**REPORT OF THE**
**NCAA DIVISION I COMMITTEE ON ACADEMIC PERFORMANCE MEETING**
**JULY 11-12, 2006**

***ACTION ITEMS*.**

**a. Historical-Penalty Structure.**

(1) Recommendation. The NCAA Division I Committee on Academic Performance recommends the NCAA Division I Board of Directors approve a historical-penalty structure that requires teams with a multi-year NCAA Division I Academic Progress Rate (APR) below 900 to be subject to simultaneous review of multiple factors (i.e., by-sport comparison, institutional characteristics and team improvement) to determine whether or not the team is subject to historical penalties.

(2) Rationale. The committee supports the establishment of an APR benchmark of 900, which is projected to identify three to six percent of teams across all sports potentially subject to historical penalties when the squad-size adjustment is no longer applied. For the 2006-07 academic year, the use of squad-size adjustments will remain in effect. Teams scoring below 900 that compare favorably in the factors as described will not be subject to historical penalties. The proposed historical penalties review factors are: (a) team APR improvement; (b) institutional characteristics and; (c) by-sport comparison.

Teams meeting the improvement comparison and one of the other two factors will not be subject to historical penalties. Teams failing to meet the 900 APR benchmark and the review factors noted may avail themselves to the appeals process. Under the by-sport comparison, the committee recommends a review of team APR compared to the bottom tenth percentile of team APRs within each sport. Comparisons of institutional characteristics (formerly "institutional mission") will include two dimensions of review: (a) team academic performance compared to student-body academic performance as determined by projected graduation rates (e.g., team must have a projected graduation rate of 10 or more percentage points higher than the student-body rate using the federal methodology) and; (b) comparison of the following institutional, athletics and student resource levels to identify the bottom 10 percent: per capita educational expenses; per capita athletics department operating expenditures and; average Pell Grant among all students. Team improvement considerations will include a review of historical team APR (e.g., trends), including identification of teams that have made meaningful improvement toward a 925 APR and a factor that accounts for variances in squad sizes, which has a significant impact on a team's APR improvement in any one-year period. The committee noted that institutions subject to Occasion-One Penalties in 2006-07 will receive formal correspondence indicating the sports that are subject to "public-warning" penalties. Advisory

communication will occur with teams avoiding review for historical penalties due to the squad-size adjustment (i.e., three-year "raw" APR less than 900, upper-confidence boundary at 900 or above). Finally, historical penalties will be publicly announced after all institutions have exhausted the adjustment and appeals processes.

(3) Budget Impact. None.

**b. Occasion-Three Historical Penalty.**

(1) Recommendation. The committee recommends the Board of Directors sponsor legislation to remove the preseason competition restriction from the historical-penalty structure.

(2) Rationale. Currently, NCAA legislation specifies that a team subject to an Occasion-Three Historical Penalty receives preseason competition restrictions. The committee reviewed the playing- and practice-seasons' legislation and determined that, due to recent legislative changes, the term "preseason competition" is relatively obsolete and such restrictions would not result in meaningful, actual penalties.

(3) Budget Impact. None.

(4) Effective Date. August 1, 2007.

**c. NCAA Division I Proposal No. 2005-97 Academic Performance Program – Academic Progress Rate – Exception – Student-Athletes Who Have Graduated With Remaining Eligibility.**

(1) Recommendation. The committee recommends the Board of Directors defeat NCAA Division I Proposal No. 2005-97, rather than support the amendment put forth by the NCAA Division I Management Council.

(2) Rationale. This proposal would exclude from the APR cohort those student-athletes who have graduated but have athletics eligibility remaining. The committee maintains its opposition to this proposal for several reasons and believes it is important to include those student-athletes who have graduated but have athletics eligibility remaining in the APR cohort. Available data demonstrates that student-athletes who have graduated but remain in the cohort are earning 95 percent of their possible APR points. Removing postgraduates

from the APR cohort would mean that, while some teams may benefit from eliminating a few postgraduate student-athletes who did not earn the eligibility point from the cohort, many teams would be negatively affected. Further, the committee noted that, from a competitive-equity standpoint, student-athletes representing an institution in athletics competition should be engaged academically and should be expected to satisfy a minimum standard of academic performance. In addition, the committee noted that although graduation is a primary goal of the NCAA Division I Academic Performance Program (APP), ensuring academic accountability of all student-athletes is an equally important goal of the program. Finally, the committee agreed that if a particular student-athlete's circumstances warranted consideration for relief from this policy, the adjustment and appeal processes are available and are designed to provide just such a review.

(3) Budget Impact. None.

***INFORMATIONAL ITEMS.***

**a. APP Grant Program.** The committee plans to recommend the establishment of a grant program to support APR improvement as an element of the Division I academic incentives program. The committee believes a portion of the Division I academic enhancement fund should be used to provide financial assistance to institutions through this program, which should be administered at the direction of the committee. Establishing this grant program will demonstrate the Association's commitment to a meaningful incentives program that encourages academic achievement and facilitates academic improvement. The proposed guidelines for the program include the following:

(1) Grant applications will be reviewed at the direction of the Committee on Academic Performance.

(2) Grant support may be renewable up to three years.

(3) Funding must be used for academic initiatives designed to improve team APRs and may not be used for general operating funds.

(4) Grant applications must include specific, detailed APR improvement plans.

(5) Institutions receiving grant money will be required to submit annual reports outlining the progress of implementation of the new initiatives.

(6) While the grant program will be accessible to all Division I institutions, "low resource" institutions and those subject to APP penalties will be prioritized during the selection process.

