change in reporting structure for all UNC schools with intercollegiate athletics programs.

After reviewing the multiple and complementary campus-based investigations described in and attached to this Report, and with the delivery of the Martin and Baker Tilly Reports, the Panel has concluded that all necessary forensic study and analysis have been completed. This belief is based, in part, upon the assurances by Baker Tilly and Governor Martin that they were provided "unfettered" access to confidential information, were denied no data, and did not believe that any additional information would enable

them to expand their reported findings. Based upon the presented evidence, the Panel now knows to a reasonable level of certainty, what happened, how it happened, and how it continued undetected for so many years. Although some additional information may yet emerge, the Panel believes that further forensic review will not be productive. This conclusion should not, however, signal this Panel's complete satisfaction with all of the answers it has received. It is still difficult to comprehend why no one came forward effectively to identify and attempt to stop this past academic misconduct. It is frustrating that we may never know.

Perhaps of greater importance now than what we have learned (or failed to discern) through these investigations of past abuses, is the Panel's confidence that the Chapel Hill campus has responded strongly to secure its academic enterprise through the implementation of robust procedures and other measures that – had they existed years earlier – could have mitigated or even prevented the serious breaches of academic integrity that have so seriously damaged the institution's reputation. As noted above, the campus has significantly strengthened Academic Affairs oversight of the education of student-athletes. In addition, UNC-Chapel Hill has taken numerous other steps, including:

- (1) establishing new departmental governance structures;
- (2) adopting monitoring systems to ensure standard practice in handling course syllabi;
- (3) annually reviewing faculty teaching assignments;
- (4) creating and using a new centralized data base that will allow only authorized access to grades and grade changes, and monitoring of suspicious clustering;

- (5) restricting independent study courses to juniors and seniors with a GPA of 3.0 or higher;
- (6) limiting faculty to no more than 2 independent study students per term; and
- (7) requiring the Summer School to ensure that faculty are aware of teaching time frames and their required course structures.

The Panel also acknowledges the steps that President Ross has already taken and recommends that a number of the corrective measures and process improvements that are being adopted at UNC-Chapel Hill be considered for application across the greater University of North Carolina to help ensure academic integrity at all of this state's public universities. Current campus and system-level measures and protocols are itemized in an attachment to this Report entitled "Campus and System-Level Actions Related to UNC-Chapel Hill Course Irregularities." (Tab 6)

The improper and unethical actions of two former employees dishonored an entire university. Institutional systems failed to detect and prevent these actions. We know a great deal more today than we did in August of 2011. We also know that some questions will probably never be answered. The time has come, however, to move ahead with utmost vigilance to be sure that nothing like this ever occurs again at UNC-Chapel Hill or at any of our universities.

## 2. BACKGROUND AND CHARGE

At the Panel's first meeting, held on July 20, 2012, President Ross charged the Panel:

- To review and assess the investigative work done by the Chapel Hill campus related to the issues that were found to exist in the Department of African and Afro-American Studies;

- To review and assess the actions already taken and proposed on the campus to remedy the problems identified in the Department of African and Afro-American Studies and protect against any similar problems in all departments throughout the entire campus; and
- To consider whether the campus had done as thorough and diligent an investigation as feasible and whether the steps taken and proposed by the campus were reasonable and adequate to protect the University's academic integrity and help prevent a similar situation from occurring again;
- To review all reports and supporting documents pertaining to the issues identified and meet with the authors of those reports, review other relevant materials, and meet with other staff as appropriate and necessary to assess investigative protocols, methodologies, and conclusions, as well as actions taken and planned; and
- To review these serious matters thoroughly and to report to the President and the Board of Governors after the work had been completed. In the event it concluded that any further action was needed, the Panel also was charged to offer its recommendations for additional steps to be taken.

The Panel was directed by Board Chair Peter Hans to be independent, objective, and thorough. It was instructed to probe deeply and to come down on the side of integrity, academic rigor, and accountability.

### 3. PANEL COMPOSITION AND SUMMARY OF PROCEEDINGS

The following members of the Board of Governors were appointed to the Panel: Louis Bisette, Chair; Walter Davenport; James Deal; Ann Goodnight; and Hari Nath.

