**REPORT OF THE**
**NCAA DIVISION I COMMITTEE ON ACADEMIC PERFORMANCE**
**APRIL 23-24, 2007, MEETING**

***ACTION ITEMS*.**

**1. Legislative Action Item.**

- **Application of postseason competition ban to student-athletes in individual sports.**

(1) Recommendation. The NCAA Division I Committee on Academic Performance recommends the NCAA Division I Board of Directors sponsor a legislative proposal for the 2007-08 legislative cycle to eliminate the opportunity for a student-athlete to compete in individual competition when his or her team is subject to a postseason competition ban per the NCAA Division I Academic Performance Program (APP).

(2) Rationale. Currently, NCAA Bylaw 23.2.1.2.3.1 permits an individual-sport student-athlete who meets academic eligibility requirements to compete in the NCAA championship if he or she qualified as an individual. The committee believes that permitting an individual-sport student-athlete to compete in this situation is inequitable, in that doing so denies access to the championship for those student-athletes whose teams are not subject to penalty. The committee also noted, based on input from the NCAA championships staff, that inclusion of student-athletes from penalized teams will have a negative impact on the administration and scoring of NCAA championships in individual-sport teams. Occasion-Three Historical Penalties are designed to be very punitive; thus, no student-athlete from a penalized team should be allowed to compete in an NCAA championship. Finally, the committee noted that student-athletes who would otherwise miss their remaining season of eligibility may transfer if they meet the requirements in Bylaw 14.8.1.2-(e).

(3) Budget Impact. None.

(4) Effective Date. August 1, 2008.

**2. Nonlegislative Item.**

- None.

***INFORMATIONAL ITEMS.***

1. **Report of the Baseball Academic Enhancement Working Group.** The committee considered the report and recommendations of the Baseball Academic Enhancement Working Group, which is a group of presidents, athletics administrators and faculty members charged by the Board with developing recommendations to improve the academic performance of baseball student-athletes by examining such factors as the current one-time transfer exception, financial aid limits and the overall culture in the sport. The committee did not take a formal position on the group's recommendations and agreed to wait until the Board takes action before vetting the playing-season restriction concept and its possible incorporation into the historical-penalty structure.

2. **Outreach to the National Association of Basketball Coaches (NABC).** The committee heard an update regarding a meeting of an informal group consisting of NABC head coaches, conference and institutional administrators, faculty, and NCAA administrators, who convened to discuss challenges facing men's basketball programs in raising graduation rates. The meeting signified an attempt by the groups to begin a meaningful dialogue on the APP and an opportunity for the coaches to provide constructive feedback on the ongoing academic reform efforts.

3. **APP Data Reviews.** The committee received a status report on the data review process for the 15 institutions selected for the 2006-07 academic year. The data review included institutionally submitted APP data from the 2003-04 and 2004-05 academic years. One theme that resonated from the reviews was that some institutions do not have a formal process on campus to collect, review and submit APP data. Also, the reviews indicated that some institutions lack sufficient documentation to substantiate some of the information entered by the institution in the APP data collection program. Based on these findings, the staff will increase its educational efforts with emphasis on assisting institutions to establish formal policies and procedures for the collection, review and submission of APP data. Additionally, the committee approved amendments to its policies and procedures for the review of APP data after determining that changes were necessary to ensure the review of APP data is conducted in an effective and thorough manner. The changes to the policies will continue to make certain that the review process is fair and will ensure the accuracy and integrity of APP data. The committee plans to conduct 20 to 23 APP data reviews next year, including any institutions that carry over from last year due to unresolved data issues. Finally, the committee will consider increasing the number of reviews conducted annually at a future meeting. [Attachment A]

4. **Data Collection and Penalty Update.** The committee received a detailed presentation from the NCAA research staff on NCAA Division I Academic Progress Rate (APR) data submitted during the 2005-06 academic year, which represented the third year of APR

data collection. The committee viewed the summary of three-year APR data and noted there was some APR improvement among squads with low two-year APRs and there was a decrease in the number of student-athletes who left institutions academically ineligible and did not return in the subsequent term (i.e., "0/2"). The data also indicated positive trends for men's football and baseball, while men's basketball displayed a slight downward trend in APR due largely to a decrease in retention rates. In addition, the committee reviewed a report outlining the number of teams with a raw APR of less than 900 that demonstrated significant improvement toward 925. The committee also received a summary of aggregate numbers of APR adjustment requests, data submission deadline extensions, delayed-graduation points, penalized teams, and contemporaneous- and historical-penalty waivers submitted by institutions.

