REPORT OF THE
NCAA DIVISON I ACADEMIC CABINET
JUNE 29-30, 2009, MEETING

***ACTION ITEMS*.**

1. Legislative Items.

- None.

2. Nonlegislative Items.

- None.

***KEY ITEMS*.**

1. Nontraditional Courses for Initial Eligibility (NCAA Division I Academic Cabinet Priority Topic). The cabinet sponsored legislation to specify that nontraditional courses may be used to satisfy NCAA core-course requirements, provided the instructor and student have regular and ongoing access to and interaction with one another for purposes of teaching, evaluating and providing assistance to the student throughout the duration of the course, and further, that the course uses a system that permits review and validation of the student's coursework (e.g., exams, papers, assignments) and a defined normative timeline for completion of the course. Additional efforts were approved to clarify the use of credit by examination and repeat courses to meet initial-eligibility requirements and to clarify the types of documentation that will be considered in the review of nontraditional courses as part of the prospective student-athlete review process. Each of these actions are incremental steps to promote integrity within the initial-eligibility process and to help the NCAA academic and membership affairs and NCAA Eligibility Center staffs evaluate the academic records of prospective student-athletes and providers of nontraditional coursework.

2. Review of Initial-Eligibility Standards. As part of its legislated duty to manage and monitor eligibility standards, the cabinet began a review of the division's initial-eligibility requirements by drafting goals and principles to guide its future work on this issue (See Page No. 5). The cabinet welcomes membership feedback regarding these draft items and will continue its review during its September meeting.

***INFORMATIONAL ITEMS*.**

1. Legislative Informational Items.

a. NCAA Bylaw 14.3.1.2.2 – Eligibility – Freshman Academic Requirements – Eligibility for Financial Aid, Practice and Competition – Core-Curriculum Requirements – Nontraditional Courses. The cabinet sponsored legislation to

amend the current nontraditional legislation to specify that nontraditional courses may be used to satisfy NCAA core-course requirements, provided the instructor and student have regular and ongoing access to and interaction with one another for purposes of teaching, evaluating and providing assistance to the student throughout the duration of the course; further, provided the course uses a system that permits review and validation of the student's coursework (e.g., exams, papers, assignments) and a defined normative timeline for completion of the course. Current legislation permits the use of nontraditional courses (courses taught via the Internet, distance-learning, independent-study, individualized-instruction, correspondence and other similar means) to be used to satisfy NCAA core-course requirements. This legislation was adopted in 2000 in an attempt to keep up with trends in educational technology and to streamline initial-eligibility standards. While the original intent of the legislation was to allow individuals to take advantage of increased flexibility in learning opportunities without compromising the intent of the core-curriculum legislation, it is important to clarify that there is an expectation that nontraditional courses should include interaction between the instructor and the student throughout the duration of the course. Based on feedback from the NCAA Student Records Review Committee and NCAA High School Records Committee, these legislative changes are intended to help ensure that acceptable nontraditional courses provide opportunities for students to demonstrate their work was completed in a manner consistent with the intent and design of the course curriculum. The ultimate goal of this legislation is to ensure that prospective student-athletes are prepared for college-level coursework; therefore, it is of utmost importance to ensure that individuals are enrolled in quality courses that satisfy the intent of the Association's core-curriculum requirements.

b. **Waivers Initially Considered by the Academic Cabinet.** The cabinet amended the proposal it sponsored in February to specify that the NCAA Division I Initial-Eligibility Waivers Committee and the NCAA Division I Progress-Toward-Degree Waivers Committee shall have authority to review waivers that are currently considered initially by the Academic Cabinet. The cabinet considered several types of waivers in which the waiver authority is provided directly to the cabinet with no review by the staff or a waiver committee. The cabinet agreed that, in general, all waivers should have some appeal opportunity available, which can be achieved by allowing for staff to initially review the waivers and by providing appellate jurisdiction to the appropriate waiver committees. Therefore, the cabinet amended the proposal to specify that the following waivers should be initially reviewed by the staff, with an appellate opportunity to the Progress-Toward-Degree Waivers Committee:

(1) Waivers of full-time enrollment for practice and competition, including waivers involving nontraditional academic calendars, student-athlete participation in specified international events and student-athletes with education-impacting disabilities;

(2) Fourth season of competition waivers for nonqualifiers who have not completed 80 percent of their designated degree programs at the beginning of their fifth academic years following initial, full-time collegiate enrollment; and

(3) Determinations regarding the nature of two-year college degree programs.