The committee noted that "low-resource" institutions could be identified using three measurements, including: (a) per capita Pell Grant dollars received (to assess neediness of the student body); (b) per capita institutional spending (to assess neediness of institution); and (c) per capita athletics spending (to assess neediness of athletics department). Finally, the grant program should be funded by the 4.25 percent annual increase to the academic enhancement fund through the term of the CBS contract. The committee noted that by 2012-13, the academic enhancement fund will total approximately $25 million, including approximately $6.5 million for the APP grant program. Overall, this proposal is consistent with the Division I academic-reform movement and initiatives to motivate change in academic behavior of member institutions, teams and individual student-athletes. The immediate budget impact of this program would be reallocations of approximately $800,000 in 2006-07 and $1.6 million in 2007-08 from the academic enhancement fund, with incremental increases through 2012-13.

**b.** **Summary of Graduation Success Rate (GSR) Data Collection.** The committee reviewed preliminary GSR data collected during the 2005-06 academic year. The data will be finalized in approximately four to six weeks and will be released to the public late summer/fall 2006.

**c.** **Future Public Releases of APR Incentives and Penalties.** The committee reviewed the planned format for the public release of member institutions' APRs, rewards and penalties. Member institutions' APR data, contemporaneous-penalty report and historical-penalty report will be released each year in April once all institutions have completed the adjustment and waiver processes. The release of public recognition awards will occur several weeks after the release of APR data and penalty reports. The committee supports multiple public release dates for several reasons, including the opportunity to have greater control over the messaging of each APP element; the flexibility to minimize effects of institutional responses to open records law requests; the flexibility to avoid key winter sport championships; and the desire to distinguish institutions and teams who are rewarded from those who are penalized. Separate release dates for penalties and rewards may assist in highlighting and promoting those teams and institutions who earn rewards and incentives.

**d.** **Amendments to the Contemporaneous-Penalty Waiver Directive.** The committee amended the contemporaneous-penalty waiver directive to redefine the tiered system of review and to address delay requests. The tiered approach is based on the number of years it would take a team to achieve the contemporaneous-penalty benchmark APR of 925, given a minimum annual level of improvement. In addition, the committee recognized that connecting the tiered review to the proposed historical-penalty APR benchmark of 900 is appropriate, in that contemporaneous penalties are meant to be a catalyst to keep a team from the more significant historical penalties. Teams subject to contemporaneous penalties with an APR above 900 should be held to a different standard of review than teams below 900. Conditionally approving waivers for teams with a multi-year APR above 900 will provide those teams with an incentive to change academic behavior and ensure that the team avoids historical penalties. However, for a team with a multi-year APR below 900, the mitigating circumstances must be compelling to consider granting any relief from contemporaneous penalties. Further, the committee's current policies and procedures permit institutions to request a delay in imposing a contemporaneous penalty. To provide the NCAA staff, subcommittee and membership with guidance concerning the factors to consider when reviewing and deciding such requests, the committee drafted this directive amendment. The amendment was established with the understanding that a request to delay imposing a contemporaneous penalty should be held to a strict standard of review by requiring the institution to demonstrate the inability to impose the penalty. [Attachment A]

**e.** **Amendment to Contemporaneous-Penalty Waiver Policies and Procedures.** The committee amended its contemporaneous-penalty waiver policies and procedures for teams that fail to satisfy the condition(s) of a conditionally approved waiver. The committee's current policies and procedures allow the staff/subcommittee to conditionally approve a contemporaneous-penalty waiver. However, the committee recognizes that there may be instances when mitigating circumstances could prevent a team from meeting the condition(s). Teams under such circumstances should have an opportunity to demonstrate why the condition(s) was not met and/or why the penalty should not be imposed. Further, a team is considered to have been notified of its failure to satisfy the condition(s) of a conditionally approved contemporaneous-penalty waiver when it receives written notification from the committee via electronic mail. This will occur after the institution has verified that its APP data is correct in the academic year subsequent to receiving the conditional approval. Additionally, the contemporaneous penalty resulting from the team's failure to fulfill the condition(s) will be included in the public report in the academic year in which the team receives notification of its failure to meet the condition(s). The committee noted that any team with a conditionally approved waiver should receive notification of failure to satisfy any condition(s) at the earliest possible date in order for the team to be able to impose the resulting contemporaneous penalty within the prescribed time period. Additionally, the committee recognized that teams with conditionally approved waivers would not have had penalties reported publicly in

the academic year in which their respective waivers were conditionally approved. If a team does not meet the specified condition, the team's contemporaneous penalty should have been reported, as was the case for teams who did not receive waivers of contemporaneous penalties. [Attachment B].

**f. Defining the Timeline for Imposing a Contemporaneous Penalty assessed due to the team's failure to satisfy the condition(s) of a conditional approval.** The committee defined the "next available opportunity" for imposing a contemporaneous penalty based on a team's failure to satisfy the conditions of a conditionally approved contemporaneous-penalty waiver as follows:

> "The academic year the institution is notified of its failure to satisfy the condition(s), unless a prospective student-athlete (i.e., high school, two-year or four-year college transfer) who has signed a financial aid agreement prior to the institution receiving notification of its failure to satisfy the condition(s) of its conditionally approved contemporaneous-penalty waiver will be impacted. If the penalty cannot be imposed in the academic year the team receives notification, it must be imposed the following academic year."

The committee noted this definition is consistent with the current timeline for all teams to impose contemporaneous penalties. Additionally, the committee agreed that because such teams have effectively delayed their original contemporaneous penalties by receiving the conditional approvals, they generally should not be able to request an additional delay.

