

STATE OF NORTH CAROLINA
COUNTY OF DURHAM

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
15 CVS _____

RASHANDA MCCANTS and DEVON RAMSAY,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

THE NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION and THE UNIVERSITY OF NORTH
CAROLINA AT CHAPEL HILL,

Defendants.

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

Plaintiffs Rashanda McCants and Devon Ramsay, individually and on behalf of a class of all others similarly situated, bring this action for damages and injunctive relief against Defendants University of North Carolina at Chapel Hill (“UNC”) and the National Collegiate Athletic Association (“NCAA”), and allege on the investigation of counsel and on information and belief as follows:

NATURE OF THE ACTION

1. This case arises out of the NCAA and UNC’s abject failure to safeguard and provide a meaningful education to scholarship athletes who agreed to attend UNC—and take the

field—in exchange for academically sound instruction. This latest lapse, however profound, is regrettably just one of many such episodes in the history of college sports.

2. The NCAA, which has governed intercollegiate athletics for 100 years, has made a firm promise and commitment to college athletes—that it will protect the education and educational opportunities of men and women participating in college athletics. This commitment courses throughout the NCAA’s governing documents, its publicly stated mission, its State of the Association addresses, its Constitution and Bylaws, and numerous other representations to the public, to parents of athletes, and to minors at the very early stages of their athletic careers. Time and time again, the NCAA has held itself out as the principal guardian of college athletes’ academic welfare, reiterating its role as ensuring that college athletes are integrated into the student body and as ensuring that athletic participation does not compromise academic achievement. On its website, the NCAA notes: “It’s our commitment—and our responsibility—to give young people opportunities to learn, play and succeed.”

3. UNC—a vaunted public university, perennial athletic powerhouse, and prominent NCAA Division I member school—complements the NCAA’s commitment through the school’s scholarship agreements with student-athletes, which promise academically sound instruction in exchange for enrolling at and playing college sports for UNC.

4. The NCAA and UNC broke these promises and breached their duties to student-athletes in spectacular fashion. From 1989 to 2011, under the supervision and regulation of the NCAA, UNC steered hundreds of college athletes into sham “paper classes” that they were not required to attend, that required little to no work, that were not taught by a faculty member, and

that involved no interaction with a faculty member.¹ As one recent investigation by a former federal prosecutor (commissioned by UNC itself) concluded, UNC furnished “academically unsound classes that provided deficient educational instruction to thousands” over the course of two decades.

5. This academic debacle, at one of the nation’s finest public universities, could not have come as a surprise to the NCAA. It had ample warning, including empirical evidence from numerous academic experts, that many college athletes were not receiving a meaningful education, including—disproportionally—African-American college athletes in revenue-producing sports. Although the NCAA’s rules prohibit academic fraud, the NCAA knew of dozens of instances of academic fraud in its member schools’ athletic programs over the last century, and it nevertheless refused to implement adequate monitoring systems to detect and prevent these occurrences at its member institutions. Instead, the NCAA sat idly by, permitting big-time college sports programs to operate as diploma mills that compromise educational opportunities and the future job prospects of student-athletes for the sake of wins and revenues. As the Knight Commission on Intercollegiate Athletics, a prominent independent investigative body, observed nearly fifteen years ago, “Power struggles for control of big-time football, revenue distribution, and other matters reflect a culture dominated by competitive rather than academic concerns, and one that often ignores the welfare of the athletes representing their institutions.”

6. UNC’s bogus classes once again reveal the great hypocrisy of college athletics in America. The NCAA and its member schools insist that their mission and purpose is to educate

¹ Of these hundreds of courses, six nominally involved faculty member Julius Nyang’oro, who nevertheless did not write or deliver lectures, and who graded according to the needs of the athletic department.

and to prevent the exploitation of college athletes. Yet it is the schools, the conferences, and the NCAA that are engaging in exploitation, subverting the educational mission in the service of the big business of college athletics—and then washing their hands of college athletes once they have served their purpose.

JURISDICTION AND VENUE

7. This Court has personal jurisdiction over Plaintiffs and Defendants NCAA and UNC pursuant to N.C. Gen. Stat. § 1-75.4. Plaintiffs Rashanda McCants and Devon Ramsay are natural persons domiciled in North Carolina and New Jersey, respectively, and Defendants UNC and NCAA are engaged in substantial activity within North Carolina. Furthermore, the claims arise out of acts and omissions that occurred within North Carolina.

8. Venue is proper in this Court pursuant to N.C. Gen. Stat. § 1-82. Plaintiff Rashanda McCants resides in Durham County, North Carolina.

PLAINTIFFS

9. Plaintiff Rashanda McCants is a resident of Durham, North Carolina. Ms. McCants attended UNC from 2005 to 2009 on an athletic scholarship. During that time, Ms. McCants played on the UNC’s women’s basketball team and was a starter from her sophomore to her senior year. Ms. McCants was also an All American and ACC Player of the Year nominee. Ms. McCants played the following positions while at UNC: shooting guard, power forward, and small forward. Ms. McCants graduated from UNC with a degree in Communications and Media Productions.

10. While a student at UNC, Ms. McCants enrolled in or was enrolled in at least the following academically unsound classes that provided deficient educational instruction:

2006 Spring	AFAM .065	TOPICS IN AFAM STUD
2008 Spring	AFRI520	SOUTHERN AFRICA

11. Ms. McCants was not informed and did not know that her work in the classes enumerated above was not supervised or graded by a faculty member or that the classes enumerated above were academically unsound.

12. Plaintiff Devon Ramsay is a resident of Red Bank, New Jersey. Mr. Ramsay attended UNC from 2007 to 2012 on an athletic scholarship. During that time, Mr. Ramsay played on UNC's football team and was a starter from his junior to his senior year. Mr. Ramsay played the following position while at UNC: fullback. Mr. Ramsay graduated from UNC with a degree in Public Policy.

13. While a student at UNC, Mr. Ramsay enrolled in or was enrolled in at least the following academically unsound class that provided deficient educational instruction:

2007 Fall	AFRI266 001	CONTEMPORARY AFRICA
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14. Mr. Ramsay was not informed and did not know that his work in the class enumerated above was not supervised or graded by a faculty member or that the class enumerated above was academically unsound.

DEFENDANTS

15. Defendant NCAA is an unincorporated member association of colleges, universities, and conferences, with its principal place of business located in Indianapolis, Indiana.

16. The NCAA has established a constitution, bylaws, regulations, rules, interpretations, and policies, both written and unwritten, that govern all aspects of intercollegiate athletics, including academic standards for certain of its member schools and their student-athletes receiving athletic scholarships.

17. The NCAA has more than 1,100 member institutions.

18. The members of the NCAA have granted it sweeping authority over the conduct

and control of their athletic programs and their student-athletes.

19. The NCAA divides its membership into three divisions. Division I (“DI”) includes approximately 350 colleges and universities, which represent the nation’s largest academic institutions by student population and which enjoy the largest athletic budgets. Division II includes small to medium size schools with smaller athletics budgets. Division III includes smaller schools that do not permit scholarships based on athletic ability.

20. DI schools collectively field more than 6,000 athletic teams, on which more than 170,000 college athletes compete in NCAA-sanctioned sports each year.

21. DI is further subdivided into conferences, within which NCAA member schools play many of their games. The five largest conferences, by revenue, are the Pacific-12 Conference, the Big Ten Conference, the Big 12 Conference, the Southeastern Conference, and the Atlantic Coast Conference (“ACC”). These conferences are known as the “Power Five” conferences.

22. The ACC is comprised of 15 member institutions. UNC has been a member of the ACC since the conference’s inception in 1953. The ACC is responsible for, among other things, maximizing, collecting, and distributing revenues on behalf of its member institutions, disciplining its member institutions, and scheduling games and postseason play.

23. DI is also subdivided based on football sponsorship. NCAA member schools in DI that are eligible to participate in bowl games and the College Football Playoff belong to the Football Bowl Subdivision (“FBS”). NCAA member schools in DI that are eligible to participate in the NCAA-sponsored football championship belong to the Football Championship Subdivision (“FCS”). A third group of NCAA member schools in DI does not sponsor football at all. Each of the Power Five conference schools plays in the FBS.

24. All NCAA member schools in DI that have men's basketball programs are eligible to participate in an NCAA-sponsored championship tournament each spring, known as "March Madness" and "The Final Four." The bulk of NCAA revenue and publicity derive from the "March Madness" tournament. All NCAA member schools in DI that have women's basketball programs are eligible to participate in a similar NCAA-sponsored championship tournament each spring.

25. Defendant UNC, a public university with its principal place of business in Chapel Hill, North Carolina, is a NCAA member school, is in DI, and is a member of the ACC. UNC fields 12 men's teams and 14 women's teams in NCAA-sponsored sports.

26. UNC's men's and women's basketball programs are particularly renowned. The men's basketball program is number three on the all-time DI win list, and has won the "March Madness" men's basketball tournament five times. In 2012, ESPN ranked UNC's men's basketball program as the number one most successful program of the last 50 years. UNC's women's basketball program is likewise a perennial contender, consistently winning the ACC championship and participating in the women's championship tournament. The women's basketball team won the NCAA tournament in 1994.

27. Intercollegiate athletics, particularly at the DI level, is a multi-billion dollar entertainment industry providing enormous revenue and publicity for the NCAA, its member schools, and its conferences. The NCAA alone enjoyed \$913 million in total revenue in fiscal year 2013, more than two-thirds of which was derived from the "March Madness" basketball tournament and much of which was passed through to member schools. This amount does not include the vast revenue that its member schools and conferences generate from football broadcast contracts, regular-season basketball games, licensing of intellectual property rights,

and other sources.

28. While FBS football and men’s basketball are the biggest drivers of revenue in college sports, women’s basketball and other sports also generate significant revenue and publicity for the NCAA, its member schools, and its conferences.

FACTS

The NCAA’s Stated Mission to Safeguard the Education of College Athletes

29. Since its founding in 1906 under another name, the NCAA has professed to protect and police the education of college athletes. According to its own historical account, “For the NCAA, the principal themes—fundamental at the beginning and fundamental today—are the commitment to amateurism and the connection between education and athletics in which education is the principal partner.”

30. This founding mission is evident in the NCAA Division I Manual, which includes the NCAA’s Constitution and Bylaws (colloquially referred to as its “rules”) and emphasizes that the “basic purpose of this Association is to maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body.”

31. For decades, Article 2 of the NCAA’s Constitution has enshrined 16 governing principles to which the NCAA and its members are committed, and which any NCAA legislation must advance.

32. NCAA Constitution Article 2.2 sets forth the “Principle of Student-Athlete Well-Being,” which provides that “[i]ntercollegiate athletics programs shall be conducted in a manner designed to protect and enhance the physical and educational well-being of student-athletes.” NCAA Constitution Article 2.2.1 further provides that “each member institution [will] establish and maintain an environment in which a student-athlete’s activities are conducted as an integral part of the student-athlete’s educational experience.” In accordance with this “fundamental

principle,” the NCAA requires its member schools to “[p]rovide evidence that the well-being of student-athletes and the fairness of their treatment is monitored, evaluated and addressed on a continuing basis.”

33. NCAA Constitution Article 2.5 sets forth the “Principle of Sound Academic Standards”:

Intercollegiate athletics programs shall be maintained as a vital component of the educational program, and student-athletes shall be an integral part of the student body. The admission, academic standing and academic progress of student-athletes shall be consistent with the policies and standards adopted by the institution for the student body in general.

34. NCAA Operating Bylaw 20.9.1.7 underscores the NCAA’s written commitment to policing “Sound Academic Standards” for student-athletes:

Standards of the Association governing participation in intercollegiate athletics, including postseason competition, shall be designed to ensure proper emphasis on educational objectives and the opportunity for academic success, including graduation, of student-athletes who choose to participate at a member institution. Intercollegiate athletics programs shall be maintained as an important component of the educational program, and student-athletes shall be an integral part of the student body. Each member institution’s admission and academic standards for student-athletes shall be designed to promote academic progress and graduation and shall be consistent with the standards adopted by the institution for the student body in general.

35. Moreover, the NCAA’s Operating Bylaw 19 prohibits “academic fraud” by DI athletes or their schools and identifies that conduct as a breach of NCAA rules subject to the most severe penalties. That same bylaw identifies “unethical conduct” as an “aggravating factor” for NCAA rules violations that may warrant higher penalties. Under the NCAA’s bylaws, “unethical conduct” includes knowing involvement in obtaining fraudulent academic credit for an enrolled student-athlete.

36. Further, the NCAA implements and enforces eligibility requirements, including

academic progress and graduation rate standards, which purportedly safeguard the education and educational opportunities promised to student-athletes. NCAA member institutions must comply with these eligibility requirements in order to compete in NCAA-sanctioned events.

37. NCAA Constitution Article 2.12 establishes the “Principle Governing Eligibility”: “Eligibility requirements shall be designed to assure proper emphasis on educational objectives . . . and to prevent exploitation of student-athletes.”

38. NCAA Constitution Article 2.15 requires that postseason competition be cabined in order “to prevent unjustified intrusion on the time student-athletes devote to their academic programs.”

39. In its speeches and public communications, the NCAA has likewise elaborated on the NCAA’s commitment to protecting the education and educational opportunities of student-athletes.

40. In his 2012 State of the Association speech, NCAA President Mark Emmert noted that “[w]hat we live for is the education of our athletes.” The NCAA website quotes President Emmert further:

We must be student-centered in all that we do. The Association was founded on the notion of integrating athletics into the educational experience, and we have to make sure we deliver on that 100-year-old promise. We have to remind ourselves that this is about the young men and women we asked to come to our schools for a great educational experience. We have to collectively deliver on those promises. . . . That’s why we’re in this business.

41. The NCAA’s website features numerous other statements that make clear that the NCAA is in the business of, and has voluntarily undertaken the role of, ensuring that college athletes receive the educational opportunities and education that they are promised.

42. For example, the website states that the NCAA is committed to “academics and student-athlete success in the classroom[, which] is a vital part of the NCAA’s mission to

integrate athletics into higher education.”

43. On its website, the NCAA also states that its “belief in student-athletes as students first is a foundational principle.” The NCAA likewise claims that it is “dedicated to safeguarding the well-being of student-athletes and equipping them with the skills to succeed on the playing field, in the classroom and throughout life.” With respect to the rules imposed on its membership, the NCAA confirms that its members must “commit to maintaining a high academic standard for student-athletes.”

44. In testimony before a U.S. Senate Committee in 2014, NCAA President Mark Emmert explained that the NCAA’s mission is “first and foremost . . . to promote student-athlete success in the classroom and on the field to ultimately enable them to succeed throughout life,” and “[i]mproving student-athlete academic success has been a concentrated effort by the Division I membership for more than two decades.”

45. Past NCAA presidents have echoed this same commitment. NCAA President Myles Brand, who immediately preceded President Emmert, affirmed the NCAA’s commitment to safeguarding the education of college athletes in his 2003 State of the Association:

I take as my first principle the conviction that intercollegiate athletics must be integrated into the academic mission of colleges and universities. Athletic competition is a vital part of American higher education, but it cannot stand alone nor should it only minimally fulfill the primary mission of our colleges and universities. Rather, it must go hand in hand with their academic goals.

This means that we must support student-athletes’ academic success by ensuring that they have access to the full range of major courses of study and by developing initial- and continuing-eligibility standards that provide incentives for success. We must remember that student-athletes are just that: student-athletes. We must not allow their athletic training and competition to overwhelm their educational opportunities. Their commitment to their sport and their regimen for athletics preparedness should permit adequate time for study and a social life. There is nothing

more important to higher education, in my view, than educational opportunities for students. I understand that not every student will avail himself or herself of those opportunities; but it is our job to ensure that all student-athletes train and compete in environments that encourage them to do so.

. . . .

Competitive and team performance is a high priority, no doubt, but not at the cost of student-athletes' academic success. Athletics programs are part of the university, and they should function in much the same way as other campus units. Intercollegiate athletics, especially in the high-profile sports, commands a great deal of attention on and off campus. Despite this intense interest, we should not lose sight of our priorities. Intercollegiate athletics must accommodate itself to the academic priorities of universities and colleges, and not vice versa.

46. Brand reiterated in his 2008 State of the Association speech that “those who participate in [NCAA] athletic events are students, and students first.” Brand similarly claimed in his 2006 State of the Association speech that college athletes’ “academic success is of central importance” and that the “first order of business is acquiring an education .”

47. The NCAA has affirmed in various contexts that one of its primary functions is to facilitate and provide an education to student-athletes.

48. As these numerous examples demonstrate, the NCAA has long held itself out as the guardian of college athletes’ education and educational opportunities. As such, the NCAA has expressly and implicitly assumed certain duties to the student-athletes it has vowed to protect.

The NCAA’s Superior Position, Influence, and Control over Student-Athlete Minors and their Families, Who Place their Trust and Confidence in the NCAA

49. As the governing body of intercollegiate athletics, the NCAA professes to provide its athletes with “world class educations and world class opportunities.” In carrying out its unique role, the NCAA, through its eligibility requirements, controls the academic and athletic

life and conduct of prospective college athletes from the start of the seventh grade for the sport of men's basketball and from the start of the ninth grade for all other sports.

50. In communications to prospective college athletes, the NCAA holds its member institutions out as providing a college education to student-athletes comparable to that received by their peers in the general student body. On the NCAA's website, in a section bearing the subtitle "The Value of College Sports," the NCAA states that a college education is one of "the many benefits student-athletes receive by playing their chosen sport while pursuing a college degree."

51. The NCAA even proposes that athletic participation *enhances* the academic experience: "Full participation in that experience . . . generally leads student-athletes, especially those from disadvantaged backgrounds, to reap more from their education, including enjoying higher graduation rates and better job prospects."

52. The NCAA and its member schools begin recruiting student-athletes years before they can matriculate. College coaches run camps and clinics for young children, and NCAA member institutions can and do make scholarship offers to student-athletes as early as middle school. That means that the NCAA reaches into the lives of young children from the earliest stages of their athletic careers, dangling the offer of a free and meaningful education as an incentive for athletic performance.

53. Through rules and regulations that govern pre-college athletic careers, the NCAA controls the games and tournaments in which these student-athlete minors can participate; what prize money they can or cannot accept; what teams they can or cannot play for or associate with; what persons they may or may not seek academic or athletic advice from; what tutoring or mentoring they may receive and from whom; what expenses they may accept in connection with

athletic participation; what academic courses they must take in order to satisfy collegiate academic eligibility; what financial aid they may receive, in what form, and from whom.

54. The recruitment of prospective student-athletes is governed by the NCAA's principle of "Sound Academic Standards," comprised of 22 bylaws with 101 subsections and 411 subparts. Thus, the NCAA controls who can speak to the student-athlete minor and his or her parents, as well as the timing of any such recruitment, the size and shape of the recruiting materials, the messages conveyed, the opportunities for visits, the number of unofficial visits, verbal commitments, and the calendar for recruitment. The NCAA and its members acknowledge that this reach into the welfare of student-athlete minors is the product of "imperfect" rules, "rigid[ly]" applied, "largely untouched for more than a century," and based upon "archaic" notions which have fostered "injustices."

55. While NCAA member schools ultimately provide the education, the "front porch" of college athletics and education is the NCAA's Eligibility Center. Any prospective athlete wishing to compete in intercollegiate athletics and receive a meaningful education from a NCAA Division I member institution must be certified by the Eligibility Center as compliant with all NCAA rules and regulations.

56. Thus, as early as the seventh grade, future student-athletes and their parents place their trust and confidence in the NCAA as the chief protector of educational welfare for student-athletes. This special confidence persists throughout the student-athlete's collegiate experience, and results in considerable superiority and influence accorded to, and wielded by, the NCAA.

The NCAA's History Provided Ample Notice of the Need to Implement Adequate Policies and Processes to Detect and Prevent Academic Fraud

57. Despite its avowed commitment to educational integrity in college athletics, the NCAA's history is replete with examples of student-athletes receiving far less than the valuable

academically sound instruction they were promised and for which they contracted with member schools. Indeed, the NCAA has known for decades that academic fraud is pervasive among its member schools and that the NCAA's initial and ongoing eligibility requirements do little to ensure academic success (particularly for student-athletes in need of remediation) and even incentivize academic fraud. That past experience provides one of many reasons that the NCAA knew or should have known of the need to implement adequate policies and processes to detect and prevent academic fraud at UNC and other NCAA member schools, thereby ensuring the full panoply of educational opportunities for student-athletes.

58. For example, during the 1986 to 1987 academic year, a Syracuse University basketball player who failed a course and was in danger of losing his eligibility was permitted to retake the course with an individual tutor, without registering for the course and in violation of university regulations. The athlete earned a C upon retaking the course, and his academic transcript was altered so that the new grade replaced the failing grade, also in violation of university regulations. The NCAA learned of this activity before or during the Class Period (defined as 1989 to 2011).

59. In 1988, in order to establish eligibility for a transferring football player, the recruiting coordinator at the University of California-Berkeley convinced a community college instructor to award academic credit to the player, although the player had never attended class or completed any academic work. The NCAA learned of this activity before or during the Class Period.

60. In 1989, three Drake University basketball players who had transferred from junior college reported difficulty with their course work to an assistant coach responsible for overseeing academic support services for the team. In response, the assistant coach personally

completed various papers for the players. The NCAA learned of this activity before or during the Class Period.

61. Also in 1989, in order to maintain the eligibility of a basketball player at Miami University of Ohio, the head basketball coach enrolled the player in a class “taught” by the coach and awarded the player an A grade, which was needed for the player to retain his eligibility. The head basketball coach awarded the A grade even though the player did not complete any work for the class and failed to participate in it. This activity was reported to the NCAA anonymously that same year, and the NCAA issued a public report condemning the coach’s actions.

62. Notably, in 1989, UNC’s own Ad Hoc Committee on Athletics publicly concluded that “all intercollegiate athletic programs of NCAA Division 1-A, including our own, are in varying degrees of conflict with the purposes and standards of universities, in general.”

63. UNC’s Ad Hoc Committee further concluded that the NCAA’s rulebook and regulations had created an environment that could not adequately combat academic fraud because all university athletic programs “exploit[] the maximum competitive options the [NCAA] system allows. No university will reform its programs until the system itself is reformed and the reforms are made obligatory for all.”