5. **Public Announcement of Penalties and Rewards and Public Relations Efforts.** The committee reviewed the timeline for the public release of member institutions' APR penalties and rewards for data collected during the 2005-06 academic year. In mid-April, the NCAA staff communicated the public release dates for public-recognition awards, team APRs and penalty reports via electronic mail to all presidents/chancellors, conference commissioners, directors of athletics and the Collegiate Commissioners Association Compliance Administrators (CCACA). The public recognition list, which includes the top 10 percent for each sport will be announced during a press conference April 26, and will be posted on the NCAA Web site. The APR and applicable penalty reports will be announced during a press conference May 2 and will be available on the NCAA Web site. Finally, a letter will be sent to each president/chancellor as a reminder that the squad-size adjustment will no longer be used for most teams to determine which teams are below the benchmark APR for contemporaneous- and historical-penalties beginning fall 2007.

6. **NCAA Elite 88 Award.** The committee agreed to forward the Elite 88 award program concept to the respective championships committees in each division for their review and consideration. The proposal is to establish an award that will be presented to the student-athlete with the highest cumulative grade-point average participating in each of the NCAA 88 championship(s). It is anticipated that the Elite 88 will become one of the NCAA's most prestigious awards, recognizing the true essence of the student-athlete – the individual who reaches the culmination of competition at the national championship level in his or her sport, while also achieving the highest academic standard among his or her peers.

7. **Student-Athlete Retention and Transfer Issues and the Impact on APR.** The committee began an extensive review of transfer student-athlete behavior and its impact on the APR and graduation rates. The research staff provided comprehensive data on the academic impact of transferring and noted that transfer student-athletes generally take longer to graduate; further, their probability of graduation also decreases after

transferring. In addition, men's basketball and baseball teams are comprised of more than one-quarter transfer students, with many of those from two-year institutions. Finally, the proportion of transfers into a given conference appears to be correlated with APR patterns in the conference. The committee will continue to examine these issues during its July meeting.

8. **Amendments to Policies and Procedures for Occasion-One and Occasion-Two Historical-Penalty Waivers.** The committee amended its policies and procedures regarding the processing of historical-penalty waiver requests to stipulate that a waiver of an Occasion-One or Occasion-Two Historical Penalty must be submitted within 14-calendar days of the institution entering the penalty-waiver period. Further, all appeals of a staff decision must be filed with the NCAA national office within seven-calendar days of written notification of the staff's decision. Finally, the online waiver application will produce a signature page that must be signed by the institution's chancellor or president.

9. **APP Penalty-Waiver Directive.** The committee approved a revised directive for review of waiver requests of contemporaneous penalties and Occasion-One and Occasion-Two Historical Penalties. The committee previously approved two directives for review of APP penalty waivers: (1) A directive for the review of contemporaneous-penalty waivers; and (2) A directive for the review of Occasion-One and Occasion-Two Historical-Penalty waivers. However, the committee believed that combining the directives was appropriate because many elements of the previous directives were the same, such as the guiding principles, academic factors considered for teams and review of institutional characteristics. In addition, one document will better serve the membership, because it identifies those guiding principles that are similar while clearly identifying unique evaluations of the different penalty waivers. Finally, the combined directive will lead to more consistent decisions by the staff and the NCAA Division I Committee on Academic Performance Subcommittee on Appeals. [Attachment B]

10. **Awarding of Retention Point When Missed-Term Exception is Applied.** The committee amended its policies and procedures to permit the awarding of a delayed-retention point when a missed-term exception is applied to certify a student-athlete's eligibility, provided the following criteria are met:

    a. The student-athlete returned to the institution as a full-time student in a subsequent term.

    b. The student-athlete met all criteria for the missed-term exception as outlined in Bylaw 14.4.3.5-(a).

c. The student-athlete was in the APR cohort, earned the eligibility point and lost the retention point in his or her last term prior to departure. Note: If the lost retention point was discounted through the adjustment process, then no APR point was actually lost, so no retention point will be awarded.

