

NCAA Cuts UNC Men's Basketball, Football From Allegations

By **Zachary Zagger**

Law360, New York (April 26, 2016, 8:55 PM ET) -- The NCAA has removed mention of the University of North Carolina men's basketball and football programs from its academic fraud allegations, according to an amended notice of allegations disclosed by the school Monday, in what could signal a significant shift in the NCAA's case against the Tar Heels.

UNC was hit with **five NCAA Level I "severe breach of conduct" allegations** last May over the furnishing of impermissible benefits to its student-athletes in the men's and women's basketball teams and the football team related to alleged "anomalous courses" in the university's African and Afro-American Studies department. The allegations could carry severe penalties for the university and its athletics department, including suspensions, postseason bans or vacated wins.

But on Monday, UNC released a new amended notice of allegations from the NCAA, which now only mentions the women's basketball program, removing mention of the university's marquee Tar Heels men's basketball and football programs.

"We are carefully reviewing the amended notice of allegations resulting from our joint investigation with the NCAA and will respond with facts and evidence that present a full picture of our case," UNC director of athletics Bubba Cunningham said in a statement Monday. "The University takes these allegations extremely seriously. We remain committed to cooperating fully with the NCAA while working tirelessly to secure a fair outcome for Carolina."

The NCAA did not respond to a request for comment Tuesday.

Mintz Levin Cohn Ferris Glovsky and Popeo PC sports attorney Tyrone Thomas told Law360 that the change could mean that the NCAA no longer believes it has enough evidence to push the allegations, particularly for events going back over a decade, which can be tough with the turnover of students and student-athletes in the program, or it could mean that the NCAA received inconsistent or contradictory evidence.

"There is definitely a concern when the enforcement staff is going for severe violations that there is substantive evidence to sustain the allegations because you know that there is going to be pushback from the institution," Thomas said. "That is the just the environment we are in."

But the amended notice does raise the question of whether the focus of the investigation has shifted away from the classes themselves, which were offered to the general student body, from alleged impermissible benefits stemming from the classes.

The definition of impermissible benefits includes such benefits that are offered to student-

athletes but not the general student body, according to Thomas.

The new notice of allegations still includes alleged violations for impermissible benefits for the women's basketball team, in particular alleging that Jan Boxill, a former philosophy instructor and director of the Parr Center for Ethics and women's basketball academic counselor, had "knowingly provided extra benefits in the form of impermissible academic assistance and special arrangements to women's basketball student-athletes."

But the initial notice had alleged that the student-athletes' academic support staff had leveraged their relationships with faculty members to get student-athletes into the alleged "anomalous courses" that had "little if any, attendance requirements, minimal to no faculty interaction, lax paper writing standards and artificially high final grades."

Further, the earlier notice had alleged that though the classes in question were open to the general student body that "student-athletes received preferential access to these anomalous courses, enrolled in these anomalous courses at a disproportionate rate to that of the general student body and received other impermissible benefits not available to the general student body in connection with these courses."

However, UNC is still facing potential NCAA penalties for lack of institutional control, which Thomas said could still cause issues for the athletics department and other sports.

"Until that issue is resolved, or at least contained, the institution has to be very vigilant," Thomas said.

Between 1993 and 2011, UNC's men's basketball team, the Tar Heels, won three NCAA Tournament championships — in 1993, 2005 and 2009 — and appeared in eight Final Fours, and the women's team appeared in three Final Fours, winning the championship once in 1994.

This year, the men's basketball team reached the Final Four of the NCAA Division I Men's Basketball Championship tournament playing in the title game but lost to Villanova University.

--Editing by Patricia K. Cole.