**g. Determining Institutional Characteristics Review Criteria for Contemporaneous-Penalty Waivers.** The committee reviewed the institutional characteristics criteria considered in the contemporaneous-penalty waiver process. The committee agreed to use the same criteria established for the historical-penalty model, which will include two dimensions of review for institutional characteristics: (a) team academic performance compared to student-body academic performance as determined by projected graduation rates (e.g., team must have a projected graduation rate of 10 or more percentage points higher than the student-body rate using the federal methodology); (b) comparison of the following institutional, athletics and student resource levels to identify the bottom 10 percent: per capita educational expenses; per capita athletics department operating expenditures; and average Pell Grant among all students. In addition, the committee reaffirmed its policy against providing relief based on institutional characteristics to teams with a multi-year APR below 850.

**h.** **"Delayed Graduation" Point.** The committee agreed to change the current title of "graduation bonus point" to "delayed graduation point." The committee believes that the term "graduation bonus point" implies that an additional point will be awarded when a former student-athlete returned to an institution and graduated. However, in reality, under such circumstances an APR point lost due to the student-athlete's prior departure is restored to the former student-athlete's team once he or she returns and graduates.

**i.** **Amended Criteria for Awarding the Delayed Graduation Point.** The committee revised its policies and procedures to amend the criteria for awarding the delayed graduation point to eliminate the required term of separation from the institution. An additional change was approved to permit a student-athlete who failed to earn either the retention or the eligibility point in his or her last term in the cohort (or in the last term in which the student-athlete would have met the cohort definition in cases where the student-athlete attended the institution prior to the implementation of the APP) to earn the delayed graduation point for his or her sport. The committee noted such student-athletes still shall not be included in the APR cohort during the term(s) of re-enrollment to complete their degrees. This revised policy will expand the population of former student-athletes eligible for the delayed graduation point. Further, the delayed graduation point remains a direct incentive for institutions to identify and encourage a greater number of former student-athlete nongraduates to return to the institution and graduate.

**j.** **Requests for Delayed Graduation Points from Prior Cohort Years.** The committee amended its policies and procedures to permit an institution to request delayed graduation points for any academic year cohort included in the institution's multi-year APR cohort. Such requests will be permitted only during data submission and delayed graduation points awarded from prior academic year(s) will not affect the status of any previously earned penalties or incentives. Further, an institution may not request retroactive contemporaneous-penalty relief or retroactive incentives based on the awarding of an additional delayed graduation points in subsequent academic year(s). This policy will permit the submission of delayed graduation point requests based on changes to the criteria for awarding graduation bonus points. It also will continue to encourage institutions to review data for accuracy

**k.** **Amendments to the APR Adjustment Directive.** The committee amended the APR adjustment directive to permit institutions to request an adjustment of the retention point for a student-athlete who transfers to another institution in order to pursue a degree program not offered at the original institution. In order to receive the adjustment, the original institution must submit written documentation indicating the desired degree program was not offered on its campus and that the student-athlete is enrolled in the degree program at the institution to which he or she transferred. This revision is

consistent with the original rationale for permitting adjustments to a team's APR in that the reason for nonretention of the transfer student-athlete is outside the control of the student-athlete, the team and/or the institution. An additional amendment was approved to permit institutions to request an adjustment for a student-athlete who is not academically eligible and for whom the institution is not able to submit a progress-toward-degree waiver. [Attachment C]

**l.** **Length of APR Adjustment Period.** The committee revised its policies and procedures to change the current APR adjustment period from a 10-calendar day period to a 14-calendar day period. Increasing the length of the current adjustment period will provide a consistent period for institutions to request amendments, adjustments and waivers of contemporaneous penalties.

**m.** **Reconsideration of Previously Denied APR Adjustment Requests.** The committee amended its policies and procedures to permit an institution to request reconsideration of previously denied APR adjustment requests if the APR adjustment directive is changed and the change would have affected the outcome of the original adjustment request. An institution may not request retroactive relief from contemporaneous penalties or retroactive incentives based on approving an adjustment to data made to subsequent academic year(s).

**n.** **Impact of Progress-Toward-Degree Waivers (Transfers).** The committee amended its APR policies and procedures to permit institutions to award an eligibility point for a student-athlete whose progress-toward-degree waiver is approved after the student-athlete transfers from the institution (while academically ineligible). The eligibility point may be awarded if the progress-toward-degree waiver is submitted prior to the original institution's APR data submission deadline. If a progress-toward-degree waiver is submitted after the original institution's APR data submission deadline, the original institution must request an adjustment for the lost eligibility point. If a progress-toward-degree waiver is not approved, the eligibility point will not be awarded or adjusted. This revised policy is reasonable and remains consistent with the philosophy of the APP by having similar treatment of the application of progress-toward-degree waivers with enrolled student-athletes.

**o.** **Policies and Procedures for Review of APP Data.** The committee approved the policies and procedures for the review of submitted APP data to be conducted by the NCAA staff. Establishing such policies and procedures for reviewing APP data is essential to the APP process, as the policies are intended to ensure the accuracy and integrity of the data. The staff will continue to develop the data-review (e.g., audit) guidelines and will provide a final draft for the committee's review during its October meeting. [Attachment D]

**p.** **Notification of Historical Penalties.** The committee amended its polices and procedures to include the notification of historical penalties via electronic mail, with institutions being directed to a password-protected Web site. An electronic mail with a link to the appropriate Web site will be sent to the institution's president/chancellor, director of athletics, faculty athletics representative, senior woman administrator, compliance coordinator and conference commissioner. This method of communication will provide ease of access and is similar to the process currently in place for institutions to view APR and contemporaneous-penalty reports.

**q.** **By-Sport APR Comparison for Historical Penalties**. The NCAA Division I Committee on Academic Performance Subcommittee on Data Collection and Reporting discussed the by-sport comparison APR for the purposes of determining how each sport's benchmark should be derived. The subcommittee determined that, for these purposes, the previous four years of APR data should be used and compared to the most recent four-year APR rate for each team. Using the previous cycle's multi-year APR data to set the by-sport APR benchmark, to be compared to each team's most recent four-year APR rate, will allow historical penalties to be determined in a timely manner, so that the notification process will not be delayed. Further, it will provide adequate notice to the membership regarding the APR benchmark applicable in each sport. However, because four years of APR data will not be available in 2006-07, an alternate method will be used to establish the by-sport APR comparison benchmarks. The data used in 2006-07 will be the previous cycle's three-year APR data combined with a projected one-year APR to create a projected four-year APR sport benchmark to compare with the 2006-07 multi-year APR for each team.

