REPORT OF THE
NCAA DIVISION II ACADEMIC REQUIREMENTS COMMITTEE
JUNE 8, 2016, TELECONFERENCE

ACTION ITEM.

1. Legislative Item.

   • 2017 NCAA Convention Legislation – Eligibility – Academic Misconduct [See Attachment].

     (1) Recommendation. Sponsor legislation for the 2017 NCAA Convention to amend Bylaw 10.1 (unethical conduct) and various sections of Bylaw 14 (eligibility) to define and clarify post-enrollment academic misconduct activities, the individuals to whom the activities apply and violations of such activities, as specified; further, to move the legislation related to pre-enrollment academic misconduct to NCAA Bylaw 14.

     (2) Effective date. August 1, 2017.

     (3) Rationale. The current regulatory structure regarding academic misconduct is confusing, unclear and imprecise and appropriate revisions to the academic misconduct legislation will serve to benefit individual institutions and the Association as a whole. Despite changes in the academic landscape, academic misconduct legislation has not been revised since 1983 when the legislation was added to the Manual. Under the current regulatory structure, it can be unclear when academic misconduct involving student-athletes falls within the purview of the NCAA and when academic misconduct should be an institutional matter. Current terms, definitions and gaps in the academic misconduct legislation result in confusion and lack of clarity. The regulatory structure for academic misconduct is currently located in bylaws, interpretations and educational columns and should be consolidated in a single article (Bylaw 14). This proposal will expand the application of academic misconduct legislation to any situation in which an institutional staff member is involved and replace the current academic extra benefit analysis with a specific and limited definition of impermissible academic assistance. In addition, the proposal will require institutional policies and procedures regarding academic misconduct for the general student-body.

     (4) Estimated budget impact. None.

     (5) Student-athlete impact. None.
2. Nonlegislative Items.
   - None.

**INFORMATIONAL ITEMS.**

1. **Update on Revisions to SAT.** The committee was provided an update on the revised SAT, which was first administered in March 2016. The differences between the scores on the old and new tests were greater than anticipated; concordance tables released by the College Board indicate that new scores are 70 to 80 points higher than their concordant values on the old test in the middle of the score distribution. Staff indicated that there is significant controversy within the admissions community about the concordance tables – both from new SAT to old SAT, and from new SAT to ACT. The Research staff will convene a technical advisory board in the summer of 2016 to provide short-term guidance on the use of the concordance tables and long-term guidance on the advisability of conducting a separate concordance study. The committee will receive regular updates on this topic at future meetings.

2. **NCAA Division II Academic Requirements Committee Subcommittee on Initial-Eligibility Waiver Statistics for 2015-16.** The committee was provided an update on initial-eligibility waiver statistics for the 2015-16 academic year.

3. **Review of 2016-17 Initial-Eligibility Waivers Policies and Procedures.** The committee reviewed and approved an updated initial-eligibility policies and procedures document that contained no substantive changes from 2015-16.

4. **Review of 2016-17 Division II Initial-Eligibility Waiver Directive.** The committee reviewed and approved an updated initial-eligibility waiver directive that included an automatic waiver for partial qualifiers who present a test-score deficiency but meet the sliding scale that will take effect in 2018.

5. **Prospective Student-Athlete Review Statistics for 2015-16.** The committee was provided an update on prospective student-athlete review statistics for the 2015-16 academic year. Staff noted an increase in program-related tasks that is likely due to the growth in nontraditional courses.

6. **Review of 2016-17 Prospective Student-Athlete Review Trigger List and Directive.** The committee reviewed and approved the list of factors that trigger a prospective student-athlete review and the review directive for 2016-17. There were no substantive changes to either document from 2015-16.

7. **Review of 2016-17 NCAA Student Records Review Committee Policies and Procedures.** The committee reviewed and approved an updated student records review policies and procedures document that contained no substantive changes from 2015-16.
8. **Review of April 2016 NCAA International Student Records Committee Report.** The committee reviewed the report of the International Student Records Committee’s April 2016 meeting.

9. **Review of 2016-17 NCAA International Student Records Committee Policies and Procedures.** The committee reviewed and approved the International Student Records Committee’s policies and procedures for 2016-17.

10. **Review of April 2016 and May 2016 NCAA High School Review Committee Reports.** The committee reviewed the reports of the High School Review Committee’s April 2016 meeting and May 2016 teleconference.

11. **Review of 2016-17 NCAA High School Review Committee Policies and Procedures.** The committee reviewed and approved the High School Review Committee’s policies and procedures for 2016-17. The document contained significant revisions from 2015-16 intended to establish clear criteria in all areas of the high school review process, clarify review procedures and institute publicly visible account statuses for high schools.

