KEY ITEM.

- **Academic Misconduct – Post-Enrollment.** Following a review of the work of previous academic governance bodies, the NCAA Division I Committee on Academics began its initial discussion of post-enrollment academic misconduct and the role of the NCAA. The committee will resume its review at its February meeting and will continue to seek membership feedback. The committee anticipates that the current concepts will be in final legislative format by June 2015 and should be put into the 2015-16 legislative cycle. [Informational Item No. 1]

ACTION ITEMS.

1. Legislative Items.

   - **Noncontroversial -- Committees -- NCAA High School Review Committee and NCAA Student Records Review Committee -- Composition.**

     (1) **Recommendation.** To eliminate the requirement that a position on the High School Records Review Committee and the Student Records Review Committee be filled by a member of the Committee on Academics and make this position available to any individual from a Division I institution or conference.

     (2) **Effective Date.** Immediate.

     (3) **Rationale.** Two committees (the NCAA High School Review Committee and the NCAA Student Records Committee) that reported directly to the former NCAA Division I Academic Cabinet have composition requirements that specify that one seat on each committee be allocated to a representative from the Academic Cabinet. Since the Academic Cabinet no longer exists in the new governance structure, the seat was allocated to a member of the newly formed Committee on Academics. Given the time commitments and responsibilities of Committee on Academics members, it is impractical to have a committee member serve on the full committee, a subcommittee of the Committee on Academics and also either the High School Review Committee or the Student Records Review Committee. The committee recognized that a better alternative would be to open these seats to any Division I member.

     (4) **Estimated Budget Impact.** None.

     (5) **Student-Athlete Impact.** None.
2. **Nonlegislative Items.**

- **Committees – NCAA Division I Council – Liaison from the Committee on Academics.**

  (1) **Recommendation.** To specify that a member of the Committee on Academics be appointed by the Committee on Academics to serve as a liaison to the Council.

  (2) **Effective Date.** Immediate.

  (3) **Rationale.** The Committee on Academics has a bifurcated reporting structure in that it reports directly to NCAA Division I Board of Directors while it also forwards legislative proposals to the Council for action. To help ensure that efficient and effective communication occurs between the Council and the Committee on Academics, the committee recommends that one of its members be identified to act as a communication link between the two governance bodies. The committee member would not vote in Council proceedings, but would present the committee report to the Council, explain rationale for committee-sponsored legislation and generally help facilitate a solid working relationship between these two bodies which report to the Board. The committee noted that this liaison would help both governance bodies most effectively serve the Board.

  The Committee on Academics liaison shall:

  (a) Attend in-person meetings of the Council;

  (b) Seek feedback from the Council regarding matters of importance that the committee is considering (e.g., future legislation under discussion);

  (c) Present committee-sponsored legislation to the Council, explain the rationale and answer questions when such legislation is voted on by the Council;

  (d) Reflect the committee position on legislation that impacts academics;

  (e) Present Council reports to the committee; and

  (f) When requested by the Council provide committee input to the Council.
(4) **Estimated Budget Impact.** Costs associated with the Committee on Academics liaison's travel to Council meetings.

(5) **Student-Athlete Impact.** None.

**INFORMATIONAL ITEMS.**

1. **Academic Misconduct – Post-Enrollment.** The committee reviewed the post-enrollment academic misconduct work of the NCAA Division I Committee on Academic Performance and the Academic Cabinet.

The committee generally endorsed, and in some instances supplemented, the following concepts regarding post-enrollment academic misconduct that were put forth by the Committee on Academic Performance:

a. 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.

b. Academic misconduct legislation should be consolidated in one location within the NCAA Division I Manual. Currently, legislation that regulates academic misconduct is captured in several locations within the Manual. In order to facilitate the membership's proper understanding and application of legislation regulating academic misconduct, it should be consolidated.

c. Academic misconduct legislation should articulate that the involvement of institutional personnel, including representatives of athletics interests, in an act of academic misconduct involving a student-athlete is a violation of NCAA legislation. Current legislation focuses on the outcome of an incident of academic misconduct, rather than the act itself. As such, institutional staff involvement in facilitating academic misconduct should be an institutional violation regardless of whether the student-athlete was aware of the institutional involvement, or whether the student-athlete's athletics eligibility was impacted by the academic misconduct.

