REPORT OF THE
NCAA DIVISION I COMMITTEE ON ACADEMIC PERFORMANCE
JANUARY 10-11, 2008, MEETING

***ACTION ITEMS*.**

1. Legislative Action Item.

- None.

2. Nonlegislative Action Items.

- **NCAA Division I Academic Progress Rate (APR) Adjustment for Transfer Student-Athletes.**

(1) Recommendation. The NCAA Division I Committee on Academic Performance recommends the NCAA Division I Board of Directors approve an adjustment to the calculation of the APR to discount the lost retention point in those instances when a student-athlete transferred, provided the student-athlete satisfied the following criteria:

(a) The student-athlete transferred immediately to another four-year institution, which must be supported by documentation of the student-athlete's enrollment at the subsequent institution;

(b) The student-athlete attended the original institution for a minimum of one academic year;

(c) The student-athlete earned the eligibility point in the last term of enrollment prior to transfer; and

(d) The student-athlete presented a cumulative grade-point average of 2.600 or higher at the time of departure.

Adjustment requests that meet the criteria as outlined above will not require any additional mitigation for the lost retention point in order to be approved. Additional consideration of requests for adjustments for student-athletes who transferred, presented a cumulative grade-point average less than 2.600 and met the criteria listed in Items (a) through (c) above, will be reviewed based on criteria to be established by the NCAA Division I Committee on Academic Performance Subcommittee on Data Collection and Reporting.

(2) Effective Date. This policy change is effective with the collection of the 2007-2008 APR data (i.e., for student-athletes enrolled in the 2007-2008 academic year) and will not apply retroactively.

(3) Rationale. The committee developed this recommendation after an extensive review of comprehensive data demonstrating the academic impact of transferring on an individual's path to graduation and the impact of transfer student-athlete behavior on APR and graduation rates. The data indicates that transfer student-athletes generally take longer to graduate; further, their probability of graduation decreases after transferring. However, data indicates the effect of transferring is mitigated based on a student-athlete's academic profile at the time of transfer. This data was analyzed in an effort to assess which variables were the most accurate in predicting academic success and APR data confirms retention is a strong predictor of graduation, as measured by either the federal methodology or Graduation Success Rate (GSR). As such, the committee's recommendation for adjustment opportunities, rather than altering the APR calculation for all transfers, is the more appropriate option. Initial research indicates that permitting an adjustment for a student-athlete who departs an institution with a strong academic record will not have an adverse impact on the correlation between GSR and APR. In addition, maintaining the current calculation of the APR, while permitting adjustments for transfer student-athletes under specified circumstances, reinforces the importance of retention both statistically and as an administrative tool while allowing the metric to be sensitive to individual circumstances. Additionally, given that this adjustment opportunity will not be applied retroactively, the committee directed the staff to consider those student-athletes from a pre-2007-08 APR cohort that would have satisfied the established criteria during its review of an institution's penalty waiver request.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

INFORMATIONAL ITEMS.

1. Preliminary Observations from the Fourth Year of NCAA Division I Academic Performance Program (APP) Data. The committee received a preliminary summary of findings from the APR data submitted this fall, which represented four years of APP data collection (i.e., 2003-04 through 2006-07). The data indicate a positive trend in

improvement in men's basketball, baseball and football squads. In addition, initial estimates point to fewer teams than initially projected being penalized in football, men's basketball and baseball. The committee was reminded that projections presented were based on preliminary data subject to change. The committee also received an update regarding APR adjustment requests, data submission extensions, penalized teams and penalty waivers submitted to date and was reminded the public release of the data will occur later this spring.

2. **Occasion-Four Historical Penalties.** The committee reviewed the application of the Occasion-Four Historical Penalty. In developing the Occasion-Four Restricted-Membership Penalty, the Incentives/Disincentives Working Group noted the importance of severe penalties serving as deterrents within the historical-penalty structure. As such, the penalty was designed so that restricted membership status shall apply to the institution's entire athletics program (i.e., all sports teams), rather than only to the low-performing team, for a period of one year. Further, if, at the end of the one-year restricted-membership period, the penalized sports team does not improve enough to meet the benchmarks of the historical-penalty structure, the institution shall be reclassified as a corresponding member. While the penalized institution would not have to discontinue its varsity sports programs and, thus, could continue to award athletics scholarships and sponsor sports teams, it is certain to face challenges in scheduling competitions and in public relations. Further, it is possible conference sanctions could apply if the institution loses full membership status. The committee requested the staff provide additional information in April, including the number of institutions subject to historical penalties in 2007-08 with a breakdown of teams subject to penalty by sport and by institutional resources.

3. **Timing of Occasion-Three Historical Penalties.** The committee amended its policies and procedures to stipulate that Occasion-Three Historical Penalties must be imposed in the academic year subsequent to notification of APR and penalties, and that the cumulative penalty package (i.e., Occasion-Two and -Three Penalties) should not be separated. This will facilitate the consistent application of Occasion-Two and Occasion-Three Historical Penalties.

