REPORT OF THE
NCAA DIVISION I COMMITTEE ON ACADEMIC PERFORMANCE
APRIL 26-27, 2005, MEETING

1. ACTION ITEMS.

- **Exempting Aid Awarded to Medical Noncounters from Contemporaneous Penalties.**

  a. Recommendation. The NCAA Division I Committee on Academic Performance recommends the NCAA Division I Management Council and NCAA Division I Board of Directors approve emergency legislation to exempt from contemporaneous penalties the aid awarded to student-athletes who are medical noncounters.

  b. Rationale. Some student-athletes who are unable to resume athletics participation after an incapacitating injury or illness receive athletics aid. Financial aid received by such student-athletes is exempt from team financial aid limits. Thus, when contemporaneous penalties are applied due to the departures of medical noncounters, continuing student-athletes may be impacted. Further, this exemption is consistent with current legislation for student-athletes who have exhausted eligibility or who are receiving institutional financial aid per NCAA Bylaws 15.5.1.7 (Aid after Student-Athlete Becomes Permanently Ineligible) and 15.5.1.8 (Summer-Term Aid). The committee noted that these student-athletes will continue to be included in the calculation of the Academic Progress Rate (APR) for a team.

  c. Budget Impact. None

2. INFORMATIONAL ITEMS.

a. Term-by-Term Financial Aid Awards – Contemporaneous Penalty. The committee recommended the Board approve legislative Proposal No. 2005-17 as emergency legislation. This proposal ensures that, in equivalency sports, institutions that award aid on a term-by-term basis are subject to contemporaneous penalties equivalent to a full year of aid. [Attachment A]

The committee recommended this legislation to ensure that contemporaneous penalties are not reduced or manipulated by the awarding of term-by-term aid. During its April 2005 meeting, the NCAA Division I Management Council did not support Proposal No. 2005-17 as emergency legislation and forwarded it into the 2005-06 legislation cycle. Additionally, Proposal No. 2003-24 (Financial Aid – Term and Conditions – Period of Award), which would require institutions to award athletically related financial aid for a period of one academic year, unless otherwise specified, also was forwarded into the 2005-06 legislative cycle. Therefore, both proposals would not have been considered by the Board for final approval until April 2006. The committee believed that without either proposal being effective for the 2005-06 academic year, institutions could mitigate the impact of the contemporaneous penalty. [Note: The Board approved Proposal No. 2005-17 during its April meeting.]

b. Application of Contemporaneous Penalties in Sports with Multiple Team Financial Aid Limits. The committee approved the following addition to its policies and procedures and agreed to issue an interpretation specifying that contemporaneous penalties should be applied to all team financial aid limits, including overall counter, initial counter (where applicable) and equivalency limits (where applicable) as follows:

(1) In Division I-A football, the first three penalized scholarships will be charged against the initial-counter and overall team-counter limits, with remaining penalties (if applicable) countable against the overall team maximum (for a total of no more than nine headcount penalties overall).

(2) In Division I-AA football, the first three penalized scholarships will be charged against the initial-counter, overall headcount and overall team-equivalency limits, with remaining penalties (if applicable) countable against the overall team-equivalency and overall headcount limits (for a total of no more than 6.3 equivalency penalties and nine headcount penalties overall).

(3) In ice hockey, penalties will be charged against the team equivalency and headcount limits (for a total of no more than 1.8 equivalency penalties and three headcount penalties overall).

Given the unique nature of financial aid limitations in Division I-A football, I-AA football and ice hockey, additional clarification is necessary to determine the appropriate application of contemporaneous penalties within these sports. Originally, contemporaneous penalties were intended to limit an institution's ability to re-award aid for a period of one year and they were not designed to have a significant multiyear impact. In other words, it was assumed that institutions could "recover" from the penalty in one recruiting cycle. At the same time, the penalty as originally conceived would limit the number of incoming student-athletes who could replace student-athletes who withdrew and would not have been eligible had they returned, rather than encouraging institutions to discontinue scholarships for continuing student-athletes (i.e., "upperclassmen"). The committee believes application of contemporaneous penalties to all team limits specified by NCAA legislation is consistent with the original concept of contemporaneous penalties. Further, extending the application of the "capping" concept to the initial-counter limit is consistent with the rehabilitative intent of contemporaneous penalties. The committee also noted that feedback received from the American Football Coaches Association was supportive of this recommendation.