64. The Ad Hoc Committee also noted a growing sense, aggravated by NCAA violations, that:

[I]ntercollegiate sports programs are out of proportion to their functional place in the academic world, that some student-athletes are not students and do not genuinely represent the student bodies of which they are nominally members, **that the effort to enroll them and keep them eligible results frequently in a corruption of the academic process**, and that the ideal of amateur collegiate sportsmanship engraved in the NCAA constitution has been overwhelmed by an abundance of money and an intensity of competition and publicity that drive intercollegiate sports toward professionalism.

65. That Ad Hoc Committee also reported:

[T]he NCAA standards themselves are inconsistent with academic values. The playing and practice seasons and game schedules allowed in the NCAA bylaws are excessive. Hours of practice, which the NCAA does not try to limit, have risen in some universities and in some sports to levels that deny student-athletes the time and energy they need to earn their degrees. In their present form, in fact, the NCAA bylaws offer student-athletes no protection against demands of practice, travel, and play that impede their efforts to succeed as students and prepare themselves for careers other than those of professional sports.

....

The NCAA itself declares that student-athletes are students first and athletes second. It classifies intercollegiate athletics as an avocation or a recreational pursuit. Although it insists that athletic programs must be maintained as a vital component of the educational program . . . **we have discovered no meaningful sense in which that is accomplished except by subsidizing the education of the student-athletes themselves, which, in many athletic programs, is overwhelmed by requirements of practice and play that obstruct the education of student-athletes and prevent some of them from earning their degrees.**

....

[T]he system of competitive intercollegiate sports has generated coalitions of coaches, administrators, faculty members, trustees, and boosters who intimidate or manipulate administrators and faculty members, reward some student-athletes in ways the NCAA prohibits, and **maintain by illicit methods the eligibility of student-athletes who would otherwise have become ineligible to play.** . . . [A] program that has for years been responsible and constructive may become corrupt, as responsible administrators and coaches are succeeded by others more responsive to the mandate to win at all costs.

66. According to NCAA findings, from 1990-1993, the head baseball coach at Southwest Texas State University awarded six baseball players A grades and academic credit for a physical education course that he taught, although the players never attended or participated in the course in any way. The NCAA learned of this activity during the Class Period.

67. From 1991-1993, basketball coaches at New Mexico State University helped at

least six academically challenged players who were transferring from junior colleges obtain fraudulent academic credit. These coaches, along with other athletic staff, provided materials and assistance to ensure that players completed course assignments and examinations in correspondence courses, all to ensure eligibility. The NCAA learned of this activity during the Class Period.

68. In 1992, the NCAA determined that the head men's basketball coach at Coastal Carolina University had aided an incoming athlete in committing academic fraud by soliciting other individuals to complete the player's academic work for him.

69. From 1992 to 1993, several men's and women's track and field athletes at Texas Southern University improperly received academic credit for classes in which they did not participate. Texas Southern's track and field coaches arranged for instructors and other individuals to award or change grades for these athletes, even though the athletes had not performed the required academic work. These grade changes occurred up to a year after the athletes had registered for the courses, and even applied to some athletes that had failed to register for the courses until the semester's end. In some cases, the coaches themselves awarded fraudulent academic credit to the athletes for classes despite knowledge that the players had not enrolled in or attended classes. The NCAA learned of this activity during the Class Period.

70. In 1993, an assistant football coach at the University of Idaho completed correspondence course work for approximately ten assignments for an incoming football player, in order to assist the player in achieving academic eligibility. The assistant coach, along with his wife, also took the player's final exam for him. The NCAA learned of this activity during the Class Period.

71. Also in 1993, a Montana State University-Bozeman assistant men's basketball

coach enrolled an incoming player in correspondence courses and completed the course work for the player in order to establish eligibility. The NCAA learned of this activity during the Class Period.

72. From 1993 to 1998, faculty and staff at the University of Minnesota were found to have completed take-home exams and prepared nearly 400 pieces of course work for at least 18 athletes in order to keep them eligible. A secretary in the athletics department admitted that she composed papers, completed homework assignments, and prepared take-home exams for the players. Another tutor provided additional assistance to basketball players to protect their eligibility, including by writing dozens of papers for those players, at the direction of the department's academic counselor. One of the staff involved was allowed to continue assisting players despite being caught completing a take-home exam with a player. Athletics staff also intimidated professors and registrar staff at the University of Minnesota into changing grades for athletes in order to maintain their eligibility. The NCAA learned of this activity during the Class Period and issued a public report condemning the school.

73. In 1994, several basketball coaches at Georgia Southern University assisted an incoming player in receiving fraudulent academic credit in order to establish his eligibility. These Georgia Southern coaches signed the player up for a correspondence course, completed the course work for the player, and then certified him as eligible to compete. The NCAA learned of this activity during the Class Period.

74. Also in 1994, an athletics student advisor at Michigan State University arranged for academically low-performing football players to receive special treatment in the form of grade changes in order to maintain those players' eligibility. For one player, the advisor requested that instructors back-date inflated grades and provide the player with additional

opportunities to complete coursework to improve his grade. The advisor also arranged for papers written by another to be submitted on the player's behalf, two of which had previously been submitted by another student in the same class. For other student-athletes, the advisor provided false medical notes and harassed instructors to ensure that the players did not receive failing grades. The NCAA learned of this activity during the Class Period.

75. From 1994 to 1996, three student-athletes at Howard University were awarded academic credit and A grades in classes in which they performed little or no work, attended few or no classes, and completed no written assignments or examinations. Coaching staff were aware of this fraud and took no action. The NCAA learned of this activity during the Class Period.

76. Notably, in 1996, just a few years after the Class Period began, the *Los Angeles Times* reported an academic fraud comparable to the scandal underway at UNC. The *Times* revealed that student-athletes at the University of Southern California (USC) were being steered towards paper-writing classes in which assigned tutors often performed the vast majority of the academic work, all so that USC student-athletes could retain their eligibility. Of the 40 students enrolled in the classes at issue, 30 were athletes, including 14 members of the 1996 Rose Bowl team and eight members of the baseball team that finished second in the College World Series the previous year. The USC academic advisor assigned to football and baseball players guided those players into the classes, even telling players that it was an "easy A" and that they would not have to attend. The NCAA learned of this activity during the Class Period and in 2001 issued a public report concluding that USC staff from the student-athlete academic services offices had composed papers for at least three student-athletes from 1996 to 1998.

77. Also in 1996, New Mexico State University basketball staff members assisted incoming transfers with "special eligibility problems" by completing course assignments and

answering questions on final examinations for those players. The NCAA learned of this activity during the Class Period.

78. A 1998 NCAA report found that student-athletes at Texas Tech University were improperly enrolled in correspondence courses instead of regular college courses, and that they had received inflated grades for coursework they had not completed. The NCAA report also found that, at least in one instance, an assistant coach committed academic fraud by completing coursework for a student-athlete.

79. From 1998-2000, a recruiting coordinator at the University of Kentucky knowingly committed academic fraud by preparing papers or portions thereof for enrolled-student-athletes. The NCAA's public report of this incident describes a practice in which Kentucky student-athletes would participate in study sessions organized by the recruiting coordinator, with the knowledge and approval of the head football coach, during which the recruiting coordinator would provide written passages and oral suggestions to the athletes to help them complete their homework. The report also cites three confirmed examples of the recruiting coordinator contributing to student-athlete work product. The NCAA learned of this activity during the Class Period.

80. In August 1999, two football players at the University of California-Berkeley were permitted to enroll retroactively in classes taught the previous semester and received C grades. The NCAA, which learned of this activity during the Class Period, confirmed this episode in a publicly issued report and disclosed that the football coach was aware of these special arrangements.

81. In the fall of 2001, the University of Georgia offered a basketball coaching class in which all 39 students received A grades. Several of the students were basketball players who

reported rarely or never attending class and doing no work but achieved A grades nonetheless. One player reported that the instructor, who was an assistant basketball coach, informed the player of his enrollment and that he did not need to attend. The NCAA investigated this course and concluded that the “sham course with no attendance requirements [and] no examinations” constituted academic fraud. The NCAA learned of this activity during the Class Period.

82. In 2002, in order to retain his eligibility, a California State University-Northridge basketball player designated as academically “high risk” and who was in danger of failing a class late in the semester was steered into two kinesiology courses for which he had not completed the prerequisite courses and which he never attended or otherwise completed the course requirements. In one of the courses, the player received an A-, which was later changed to an A after an assistant basketball coach pressured the instructor to increase the grade for the express purpose of raising the player’s GPA above 2.0 and thus maintaining his eligibility. The NCAA learned of this activity during the Class Period.

83. From 2003 to 2004, a Nicholls State University assistant football coach and advisor steered football players into online correspondence courses in which the coach completed assignments and personally took exams for or supplied exam answers to 20 football players. The NCAA learned of this activity during the Class Period.

84. In 2006, the *New York Times* reported that at Auburn University, members of the 2004 undefeated football team had received high grades in “directed reading” sociology and criminology courses that required no attendance and almost no work. This practice was discovered by a professor in Auburn’s sociology department, who also noted that football players had obtained a 3.31 GPA in the “directed reading” courses, as compared to 2.14 in all other courses. The NCAA learned of this activity during the Class Period.

85. From 2004-2007, at least 61 student-athletes across 10 sports at Florida State University (FSU) received substantial assistance from tutors in completing coursework assigned for certain online courses. For example, an FSU learning specialist typed portions of papers assigned to student-athletes and provided answers to an online quiz. Another FSU tutor arranged for 55 student-athletes to receive fraudulent academic credit in a single course by providing them with answers to online exam questions or by assisting them in answering online exam questions. The NCAA learned of this activity during the Class Period.

86. In 2007, after speaking with a men's basketball coach and the vice president for academic affairs, an Arkansas State University department head retroactively changed a basketball player's grades from failing to passing in two courses, without the knowledge of the professor who had taught each course. The NCAA learned of this activity during the Class Period.

87. In 2008, the *Ann Arbor News* reported that a University of Michigan professor taught 294 independent study courses from 2004 to 2007. Eighty-five percent of those taking the courses were student-athletes, according to the report. Student-athletes recounted that they had been steered to these classes by their athletic department counselors and earned 3-4 credits for meeting with the professor for just 15 minutes weekly, conducting little research, and devoting only a few hours per week to the class. Former University of Michigan employees confirmed that Michigan's Academic Success Program staff relied on independent studies courses to keep athletes with low grades academically eligible. The NCAA learned of this activity during the Class Period.

Athletic Commitments and Revenue Further Exacerbate the Threat of Academic Fraud

88. The NCAA and its member schools have long known of the enormous time

demands on student-athletes, which when combined with the NCAA's requirements regarding academic eligibility and progress, create an environment that effectively encourages academic fraud—underscoring the need for an aggressive monitoring and prevention program.

89. Recognizing that the time pressure student-athletes face is enormous, the NCAA mandates that DI student-athletes spend no more than 20 hours per week on their given sports during the playing season and no more than 8 hours during the off season (“the 20 hour rule”)—a rule that is regularly and openly flouted. The NCAA knows this to be true, but nevertheless states in Article 2.14: “The time required of student-athletes for participation in intercollegiate athletics shall be regulated to minimize interference with their opportunities for acquiring a quality education in a manner consistent with that afforded the general student body.”

90. University of South Carolina President Harris Pastides, who serves on the NCAA DI Board of Directors, has acknowledged that the time demands placed on college football and basketball players interfere with their ability to have the same kind of student experience as their peers in the general student body.

91. The 20-hour rule itself is also rife with loopholes. Administrative meetings, weight-lifting, conditioning, film study, and activities incidental to participation, such as taping, visits to the trainer, and rehabilitation, do not count towards the 20-hour limit. Nor do “voluntary” activities where no coach is present. Game days count as three total hours, even though they often require travel and hours of pre- and post-game meetings and activities.

92. In 2006, the NCAA's own survey found that athletes dedicate an average of 45 hours per week to their athletic endeavors.

93. Those hours are further detailed in the chart below, which shows the staggering number of hours that the average DI college athlete spends *every day* on his or her athletic

activities:

Total Sport Hours/Day In-Season (Weekday)

Division I						
	Baseball	Men's Basketball	Football	All Other Men's Sports	Women's Basketball	All Other Women's Sports
Average Time in Hours	5.9	5.6	6.4	5.2	5.6	5.0
% Reporting Sport 6+ Hours/Day	48%	38%	52%	32%	32%	29%

94. In response to one survey question asking whether athletes felt that their professors view them as “more of an athlete than as a student,” 69% of male college athletes in revenue sports, 57% of other male college athletes, and 52% of women’s college athletes agreed.

95. The vast majority of respondents felt that their athletic performance had a negative effect on their overall GPA, ranging from about 60% of participants in women’s sports to 71% of baseball players, 68% of football players, and 67% of men’s basketball players.

96. A follow-up survey to the 2006 study, conducted in 2011, showed that DI football and baseball players all *averaged* over 40 hours per week of in-season athletic activity, with DI men’s and women’s basketball players averaging just under 40 hours per week. The results are summarized below:

**Average Hours Spent Per Week In-Season on
Athletic Activities in 2010 (Student-Athlete Self-Report)**

Division I							
	Baseball	Men's Basketball	Football (FBS/FCS)		All Other Men's Sports	Women's Basketball	All Other Women's Sports
Athletic Hrs	42.1	39.2	43.3	41.6	32.0	37.6	33.3

97. In addition, the survey found that 70% of DI football players, 77% of baseball players, and 69% of men's basketball players reported spending as much or more time on athletic activities during the so-called "off season" as they did in-season. This was also true for 61% of athletes in all other men's sports, 46% of women's basketball players, and 57% of athletes in all other women's sports.

98. The NCAA has long known that the 20-hour rule is regularly circumvented, and further that college athletes are afraid to speak up for fear of repercussions from their coaches or other athletic staff. At a 2005 NCAA Leadership Conference, the Division I Student-Athlete Advisory Committee asked college athletes to voice any concerns about their athletics programs. According to an article on the NCAA's own website, "Student after student stood up and said they were going over the limits of the 20/8 hour rule, and were afraid to tell anyone."

99. As Big 10 Conference Commissioner Jim Delany told members of the Coalition on Intercollegiate Athletics in January 2011, the NCAA and its member schools are well aware of the educational hazards of, e.g., questionable coursework, soft courses taught by sports-booster faculty, easy majors, special study centers and tutors, and simple online courses. Delany noted further that although the NCAA mandates that student-athletes devote no more than 20 hours per week to sports, its own recent survey shows that student-athletes in big-time sports put in nearly 45 hours per week.

100. More recently, Delany has acknowledged that the 20-hour rule "needs to be reviewed in order that time spent on athletics, academics and personal would be better balanced. . . . I think in some cases it's fully adequate and in some cases, not. And so what we need to do is focus on the . . . at-risk students. We have to focus on the academic load they're taking. We have to focus on whether or not any of our rules or any of our practices makes it less likely the at-risk

student is going to struggle in pursuing their degree.”

101. In 2011, President Emmert acknowledged as much in a speech to the Knight Commission: “The concern that we have is that we are bringing in young men and women who are not prepared for collegiate level education. And then we’re laying on top of them the 20, 30, 40 hours of work that’s required of a student to be a serious athlete, and their probability of success is . . . limited, to say the least.”

102. In 2013, the Power Five conferences acknowledged these issues as well. In a document subsequently made public, in which the Power Five conferences identified policies for which they seek autonomous decision making, the Power Five conferences acknowledged that the NCAA’s archaic rules interfere with their ability to ensure that college athletes succeed academically. The Power Five conferences sought autonomy from the NCAA to:

- a. “Enhance benefits provided to student-athletes for the purpose of supporting their needs based on available resources rather than competitive equity”
- b. “Create ‘athletic dead periods’ for student-athletes to access opportunities outside of intercollegiate athletics”
- c. “[P]rovide comprehensive support for academically at-risk student-athletes”

In addition, the Power Five sought greater autonomy regarding “[p]olicies governing athletically-related time demands.”

103. Further, in a presentation to the NCAA DI Board of Directors, the Power Five conferences observed that the NCAA’s structure and rules prevent them from adopting reforms and building a regulatory structure that respects the demands on student-athletes. They sought the ability to define both the benefits that college athletes may receive, including a “life time scholarship to obtain an undergraduate education after their playing eligibility expires,” and “the

context of a student athlete’s athletic participation to permit their access to opportunities available to other college students,” implicitly acknowledging that the demands placed on college athletes combined with the restrictions on their scholarships interferes with athletes’ ability to obtain a meaningful education and denies them the benefits of the education offered to non-athletes. The Power Five further clarified that they wanted autonomy to “[a]uthoriz[e] . . . more comprehensive support for academically at-risk student-athletes with enhanced criteria for playing eligibility,” implicitly acknowledging that underprepared athletes recruited by collegiate institutions are often disadvantaged in receiving a meaningful education. And they further desired autonomy to redefine rules governing, *inter alia*, advisors to assure student-athletes have access to good advice relating to their future careers, implicitly acknowledging the widespread and long-understood practice among academic advisors to steer college athletes into less demanding majors and classes that do not prepare them for a professional non-athletic career. Finally, the Power Five sought autonomy to establish more stringent academic eligibility standards than imposed by the NCAA “because of the intensity of athletic competition at [their] institutions and the demands on student-athletes.”

104. In 2014, the NCAA received further admonishment from its own membership for its failure to act. In a May 14, 2014 letter to other NCAA member institutions, the Pacific 12 Conference (“Pac-12”) presidents proclaimed the “need to reassert the academic primacy of our mission.” The Pac-12 presidents decried many of the problems that contribute to an environment that encourages academic fraud, encouraging NCAA members to make the following reforms:

- a. “Guarantee scholarships for enough time to complete a bachelor’s degree, provided that the student remains in good academic standing.”
- b. “Decrease the time demands placed on the student-athlete in-season, and correspondingly enlarge the time available

for studies and full engagement in campus life, by doing the following:

Prevent the abuse of the organized ‘voluntary’ practices to circumvent the limit of 20 hours per week.

More realistically assess the time away from campus and other commitments during the season, including travel time.”

- c. “Similarly decrease time demands out of season by reducing out-of-season competition and practices, and by considering shorter seasons in specific sports.”

105. And in December 2014, at an IMG forum on college athletics, NCAA Vice President for Championships & Alliances Mark Lewis told the crowd that professional athletes regularly come up to him to tell him that they have fewer athletic time demands than college athletes.

106. The NCAA’s *own* conduct increases demands on student-athletes’ time as well. For example, as University of Michigan President Emeritus James Duderstadt has noted, the NCAA’s transformation of a two-week national basketball championship tournament into the month-long March Madness imposes myriad time demands on college basketball players, by extending their playing and practice schedules as well as their appearances at media events. He described the men’s basketball schedule as “one that almost seems designed to place maximum pressure on student-athletes at the most critical period in their studies, between midterms and final examinations. Too many student-athletes have seen their studies flounder on the rocks of the NCAA tournament.”

107. Despite the NCAA’s awareness of the excessive time pressures placed on scholarship athletes, in violation of the NCAA’s rules, and the risk that its members’ time demands on their athletes increased the risk of academic fraud, the NCAA failed to enforce the

20-hour rule during the Class Period or take adequate steps to detect and prevent the academic fraud the NCAA had incentivized.

Independent Bodies Have Long Warned that the College Athletics Environment is Vulnerable to Academic Fraud Absent Appropriate Supervision and Regulation, which the NCAA has Failed to Provide

108. A 1989 cover story in *Time* described “an obsession with winning and moneymaking that is pervading the noblest ideals of both sports and education in America.” Its victims, *Time* went on to say, included those athletes who did not receive a sound education.

109. That same year, Bartlett Giamatti, who left his post as president of Yale University to become president of the National League and ultimately Commissioner of Baseball, put the critical importance of reforming college sports into perspective: “Athletic programs of a certain kind are so visible, such surrogates for their institutions, that those programs do get the public’s attention. Except now the athletic programs are communicating failures of nerve and failures of principle and purpose that threaten to engulf the whole institution of higher education in ways unfair and dangerous. What was allowed to become a circus—college sports—threatens to become the means whereby the public believes the whole enterprise is a sideshow.”

110. In 1990, the NCAA for the first time required its member institutions to report graduation rates for college athletes and made them available to the public. That same year, Congress enacted legislation requiring institutions receiving federal funding to report graduation rates for student-athletes, along with other students. Twelve years later, however, the NCAA modified its method for reporting student-athlete graduation rates—referred to as the Graduation Success Rate—purportedly to account for the impact of transfer students. The result is that the NCAA’s rates are inflated when compared to the federally mandated metric for schools. Since

adoption of the GSR in 2002, the NCAA has trumpeted improved graduation rates for college athletes, but acknowledges that its “Graduation Success Rate” for athletes cannot be meaningfully compared to those of the student body in general because of the different methodologies employed by the federal government and the NCAA. Regardless of that comparison, graduation rates—one of the few metrics used by the NCAA to ascertain whether its members are delivering the academically sound education college athletes are promised—provide no information about the *quality* of the education college athletes are receiving and the value of their education in future careers.

111. In 1990, the independent Knight Commission on Intercollegiate Athletics, which included chancellors and presidents of major universities, was formed to examine, among other things, educational integrity in college athletics.

112. Discussing the context for its creation, the Knight Commission wrote:

At times it seemed that hardly a day passed without another story about recruiting violations, under the table payoffs, players who didn’t go to classes or who took courses like “recreational leisure” and “advanced slow-pitched softball.” . . . It was no small wonder that eight out of ten Americans questioned in a Louis Harris poll in 1989 agreed that intercollegiate sports had gotten out of control, that the athletics programs were being corrupted by big money, and that the many cases of serious rules violations had undermined the traditional role of universities as places where young people learn ethics and integrity.

113. In its 1991 report, the Knight Commission noted: “[B]ig-time college athletics appear to have lost their bearings. With increasing frequency they threaten to overwhelm the universities in whose name they were established and to undermine the integrity of one of our fundamental national institutions: higher education.”

114. The Knight Commission further reported that:

In the typical Division I college or university, only 33 percent of basketball players and 37.5 percent of football players graduate

within five years. Overall graduation rates for all student-athletes (men and women) in Division I approach graduation rates for all students in Division I according to the NCAA -- 47 percent of all student-athletes in Division I graduate in five years.

Dreadful anecdotal evidence about academic progress and graduation rates is readily available. But the anecdotes merely illustrate what the NCAA data confirm: About two-thirds of the student-athletes in big-time, revenue-producing sports have not received a college degree within five years of enrolling at their institution.