The committee noted that a student-athlete may use the missed-term exception one time during his or her academic career for reasons that, at times, may be out of the control of the student-athlete, the team and/or the institution. Allowing the institution to recoup the lost retention point for that student-athlete provides a direct incentive for institutions to encourage former student-athlete to return to the institution and graduate. The policy change is effective with the collection of the 2006-07 APR data and will not apply retroactively.

**11. Staff authority in APR adjustment decisions.** The NCAA Division I Committee on Academic Performance Subcommittee on Data Collection and Reporting discussed the current APR adjustment directive and noted the emergence of a number of unique requests that are not specifically addressed in the directive. The subcommittee agreed that the staff has the authority to render decisions in these unique situations through the adjustment process. The subcommittee also noted that staff has the authority to use some flexibility in that review to determine if an adjustment or the awarding of points is appropriate, depending on the unique mitigating circumstances for each request. Additionally, the subcommittee requested that the staff, on an annual basis, provide a summary of the cases and the staff's decisions for these types of requests.

**12. Timing of Occasion-Two Historical Penalties.** The committee amended its policies and procedures to stipulate that Occasion-Two Historical Penalties must be imposed in the academic year subsequent to notification of APRs and penalties, and that the two-part penalty package may not be separated. As a result, the timing and application of Occasion-Two Historical Penalties will facilitate the consistent application of scholarship and practice penalties to teams subject to these historical penalties. Specifically, this timing application is understandable and easy to administer on campus. In addition, it adheres to the serious, significant nature and intent of historical penalties. Further, this timing enables the institution's exhaustion of the entire appeals process prior to penalty application, while providing an academic year for the institution to prepare accordingly in terms of notifying student-athletes, coaches and administrators. The committee also noted that requiring institutions to take the prescribed practice restrictions and financial aid reductions at the same time will ensure the penalty has the intended impact.

**13. APR Improvement Plan Requirements for Teams Below 900.** The committee amended its policies and procedures to require teams with a raw APR score below 900 to submit its APR improvement plan to the national office. Further, such institutions also must submit copies of all previous APR improvement plans, progress reports of those

plans and any intended plan amendments. This action extends the current APR planning requirement for teams scoring less than 925 by requiring such plans to be filed at the national office and reviewed by NCAA staff when the team's score falls below 900. The squad-size adjustment will not be applied when identifying teams subject to this requirement, except in cases where the multi-year cohort is less than 30. The committee noted the staff will be able to evaluate a team's improvement by reviewing the institution's previous plans, progress made with those plans and any plan modifications. Further, the staff will be able to better assist and educate the lowest-performing teams as they strive to improve their respective APR scores. Finally, the committee noted that if it is discovered that a team has not created an APR improvement plan when it was required to do so, the institution will be subject to the enforcement process.

**14.** **Academic Incentive Concept.** The NCAA Division I Committee on Academic Performance Subcommittee on Penalties and Rewards continued its review of an academic incentive concept presented by the Atlantic Coast Conference during its January meeting. This incentive concept would provide flexibility in the application of select progress-toward-degree requirements if an institution's student-athletes graduate at a rate significantly higher than the national average for student-athlete graduation and it can show that the attainment of the higher graduation rate is commonplace, continuing and inherent in the culture of the institution. The subcommittee did not support the concept at this time and noted this issue may be more appropriately addressed on an individual student-athlete basis via progress-toward-degree waivers.

**15.** **Top Ten Public Recognition Program.** The Subcommittee on Penalties and Rewards clarified the requirements of the public recognition program to specify that a team must have reported at least two years of APR data in order to be eligible for selection to the "Top Ten" list in each sport. The subcommittee noted that teams are subject to contemporaneous penalties once two years of APR data are available, and consideration for this incentive should be consistent such that teams are eligible for both penalties and incentives at the same time.