The Panel heard presentations from administrative officers and faculty of UNC-Chapel Hill during six meetings, and carefully reviewed reports and hundreds of pages of materials provided by the presenters. Members asked many questions and sought additional information and context for the issues under review. Collectively, panelists spent hundreds of hours in meeting preparation and attendance, and in review of reports, interview transcripts, policies and procedures, and other relevant materials. The Panel also attended a meeting of the UNC-Chapel Hill Board of Trustees and heard presentations and reviewed the extensive report prepared by former Governor James Martin and representatives of the Baker Tilly firm working with him. The Panel held a separate meeting at which it interviewed Governor Martin and Raina Rose Tagle a partner with Baker Tilly. Rose Tagle appeared before the Panel again on January 25, 2013, to present an Addendum to the Martin Report, which focused on an analysis of the proportion of student-athletes in the anomalous courses in comparison to non-athlete students.

A timeline of key milestones<sup>2</sup> related to the irregularities identified within the AFAM Department is included for context:

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<sup>2</sup> In its preparation of this timeline, the Panel reviewed and relied on a “Timeline of Actions Related to Course Irregularities in African and Afro-American Studies, 2010-Present” prepared by campus personnel, see Tab 7. The detailed campus timeline is maintained and updated at [academicreview.unc.edu](http://academicreview.unc.edu).

Timeline of Key Events:  
Investigations of Course Irregularities in  
UNC-Chapel Hill's African and Afro-American Studies Department

September 2009	Deborah Crowder retires from UNC-Chapel Hill as Departmental manager.
July 2010	NCAA and UNC-Chapel Hill begin investigating student-athletes' receipt of impermissible benefits. UNC-Chapel Hill discovers and reports to the NCAA academic issues related to a former student tutor and academic mentor.
August 2010	UNC-Chapel Hill announces investigation of possible academic misconduct related to NCAA football case.
June 2011	UNC-Chapel Hill receives notice of allegations from the NCAA related to its football program.
July 2011	Student-athlete's lawsuit against UNC-Chapel Hill and the NCAA reveals a 2009 Swahili 403 paper that allegedly was plagiarized. Dr. Julius Nyang'oro, Chair of the Department, is listed on the paper as the course instructor.
August 2011	<p>A news article reports that an unnamed source had provided a reporter with what was alleged to be a partial transcript from a former UNC-Chapel Hill football player.</p> <p>UNC-Chapel Hill receives media requests for information regarding student-athletes and courses within the Department of African and Afro-American Studies.</p> <p>UNC-Chapel Hill notifies the NCAA of potential new issues related to student-athletes and convenes an internal working group comprised of Jack Evans, a retired professor in the Kenan-Flagler Business School; Jonathan Hartlyn, Senior Associate Dean for Social Sciences and Global Programs; and Leslie Strohm, University Counsel. The group</p>

works with the NCAA and identifies serious concerns with courses in the Department.

Dr. Nyang'oro resigns as Department chair.

September 2011

Senior Associate Deans Jonathan Hartlyn and William Andrews begin review of all courses offered in the AFAM Department from the summer of 2007 through the summer of 2011.

Senior Associate Dean for Undergraduate Education Bobbi Owen forms task force to review independent study and directed reading courses across the College of Arts and Sciences.

UNC-Chapel Hill completes strategic planning for Academic Support Program for Student-Athletes (ASPSA) and begins to implement changes.

October 2011

UNC-Chapel Hill appears before the NCAA Committee on Infractions with respect to matters identified by the NCAA in its June 2011 notice of allegations.

November 2011

College of Arts and Sciences Dean Karen Gil and Senior Associate Dean Hartlyn meet with Chief of the University's Department of Public Safety about unauthorized signatures on grade rolls.

December 2011

UNC-Chapel Hill appoints new AFAM Department Chair, Eunice Sahle.

College of Arts and Sciences implements new policy for grade change forms.

Spring 2012

The Educational Policy Committee initiates a study of university-wide policies for course syllabi.

February 2012

Dr. Nyang'oro relinquishes his tenured faculty position and resigns effective at the end of the school year.