115. The Knight Commission made a series of recommendations:

The first consideration on a university campus must be the academic integrity. The fundamental premise must be that athletes are students as well. They should not be considered for enrollment at a college or university unless they give reasonable promise of being successful at that institution in a course of study leading to an academic degree. Student-athletes should undertake the same courses of study offered other students and graduate in the same proportion as those who spend comparable time as full-time students. Their academic performance should be measured by the same criteria applied to other students.

....

The problems are so deep-rooted and long-standing that they must be understood to be systematic. They can no longer be swept under the rug or kept under control by tinkering around the edges. Because these problems are so widespread, nothing short of a new structure holds much promise for restoring intercollegiate athletics to their proper place in the university.

....

As the educational context for collegiate athletes competition is pushed aside, what remains is, too often, a self-justifying enterprise whose connection with learning is tainted by commercialism and incipient cynicism. **In the short term, the human price for this lack of direction is exacted from the athletes whose talents give meaning to the system.**

116. The Knight Commission concluded:

It is hard to avoid the conclusion that there are few academic constraints on the student-athlete It is time to get back to first

principles. Intercollegiate athletics exist first and foremost for the student-athletes who participate, whether male or female, majority or minority, whether they play football in front of 50,000 or field hockey in front of their friends. It is the university's obligation to educate all of them, an obligation perhaps more serious because the demands we place on them are so much more severe. Real reform must begin here.

117. Unfortunately, although the NCAA implemented some measures purportedly designed to address these problems, it never seriously heeded the Knight Commission's warnings, applying superficial band-aids when invasive surgery was required.

118. In 1993, the NCAA adopted a mandatory certification process—under which NCAA member institutions conduct “self-studies” (at least once every ten years) evaluating their conformity with NCAA principles related to: governance and commitment to rules compliance; academic integrity; and gender/diversity issues and student-athlete well-being. This process is largely a formality and lacks the rigor necessary to confirm any meaningful compliance with these principles.

119. In 1996, with the implementation of Proposition 16, the NCAA required an increased number of core curriculum requirements (13) and adopted a sliding scale of GPA and standardized test scores, dropping the minimum score for the SAT to 820 and for the ACT to 17.

120. As part of Proposition 16, the NCAA established its “Initial Eligibility Clearinghouse,” which standardized procedures for determining the initial eligibility of all prospective student-athletes. The Clearinghouse determines, based on documents submitted by prospective student-athletes and their high schools, whether each applicant is eligible under NCAA rules. The NCAA also operates an Eligibility Center through which prospective athletic scholarship recipients register for eligibility and which monitors ongoing eligibility of admitted college athletes.

121. Among the roles of the NCAA's Eligibility Center is to ensure that the courses on

which its members and prospective student athletes rely to establish initial eligibility are academically sound. To reduce manipulation of core courses and the gaming of initial eligibility standards, the NCAA's Eligibility Center reviews high school courses and grading scales to ensure the "core" courses taken by an applicant qualify under NCAA standards, and that the grading scale may be used. The process includes a requirement that high schools provide to NCAA their course catalogues and grading scales, and may require that the school submit course descriptions, a flow chart of courses in the specific subject area, and a course outline.

122. Once a student-athlete matriculates to an NCAA member institution, however, the NCAA does not and has never conducted any regular review of college courses taken or majors selected by or for student athletes, or required its member schools to submit course catalogues, lists and descriptions of courses taken by student-athletes, or descriptions of those courses. This is so despite the NCAA's knowledge that courses can be and are manipulated for eligibility purposes and its knowledge of ongoing and rampant academic fraud and the steering of athletes into particular courses and majors.

123. Despite the measures adopted in the 1990s, the NCAA fared no better in the next Knight Commission report, *A Call to Action: Reconnecting College Sports and Higher Education* (2001): "We find that the problem of big-time college sports have grown rather than diminished. The most glaring elements of the problems outlined in this report—academic transgressions, a financial arms race, and commercialism—are all evidence of the widening chasm between higher education's ideals and big-time college sports."

124. The report continued:

After digesting the extensive testimony offered over some six months, the Commission is forced to reiterate its earlier conclusion that "at their worst, big-time college athletics appear to have lost their bearings." Athletics continue to "threaten to overwhelm the

universities in whose name they were established.”

Indeed, we must report that the threat has grown rather than diminished. More sweeping measures are imperative to halt the erosion of traditional educational values in college sports. The evidence strongly suggests that it is not enough simply to add new rules to the NCAA’s copious rule book or ask presidents to carry the burden alone. Higher education must draw together all of its strengths and assets to reassert the primacy of the educational mission of the academy.

125. The report found that “[t]he ugly disciplinary incidents, **outrageous academic fraud**, dismal graduation rates, and uncontrolled expenditures surrounding college sports reflect what [University of Michigan President James J. Duderstadt] and others have rightly characterized as ‘an entertainment industry’ that is not only the antithesis of academic values but is ‘corrosive and corruptive to the academic enterprise.’” President Duderstadt had earlier concluded that “the current [NCAA] model is built on the exploitation of young student athletes—they live in poverty, less than half will ever get a college degree (and those that do usually get a meaningless degree), and they put their future health at great risk—all for the obscene wealth of coaches, [athletic directors], presidents, the NCAA, the networks, and others.”

126. The report went on:

Big-time athletics departments seem to operate with little interest in scholastic matters beyond the narrow issue of individual eligibility. **They act as though the athletes’ academic performance is of little moment.** The historic and vital link between playing field and classroom is all but severed in many institutions.

.....

Athletes are often admitted to institutions where they do not have a reasonable chance to graduate. **They are athlete-students, brought into the collegiate mix more as performers than aspiring undergraduates. Their ambiguous academic credentials lead to chronic classroom failures or chronic cover-ups of their academic deficiencies.** As soon as they arrive on campus, they are immersed in the demands of their sports. Flagrant

violation of the NCAA's rule restricting the time athletes must spend on their sport to 20 hours a week is openly acknowledged. The loophole most used is that of so-called "voluntary" workouts that don't count toward the time limit. In light of these circumstances, academic failure, far from being a surprise, is almost inevitable.

....

The academic support and tutoring athletes receive is too often designed solely to keep them eligible, rather than guide them toward a degree. The instances of tutors or other counselors bending and breaking rules on athletes' behalf is a well-publicized scandal. NCAA case books clearly reveal multiple infractions stemming from "tutoring" involving completing athletes' assignments, writing their papers, and pressuring professors for higher grades. Beyond the breaking of the rules is the breaking of the universities' implicit covenant with all students, athletes included, to educate them. **Despite new NCAA satisfactory progress requirements effective in the mid-1990s, press and NCAA reports repeatedly document instances of athletes being diverted into courses that provide no basis for meaningful degrees.** A faculty member at a Division I-A institution who has recently spoken out against the transgressions she has witnessed on her campus said, "There are students on our football team this year [2000] who will graduate when both faculty and students know they cannot read or write."

127. The 2001 Knight Commission report concluded that the college athletic system "exploits athletes as they are eased through high school and college, finishing their years in school with no semblance of the education needed to negotiate life when their playing days are over."

128. That same year, the NCAA's President Cedric Dempsey acknowledged the disparities between college athletes and regular students: "While graduation rates for student-athletes as a whole are at an all-time high, football and men's basketball participants are not keeping pace." Dempsey further lamented that that the situation was getting worse: "The graduation rates in Division I-A football fell 3% points in the last year and fell 8% points in the last 5 years."

129. A 2002 NCAA report surveyed Division I presidents and chancellors for their views on the state of Division I football. The NCAA's own report found extensive criticism of its model and its failure to ensure that college athletes could receive a meaningful education while competing in big-time college sports:

Respondents had a lot to say about the issues of graduation rates and making sure student-athletes get the best possible education. Fundamentally, their concerns in these areas reflect strong feelings that member schools and the NCAA are not doing enough, that coaching staffs and schools too often pull student-athletes away from academics and steer them toward undemanding programs of study that will not serve them well later in life, and perhaps most simply that not enough time is allowed or required for academics.

We need to emphasize the student side of the student-athlete more.

There is too much emphasis on the amount of time in practice. . . . Either students are not taking their academics seriously, or the universities are admitting students who do not belong there in the first place.

Unfortunately we've let college football take us away from the primary objective of educating athletes. The welfare of athletes should center on not just physical and medical care, but also academically. Are we giving them the proper classroom time and proper 'away' time from athletics? I think the answer is no.

The NCAA hasn't done anything at all to help maintain high graduation rates among student-athletes, and the rates are abominable across the board in college football.

The record speaks for itself, with major football powers having only 35% graduation rates.

If you look at the graduation rate, they are all over the map, but for the most part they are fairly embarrassing. I think a lot of emphasis is put on just getting good athletes and whether they graduate or not is not as important.

It is shameful that we have a number of institutions in the SEC that have graduation rates in the teens. It shows that they are not doing anything. What we need to do is tie scholarships to graduation rates.

They need to have more breadth to their education, more than just time in the classroom and time on the practice field. They need to be part of the campus culture and student organizations other than football.

With the exception of a handful of institutions, all too often universities come up with not very challenging majors for some student-athletes, who are then left without credentials that will help them in life.

In many instances the student-athletes are directed into majors and programs where their educational outcomes will not be challenged. They are never taught that they have to work as hard in the classroom as they do on the football field.

130. In response to these scathing criticisms, the NCAA again weakened initial eligibility standards in 2003. Although the number of core curriculum courses were increased to 14, the sliding scale of GPAs and standard test scores was adjusted such that a student that answered not a single SAT question correctly could still qualify for first-year play so long as their high school GPA was sufficiently high. For example, a student scoring 400 on the SAT (no questions answered correctly) would qualify under NCAA's eligibility standards if he or she had a 3.55 GPA in high school. The result was that no prospective college athlete would be ineligible based solely on test scores.

131. In 2003, at the same time it lowered standards for minimum initial eligibility requirements, the NCAA adopted a series of academic "reforms" it claimed were intended to provide athletes with a more meaningful academic experience. Then-NCAA President Myles Brand proposed that the 2003 set of reforms "will see not just better graduation rates but better-educated student-athletes, and coaches and athletic departments being more cognizant that student-athletes need to get a better education."

132. The 2003 reforms, however, did little to safeguard the *quality* of the education

student-athletes receive and in fact aggravated the problem.

133. The 2003 reforms purportedly heightened academic standards for DI student-athletes to maintain academic eligibility. To maintain their scholarships, NCAA increased the “progress toward degree” requirements (the proportion of credits required by their degree program that student athletes must satisfy) before their third, fourth, and fifth years. Additionally, the NCAA required student-athletes to meet minimum GPA requirements, which varied by institution. And all student-athletes, not just freshmen, were required to pass six credit hours per semester in order to play the following semester. These achievement metrics do not ensure academically sound instruction, however.

134. That same year, the NCAA also adopted the Academic Progress Rate (“APR”)—a team-by-team, not player-by-player, metric. The APR assigns points to each player on a team for maintaining their eligibility and remaining at the institution (retention). These points are used to calculate the team’s APR. Each team is required to meet minimum APR thresholds or face sanctions by the NCAA. This metric, however, does not measure whether student-athletes are enrolled in academically sound courses, are graduating with meaningful degrees that prepare them for their professional future, or enjoying academic success on par with non-athletes in the general student body or even with non-athletes in the same degree program.

135. Moreover, the 2003 reforms included harsh sanctions for failure to meet the APR threshold, including loss of scholarships for players that failed to meet the academic eligibility standards and the retention standard; limitations on practice and playing seasons; limitations on financial aid; and ineligibility for pre- and post-season competition.

136. By focusing only on progress toward degree and graduation rates rather than the underlying quality of the academic programs for student-athletes, the APR and associated

penalties for failing to meet NCAA thresholds created strong incentives for academic fraud.

Observers took note of these perverse incentives at the time they were enacted:

a. A former University of Virginia men's basketball coach and athletics director told a national media outlet that, "[o]nce enrolled, the academic advisers and tutors, who owe their jobs to the athletic department, are under tremendous pressure to ensure that these athletes maintain their eligibility. Thus they are always walking a fine line between proper support and academic fraud. That line is more easily crossed when the athlete is an important contributor."

b. The director of Louisiana State University's academic center for athletes asserted publicly that "[m]aking the rules tougher increases the pressure on students to succeed and increases pressure on the academic-support units to help them succeed. . . . Does it create more of a propensity to academic fraud? Yes."

c. Other college officials noted that "punishing colleges whose athletes fail to progress toward a degree . . . [could] accelerat[e] the clustering of players in a relative handful of friendly majors ."

d. A student-athlete attending Syracuse University, and then-head of the NCAA's Student-Athlete Advisory Committee, observed that "[a]thletes definitely have a concern that, with these disincentives, coaches and academic administrators in the athletic department might be strongly encouraging students to take easier majors or to choose a major and never switch."

e. The University of Mississippi's athletics director said of the 2003 "reforms" that "[t]here seemed to be a rush for public relations purposes to come up with an academic reform package." He queried: "But what does it really mean if more kids get degrees but they are in basket weaving?"

137. In response to these criticisms, the NCAA did not improve its monitoring or enforcement systems to detect and prevent academic fraud and ensure that student-athletes were receiving academically sound instruction.

138. In a 2005 report, the Coalition on Intercollegiate Athletics (COIA), a faculty coalition devoted to athletic reforms, highlighted the inherent conflict between athletics and academics under the NCAA's rules, noting:

The basis for the award of an athletics scholarship is generally excellence in athletics, **but the purpose of the award is to provide access to higher education.** From the school's

standpoint, retention of any scholarship should be determined on the basis of academic criteria. . . . Currently athletic scholarships at many Division IA schools are awarded on a one-year renewable basis, and an athlete's commitment to participation and success in athletics may determine scholarship renewal. Athletes may be placed in a position where continued academic opportunity requires prioritizing athletics participation and success over academics, in a manner inconsistent with the positive values of intercollegiate athletics.

139. In 2006, the Knight Commission released yet another report:

[T]he Commission called for the NCAA and colleges to consider the following overarching principle for all areas of operation: Intercollegiate athletics programs should be held to the same standards, norms, requirements and lines of reporting as all other aspects of the academic enterprise. This includes budgeting, recruiting, admissions, academic advising, and expectations for athletes' behavior. When evaluating current structures as well as individual issues that may arise, the primary consideration ought to be how to ensure alignment with institutional procedures and norms.

....

Universities need to clarify the reporting roles and responsibilities for academic advising. As the task force recommends, academic advisors should be under the authority of the provost or chief academic officer. If advisors report both to an academic authority and to the athletic department, the academic authority should take precedence over athletics in all circumstances.

....

The Commission notes the absence of attention to whether recruiting practices are consonant with athlete well-being and encourages the NCAA to consider fully the principle that prospects be required to have interactions with academics and admissions officials, such as admissions interviews, prior to receiving scholarship offers.

140. In 2006, the University of Georgia released a report entitled *Athletics Recruiting and Academic Values: Enhancing Transparency, Spreading Risk, and Improving Practice—Roundtable on Intercollegiate Athletics and Higher Education*. The report noted the threat of academic fraud: “Athletic directors are expected to operate in a corporate model, with significant

pressure to generate revenue. Within such a model, there are incentives to look past questionable activities by coaches and others, particularly when the perception is that such practices are connected with desired outcomes such as winning.”

141. In 2008, the *Atlanta Journal Constitution* reported that certain selective NCAA member schools were reporting a widening gap between the academic profiles of college-athletes and non-athletes.

142. In 2009, the Knight Commission released another scathing report. This report—*Quantitative and Qualitative Research with FBS University Presidents on the Costs and Financing of Intercollegiate Athletics*—took aim at the high costs of college athletics and its corrupting influence on academics:

[T]here was wide agreement across FBS presidents that commercialization is a key factor in the intercollegiate arms race and has placed enormous pressures on FBS institutions, with disturbing consequences for the institutions’ academic mission. Some presidential comments illustrate the nature and depth of these concerns:

I’m most concerned about the increased commercialization. . . . It undermines our academic missions and institutional values. When I say commercialization I primarily mean TV contracts worth hundreds of millions of dollars and corporate sponsorships.

Commercialization is one of my greatest concerns. As the pressure to build the budget grows, it becomes more enticing to rely on big corporations. . . . The pressure’s such that we’re encouraged to get more revenue no matter what. The standards and values of the athletic department aren’t always the gold standard or the community’s values.

. . . .

College Sports have been commercialized. Yet with things like the multi-billion SEC contract, schools are feeding the alligator in hopes that he’ll eat them last. It’s gotten to the point where it’s all about the business, not about graduating students or developing the leader or person on the field.

Things are leaning heavily toward the “corrupting” end of the continuum. They’ve become too dominant over the academic enterprise, too influential, too powerful.

143. Other NCAA Division I presidents weighed in:

[A]n important issue related to sustainability that emerged from the qualitative research was presidents’ perceptions regarding the negative impact big-time intercollegiate athletics can have on the larger mission and values of higher education and its potential divisiveness within the university community. “[My] primary concern is about athletics role in higher education,” one president declared, “There’s too much identification of a university with non-academic aspects, distracting from values of higher education and from desirable values in society.”

A number of presidents, largely those from equity institutions, expressed a serious concern about what they describe as a disturbing and growing cultural divide between academics and athletics. On their own campuses, they said, athletics is increasingly in a privileged position, creating mounting tensions.

.....

Our biggest battle is not about revenue, it’s about the balance between academics and athletics. We’re in a situation right now in which the athletic association has more money and disposable money than it has ever had. On the academic side there is less flexibility at any time since World War II. This creates very disparate cultures. Athletics can spend and do whatever it wants to do, and the academic core of the campus, which is operating under much greater constraints, sees that. The rationalization of those two cultures is one of the most difficult things we face.

.....

A number of presidents expressed concern that the pressures of the “arms race” might also affect the sustainability of other important goals, the academic success of student-athletes and compliance with NCAA standards and regulations designed to ensure that student-athletes are able to have access to a quality educational experience. Indeed, concern about the interests of athletics and their academic progress was a subject of interest for many equity and non-equity presidents. As one equity president observed:

My biggest concerns about the current pressures have more to do with the academic experience of athletes. I think we

are, but I'm not sure that we're doing right by our students. Pressure on athletes to use time for other things rather than academics is huge.

144. The Knight Commission's 2010 report, *Restoring the Balance—Dollars, Values, and the Future of College Sports*, referenced its original reports of 20 years earlier, which had “criticized low athlete-graduation rates, questionable academic standards, and the increasing tendency of athletic programs to operate independently of university oversight.” In finding that little had changed, the report concluded:

Some high profile college programs, particularly in football and basketball, have evolved into elaborate operations that rival professional sports teams in the numbers of coaching and support personnel as well as compensation for those staff. Expectations and time demands on college athletes have risen alongside these investments in their athletic development. Additionally, as financial pressures mount to cover these increasing costs, institutions face increasing tensions over the commercial interest in using college athletes for commercial gain. Our objective is to ensure that pursuit of revenue does not infringe upon athletes' rights and their academic obligations.

Academic Fraud at NCAA Member School UNC Spanning Two Decades

145. From 1989 to 2011, NCAA member school UNC furnished academically unsound classes that provided deficient educational instruction to thousands of students—chief among them nearly 2,000 college athletes. UNC offered dozens of sham “paper classes” that were designed not to educate but rather to maintain UNC's student-athletes' academic eligibility—i.e., to keep them on the field. And over time these paper classes calcified into a “shadow curriculum” in which no course attendance was required and no faculty were involved.

146. This shadow curriculum was the most radical step yet in UNC's longstanding efforts to steer college athletes, particularly those in revenue-generating sports, toward programs and courses that lacked rigor so as to free up as much time as possible for athletic commitments while ensuring continued academic eligibility under NCAA rules (through inflated grades).

147. Though the shadow curriculum of academically unsound classes was executed by individuals in the African and Afro-American Studies Department (“AFAM”) (later renamed the Department of African, African American, and Diaspora Studies), it was supported and encouraged by UNC administrators, athletics staff, academic advisors, and faculty members.

148. Reforms announced by UNC since the scandal has come to light, and UNC’s subsequent disciplining of certain individuals, are modest measures that divert attention away from the underlying institutional deficiencies—at the NCAA and at UNC—that encouraged, facilitated, and rewarded this academic fraud.

Deborah Crowder Initiates Paper Classes that Lack Faculty Involvement.

149. AFAM Student Services Manager Deborah Crowder, an administrator who was not a member of the faculty, first conceived of UNC’s paper classes, under the supervision of AFAM Chair Julius Nyang’oro. In or around 1989, Crowder initiated a series of independent studies courses and invited enrollment from student-athletes. Unlike traditional independent studies classes at UNC, no faculty member was involved in managing the courses or supervising students’ research and writing. In fact, the student-athletes who enrolled in paper classes never had a single interaction with a faculty member; their only interaction was with Crowder.

150. During much of the Class Period, Crowder managed these paper classes from beginning to end, but she provided the students with no actual instruction. She registered the selected students for the classes; she assigned them their paper topics; she received their completed papers at the end of the semester; she graded the papers; and she recorded the students’ final class grades on the grade rolls.

151. When Crowder graded the papers, she typically awarded As or high Bs—even when she did not read the papers. Rather, she would typically read the introduction and

conclusion and check to make sure the papers were of appropriate length.

152. In the late 1990s, Crowder modified her approach and started offering paper classes *under the guise of traditional lecture classes* as opposed to independent studies. Despite their lecture designation on the course schedule, these classes continued to operate in the same fashion. There was no class attendance or student interaction with anyone other than Crowder, and Crowder continued to grade the papers.

153. During the Class Period, Crowder even forged AFAM faculty signatures on grading rolls. UNC professor Alphonse Mutima taught Swahili 401, 402, and 403, among other classes, during the Class Period. Advisors from UNC's Academic Support Program for Student-Athletes ("ASPSA") identified Mutima's Swahili courses as relatively easy and a good way for student-athletes to satisfy the foreign-language requirements for all UNC students (three semesters of instruction). But Mutima's Swahili 403, the final course in the series, required a final paper written entirely in Swahili. Rather than subjecting student-athletes to this academic challenge, which would require considerable effort and time away from sports, Crowder crafted a "shadow" summer Swahili 403 course that lacked rigor, any lectures, or faculty involvement—and informed the ASPSA of its availability. Of an estimated 18 students that took the "shadow" summer Swahili 403 course, 12 were student-athletes. And once the course was complete, Crowder graded the final papers, which were written *in English*, and even forged Mutima's signature on the grade sheets.