12. **Update on Academic Portal.** Staff reported on progress in the development of the new Academic Portal, an online tool through which member institutions will submit their Division I Academic Performance Program and Division II Academic Performance Census data. The portal will replace the Division II Academic Tracking System in fall 2016. Programming and testing is expected to be complete by August 1, 2016.

13. **Update on Path to Graduation Education Initiative.** The committee received an update on efforts to educate the membership, prospective student-athletes and other key constituents about the Path to Graduation legislative changes that will take effect in August 2016 and August 2018. Staff noted that an NCAA.org online toolkit received more than 8,000 page views from February through April 2016.

14. **Update on Foundation for the Future Proposals.** Staff reported that all three proposals the committee had supported for funding through the Foundation for the Future initiative were recommended for approval by the Foundation for the Future Task Force, and approved by the Division II Planning and Finance Committee and Division II Presidents Council. Those proposals include:

   a. Funding for conference offices in the areas of academic support, broadcast support, officiating improvement and branding.

   b. Development of a comprehensive online coaches’ education program that will deliver legislative and health and safety related content to Division II coaches.
c. Review and assessment of the utilization and accuracy of academic data currently gathered in Division II, and the development of additional metrics that could guide academic policy in the division.

15. Discussion of Four-Year Transfer Requirements. At its March 2016 meeting, the NCAA Division II Legislation Committee requested that a detailed review of the four-year college transfer legislation be referred to the Academic Requirements Committee. The committee discussed feedback that it had received from the membership and agreed to start a more in-depth, comprehensive review of the issue at its September 2016 meeting.

16. Review of Division II Two-Year College Transfer Waiver Directive. The committee reviewed and approved the document that outlines the standard of review for two-year college transfer waivers for 2016-17.

17. Review of Division II Progress-Toward-Degree Waiver Directive. The committee reviewed and approved the document that outlines the standard of review for progress-toward-degree waivers for 2016-17. Staff will now have the authority to approve waivers under certain conditions for transfers with progress-toward-degree deficiencies from the previous institution when the student-athlete did not participate in intercollegiate competition during the term in which the deficiency occurs and withdrew from the institution within 14 days of initial enrollment.

18. Issuance of an Official Interpretation. The committee issued the following official interpretation:

Student-Athlete Enrolled in Two Majors or Two Separate Degree Programs

The Division II Academic Requirements Committee confirmed that a student-athlete who has designated two majors within the same baccalaureate degree program or who has declared two separate degree programs is permitted to combine credits obtained toward either major or degree program to meet progress-toward-degree requirements (e.g., term-by-term, academic year and annual credit-hour requirements).

[References: Bylaws 14.4.3.2 (term-by-term credit-hour requirement), 14.4.3.3 (credit hours earned during the regular academic year), 14.4.3.4 annual credit hour requirement); staff interpretations (2/3/1995, Item Ref. a) and (4/2/1998, Ref. b), which have now been archived.]

19. Update on NCAA Communication Efforts. The committee received an update from staff about a communications initiative directed by the NCAA Board of Governors to educate the public about the Association. The goal of the sustained advertising, publicity and social media campaign is to highlight substantive matters the Association is taking part in to provide
opportunities for student-athletes by promoting academics, fairness and well-being. Committee members were encouraged to provide staff with story ideas for the campaign.

20. **Review of February 2016 Academic Requirements Committee Report.** The committee reviewed and approved the report from the February 2016 meeting.

21. **Review of NCAA Division II Presidents Council and NCAA Division II Management Council April 2016 Summary of Actions.** The committee reviewed the summary of actions from the April 2016 meetings of the Management Council and the Presidents Council.

22. **Future Meeting Schedule.** The committee confirmed that its fall in-person meeting is scheduled for September 8, 2016.

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**Committee Chair:** Brenda Cates, University of Mount Olive, Conference Carolinas  
**Staff Liaisons:** Susan Britsch, Academic and Membership Affairs  
Gregg Summers, Research