**16.** **NCAA Division I Committee on Academic Performance Policies and Procedures, Penalties Guide and Data Collection Guide.** The committee approved the updated NCAA Division I Committee on Academic Performance Policies and Procedures, Penalties Guide and Data Collection Guide. Revisions will be made based on the April committee meeting and Board decisions. The final versions will be posted for the membership to assist institutions in the 2007-08 data collection process and penalty applications, and to meet annual reporting requirements.

**17.** **Access to Athletics Activities for Men's Basketball.** The committee continued its discussion regarding the establishment of meaningful incentives for those teams that perform well academically. A concept was considered that would permit the coaches of

qualifying men's basketball teams to provide skill instruction to student-athletes during the summer vacation period. The committee took no action but provided initial feedback regarding the concept and directed the staff to solicit feedback from the men's basketball community, including student-athletes, and to examine this incentive for all sports. The staff will provide an update of its work at the July meeting.

**18.** **Adjustment to APR Calculation to Account for Institutional Characteristics.** The committee engaged in preliminary discussions regarding the inclusion of institutional characteristics as factors in the calculation of the APR. The committee has directed the research staff to propose several models and provide additional data for the committee to consider at the July meeting.

**19.** **APP Educational Initiatives.** The committee received an update regarding various educational initiatives to assist institutions in understanding academic reform and the APP. In conjunction with the National Academic Advising Association (NACADA), the NCAA will be conducting a summer institute at the end of May that will include elements of the APP and emphasize principles of student-athlete academic success. In addition, the National Association of Athletic Academic Advisors (N4A) will be conducting a two-day workshop in June that will focus on the APP. Lastly, the membership services staff will again conduct a one-day educational session on the APP during each NCAA Regional Rules Seminar. The seminar will offer informational sessions and discussion on various topics related to the APP.

**20.** **Exhausted Eligibility Exception for Contemporaneous Penalties**. The committee reviewed the exhausted eligibility exception applied when determining contemporaneous penalties and discussed whether the exception applied in instances when a "0/2" student-athlete departed an institution in his or her final season of competition while there were still competition opportunities available (e.g., postseason championship). The committee determined that the application of Bylaw 14.2 should be considered for purposes of applying the exception. As such, a "0/2" student-athlete who departs prior to the end of the season meets the exhausted eligibility exception, as long as that student-athlete has no remaining eligibility in subsequent academic years. The staff will make this a point of emphasis in future educational initiatives.

*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*
*Bill Regan, Membership Services*

**ATTACHMENT A**

# NCAA Division I Academic Performance Program Data Review Policies and Procedures

The NCAA Division I Committee on Academic Performance adopted policies and procedures for the review of the NCAA Division I Academic Performance Program (APP) data. This amends those policies and procedures that were adopted by the committee during its July 2006 meeting. Please note the revised policies and procedures are effective immediately.

## Review of APP Data

NCAA Bylaw 23.01.3 and the committee's policies and procedures require APP data [Federal Graduation Rate, Integrated Postsecondary-Education Data System (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 their membership to Division I and are 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 the APP data.

## Selection of Institutions for Review

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

1. Comparison of academic rates previously submitted;

2. Warnings generated by the APP data collection program;

3. Manual review of submitted data;

4. Any data irregularities*;* and

5. Random selection.

Additionally, institutions may be selected for review if, during a prior data review, it failed to provide documentation to substantiate the information entered in to the APP data collection system or if the institution fails to comply with a required action from a previous data review.

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 judgement in the particular circumstances.

## Scope of Review

The NCAA Division I Academic Performance Program 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.

## Notification

During the spring of each academic year, the NCAA staff will notify in writing the chancellor/president of institutions selected for data review. The written notification will advise the institution of its selection and will provide an overview of the data review process. Additionally, the written notice will require the institution to provide (within seven calendar days of receipt of the written notice) the names of two individuals that will serve as the institutional contacts for the institution for the data review.

## Institutional Involvement

Institutions will be required to designate a primary and secondary contact. The primary and secondary contacts must be full-time employees of the institution and must have the authority from the institution's chancellor/president to respond on behalf of the institution.