UNC Student-Athletes Were Steered to Paper Classes.

154. Crowder did not act alone. On information and belief, academic counselors in UNC's ASPSA program steered student-athletes, many of whom were African-American, into these sham paper classes, including by explicitly directing student-athletes to enroll in these

courses. ASPSA counselors were under constant pressure to maintain the eligibility of student-athletes and recognized that these sham paper classes, which provided artificially inflated grades, were an ideal vehicle for maintaining eligibility.

155. Many ASPSA counselors were aware that there was no faculty involvement and that Crowder was managing each course and grading the papers. At least two ASPA counselors went so far as to suggest what grades Crowder should ultimately award to student-athletes.

156. During the Class Period, ASPSA counselors steered student-athletes to these paper classes by (1) encouraging student-athletes to take these classes, (2) selecting and registering players for paper classes without even asking the student-athlete, and (3) encouraging student-athletes to major in AFAM Studies. Following enrollment, ASPSA counselors received the course assignment from Crowder directly and, in many cases, submitted the final paper for the player at the end of the semester.

157. On information and belief, the ASPSA counselors who steered student-athletes into paper classes included, but are not limited to, former ASPSA Associate Director and head football counselor Cynthia Reynolds, Academic Counselor for Football Octavus Barnes, men's basketball academic counselor Burgess McSwain, and men's basketball academic counselor Wayne Walden, among others.

158. ASPSA Associate Director Cynthia Reynolds and her staff routinely sent Crowder lists of football players to be enrolled in paper classes each term and the grade that each player needed to remain academically eligible to play football. Similarly, academic counselor Burgess McSwain and her successor Wayne Walden routinely called Crowder to coordinate enrollment in paper classes for their men's basketball players. Walden has acknowledged that he understood how these classes worked, and his awareness that Crowder did at least some of the grading.

159. UNC women's basketball academic counselor and, later, UNC Chair of the Faculty, Jan Boxill also helped steer student-athletes into paper classes. During the Class Period, Boxill would email Crowder with specific grade suggestions for women's basketball players. In one instance, Crowder emailed Boxill, "Did you say a D will do for [the basketball player]? I'm only asking because 1. No sources, 2, it has absolutely nothing to do with the assignments for that class and 3. It seems to me to be a recycled paper. She took [another class] in spring of 2007 and that was likely for that class." Boxill replied, "Yes, a D will be fine; that's all she needs. I didn't look at the paper but figured it was a recycled one as well, but I couldn't figure out from where."

160. In July 2010, Boxill sent an email to Travis Gore, Crowder's successor who continued the practice, forwarding a paper for a women's basketball player who was enrolled in a paper class. In the cover email, Boxill commented that the paper "is very good and informative. I would give it an A- or at least a B+." Gore replied that the player "did a good job" on the paper, and that it "looks like an A- to me." Boxill responded with one word—"GREAT!!!"—and the student was ultimately awarded an A- in the course.

161. Student-athletes accounted for a disproportionately high percentage of enrollments in these paper classes. Of the identifiable enrollments in the lecture paper classes (*paper* classes that were inaccurately designated as "lecture classes"), 47.4% were student-athletes, even though student-athletes make up just over 4% of the UNC undergraduate student body. Of those student-athlete enrollments, 50.9% were football players, 12.2% were men's basketball players, and 6.5% were women's basketball players. From 1999 to 2011, 1,871 of the 3,933 total enrollments in paper classes were student-athletes, 1,189 of which were by members of UNC's football and men's basketball teams.

Artificially Inflated Grades in Paper Classes Merely Kept Student-Athletes Academically Eligible to Play Sports at UNC.

162. The grades awarded to student-athletes in these AFAM paper classes were significantly higher than the average grades they received in other academically sound AFAM classes. The average grade issued to student-athletes in AFAM paper classes was 3.55, as compared to an average student-athlete grade of 2.84 for academically sound AFAM classes.

163. The inflated grades from paper classes had a significant impact on student-athlete grade-point averages (“GPAs”). Each AFAM paper class grade increased a student’s GPA, on average, by approximately .03 grade points. For at least 169 student-athletes, the grade they received in a paper class provided the GPA boost that either kept or pushed their GPA above the 2.0 level needed each semester to maintain academic eligibility under NCAA rules.

Crowder Retires, Causing Panic in the UNC Athletics Department.

164. When Crowder announced her impending retirement in 2009, UNC academic counselors frantically instructed their student-athletes to submit their papers soon in order to benefit from her liberal grading. Internal UNC documents show that these UNC academic counselors were concerned that Crowder’s retirement meant that they would no longer have access to paper classes “that met degree requirements in which [the football players] didn’t go to class . . . didn’t take notes [or] have to stay awake . . . didn’t have to meet with professors [and] didn’t have to pay attention or necessarily engage with the material.”

165. In summer 2009, a member of the UNC academic support staff emailed a director of football operations: “Ms. Crowder is retiring at the end of July . . . if the guys papers are not in . . . I would expect D’s or C’s at best. Most need better than that . . . ALL WORK FROM THE AFAM DEPT. MUST BE DONE AND TURNED IN ON THE LAST DAY OF CLASS.” Thus, football counselors were aware that their student-athlete charges would not get the grades they

“needed” to remain eligible without Crowder’s paper classes.

166. Indeed, the AFAM paper classes were so important to the UNC Athletic Department’s scheme for keeping its football players minimally eligible to play that the UNC Athletic Department outlined the crisis posed by Crowder’s retirement in an internal slide presentation sent to Senior Associate Athletics Director John Blanchard and Director of ASPSA Robert Mercer and presented to some of the football coaching staff:

What was part of the solution in the past?

- We put them in classes that met degree requirements in which
 - They didn’t go to class
 - They didn’t take notes, have to stay awake
 - They didn’t have to meet with professors
 - They didn’t have to pay attention or necessarily engage with the material

- AFAM/AFRI SEMINAR COURSES
 - 20-25 page papers on course topic
 - **THESE NO LONGER EXIST!**

167. Another slide in the same presentation illustrated the leniency of paper classes by comparing student-athletes’ GPAs in AFAM paper classes and academically sound classes:

	AFAM paper class GPA	Other GPA
Player 1	3.7	1.86
Player 2	3.2	1.9
Player 3	3.7	1.98
Player 4	3.63	2.036
Player 5	3.5	2

Player 6	3.85	1.99
Player 7	3.6	1.77
Player 8	3.7	1.8
Average	3.61	1.917

UNC AFAM Paper Classes Persist Following Crowder’s Retirement.

168. When Crowder retired from UNC in 2009, UNC continued its AFAM paper class scheme with the eventual help of AFAM Chair Julius Nyang’oro and Crowder’s successor, Travis Gore.

169. In the wake of Crowder’s retirement, ASPSA football counselor Jaimie Lee, acting on instructions from her superiors, lobbied Nyang’oro to continue offering AFAM paper classes of the sort that Crowder had initiated. As part of that effort, Lee built a personal relationship with Nyang’oro, sending him regular emails, meeting with him in his office and over lunch, and personally delivering student papers to him. During these interactions, Lee encouraged Nyang’oro to offer certain paper classes, including a Swahili paper class. In his email reply, Nyang’oro noted that Lee was “[d]riving a hard bargain,” promised to “think about” it, and invited her to “talk to [him]” about her request. Shortly thereafter, Nyang’oro sent a follow-up email advising her that he had “added AFAM 398 [and an AFAM independent study course] to [the] summer schedule.”

170. Nyang’oro ultimately offered six AFAM paper classes after Crowder’s retirement. To ensure that student-athletes received the grades they needed to maintain eligibility, Nyang’oro graded the papers generously, regardless of paper quality. Prior to deciding on the grades in each of these classes, Nyang’oro would ask Crowder’s successor, Travis Gore, to look up each student-athlete’s GPA. This information, along with the occasional request from an academic counselor for lenience, informed Nyang’oro’s grading and enabled him to make sure

that any grade he assigned would not compromise any student-athlete's academic eligibility.

171. When interviewed, Nyang'oro also reported an instance in which he gave a women's basketball player a B+ even though he felt her paper was "terrible" and was a "clear F"—all at the suggestion of UNC women's basketball academic counselor Jan Boxill.

Other UNC Administrators Were Aware of the Paper Classes.

172. During the Class Period, UNC's Athletics Department staff knew that these AFAM paper classes were easy courses that required no class attendance and resulted in consistently high grades for student-athletes. Many were also aware that classes designated on the course schedule as lecture classes nevertheless did not meet and did not include any lectures from a faculty member.

173. Similarly, John Blanchard, ASPSA Director from 1985 to 1999 and 2001 to 2002 and Senior Associate Athletics Director from 2002 to 2013, has acknowledged hearing that the AFAM Department was offering independent studies classes that were inaccurately listed as lecture classes.

174. UNC football coach John Bunting has likewise acknowledged that he knew about the AFAM paper classes and understood that their requirements could be satisfied by submitting a paper without any class attendance. He also confirmed that AFAM paper classes yielded consistently high grades for his football players, and he was informed by ASPSA counselor Cynthia Reynolds that AFAM paper classes were a key element of Reynolds' strategy for keeping players eligible.

175. UNC football coach Butch Davis has similarly acknowledged the school's provision of deficient instruction to student-athletes. Coach Davis has characterized UNC's attitude toward student-athlete academics as much like an "Easter egg," beautiful and impressive

to the outside world, but without much life inside. Coach Davis has also acknowledged that many of his players were taking paper classes and that these classes kept many of them eligible to play football.

176. During the Class Period, Crowder and Nyang'oro understood the UNC administration to be supportive of their AFAM paper classes. For example, Nyang'oro received input from administrators and faculty suggesting they were aware of, and approved of, the AFAM Department's engagement with student-athletes, including comments from then-Dean Holden Thorp lauding Nyang'oro for his handling of student-athletes.

177. UNC administrators took no or only cursory action to investigate or stop AFAM paper classes during the Class Period.

178. For instance, UNC's Faculty Athletics Committee ("FAC") considered the high concentration of student-athlete enrollment in AFAM Studies courses following a 2002 ESPN "Outside the Lines" program featuring a segment that criticized Duke for allowing student-athletes to cluster in certain classes and majors. After a local news program noted that UNC student-athletes were similarly clustered, Senior Associate Athletics Director John Blanchard reviewed student-athlete clustering in independent studies courses in the AFAM Department, but the investigative committee formed by the FAC "did not find any cause for concern in this situation."

179. In 2005 or 2006, a UNC administrator learned that Nyang'oro was teaching approximately 300 independent studies courses per year, an impossible workload for any professor providing adequate instruction. Despite this knowledge, the administrator took no further action.

180. In 2005 or 2006, UNC's Senior Associate Dean for Undergraduate Education

Roberta Owen had lunch with Nyang'oro and mentioned the spectacularly high number of independent studies courses that Nyang'oro was teaching. Owen did nothing, however, to investigate the quality of instruction associated with these independent studies class and instead simply directed Nyang'oro to reduce the number of independent studies courses he was teaching. Once Nyang'oro reduced the number of such classes, Dean Owen expressed her approval in a November 2006 email entitled "Ind Studies," noting that "it has gotten quieter from your side of campus" and conveying her thanks.

181. In late 2006 and early 2007, the FAC again examined the AFAM independent studies courses following a July 2006 *New York Times* article entitled "For Some Auburn Athletes, Courses with No Classes." The article triggered discussion, but according to the minutes of a January 2007 FAC meeting, "the discussion then shifted from majors to individual classes and the question of whether any concentrations of student-athletes tend to occur." The minutes reflect the FAC's conclusion that "no sense exists of a current problem." When other administrators, such as Senior Associate Athletics Director John Blanchard and Director of ASPSA Robert Mercer, reported to the FAC that there was a professor in the AFAM Department who advertises courses as though they are regular lecture classes but teaches them as independent studies, FAC members stymied any further discussion. FAC members maintained that any professor's teaching method is a matter of academic freedom—and athletic administrators should not question a professor's choice of teaching method.

182. It was widely known among university faculty during the Class Period that the AFAM Department offered some of the least demanding classes on campus.

183. On information and belief, UNC Associate Dean and Director of Academic Advising Carolyn Cannon also knew of the deficient educational instruction that AFAM paper

classes provided but did not attempt to stop them.

184. In August 2011, UNC Senior Associate Dean Jonathan Hartlyn met with Nyang'oro after reading two media accounts of academic irregularities in the AFAM Department. Nyang'oro explained that these episodes may have related to Crowder's administration and management of AFAM paper classes, at which point UNC discontinued AFAM paper classes and launched a three-year series of related and partially overlapping inquiries resulting finally in an independent report commissioned by UNC and conducted by outside investigator Kenneth L. Wainstein, entitled "*Investigation of Irregular Classes in the Department of African and Afro-American Studies at the University of North Carolina at Chapel Hill,*" issued on October 16, 2014 ("Wainstein Report").

UNC AFAM Paper Classes Provided Deficient Instruction to a Large Number of Student-Athletes.

185. From 1999 to 2011—at the encouragement and instruction of UNC athletic staff, faculty, academic-support counselors, and administrators—UNC football players enrolled in 963 AFAM paper classes; UNC men's basketball players enrolled in 226 AFAM paper classes; UNC women's basketball players enrolled in 114 AFAM paper classes.; and numerous other UNC student-athletes took many more such courses—all with no class attendance or meaningful faculty involvement. Those statistics do not include the number of student-athletes who took AFAM paper classes designed by Crowder and designated as "independent studies" though they had no faculty involvement. UNC's academically unsound courses during the Class Period included but were not necessarily limited to:

1989 Fall	AFAM190 001	INDEPENDENT STUDIES
1989 Fall	AFRI190 001	INDEPENDENT STUDIES
1990 Fall	AFAM190 001	INDEPENDENT STUDIES
1990 Spring	AFAM190 001	INDEPENDENT STUDIES
1990 Spring	AFRI090 001	INDEPENDENT STUDIES

1990 Summer II	AFAM190 001	INDEPENDENT STUDIES
1991 Fall	AFAM190 001	INDEPENDENT STUDIES
1991 Fall	AFRI190 001	INDEPENDENT STUDIES
1991 Spring	AFAM190 001	INDEPENDENT STUDIES
1991 Spring	AFRI190 001	INDEPENDENT STUDIES
1991 Summer I	AFAM190 001	INDEPENDENT STUDIES
1991 Summer I	AFRI190 001	INDEPENDENT STUDIES
1991 Summer II	AFAM190 001	INDEPENDENT STUDIES
1991 Summer II	AFRI190 001	INDEPENDENT STUDIES
1992 Fall	AFAM190 001	INDEPENDENT STUDIES
1992 Fall	AFRI090 001	INDEPENDENT STUDIES
1992 Fall	AFRI190 001	INDEPENDENT STUDIES
1992 Spring	AFAM190 001	INDEPENDENT STUDIES
1992 Spring	AFRI190 001	INDEPENDENT STUDIES
1992 Summer II	AFRI090 001	INDEPENDENT STUDIES
1992 Summer II	AFRI190 001	INDEPENDENT STUDIES
1993 Fall	AFAM190 001	INDEPENDENT STUDIES
1993 Fall	AFRI190 001	INDEPENDENT STUDIES
1993 Spring	AFAM190 001	INDEPENDENT STUDIES
1993 Spring	AFRI090 001	INDEPENDENT STUDIES
1993 Spring	AFRI190 001	INDEPENDENT STUDIES
1993 Summer I	AFAM190 001	INDEPENDENT STUDIES
1993 Summer II	AFAM190 001	INDEPENDENT STUDIES
1994 Fall	AFAM190 001	INDEPENDENT STUDIES
1994 Fall	AFRI090 001	INDEPENDENT STUDIES
1994 Fall	AFRI190 001	INDEPENDENT STUDIES
1994 Fall	AFRI190 002	INDEPENDENT STUDIES
1994 Spring	AFAM190 001	INDEPENDENT STUDIES
1994 Spring	AFRI090 001	INDEPENDENT STUDIES
1994 Spring	AFRI190 001	INDEPENDENT STUDIES
1994 Summer I	AFAM190 001	INDEPENDENT STUDIES
1994 Summer I	AFRI090 001	INDEPENDENT STUDIES
1994 Summer I	AFRI190 001	INDEPENDENT STUDIES
1994 Summer II	AFAM190 001	INDEPENDENT STUDIES
1994 Summer II	AFRI090 001	INDEPENDENT STUDIES
1994 Summer II	AFRI190 001	INDEPENDENT STUDIES
1995 Fall	AFAM190 001	INDEPENDENT STUDIES
1995 Fall	AFRI090 001	INDEPENDENT STUDIES
1995 Fall	AFRI190 001	INDEPENDENT STUDIES
1995 Spring	AFAM190 001	INDEPENDENT STUDIES
1995 Spring	AFRI090 001	INDEPENDENT STUDIES

1995 Spring	AFRI190 001	INDEPENDENT STUDIES
1995 Spring	AFRI190 002	INDEPENDENT STUDIES
1995 Summer I	AFRI190 001	INDEPENDENT STUDIES
1995 Summer II	AFAM190 001	INDEPENDENT STUDIES
1995 Summer II	AFRI190 001	INDEPENDENT STUDIES
1996 Fall	AFAM190 001	INDEPENDENT STUDIES
1996 Fall	AFAM190 002	INDEPENDENT STUDIES
1996 Fall	AFRI090 001	INDEPENDENT STUDIES
1996 Fall	AFRI190 001	INDEPENDENT STUDIES
1996 Spring	AFAM190 001	INDEPENDENT STUDIES
1996 Spring	AFRI090 001	INDEPENDENT STUDIES
1996 Spring	AFRI190 001	INDEPENDENT STUDIES
1996 Summer I	AFAM190 001	INDEPENDENT STUDIES
1996 Summer I	AFRI190 001	INDEPENDENT STUDIES
1996 Summer II	AFAM190 001	INDEPENDENT STUDIES
1996 Summer II	AFRI090 001	INDEPENDENT STUDIES
1996 Summer II	AFRI190 001	INDEPENDENT STUDIES
1997 Fall	AFAM190 001	INDEPENDENT STUDIES
1997 Fall	AFRI090 001	INDEPENDENT STUDIES
1997 Fall	AFRI190 001	INDEPENDENT STUDIES
1997 Spring	AFAM190 001	INDEPENDENT STUDIES
1997 Spring	AFRI090 001	INDEPENDENT STUDIES
1997 Spring	AFRI190 001	INDEPENDENT STUDIES
1997 Summer I	AFAM190 001	INDEPENDENT STUDIES
1997 Summer I	AFRI090 001	INDEPENDENT STUDIES
1997 Summer I	AFRI190 001	INDEPENDENT STUDIES
1997 Summer II	AFAM190 001	INDEPENDENT STUDIES
1997 Summer II	AFRI090 001	INDEPENDENT STUDIES
1998 Fall	AFAM190 001	INDEPENDENT STUDIES
1998 Fall	AFRI090 001	INDEPENDENT STUDIES
1998 Fall	AFRI190 001	INDEPENDENT STUDIES
1998 Spring	AFAM190 001	INDEPENDENT STUDIES
1998 Spring	AFRI090 001	INDEPENDENT STUDIES
1998 Spring	AFRI190 001	INDEPENDENT STUDIES
1998 Summer I	AFAM190 001	INDEPENDENT STUDIES
1998 Summer I	AFRI090 001	INDEPENDENT STUDIES
1998 Summer I	AFRI190 001	INDEPENDENT STUDIES
1998 Summer II	AFAM190 001	INDEPENDENT STUDIES
1998 Summer II	AFRI090 001	INDEPENDENT STUDIES
1998 Summer II	AFRI190 001	INDEPENDENT STUDIES
1999 Fall	AFAM190 001	INDEPENDENT STUDIES

1999 Fall	AFRI090 001	INDEPENDENT STUDIES
1999 Fall	AFRI090 999	INDEPENDENT STUDIES
1999 Fall	AFRI190 001	INDEPENDENT STUDIES
1999 Fall	AFRI066 001	CONTEMPORARY AFRICA
1999 Fall	AFRI120 001	SOUTHERN AFRICA
1999 Spring	AFAM190 001	INDEPENDENT STUDIES
1999 Spring	AFRI090 001	INDEPENDENT STUDIES
1999 Spring	AFRI190 001	INDEPENDENT STUDIES
1999 Summer I	AFAM190 001	INDEPENDENT STUDIES
1999 Summer I	AFRI090 001	INDEPENDENT STUDIES
1999 Summer I	AFRI190 001	INDEPENDENT STUDIES
1999 Summer II	AFAM190 001	INDEPENDENT STUDIES
1999 Summer II	AFRI090 001	INDEPENDENT STUDIES
1999 Summer II	AFRI190 001	INDEPENDENT STUDIES
2000 Fall	AFAM190 001	INDEPENDENT STUDIES
2000 Fall	AFRI090 001	INDEPENDENT STUDIES
2000 Fall	AFRI190 001	INDEPENDENT STUDIES
2000 Fall	AFRI190 002	INDEPENDENT STUDIES
2000 Fall	AFRI124 001	NORTH-EAST AFRICA
2000 Fall	AFRI070 001	POL PROB IN AFRI ST
2000 Spring	AFAM190 001	INDEPENDENT STUDIES
2000 Spring	AFRI090 001	INDEPENDENT STUDIES
2000 Spring	AFRI190 001	INDEPENDENT STUDIES
2000 Spring	AFAM071 001	FIELD RESEARCH
2000 Spring	AFAM174 001	KEY ISS/AFRI/AFRO L
2000 Spring	AFRI120 001	SOUTHERN AFRICA
2000 Summer I	AFAM190 001	INDEPENDENT STUDIES
2000 Summer I	AFRI090 001	INDEPENDENT STUDIES
2000 Summer I	AFRI190 001	INDEPENDENT STUDIES
2000 Summer I	AFAM071 001	FIELD RESEARCH
2000 Summer I	AFRI066 001	CONTEMPORARY AFRICA
2000 Summer II	AFAM190 001	INDEPENDENT STUDIES
2000 Summer II	AFRI090 001	INDEPENDENT STUDIES
2000 Summer II	AFRI190 001	INDEPENDENT STUDIES
2000 Summer II	AFAM070 001	AFAM SEMINAR
2000 Summer II	AFRI060 001	TOPICS IN AFRI STU
2001 Fall	AFAM190 001	INDEPENDENT STUDIES
2001 Fall	AFRI090 001	INDEPENDENT STUDIES
2001 Fall	AFRI190 001	INDEPENDENT STUDIES
2001 Fall	AFRI190 002	INDEPENDENT STUDIES
2001 Fall	AFRI190 853	INDEPENDENT STUDIES