c. **Academic Recovery Plan Requirement**. The committee approved a requirement that institutions develop academic recovery plans after failing to meet established APR benchmarks in the contemporaneous- and historical-penalty structures. The committee believes this requirement will encourage low-scoring teams and institutions to make immediate improvement in student-athlete academic performance to avoid further penalties. The committee has identified specific guidelines, include broad-based participation in the development of academic recovery plans, that should: (1) outline active engagement of academic support resources; (2) address athletics and institutional cultural changes needed to support better student-athlete academic performance; and (3) specify appropriate, progressive goals for improvement. The guidelines also require involvement of head coaches of penalized teams and appropriate approval by executive-level institutional authorities. Additionally, the committee believes that all teams failing to meet established APR benchmarks should be required to develop academic recovery plans. As such, all teams scoring below 925 will be required to develop plans, regardless of whether or not the team actually is subject to penalty. However, only those institutions subject to historical penalties shall be required to submit the academic recovery plans to the committee. Further, institutional academic recovery plans may be considered during appeals of either contemporaneous or historical penalties. Finally, the committee agreed that model academic recovery plans should be developed to serve as educational references for institutions subject to this requirement.

A designated member of the NCAA Division I Committee on Academic Performance Subcommittee on Penalties and Rewards will work directly with NCAA staff and representatives from NCAA-affiliated faculty (e.g., Faculty Athletics Representative Association, Division I-A Faculty Athletics Representatives) and academic advising organizations (e.g., National Academic Advising Association, National Association of Academic Advisors for Athletics) to draft the example plan.

d. Definition of APR cohort. The committee approved the following definition of the APR cohort, effective with the 2004-05 APR cohort:

"For teams awarding institutional financial aid based in any degree on athletics ability, the APR cohort is comprised of student-athletes who:

- Received institutional financial aid based in any degree on athletics ability, and are enrolled full time as of the institution's fifth week of classes or official census date for that institution, whichever is earlier.

Exception: Student-athletes who have graduated and have exhausted athletics eligibility shall not be included in the APR cohort even if such students meet the above criteria.

For teams that do not offer institutional financial aid based in any degree on athletics ability, the APR cohort is comprised of recruited student-athletes who:

- Are listed on the varsity team's roster on or after the first date of competition in the championship segment; or

- Have exhausted eligibility and return to the institution as fifth-year students to complete their baccalaureate degree."

The committee approved the new definition of retention in order to reduce institutional burden and to elicit true academic retention by requiring student-athletes to remain enrolled full time through institutions' official census dates in order to earn retention points. Amending the definition of the APR cohort provides consistency between the APR cohort definition and the retention requirement. It also will address the potential "double penalty" (i.e., loss of retention point from previous term, inclusion in cohort and the potential loss of the eligibility and retention points) for cases in which a student-athlete departs the institution's campus before earning a retention point for the prior term.

e. **Timeline for Elimination of Squad-Size Adjustments.** The committee approved the elimination of squad-size adjustments beginning with the 2006-07 APR data for any team with an aggregate APR cohort of 30 or more student-athletes. For most teams, the squad-size adjustments will be in effect for three years (i.e., 2003-04, 2004-05 and 2005-06 cohorts). The committee noted that statistical research protocol considers a sample size of 30 or more data points to be a reasonable sample size. Therefore, an APR cohort with 30 or more data points (i.e., student-athletes) is considered sufficient to warrant elimination of the squad-size adjustments, and such teams should be penalized based on their actual APR, rather than their upper confidence boundaries. Further, elimination of the squad-size adjustment after four years of data have been collected is consistent with the concept that the APR is to be based on a true, rather than than adjusted, four-year rolling rate.

f. **Institutions That Do Not Provide Academic Performance Data or Never Submit an Appeal**. The committee approved the following additions to the committee's policies and operating procedures regarding data submission deadlines:

(1) An institution that submits APR/academic performance census (APC) data subsequent to the submission deadline, but never requests reinstatement of championships eligibility, remains ineligible to enter a team or individual competition in an NCAA championship for the current year and future academic years until its formal written request appealing the penalty is submitted and approved. This policy is to be applied retroactively for any team(s) or institution(s) that did not submit a written request to appeal the penalty for failing to satisfy the APR/APC filing deadline for 2003-04 data submission.