March 2012	NCAA announces ruling regarding violations involving football program.
April 2012	Independent Study Task Force releases report and recommendations.
May 2012	UNC-Chapel Hill releases Hartlyn/Andrews Report and Independent Study Task Force Report.  Summer School implements new policies and practices to monitor teaching assignments.  UNC-Chapel Hill requests SBI assistance reviewing Dr. Nyang'oro's conduct.  College of Arts and Sciences implements individual learning contracts for independent study courses.  College of Arts and Sciences implements standard course numbering system.  College of Arts and Sciences begins use of ConnectCarolina database, which includes student and course records.
June 2012	President Ross and Board Chair Gage appoint a Panel of Board members to review adequacy of UNC-Chapel Hill's investigative work and remedial measures.
July 2012	Faculty Executive Committee releases report on internal reviews of AFAM Department courses and independent studies.  BOG Academic Review Panel convenes.
August 2012	UNC-Chapel Hill asks former Governor James Martin, with support from Baker Tilly, a national advisory firm, to lead an independent review to address questions of further academic anomalies. Baker Tilly also is asked to assess the campus's system enhancements designed to address concerns.

Chancellor Thorp requests Association of American Universities President Hunter Rawlings' assistance in examining the proper future relationship between academics and athletics at Carolina.

Fall 2012

ASPSA revitalizes Faculty Advisory Committee.

UNC-Chapel Hill implements requirement that all student-athletes meet with their primary academic advisors at least once each year to review programs of study. Academic advisors in the College of Arts and Sciences and the professional schools now have sole responsibility for ensuring student-athletes' coherent program of study, satisfaction of degree requirements, and promoting progress toward graduation. ASPSA academic counselors complement work of academic advisers by monitoring student-athletes' classroom performance and providing guidance on NCAA and ACC regulations.

December 20, 2012

Governor Martin presents his report to the UNC-Chapel Hill Board of Trustees. Baker Tilly issues its report assessing system enhancements.

January 2013

Governor Martin and Baker Tilly reissue the Martin Report with Addendum.

#### 4. REVIEW OF INVESTIGATIONS AND REPORTS

The Panel reviewed five separate investigations and reports stemming from these investigations. In addition to evaluating the reports, the Panel also considered and assessed the specific steps that have already been initiated or are planned for implementation by the campus to protect academic integrity and ensure that abuses such as occurred cannot happen again. The Panel questioned the reports' principal authors and reviewed supporting documentation considered as a part of those investigations. It was not this Panel's charge to re-do the work of any of the campus-based or independent reviews that have been completed. Its approach, therefore, was to test and evaluate the

sufficiency of the investigations and remedial measures from the broader perspective of where we are today.

a. *Campus Review of Irregular Courses in the Department of African and Afro-American Studies (“Hartlyn/Andrews Report”)*

The Panel received and considered the May 2, 2012, Report authored by Jonathan Hartlyn, Senior Associate Dean for Social Sciences and Global Programs, and William Andrews, Senior Associate Dean for Fine Arts and Humanities (“Hartlyn/Andrews Report”). The Panel also reviewed and considered the campus timeline and materials provided by Karen Gil, Dean of the College of Arts and Sciences (Tabs 8 and 9). Senior Associate Dean Hartlyn addressed the Panel on numerous occasions, along with Dean Gil. (Tab 9) The Panel thoroughly questioned Senior Associate Dean Hartlyn on methodology and findings set forth in the Hartlyn/Andrews Report, and reviewed the voluminous materials relied upon by Hartlyn and Andrews in arriving at their conclusions.

The Hartlyn/Andrews investigation followed an initial review of the irregularities conducted jointly by the campus and the NCAA. The University first notified the NCAA that it had identified potential academic issues involving student-athletes in AFAM courses on August 24, 2011. The campus asked the NCAA to join in an investigation of these issues, and the NCAA agreed to do so. A member of the NCAA enforcement staff traveled to Chapel Hill several times in the fall of 2011 and participated throughout the investigation. Along with the NCAA enforcement staff, a campus internal working group including University Counsel Leslie Strohm, Senior Associate Dean Hartlyn, and former faculty athletics representative Jack Evans, interviewed faculty and staff in the AFAM Department, academic support counselors, and student-athletes who had taken multiple

courses in the Department. Based on this joint review, UNC-Chapel Hill and NCAA staff concluded that there were no violations of current NCAA rules or student-athlete eligibility issues related to courses in the AFAM Department, and, as a result, the NCAA did not add any allegations or raise this issue during the University's appearance in October 2011 before the NCAA Committee on Infractions.<sup>3</sup>

After the joint work of the internal working group and the NCAA had been completed, Dean Gil asked Senior Associate Deans Hartlyn and Andrews to conduct their review of courses in AFAM. When their work was completed and publicly issued in May 2012, the Hartlyn/Andrews Report was provided to the NCAA.

