

UNC's academic scandal evolves

By Bradley Saacks and Jenny Surane
Senior Writers

The academic scandal that has plagued the University since 2010 saw many different developments this summer. Former athletic tutor Mary Willingham, outside investigator Kenneth Wainstein and former African and Afro-American Studies Department head Julius Nyang'oro have dominated scandal-related headlines since the academic year ended.

Research questions

Documents released from the University in May might prove Mary Willingham and members of her research team failed to follow Family Education Rights and Privacy Act guidelines when she was researching learning disabilities of UNC student-athletes. The Daily Tar Heel obtained Willingham's Institutional Review Board research application, revealing many inconsistencies between her original research plans in 2008 and 2013 and her actual procedures.

In the procedures section of Willingham's 2013 application, she said the information used in her study would be blind — the data interpreter is unable to attach a score or rating to a specific individual.

But Willingham knew the identities of her subjects — in past interviews with The Daily Tar Heel, she admitted using athletes' grade point averages so she could later publish them alongside her data regarding athletes' reading levels.

"How would I do research if I didn't have the names?" Willingham said in an interview with The Daily Tar Heel in January.

"The study included how they were doing in school, their GPA."

UNC Assistant Professor Dana Thompson Dorsey, an expert in education law and FERPA, said Willingham's actions could be considered a violation of FERPA if she released identifiable information about students without their permission.

Willingham has publicized the results of her data through multiple news outlets, even coming close to naming the athletes she worked with in a Tweet from her personal Twitter account in April.

"(The) '05' UNC basketball champs starting 5 +1 took a combined 69 paper classes," Willingham's tweet read. "truth=transcripts=transparency. A real education= #ncaareform."

In its guidelines, FERPA prohibits anyone from releasing identifiable academic information about students.

Wainstein updates BOG

Kenneth Wainstein, the outside investigator retained by UNC for a review of its academics, presented an update to the Board of Governors in June.

Wainstein, a former top official in the Department of Justice, said a lot of progress has been made, but will not share any of his findings until the investigation is complete. He said he hopes to have the report out sometime in the fall.

He said he and his team had reviewed 1.5 million emails, thousands of student records including transcripts and had interviewed more than 80 people — some more than once. He said they have reviewed records going back as far as the 1980s.

"We think it's important to do it thoroughly and to do it right," Wainstein said.

Willingham sues UNC

Willingham, who resigned in April after a meeting with Chancellor Carol Folt, filed a lawsuit against the University at the end of June, claiming UNC created a hostile working environment and restricted her First Amendment rights.

Joel Curran, the vice chancellor for communications and public affairs, provided a statement on behalf of UNC.

"We believe the facts will demonstrate that Ms. Willingham was treated fairly and appropriately while she was employed at Carolina,"

he said.

The lawsuit listed examples to support Willingham's claim that UNC created a hostile work environment, including comments questioning her character made by Executive Vice Chancellor and Provost Jim Dean at a faculty meeting, as well as a substantial increase in work without a pay increase.

While Willingham could not comment, her lawyer, J. Heydt Philbeck, said his client wants to be reinstated at the University without retaliation.

"She didn't want to leave in the first place," said Philbeck, an attorney with Bailey & Dixon law firm in Raleigh.

"She left because of a hostile work environment and the retaliation taken against her."

A charge dropped

Orange County dismissed the charge against Nyang'oro who collected more than \$12,000 from the University for teaching classes that never

met, according to a press release from District Attorney Jim Woodall.

Last December, Julius Nyang'oro, the former chairman of the AFAM Department, was charged with obtaining property under false pretenses after he was paid for teaching AFAM 280, a class that never met during the summer of 2011.

Woodall said he dropped the charge against Nyang'oro because of his cooperation with Wainstein's investigation.

"Nyang'oro has been interviewed on several occasions by Mr. Wainstein and his staff and has agreed to continue cooperating as needed," he said in a statement in July.

Wainstein's investigation is non-criminal, but it will be the first time Nyang'oro has cooperated in an investigation into the University's athletic and academic scandals.

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