**r.** **APR Improvement Plans.** The NCAA Division I Committee on Academic Performance Subcommittee on Penalties and Rewards reviewed draft materials developed by its ad hoc group, including a sample academic-improvement plan and a self-study instrument to be used by member institutions subject to historical penalties. In addition, the subcommittee agreed to change the name of the academic-improvement plans to "APR Improvement Plans." The subcommittee also reviewed the APP policy that requires each team with a "raw" APR below 925 to create and implement an APR Improvement Plan. The subcommittee agreed that a team with fewer than 30 data points and an upper-confidence boundary above 925 (based on the squad-size adjustment) will not be subject to this requirement, effective with the 2006-07 APR reporting cycle.

**s.** **Academic Incentive Concept.** The Subcommittee on Penalties and Rewards reviewed an academic incentive concept proposed by a member conference. As outlined, institutions would qualify for temporary relief of specified progress-toward-degree

requirements by demonstrating consistent, high academic performance. The subcommittee requested data related to this concept and plans to review it in conjunction with the NCAA Division I Academics/Eligibility/Compliance Cabinet Subcommittee on Continuing Eligibility.

**t.** **Review of Impact of APR on Conference Academic Eligibility Rules.** At the request of member institutions, the committee discussed circumstances involving conference eligibility rules requiring additional and/or higher student-athlete academic achievement (beyond NCAA eligibility rules) to be eligible for athletics competition, which may negatively affect an institution's APR. The committee referred this issue to the NCAA Division I Committee on Academic Performance Subcommittee on Data Collection and Reporting for further discussion.

**u.** **Consideration of Revisions to the APR Adjustment Directive to Include Adjustments for Student-Athlete Departures Due to Campus Judicial or Disciplinary Issues.** The Subcommittee on Data Collection and Reporting reviewed a request from a member institution to revise the APR adjustment directive to permit an adjustment for a student-athlete who is suspended by the institution for disciplinary reasons. The subcommittee noted that this type of institutional decision superceded any athletics department decision and was taken because of serious circumstances involving the student-athlete. However, the subcommittee believes institutions are to be held accountable for the behavior of their student-athletes. In addition, the subcommittee noted that the APR was designed to be a metric that, in part, measures retention, and that not all circumstances warranted an adjustment. Therefore, the subcommittee did not support a change to the APR adjustment directive at this time, but agreed to continue to discuss this issue in the future and to consider unique circumstances through the APR adjustment process.

**v.** **Consideration of Revisions to the APR Adjustment Directive to Permit APR Adjustments for Student-Athletes Who Withdraw to Participate in Professional Sports without Meeting Eligibility Requirements.** The Subcommittee on Data Collection and Reporting reviewed a request from a member institution for modification of the APR adjustment directive concerning retention points lost due to professional departures. Specifically, the institution would like the ability to request an adjustment for student-athletes who depart to pursue professional athletics opportunities and failed to earn the eligibility point in their last term of full-time attendance. In response, the subcommittee noted that student-athletes who are in the APR cohort should always be held to a minimum standard of academic performance and should be held accountable for reaching certain academic benchmarks. Further, the subcommittee noted that at no other

point in the academic environment is credit given for partial completion of a requirement. Therefore, the subcommittee did not support a change to the APR adjustment directive at this time and did not recommend a change to the directive to the full committee.

**w.** **Consideration of Revisions to the APR Cohort Definition to Exclude Student-Athletes Who Have Exhausted Athletics Eligibility**. The Subcommittee on Data Collection and Reporting reviewed a request from a member institution to revise the APR cohort definition to remove student-athletes who have exhausted athletics eligibility. In its review of this request, the subcommittee considered a small sample of data from the research staff regarding student-athletes who have exhausted their athletics eligibility; however, data was available only for fall-sport student-athletes who were included in the APR cohort for the 2004-05 academic year, which was the first year those student-athletes who had exhausted athletics eligibility could be identified in the data. The subcommittee noted that the majority of student-athletes who exhaust their eligibility and remain in the APR cohort (e.g., continue to earn athletics aid) continue to earn both the eligibility and retention points for their institutions. In addition, the subcommittee noted that graduation is the primary goal of the APP and institutions should be held responsible for the academic success and ultimate graduation of their student-athletes. Due to the limited nature of the data, the subcommittee believed that an adjustment request considered on a case by case basis is the more appropriate avenue to address this issue at this time. The subcommittee agreed that further research and analysis of data is necessary before any amendment to the definition of cohort is made and the subcommittee will continue to discuss this issue at the October meeting.

**x.** **Initial-Eligibility Issues.** The committee received an update regarding the work of the NCAA Working Group to Review Initial-Eligibility Trends and recent legislative actions by the Board of Directors to provide guidelines for the review of high schools and prospective student-athlete academic records. The NCAA staff continues to conduct high school reviews and has released a list of high schools whose core courses and graduation will no longer be accepted for determining prospects' initial eligibility. After discussing issues related to the new initial-eligibility standards and the latest revisions proposed by the Working Group to Review Initial-Eligibility Trends, the committee recommended that legislation be considered to permit institutional staff members and coaches to have earlier access to prospects in order to inform prospects of initial-eligibility requirements. The committee referred this issue to the NCAA Division I Academics/Eligibility/ Compliance Cabinet for review and discussion.