The Panel believes that the review of the irregularities in the AFAM Department conducted by Hartlyn and Andrews was rigorous and thorough, even though the review only reached back to 2007. The Panel found it significant that the Martin Report, while confirming that improper activities extended over a much longer period, reached conclusions similar to those reached by Hartlyn and Andrews, who had already identified all of the critical issues and those responsible. Governor Martin and Baker Tilly were able to reach back to 1994 only after the subsequent creation of a comprehensive system for analyzing confidential student data that had not been available to Hartlyn and Andrews. Notwithstanding the chronological limitations of their initial review, the Hartlyn/Andrews conclusions were based upon in-depth interviews and analysis and have proven to be sound.

The Hartlyn/Andrews Report made strong recommendations for improvement in the AFAM Department through the adoption of practices and procedures designed to

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<sup>3</sup> It was after completion of the joint review that Dr. Nyang'oro resigned as chair of the AFAM Department.

prevent the same or similar conduct from occurring again. Those reforms, in conjunction with the additional steps taken by Senior Associate Dean Owen (discussed below), have been implemented by the AFAM Department under its new leadership and with the support of its faculty and the College of Arts and Sciences.

The Panel heard presentations from the new Department Chair, Dr. Eunice Sahle, and other faculty members in the AFAM Department. (Tab 10) Dr. Sahle demonstrated to the Panel's satisfaction that the reforms implemented by the Department and the College will strengthen the Department and protect the academic integrity of its courses and programs. Dr. Sahle's commitment to excellence in teaching, research, and service, and her strong leadership provide a solid basis for the Department to thrive in the aftermath of this terrible chapter. It is absolutely critical, however, in view of past practices that the Department and the College remain vigilant in delivering a high-quality educational experience to all students who enroll in the AFAM Department. This is not the responsibility of one chair alone, but of all members of the faculty, who must be committed to the same mission.

In consideration of the foregoing, the Panel accepts the findings, conclusions, and recommendations found in the Hartlyn/Andrews Report.

b. *Independent Study Task Force Report*

In September of 2011, Dean Gil requested that Senior Associate Dean Owen ask the Administrative Board of the College of Arts and Sciences to develop a stronger and more consistent set of guidelines, applicable in all of its departments, for undergraduate independent study courses and directed reading courses. This request stemmed from the aberrant and irregular courses discovered in the AFAM Department, many of which were

framed as independent study courses. A task force was formed and it issued a report and recommendations in response to Dean Gil's request.

The Panel heard several presentations by Dean Gil and Senior Associate Dean Owen in connection with the work of the task force, the conclusions reached, and the implementation of detailed recommendations made in the Independent Study Task Force Report. (Tabs 9 and 11) The Panel also heard from UNC-Chapel Hill Registrar Chris Derickson, who explained the new technology and processes required for full adoption of the task force's recommendations, particularly those related to course numbering, course identification, and data collection and analysis. The improved policies and practices in independent study extend throughout the campus' undergraduate courses, and many of these recommendations have already been adopted.

In addition, the Panel heard from Dean Jan Yopp, who is responsible for Summer School, including courses taught by faculty from the College of Arts and Science and six professional schools. (Tab 12) She explained the processes applicable to scheduling and planning for summer sessions. She also identified the remedial actions that the summer school program has taken under her leadership in response to the findings of the Hartlyn/Andrews Report.

The Panel believes that the work of the Independent Study Task Force was comprehensive and that the campus has responded appropriately by implementing and progressing toward implementation of many of the detailed recommendations. The Panel recognizes that the task force recommendations may not apply across all disciplines and that the development of necessary technology may require phased implementation of some recommendations. Nonetheless, this appears to be a "best practice" approach

related to independent study and directed reading courses, and should be fully adopted.

The Panel further believes that these best practices should be considered for system-wide adoption.

c. *Report of the Special Subcommittee of the Faculty Executive Committee*

On May 14, 2012, Professor Jan Boxill, Chair of the Faculty Council, with support of the Faculty Executive Committee (“FEC”) and the Chancellor, appointed a special subcommittee to address open questions that faculty believed had not been fully explored in either the Hartlyn/Andrews Report or the Independent Study Task Force Report. The subcommittee included Professors Steven Bachenheimer (Microbiology and Immunology), Michael Gerhardt (Law), and Laurie Maffly-Kipp (Religious Studies). The subcommittee was charged with three primary tasks, set forth at page two of its report (“Faculty Special Subcommittee Report”). Between May 21 and June 26, 2012, the special subcommittee met with numerous individuals from across the university, including the authors of the reports reviewed by this Panel.