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<tr>
<th>NCAA Division II Academic Requirements Committee</th>
<th>June 8, 2016, Teleconference</th>
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<tr>
<td><strong>Attendees:</strong></td>
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<tr>
<td>William Biddington, California University of Pennsylvania, Pennsylvania State Athletic Conference</td>
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<td>Brenda Cates, University of Mount Olive, Conference Carolinas</td>
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<td>Tonya Charland, Great Lakes Valley Conference</td>
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<td>Jennifer Heimstead, California State Polytechnic University, Pomona, California Collegiate Athletic Association</td>
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<td>Joseph Kissell, Bloomsburg University of Pennsylvania; Pennsylvania State Athletic Conference</td>
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<td>Perry Massey, Fayetteville State University, Central Intercollegiate Athletic Association</td>
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<td>Dene Thomas, Fort Lewis College; Rocky Mountain Athletic Conference</td>
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<td>Shawn Ward, Le Moyne College, Northeast-10 Conference</td>
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<td><strong>Absentees:</strong></td>
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<td>Damon Arnold, Grand Valley State University, Great Lakes Intercollegiate Athletic Conference</td>
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<td>Corbin Greening, Henderson State University, Great American Conference</td>
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<td>Lindsay Reeves, University of North Georgia, Peach Belt Conference</td>
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<td><strong>NCAA Staff Support in Attendance:</strong></td>
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<td>Susan Britsch, Academic and Membership Affairs</td>
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<td>Gregg Summers, Research</td>
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<td>Other NCAA Staff Members in Attendance:</td>
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<td>Elizabeth Coleman, Eligibility Center</td>
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<td>Amanda Conklin, Academic and Membership Affairs</td>
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<td>Greg Dana, Academic and Membership Affairs</td>
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<td>Amy Dunham, Strategic Communications</td>
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<td>Terri Steeb Gronau, Division II Governance</td>
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<td>Jane McGill, Eligibility Center</td>
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<td>Tom Paskus, Research</td>
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<td>Anne Rohlman, Academic and Membership Affairs</td>
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<td>Stephanie Smith, Academic and Membership Affairs</td>
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<td>Nick Sproull, Eligibility Center</td>
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<td>Naima Stevenson, Academic and Membership Affairs</td>
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ELIGIBILITY – ACADEMIC MISCONDUCT

Convention Year: 2017

Effective Date: August 1, 2017

Source: NCAA Division II Presidents Council [Management Council (Academic Requirements Committee)].

Category: Presidents Council

Topical Area: Eligibility

Status:

Intent: To define and clarify post-enrollment academic misconduct activities, the individuals to whom the activities apply and violations of such activities, as specified; further, to move the legislation related to pre-enrollment academic misconduct to Bylaw 14.

A. Bylaw: Amend 10.1, as follows:

10.1 Unethical Conduct. Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member, which includes any individual who performs work for the institution or the athletics department even if he or she does not receive compensation for such work, may include, but is not limited to, the following:

[10.1-(a) unchanged.]

(b) Knowing involvement in arranging for fraudulent academic credit or false transcripts for a prospective or an enrolled student-athlete;

[10.1-(c) through 10.1-(f) relettered as 10.1-(b) through 10.1-(e), unchanged.]

(g) Failure to provide complete and accurate information to the NCAA, the NCAA Eligibility Center or an institution's admissions office regarding an individual's academic record (e.g., schools attended, completion of coursework, grades and test scores);

(h) Fraudulence or misconduct in connection with entrance or placement examinations;

[10.1-(i) through 10.1-(j) relettered as 10.1-(f) through 10.1-(g), unchanged.]

B. Bylaw: Amend 14.02, as follows:

14.02 Definitions and Applications.

14.02.1 Academic Misconduct -- Post-Enrollment. All institutional staff members and student-athletes are expected to act with honesty and integrity in all academic matters. Post-enrollment academic misconduct includes any violation or breach of an institutional policy regarding academic honesty or integrity (e.g., academic offense, academic honor code violation, plagiarism, academic fraud).

[14.02.1 through 14.02.6 renumbered as 14.02.2 through 14.02.7, unchanged.]
14.02.8 Impermissible Academic Assistance -- Institutional Staff Member or Representative of Athletics Interests. Impermissible academic assistance by a current or former institutional staff member or a representative of an institution's athletics interests includes, but is not limited to, the provision of or arrangement of:

(a) Substantial assistance that is not generally available to an institution's students and is not otherwise expressly authorized in Bylaw 16.3, which results in the certification of a student-athlete's eligibility to participate in intercollegiate athletics or receive financial aid; or

(b) An academic exception that results in a grade change, academic credit or fulfillment of a graduation requirement when such an exception is not generally available to the institution's students and the exception results in the certification of a student-athlete's eligibility to participate in intercollegiate athletics or receive financial aid.

14.02.9 Institutional Staff Member. For purposes of Bylaw 14, an institutional staff member is any individual, excluding a student employee, who performs work for the institution or the athletics department, regardless of whether he or she receives compensation for such work.

14.02.9.1 Student Employee. For purposes of Bylaw 14, a student employee is an institutional staff member if:

(a) He or she has institutional responsibilities to provide academic services to student-athletes; or

(b) He or she engages in academic misconduct or provides impermissible academic assistance at the direction of a nonstudent employee, an institutional staff member per Bylaw 14.02.9.1-(a) or a representative of the institution's athletics interests.

[14.02.7 through 14.02.14 renumbered as 14.02.10 through 14.02.17, unchanged.]