**y.** **Review of APR Retention Point and Transfer Impact.** The committee received an update regarding the development of a comprehensive document that provides a history of the NCAA Division I academic-reform movement, details how the current model for calculating the APR was devised and outlines related student-athlete transfer issues. The committee will review the document during its October meeting and anticipates seeking broad membership input following this meeting.

**z.** **APP Educational Initiatives.** The committee received a report on educational initiatives conducted by the NCAA staff to assist institutions with the collection and submission of APP data, including: a one-day seminar in conjunction with the regional seminars; ongoing updates to existing educational materials and tutorials; and teleconferences and Web casts conducted by the NCAA staff. The NCAA staff is establishing partnerships with the National Academic Advising Association (NACADA) and the National Association of Athletic Academic Advisors (N4A) to develop additional initiatives to be launched in 2006-07.

*Committee Chair: Walter Harrison, University of Hartford, America East Conference*
*Committee Liaisons: Julie Cromer, Membership Services*
*Diane Dickman, Membership Services*
*Kevin Lennon, Membership Services*
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**ATTACHMENT A**

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

back

## 1. Background

The central purpose of the NCAA Division I Academic Performance Program (APP) is to ensure that the NCAA 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 NCAA Division I 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 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) versus 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 cannot 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 a squad-size adjustment. All teams are evaluated using the upper confidence boundary. 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 and/or, meeting or maintaining a specified 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. The goal of this approach is to encourage improved academic performance of teams. Generally, low performing teams seeking waivers of contemporaneous penalties are expected to raise the teams multi-year NCAA Division I Academic Progress Rate (APR) above 925 in a reasonable period of time.

Tier No. 1 (APR below 925 to 900): Appeals of contemporaneous penalties in this range are generally conditionally approved without significant review of the mitigating circumstances. A team in this range is expected to improve its APR with the goal of achieving a 925 multi-year APR within a reasonable period of time.

Tier No. 2 (APR below 900): Waivers of contemporaneous penalties are only granted when the institution presents evidence of compelling mitigating circumstances and reasonably demonstrates that the team will achieve a multi-year APR of 925 within a reasonable period of time. .

**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:

(1) All other Division I teams.

(2) All other Division I teams in the same sport.

(3) The institution's teams.

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

(1) All other Division I teams.

(2) All other Division I teams in the same sport.

(3) The institution's teams.

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

(1) All other Division I teams.

(2) All other Division I teams in the same sport.

(3) The institution's teams.

e. 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. (See section 10)

f. Retention of student-athletes. (See section 11)

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.

d. Conferences and/or institutions with academic standards stricter than NCAA Division I Progress-Toward-Degree requirements.

**10. Institutional Mission**

Institutions that assert the institutional mission as a mitigating factor for a contemporaneous-penalty waiver will only be considered if the team' (s) multiyear APR is 850 or higher. Further an institution must demonstrate the following:

- It graduates both student-athletes and members of the general student body at a higher rate than student-athletes at other schools with similar institutional characteristics.

- It graduates student-athletes at a rate at or above the general student body at their institution.

The staff/subcommittee shall considering the following when considering an institution's mission in a waiver of contemporaneous penalties:

a. Review the size of the variance between a team's expected graduation rate based on its multiyear APR and the institution's student body federal graduation rate. Large positive differences in favor of the team should weigh positively in its consideration for a waiver.

b. Compare differences between the expected team graduation rate based on the multiyear APR and the institution's projected federal graduation rate as determined by characteristics of the applicant institution. Comparing a team's performance to an institution's projected (rather than actual) graduation rate takes into account the possibility that an institution may be outperforming similar institutions in a manner not assessed by the review outlined in number one above.

The research staff will provide the staff/subcommittee the following information with each waiver filed that indicates an institution's mission as a mitigating factor:

(1) The expected graduation rate of the team, based on the team's multiyear APR;

(2) The most recent four-year federal student body graduation rate for that institution; and

(3) The institution's projected graduation rate based on various characteristics of the institution. This rate will be determined by a series of statistical models that will include a list of variables from the following categories that have shown to be the most predictive of an institution's graduation rate:

(a) Who is served by the institution (e.g., average age of student body, percent of students residing on campus, per capita Pell dollars)?

(b) What is the academic experience at the institution (e.g., admissions selectivity, academic entrance requirements and academic characteristics of student body)?

(c) What are the available educational resources for the institution and its students (e.g., per capita education expenditures, tuition, student faculty ratio, research dollars)? Based on information supplied by the institution, the list of variables employed by the staff/subcommittee can be changed to match the variables the institution believes best defines its institutional mission.

c. Review the narrative information supplied by the institution describing how the institution defines its mission, how it would quantify those factors that make it unique and why its team's performance represents superior academic performance given the institution's mission.

d. Review the portions of the institution's most recent academic accreditation report that detail the information submitted.

**11. Retention**

Institutions that assert retention as an extenuating circumstance to explain a team's APR or the individual performance of student-athletes will be considered

by the staff/subcommittee if those circumstances were beyond the control of the student-athlete and/or the team/institution provided the extenuating circumstances do not have an athletics nexus.

Institution's seeking relief from a contemporaneous penalty based on retention must demonstrate the particular student-athlete was academically eligible unless the institution can demonstrate the same extenuating circumstances also affected the student-athlete's ability to earn the eligibility point. Additionally, cases in which the extenuating circumstances affected the student-athlete's ability to earn eligibility, the staff/subcommittee should review the student-athlete's historic academic performance and academic eligibility at the point that the extenuating circumstances affected the student-athlete's eligibility.

## 12. Academic Improvement 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 improvement plan for the team will generally be required as part of the waiver process.