d. Academic misconduct legislation should articulate institutional authority and responsibility for determining when academic misconduct has occurred on its campus. Additionally, involvement of institutional personnel or representatives of athletics interest may result in an NCAA violation regardless of an institution's campus determination of academic misconduct.
e. NCAA legislation should require institutions to maintain written institutional policies regarding academic misconduct for all students. While institutions should retain the authority to identify an act of academic misconduct, an institution should establish a documented policy that outlines the procedure that is followed in instances of alleged academic misconduct. Institutional policies should be adopted through the institution's normal procedures for academic institutional policies.

f. NCAA legislation should require institutions to adhere to written academic policies for all students when student-athletes are involved in allegations of academic misconduct. An institution that does not follow its own policies on academic misconduct when a student-athlete is alleged to have committed an act of academic misconduct should be in violation of NCAA legislation, regardless of whether academic misconduct is determined to have occurred.

g. NCAA legislation should distinguish between permissible types of academic support and impermissible academic assistance. Current legislation permits institutions to provide general academic support to student-athletes; however, impermissible academic assistance is not legislatively articulated. The legislation should codify a distinction between permissible types of support (e.g., tutoring, laptops) and impermissible academic assistance (e.g., coach writes a paper), and a student-athlete's receipt of the latter constitutes a violation.

h. NCAA legislation should specify that the provision of false or misleading NCAA Division I Academic Performance Program (APP) information is a violation of NCAA legislation. Current legislation does not specifically address instances in which institutions or institutional personnel intentionally submit erroneous data to avoid penalties.

i. Academic misconduct occurring solely between a student-athlete and another student should be handled by the institution in accordance with its written institutional policies and procedures on academic misconduct. These instances, absent other features that trigger a violation of academic misconduct legislation, should not be NCAA reportable offenses.

j. There should be a spectrum of academic misconduct penalties. Penalties associated with violations of academic misconduct legislation should be based on the specific facts associated with each case. Currently, many academic issues are charged as academic "extra benefits" under NCAA Division I Bylaw 16. However, the extra benefit legislation was not written with the intent to apply to acts of academic misconduct. Consequently, under the current legislation, some scenarios of serious academic misconduct only garner minimal penalties.
Penalties resulting from violations of academic misconduct legislation should more appropriately correspond with the violation that was determined to have occurred.

A skeletal framework for future academic misconduct legislation was also provided to the committee. The committee will continue its review of this framework in an effort to establish a legislative draft by its April meeting and will seek membership feedback throughout the process. The committee anticipates that the current concepts could be in final legislative format by June 2015 and would be considered in the 2015-16 legislative cycle. The membership would then have until January 2016 to formally review and provide comments on the proposed legislation.

2. Committee on Academics Policies and Procedures. The committee approved its policies and procedures, which includes existing academic policies as well as new operational components to address all the areas for which the committee has oversight. The manual is organized into four chapters – a chapter on the essential committee functions as well as chapters on each of the three subcommittees (NCAA Division I Committee on Academics Subcommittee on Data, NCAA Division I Committee on Academics Subcommittee on Penalties and Appeals and NCAA Division I Committee on Academics Subcommittee on Student-Athlete Academics) and their work. The document is available to the membership on NCAA.org.

3. APP - Data Review Process – Postseason Ineligibility for Unusable Data – Championships Impact. The committee approved an amendment to its policies and procedures to specify that an institution that has its data rendered unusable shall have until the following academic year to regain championship eligibility. Specifically, the institution will have until August 15 (for fall championship sports, winter championship sports and spring championship sports with fall competition used for championship selection) and October 1 (for spring championship sports) in the following academic year to rectify its unusable data and regain access to championships.

Currently, when an institution's data are deemed unusable in a data review, postseason ineligibility may be imposed and reinstated at any time throughout the year by the Subcommittee on Data. Championships logistical and timing issues arise when postseason ineligibility is imposed or reinstated once a sport season has commenced. This championship impact affects the ineligible team, and in some instances, may impact teams or student-athletes at other institutions. For example, midseason determination of postseason ineligibility may impact other institutions' individual sport student-athletes and their determination of which competitive opportunities to send student-athletes. The amended policy still imposes postseason ineligibility but minimizes the impact on
student-athletes at other institutions and on the championship selection process. The modification also provides the opportunity for timely notice to student-athletes at a penalized institution who may be eligible to transfer from the institution due to the postseason ineligibility. This policy is effective immediately.