Further, the cabinet amended the proposal to specify that the following waivers should be initially reviewed by the staff, with an appellate opportunity to the Initial-Eligibility Waivers Committee:

- Early admissions program waivers;

The cabinet also asked staff to explore the possibility of providing additional authority to the staff to make decisions on initial-eligibility waivers involving education-impacting disabilities. Currently, the staff's authority to approve such waivers is limited. Expanding the staff's authority would allow the Initial-Eligibility Waivers Committee to serve in an appellate role, rather than as the first level of review for such waivers.

2. Nonlegislative Informational Items.

a. Nontraditional Courses Used to Meet Initial-Eligibility Requirements (Academic Cabinet Priority Topic). The cabinet began its review of nontraditional courses used to satisfy initial-eligibility requirements. In light of rapid growth and evolution within the online educational environment, the cabinet's review is intended to ensure current legislation and policies are consistent with the academic goals and purposes of the Association. The cabinet noted some issues that have been identified by the Student Records Review Committee, High School Review Committee and Eligibility Center staff as potential concerns with some nontraditional high school courses, including:

(1) Lack of interaction between instructor and student-athlete throughout the course, including when access is limited to the grading of assignments or exams;

(2) The completion of courses in a condensed timeframe (e.g., five hours, two days, one week), shorter than the guidelines published by the course provider;

(3) Completion of a large number of courses in a short timeframe (e.g., seven core courses in six weeks), often involving sequential coursework taken out of the normal progression;

(4) Repeated courses that are abbreviated or substantially different from the original course;

(5) Courses that do not yield work that can be reviewed; and

(6) Courses that lack a qualified instructor.

In addition to sponsoring the proposal regarding nontraditional courses used for initial-eligibility purposes (See Page No. 2), the cabinet requested that staff consider issuing an interpretation and/or educational column to clarify that credit earned only by examination may not be used for initial-eligibility purposes and that repeated courses must be substantially comparable, qualitatively and quantitatively, to the previously completed course in order to be used for initial-eligibility purposes. This will provide greater clarification and direction to the staff and membership regarding when a course may be considered a repeated course and also will help ensure that repeated courses provide a similar educational experience to the original course.

The cabinet also approved revisions to the Student Records Review Committee policies and procedures to clarify the types of documentation that will be considered in the prospective student-athlete review process. Specifically, the committee may consider evidence supporting the prospective student-athlete's academic record, including coursework completed by the prospective student-athlete; course syllabus; timeline for completion of the course; documentation of the specific content; course instruction methodology; instructor/student interaction; and student assessment(s). Amending the committee's policies facilitates greater scrutiny of the coursework by permitting the staff and committee to consider elements such as pacing and time to complete the course, as well as the use of a learning management system to monitor student progress.

b. **Nontraditional Courses used to meet Progress-Toward-Degree Requirements (Academic Cabinet Priority Topic).** The cabinet reviewed comments and concerns related to NCAA Proposal No. 2008-32-B, which was defeated by the NCAA Division I Legislative Council in April. The cabinet noted that, given the increasing prevalence of nontraditional course delivery within higher education and the expressed interest of the NCAA Division I Board of Directors, the use of nontraditional courses remains a priority topic for the cabinet and it will continue its work on the issue over the next academic year, with the goal of sponsoring legislation for the 2010-11 cycle.