(2) An institution that submits unusable APR/APC data subsequent to the deadline will be provided two weeks to submit corrected data. If the institution fails to submit corrected data, the institution will be considered to have not submitted its APR/APC data and will remain subject to penalties for failing to satisfy the filing deadline.

g. **Definition of Graduation.** The committee approved the following definition of graduation for purposes of the APR:

- A student-athlete will be considered "graduated" for purposes of the APR if he or she has completed all graduation requirements (e.g., academic and administrative) and is considered by the certifying institution to have graduated.

The committee agreed that, students must complete all academic and administrative (e.g., paperwork, forms, procedures) requirements required by the institution for graduation in order to earn points for graduation.

h. **Policies and Procedures for Waivers of Contemporaneous Penalties.** The committee approved policies and procedures for the filing and processing of waivers of contemporaneous penalties. [Attachment B]

i. **Directive for Review of Requests of Waivers for Contemporaneous Penalties.** The committee approved a directive for review of waiver requests of contemporaneous penalties to provide guidance to the NCAA staff, committee and membership. [Attachment C] This directive was developed with the understanding that the staff and committee may use discretion in its application.

j. **Incentive Points for Graduation of a Student-Athlete.** The committee considered, but did not take action regarding, a possible incentive that would involve the awarding of bonus APR points for former student-athletes who return to the institution and graduate. A team's APR would include APR points (to be determined) for any former student-athletes in the term they graduate (i.e., earn a baccalaureate degree) from the institution if such students previously were included in a team's APR cohort (or would have met the requirements for inclusion in the cohort, for students who attended the institution prior to the 2003-04 academic year). The committee agreed to continue to develop this concept and anticipates taking a formal action in July.

k. **NCAA Division I Academic Performance Program Data Collection Guide**. The committee approved the NCAA Division I Academic Performance Program Data Collection Guide. The guide was created to incorporate the APP and graduation success rate (GSR) technical instructions with answers to issues and questions regarding submission of the data. The guide will be available to institutions in conjunction with the release of the 2004-05 APP data collection program.

l. **Adjustments to APR and Timing of Release of APR Scores**. The committee considered procedural revisions that would allow adjustments to team APR's prior to release of APR scores to account for professional athletics departures, expulsion from school for nonacademic reasons and other retention issues. The committee will continue to work with the NCAA staff in developing procedures that will provide institutions with the opportunity to request adjustments to a team's APR based on a limited set of mitigating circumstances. Additionally, these procedures should provide an institution with a specified period of time to amend its APR data before an APR is released.

m. **Departures for Professional Sports as Part of an Appeal of Contemporaneous Penalty and APR Adjustments**. The committee acknowledged that many sports provide various levels of professional opportunities and that the structures of those opportunities are unique to each sport. The committee agreed to work directly with representatives of various coaches associations and member conferences to determine guidelines for reviewing waiver requests and adjustments to a team's APR for student-athletes who depart for professional sports opportunities.

n. **Development of Incentives**. The NCAA Division I Committee on Academic Performance Subcommittee on Penalties and Rewards continued discussions regarding the development of a meaningful incentives package, which possibly could include a principle-based grant program that would be funded by the NCAA, public recognition programs, monetary awards funded by external sources (e.g., corporate partners or champions) and revision of the supplemental distribution formula to include academic performance criteria. The group also expressed interest in identifying additional nonmonetary incentives. Also, the subcommittee requested that the NCAA Division I Student-Athlete Advisory Committee suggest incentives that would appeal particularly to student-athletes. The subcommittee will continue to identify and develop incentives concepts and plans to recommend an incentives package at its July meeting

o. **Quarter School APR Adjustment**. The committee reviewed several issues regarding adjustments to the APR of teams at quarter schools. The NCAA research staff provided a summary of the impact of adjustments made to the APR of quarter-school teams under the current calculation. The committee agreed to seek technical expertise from the Data Analysis Research Network in May and to further review the current adjustment formula during its July meeting.