## Delay of Contemporaneous Penalties

### Standard for Review

A request to delay having to impose a contemporaneous penalty will only be considered when an institution or team can demonstrate that by imposing the penalty within the prescribed period (the year immediately following the ineligible student-athlete's departure or not later than the following year) would take away financial aid from a current student-athlete or prospective student-athlete. The team must provide the following:

a. A current team squad list with counters designated and/or equivalency amounts listed for each student-athlete;

b. Identification of the current student-athletes with remaining eligibility whose countable financial aid is expected to be renewed for the next academic year; and

c. The countable financial aid equivalencies for prospective student-athletes who signed a valid National Letter of Intent (NLI) and/or financial aid agreement prior to the institution receiving notice of its contemporaneous penalties.

### Guiding Principles

a. Contemporaneous penalties are meant to be a team penalty and not a penalty for an individual student-athlete. If an institution must take away financial aid from a current or prospective student-athlete who has signed a valid NLI and/or financial aid agreement prior to the institution receiving notification of its contemporaneous penalty, in order for the team to impose the contemporaneous penalty, a delay would be warranted.

b. Any request to delay imposing a contemporaneous penalty will be considered on the premise that any current student-athlete receiving countable financial aid will be renewed at the same equivalency as the current academic year.

c. If the request to delay the contemporaneous penalty is approved, a delay will generally only be extended one academic year so that the contemporaneous penalty will be imposed, at the latest, within three years of the ineligible student-athlete's departure.

**Use of Conditional Approvals**

a. Approvals will generally be based on the condition that all currently enrolled student-athletes who will not exhaust eligibility during the current academic year will return to the team in the subsequent academic year and receive the countable financial aid at the same equivalency as the current year. All prospective student-athletes who have signed a valid NLI and/or financial aid agreement will enroll at the institution the next academic year and are eligible for institutional financial aid based on athletics ability.

b. If any current student-athlete departs the institution prior to the next academic year or if any prospective student-athlete does not enroll or is not eligible for institutional financial aid based on athletics ability (i.e., is a nonqualifier), the team must impose part or all of the contemporaneous penalty based on the equivalency amount and/or the number of counters that become available. The team may not re-award the financial aid of any student-athlete who departed the institution and/or prospective student-athlete who did not enroll and/or qualify for the institutional financial aid based on athletics ability, unless it is imposing the entire penalty within the original prescribed period of time.

**ATTACHMENT B**

## Policies and Procedures for Review of Conditionally Approved Contemporaneous-Penalty Waivers

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Pursuant to Bylaws 15.5.7.3 and 23, the committee 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 staff and/or the subcommittee will review all waivers of Bylaw 15.5.7.

### Initial Staff Review

After the institution has submitted APR/Academic Performance Census data and has indicated that it is correct, the staff shall review the data of all conditional approvals to confirm whether the stated condition(s) has been satisfied. If the stated condition(s) is satisfied, the committee will provide written notification that the conditional approval has been satisfied and the contemporaneous penalty is waived. However, if the stated condition is not satisfied, the staff will review the available academic information to determine if the staff may grant relief.

The staff may grant relief based on some or all of the following criteria:

- Historical academic performance of the respective team and/or individual student-athlete;
- Size of variance between the team's most recent single year APR and the APR required as part of the conditional approval;
- Size of variance between the team’s actual performance and the performance required as part of the conditional approval;
- Improvement in the team's APR, eligibility and/or retention APR and/or the number of student-athletes that did not earn eligibility and were not retained (0 for 2); and
- Review of the variables related to the institution's mission and its relationship to the team's APR.

If automatic relief is not provided, the committee will provide written notification to the institution notifying it that the conditional approval has not been satisfied and the team is required to impose the contemporaneous penalty at the next available opportunity.

**Waivers Procedures**

An institution that seeks to waive the application of Bylaw 15.5.7 for a contemporaneous penalty incurred due to its failure to satisfy a conditional approval shall submit an online waiver application to the NCAA national office. The institution must submit its waiver request no later than seven days after the institution has resolved all adjustment requests or indicated in the APP data collection system that it has no adjustment requests. The online waiver application can only be submitted after it has received notification indicating that institution's team or teams are subject to the a penalty imposed per Bylaw 15.5.7 because of its failure to satisfy a conditional approval. All requests shall be submitted electronically to the national office staff via the Legislative Services Database for the *Internet* (LSDB*i*) portal on the online application provided by the NCAA.

The online waiver application submitted by the institution will produce a signature page that must be signed by the chancellor or president. 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 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 its 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 staff has the authority to render a decision for all waiver requests. Staff decisions will be based on some or all of the following criteria:

- Mitigating circumstances and whether the mitigating circumstances were within the control of the 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 most recent single year APR and the APR required as part of the conditional approval;

- Size of variance between the team’s actual performance and the performance required as part of the conditional approval;

- Improvement in the team's APR, eligibility and/or retention APR and/or the number of student-athletes that did not earn eligibility and were not retained (0 for 2);

- Review of the variables related to the institution's mission and its relationship to the team's APR; and

- Development and submission of an academic improvement 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 determines the institution's request demonstrated evidence that a waiver of Bylaw 15.5.7 was warranted.

- **Partial Approval**: The staff/subcommittee determines the institution's request demonstrated evidence warranting 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.

- **Denial**: The staff/subcommittee determines the institution's request did not demonstrate circumstances warranting 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 has authorized the subcommittee 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. 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, Internet or in-person meetings. Such deliberations shall involve only subcommittee members and national office staff members.

**Appeal Procedures**

An institution seeking to appeal a staff decision shall submit the online waiver appeal application to the 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 that must be signed by the president or chancellor and submitted 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 seven calendar days of electronic notification of the staff's decision. Any appeal filed after seven calendar days must include an explanation of why the appeal was not filed within the prescribed period. The chair of the subcommittee shall determine whether any appeal filed after seven calendar days shall be considered.