c. **Review of Initial-Eligibility Requirements.** As part of its legislated duty to manage and monitor eligibility standards, the cabinet initiated an examination of the division's initial-eligibility requirements. As it began its review, the cabinet noted the Board of Directors' charge during the most recent revision of initial-eligibility rules was to maximize student-athlete graduation rates while minimizing disparate impact on minority and low-income students. The cabinet examined data indicating

the average academic profile of prospective student-athletes and the percentage of prospective student-athletes meeting initial-eligibility requirements have remained relatively consistent since the extended sliding scale was implemented in 2003. The cabinet also noted that a more normal distribution of standardized test scores has resulted since the extended sliding scale was adopted, eliminating the concentrated "ledge" within the distribution that previously represented prospective student-athletes earning the minimum required test scores (e.g., 820 SAT).

NCAA research consistently has shown that identification of eventual college graduates using high school academic information is best achieved with a formula based on high school grades in core academic courses in combination with ACT-SAT scores (e.g., a sliding scale model). In comparison to other methods for combining academic variables (e.g., conjunctive rules like Proposition 48), the sliding scale has been shown to minimize negative impacts on eventual minority graduates. Further, the cabinet noted that projections from NCAA data indicate that graduation rates would likely increase with an upward shift in the coordinates of the initial-eligibility sliding scale (i.e., requiring a higher grade-point average for a given test score than on the existing scale), but that the increases probably would be relatively modest. Also, such changes might result in substantial increases in adverse impact on ethnic minority student-athletes and in false negative identifications (declaring as ineligible students who likely would have graduated from college).

To offer direction to its review of Division I initial-eligibility standards, the cabinet drafted the following proposed goals for any future initial-eligibility requirements:

(1) Initial-eligibility standards should help ensure first-year student-athlete academic success, as defined by meeting NCAA progress-toward-degree eligibility standards and/or by increasing likelihood of graduation (i.e., increased likelihood after first year compared to likelihood based solely on high school preparation);

(2) Initial-eligibility standards should preserve institutional responsibility for admissions decisions, possibly including consideration of aggregate risk evaluations; and

(3) Initial-eligibility standards should encourage prospective student-athletes to balance their self-identities as students and athletes.

To further guide its review of initial-eligibility requirements, the cabinet developed the following draft principles:

(1) Initial-eligibility standards should strive to maximize first-year college academic success, putting student-athletes on track to graduate in a reasonable timeframe and minimizing false negatives and adverse impact on minority and low-income prospective student-athletes;

(2) NCAA initial-eligibility standards should represent minimally acceptable standards, with continued reliance on member institutions to make admissions decisions that are most appropriate for determining academic success locally;

(3) Review of the initial-eligibility standards should include consideration of the most recent NCAA academic data, changing secondary school standards (e.g., No Child Left Behind) and the national secondary school environment (e.g., increasing enrollment in nontraditional courses);

(4) Initial-eligibility standards should be simple and nationally applicable to ensure prospective student-athletes and high schools can readily understand any potential changes and that such changes can be applied for students throughout the United States (as well as international prospective student-athletes);

(5) Any changes should be able to be implemented with relatively minimal increased chance for operational error and little to no increased bureaucracy for member institutions and high schools;

(6) New requirements should not create or expand opportunities for misrepresentation of prospective student-athletes' academic abilities or credentials;

(7) Consideration should be given to prospective student-athletes' abilities and opportunities to meet increased standards when considering implementation time lines for new or increased requirements; and

(8) Waiver decisions under any initial-eligibility standard should be made through processes employing data-driven analysis in addition to mitigation.