Supported by Professor Boxill, the three members of the special subcommittee presented their report, findings, and recommendations to the Panel (Tab 13). The special subcommittee found no fault with, or errors in, any of the official reports they reviewed, but they did identify areas of continuing concern. They recommended among other things, that the Chancellor commission an independent examination of the appropriate relationship between academics and athletics at UNC-Chapel Hill. This recommendation was promptly adopted and the effort will be led by Dr. Hunter Rawlings, president of the prestigious Association of American Universities. The Panel expressed appreciation for the work of this special subcommittee, and accepts its report.

The Panel is also encouraged by other ongoing efforts to improve faculty engagement in the unique educational needs of students participating in intercollegiate athletics. The Panel heard a presentation from Professor Joy Renner, current Chair of the Faculty Athletics Committee (“FAC”). She stressed the reinvigorated engagement of the FAC under her leadership and the FAC’s focus on monitoring existing systems, policies, and organization related to academics; reviewing present and past academic outcomes and trends; seeking best practices from academic peers to refine the relationship between academics and athletics; and providing input in the development of new systems and policies to strengthen the student-athlete’s overall academic experience. (Tab 14) These are important and appropriate goals, and the Panel believes it is very important that the FAC remain fully engaged in the future.

In addition to a more robust FAC, the Faculty Athletics Representative to the NCAA and the Atlantic Coast Conference (“FAR”) has committed to working to ensure that academics are central to the student-athlete experience at UNC-Chapel Hill. The Panel heard on several occasions from Wells Fargo Professor of Banking Law Lissa Broome, who is serving in her third year as FAR. (Tab 15) Professor Broome described a number of current initiatives intended to ensure adherence to policies and processes that will restore and maintain academic integrity. At the core of her efforts will be regular and frequent interaction among the stakeholders: athletic director, chancellor, faculty, and administration. Professor Broome stressed her personal and professional commitment to pursue these goals during her tenure as FAR.

The Panel believes that continued close collaboration between the Athletic Department and the FAC and the FAR will be critical to continued faculty engagement in the academic success of student-athletes and the preservation of academic integrity.

The investigations pointed to a question about the proper role of employees in the ASPSA. It seems clear that academic counselors in the ASPSA guided student-athletes into AFAM Department courses during the periods under review, without necessarily knowing that the courses were anomalous. We have seen no evidence, for example, that anyone in ASPSA knew about improper and unauthorized grading practices, or the academic misconduct perpetrated by the two former AFAM Department employees. There appears to be, however, some dispute as to whether questions were ever raised by academic counselors or others in the ASPSA about “paper-only” courses that were nominally listed as lecture courses. This Panel acknowledges the open question about what might have occurred years ago, but believes that it is immaterial to its focus on current practices in both Academic Affairs and the ASPSA that reduce the risk for any such anomalies occurring in the future.

As context for our review, we interviewed representatives from the Athletic Department and the ASPSA about what they are doing now to ensure that their academic support programs for athletes are sound. The Panel heard presentations from Senior Associate Dean Owen (Tab 16), Harold Woodard, Associate Dean and Director of the Center for Student Success and Academic Counseling (Tab 17), and Lawrence R. “Bubba” Cunningham, Director of Athletics. (Tab 18)

The ASPSA is a constituent program in the Center for Student Success and Academic Counseling (CSSAC). As stated in its 2012-2013 Tutor Manual (Tab 19), the

mission of the ASPSA is “to provide collaborative programs and services with campus constituents to support and enhance the overall growth and development of all student-athletes. These programs and services promote personal responsibility, integrity, educational excellence, and successful completion of a meaningful undergraduate degree.” Individual staff members of the ASPSA are assigned to assist student-athletes participating in specific sports. In order to be effective, ASPSA staff must be extremely knowledgeable about NCAA and Athletic Department policies and procedures, in addition to the range of academic requirements of student-athletes.