**Reconsideration**

After the staff and/or subcommittee have acted on a waiver request, the institution may ask the staff or subcommittee to 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.

**Reporting Staff Decision**

The staff shall submit summaries of all decisions made by the staff to the subcommittee for their review.

**ATTACHMENT C**

# NCAA Division I Academic Progress Rate Adjustment Directive

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## Background

The NCAA Division I Academic Progress Rate (APR) is a metric that awards points for academic eligibility/graduation (E) and retention (R). Eligibility is important as it measures a student's progress toward a degree at regular intervals. Retention is a crucial part of the APR because of the following:

1. The pilot data reflected that retention is an even stronger component of graduation than eligibility.

2. By awarding points for retention, potential issues related to "run-offs" and "recruiting mistakes" could be monitored and addressed.

3. Term-by-term retention points allow for a student-athlete to receive "credit" for every term he or she returns, even if he or she eventually transfers or is not retained for any reason. This "partial-credit" model has been seen as a significant improvement over the federal graduation rate and is a very important consideration when assessing E + R for the APR calculation.

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 Data Collection and Reporting in reviewing APR adjustment requests. The committee recognizes that there may be some legitimate reasons why student-athletes are not retained and do not maintain academic eligibility, and in these instances, a student-athlete's lost points should be adjusted.

## Guiding Principles

Adjustments to a team's APR will be considered based on circumstances surrounding individual student-athletes. Adjustments generally will be reviewed in the context of whether the mitigating circumstances surrounding the individual student-athlete are beyond the control of the student-athlete and/or the team/institution.

## Circumstances Warranting an Adjustment of the Eligibility or Retention Point

In general, a student-athlete who leaves an institution at the end of a term and has not graduated will be a "1 for 2" or a "0 for 2" depending on whether he or she earns the eligibility point. Adjustments will be granted only if stated conditions described below are met.

1. A student-athlete who did not complete a regular academic term due to circumstances outside of his or her control (e.g., student-athlete suffers from a serious medical condition early in the academic term), failed to earn an eligibility point and was not retained [based on one of the accepted reasons for departure listed below in items 3-(a) through 3-(k)], will be considered a "0 for 0."

2. A student-athlete who completed a regular academic term as a full-time student-athlete may receive an adjustment to a lost eligibility point. If the eligibility point is adjusted because of one of the reasons listed below, the eligibility point will not be granted or denied, but will be removed from both the numerator and the denominator.

    a. The student-athlete is rendered academically ineligible and the institution is not able to submit a progress-toward-degree waiver (e.g., transfer, withdrawal).

    b. Situations clearly supported by contemporaneous-medical documentation, which states that a student-athlete is unable to remain at or return to the institution as a result of incapacitating physical or mental circumstances.

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

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

3. Student-athletes who completed a regular academic term as a full-time student-athlete must earn the academic eligibility point for the last regular academic term in which he or she was enrolled in order to have the retention point adjusted. If the student-athlete earned the eligibility point, but was not retained as a full-time student-athlete the following term because of one of the reasons listed below, the student-athlete will be considered a "1 for 1." The retention point is not granted or denied; rather, it simply is removed from both the numerator and the denominator.

    a. The student-athlete's degree program was discontinued. This circumstance must be supported by documentation from the institution's registrar's office indicating that the student-athlete was enrolled in the specific degree program and the date the degree program was discontinued.

    b. The student-athlete’s degree program was not offered at the original institution. This circumstance must be supported by documentation from official institutional sources indicating that the student-athlete’s degree program was not offered at the original institution and the student-athlete is enrolled in the degree program at the subsequent institution.

c. The student-athlete's sport was discontinued. This circumstance must be supported by documentation from the institution's director of athletics indicating when the sport program was discontinued and when the announcement of the discontinuation was made.

d. Situations clearly supported by contemporaneous-medical documentation, which states that a student-athlete is unable to remain at or return to the institution as a result of incapacitating physical or mental circumstances.

e. The student-athlete is unable to attend an intercollegiate institution full time as a result of a life-threatening or incapacitating injury or illness suffered by a member of the student-athlete's immediate family, which is clearly supported by contemporaneous-medical documentation.

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

g. Extreme financial difficulties as a result of a specific event (e.g., layoff, death in the family) experienced by the student-athlete or by an individual of whom the student-athlete is legally dependent. These 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 of whom the student-athlete is legally dependent.

h. Harassment. This circumstance must be clearly supported by objective documentation (e.g., police report).

i. Participation in the following Olympic or international competition:

(1) Official Pan American, World Championships, World Cup, World University and Olympic training, tryouts and competition;

(2) Officially recognized training and competition, qualifying for final Olympic tryouts; or

(3) Official tryouts and competition involving national teams sponsored by the appropriate national governing bodies of the U.S. Olympic Committee or, for student-athletes representing another nation, the equivalent organization of that nation.

j. Participation in professional sports as a vocation. Such participation may be demonstrated by the following:

(1) Signed contract with a professional sports team or organization;

(2) Established pattern of acceptance of prize money for competition;

(3) Documented declaration of intent to compete as a professional in an individual sport (e.g., tennis, golf); or

(4) Other evidence determined by the staff/committee to confirm the individual's professional sports vocation.

The following actions, alone, do not sufficiently demonstrate participation in professional sports as a vocation:

(1) Signing a contract with an agent;

(2) Signing a commercial endorsement agreement;

(3) Declaring for a professional sports draft; or

(4) Participating in professional sports tryouts.

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

**Circumstances that Do Not Warrant an Adjustment of the Retention Point**

Circumstances that are considered to be within the control of the student-athlete and/or the institution include, but are not limited to, the following:

1. Student-athlete transferred to another institution for any reason not included in the section above.

2. Student-athlete departed the institution due to lack of playing time, or desire to play for a different coach.

3. Student-athlete departed the institution due to a coaching change.

4. Student-athlete departed the institution because he or she was placed on academic suspension.

5. Student-athlete departed an institution because of disciplinary problem(s) (e.g., crime, academic fraud, dismissed from team, positive drug test).