The cabinet is seeking feedback from conferences and other governance entities in the establishment of these goals and priorities and also will solicit comments from various constituent groups and associations (e.g., faculty, coaches and academic support organizations) as it continues its discussion and review of potential initial-eligibility models in the coming academic year.

d. Impact of the Progress-Toward-Degree Requirements on Student-Athlete Degree Selection (Academic Cabinet Priority Topic). The cabinet conducted an initial discussion to identify topics for review when discussing the impact of NCAA progress-toward-degree requirements on student-athlete degree selection. Specifically, the cabinet noted complications in minor declarations and changes of degree programs; restricted degree program options for transfer student-athletes; and, the direct and often indirect influences of faculty, coaches, advisors and peers on individual student-athlete degree declarations. The cabinet will continue to examine these issues in the coming year and will engage in conversations with representatives from N4A and NACADA to inform its review.

e. **Academic Research and Data Collection.** The cabinet directed the staff to prioritize efforts to develop a unique NCAA identification number that will help to link student-athlete academic records and to improve data matching and tracking academic outcomes in the future. The cabinet also noted the need to balance the value of such information with the security of protected and sensitive student-athlete data and encouraged the staff to be responsive to these concerns in its related programming efforts.

f. **Student-Athlete Academic Performance Report.** The cabinet received its annual report regarding student-athlete academic performance and observed substantial increases in the average NCAA Division I Academic Progress Rate (APR) overall and in some sports, especially in baseball, men's basketball and football. The cabinet also noted that while women's basketball continues to perform at an acceptable level overall, there are some trends that warrant monitoring, including declining eligibility rates and increasing numbers of student-athletes departing institutions while academically ineligible (i.e., "0/2" in the APR). The cabinet expressed support for efforts to address the academic performance of women's basketball student-athletes and welcomes involvement in such activities.

g. **Waiver Process for Data Submission Requirements in NCAA Bylaws 14.3.1.1.1.2, 14.5.4.7.2 and 14.5.6.6.2.** The cabinet authorized the Eligibility Center to process waivers of the information submission requirements for early academic qualifiers, 2-4 and 4-2-4 transfers outlined in Bylaws 14.3.1.1.1.2, 14.5.4.7.2 and 14.5.6.6.2. Further, the cabinet specified that a flexible approach should be taken by the Eligibility Center staff when extenuating circumstances preclude an institution or student-athlete from submitting the required information. Eventually, the waiver process will be part of a Web-based system currently under development for many types of waivers, which will allow for a simple process for the membership. In the interim, the Eligibility Center staff will receive the waiver requests via e-mail, note the reasons preventing submission of required information (for future review by the cabinet), make a determination, and electronically communicate the decision to the institution. Additional information on the waiver process will be forthcoming from the Eligibility Center staff. Finally, the cabinet will receive annual reports regarding the number of waivers requested and approved for each requirement, as well as a summary of mitigation cited in the cases.

h. **Academic Performance of Student-Athletes Receiving the Waivers.** The cabinet reviewed academic performance outcomes of student-athletes who previously requested waivers of NCAA initial-eligibility, progress-toward-degree and/or transfer requirements and directed the staff to further review outcomes of student-athletes who are granted waivers and later become academically ineligible to determine if any trends emerge that would inform the review of future waivers.

i. **Academic Waiver Application Forms for 2009-2010.** The cabinet approved the 2009-10 initial-eligibility waiver and progress-toward-degree waiver application forms and policies and procedures. In a change for 2009-10, academic recovery plans now will be required for all progress-toward-degree waivers, rather than required only when requested by staff. The cabinet also directed the staff to include the NCAA identification number as a required element of initial-eligibility waivers, progress-toward-degree waivers and NCAA Division I Legislative Council Subcommittee for Legislative Relief application forms once the number is fully implemented for all student-athletes. In the interim the staff should require waiver applicants to submit the student identification number matching the student-athlete's entry in the NCAA Division I Academic Performance Program (APP) (e.g., Social Security number, campus identification number, Eligibility Center identification number). For student-athletes not included in the APR cohort, institutions may submit the identification number used on campus.