4. **APP - Data Reviews – Cycle Two.** The committee approved process changes to streamline and reduce institutional burden in the second cycle of APP data reviews, which commence in 2015. Every institution that sponsors a Division I sport will have participated in an APP data review at the completion of the 2014-15 academic year. The first cycle of APP data reviews ensured the accuracy of the data on which APP penalties and public recognition awards were based. The first cycle's process was uniform for all institutions and required institutions to file a number of records to verify accurate data. The second cycle will require all institutions to submit a sample, rather than a complete set, of student-athlete records. This baseline review would then be expanded to a full review, only if issues are identified. The second cycle process will also focus on APP data areas where institutions typically err, as well as enhancing review efforts of teams that are near to the NCAA Division I Academic Progress Rate (APR) penalty benchmark. The second cycle approach reduces burden on institutions that are producing accurate APR and Graduation Success Rate (GSR) data and some cost savings will be realized for institutions that are accurately certifying eligibility and submitting correct APP data.

5. **APR Cohort for Cross Country, Indoor Track and Field, and Outdoor Track and Field - Definition.** The committee approved amendments to the APR cohort definition for cross country, indoor track and field, and outdoor track and field to specify:

   a. The cross country APR cohort shall consist of student-athletes on athletics aid (or recruited student-athletes for institutions that do not offer athletics aid), enrolled full time as of the institution's fifth week of classes or official census date for that institution, whichever is earlier, and on the cross country squad list; and

   b. Indoor and outdoor track and field will be combined into one sport for APR data purposes and shall consist of student-athletes on athletics aid (or recruited student-athletes for institutions that do not offer athletics aid), enrolled full time as of the institution's fifth week of classes or official census date for that institution, whichever is earlier, and on the indoor and/or outdoor track and field squad list.

Since its establishment, the APR has evaluated cross country, indoor track and field, and outdoor track and field separately. This approach sought to avoid penalizing all teams if one team were to underperform academically. Membership feedback and the APP data
review process indicate that the current cohort definition may not provide the most accurate representation of each team's APR. Feedback also indicated that the current cohort definition creates a significant administrative burden on institutions. Additionally, data analysis indicates that within each institution, APR cohorts between indoor track and field and outdoor track and field teams are highly correlated, indicating that in most cases the same student-athletes are on both the indoor and outdoor track and field teams. Conversely, correlation rates between cross country and indoor track and field and outdoor track and field are much lower, indicating that these cohorts are sufficiently different and combining them would be inappropriate. This new approach is also consistent with the cohort definition for other sports.

During the transition to the new cohort definition, APRs will be calculated based on the definition that is most favorable to the team (i.e., mixed definitions, previous definition, new definition). This approach will be applicable through the collection of the 2017-18 APR data. Flexibility is warranted due to the low number of cross country and track teams currently subject to APR penalties and the immediate benefit of reduced administrative burden on member institutions. Further flexibility may also be provided through the APP waiver process. The new definition will be the only applicable definition beginning with the collection of the 2018-19 APR data submitted in fall 2019. The new cohort definition will begin to apply with the 2014-15 APR data to be submitted fall 2015.

6. **APP - Application of the APP Level-Two Penalty - Indoor and Outdoor Track and Field.** The committee approved a modification to the application of the Level-Two penalty for indoor and outdoor track teams when both teams at an institution are subject to the penalty. Specifically, the modification stipulates that the four-hour reduction of out-of-season countable athletically related activity that is currently mandated for each team be combined so that neither of the teams have no out-of-season activity. The Level-Two penalty includes the loss of four hours of out-of-season countable athletically related activities, because indoor and outdoor track are separate sports, both teams are required to reduce out-of-season athletics activities by four hours from the normal eight hours allowed per week. If both teams are subject to a Level-Two penalty, the entire program is reduced to zero out-of-season activities. By combining the penalty in the instance when both teams are subject to a Level-Two penalty, student-athletes will be allowed to participate in limited out-of-season activities which will enhance their overall experience with the athletics program. This policy is effective immediately, for use during the 2014-15 academic year.

7. **APP - Access to Postseason and Penalty Waiver Directive.** The committee approved an amendment to the APP waiver directive that emphasizes the extraordinary mitigation
threshold for teams requesting a waiver of the loss of access to postseason competition for the first time. The Subcommittee on Penalties and Appeals recognized that the extraordinary mitigation threshold has led to improved academic performance and an increase in the number of student-athletes achieving graduation. The subcommittee noted that clarifying the waiver directive is not an attempt to change the directive, and rather, this clarifying statement will better reinforce and inform the membership of the standard and the rationale for this standard. This reinforcement of the high standard is essential given the number of first occasion failure to access postseason waivers filed that do not include extraordinary mitigation or do not include mitigating circumstances that satisfy the definition of extraordinary mitigation as defined in the waiver directive. The clarifying statement reinforces that the waiver threshold is both philosophically and purposefully high, and an institution should anticipate an unsuccessful waiver outcome unless it can demonstrate extraordinary mitigation. The clarified directive is effective immediately.