A strategic planning process for the ASPSA was begun during the 2010-2011 academic year, in part as a response to the ongoing NCAA investigation covering alleged academic misconduct. The strategic planning committee that issued its report on September 1, 2011, included six recommendations “meant to include student-athletes who are well-prepared for college as well as those less well-prepared for college and to strengthen an already strong program staffed by professionals whose goal is academic success for every student-athlete at Carolina.” It is the Panel’s understanding that these recommendations have been adopted and that academic oversight of the ASPSA has been significantly strengthened. (Tab 20)

The Panel is cautiously optimistic that the new reporting structure in the ASPSA, the new policies and practices applicable to counseling and tutoring student-athletes, stronger faculty involvement, tightening of the policies concerning independent study and Summer School courses, and robust training and management of personnel should provide substantial protection against the ever-present challenges to the integrity of the

student-athlete academic experience. The Panel encourages continued improvement and vigilance in all of these critical areas.

d. *Report Prepared by Former Governor James G. Martin, and Baker Tilly*

At a special meeting of the UNC-Chapel Hill Board of Trustees held on December 20, 2012, former Governor James Martin presented findings and conclusions of his independent investigation conducted with the assistance of national consulting firm Baker Tilly. (Tab 21) Martin summarized his essential findings in a December 20, 2012, cover letter presented to the Board of Trustees and Chancellor Thorp. (Tab 4) In addition, Rose Tagle also presented a separate report evaluating the campus' reform measures that had been implemented or were in the process of implementation. (Tab 5)

This Panel was in attendance and heard the presentations and question and answer session with Governor Martin and Rose Tagle. Later on the same day, Governor Martin, Rose Tagle, and another Baker Tilly representative appeared before this Panel. The Panel found both meetings informative and had many questions answered by the Martin team. The review was data driven (including almost five million data elements), but also relied on many personal interviews that allowed for credibility assessment.

The Panel observes that Governor Martin did not find any shortcomings in the Hartlyn/Andrews Report. Rather, he concluded that Nyang'oro's and Crowder's activities, found in the Hartlyn/Andrews Report to have occurred during 2007 to 2011, had actually been occurring over a much longer period of time. Governor Martin concluded that Senior Associate Deans Hartlyn and Andrews had accurately identified the nature of the improper conduct and the responsible parties. Governor Martin and Baker Tilly identified the inception of the academic misconduct and more fully detailed

the course of those activities over time. Both Governor Martin and Rose Tagle observed that at the time of their review, Hartlyn and Andrews did not have available to them the historic confidential student data that was eventually compiled through Baker Tilly's creation of a comprehensive analytical model.

The Martin Report concluded that this academic "malpractice" was uniquely isolated within the AFAM Department. This conclusion was reached after reviewing 172,580 course sections, provided by 12,715 instructors, for 118,611 individual undergraduates over a 14-year period. The Panel found these numbers compelling. In addition, Governor Martin and Baker Tilly investigated what they termed "curious features" in six other departments that emerged from the data review, but found rational explanations for each case.

The Panel met again with Rose Tagle on January 25, 2013, when she presented a January 24, 2013, Addendum to the Martin Report that provided additional data related to the irregular courses. The Addendum offered greater specificity related to improper grade changes, average grades achieved, numbers of student enrollments in the AFAM Department over the period in question, and "clustering" patterns. The data presented in the Addendum, at a more granular level, demonstrated Martin's core finding that the academic misconduct affected student athletes and non-student athletes alike. The Panel had raised a question with Martin and Rose Tagle at its December 20, 2012, meeting about the proportion of student athletes in the irregular courses, and the Addendum addressed those concerns for purposes of this review.

The Panel believes that Governor Martin and Baker Tilly undertook a thorough and comprehensive review of the facts and circumstances surrounding the improper and

unethical activities in the AFAM Department. The Panel acknowledges that the investigators received the campus' full cooperation and broad access to information. Governor Martin did not avoid difficult questions or answers, and he and his team provided an in-depth report, which has been supplemented.

Along with the UNC-Chapel Hill Board of Trustees, this Panel accepts the Martin Report. His Report reflects objectivity, independence and comprehensiveness. In short, he completed the job he accepted, and the Panel believes it unlikely that additional analysis of past events and conduct would yield further material information.<sup>4</sup>

e. *Report Prepared by Baker Tilly Addressing Process Improvements*

In addition to exploring with Governor Martin the evidence surrounding the academic misdeeds dating back to 1997, Baker Tilly also evaluated the remedial measures and other process enhancements that have been identified and are being implemented at UNC-Chapel Hill to help ensure that such serious issues related to academic integrity never arise again. This review was documented by Rose Tagle in a report delivered to the Board of Trustees and Chancellor Thorp.