Committee Chair: Walter Harrison, University of Hartford, America East Conference
Committee Liaisons: Julie Cromer, Membership Services
Diane Dickman, Membership Services
Kevin Lennon, Membership Services
Todd Petr, Research
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2005-17 FINANCIAL AID AND ACADEMIC PERFORMANCE PROGRAM -- CONTEMPORANEOUS PENALTY -- AID AWARDED ON TERM-BY-TERM BASIS

Status: Management Council Initial Formal consideration

Intent: In equivalency sports, to specify the following: (1) For an institution that awarded financial aid on a annual basis to the ineligible student-athlete, the contemporaneous penalty is applied to the total amount of countable aid awarded to the ineligible student-athlete from the most recent year of attendance prior to the withdrawal from the institution; (2) For an institution that awarded financial aid on a term-by-term basis to the ineligible student-athlete when the student-athlete was in attendance for all terms of the academic year and the student-athlete received aid for all terms of the academic year or part thereof, the limitation on aid is applied to the total amount of countable aid received by the student-athlete from the most recent year of attendance prior to withdrawal from the institution (i.e., equivalency value of that student-athlete); and (3) For an institution that awarded financial aid on a term-by-term basis to the ineligible student-athlete when the student-athlete was not in attendance for all terms of the academic year, the contemporaneous penalty is applied to the sum of the amount of countable aid awarded to the student-athlete for those term(s) of attendance (e.g., semester or quarter) plus those term(s) the student-athlete was not in attendance. For those term(s) the student-athlete was not in attendance, the institution shall impute into the equation the greatest value of the term(s) in which the student-athlete was in attendance. The limitation shall not exceed one full equivalency value (i.e., 1.0); further, to specify that aid awarded to a midyear enrollee shall be exempt from the application of this proposal.

Bylaws: Amend 15.5.7.1, page 208 , as follows:

> **"15.5.7.1.1 Head Count Sports. In head count sports, the limitation on aid is applied to the full counter status (i.e., 1.0) for one full academic year (or the equivalent), regardless of whether the student-athlete was awarded a full or partial athletics scholarship.**
>
> "**15.5.7.1.2 Equivalency Sports.**
>
> > "**15.5.7.1.2.1 Annual Awards. In equivalency sports, for an institution that awards financial aid on an annual basis to the ineligible student-athlete, the limitation on aid is applied to the total amount of countable aid awarded to the ineligible student-athlete in the most recent year of attendance prior to withdrawal from the institution.**
> >
> > "**15.5.7.1.2.2 Term-by-Term Awards -- Student-Athlete in Attendance For All Terms of the Academic Year. In equivalency sports, for an institution that**

awarded financial aid on a term-by-term basis to the ineligible student-athlete when the student-athlete was in attendance for all terms of the academic year and the student-athlete received aid for all terms of the academic
year or part thereof, the limitation on aid is applied to the total amount of countable aid received by the student-athlete from the most recent year of attendance prior to withdrawal from the institution (i.e., equivalency value of that student-athlete).

"**15.5.7.1.2.3 Term-by-Term Awards -- Student-Athlete Not in Attendance For All Terms of the Academic Year. In equivalency sports, for an institution that awarded financial aid for a period of less than one academic year to the ineligible student-athlete when the student-athlete was not in attendance for all terms of the academic year, the limitation on aid is applied to the sum of the amount of countable aid awarded to the student-athlete for those term(s) of attendance (e.g., semester or quarter) plus those term(s) the student-athlete was not in attendance. For those term(s) the student-athlete was not in attendance, the institution shall impute the greatest value of the term(s) in which the student-athlete was in attendance into the equation. The limitation shall not exceed one full equivalency value (i.e., 1.0).**

"**15.5.7.1.2.3.1 Exception. An institution is not subject to Bylaw 15.5.7.1.2.3 when financial aid was awarded for less than a full year to a student athlete who initially enrolled as a full-time student at the certifying institution at midyear (i.e., the beginning of the second semester or second or third quarter of the academic year). In such circumstances, the limitation is applied to the actual amount of countable aid awarded to the student-athlete for the academic year.**"