6. Student-athlete departed an institution because his or her team is subject to disciplinary measure (e.g., infractions sanctions, NCAA Division I Academic Performance Program penalties).

7. Student-athlete departed an institution because his or her athletically related aid was not renewed or was reduced.

**Reconsideration**

An institution is permitted to request the staff reconsider APR adjustment requests that were previously denied if the APR adjustment directive is changed and the change would have affected the outcome of the original adjustment request. An institution may not request retroactive relief from contemporaneous penalties or retroactive incentives based on the award of an adjustment to data made to subsequent academic year(s). Requests for reconsideration will not be heard by the subcommittee until the staff has reviewed and considered the request. Please note that participation of student-athlete in professional sports as a vocation is not mitigation for reconsideration of APR adjustment requests when the student-athlete failed to earn the eligibility point.

**ATTACHMENT D**

# NCAA Division I Committee on Academic Performance
# Policies and Procedures Data Review

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Review of NCAA Division I Academic Performance Program Data.

NCAA Division I Bylaw 23.01.3 and the NCAA Division I Committee on Academic Performance's policies and procedures require NCAA Division I Academic Performance Program (APP) data (Federal Graduation Rate [IPEDs], Graduation Success Rate [GSR], NCAA Division I Academic Progress Rate [APR] and Academic Performance Census [APC]) to be submitted for all NCAA Division I teams and all teams/institutions that are in the process of transitioning its membership to Division I and is subject to NCAA Division I legislation. All APP data submitted pursuant to Bylaw 23.01.3 must conform to the committee's policies and procedures. In order to ensure the uniformity and accuracy of submitted APP data, the committee will review APP data submitted by selected institutions annually.

The NCAA staff and/or the NCAA Division I Committee on Academic Performance Subcommittee on Data Collection and Reporting will conduct all reviews of APP data.

Selection of Institutions for Review.

The staff/subcommittee will select institutions for data review based on the following indicators:

- Comparison of academic rates previously submitted;
- Warnings generated by the APP data collection program;
- Manual review of submitted data; and
- Any data irregularities.

There are no specified guidelines regarding sample size or selection method. Individuals performing the data review will use an appropriate sample size based on professional judgment in the particular circumstances.

Notification.

During the fall of each academic year, the staff will notify in writing the president/chancellor of institutions selected for data review. The written notification will inform the institution of its selection and will provide an overview of the data review process and the initial request for documents.

Scope of Review.

The Data Review Guide includes all areas that are subject to review. The individual conducting the review will determine which of these areas to include in the review. Depending on the circumstances, the reviewer may choose to cover every area or limit the review to particular areas.

Preliminary Reporting of Findings.

After an institution receives notification that its APP data has been identified for review, the institution has four weeks to submit all documentation and information requested with the notification of review.

After receipt of the documentation, NCAA staff will notify the institution in writing the extent of the review, including but not limited areas to be reviewed, the sample and any additional documentation the institution must submit. All additional documentation must be submitted within four weeks of receipt of notification.

After receipt of all remaining documents, the NCAA staff will complete its review and will submit a preliminary report summarizing the findings of the review to the respective institution. The institution may submit a written response to any or all of the staff's findings in the preliminary report. The institution must submit its response within four weeks of receipt of the preliminary report. The staff or subcommittee will not consider any response received after this period.

The staff is permitted to extend the period for the institution to respond to the preliminary report based on the individual circumstances presented by the institution.

Final Reporting of Findings.

After receiving any institutional response to the staff's preliminary report, the staff will prepare a final report summarizing its findings. The staff, within six weeks of receipt of the institution's response to the staff's preliminary report, will submit to the subcommittee the final report and the institution's response to the staff's preliminary report. If the institution does not provide a response, the staff will submit its final report 10 weeks after the date the institution received the staff's preliminary report.

Subcommittee Review.

The subcommittee will review the final report and any applicable institutional response. After reviewing the final report and institutional response, if provided, the subcommittee will provide the institution with a final report that will include recommended and/or required actions for the institution.

The subcommittee may recommend the institution take any or all of the following actions:

- **No Action Required.** Based on the results of the review, the subcommittee considers the institution's APP data to be in substantially conformity with applicable NCAA legislation and the committee's policies and procedures and the institution is not required to take any action regarding its APP data.

- **Recommended Action.** Based on the findings of the review, the subcommittee considers the institution's APP data to be in general conformity with applicable NCAA legislation and the committee's polices and procedures, but recommends the institution implement steps to ensure that the institution's APP data remains in conformity with all applicable legislation and policies and procedures.

- **Required Action.** Based on the findings of the review, the subcommittee does not consider the institution's APP data to be in conformity with applicable NCAA legislation and the committee's policies and procedures. The institution is required to take one of the following actions:

  - Make required changes for data submitted in the future;
  - Amend previously submitted data; and
  - Amend previously submitted data and make required changes for data submitted in the future.

If the institution fails to take the required action within the stated period, the institution's data will be considered invalid and the institution will be considered to have not submitted APR/APC and/or IPEDs and GSR and will be ineligible for any NCAA championship or bowl game until the required action is taken.

The subcommittee's recommendations are final and are not subject to further review. The subcommittee will provide the committee with an aggregate report of its findings and recommendations on an annual basis.

Required Changes to Submitted Data.

If one of the required actions the institution must take based on the recommendations of the committee is amending previously submitted data, any resulting change to the institution's APR and/or GSR will not affect the status of any previously earned contemporaneous and/or historical penalty.