2001 Fall	AFAM071 001	FIELD RESEARCH
2001 Fall	AFRI070 001	POL PROB IN AFRI ST
2001 Spring	AFAM190 001	INDEPENDENT STUDIES
2001 Spring	AFRI090 001	INDEPENDENT STUDIES
2001 Spring	AFRI190 001	INDEPENDENT STUDIES
2001 Spring	AFRI190 853	INDEPENDENT STUDIES
2001 Spring	AFRI066 001	CONTEMPORARY AFRICA
2001 Summer I	AFAM190 001	INDEPENDENT STUDIES
2001 Summer I	AFRI090 001	INDEPENDENT STUDIES
2001 Summer I	AFRI090 853	INDEPENDENT STUDIES
2001 Summer I	AFRI190 001	INDEPENDENT STUDIES
2001 Summer I	AFAM070 001	AFAM SEMINAR
2001 Summer I	AFAM071 001	FIELD RESEARCH
2001 Summer I	AFAM128 001	AFAM BIOETHICS
2001 Summer I	AFAM174 001	KEY ISS/AFRI/AFRO L
2001 Summer I	AFRI066 001	CONTEMPORARY AFRICA
2001 Summer II	AFAM190 001	INDEPENDENT STUDIES
2001 Summer II	AFRI090 001	INDEPENDENT STUDIES
2001 Summer II	AFRI190 001	INDEPENDENT STUDIES
2001 Summer II	AFAM070 001	AFAM SEMINAR
2001 Summer II	AFRI121 001	EAST AFRICA
2002 Fall	AFAM190 001	INDEPENDENT STUDIES
2002 Fall	AFAM190 002	INDEPENDENT STUDIES
2002 Fall	AFAM190 853	INDEPENDENT STUDIES
2002 Fall	AFRI090 001	INDEPENDENT STUDIES
2002 Fall	AFRI190 001	INDEPENDENT STUDIES
2002 Fall	AFRI190 853	INDEPENDENT STUDIES
2002 Fall	AFAM041 003	BLACK EXPERIENCE
2002 Fall	AFAM071 001	FIELD RESEARCH
2002 Fall	AFRI060 001	TOPICS IN AFRI STU
2002 Spring	AFAM190 001	INDEPENDENT STUDIES
2002 Spring	AFAM190 853	INDEPENDENT STUDIES
2002 Spring	AFRI090 001	INDEPENDENT STUDIES
2002 Spring	AFRI190 001	INDEPENDENT STUDIES
2002 Spring	AFRI190 851	INDEPENDENT STUDIES
2002 Spring	AFAM065 001	TOPICS IN AFAM STUD
2002 Summer I	AFAM190 001	INDEPENDENT STUDIES
2002 Summer I	AFAM190 853	INDEPENDENT STUDIES
2002 Summer I	AFRI090 853	INDEPENDENT STUDIES
2002 Summer I	AFRI190 001	INDEPENDENT STUDIES
2002 Summer I	AFAM070 001	AFAM SEMINAR

2002 Summer I	AFAM071 001	FIELD RESEARCH
2002 Summer I	AFAM128 001	AFAM BIOETHICS
2002 Summer I	AFRI066 001	CONTEMPORARY AFRICA
2002 Summer II	AFAM190 001	INDEPENDENT STUDIES
2002 Summer II	AFAM190 853	INDEPENDENT STUDIES
2002 Summer II	AFRI090 001	INDEPENDENT STUDIES
2002 Summer II	AFRI190 001	INDEPENDENT STUDIES
2002 Summer II	AFRI121 001	EAST AFRICA
2003 Fall	AFAM190 001	INDEPENDENT STUDIES
2003 Fall	AFAM190 002	INDEPENDENT STUDIES
2003 Fall	AFAM190 853	INDEPENDENT STUDIES
2003 Fall	AFRI090 001	INDEPENDENT STUDIES
2003 Fall	AFRI090 002	INDEPENDENT STUDIES
2003 Fall	AFRI190 001	INDEPENDENT STUDIES
2003 Fall	AFRI190 853	INDEPENDENT STUDIES
2003 Fall	AFAM069 001	BLACK NATIONALISM
2003 Fall	AFAM128 002	AFAM BIOETHICS
2003 Fall	AFRI070 001	POL PROB IN AFRI ST
2003 Fall	AFRI120 001	SOUTHERN AFRICA
2003 Fall	AFRI131 001	PRACT IN AFRI STUD
2003 Spring	AFAM190 001	INDEPENDENT STUDIES
2003 Spring	AFAM190 002	INDEPENDENT STUDIES
2003 Spring	AFRI090 001	INDEPENDENT STUDIES
2003 Spring	AFRI190 001	INDEPENDENT STUDIES
2003 Spring	AFAM065 002	TOPICS IN AFAM STUD
2003 Spring	AFAM071 002	FIELD RESEARCH
2003 Spring	AFAM128 002	AFAM BIOETHICS
2003 Spring	AFAM174 001	KEY ISS/AFRI/AFRO L
2003 Spring	AFRI060 001	TOPICS IN AFRI STU
2003 Spring	AFRI120 001	SOUTHERN AFRICA
2003 Summer I	AFAM190 001	INDEPENDENT STUDIES
2003 Summer I	AFRI190 001	INDEPENDENT STUDIES
2003 Summer I	AFAM070 001	AFAM SEMINAR
2003 Summer I	AFAM071 001	FIELD RESEARCH
2003 Summer I	AFAM128 001	AFAM BIOETHICS
2003 Summer I	AFRI066 001	CONTEMPORARY AFRICA
2003 Summer II	AFAM190 001	INDEPENDENT STUDIES
2003 Summer II	AFAM190 853	INDEPENDENT STUDIES
2003 Summer II	AFRI090 001	INDEPENDENT STUDIES
2003 Summer II	AFRI190 001	INDEPENDENT STUDIES
2003 Summer II	AFRI190 853	INDEPENDENT STUDIES

2003 Summer II	AFAM070 001	AFAM SEMINAR
2003 Summer II	AFAM174 001	KEY ISS/AFRI/AFRO L
2003 Summer II	AFRI120 001	SOUTHERN AFRICA
2004 Fall	AFAM190 001	INDEPENDENT STUDIES
2004 Fall	AFAM190 002	INDEPENDENT STUDIES
2004 Fall	AFAM190 851	INDEPENDENT STUDIES
2004 Fall	AFAM190 853	INDEPENDENT STUDIES
2004 Fall	AFRI090 001	INDEPENDENT STUDIES
2004 Fall	AFRI190 001	INDEPENDENT STUDIES
2004 Fall	AFAM041 002	BLACK EXPERIENCE
2004 Fall	AFAM069 001	BLACK NATIONALISM
2004 Fall	AFAM071 001	FIELD RESEARCH
2004 Fall	AFAM128 002	AFAM BIOETHICS
2004 Fall	AFAM174 002	KEY ISS/AFRI/AFRO L
2004 Fall	AFRI065 001	AFRICAN POLI/ECON
2004 Fall	AFRI120 001	SOUTHERN AFRICA
2004 Fall	AFRI121 001	EAST AFRICA
2004 Spring	AFAM190 001	INDEPENDENT STUDIES
2004 Spring	AFAM190 002	INDEPENDENT STUDIES
2004 Spring	AFAM190 003	INDEPENDENT STUDIES
2004 Spring	AFAM190 853	INDEPENDENT STUDIES
2004 Spring	AFRI090 001	INDEPENDENT STUDIES
2004 Spring	AFRI190 001	INDEPENDENT STUDIES
2004 Spring	AFRI190 853	INDEPENDENT STUDIES
2004 Spring	AFAM065 002	TOPICS IN AFAM STUD
2004 Spring	AFAM071 002	FIELD RESEARCH
2004 Spring	AFAM128 002	AFAM BIOETHICS
2004 Spring	AFAM174 002	KEY ISS/AFRI/AFRO L
2004 Spring	AFRI060 001	TOPICS IN AFRI STU
2004 Spring	AFRI120 001	SOUTHERN AFRICA
2004 Spring	AFRI122 001	WEST AFRICA
2004 Spring	AFRI123 001	CENTRAL AFRICA
2004 Spring	AFRI174 002	KEY ISS/AFRI/AFRO L
2004 Summer I	AFAM190 001	INDEPENDENT STUDIES
2004 Summer I	AFRI090 001	INDEPENDENT STUDIES
2004 Summer I	AFRI190 001	INDEPENDENT STUDIES
2004 Summer I	AFRI190 853	INDEPENDENT STUDIES
2004 Summer I	AFAM065 001	TOPICS IN AFAM STUD
2004 Summer I	AFAM070 001	AFAM SEMINAR
2004 Summer I	AFAM071 001	FIELD RESEARCH
2004 Summer I	AFRI070 001	POL PROB IN AFRI ST

2004 Summer II	AFAM190 001	INDEPENDENT STUDIES
2004 Summer II	AFAM190 853	INDEPENDENT STUDIES
2004 Summer II	AFRI190 001	INDEPENDENT STUDIES
2004 Summer II	AFAM128 001	AFAM BIOETHICS
2004 Summer II	AFAM174 001	KEY ISS/AFRI/AFRO L
2004 Summer II	AFRI121 001	EAST AFRICA
2004 Summer II	AFRI124 001	NORTH-EAST AFRICA
2004 Summer II	AFRI174 001	KEY ISS/AFRI/AFRO L
2004 Summer II	SWAH003 001	KISWAHILI 3
2005 Fall	AFAM190 001	INDEPENDENT STUDIES
2005 Fall	AFAM190 002	INDEPENDENT STUDIES
2005 Fall	AFAM190 003	INDEPENDENT STUDIES
2005 Fall	AFAM190 851	INDEPENDENT STUDIES
2005 Fall	AFRI090 001	INDEPENDENT STUDIES
2005 Fall	AFRI190 001	INDEPENDENT STUDIES
2005 Fall	AFRI190 002	INDEPENDENT STUDIES
2005 Fall	AFRI190 003	INDEPENDENT STUDIES
2005 Fall	AFAM052 001	BLACKS IN THE WEST
2005 Fall	AFAM054 002	BLACKS IN LATIN AMER
2005 Fall	AFAM069 001	BLACK NATIONALISM
2005 Fall	AFAM071 001	FIELD RESEARCH
2005 Fall	AFAM080 001	BLACKS IN NORTH CAROLINA
2005 Fall	AFAM128 001	AFAM BIOETHICS
2005 Fall	AFRI060 001	TOPICS IN AFRI STU
2005 Fall	AFRI066 001	CONTEMPORARY AFRICA
2005 Spring	AFAM190 001	INDEPENDENT STUDIES
2005 Spring	AFAM190 002	INDEPENDENT STUDIES
2005 Spring	AFAM190 003	INDEPENDENT STUDIES
2005 Spring	AFAM190 004	INDEPENDENT STUDIES
2005 Spring	AFAM190 005	INDEPENDENT STUDIES
2005 Spring	AFAM190 851	INDEPENDENT STUDIES
2005 Spring	AFRI090 001	INDEPENDENT STUDIES
2005 Spring	AFRI190 001	INDEPENDENT STUDIES
2005 Spring	AFRI190 002	INDEPENDENT STUDIES
2005 Spring	AFRI190 003	INDEPENDENT STUDIES
2005 Spring	AFRI190 004	INDEPENDENT STUDIES
2005 Spring	AFRI190 005	INDEPENDENT STUDIES
2005 Spring	AFRI190 851	INDEPENDENT STUDIES
2005 Spring	AFAM040 005	BLACK EXPERIENCE
2005 Spring	AFAM065 001	TOPICS IN AFAM STUD
2005 Spring	AFAM069 001	BLACK NATIONALISM

2005 Spring	AFAM071 001	FIELD RESEARCH
2005 Spring	AFAM076 001	BLACKS IN FILM
2005 Spring	AFAM094A001	AFAM ARTS/AESTHETIC
2005 Spring	AFAM128 001	AFAM BIOETHICS
2005 Spring	AFRI120 001	SOUTHERN AFRICA
2005 Spring	SWAH003 001	KISWAHILI 3
2005 Summer I	AFAM190 001	INDEPENDENT STUDIES
2005 Summer I	AFRI190 001	INDEPENDENT STUDIES
2005 Summer I	AFAM065 001	TOPICS IN AFAM STUD
2005 Summer I	AFAM128 001	AFAM BIOETHICS
2005 Summer I	AFRI066 001	CONTEMPORARY AFRICA
2005 Summer I	AFRI120 001	SOUTHERN AFRICA
2005 Summer II	AFAM190 001	INDEPENDENT STUDIES
2005 Summer II	AFAM190 851	INDEPENDENT STUDIES
2005 Summer II	AFRI190 001	INDEPENDENT STUDIES
2005 Summer II	AFAM066 001	BLACK WOMEN
2005 Summer II	AFAM070 001	AFAM SEMINAR
2005 Summer II	AFAM128 001	AFAM BIOETHICS
2005 Summer II	AFRI120 001	SOUTHERN AFRICA
2005 Summer II	AFRI122 001	WEST AFRICA
2006 Fall	AFAM396 001	INDEPENDENT STUDIES
2006 Fall	AFAM396 002	INDEPENDENT STUDIES
2006 Fall	AFAM396 003	INDEPENDENT STUDIES
2006 Fall	AFAM396 004	INDEPENDENT STUDIES
2006 Fall	AFAM396 851	INDEPENDENT STUDIES
2006 Fall	AFRI296 001	INDEPENDENT STUDIES
2006 Fall	AFRI396 001	INDEPENDENT STUDIES
2006 Fall	AFRI396 003	INDEPENDENT STUDIES
2006 Fall	AFAM269 001	BLACK NATIONALISM
2006 Fall	AFAM428 001	AFAM BIOETHICS
2006 Fall	AFAM697 001	AFAM ARTS/AESTHETIC
2006 Fall	AFRI190 001	TOPICS IN AFRI STU
2006 Fall	AFRI266 001	CONTEMPORARY AFRICA
2006 Fall	AFRI520 001	SOUTHERN AFRICA
2006 Fall	AFRI521 001	EAST AFRICAN SOCIETY
2006 Fall	AFRI523 001	CENTRAL AFRICA
2006 Spring	AFAM190 001	INDEPENDENT STUDIES
2006 Spring	AFAM190 002	INDEPENDENT STUDIES
2006 Spring	AFAM190 003	INDEPENDENT STUDIES
2006 Spring	AFAM190 004	INDEPENDENT STUDIES
2006 Spring	AFAM190 005	INDEPENDENT STUDIES

2006 Spring	AFRI090 001	INDEPENDENT STUDIES
2006 Spring	AFRI190 001	INDEPENDENT STUDIES
2006 Spring	AFRI190 002	INDEPENDENT STUDIES
2006 Spring	AFRI190 003	INDEPENDENT STUDIES
2006 Spring	AFRI190 004	INDEPENDENT STUDIES
2006 Spring	AFRI190 005	INDEPENDENT STUDIES
2006 Spring	AFRI190 006	INDEPENDENT STUDIES
2006 Spring	AFRI190 851	INDEPENDENT STUDIES
2006 Spring	AFAM065 001	TOPICS IN AFAM STUD
2006 Spring	AFAM069 001	BLACK NATIONALISM
2006 Spring	AFAM071 001	FIELD RESEARCH
2006 Spring	AFAM080 001	BLACKS IN NORTH CAROLINA
2006 Spring	AFAM094A001	AFAM ARTS/AESTHETIC
2006 Spring	AFAM128 001	AFAM BIOETHICS
2006 Spring	AFAM174 002	KEY ISS/AFRI/AFRO L
2006 Spring	AFRI066 001	CONTEMPORARY AFRICA
2006 Spring	AFRI120 001	SOUTHERN AFRICA
2006 Spring	AFRI122 002	WEST AFRICA
2006 Spring	AFRI174 002	KEY ISS/AFRI/AFRO L
2006 Summer I	AFAM190 001	INDEPENDENT STUDIES
2006 Summer I	AFAM190 002	INDEPENDENT STUDIES
2006 Summer I	AFRI190 001	INDEPENDENT STUDIES
2006 Summer I	AFAM073 001	BLACKS/CRIM JUSTICE
2006 Summer I	AFAM094A001	AFAM ARTS/AESTHETIC
2006 Summer I	AFAM128 001	AFAM BIOETHICS
2006 Summer I	AFRI120 001	SOUTHERN AFRICA
2006 Summer I	AFRI121 001	EAST AFRICA
2006 Summer II	AFAM190 001	INDEPENDENT STUDIES
2006 Summer II	AFAM190 002	INDEPENDENT STUDIES
2006 Summer II	AFAM190 003	INDEPENDENT STUDIES
2006 Summer II	AFAM190 851	INDEPENDENT STUDIES
2006 Summer II	AFRI190 001	INDEPENDENT STUDIES
2006 Summer II	AFRI190 851	INDEPENDENT STUDIES
2006 Summer II	AFAM041 001	BLACK EXPERIENCE
2006 Summer II	AFAM069 001	BLACK NATIONALISM
2006 Summer II	AFAM070 001	AFAM SEMINAR
2006 Summer II	AFAM094A001	AFAM ARTS/AESTHETIC
2006 Summer II	AFAM128 001	AFAM BIOETHICS
2006 Summer II	AFAM174 001	KEY ISS/AFRI/AFRO L
2006 Summer II	AFRI066 001	CONTEMPORARY AFRICA
2006 Summer II	AFRI120 001	SOUTHERN AFRICA

2006 Summer II	SWAH003 001	KISWAHILI 3
2006 Summer II	SWAH004 001	KISWAHILI 4
2007 Fall	AFRI396 001	INDEPENDENT STUDIES
2007 Fall	AFRI396 851	INDEPENDENT STUDIES
2007 Fall	AFRI523 002	CENTRAL AFRICA
2007 Fall	AFRI266 001	CONTEMPORARY AFRICA
2007 Spring	AFRI396 004	INDEPENDENT STUDIES
2007 Spring	AFRI520 001	SOUTHERN AFRICA
2007 Summer I	AFAM396 001	INDEPENDENT STUDIES
2007 Summer I	AFRI396 001	INDEPENDENT STUDIES
2007 Summer I	AFAM395 001	FIELD RESEARCH
2007 Summer I	AFAM428 001	AFAM BIOETHICS
2007 Summer I	AFAM697 001	AFAM ARTS/AESTHETIC
2007 Summer I	AFRI520 001	SOUTHERN AFRICA
2007 Summer I	AFRI521 001	EAST AFRICAN SOCIETY
2007 Summer II	AFAM396 001	INDEPENDENT STUDIES
2007 Summer II	AFAM396 851	INDEPENDENT STUDIES
2007 Summer II	AFRI396 001	INDEPENDENT STUDIES
2007 Summer II	AFAM102 001	BLACK EXPERIENCE II
2007 Summer II	AFAM269 001	BLACK NATIONALISM
2007 Summer II	AFAM398 001	AFAM SEMINAR
2007 Summer II	AFAM428 001	AFAM BIOETHICS
2007 Summer II	AFAM474 001	KEY ISS/AFRI/AFRO L
2007 Summer II	AFAM697 001	AFAM ARTS/AESTHETIC
2007 Summer II	AFRI266 001	CONTEMPORARY AFRICA
2007 Summer II	AFRI520 001	SOUTHERN AFRICA
2007 Summer II	SWAH403 001	KISWAHILI 3
2008 Fall	AFAM396 001	INDEPENDENT STUDIES
2008 Fall	AFRI396 001	INDEPENDENT STUDIES
2008 Fall	AFAM269 001	BLACK NATIONALISM
2008 Fall	AFAM428 001	AFAM BIOETHICS
2008 Fall	AFAM697 001	AFAM ARTS/AESTHETIC
2008 Fall	AFRI266 002	CONTEMPORARY AFRICA
2008 Fall	AFRI521 001	EAST AFRICAN SOCIETY
2008 Spring	AFAM396 001	INDEPENDENT STUDIES
2008 Spring	AFRI396 001	INDEPENDENT STUDIES
2008 Spring	AFRI396 002	INDEPENDENT STUDIES
2008 Spring	AFRI266 001	CONTEMPORARY AFRICA
2008 Spring	AFRI520 001	SOUTHERN AFRICA
2008 Spring	AFRI521 001	EAST AFRICAN SOCIETY
2008 Spring	SWAH403 001	KISWAHILI 3

2008 Summer I	AFAM396 001	INDEPENDENT STUDIES
2008 Summer I	AFRI396 001	INDEPENDENT STUDIES
2008 Summer I	AFAM398 001	AFAM SEMINAR
2008 Summer I	AFAM428 001	AFAM BIOETHICS
2008 Summer I	AFRI266 001	CONTEMPORARY AFRICA
2008 Summer I	AFRI520 001	SOUTHERN AFRICA
2008 Summer I	SWAH402 001	KISWAHILI 2
2008 Summer I	SWAH403 001	KISWAHILI 3
2008 Summer II	AFAM396 001	INDEPENDENT STUDIES
2008 Summer II	AFRI396 001	INDEPENDENT STUDIES
2008 Summer II	AFAM392 001	AFAM CONTEMPORARY ISSUES
2008 Summer II	AFAM428 001	AFAM BIOETHICS
2008 Summer II	AFAM474 001	KEY ISS/AFRI/AFRO L
2008 Summer II	AFRI266 001	CONTEMPORARY AFRICA
2008 Summer II	SWAH403 001	KISWAHILI 3
2008 Summer II	SWAH404 001	KISWAHILI 4
2009 Fall	AFAM396 001	INDEPENDENT STUDIES
2009 Fall	AFAM396 002	INDEPENDENT STUDIES
2009 Spring	AFAM396 001	INDEPENDENT STUDIES
2009 Spring	AFAM396 002	INDEPENDENT STUDIES
2009 Spring	AFRI396 001	INDEPENDENT STUDIES
2009 Spring	AFRI396 002	INDEPENDENT STUDIES
2009 Spring	AFRI396 003	INDEPENDENT STUDIES
2009 Spring	AFRI396 004	INDEPENDENT STUDIES
2009 Spring	AFAM428 001	AFAM BIOETHICS
2009 Spring	AFAM474 002	KEY ISS/AFRI/AFRO L
2009 Spring	AFAM697 001	AFAM ARTS/AESTHETIC
2009 Summer I	AFAM396 001	INDEPENDENT STUDIES
2009 Summer I	AFRI396 001	INDEPENDENT STUDIES
2009 Summer I	AFAM398 001	AFAM SEMINAR
2009 Summer I	AFAM428 001	AFAM BIOETHICS
2009 Summer I	AFAM474 002	KEY ISS/AFRI/AFRO L
2009 Summer I	AFRI266 001	CONTEMPORARY AFRICA
2009 Summer I	AFRI520 001	SOUTHERN AFRICA
2009 Summer I	SWAH403 001	INTERMED. KISWAHILI III
2009 Summer II	AFAM396 001	INDEPENDENT STUDIES
2009 Summer II	AFRI396 001	INDEPENDENT STUDIES
2009 Summer II	AFAM102 001	BLACK EXPERIENCE II
2009 Summer II	AFAM398 001	AFAM SEMINAR
2009 Summer II	AFAM428 001	AFAM BIOETHICS
2009 Summer II	AFAM474 001	KEY ISS/AFRI/AFRO L