Source: NCAA Division I Committee on Academic Performance.
Effective Date: Immediate
Proposal Category: Amendment
Topical Area: Financial Aid

Rationale: The committee supports Proposal No. 2003-24 (Financial Aid - Term and Conditions - Periods of Award), which would require institutions to award athletically related financial aid for a period of one academic year, except as otherwise specified. The committee supports this proposal because it is consistent with the intent of the Academic Performance Program (APP) in that it will prevent institutions from diminishing the impact of contemporaneous penalties by offering term-by-term athletically related financial aid awards to student-athletes. If Proposal No. 2003-24 is defeated, the committee believes legislation is necessary to ensure that the contemporaneous penalty is not reduced, compromised or manipulated by the awarding of term-by-term aid. This legislation should be considered emergency in that if Proposal No. 2003-24 is

defeated, there will be nothing that prevents institutions from mitigating the impact of the contemporaneous penalty for student-athlete performance in the 2005-06 academic year. Departures from the 2004-05 academic year are the first group to cause penalties.

Estimated Budget Impact: None.
Impact on Student Athlete's Time: None.

History

Apr 08, 2005 Submit; Submitted for consideration.

Apr 11, 2005 Mgmt Council 1st Review; Management Council did not support proposal as emergency legislation. Proposal forwarded into the 2005-06 legislative cycle.

ATTACHMENT B

Contemporaneous-Penalty Waivers Policies and Procedures (NCAA Bylaw 15.5.7)

Legislated Penalties (Bylaw 15.5.7).
Contemporaneous penalties are legislated in Bylaw 15.5.7.

Any team's Academic Progress Rate (APR) score that is below the standard APR, as determined by the NCAA Division I Committee on Academic Performance, shall not re-award to an incoming prospective student-athlete any financial aid countable toward the team's maximum limit that was previously awarded to the student-athlete who:

- Renders himself or herself academically ineligible; and
- Does not remain enrolled at the institution for any reason at any time.
- Some legislated exceptions to this general explanation are outlined in Bylaw 15.5.7.

Notice of Penalties.

The Committee on Academic Performance will notify in writing the chief executive officer of each institution, on a form prescribed by the Committee on Academic Performance, of any team's APR score from that institution that is below the standard APR score as well as identify any student-athlete whose countable financial aid cannot be re-awarded.

Appeal of Contemporaneous Penalties.

Pursuant to Bylaws 23 and 15.5.7.3, the Committee on Academic Performance has the authority to waive the application of Bylaw 15.5.7. The committee's decision shall be final, conclusive and not subject to further review by any other authority (Bylaw 15.5.7.3).

The NCAA staff and/or the NCAA Division I Committee on Academic Performance Subcommittee on Appeals will review all waivers of Bylaw 15.5.7.

Waivers Procedures.

A member institution that seeks to waive the application of Bylaw 15.5.7 shall submit an online waiver application to the NCAA national office only after it has received written notification from the Committee on Academic Performance indicating that one or more of the institution's teams are subject to the penalties imposed per Bylaw 15.5.7.

All requests shall be submitted to the NCAA national office staff electronically via the Legislative Services Database for the Internet (LSDB*i*) on the online application provided by the NCAA.

The online waiver application submitted by the institution will produce a signature page which must be signed by the chief executive officer. The waiver application shall set forth the reasons the institution believes that application of Bylaw 15.5.7 is not warranted. In addition to the information included on the form, the institution may submit additional information and supporting documentation that it believes is relevant to the case. The staff and/or subcommittee may request additional pertinent information before a final determination is made.

Review Procedures.

On receipt of an institution's request, the staff will review the application to ensure it is complete, e-mail the applicant institution the status of the request and identify the staff member handling the request. No final decision will be rendered until all required documentation has been received by the staff.

The NCAA staff has the authority to render a decision for all waiver requests. Staff decisions will be based on the following criteria:

- The waiver directive approved by the Committee on Academic Performance.
- Mitigating circumstances and whether the mitigating circumstances were within the control of the member institution and/or student-athlete(s);
- Historical academic performance of the respective team and/or individual student-athlete;
- Size of variance between the team's APR and the APR "cut" score;
- Prior academic waivers granted (i.e., initial-eligibility and progress-toward-degree waivers) for effected student-athletes;
- Review of the variables relative to the institution's mission and its relationship to the team's APR; and
- Development of an academic recovery plan.