## Use of Outside Individuals or Agencies

Institutions may involve individuals or agencies not otherwise employed by the institution on a full-time basis to perform functions associated with the review of APP data. In such cases, the institution's personnel, designated contacts and/or chancellor/president must review and verify the accuracy of all responses and information before submission to the NCAA. Additionally, the institution's personnel, designated contacts and/or chancellor/president must sign off on all responses and submission to the NCAA that require a signature.

## Request for Information and Documentation

After receiving the notification of the institutional contacts, the staff will send the institution a written request for information and documentation. After an institution receives the request for information and documentation, it has four weeks (28 calendar days) to submit all requested documentation and information.

The staff is permitted to extend the period for the institution to respond to the request for information and documentation based on the individual circumstances presented by the institution.

**On-Campus Review**

The staff at any point during the APP data review process may determine that an on-campus review of the institution's APP data is necessary. If an on-campus review is required, the staff will inform the institution of the scope of the review and any documents that the staff will need to review on campus.

**Preliminary Reporting of Findings**

After receipt of the documentation, the staff will notify the institution of the extent of the review, including but not limited to areas to be reviewed and any additional documentation the institution must submit. All additional documentation must be submitted within two weeks (14 calendar days) of receipt of notification.

The staff, after reviewing the documents submitted by the institution or after completing the on-campus review, 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/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.

**Failure to Comply with Staff and/or Subcommittee Requests**

If the institution fails to provide information or documentation that the staff/subcommittee has requested from the institution 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 requested information or documentation is provided.

**Reporting of Findings to Subcommittee**

After receiving the institution's response to the staff's preliminary report, the staff will forward to the subcommittee its preliminary report, any institutional responses to the staff's preliminary report and a list of issues from the staff's preliminary findings that have been resolved.

**Subcommittee Review**

The subcommittee will review the staff's preliminary report, any applicable institutional responses, if provided, and the list of resolved issues. After reviewing this information, the subcommittee will provide the institution with a final report that will provide the following information for each area reviewed:

1. The area being reviewed;

2. The subcommittee's findings regarding the data in that particular area; and

3. The subcommittee's conclusions regarding its findings and any action for the institution to take regarding the data.

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

1. **No Action Required.** Based on the results of the review, the subcommittee considers the institution's APP data in the area reviewed to be in substantial 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.

2. **Recommended Action.** Based on the findings of the review, the subcommittee considers the institution's APP data in the particular area 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. These steps may include, but are not limited to: changes to policies; the creation of policies; and/or providing additional documentation or information.

3. **Required Action.** Based on the findings of the review, the subcommittee does not consider the institution's APP data in a particular area 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 regarding the data:

a. Make required changes for data submitted in the future;

b. Amend previously submitted data; or

c. Amend previously submitted data and make required changes for data submitted in the future.

Additionally, the subcommittee may require the institution to change and/or create policies regarding the compilation, review and submission of APP data, provide additional documentation or information and/or require the institution's data in this area to be reviewed during a subsequent data review.

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.

**Rules Violations**

The staff/subcommittee will advise the institution of any information discovered during the review concerning possible violation(s) of NCAA legislation that may affect the accuracy and/or integrity of the institution's APP data. The staff/subcommittee will also advise the institution of its obligation to self-report violations. The subcommittee may delay issuing all or part of its final report until the institution has determined whether a violation has occurred and the effect, if any, the violation has on the institution's APP data.

The staff/subcommittee may refer potential violation(s) of NCAA legislation that may affect the accuracy and/or integrity of the institution's APP data to the NCAA enforcement staff for review. If the staff/subcommittee refers a potential violation to enforcement, the subcommittee may delay issuing all or part of its final report until the institution has determined whether a violation has occurred and the effect, if any, the violation has on the institution's APP data.

**ATTACHMENT B**

**NCAA Division I Committee on Academic Performance**
**Academic Performance Program Penalty Waiver Directive**
**NCAA Bylaws 15.5.7, 23.2.1.2.1.1 and 23.2.1.2.2.1**

## 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.

When a team's academic performance, as measured by its APR, falls below 900 and the team fails to demonstrate APR improvement and a favorable review of the established by sport or institutional characteristics comparison, it becomes subject to historical penalties. Historical penalties are progressive and cumulative penalties intended to penalize teams that have a demonstrated history of academic underachievement.