2009 Summer II	AFAM697 001	AFAM ARTS/AESTHETIC
2009 Summer II	AFRI266 001	CONTEMPORARY AFRICA
2010 Fall	AFAM396 001	INDEPENDENT STUDIES
2010 Fall	AFAM396 01S	INDEPENDENT STUDIES
2010 Fall	AFAM428 001	AFAM BIOETHICS
2010 Fall	AFRI521 001	EAST AFRICAN SOCIETY
2010 Spring	AFAM396 001	INDEPENDENT STUDIES
2010 Spring	AFAM396 002	INDEPENDENT STUDIES
2010 Spring	AFAM396 003	INDEPENDENT STUDIES
2010 Spring	AFRI396 001	INDEPENDENT STUDIES
2010 Spring	AFRI396 002	INDEPENDENT STUDIES
2010 Spring	AFRI396 003	INDEPENDENT STUDIES
2010 Spring	AFRI370 001	POL PROB IN AFRI ST
2010 Summer I	AFAM396 001	INDEPENDENT STUDIES
2010 Summer I	AFRI396 001	INDEPENDENT STUDIES
2010 Summer II	AFAM396 001	INDEPENDENT STUDIES
2010 Summer II	AFRI396 001	INDEPENDENT STUDIES
2011 Spring	AFAM396 001	INDEPENDENT STUDIES
2011 Spring	AFAM396 002	INDEPENDENT STUDIES
2011 Spring	AFAM396 003	INDEPENDENT STUDIES
2011 Spring	AFAM396 004	INDEPENDENT STUDIES
2011 Spring	AFRI396 001	INDEPENDENT STUDIES
2011 Spring	AFRI266 001	CONTEMPORARY AFRICA
2011 Summer I	AFAM396 001	INDEPENDENT STUDIES
2011 Summer I	AFRI396 001	INDEPENDENT STUDIES
2011 Summer II	AFAM396 001	INDEPENDENT STUDIES
2011 Summer II	AFAM280 001	BLACKS IN NORTH CAROLINA

The NCAA's Failure to Implement Adequate Monitoring and Enforcement Mechanisms to Combat Academic Fraud

186. During the Class Period, the NCAA knew that academic fraud—of the sort occurring at UNC—was rampant among its members, yet it failed to develop, adopt, and implement adequate monitoring mechanisms to detect whether member schools were providing academically unsound classes to student-athletes—and stop any such occurrences.

187. For example, during the Class Period, the NCAA did not appropriately investigate:

- a. The educational integrity of member-school courses in which student-athletes were enrolled;
- b. The proportion of student-athletes, by sport, enrolled in certain member-school courses, including non-traditional courses such as independent studies, compared to the proportion of non-athletes;
- c. The proportion of student-athletes, by sport, pursuing particular majors at member schools, compared to the proportion of non-athletes;
- d. The grades student-athletes were receiving, by sport, in member-school courses in which they were clustered, compared to the grades of non-athletes in those courses;
- e. The descriptions, academic requirements, and time commitments associated with member-school courses taken by student-athletes;
- f. Independent studies and other non-traditional courses in which student athletes were clustered that were taught by the same instructor; or
- g. Member-school self-reporting to verify its accuracy and thoroughness.

188. In addition to failing to implement adequate monitoring mechanisms during the Class Period, the NCAA also failed to devote sufficient resources to enforce its rules prohibiting academic fraud—*despite its oft-repeated rhetorical commitment to academic integrity*. For example, the NCAA committed only approximately 1-2% of its total budget to enforcement during the Class Period. Likewise, the NCAA employed only about 40 investigators during the Class Period, many of whom, like its overall administrative staff, were former student-athletes or former NCAA coaches, and few of whom had any formal investigative background or experience.

189. In light of this scarce resource allocation and scant organizational emphasis, the NCAA instead relied on member-school self-monitoring and self-reporting of violations, investigating only an average of 25 major cases annually across all sports and all types of violations.

190. With respect to investigations involving academic fraud, the NCAA ceded responsibility to its member institutions to determine whether or not conduct constitutes “academic fraud” and then deferred to that decision.

191. During the Class Period, the NCAA did almost nothing to limit the enrollment of student-athletes in nontraditional courses—spanning independent study, distance-learning, correspondence, extension, online, or other courses lacking a traditional classroom environment with regular interaction between an instructor and the students—that are ripe for academic fraud.

192. In 2013, the NCAA adopted only modest restrictions on the use of these courses for purposes of calculating full-time enrollment, permitting student-athletes to take nontraditional courses so long as they are available to all students; enrollment occurs in the same manner for all students and takes place during the enrollment period; and the course is conducted during regular academic terms.

193. The NCAA still places no limits on the number of nontraditional courses a student-athlete may take.

194. The NCAA’s failure in enforcement and monitoring permitted an academic and athletic culture among NCAA member schools in which cheating paid off, and permitted UNC’s academic fraud to persist for two decades.

195. When the NCAA learned of allegations of “academic improprieties” at UNC, it conducted only a cursory investigation and insisted that any scandal was academic and not athletic—despite the disproportionate enrollment of student-athletes in AFAM paper classes. It was not until 2014, and the release of the Wainstein Report, that the NCAA finally announced the creation of an “academic integrity unit” within its enforcement division to “enforce violations that most seriously threaten the college model, including academic fraud.”

College Athletics Revenues Explode During the Class Period, Benefiting the NCAA and UNC But Not Student-Athletes

196. In 2001, according to data reported to the U.S. government, the average men’s basketball-related revenue for a Division I school was \$1,818,688. That number swelled to \$4,019,204 by 2012. For football, those numbers grew from \$11,418,769 on average in 2001 to \$26,222,991 in 2012. For UNC, the numbers were even larger:

	UNC Men’s Basketball-Related Revenues, 2001-2012	UNC Football-Related Revenues, 2001-2012
2001	\$10,448,595	\$12,243,606
2001	\$11,019,438	\$15,152,384
2002	\$12,485,719	\$15,156,912
2003	\$13,494,692	\$15,120,192
2004	\$15,016,479	\$17,332,920
2005	\$17,216,083	\$17,407,010
2006	\$17,215,199	\$18,147,854
2007	\$17,831,583	\$20,687,386
2008	\$19,852,544	\$24,163,760
2009	\$20,551,168	\$22,077,550
2010	\$19,672,012	\$26,385,760
2011	\$24,011,268	\$27,626,613
2012	\$19,632,779	\$31,481,105

197. During the Class Period, revenues attributable to Division I men’s basketball exploded. In 1989, the NCAA signed a seven-year broadcast agreement with CBS that, starting in 1991, brought the NCAA approximately \$143 million each year for the rights. In 1995, CBS

and the NCAA signed a \$1.725 billion extension through 2001, followed by an 11-year, \$6 billion deal. In 2010, TBS and CBS agreed on a 14-year, \$10.8 billion agreement for March Madness. Accordingly, from 1992 to 2011, revenues attributable to the NCAA-sponsored men's basketball tournament alone grew from approximately \$143 million per year to over \$750 million per year—*more than a five-fold increase*.

198. This growth was at least partially attributable to the success of UNC's athletic program. UNC's men's basketball team won the "March Madness" tournament three times during the Class Period—in 1993, 2005, and 2009—and went to the national semifinals five other times.

199. During the Class Period, UNC and the NCAA enjoyed a mutually beneficial relationship that neither wished to disturb despite warning signs of academic fraud. The NCAA relished the exponential increase in revenue, which funded the NCAA's own operations and which was distributed to its member institutions. UNC likewise enjoyed the revenues that came with winning, as well as the increased popularity and attendant recruiting advantages.

UNC Falsely Represented and Fraudulently Concealed the Nature and Scope of UNC's Academically Unsound Courses

200. The applicable statutes of limitations have been tolled by UNC's false representations regarding the AFAM paper classes, and by its fraudulent concealment of material facts regarding the academically unsound nature of those classes.

201. On information and belief, UNC's course schedules and directories issued during the Class Period listed an instructor of record for each AFAM paper class offered, and included representations that certain paper classes were "lecture" (or "face-to-face") courses taught by the instructor of record identified in the schedules or directories, although the classes never met, there was no face-to-face instruction, and no faculty member ever even supervised the course or

graded the papers submitted by those enrolled in the course.

202. On information and belief, UNC's undergraduate course bulletins issued during the Class Period listed the professors and lecturers for each department, including AFAM, and listed all course offerings by department, along with degree requirements, implicitly affirming that the courses offered by AFAM would be taught by one of these individuals and were academically sound.

203. On information and belief, certain AFAM paper classes were identified in the undergraduate bulletin as courses that would satisfy core requirements for AFAM degree concentrations during the Class Period; and one or more of the AFAM paper courses were identified as among the courses that could satisfy UNC's requirement for a "cultural diversity" course to satisfy general education requirements.

204. On information and belief, UNC represented that all AFAM courses were supervised by an AFAM faculty member, when, in fact faculty did not supervise coursework or review or grade the final papers in AFAM paper classes.

205. UNC promoted its course offerings in course directories, bulletins, schedules, and otherwise with the intent that UNC students, including Plaintiffs and the Class, would rely on the representations therein. In promoting these courses in UNC's course directories, bulletins, schedules, and otherwise, UNC falsely represented that these courses were academically sound and provided meaningful instruction. Plaintiffs and the Class relied on those representations.

206. That reliance was reasonable. As explained in a 2002 report by a member of the UNC Athletic Department and a member of the UNC Faculty Advisory Committee ("FAC"), a committee formed to advise the chancellor on the academic experience of student-athletes uncovered troubling internal, non-public data regarding student-athlete enrollment in

independent studies courses (including in the AFAM department) and presented this information to the FAC—but the FAC declined to examine the propriety of independent study courses “since they are approved by the faculty in the respective departments.”

207. Moreover, Wainstein’s independent investigation concluded, twelve years later in 2014, that this earlier review by the FAC assumed that “a course is academically legitimate [if it was] offered by a department.” Further, as explained in a 2012 report issued by former North Carolina Governor James Martin, *The University of North Carolina at Chapel Hill Academic Anomalies Review Report of Findings*, when a member of the UNC Athletic Department raised concerns in 2007 about the propriety of AFAM lecture courses that were taught in independent studies format, the FAC responded that it was “unnecessary for ASPSA staff to question methods used by instructors, who are given wide latitude in how they teach approved course content. . . . The Martin Report found that the Athletics and ASPSA administrators had tried to raise their general concerns about the academic integrity of certain AFAM classes [and were] told to mind their own business.” Even UNC’s men’s basketball coach Roy Williams has noted in interviews that he “trusted the University to put on legitimate classes.” Given that even UNC’s FAC, and numerous others, relied on department approval and the academic judgment of course instructors to conclude that the AFAM paper classes were academically sound, Plaintiffs’ and the Class’s reliance on the very same and similar representations was reasonable.

208. UNC, through certain of its faculty and staff, knew that AFAM paper classes, whether designated as lecture courses or independent studies courses, were not designed, supervised, or taught by faculty and that assignments were reviewed and graded by administrative staff, making them academically unsound.

209. Having made representations about the nature, content, and integrity of these

paper courses in its course directories, bulletins, schedules, and otherwise, UNC had a duty to disclose that the AFAM paper courses were not supervised or taught by faculty but instead only by unqualified administrative staff; that unqualified administrative staff graded these papers; and that other indicia of academically sound instruction were not present in AFAM paper courses. UNC did not do so. Nor did the NCAA divulge information it obtained about UNC's AFAM paper classes during the Class Period.

210. During the Class Period, UNC was (and is now) accredited by the Southern Association of Colleges and Schools Commission on Colleges to award bachelor's and other degrees. To maintain its accreditation, which is a condition of federal funding, UNC must meet, *inter alia*, the following requirements: it must demonstrate that each educational course for which academic credit is awarded is approved by the faculty and the administration; it must employ sound and acceptable practices for determining the amount and level of credit awarded for courses, regardless of format or mode of delivery; and it must assign responsibility for curriculum development and review to persons academically qualified in the field. By representing that UNC was accredited, UNC also affirmed to Plaintiffs and the Class that it had complied and was complying with these, and other, core accreditation requirements. Having made representations regarding accreditation, UNC had a duty to disclose that the AFAM paper classes were not designed or supervised by qualified faculty and that UNC did not employ sound practices for determining credit to be awarded for such classes.

211. During the Class Period, UNC was in a far superior position to its student-athletes to assess whether the AFAM paper courses in which Plaintiffs and the Class were enrolled were academically sound. During the Class Period and until very recently, Plaintiffs and the Class did not have access to the non-public, internal UNC information they would have needed to make

this determination. For example, *The Raleigh News and Observer* had to sue UNC in January 2014 to obtain non-public information and data about the AFAM paper courses, the student-athletes enrolled in them, and related information such as course titles, GPAs, and majors. Until very recently, Plaintiffs and the Class lacked the information needed to determine, e.g.,:

- a. whether AFAM paper classes were taught or supervised by a UNC faculty member or otherwise involved a faculty member;
- b. whether Plaintiffs' and class members' communications with Crowder and other non-faculty members regarding AFAM paper classes were shared with the faculty instructor of record;
- c. whether coursework submitted in AFAM paper courses was reviewed and graded by a qualified faculty member;
- d. whether coursework submitted in AFAM paper courses was reviewed in its entirety;
- e. whether attendance at courses designated as lecture courses could be excused by administrative staff or faculty; and
- f. the roles of UNC athletic department personnel and academic advisors in creating, maintaining, supporting, and encouraging AFAM paper courses.

212. There are numerous examples of non-public data and information that UNC possessed during the Class Period but did not disclose to Plaintiffs and the Class until very recently. For instance, in 2002, a member of UNC's athletic department and a UNC administrator presented to the FAC non-public internal data compiled by ASPSA regarding the clustering of student-athletes in AFAM independent studies courses that raised academic integrity concerns, but the FAC did not disclose this data to Plaintiffs, class members, or the public.

213. As another example, in 2005 or 2006, a UNC administrator learned that Nyang'oro was routinely listed in non-public records as the faculty instructor for a staggering number of independent studies courses—approximately 300 per year—that was clearly well

beyond what any professor could undertake without compromising academic integrity, but UNC did not disclose this information to Plaintiffs, class members, or the public. Instead, the administrator asked Nyang'oro to scale back the total number of such courses and expressed gratitude when Nyang'oro did so.

214. In 2006 and 2007, the UNC Faculty Athletics Committee (“FAC”) discussed concerns about AFAM lecture classes that lacked a lecture component altogether and instead functioned as independent-studies courses after similar abuses at Auburn University came to light. But the FAC did not disclose those concerns to Plaintiffs, class members, or the public, observing instead that further investigation was impossible because “faculty groups need to have access to appropriate data to monitor the bona fides of the course of study.” Until very recently, Plaintiffs and class members did not have access to those data either.

215. In August 2011, after Hartlyn met with Nyang'oro, UNC was once again made aware of AFAM paper classes that lacked a lecture component or faculty involvement and were disproportionately provided to UNC student-athletes. Despite this knowledge and awareness, UNC still did not disclose this information to Plaintiffs, class members, or the public—and instead sought to suppress this information.

216. In July 2012, UNC continued to deny that any irregularities in the AFAM Department had violated NCAA rules or otherwise constituted academic fraud. Indeed, UNC’s own investigation of AFAM courses in 2012, which merely considered AFAM courses during the period 2007 to 2011, noted irregularities but was generally inconclusive.

217. Moreover, Crowder, who possessed important information about UNC’s provision of academically unsound classes to student-athletes, refused various requests for interviews until finally agreeing to discuss these matters with UNC’s independent investigator in

early 2014.

218. The nature and scope of these academically unsound courses were not known to Plaintiffs and class members until the Wainstein Report issued in October 2014; that report, which was commissioned by UNC, was a synthesis of more than 120 witness interviews, myriad student-athlete transcripts and course records spanning decades, and information gleaned from some 1.6 million emails. Until its public release, Plaintiffs and class members did not have access to the information uncovered by this investigation.

219. As former Governor Martin's own December 2012 investigatory report noted: "the fault should not be assigned to students who enrolled in the course section." UNC's own chancellor has admitted that "there was a failure [on the University's part] in academic oversight for years that permitted this to continue" and that UNC was "absolutely accountable."

220. UNC has also sought to discredit those who spoke out about AFAM paper courses, further obfuscating the academically unsound nature of these courses.

221. One-time academic learning specialist and later assistant director of UNC's Center for Student Success and Academic Counseling Mary Willingham spoke to the *Raleigh News and Observer* in late 2012, 2013, and 2014 regarding UNC's academic treatment of student-athletes, noting that student-athletes had been steered into paper courses and that large percentages of them were reading well below high-school levels and yet were not receiving appropriate instruction and academic support. UNC promptly retaliated against Willingham by demoting her and seeking to discredit Willingham's claims and academic research. As one 2014 media account observed:

One of the News & Observer's main guides in exposing the erosion of academic standards has been Willingham, a 52-year-old reading specialist with a master's degree in liberal studies who has worked at UNC for 11 years. Among the results so far: the

identification of hundreds of sham Afro-American studies classes that never actually met; the criminal fraud indictment of a former long-time Afro-American department chairman; and, in response, a laughable program of obfuscation from top UNC officials.

[UNC] officials insist that the academic fraud scandal has nothing to do with desperation to pad the grade point averages of football and basketball players. (The National Collegiate Athletic Association, to its discredit, has so far played along with the charade that sports-eligibility anxieties do not explain the UNC debacle.)

....

Top administrators, one would assume, immediately called Willingham in, congratulated her, and got to work fixing remaining problems. Nope. In a written statement issued Wednesday, Jan. 8, UNC said of Willingham's account of illiterate varsity athletes: "We do not believe that claim."

Class Action Allegations

222. Pursuant to Rule 23 of the North Carolina Rules of Civil Procedure, Plaintiffs bring this action against Defendants on behalf of themselves and all others similarly situated (collectively, "the Class"). The Damages Class is defined as follows:

All persons within the United States or its territories who attended the University of North Carolina at Chapel Hill ("UNC") on an athletic scholarship and enrolled in any of the following UNC courses between 1989 and 2011:

1989 Fall	AFAM190 001	INDEPENDENT STUDIES
1989 Fall	AFRI190 001	INDEPENDENT STUDIES
1990 Fall	AFAM190 001	INDEPENDENT STUDIES
1990 Spring	AFAM190 001	INDEPENDENT STUDIES
1990 Spring	AFRI090 001	INDEPENDENT STUDIES
1990 Summer II	AFAM190 001	INDEPENDENT STUDIES
1991 Fall	AFAM190 001	INDEPENDENT STUDIES
1991 Fall	AFRI190 001	INDEPENDENT STUDIES
1991 Spring	AFAM190 001	INDEPENDENT STUDIES
1991 Spring	AFRI190 001	INDEPENDENT STUDIES
1991 Summer I	AFAM190 001	INDEPENDENT STUDIES
1991 Summer I	AFRI190 001	INDEPENDENT STUDIES

1991 Summer II	AFAM190 001	INDEPENDENT STUDIES
1991 Summer II	AFRI190 001	INDEPENDENT STUDIES
1992 Fall	AFAM190 001	INDEPENDENT STUDIES
1992 Fall	AFRI090 001	INDEPENDENT STUDIES
1992 Fall	AFRI190 001	INDEPENDENT STUDIES
1992 Spring	AFAM190 001	INDEPENDENT STUDIES
1992 Spring	AFRI190 001	INDEPENDENT STUDIES
1992 Summer II	AFRI090 001	INDEPENDENT STUDIES
1992 Summer II	AFRI190 001	INDEPENDENT STUDIES
1993 Fall	AFAM190 001	INDEPENDENT STUDIES
1993 Fall	AFRI190 001	INDEPENDENT STUDIES
1993 Spring	AFAM190 001	INDEPENDENT STUDIES
1993 Spring	AFRI090 001	INDEPENDENT STUDIES
1993 Spring	AFRI190 001	INDEPENDENT STUDIES
1993 Summer I	AFAM190 001	INDEPENDENT STUDIES
1993 Summer II	AFAM190 001	INDEPENDENT STUDIES
1994 Fall	AFAM190 001	INDEPENDENT STUDIES
1994 Fall	AFRI090 001	INDEPENDENT STUDIES
1994 Fall	AFRI190 001	INDEPENDENT STUDIES
1994 Fall	AFRI190 002	INDEPENDENT STUDIES
1994 Spring	AFAM190 001	INDEPENDENT STUDIES
1994 Spring	AFRI090 001	INDEPENDENT STUDIES
1994 Spring	AFRI190 001	INDEPENDENT STUDIES
1994 Summer I	AFAM190 001	INDEPENDENT STUDIES
1994 Summer I	AFRI090 001	INDEPENDENT STUDIES
1994 Summer I	AFRI190 001	INDEPENDENT STUDIES
1994 Summer II	AFAM190 001	INDEPENDENT STUDIES
1994 Summer II	AFRI090 001	INDEPENDENT STUDIES
1994 Summer II	AFRI190 001	INDEPENDENT STUDIES
1995 Fall	AFAM190 001	INDEPENDENT STUDIES
1995 Fall	AFRI090 001	INDEPENDENT STUDIES
1995 Fall	AFRI190 001	INDEPENDENT STUDIES
1995 Spring	AFAM190 001	INDEPENDENT STUDIES
1995 Spring	AFRI090 001	INDEPENDENT STUDIES
1995 Spring	AFRI190 001	INDEPENDENT STUDIES
1995 Spring	AFRI190 002	INDEPENDENT STUDIES
1995 Summer I	AFRI190 001	INDEPENDENT STUDIES
1995 Summer II	AFAM190 001	INDEPENDENT STUDIES
1995 Summer II	AFRI190 001	INDEPENDENT STUDIES
1996 Fall	AFAM190 001	INDEPENDENT STUDIES
1996 Fall	AFAM190 002	INDEPENDENT STUDIES