j. **Progress-Toward-Degree Waivers Citing Academic or Disciplinary Suspension**. The cabinet reviewed progress-toward-degree waiver case precedent involving academic or disciplinary suspension or dismissal as mitigation for the student-athlete's academic deficiency(ies). As with all waivers, the staff considers the size of the deficiency(ies), the student-athlete's overall academic record, the likelihood of graduation within five years of full-time enrollment, the academic recovery plan and evidence of compelling mitigation that contributed to the deficiency(ies) in its review of progress-toward degree waivers involving suspension or dismissal. The cabinet directed the staff to continue to review such cases in a manner consistent with precedent and noted that academic and disciplinary suspensions should be considered as one of many factors in the waiver process. As a result, in some instances it may be appropriate to approve a waiver when mitigation circumstances are outside the control of the student-athlete.

k. **Review of Guidelines and Process for Transfer Appeals.** The cabinet noted that many transfer waiver requests involve significant academic considerations (e.g., transferable credit hours, academic eligibility at the previous institution), but that other waivers involve competitive equity and other nonacademic elements. To pursue examination of transfer appeals policies, the cabinet agreed to appoint two members to work with representatives of the Subcommittee for Legislative Relief to identify the best avenue and guidelines to review appeals of decisions on requests to waive the division's transfer residence requirement, including consideration of academic performance.

l. **Student Records Review Committee Policies and Procedures.** The cabinet approved revisions to the Student Records Review Committee Policies and Procedures to clearly define the staff and committee's authority during the prospective student-athlete review process, to clarify the documentation necessary to validate an individual's academic credentials, and to permit the staff and committee

to reconsider the certification of a prospective student-athlete when information is obtained subsequent to the certification that indicates the certification was based on fraudulent information or activity. These updates will be incorporated into the committee's policies and procedures document and will be posted on the NCAA Web site.

m. **NCAA Division I Men's Basketball Academic Enhancement Group Report.** The cabinet reviewed the April 2009 Report of the Basketball Academic Enhancement Group. Specifically, the cabinet noted a slight increase in permissible hours of athletically related activities under the preseason practice recommendation, as well as the potential impact on academic support personnel if the summer school recommendation is adopted. Further, the cabinet discussed whether the report, in total, recommends strong enough actions to result in meaningful academic improvement among men's basketball student-athletes. Finally, the cabinet noted it expects to have an opportunity to formally review and comment on the group's final report during the cabinet's September meeting.

n. **NCAA Division I Football Academic Working Group Status Report.** The cabinet reviewed the April 2009 Football Academic Working Group Status Report and specifically noted that football student-athletes, particularly first-year student-athletes, lose a significant number of APR eligibility points during the competitive season. The cabinet generally supported the recommendation to require football student-athletes to complete eligibility requirements in the fall term in order to avoid ineligibility for the first two contests of the following season. The cabinet views this recommendation as an appropriate response to the decreased rates of eligibility demonstrated by football student-athletes overall, but especially among freshmen. Further, the cabinet expressed preliminary opposition to any avenue by which a student-athlete could reduce the two-game suspension and preferred that situations involving mitigation or extenuating circumstances be addressed appropriately through the progress-toward-degree waiver process. In addition, the cabinet is interested in further studying the impact of athletic time demands on football student-athletes as a means of identifying additional strategies to improve academic performance.

o. **Division I Membership Requirements.** The cabinet noted the NCAA Division I Leadership Council's interest in development academic criteria for Division I member institutions and anticipates a formal request for feedback later this year.

p. **Review of Bylaws and Practices for Cost Efficiencies.** The cabinet reviewed several possible concepts identified to provide cost savings to the membership and determined that most would provide little direct financial relief and possibly could jeopardize the Association's principles of sound academic standards and competitive equity. The cabinet also noted that a significant portion of institutional expenditures related to academics and eligibility are for academic support resources and, therefore, are difficult to address via legislative or policy changes.

q. Term of Cabinet Chair. The cabinet extended the term of its chair, Carolyn Callahan, Faculty Athletics Representative at the University of Virginia, through the 2009-10 academic year.

Committee Chair: Carolyn Callahan, University of Virginia, Atlantic Coast Conference
Cabinet Liaisons: Matt Burgemeister, Academic and Membership Affairs
Julie Cromer, Academic and Membership Affairs
Diane Dickman, Academic and Membership Affairs