Waivers for both contemporaneous and historical penalties are provided for in NCAA Bylaws 15.5.7.3, 23.2.1.2.1.1 and 23.2.1.2.2.1. 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 APP penalty waiver requests.

## 2. Guiding Principles.

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

Therefore, the review of waiver requests shall consider all student-athletes included in the team's multi-year APR, including all who failed to earn points in the applicable academic years. This approach considers the loss of all APR points, not just those of select students. This approach could be referred as the "top-down approach" (e.g., start at an APR of 1000 and explain the loss of all points). Annual and historic academic data will be primary points of analysis in the review of appeals of APP penalties.

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. Waiver decisions will analyze 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 a unique one time circumstance, but otherwise is not historically an underperforming team, should be treated differently than a team that has a history and pattern of academic underachievement.

c. Institutions seeking a waiver of APP penalties must present evidence of compelling mitigating circumstances along with a reasonable expectation that the team's academic performance will improve and the team will achieve an APR of 925 or higher in a reasonable period of time.

**3. Squad-Size Adjustment.**

The APR is 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 unusual circumstances in any specific year, and/or small samples. Teams that have not yet submitted four years of data or teams with a four-year APR cohort of less than 30 student-athletes will be evaluated based on the upper-confidence boundary of the team's multi-year APR. The squad-size adjustment 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 or to the penalty benchmarks. Rather, consideration is given to squad size to help ensure low performing teams are appropriately identified.

Therefore, the staff/subcommittee will generally not consider the size of the APR cohort in its review of APP penalty waiver requests as the squad size has already been factored into the determination of the penalty.

**4. Use of Conditional Approvals.**

APP penalty waivers may receive "conditional" approval. A waiver that is conditionally approved does not "forgive" the team's penalty unless the team satisfies the stated condition(s). These conditions may include, but are not limited to, compliance with the institution's written APR improvement plan, attendance at mandatory educational sessions, 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 APP penalty being applied to the team. The institution must impose the applicable penalty within the prescribed period of time.

Sequencing of Historical Penalties. If the team is subject to a historical penalty, the team is then potentially subject to the occasion of penalty that was conditionally waived and the next occasion historical penalty if it again fails to meet the historical-penalty benchmarks within the next three years.

**5. 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.

**6. 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 NCAA 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's APR.

f. The mitigating circumstances for any previous contemporaneous-and/or historical-penalty waiver requests.

g. History of contemporaneous and/or historical penalties.

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

i. Academic profile of the team when admitted to the member institution, including admissions status as compared to the general student-body and/or other student-athletes at the institution.

j. Size of variance between the team's APR and the applicable APP penalty benchmark (e.g., 925 or 900).

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

l. Mitigating factors that affect the team's APR. [See Section 8.]

**7. Academic Factors Considered for Individual Student-Athletes: Nonretained Ineligible Student-Athletes for Contemporaneous Penalties.**

The review of contemporaneous-penalty waiver requests will emphasize the team's academic performance; however, the staff/subcommittee also may review the individual performance of student-athletes who were not academically eligible and not retained ("0-for-2" in the data set) and whose countable aid was calculated in determining the penalty when considering a waiver of contemporaneous penalties. Review of the individual student-athlete's academic performance may include consideration of the following elements:

a. Mitigating circumstances that led to the student-athlete being not academically eligible and/or not retained.

b. Academic profile of student-athlete when admitted to the member institution, including admissions status as compared to the general student body and/or other student-athletes at the institution;

c. Academic record (e.g., credits completed, grade-point-average);

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

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

f. Academic progress in term of departure; and

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

**8. Mitigating Circumstances to be Considered.**

After reviewing the academic profile of the team, the staff/subcommittee may consider the circumstances provided by the institution to explain a team's APR or a "0-for-2" student-athlete. Circumstances will be considered as compelling mitigating factors if the institution can demonstrate that it had a direct correlation to the team's ability to earn eligibility/graduation and/or retention points and it must be supported by objective documentation. Mitigating circumstances for a "0-for-2" student-athlete will be reviewed in accordance with Section 7 of this document.