1996 Fall	AFRI090 001	INDEPENDENT STUDIES
1996 Fall	AFRI190 001	INDEPENDENT STUDIES
1996 Spring	AFAM190 001	INDEPENDENT STUDIES
1996 Spring	AFRI090 001	INDEPENDENT STUDIES
1996 Spring	AFRI190 001	INDEPENDENT STUDIES
1996 Summer I	AFAM190 001	INDEPENDENT STUDIES
1996 Summer I	AFRI190 001	INDEPENDENT STUDIES
1996 Summer II	AFAM190 001	INDEPENDENT STUDIES
1996 Summer II	AFRI090 001	INDEPENDENT STUDIES
1996 Summer II	AFRI190 001	INDEPENDENT STUDIES
1997 Fall	AFAM190 001	INDEPENDENT STUDIES
1997 Fall	AFRI090 001	INDEPENDENT STUDIES
1997 Fall	AFRI190 001	INDEPENDENT STUDIES
1997 Spring	AFAM190 001	INDEPENDENT STUDIES
1997 Spring	AFRI090 001	INDEPENDENT STUDIES
1997 Spring	AFRI190 001	INDEPENDENT STUDIES
1997 Summer I	AFAM190 001	INDEPENDENT STUDIES
1997 Summer I	AFRI090 001	INDEPENDENT STUDIES
1997 Summer I	AFRI190 001	INDEPENDENT STUDIES
1997 Summer II	AFAM190 001	INDEPENDENT STUDIES
1997 Summer II	AFRI090 001	INDEPENDENT STUDIES
1998 Fall	AFAM190 001	INDEPENDENT STUDIES
1998 Fall	AFRI090 001	INDEPENDENT STUDIES
1998 Fall	AFRI190 001	INDEPENDENT STUDIES
1998 Spring	AFAM190 001	INDEPENDENT STUDIES
1998 Spring	AFRI090 001	INDEPENDENT STUDIES
1998 Spring	AFRI190 001	INDEPENDENT STUDIES
1998 Summer I	AFAM190 001	INDEPENDENT STUDIES
1998 Summer I	AFRI090 001	INDEPENDENT STUDIES
1998 Summer I	AFRI190 001	INDEPENDENT STUDIES
1998 Summer II	AFAM190 001	INDEPENDENT STUDIES
1998 Summer II	AFRI090 001	INDEPENDENT STUDIES
1998 Summer II	AFRI190 001	INDEPENDENT STUDIES
1999 Fall	AFAM190 001	INDEPENDENT STUDIES
1999 Fall	AFRI090 001	INDEPENDENT STUDIES
1999 Fall	AFRI090 999	INDEPENDENT STUDIES
1999 Fall	AFRI190 001	INDEPENDENT STUDIES
1999 Fall	AFRI066 001	CONTEMPORARY AFRICA
1999 Fall	AFRI120 001	SOUTHERN AFRICA
1999 Spring	AFAM190 001	INDEPENDENT STUDIES
1999 Spring	AFRI090 001	INDEPENDENT STUDIES

1999 Spring	AFRI190 001	INDEPENDENT STUDIES
1999 Summer I	AFAM190 001	INDEPENDENT STUDIES
1999 Summer I	AFRI090 001	INDEPENDENT STUDIES
1999 Summer I	AFRI190 001	INDEPENDENT STUDIES
1999 Summer II	AFAM190 001	INDEPENDENT STUDIES
1999 Summer II	AFRI090 001	INDEPENDENT STUDIES
1999 Summer II	AFRI190 001	INDEPENDENT STUDIES
2000 Fall	AFAM190 001	INDEPENDENT STUDIES
2000 Fall	AFRI090 001	INDEPENDENT STUDIES
2000 Fall	AFRI190 001	INDEPENDENT STUDIES
2000 Fall	AFRI190 002	INDEPENDENT STUDIES
2000 Fall	AFRI124 001	NORTH-EAST AFRICA
2000 Fall	AFRI070 001	POL PROB IN AFRI ST
2000 Spring	AFAM190 001	INDEPENDENT STUDIES
2000 Spring	AFRI090 001	INDEPENDENT STUDIES
2000 Spring	AFRI190 001	INDEPENDENT STUDIES
2000 Spring	AFAM071 001	FIELD RESEARCH
2000 Spring	AFAM174 001	KEY ISS/AFRI/AFRO L
2000 Spring	AFRI120 001	SOUTHERN AFRICA
2000 Summer I	AFAM190 001	INDEPENDENT STUDIES
2000 Summer I	AFRI090 001	INDEPENDENT STUDIES
2000 Summer I	AFRI190 001	INDEPENDENT STUDIES
2000 Summer I	AFAM071 001	FIELD RESEARCH
2000 Summer I	AFRI066 001	CONTEMPORARY AFRICA
2000 Summer II	AFAM190 001	INDEPENDENT STUDIES
2000 Summer II	AFRI090 001	INDEPENDENT STUDIES
2000 Summer II	AFRI190 001	INDEPENDENT STUDIES
2000 Summer II	AFAM070 001	AFAM SEMINAR
2000 Summer II	AFRI060 001	TOPICS IN AFRI STU
2001 Fall	AFAM190 001	INDEPENDENT STUDIES
2001 Fall	AFRI090 001	INDEPENDENT STUDIES
2001 Fall	AFRI190 001	INDEPENDENT STUDIES
2001 Fall	AFRI190 002	INDEPENDENT STUDIES
2001 Fall	AFRI190 853	INDEPENDENT STUDIES
2001 Fall	AFAM071 001	FIELD RESEARCH
2001 Fall	AFRI070 001	POL PROB IN AFRI ST
2001 Spring	AFAM190 001	INDEPENDENT STUDIES
2001 Spring	AFRI090 001	INDEPENDENT STUDIES
2001 Spring	AFRI190 001	INDEPENDENT STUDIES
2001 Spring	AFRI190 853	INDEPENDENT STUDIES
2001 Spring	AFRI066 001	CONTEMPORARY AFRICA

2001 Summer I	AFAM190 001	INDEPENDENT STUDIES
2001 Summer I	AFRI090 001	INDEPENDENT STUDIES
2001 Summer I	AFRI090 853	INDEPENDENT STUDIES
2001 Summer I	AFRI190 001	INDEPENDENT STUDIES
2001 Summer I	AFAM070 001	AFAM SEMINAR
2001 Summer I	AFAM071 001	FIELD RESEARCH
2001 Summer I	AFAM128 001	AFAM BIOETHICS
2001 Summer I	AFAM174 001	KEY ISS/AFRI/AFRO L
2001 Summer I	AFRI066 001	CONTEMPORARY AFRICA
2001 Summer II	AFAM190 001	INDEPENDENT STUDIES
2001 Summer II	AFRI090 001	INDEPENDENT STUDIES
2001 Summer II	AFRI190 001	INDEPENDENT STUDIES
2001 Summer II	AFAM070 001	AFAM SEMINAR
2001 Summer II	AFRI121 001	EAST AFRICA
2002 Fall	AFAM190 001	INDEPENDENT STUDIES
2002 Fall	AFAM190 002	INDEPENDENT STUDIES
2002 Fall	AFAM190 853	INDEPENDENT STUDIES
2002 Fall	AFRI090 001	INDEPENDENT STUDIES
2002 Fall	AFRI190 001	INDEPENDENT STUDIES
2002 Fall	AFRI190 853	INDEPENDENT STUDIES
2002 Fall	AFAM041 003	BLACK EXPERIENCE
2002 Fall	AFAM071 001	FIELD RESEARCH
2002 Fall	AFRI060 001	TOPICS IN AFRI STU
2002 Spring	AFAM190 001	INDEPENDENT STUDIES
2002 Spring	AFAM190 853	INDEPENDENT STUDIES
2002 Spring	AFRI090 001	INDEPENDENT STUDIES
2002 Spring	AFRI190 001	INDEPENDENT STUDIES
2002 Spring	AFRI190 851	INDEPENDENT STUDIES
2002 Spring	AFAM065 001	TOPICS IN AFAM STUD
2002 Summer I	AFAM190 001	INDEPENDENT STUDIES
2002 Summer I	AFAM190 853	INDEPENDENT STUDIES
2002 Summer I	AFRI090 853	INDEPENDENT STUDIES
2002 Summer I	AFRI190 001	INDEPENDENT STUDIES
2002 Summer I	AFAM070 001	AFAM SEMINAR
2002 Summer I	AFAM071 001	FIELD RESEARCH
2002 Summer I	AFAM128 001	AFAM BIOETHICS
2002 Summer I	AFRI066 001	CONTEMPORARY AFRICA
2002 Summer II	AFAM190 001	INDEPENDENT STUDIES
2002 Summer II	AFAM190 853	INDEPENDENT STUDIES
2002 Summer II	AFRI090 001	INDEPENDENT STUDIES
2002 Summer II	AFRI190 001	INDEPENDENT STUDIES

2002 Summer II	AFRI121 001	EAST AFRICA
2003 Fall	AFAM190 001	INDEPENDENT STUDIES
2003 Fall	AFAM190 002	INDEPENDENT STUDIES
2003 Fall	AFAM190 853	INDEPENDENT STUDIES
2003 Fall	AFRI090 001	INDEPENDENT STUDIES
2003 Fall	AFRI090 002	INDEPENDENT STUDIES
2003 Fall	AFRI190 001	INDEPENDENT STUDIES
2003 Fall	AFRI190 853	INDEPENDENT STUDIES
2003 Fall	AFAM069 001	BLACK NATIONALISM
2003 Fall	AFAM128 002	AFAM BIOETHICS
2003 Fall	AFRI070 001	POL PROB IN AFRI ST
2003 Fall	AFRI120 001	SOUTHERN AFRICA
2003 Fall	AFRI131 001	PRACT IN AFRI STUD
2003 Spring	AFAM190 001	INDEPENDENT STUDIES
2003 Spring	AFAM190 002	INDEPENDENT STUDIES
2003 Spring	AFRI090 001	INDEPENDENT STUDIES
2003 Spring	AFRI190 001	INDEPENDENT STUDIES
2003 Spring	AFAM065 002	TOPICS IN AFAM STUD
2003 Spring	AFAM071 002	FIELD RESEARCH
2003 Spring	AFAM128 002	AFAM BIOETHICS
2003 Spring	AFAM174 001	KEY ISS/AFRI/AFRO L
2003 Spring	AFRI060 001	TOPICS IN AFRI STU
2003 Spring	AFRI120 001	SOUTHERN AFRICA
2003 Summer I	AFAM190 001	INDEPENDENT STUDIES
2003 Summer I	AFRI190 001	INDEPENDENT STUDIES
2003 Summer I	AFAM070 001	AFAM SEMINAR
2003 Summer I	AFAM071 001	FIELD RESEARCH
2003 Summer I	AFAM128 001	AFAM BIOETHICS
2003 Summer I	AFRI066 001	CONTEMPORARY AFRICA
2003 Summer II	AFAM190 001	INDEPENDENT STUDIES
2003 Summer II	AFAM190 853	INDEPENDENT STUDIES
2003 Summer II	AFRI090 001	INDEPENDENT STUDIES
2003 Summer II	AFRI190 001	INDEPENDENT STUDIES
2003 Summer II	AFRI190 853	INDEPENDENT STUDIES
2003 Summer II	AFAM070 001	AFAM SEMINAR
2003 Summer II	AFAM174 001	KEY ISS/AFRI/AFRO L
2003 Summer II	AFRI120 001	SOUTHERN AFRICA
2004 Fall	AFAM190 001	INDEPENDENT STUDIES
2004 Fall	AFAM190 002	INDEPENDENT STUDIES
2004 Fall	AFAM190 851	INDEPENDENT STUDIES
2004 Fall	AFAM190 853	INDEPENDENT STUDIES

2004 Fall	AFRI090 001	INDEPENDENT STUDIES
2004 Fall	AFRI190 001	INDEPENDENT STUDIES
2004 Fall	AFAM041 002	BLACK EXPERIENCE
2004 Fall	AFAM069 001	BLACK NATIONALISM
2004 Fall	AFAM071 001	FIELD RESEARCH
2004 Fall	AFAM128 002	AFAM BIOETHICS
2004 Fall	AFAM174 002	KEY ISS/AFRI/AFRO L
2004 Fall	AFRI065 001	AFRICAN POLI/ECON
2004 Fall	AFRI120 001	SOUTHERN AFRICA
2004 Fall	AFRI121 001	EAST AFRICA
2004 Spring	AFAM190 001	INDEPENDENT STUDIES
2004 Spring	AFAM190 002	INDEPENDENT STUDIES
2004 Spring	AFAM190 003	INDEPENDENT STUDIES
2004 Spring	AFAM190 853	INDEPENDENT STUDIES
2004 Spring	AFRI090 001	INDEPENDENT STUDIES
2004 Spring	AFRI190 001	INDEPENDENT STUDIES
2004 Spring	AFRI190 853	INDEPENDENT STUDIES
2004 Spring	AFAM065 002	TOPICS IN AFAM STUD
2004 Spring	AFAM071 002	FIELD RESEARCH
2004 Spring	AFAM128 002	AFAM BIOETHICS
2004 Spring	AFAM174 002	KEY ISS/AFRI/AFRO L
2004 Spring	AFRI060 001	TOPICS IN AFRI STU
2004 Spring	AFRI120 001	SOUTHERN AFRICA
2004 Spring	AFRI122 001	WEST AFRICA
2004 Spring	AFRI123 001	CENTRAL AFRICA
2004 Spring	AFRI174 002	KEY ISS/AFRI/AFRO L
2004 Summer I	AFAM190 001	INDEPENDENT STUDIES
2004 Summer I	AFRI090 001	INDEPENDENT STUDIES
2004 Summer I	AFRI190 001	INDEPENDENT STUDIES
2004 Summer I	AFRI190 853	INDEPENDENT STUDIES
2004 Summer I	AFAM065 001	TOPICS IN AFAM STUD
2004 Summer I	AFAM070 001	AFAM SEMINAR
2004 Summer I	AFAM071 001	FIELD RESEARCH
2004 Summer I	AFRI070 001	POL PROB IN AFRI ST
2004 Summer II	AFAM190 001	INDEPENDENT STUDIES
2004 Summer II	AFAM190 853	INDEPENDENT STUDIES
2004 Summer II	AFRI190 001	INDEPENDENT STUDIES
2004 Summer II	AFAM128 001	AFAM BIOETHICS
2004 Summer II	AFAM174 001	KEY ISS/AFRI/AFRO L
2004 Summer II	AFRI121 001	EAST AFRICA
2004 Summer II	AFRI124 001	NORTH-EAST AFRICA

2004 Summer II	AFRI174 001	KEY ISS/AFRI/AFRO L
2004 Summer II	SWAH003 001	KISWAHILI 3
2005 Fall	AFAM190 001	INDEPENDENT STUDIES
2005 Fall	AFAM190 002	INDEPENDENT STUDIES
2005 Fall	AFAM190 003	INDEPENDENT STUDIES
2005 Fall	AFAM190 851	INDEPENDENT STUDIES
2005 Fall	AFRI090 001	INDEPENDENT STUDIES
2005 Fall	AFRI190 001	INDEPENDENT STUDIES
2005 Fall	AFRI190 002	INDEPENDENT STUDIES
2005 Fall	AFRI190 003	INDEPENDENT STUDIES
2005 Fall	AFAM052 001	BLACKS IN THE WEST
2005 Fall	AFAM054 002	BLACKS IN LATIN AMER
2005 Fall	AFAM069 001	BLACK NATIONALISM
2005 Fall	AFAM071 001	FIELD RESEARCH
2005 Fall	AFAM080 001	BLACKS IN NORTH CAROLINA
2005 Fall	AFAM128 001	AFAM BIOETHICS
2005 Fall	AFRI060 001	TOPICS IN AFRI STU
2005 Fall	AFRI066 001	CONTEMPORARY AFRICA
2005 Spring	AFAM190 001	INDEPENDENT STUDIES
2005 Spring	AFAM190 002	INDEPENDENT STUDIES
2005 Spring	AFAM190 003	INDEPENDENT STUDIES
2005 Spring	AFAM190 004	INDEPENDENT STUDIES
2005 Spring	AFAM190 005	INDEPENDENT STUDIES
2005 Spring	AFAM190 851	INDEPENDENT STUDIES
2005 Spring	AFRI090 001	INDEPENDENT STUDIES
2005 Spring	AFRI190 001	INDEPENDENT STUDIES
2005 Spring	AFRI190 002	INDEPENDENT STUDIES
2005 Spring	AFRI190 003	INDEPENDENT STUDIES
2005 Spring	AFRI190 004	INDEPENDENT STUDIES
2005 Spring	AFRI190 005	INDEPENDENT STUDIES
2005 Spring	AFRI190 851	INDEPENDENT STUDIES
2005 Spring	AFAM040 005	BLACK EXPERIENCE
2005 Spring	AFAM065 001	TOPICS IN AFAM STUD
2005 Spring	AFAM069 001	BLACK NATIONALISM
2005 Spring	AFAM071 001	FIELD RESEARCH
2005 Spring	AFAM076 001	BLACKS IN FILM
2005 Spring	AFAM094A001	AFAM ARTS/AESTHETIC
2005 Spring	AFAM128 001	AFAM BIOETHICS
2005 Spring	AFRI120 001	SOUTHERN AFRICA
2005 Spring	SWAH003 001	KISWAHILI 3
2005 Summer I	AFAM190 001	INDEPENDENT STUDIES

2005 Summer I	AFRI190 001	INDEPENDENT STUDIES
2005 Summer I	AFAM065 001	TOPICS IN AFAM STUD
2005 Summer I	AFAM128 001	AFAM BIOETHICS
2005 Summer I	AFRI066 001	CONTEMPORARY AFRICA
2005 Summer I	AFRI120 001	SOUTHERN AFRICA
2005 Summer II	AFAM190 001	INDEPENDENT STUDIES
2005 Summer II	AFAM190 851	INDEPENDENT STUDIES
2005 Summer II	AFRI190 001	INDEPENDENT STUDIES
2005 Summer II	AFAM066 001	BLACK WOMEN
2005 Summer II	AFAM070 001	AFAM SEMINAR
2005 Summer II	AFAM128 001	AFAM BIOETHICS
2005 Summer II	AFRI120 001	SOUTHERN AFRICA
2005 Summer II	AFRI122 001	WEST AFRICA
2006 Fall	AFAM396 001	INDEPENDENT STUDIES
2006 Fall	AFAM396 002	INDEPENDENT STUDIES
2006 Fall	AFAM396 003	INDEPENDENT STUDIES
2006 Fall	AFAM396 004	INDEPENDENT STUDIES
2006 Fall	AFAM396 851	INDEPENDENT STUDIES
2006 Fall	AFRI296 001	INDEPENDENT STUDIES
2006 Fall	AFRI396 001	INDEPENDENT STUDIES
2006 Fall	AFRI396 003	INDEPENDENT STUDIES
2006 Fall	AFAM269 001	BLACK NATIONALISM
2006 Fall	AFAM428 001	AFAM BIOETHICS
2006 Fall	AFAM697 001	AFAM ARTS/AESTHETIC
2006 Fall	AFRI190 001	TOPICS IN AFRI STU
2006 Fall	AFRI266 001	CONTEMPORARY AFRICA
2006 Fall	AFRI520 001	SOUTHERN AFRICA
2006 Fall	AFRI521 001	EAST AFRICAN SOCIETY
2006 Fall	AFRI523 001	CENTRAL AFRICA
2006 Spring	AFAM190 001	INDEPENDENT STUDIES
2006 Spring	AFAM190 002	INDEPENDENT STUDIES
2006 Spring	AFAM190 003	INDEPENDENT STUDIES
2006 Spring	AFAM190 004	INDEPENDENT STUDIES
2006 Spring	AFAM190 005	INDEPENDENT STUDIES
2006 Spring	AFRI090 001	INDEPENDENT STUDIES
2006 Spring	AFRI190 001	INDEPENDENT STUDIES
2006 Spring	AFRI190 002	INDEPENDENT STUDIES
2006 Spring	AFRI190 003	INDEPENDENT STUDIES
2006 Spring	AFRI190 004	INDEPENDENT STUDIES
2006 Spring	AFRI190 005	INDEPENDENT STUDIES
2006 Spring	AFRI190 006	INDEPENDENT STUDIES