Baker Tilly's analysis focused on relevant existing campus policies and new processes or procedures implemented in response to the Independent Study Task Force and Hartlyn/Andrews Reports. As outlined in their Report, they identified areas of risk and then assessed whether existing policies and procedures left any gaps in coverage over those identified risks. Based upon the procedures they performed, they were unable to identify "any gaps between the Risks referenced in the Reports and the University's

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<sup>4</sup> The Panel recognizes that certain matters are pending outside its purview, including a criminal inquiry and a review based upon action taken on December 10, 2012, by the Southern Association of Colleges and Schools Commission on Colleges ("SACSCOC").

implementation plans.” Baker Tilly did not conduct an official audit of internal controls related to planned changes to processes or procedures; nonetheless, their “gap analysis” is a strong start. It is incumbent upon UNC-Chapel Hill to evaluate the effectiveness of the continued process improvements as they are implemented over time. It may also be useful for other campuses to conduct their own gap analyses in order to benchmark performance in the area of academic integrity.

The Baker Tilly review should benefit UNC-Chapel Hill and the larger University system. UNC-Chapel Hill has made substantial progress toward developing new processes and procedures that can be used as models for possible adoption by other UNC campuses. The Panel encourages the Board of Governors, the President, and the Chancellors to work together to consider these best practice models for prompt adoption, as appropriate. In addition, Baker Tilly’s risk assessment model and its protocols for gap analysis and evaluation of internal controls applicable to academic integrity should be considered as best practices for reviewing and protecting the academic enterprise. This Panel recognizes that application of such risk assessment tools across all campuses may take time, but believe they should be considered as soon as possible.

#### 5. ONGOING IMPROVEMENTS AND INITIATIVES

We have referred already in this Report to the significant steps that UNC-Chapel Hill has taken in the AFAM Department, across the academic enterprise, and in the ASPSA in order to restore and strengthen academic integrity and to ensure delivery of a sound academic experience to all students. Those steps, as well as measures being implemented on a system-wide basis, are catalogued in “Campus and System Level

Actions Related to UNC-Chapel Hill Course Irregularities in African and Afro-American Studies 2010-2012” at Tab 6. Among the more important steps identified are:

- Restructuring and realignment of the ASPSA under Academic Affairs;
- Tightening of the requirements for independent study courses;
- Development of electronic processes and systems that will end the paper reporting that contributed to the academic misconduct by Nyang’oro and Crowder;
- Development of electronic processes that will permit tracking of suspicious instances of clustering;<sup>5</sup>
- Reemphasis of the roles and contributions of the FAC the FAR;

President Ross created the UNC Task Force on Athletics and Academics in January 2011 to 1) identify and prioritize institutional risks in intercollegiate athletics related to academic integrity and NCAA compliance; and 2) review and propose best practices related to these risks with special emphasis on academic support services and tutoring for student-athletes. (“President’s 2011 Task Force”). The President’s 2011 Task Force issued its report on August 1, 2011, and many of its recommendations are now being adopted across the system. (Tab 22)

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<sup>5</sup> A regular process was implemented in the summer of 2012 to analyze course enrollments for members of all athletic teams at the beginning of each semester and summer term. The results are reviewed by a committee comprised of the Senior Associate Dean for Undergraduate Education, the University’s Faculty Athletic Representative (FAR) to the Atlantic Coast Conference (ACC) and NCAA, and the University Registrar. Each lecture class with student athlete enrollments greater than 20% of the total class enrollment is flagged and reported by the Senior Associate Dean for Undergraduate Education to the dean, or designee, of the college/school offering the course. The dean is required to follow up with the instructor of record for each identified class, and, if necessary, the chair of the department teaching the class, to gather information about the circumstances. The findings are reported to the Senior Associate Dean for Undergraduate Education, who produces a summary report that is shared with the FAR, University Registrar, FAC, and Advisory Committee to the ASPSA.

One of the most important recommendations called for better integration of the athletics and academic enterprises. All UNC chancellors are currently reporting to the President on the steps they have taken and are in the process of implementing to ensure that the athletics compliance office reports to the chancellor (or the chancellor's non-athletics department designee) and that academic support services and tutoring are placed under the purview and oversight of Academic Affairs or another appropriate unit outside of the Athletic Department. The Panel confirmed that these steps have, in fact, been accomplished at UNC-Chapel Hill, and UNCGA is reviewing all campus' reports in order to prepare the 2012 BOG Intercollegiate Athletic Report. UNCGA's October 2012 instructions to the campus (Tab 23) included a new "Section C" developed in response to the President's 2011 Task Force Report recommendations.