The staff/subcommittee has the authority to consider, deliberate and decide waiver requests. After reviewing all information, the staff/subcommittee will render one of the following decisions:

- **Approval:** The staff/subcommittee determined that the institution's request demonstrated evidence that a waiver of Bylaw 15.5.7 was warranted.

- **Partial Approval:** The staff/subcommittee determined that the institution's request demonstrated evidence that warranted partial relief from the prescribed penalties. By issuing a partial approval, the staff/subcommittee is permitting the institution to partially waive the application of the penalties of Bylaw 15.5.7.

- **Conditional Approval:** The staff/subcommittee determined that the institution's request demonstrated evidence that a waiver of Bylaw 15.5.7 was warranted if specific conditions are met by the institution/team. Such conditions will be outlined by the staff/subcommittee in the decision notification. Institutions/teams that fail to meet the stated conditions will result in the decision converting to a denial and the waived penalties being implemented.

- **Denial:** The staff/subcommittee determined that the institution's request did not demonstrate circumstances that warrant a waiver of Bylaw 15.5.7. The institution will be responsible for applying the penalty or penalties that it triggered under the bylaw.

APPEALS/RECONSIDERATIONS OF WAIVER DECISIONS

Appeals of Staff Decisions.

The Committee on Academic Performance has authorized the Subcommittee on Appeals to consider all appeals of staff decisions involving Bylaw 15.5.7.

After the staff has acted on a waiver request, the applicant institution may appeal the decision to the Subcommittee on Appeals. The subcommittee's determination shall be final and shall not be subject to further review by any other authority.

The subcommittee may conduct its deliberations by facsimile, telephone conference, e-mail or in person. Such deliberations shall involve only subcommittee members and NCAA national staff members.

Appeal Procedures.

A member institution that seeks to appeal a staff decision shall submit the online waiver appeal application to the NCAA national office. All appeals shall be submitted using the Web-based LSDB*i* Committee on Academic Performance module. The online appeal process will produce a signature page which must be signed by the chief executive officer and provided to the NCAA national office. The waiver appeal shall set forth the rationale for the appeal.

All appeals of a staff decision should be filed within 14 calendar days of electronic notification of the staff's decision. Any appeal filed after 14 days must include an explanation of why the

appeal was not filed within the prescribed time period. The chair of the subcommittee shall determine whether any appeal filed after 14 days shall be considered.

Reconsideration.

After the staff and/or subcommittee have acted on a waiver request, the institution may request the staff reconsider its decision if the institution submits new and/or additional information. Requests with new and/or additional information may not be considered by the subcommittee until the staff has reviewed the new and/or additional information.

ATTACHMENT C

NCAA Division I Committee on Academic Performance
Contemporaneous-Penalty Waiver Directive
NCAA Bylaw 15.5.7

1. Background

The central purpose of the Academic Performance Program (APP) is to ensure that the Division I membership is dedicated to providing student-athletes with an exemplary education and intercollegiate athletics experience in an environment that recognizes and supports the primacy of the academic mission of its member institutions, while enhancing the ability of student-athletes to earn a degree.

When a team's academic performance, measured by the Academic Progress Rate (APR), falls below 925, that team becomes subject to penalties if any student-athlete on that team is not retained and does not earn academic eligibility. This penalty, known as a "contemporaneous penalty", is a financial aid restriction that is meant to be a catalyst for change for teams that are underperforming academically. Contemporaneous penalties provide immediate support to the behavioral shift that will be necessary to assist student-athletes in meeting progress-toward-degree requirements leading to graduation.

Contemporaneous penalties go into effect in fall 2005 and a waiver process is provided for in NCAA Bylaw 15.5.7.3. The NCAA Division I Committee on Academic Performance has approved this directive to provide guidance to the NCAA staff and the NCAA Division I Committee on Academic Performance Subcommittee on Appeals in reviewing waiver requests.