C. Bylaw: Amend 14.1.2, as follows:

14.1.2 Validity of Academic Credentials. As a condition and obligation of membership, it is the responsibility of a member institution to determine the validity of the information on which the eligibility of a student-athlete is based. Therefore, it is the responsibility of a member institution to determine whether a transcript is valid for purposes of applying appropriate NCAA legislation to the eligibility of a student-athlete when the institution receives notification, or otherwise has cause to believe, that a student-athlete's high school, college-preparatory school or two-year college transcript is not valid.

14.1.2.1 Pre-Enrollment Academic Misconduct. A prospective student-athlete, student-athlete or a current or former institutional staff member, which includes any individual who performs work for the institution or the athletics department even if
he or she does not receive compensation for such work, shall not engage in the following conduct:

(a) Knowing involvement in arranging for fraudulent academic credit or false transcripts for a prospective student-athlete;

(b) Failure to provide complete and accurate information to the NCAA, the NCAA Eligibility Center or an institution's admissions office regarding an individual's academic record (e.g., schools attended, completion of coursework, grades and test scores); or

(c) Fraudulence or misconduct in connection with entrance or placement examinations.

[14.1.2.1 through 14.1.2.4 renumbered as 14.1.2.2 through 14.1.2.5, unchanged.]

D. Bylaw: Amend 14.9, as follows:

14.9 Post-Enrollment Academic Misconduct.

14.9.1 Policies and Procedures. An institution must:

(a) Have written institutional policies and procedures regarding academic misconduct applicable to the general student body, including student-athletes. The policies and procedures must be approved through the institution's normal process for approving such policies and must be kept on file or be accessible on the institution's website.

(b) Investigate and adjudicate alleged academic misconduct in accordance with established policies regardless of whether the misconduct is reported to the NCAA or whether the student-athlete acted alone or in concert with others.

14.9.1.1 Exception. An institution may establish a policy that permits an expedited investigation and adjudication of academic misconduct by a student-athlete, provided other applicable policies and procedures are observed and the policy for expedited review is approved through the institution's normal process for approving such policies and is approved by the institution's president or chancellor (or his or her designee). Further, the policy that permits an expedited review must be kept on file or must be accessible on the institution's website.

14.9.2 Post-Enrollment Academic Misconduct.

14.9.2.1 Student-Athlete. A student-athlete shall not be involved in:

(a) Academic misconduct involving a current or former institutional staff member or representative of athletics interests:
(b) Academic misconduct, without the involvement of a current or former institutional staff member or representative of athletics interests, that results in:

1. An erroneous declaration of eligibility to participate in intercollegiate athletics and the student-athlete subsequently competes for the institution while ineligible;

2. An erroneous declaration of eligibility to receive financial aid and the student-athlete subsequently receives financial aid while ineligible; or

(c) Academic misconduct involving the alteration or falsification of a student-athlete's transcript or academic record.

14.9.2.2 Institutional Staff Member or Representative of Athletics Interests. A current or former institutional staff member or a representative of an institution's athletics interests shall not be involved (with or without the knowledge of the student-athlete) in:

(a) Academic misconduct related to a student-athlete; or

(b) The alteration or falsification of a student-athlete's transcript or academic record.

14.9.2.3 Impermissible Academic Assistance — Institutional Staff Member or Representative of Athletics Interests. A current or former institutional staff member or a representative of an institution's athletics interests shall not provide impermissible academic assistance to a student-athlete (see Bylaw 14.02.8).

14.9.2.3.1 Application. If an institution determines, pursuant to its policies and procedures, that academic misconduct has occurred, a violation of Bylaw 14.9.2.3 shall not be cited by the institution or through an enforcement investigation. If an institution determines, pursuant to its policies and procedures, that academic misconduct has not occurred, the conduct in question may still constitute a violation of Bylaw 14.9.2.3.

[14.9 through 14.12 renumbered as 14.10 through 14.13, unchanged.]

Rationale: The current regulatory structure regarding academic misconduct is confusing, unclear and imprecise and appropriate revisions to the academic misconduct legislation will serve to benefit to individual institutions and the Association as a whole. Despite changes in the academic landscape, academic misconduct legislation has not been revised since 1983 when the legislation was added to the Manual. Under the current regulatory structure, it can be unclear when academic misconduct involving student-athletes falls within the purview of the NCAA and when academic misconduct should be an institutional matter. Current terms, definitions and gaps in the academic misconduct legislation result in confusion and lack of clarity. The regulatory structure for academic misconduct is currently located in bylaws, interpretations and educational columns and should be consolidated in a single article (Bylaw 14). This proposal will expand the
application of academic misconduct legislation to any situation in which an institutional staff member is involved and replace the current academic extra benefit analysis with a specific and limited definition of impermissible academic assistance. In addition, the proposal will require institutional policies and procedures regarding academic misconduct for the general student-body.

**Review History:**