8. **APP - Use of the Mission Filter.** The committee approved a clarifying statement to the Committee on Academics policies and procedures that states clearly that the mission filter is only available to an institution that is designated as a limited-resource institution on the first occasion that an institution's team fails to meet the APP threshold for access to postseason competition, regardless of when the limited-resource designation occurs. The mission filter exists to accommodate limited-resource institutions the first time a team fails to meet the APP threshold for access to postseason competition. Institutional characteristics (e.g., Pell Grant dollars received, etc.) are measured annually to identify limited-resource institutions. Consequently, the annual process may designate an institution as limited resource after that institution's team has failed to meet the APP threshold for postseason access in a previous academic year. The intent of the mission filter is not to provide an exception to the academic standards required for access to postseason competition to institutions that have previously lost such access. Subsequent access to the mission filter could compromise any academic improvements achieved through an institution's engagement in the APP. As such, this clarification reaffirms the committee's use of the mission filter by limited-resource institutions. The clarifying statement will be included in the committee's manual effective immediately.

9. **Academic Governance – Future Committee Issues and Topics and Potential Autonomy Impact.** The committee reviewed a slate of future policy and issues related to academic governance. In addition to these items, the committee emphasized the importance of tracking legislation being considered as autonomous. There is a need for autonomy concepts to proactively identify academic impact, if any, during the development of proposals so as to maintain the importance of academics and student-athlete graduation as part of the process.

11. **Letter from U.S. House of Representatives Committee on Oversight & Government Reform.** The committee reviewed the letter and was informed that a response has been sent to the inquiry. The committee will review the NCAA response during its February meeting.

12. **Committee Orientation and Training Session.** The NCAA staff conducted an orientation session with the full committee and provided a robust overview of academic reform.

*Committee Chair: Roderick McDavis, Ohio University, Mid-American Conference*

*Staff Liaisons: Shauna Cobb, Academic and Membership Affairs*
*Azure Davey, Academic and Membership Affairs*
*Diane Dickman, Academic and Membership Affairs*
*Kevin Lennon, Academic and Membership Affairs*
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<thead>
<tr>
<th>Attendees</th>
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<tr>
<td>Carray Banks, Jr., Norfolk State University</td>
<td>None.</td>
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<tr>
<td>Jeri Beggs, Illinois State University</td>
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<td>Jacqueline Blackett, Columbia University – Barnard College</td>
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<td>Jerry Bovee, Weber State University</td>
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<td>Gregory Burke, Northwestern State University</td>
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<td>Tom Burman, University of Wyoming</td>
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<td>Carolyn Callahan, University of Virginia</td>
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<td>David Clough, University of Colorado, Boulder</td>
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<td>Beth DeBauche, Ohio Valley Conference</td>
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<td>John DeGioia, Georgetown University</td>
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<td>Pamela Eibeck, University of the Pacific, vice-chair</td>
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<td>Raymond Harrison, Jr., Texas A&amp;M University, College Station</td>
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<td>Rhonda Hatcher, Texas Christian University</td>
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<td>Jarred Koerner, Murray State University</td>
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<td>Roxanne Levenson, Seattle University</td>
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<td>Brandon Martin, California State University, Northridge</td>
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<td>Roderick McDavis, Ohio University, chair</td>
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<td>Renae Myles, Alabama A&amp;M University</td>
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<td>Thomas Yeager, Colonial Athletic Association</td>
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<td>Kurt Zorn, Indiana University</td>
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<td><strong>Guests in Attendance:</strong> Kim Durand, University of Washington (N4A) and Jim Pignataro, Michigan State University (N4A).</td>
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<td><strong>NCAA Staff Members in Attendance:</strong> Lydia Bell, Shauna Cobb, Azure Davey, Diane Dickman, Meghan Durham, Doug Healey, Michelle Hosick, Scott Johnson, Kevin Lennon, Todd Leyden, Andy Louthain, Binh Nguyen, Tom Paskus, Todd Petr, Kathy Sulentic and Katy Yurk.</td>
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