President Ross and his staff are also preparing a set of "Academic Integrity Guidelines" for phased implementation by all campuses through 2014. These guidelines stem from the Independent Study Task Force recommendations, recommendations of the President's 2011 Task Force, a review of existing campus policies, and input from campus chief academic officers, academic affairs officers within UNC General Administration, and other stakeholders. They will now take into consideration this Report and the additional guidance summarized in the Baker Tilly Report. We believe that strong guidelines can provide additional protection against academic misconduct, such as occurred at UNC-Chapel Hill in the AFAM Department. The Panel encourages the President to ensure prompt completion, implementation, and appropriate follow through by all campus stakeholders.

6. AREAS FOR FUTURE CONSIDERATION

The Panel is enthusiastic about and welcomes the engagement of the committee to be established by Dr. Hunter Rawlings. Chancellor Thorp has asked Dr. Rawlings to consider broadly the appropriate relationship between athletics and academics in the university. While this work will be conducted at UNC-Chapel Hill, we expect that the ensuing conversation will apply and be of interest to all institutions of higher education in the state and the nation. It is in that context that we ask UNC-Chapel Hill and Dr. Rawlings to give consideration to certain concerns that emerged from the Panel's principal inquiry, but were beyond its scope.

*Admissions Policies for Student-Athletes*

In order to gain a broader context for the information provided and reviewed, the Panel twice interviewed Stephen Farmer, UNC-Chapel Hill's Director of Admissions, regarding admissions policies applicable to student-athletes. Mr. Farmer provided a range of materials relevant to the work of the Subcommittee on Athletics Admissions, and he responded to numerous questions from the Panel in both open and closed sessions. (Tab 24)

It is not within the Panel's charge to review or address exceptional admissions policies applicable to student-athletes or others, but the Panel is concerned and believes that any student admitted to the University under an exception policy should have the demonstrated ability to be academically successful at the institution. This concern would extend to policies and practices at all campuses where special rules apply to exceptional applicants, and this Panel encourages review of these policies and the practical effects of their application.

## 7. RECOMMENDATIONS

The Panel acknowledges and supports the meaningful and productive ongoing initiatives both at UNC-Chapel Hill and across the larger UNC system. In addition to the existing initiatives, the Panel recommends consideration by the President and the chancellors of the following measures for possible system-wide application:

- Acquisition and use of Baker Tilly’s model for risk assessment and internal controls applicable to academic integrity as a best practice for reviewing and protecting academics at each campus;
- Development and implementation of systems and procedures similar to those developed for implementation by UNC-Chapel Hill at each campus;
- Adoption of best practice guidelines applicable to the delivery of independent study courses, such as those identified by the UNC-Chapel Hill Independent Study Task Force;
- Establishment of clear requirements for student-athletes to meet with their academic advisors at least once a year to review programs of study;
- Review of exceptional admissions policies to ensure that any student admitted to a UNC campus has the demonstrated ability to be academically successful at the institution;
- Adoption of processes for the annual review by the Chancellor, or his or her designee, of all faculty teaching assignments and enrollments across all academic departments;

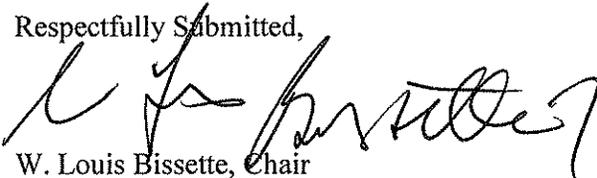
- Development of electronic processes that will permit tracking of suspicious instances of clustering, and requiring annual reporting to the Chancellor, or his or her designee; and
- Implementation of strategic planning processes to improve faculty engagement in athletics.

8. CONCLUSION

The Panel has concluded that all necessary investigations and analyses of the past academic misconduct have been completed. With full acknowledgement of what went wrong, we are unanimous in our belief that it is now time for the University of North Carolina to move ahead, to commit to the prompt implementation of effective policies and practices throughout the system, and to remain vigilant and accountable for the stewardship of the academic enterprise throughout the University of North Carolina.

The Panel respectfully submits its Report to President Ross and the UNC Board of Governors in fulfillment of its charge.

Respectfully Submitted,



W. Louis Bissette, Chair

Board of Governors Academic Review Panel

February 7, 2013