2006 Spring	AFRI190 851	INDEPENDENT STUDIES
2006 Spring	AFAM065 001	TOPICS IN AFAM STUD
2006 Spring	AFAM069 001	BLACK NATIONALISM
2006 Spring	AFAM071 001	FIELD RESEARCH
2006 Spring	AFAM080 001	BLACKS IN NORTH CAROLINA
2006 Spring	AFAM094A001	AFAM ARTS/AESTHETIC
2006 Spring	AFAM128 001	AFAM BIOETHICS
2006 Spring	AFAM174 002	KEY ISS/AFRI/AFRO L
2006 Spring	AFRI066 001	CONTEMPORARY AFRICA
2006 Spring	AFRI120 001	SOUTHERN AFRICA
2006 Spring	AFRI122 002	WEST AFRICA
2006 Spring	AFRI174 002	KEY ISS/AFRI/AFRO L
2006 Summer I	AFAM190 001	INDEPENDENT STUDIES
2006 Summer I	AFAM190 002	INDEPENDENT STUDIES
2006 Summer I	AFRI190 001	INDEPENDENT STUDIES
2006 Summer I	AFAM073 001	BLACKS/CRIM JUSTICE
2006 Summer I	AFAM094A001	AFAM ARTS/AESTHETIC
2006 Summer I	AFAM128 001	AFAM BIOETHICS
2006 Summer I	AFRI120 001	SOUTHERN AFRICA
2006 Summer I	AFRI121 001	EAST AFRICA
2006 Summer II	AFAM190 001	INDEPENDENT STUDIES
2006 Summer II	AFAM190 002	INDEPENDENT STUDIES
2006 Summer II	AFAM190 003	INDEPENDENT STUDIES
2006 Summer II	AFAM190 851	INDEPENDENT STUDIES
2006 Summer II	AFRI190 001	INDEPENDENT STUDIES
2006 Summer II	AFRI190 851	INDEPENDENT STUDIES
2006 Summer II	AFAM041 001	BLACK EXPERIENCE
2006 Summer II	AFAM069 001	BLACK NATIONALISM
2006 Summer II	AFAM070 001	AFAM SEMINAR
2006 Summer II	AFAM094A001	AFAM ARTS/AESTHETIC
2006 Summer II	AFAM128 001	AFAM BIOETHICS
2006 Summer II	AFAM174 001	KEY ISS/AFRI/AFRO L
2006 Summer II	AFRI066 001	CONTEMPORARY AFRICA
2006 Summer II	AFRI120 001	SOUTHERN AFRICA
2006 Summer II	SWAH003 001	KISWAHILI 3
2006 Summer II	SWAH004 001	KISWAHILI 4
2007 Fall	AFRI396 001	INDEPENDENT STUDIES
2007 Fall	AFRI396 851	INDEPENDENT STUDIES
2007 Fall	AFRI523 002	CENTRAL AFRICA
2007 Fall	AFRI266 001	CONTEMPORARY AFRICA
2007 Spring	AFRI396 004	INDEPENDENT STUDIES

2007 Spring	AFRI520 001	SOUTHERN AFRICA
2007 Summer I	AFAM396 001	INDEPENDENT STUDIES
2007 Summer I	AFRI396 001	INDEPENDENT STUDIES
2007 Summer I	AFAM395 001	FIELD RESEARCH
2007 Summer I	AFAM428 001	AFAM BIOETHICS
2007 Summer I	AFAM697 001	AFAM ARTS/AESTHETIC
2007 Summer I	AFRI520 001	SOUTHERN AFRICA
2007 Summer I	AFRI521 001	EAST AFRICAN SOCIETY
2007 Summer II	AFAM396 001	INDEPENDENT STUDIES
2007 Summer II	AFAM396 851	INDEPENDENT STUDIES
2007 Summer II	AFRI396 001	INDEPENDENT STUDIES
2007 Summer II	AFAM102 001	BLACK EXPERIENCE II
2007 Summer II	AFAM269 001	BLACK NATIONALISM
2007 Summer II	AFAM398 001	AFAM SEMINAR
2007 Summer II	AFAM428 001	AFAM BIOETHICS
2007 Summer II	AFAM474 001	KEY ISS/AFRI/AFRO L
2007 Summer II	AFAM697 001	AFAM ARTS/AESTHETIC
2007 Summer II	AFRI266 001	CONTEMPORARY AFRICA
2007 Summer II	AFRI520 001	SOUTHERN AFRICA
2007 Summer II	SWAH403 001	KISWAHILI 3
2008 Fall	AFAM396 001	INDEPENDENT STUDIES
2008 Fall	AFRI396 001	INDEPENDENT STUDIES
2008 Fall	AFAM269 001	BLACK NATIONALISM
2008 Fall	AFAM428 001	AFAM BIOETHICS
2008 Fall	AFAM697 001	AFAM ARTS/AESTHETIC
2008 Fall	AFRI266 002	CONTEMPORARY AFRICA
2008 Fall	AFRI521 001	EAST AFRICAN SOCIETY
2008 Spring	AFAM396 001	INDEPENDENT STUDIES
2008 Spring	AFRI396 001	INDEPENDENT STUDIES
2008 Spring	AFRI396 002	INDEPENDENT STUDIES
2008 Spring	AFRI266 001	CONTEMPORARY AFRICA
2008 Spring	AFRI520 001	SOUTHERN AFRICA
2008 Spring	AFRI521 001	EAST AFRICAN SOCIETY
2008 Spring	SWAH403 001	KISWAHILI 3
2008 Summer I	AFAM396 001	INDEPENDENT STUDIES
2008 Summer I	AFRI396 001	INDEPENDENT STUDIES
2008 Summer I	AFAM398 001	AFAM SEMINAR
2008 Summer I	AFAM428 001	AFAM BIOETHICS
2008 Summer I	AFRI266 001	CONTEMPORARY AFRICA
2008 Summer I	AFRI520 001	SOUTHERN AFRICA
2008 Summer I	SWAH402 001	KISWAHILI 2

2008 Summer I	SWAH403 001	KISWAHILI 3
2008 Summer II	AFAM396 001	INDEPENDENT STUDIES
2008 Summer II	AFRI396 001	INDEPENDENT STUDIES
2008 Summer II	AFAM392 001	AFAM CONTEMPORARY ISSUES
2008 Summer II	AFAM428 001	AFAM BIOETHICS
2008 Summer II	AFAM474 001	KEY ISS/AFRI/AFRO L
2008 Summer II	AFRI266 001	CONTEMPORARY AFRICA
2008 Summer II	SWAH403 001	KISWAHILI 3
2008 Summer II	SWAH404 001	KISWAHILI 4
2009 Fall	AFAM396 001	INDEPENDENT STUDIES
2009 Fall	AFAM396 002	INDEPENDENT STUDIES
2009 Spring	AFAM396 001	INDEPENDENT STUDIES
2009 Spring	AFAM396 002	INDEPENDENT STUDIES
2009 Spring	AFRI396 001	INDEPENDENT STUDIES
2009 Spring	AFRI396 002	INDEPENDENT STUDIES
2009 Spring	AFRI396 003	INDEPENDENT STUDIES
2009 Spring	AFRI396 004	INDEPENDENT STUDIES
2009 Spring	AFAM428 001	AFAM BIOETHICS
2009 Spring	AFAM474 002	KEY ISS/AFRI/AFRO L
2009 Spring	AFAM697 001	AFAM ARTS/AESTHETIC
2009 Summer I	AFAM396 001	INDEPENDENT STUDIES
2009 Summer I	AFRI396 001	INDEPENDENT STUDIES
2009 Summer I	AFAM398 001	AFAM SEMINAR
2009 Summer I	AFAM428 001	AFAM BIOETHICS
2009 Summer I	AFAM474 002	KEY ISS/AFRI/AFRO L
2009 Summer I	AFRI266 001	CONTEMPORARY AFRICA
2009 Summer I	AFRI520 001	SOUTHERN AFRICA
2009 Summer I	SWAH403 001	INTERMED. KISWAHILI III
2009 Summer II	AFAM396 001	INDEPENDENT STUDIES
2009 Summer II	AFRI396 001	INDEPENDENT STUDIES
2009 Summer II	AFAM102 001	BLACK EXPERIENCE II
2009 Summer II	AFAM398 001	AFAM SEMINAR
2009 Summer II	AFAM428 001	AFAM BIOETHICS
2009 Summer II	AFAM474 001	KEY ISS/AFRI/AFRO L
2009 Summer II	AFAM697 001	AFAM ARTS/AESTHETIC
2009 Summer II	AFRI266 001	CONTEMPORARY AFRICA
2010 Fall	AFAM396 001	INDEPENDENT STUDIES
2010 Fall	AFAM396 01S	INDEPENDENT STUDIES
2010 Fall	AFAM428 001	AFAM BIOETHICS
2010 Fall	AFRI521 001	EAST AFRICAN SOCIETY
2010 Spring	AFAM396 001	INDEPENDENT STUDIES

2010 Spring	AFAM396 002	INDEPENDENT STUDIES
2010 Spring	AFAM396 003	INDEPENDENT STUDIES
2010 Spring	AFRI396 001	INDEPENDENT STUDIES
2010 Spring	AFRI396 002	INDEPENDENT STUDIES
2010 Spring	AFRI396 003	INDEPENDENT STUDIES
2010 Spring	AFRI370 001	POL PROB IN AFRI ST
2010 Summer I	AFAM396 001	INDEPENDENT STUDIES
2010 Summer I	AFRI396 001	INDEPENDENT STUDIES
2010 Summer II	AFAM396 001	INDEPENDENT STUDIES
2010 Summer II	AFRI396 001	INDEPENDENT STUDIES
2011 Spring	AFAM396 001	INDEPENDENT STUDIES
2011 Spring	AFAM396 002	INDEPENDENT STUDIES
2011 Spring	AFAM396 003	INDEPENDENT STUDIES
2011 Spring	AFAM396 004	INDEPENDENT STUDIES
2011 Spring	AFRI396 001	INDEPENDENT STUDIES
2011 Spring	AFRI266 001	CONTEMPORARY AFRICA
2011 Summer I	AFAM396 001	INDEPENDENT STUDIES
2011 Summer I	AFRI396 001	INDEPENDENT STUDIES
2011 Summer II	AFAM396 001	INDEPENDENT STUDIES
2011 Summer II	AFAM280 001	BLACKS IN NORTH CAROLINA

223. Excluded from the Damages Class are Defendants and all of their affiliated companies, directors, officers, agents, and employees.

224. The Declaratory and Injunctive Relief Class is defined as follows:

All persons within the United States or its territories who attended the University of North Carolina at Chapel Hill (“UNC”) on an athletic scholarship or are currently attending UNC on an athletic scholarship.

225. Excluded from the Declaratory and Injunctive Relief Class are Defendants and all of their affiliated companies, directors, officers, agents, and employees.

226. The Class Period referenced in this complaint is 1989 to 2011.

227. Plaintiffs reserve the right to amend the class definitions if discovery and further investigation reveal that the classes should be expanded or otherwise modified.

228. This action has been brought and may be properly maintained on behalf of the

proposed classes under the criteria of North Carolina Rule of Civil Procedure 23.

229. The members of the proposed classes are so numerous and geographically dispersed that joinder of all members would be impracticable. The precise members of the classes may be ascertained through discovery as Defendant UNC has access to academic records and enrollment records for its courses.

230. Common questions of law and fact exist as to all class members and predominate over questions affecting only individual members of the class. These common questions of law and fact include:

- a. Whether UNC entered into contracts with Plaintiffs and class members;
- b. Whether UNC failed to perform according to the contract terms and Plaintiffs and class members did not receive what they bargained for;
- c. Whether the NCAA had a duty of reasonable care with respect to Plaintiffs and class members;
- d. Whether the NCAA breached its duty of reasonable care with respect to Plaintiffs and class members;
- e. Whether the NCAA had a fiduciary duty to Plaintiffs and class members;
- f. Whether the NCAA breached its fiduciary duty to Plaintiffs and class members;
- g. Whether, as a result of UNC and the NCAA's actions, Plaintiffs and class members are entitled to damages, attorneys' fees, injunctive, and other relief as requested herein, and the amount and nature of such relief.

231. Plaintiffs' claims are typical of the claims of class members. Plaintiffs and class members have been injured by the same wrongful practices of Defendants. Plaintiffs' claims arise from the same practices and course of conduct that give rise to the claims of class members and are based on the same legal theories. Plaintiffs have no interests antagonistic to those of class members.

232. Plaintiffs will fairly and adequately protect the interests of class members.

Plaintiffs have retained counsel experienced in complex class action litigation and will prosecute this action vigorously. Neither Plaintiffs nor their attorneys have any interests contrary to or conflicting with class members.

233. A class action is superior to any other available means for the fair and efficient adjudication of this dispute, and no unusual difficulties will likely hamper the management of this class action. The injury suffered by each class member, while meaningful on an individual basis, is relatively small compared to the burden and expense required to individually litigate each claim against Defendants. Individual litigation would therefore increase the delay and expense for all involved parties as well as the court system itself. Further, individual litigation would create a risk of inconsistent or varying adjudications, which would impede other class members' ability to protect their interests and create incompatible standards of conduct for Defendants. In contrast, given the similar nature of class members' claims, a class action presents far fewer difficulties and presents the benefits of single adjudication, economies of scale, and comprehensive supervision by a single court.

FIRST CAUSE OF ACTION—NEGLIGENCE
(On Behalf of the Class against the NCAA)

234. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

235. The NCAA has voluntarily assumed a duty to protect the education and educational opportunities of student-athletes (including the provision of academically sound courses) participating in NCAA-sponsored athletic programs at NCAA member institutions. The NCAA is in a superior position of knowledge as compared to student-athletes and their families on the issues of, e.g., educational integrity and what constitutes academically sound instruction. Indeed, the NCAA purports to collect detailed information from its member schools and conduct

independent investigations concerning academic integrity, which illustrates just one of the many ways in which the NCAA has access to considerably more information.

236. At all relevant times, the NCAA had a duty of reasonable care to Plaintiffs and class members to institute, supervise, regulate, monitor, and provide adequate mechanisms to safeguard the education and educational opportunities of student-athletes at NCAA member schools—and to detect and prevent the provision of academically unsound courses to student-athletes.

237. The NCAA acted carelessly and negligently in its position as the regulatory body supervising the academic integrity of college athletics programs and governing its student-athletes, including Plaintiffs and class members. The NCAA knew or should have known that its actions or its inaction with respect to academic integrity at member schools would cause harm to Plaintiffs and class members.

238. Further, the NCAA knew or should have known from its history and otherwise that the college-athletics environment at UNC and other member institutions was ripe for academic fraud.

239. The NCAA was careless and negligent by breaching the duty of due care it assumed for the benefit of the Plaintiffs and class members, both generally and in the following particular respects:

- a. By failing to educate student-athletes about the prevalence of academic fraud, how to identify academically unsound courses, and how to report academically unsound courses without retaliation;
- b. By failing to warn student-athletes of the risk of cognitive harm from academically unsound courses;
- c. By failing to educate university administrators about the prevalence of academic fraud, how to identify academically unsound courses, and how to report academically unsound courses without retaliation;

- d. By failing to warn university administrators of the risk of cognitive harm to student-athletes from academically unsound courses;
 - e. By failing to educate university faculty about the prevalence of academic fraud, how to identify academically unsound courses, and how to report academically unsound courses without retaliation;
 - f. By failing to warn university faculty of the risk of cognitive harm to student-athletes from academically unsound courses;
 - g. By failing to promulgate rules, regulations, policies, and procedures to detect and prevent sham paper classes or other academically fraudulent instruction that lacked faculty involvement at NCAA member institutions;
 - h. By failing to deploy sufficient investigative and enforcement resources to detect and prevent sham paper classes that lacked faculty involvement at NCAA member institutions;
 - i. By failing to investigate adequately the proportion of student-athletes enrolled in certain member-school courses, including non-traditional courses such as independent studies, compared to the proportion of non-athletes;
 - j. By failing to investigate adequately the proportion of student-athletes pursuing particular majors at member schools, compared to the proportion of non-athletes;
 - k. By failing to investigate adequately the grades student-athletes were receiving at member schools, compared to the grades of non-athletes;
 - l. By failing to investigate adequately the course descriptions, academic requirements, and time commitments and academic rigor associated with member-school courses taken by student-athletes;
 - m. By failing to investigate adequately member-school self-reporting to verify its accuracy and thoroughness;
 - n. By failing to require appropriate metrics in member-school self-reports that would prompt further investigation of academically questionable courses;
 - o. By actively concealing relevant facts; and
 - p. Through other acts of negligence or carelessness that may materialize during the pendency of this action.
240. Plaintiffs and class members reasonably and justifiably relied upon the negligent

conduct of the NCAA to their detriment.

241. As a direct and proximate cause of the NCAA's negligence, Plaintiffs and class members have suffered and continue to suffer economic losses and other general and specific damages, all in an amount to be determined according to proof at time of trial.

SECOND CAUSE OF ACTION—BREACH OF FIDUCIARY DUTY
(On Behalf of the Class against the NCAA)

242. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

243. This count is pleaded in the alternative to the First Cause of Action.

244. The NCAA has voluntarily assumed a fiduciary duty—which includes duties of loyalty, cooperation, honesty, good faith and fair dealing, and the exercise of due care—to protect the education and educational opportunities of student-athletes (including the provision of academically sound courses) participating in NCAA-sponsored athletic programs at NCAA member institutions. That duty included an obligation to institute, supervise, regulate, monitor, and provide adequate mechanisms to safeguard the education and educational opportunities of student-athletes at NCAA member schools—including the detection and prevention of the provision of academically unsound courses to student-athletes.

245. Plaintiffs and class members reposed their trust and confidence in the NCAA to carry out this task.

246. The NCAA was aware that Plaintiffs and class members reposed their trust and confidence in the NCAA to protect their education and educational opportunities, and the NCAA enjoyed superiority and influence as a result. Because of this special confidence, and the NCAA's acceptance of such, the NCAA was bound to act in good faith and with due regard to the interests of Plaintiffs and class members with respect to education and educational

opportunities.

247. The NCAA breached its fiduciary duty to Plaintiffs and class members, both generally and in the following particular respects:

- a. By failing to educate student-athletes about the prevalence of academic fraud, how to identify academically unsound courses, and how to report academically unsound courses without retaliation;
- b. By failing to warn student-athletes of the risk of cognitive harm from academically unsound courses;
- c. By failing to educate university administrators about the prevalence of academic fraud, how to identify academically unsound courses, and how to report academically unsound courses without retaliation;
- d. By failing to warn university administrators of the risk of cognitive harm to student-athletes from academically unsound courses;
- e. By failing to educate university faculty about the prevalence of academic fraud, how to identify academically unsound courses, and how to report academically unsound courses without retaliation;
- f. By failing to warn university faculty of the risk of cognitive harm to student-athletes from academically unsound courses;
- g. By failing to promulgate rules, regulations, policies, and procedures to detect and prevent sham paper classes or other academically fraudulent instruction that lacked faculty involvement at NCAA member institutions;
- h. By failing to deploy sufficient investigative and enforcement resources to detect and prevent sham paper classes that lacked faculty involvement at NCAA member institutions;
- i. By failing to investigate adequately the proportion of student-athletes enrolled in certain member-school courses, including non-traditional courses such as independent studies, compared to the proportion of non-athletes;
- j. By failing to investigate adequately the proportion of student-athletes pursuing particular majors at member schools, compared to the proportion of non-athletes;
- k. By failing to investigate adequately the grades student-athletes were receiving at member schools, compared to the grades of non-athletes;
- l. By failing to investigate adequately the course descriptions, academic

requirements, and time commitments and academic rigor associated with member-school courses taken by student-athletes;

- m. By failing to investigate adequately member-school self-reporting to verify its accuracy and thoroughness;
- n. By failing to require appropriate metrics in member-school self-reports that would prompt further investigation of academically questionable courses;
- o. By actively concealing relevant facts; and
- p. Through other acts of negligence or carelessness that may materialize during the pendency of this action.

248. As a direct and proximate cause of the NCAA's breach of fiduciary duty, Plaintiffs and class members have suffered and continue to suffer economic losses and other general and specific damages, all in an amount to be determined according to proof at time of trial.

THIRD CAUSE OF ACTION—BREACH OF IMPLIED CONTRACT
(On Behalf of the Class against UNC)

249. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

250. Plaintiffs and class members—scholarship athletes—entered into valid implied contracts with UNC, under which Plaintiffs and class members agreed to enroll at UNC and participate in NCAA-sanctioned athletics programs at UNC. In exchange for this enrollment and participation, UNC agreed to provide Plaintiffs and class members with, among other things, a UNC education that included academically sound classes with legitimate educational instruction.

251. Plaintiffs and class members indicated their acceptance of the contract by virtue of their enrollment at UNC and participation in UNC's NCAA-sanctioned athletic programs, and, further, fully performed all conditions, covenants, and promises required to be performed under the implied contract.

252. UNC breached the contract by failing to furnish Plaintiffs and class members with academically sound classes that provided legitimate educational instruction.

253. As a result of UNC's breach of its contracts, Plaintiffs and class members have suffered and continue to suffer economic losses and other general and specific damages, all in an amount to be determined according to proof at time of trial.

**FOURTH CAUSE OF ACTION—BREACH OF IMPLIED COVENANT OF GOOD
FAITH AND FAIR DEALING**
(On Behalf of the Class against UNC)

254. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

255. The implied contracts between Plaintiffs and class members and UNC also include an implied covenant of good faith and fair dealing.

256. UNC had a duty not to commit acts that would improperly deprive Plaintiffs and class members of the benefits of the implied contract.

257. Chief among the benefits to Plaintiffs and class members of the implied contract was the receipt of a meaningful education in the form of academically sound classes that provided legitimate educational instruction.

258. By constructing a shadow curriculum of academically unsound classes, over the course of two decades, that provided no legitimate educational instruction, UNC and its agents breached the implied covenant of good faith and fair dealing.

259. As a result of UNC's wrongful conduct, Plaintiffs and class members have suffered and continue to suffer economic losses and other general and specific damages, all in an amount to be determined according to proof at time of trial.

PRAYER FOR RELIEF

Plaintiffs, on behalf of themselves and all others similarly situated, request and pray of this Court as follows:

- a. For recommendation to the Chief Justice that this case be designated an exceptional and complex civil case, pursuant to the provisions of Rule 2.1 of the General Rules of Practice for the Superior and District Courts, and for entry of such other orders as appropriate;
- b. For an order certifying the proposed classes, designating Plaintiffs as the named representative of the classes, and designating the Hausfeld law firm and Robert F. Orr as Class Counsel;
- c. For an award to Plaintiffs and class members for damages, in the amount proven at trial;
- d. For injunctive relief, as appropriate, including the formation of an independent commission to review, audit, assess, and report on academic integrity in NCAA-member athletic programs and certify member-school curricula as providing comparable educations and educational opportunities to athletes and non-athletes alike;
- e. For declaratory relief;
- f. For an award of attorneys' fees and costs, as allowed by law;
- g. For an award of pre-judgment and post-judgment interest, as provided by law; and
- h. For such other and further relief as this Court may deem just and proper.

DEMAND FOR A JURY TRIAL

Plaintiffs demand a jury trial on all issues.

Dated: January 22, 2015

Respectfully submitted,

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³ Pending filing and approval of motion for admission *pro hac vice*.

⁴ Pending filing and approval of motion for admission *pro hac vice*.

⁵ Pending filing and approval of motion for admission *pro hac vice*.

⁶ Pending filing and approval of motion for admission *pro hac vice*.