For institutions that assert institutional characteristics and/or resources as a mitigating factor, please refer to Section 9 for additional information.

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 develop and follow an APR improvement plan.

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

Some circumstances may have been submitted in a request to receive an adjustment of an individual student-athlete's APR retention and/or eligibility or graduation point. If the institution received relief for those circumstances by way of an APR adjustment, the same circumstance may not be considered in the review of the APP penalty waiver for that student-athlete.

**9. Institutional Characteristics.**

The staff/subcommittee may consider comparisons of institutional characteristics as a mitigating circumstance when reviewing a waiver of APP penalties. Institutional characteristics will include two dimensions of review: (a) team academic performance compared to the general student body academic performance as determined by actual and projected Federal Graduation Rates and; (b) comparison of institutional, athletics and student resource levels.

a. Institutions that assert institutional characteristics as a mitigating factor must demonstrate the following for the penalized team(s):

(1) It graduates both the team's student-athletes and members of the general student-body at a higher rate than the student-body at other schools with similar institutional characteristics; or

(2) It graduates the team's student-athletes at a rate at or above the general student-body at their institution.

The staff/subcommittee shall review the following when considering an institution's characteristics in a waiver of historical penalties:

a. Review the size of the variance between a team's expected Federal Graduation Rate based on its multi-year APR and the institution's student-body Federal Graduation Rate.

b. Compare differences between the team's expected Federal Graduation Rate based on the multi-year APR and the institution's student-body 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) Federal Graduation Rate takes into account the possibility that an institution may be outperforming institutions with similar characteristics in a manner not assessed by the review outlined in letter (a) above. The NCAA research staff will provide the staff/subcommittee the following information with each waiver filed that indicates an institution's characteristics as a mitigating factor:

(a) The team's expected Federal Graduation Rate, based on the team's multi-year APR;

(b) The most recent four-year student-body Federal Graduation Rate for that institution; and

(c) The institution's projected Federal 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 Federal Graduation Rate:

(i) Who is served by the institution (for example: average age of student body, percent of students residing on campus, per capita Pell Grant dollars)?

(ii) What is the academic experience at the institution (for example: admissions selectivity, academic entrance requirements and academic characteristics of student body)?

(iii) What are the available educational resources for the institution and its students (for example: 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 characteristics.

(d) Review of the narrative information supplied by the institution describing how the characteristics of the institution affects the student body and why its team's academic performance represents superior academic performance given the institution's characteristics.

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

b. The staff/subcommittee shall review the following when considering an institution's resources as a mitigating factor for a waiver of historical penalties:

(1) Per capita educational expenses;

(2) Per capita athletics department operating expenditures; and

(3) Average Pell Grant among all students.

**10. Automatic Waivers of Contemporaneous Penalties.**

a. Institutional Characteristics. Teams with an expected Federal Graduation Rate based on its multi-year APR that is at least 10 percentage points higher than the institution's student-body Federal Graduation Rate, will receive an automatic waiver of contemporaneous penalties.

b. Institutional Resources. Institutions identified in the bottom 10 percent based on institutional resources will receive an automatic waiver of contemporaneous penalties.

**11. Review of Historical-Penalty Determination Factors.**

Teams that are subject to a historical penalty, but compare favorably in one of the factors: APR improvement, institutional characteristics, institutional resources or by-sport comparison will be generally reviewed as follows:

a. Team APR Improvement.

(1) Occasion-One Historical Penalty. A waiver for a team(s) subject to an Occasion-One Historical Penalty that meets the improvement factor but

fails all other factors should generally be conditionally approved without significant review of the mitigating circumstances provided the team presents an APR improvement plan that demonstrates a reasonable expectation that the team will improve to a 925 APR. Team(s) that demonstrate improvement are fulfilling the goal of the APP and should be provided the opportunity to continue to improve without having to impose a historical penalty.