2. Guiding Principles

a. Waiver requests of Bylaw 15.5.7 will be considered based on the academic performance of the entire athletics team. The APR is a team rate and not a rate based on the academic performance of a single student-athlete. One of the intents of the APR is to be a catalyst for change for teams that underperform academically. By focusing on the team's performance, institutions must demonstrate that the performance of the team is achieving the stated goals of the APP (i.e., graduating student-athletes).

   Therefore, waiver requests shall consider all student-athletes included in the team's APR, including all who failed to earn points in the prior academic year(s). This approach considers the loss of all APR points, not just those of select students. This approach could be referenced as the "top-down approach" (e.g., start at an APR of 1000 and explain the loss of all points). A team's annual and

historic academic data will be a primary point of analysis in the review of appeals of contemporaneous penalties. Appeals will generally be viewed in the context of how the team has and is performing before the staff/subcommittee considers the academic record and mitigating circumstances of individual student-athletes.

b. Waiver decisions will consider whether the team's academic deficiency is an anomaly or a pattern of behavior as demonstrated by current and historical data. It is important waiver decisions distinguish those circumstances that may be unique events resulting in academically low-performing year(s) verses habitually underperforming teams. A team's APR that is negatively affected by such circumstances, but otherwise is not historically an underperforming team should be treated differently than a team that has a history and pattern of underperformance relative to the APR or one of its components (i.e., eligibility and retention). It is expected that a team's deficiency that is an anomaly has a reasonable expectation that the team will recover academically, as opposed to teams with a pattern of low performance.

c. Eligibility issues will be held to a higher, standard of review than retention issues. Retention can be affected by a number of issues outside the control of the institution (e.g., transfers, professional-sports departures, medical or financial hardship), while eligibility is affected by fewer factors that are outside the control of the institution and the student-athlete. Institutions may file appeals of contemporaneous penalties based on eligibility and/or retention issues. However, eligibility issues may only be presented as mitigation if the institution can not address the eligibility issues through another appeal or waiver.

3. Squad-Size Adjustment

The APR is intended to be a four-year rolling rate. The main goal of the four-year rate is to provide the best estimate of the average behavior by smoothing out any odd fluctuations that might emerge due to (a) unusual circumstances in any specific year, and/or (b) small samples. The solution to these issues, particularly while four years of data does not exist, is to add an adjustment for small sample sizes. All teams are evaluated using the upper bound estimate of its APR. The squad-size adjustment treats each team fairly, inasmuch as it considers the number of student-athletes in the APR calculation, thus accounting for possible fluctuation in the short term due to squad size. There is no change to the team's APR score or to the 925 "cut" line. Rather, consideration is given to squad size to help ensure low-performing teams are appropriately identified.

The standard of review will be more restrictive for waiver requests filed while the squad-size adjustment is in effect. After the squad-size adjustment is no longer in effect, a less restrictive standard of review in analyzing waivers of contemporaneous penalties will be applied.

4. Use of Conditional Approvals

Contemporaneous-penalty waivers may receive "conditional" approval. A waiver that is conditionally approved does not "forgive" the team's contemporaneous penalty unless the team satisfies the stated conditions. These conditions may include, but are not limited to, compliance with the academic recovery plan, meeting or maintaining a certain APR. An institution/team that fails to meet the stated condition(s) by the given timeframe shall result in the waiver decision converting to a denial and the penalty being applied to the team at the next available opportunity.

5. Tiered System of Review

The staff/subcommittee shall consider waiver requests using a "tiered" approach. One goal of this methodology is to encourage improved academic performance of teams over time. Generally, low-performing teams seeking waivers of contemporaneous penalties are expected to raise the team's four-year APR above 925 in a reasonable period of time.

Tier One (APR of 900-924): Appeals of contemporaneous penalties in this range are generally conditionally approved without significant review of the mitigating circumstances. Team's with an APR of 900 are generally expected to have a four-year APR above 925 within two years.

Tier Two (APR of 850-900): Waivers of contemporaneous penalties are generally granted only when the institution presents evidence of compelling mitigating circumstances and demonstrates a reasonable expectation that the team will achieve the minimum APR. Team's with an APR of 850 are generally expected to have a four-year APR above 925 within three years.