(2) Occasion-Two Historical Penalty. A waiver for a team(s) subject to an Occasion-Two Historical Penalty that meets the improvement factor will be reviewed in accordance with this directive and are expected to demonstrate that relief is warranted (e.g., mitigating circumstances). A team that has demonstrated improvement has had its practice season and financial aid penalties reduced because of its improvement. Any additional relief must be warranted by the particular circumstances provided in the waiver request.

b. By-Sport Comparison. A waiver for a team(s) that compares favorably in the by-sport comparison but fails to meet the improvement factor will be reviewed in accordance with this directive and are expected to demonstrate that relief is warranted (e.g., mitigating circumstances).

c. Institutional Characteristics. A waiver for a team(s) that demonstrates that the team(s) is out performing its general student-body but fails to meet the improvement factor will generally be reviewed based on the following: level of APR improvement, level of institutional resources as defined in Section 9, the institution's APR improvement plan and any other relevant factor(s).

d. Institutional Resources. A waiver for a team(s) that lacks sufficient financial resources to quickly and reasonably engage in academic enhancements, generally viewed as institutions in the lowest 10 percent based on the variables listed in Section 9, but fails to meet the improvement factor will generally be reviewed based on the following: level of APR improvement, the team's academic performance compared to the institution's student-body (See Section 9), the institution's APR improvement plan and any other relevant factor(s).

## 12. Contemporaneous Penalty Tiered System of Review

The staff/subcommittee shall consider contemporaneous-penalty 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 improve the team's multi-year 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 demonstrates that the team will achieve a multi-year APR of 925 within a reasonable period of time.

**13. APR Improvement Plans.**

APR improvement plans are meant to encourage a team with an APR below 925 to make immediate improvement in student-athlete academic performance. Institutions seeking relief from an APP penalty are expected to demonstrate that the team's academic performance will improve and will achieve an APR of 925 in a reasonable period of time. Therefore, APR improvement plans will be reviewed as follows:

a. Institutions requesting an APP penalty waiver for a team that was previously required to complete an APR improvement plan as a result of a multi-year APR below 925 must re-evaluate their current APR improvement plan. Institutions/teams will be accountable for identifying issues and making progress toward implementing the APR improvement plan. Within the waiver request the following shall be addressed:

(1) Identify all steps the institution has taken toward completion of the previous APR improvement plan and progress toward ultimate completion of the measurable goals.

(2) Identify challenges, issues or problems that were identified in the previous plan that continue to confront the team(s) in its pursuit of improved academic achievement.

(3) Identify any new issues that confront the team(s) and develop measurable goals and steps the institution intends to take that will lead to improvement of a team's academic deficiencies that have made them subject to an APP penalty.

(4) Identify specific APR goals for the team(s) for the current academic year.

b. Institutions requesting an APP penalty waiver for a team that does not have an APR improvement plan will be required to develop an APR improvement plan. If an institution was required to develop an APR improvement for a team, but failed to develop a plan or implement the plan it developed, the staff/subcommittee will consider this in evaluating whether the team can be expected to improve its academic performance and achieve an APR of 925 within a reasonable period of time. Institutions shall address the following for each waiver request:

(1) Identify challenges, issues or problems that confront each team subject to APP penalties in its pursuit of improved academic achievement.

(2) Identify measurable goals and define specific steps the institution intends to take that will lead to improvement of a team's academic deficiencies that have made the team subject to an APP penalty.

(3) Identify specific APR goals for the team(s) for the current academic year.

**Delays of Financial Aid Penalties**

**1. Standard for Review.**

A request to delay having to impose an APP financial aid 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 APP financial aid penalties.

**2. Guiding Principles.**

a. APP penalties are meant to be a team penalty and not 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 APP penalty in order for the team to impose the APP financial aid penalty, a delay would be warranted.

b. Any request to delay imposing an APP financial aid 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 APP financial aid penalty is approved, a delay will generally only be extended one academic year so that the APP financial aid penalty will be imposed at the latest within three years of the ineligible student-athlete's departure.

**3. Use of Conditional Approvals.**

Approvals will generally be based on the following conditions:

a. 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.

b. 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.

c. 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 APP financial aid penalty based on the equivalency amount and/or the number of counters that become available.

d. 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.