Tier Three (APR below 850). Waivers will be denied, except in cases involving institutional mission or extraordinary circumstances (refer to section three of this document). Team's with an APR below 850 are generally at least four-years from having a four-year APR above 925.

6. Length of Time to Cite Mitigation

Institutions are limited to submitting information concerning mitigating circumstances only for the academic years used to calculate that team's APR. However, the staff and subcommittee reserve the right to consider any relevant information that would explain the team's historical performance.

7. Academic Factors Considered for Teams

Evaluating the team's academic performance is an important part of the waiver process. The staff/subcommittee considers the totality of circumstances surrounding a waiver. Review of a team's academic performance may include consideration of the following elements:

a. The team's graduation success rate (GSR) and Federal graduation rate, if available.

b. Eligibility. The team's eligibility and percentile rank will be compared against the following:

- All other Division I teams.
- All other Division I teams in the same sport.
- The institution's teams.

c. Retention. The team's retention and percentile rank will be compared against the following:

- All other Division I teams.
- All other Division I teams in the same sport.
- The institution's teams.

d. APR. The team's APR and percentile rank will be compared against the following:

- All other Division I teams.
- All other Division I teams in the same sport.

- The institution's teams.

e. APR. The team's APR for the most recent year will be reviewed to determine if this rate demonstrates improvement over previous year APRs.

f. The number of previous waiver requests.

g. History of contemporaneous and/or historical penalties.

h. The team's academic profile including hours earned, grade-point average; and eligibility and retention points.

i. Other data elements that may be relevant to the case.

j. Mitigating factors that affect the team's APR.

8. Academic Factors Considered for Individual Student Athletes

The major emphasis for review of waiver cases is the team's academic performance; however, the staff/subcommittee also may review the individual performance of student-athletes when considering a waiver of contemporaneous penalties.

Review of individual student-athlete's academic performance may include consideration of the following elements:

a. Academic profile of student-athlete when admitted to member institution, including admissions status;

b. Grade-point average;

c. Percentage of degree completed;

d. Record of APR points earned and/or lost;

e. Prior academic waivers approved (initial-eligibility and progress-toward-degree waivers);

f. Mitigating circumstances; and

g. Academic progress in term of departure.

h. Other factors deemed relevant by the staff or subcommittee.

9. Mitigating Circumstances to be Considered

After reviewing the academic profile of teams and student-athletes, the staff/ subcommittee may consider the extenuating circumstances provided by the institution to explain a team's APR or the individual performance of student-athletes.

Circumstances, considered as compelling mitigating circumstances and supported by objective documentation, shall include, but are not limited to, the following:

a. Hardship:

(1) Situations clearly supported by contemporaneous documentation, demonstrating that the student-athlete was unable to remain at the institution as a result of incapacitating physical or mental circumstances suffered by the student-athlete, by a member of the student-athlete's immediate family or others on whom the student-athlete is legally dependent;

(2) Extreme financial difficulties resulting from a specific event (e.g., layoff, death in the family) experienced by the student-athlete or by an individual on whom the student-athlete is legally dependent, which prevent the student-athlete from remaining at the institution. The circumstances must be clearly supported by objective documentation (e.g., decree of bankruptcy, proof of termination) and must be beyond the control of the student-athlete or the individual on whom the student-athlete is legally dependent;

(3) Natural disasters (e.g., earthquakes, floods).

b. Dropped sport;

c. Transfer due to discontinued degree program;

d. Other unforeseen events and/or circumstances beyond the student-athlete's or institution's control.

e. Institutional mission.

f. Retention of student-athletes.

[Note: Items e and f will be further defined by the committee in the future.]

Circumstances not considered as compelling mitigating circumstances may include, but are not limited to, the following:

a. Unreasonable reliance by a student-athlete on misinformation from an institutional staff member (e.g., misadvisement);

b. Institutional lack of understanding regarding the APP; or

c. Failure to follow an APP academic recovery plan submitted previously.

10. Academic Recovery Plans

Contemporaneous penalties are intended to provide an early warning to low-performing teams and provide an opportunity for an institution to assess and address any problems that caused the team's APR to fall below the established standard. To help institutions in the process of assessment and development of actions necessary to rectify areas of concern development of an academic recovery plan for the team will generally be required as part of the waiver process.