4. **Possible Adjustment to APR calculation to Account for Institutional Characteristics.** The committee continued its discussion regarding the inclusion of institutional characteristics as factors in the calculation of the APR. The committee reviewed two examples of APR metrics that alter the APR formula to consider institutional characteristics. The examples provided were based on an equation that related APR to institutional resource levels, which considered institutional per capita educational expenditures, per capita athletics expenditures and average Pell Grant received. While the committee is interested in continuing to explore this concept, it decided to wait until

after the NCAA Division I Academic Performance Program Supplemental Support Fund (SSF) has been in effect for a few years to measure the impact of the additional funding on the APR performance of limited-resource institutions.

5. **Access to Athletics Activities (e.g., Summer Workouts) Incentive Concept for Women's Basketball.** The committee reviewed the initial draft of the athletics activities incentive concept for women's basketball, which is designed to provide opportunities for increased access to women's basketball student-athletes through skill instruction for teams achieving academic success. The committee was asked to provide comments and feedback regarding the draft recommendation to the NCAA Division I Women's Basketball Issues Committee. The proposed incentive indicates that for a institutionally designated, consecutive eight-week block during the summer, women's basketball student-athletes, including incoming freshman, continuing and transfer student-athletes, who are enrolled in a minimum of six hours of academic credit in any of the institution's summer sessions, would be permitted to engage in countable athletically related activities (e.g., conditioning, weight training, skill instruction, scrimmages). The countable athletically related activities could occur for a maximum of eight weeks and, within those eight weeks, for a maximum of three days per week and up to eight hours per week. In order to qualify for this incentive, the women's basketball team's most recent four-year APR would have to be documented at 975 or higher. At this benchmark, it is estimated that approximately 33 percent of teams would earn the incentive. It is anticipated that the Women's Basketball Issues Committee will consider this concept and review additional data at its January 2008 meeting, and then will have a recommendation for the Committee on Academic Performance to review at its April 2008 or July 2008 meeting.

6. **Occasion-Two Historical Appeals Process.** The committee amended the Occasion-Two Historical Penalty waivers policies and procedures to preclude the presence of those staff members who have had direct involvement with the case during the committee's deliberation session to ensure the integrity of the process. This modification clarifies the NCAA staff involvement during the committee's deliberation. [Attachment]

7. **Occasion-Three and Occasion-Four Historical Penalty Waivers and Appeals.** The NCAA Division I Committee on Academic Performance Subcommittee on Appeals reviewed the policies and procedures for waivers of Occasion-Three and Occasion-Four Historical Penalties. The policies provide opportunities for institutions to be present at in-person waiver hearings before the Committee on Academic Performance. Anticipating the number of teams that could be subject to Occasion-Three and Occasion-Four penalties, the Subcommittee on Appeals began discussing possible revisions to the policies in order to ensure all anticipated waivers can be processed in a timely manner. At present, the staff has no authority to make decisions for Occasion-Three and

Occasion-Four penalty waivers. The committee discussed making changes to the existing policies that would achieve the following:

a. Ensure waiver decisions can be rendered in a reasonable and timely manner, given the significant penalties and the need for a full committee hearing in some cases;

b. Ensure committee members' time is used prudently and effectively, including exploring the use of committee working groups to facilitate decisions;

c. Ensure NCAA staff members are able to provide the committee with sound analysis of each case, which could include staff authority to approve cases;

d. Ensure all institutions desiring to present their respective cases in person to the full committee are provided that opportunity; and

e. Ensure the committee and staff are sensitive to the public interest in penalty waiver decisions and that the procedures for releasing decisions are consistent.

The committee requested the Subcommittee on Appeals forward a recommendation for final review during the committee's April meeting.

8. Amendment to the APR Adjustment Directive for Student-Athletes Who Pursue Professional Athletics Careers on Multiple Occasions. The committee revised the APR adjustment directive to permit an institution to request an adjustment for a student-athlete who returns to the APR cohort following a professional departure and eventually loses points due to the pursuit of a subsequent professional sports opportunity. In these cases, the adjustment will be available when a student-athlete returns to the original institution in a regular academic term following his or her initial departure to pursue professional athletics. The adjustment would be considered for lost eligibility and retention points provided the mitigation involved another professional opportunity and the student-athlete earned the eligibility point in the term in which he or she initially departed the institution to pursue professional athletics (i.e., the student-athlete previously earned 1/1 in the term prior to the professional departure). The committee noted it is reasonable to expect a student-athlete who returns to an institution full time following an attempt to become a professional athlete to depart the institution if another professional athletics opportunity develops. In addition, this amendment to the directive may encourage institutions to provide athletics aid to such student-athletes to complete their degrees and would be an incentive to reduce the number of student-athletes who depart an institution academically ineligible. By requiring the student-athlete to have earned the eligibility point in the term when the student-athlete initially departed to

pursue professional athletics, institutions are still held accountable for such student-athletes' academic performance. Further, student-athletes are encouraged to maintain good academic standing prior to initially departing to pursue professional athletics careers so they will be able to return to complete their degrees in the future. This policy change is effective with the collection of the 2007-08 APR data and will apply retroactively to those years included in the four-year rate.

9. **APP Data Reviews.** The Subcommittee on Data Collection and Reporting received a progress report on the 20 institutions selected to have their APP data reviewed for the 2007-08 academic year. The data review includes an audit of institutionally submitted APP data from the 2003-04, 2004-05 and 2005-06 academic years. The Subcommittee on Data Collection and Reporting also was informed that the staff is completing the data reviews of four institutions for which part or all of the 2006-07 review was suspended and noted that one of the four institutions will have its data review rescheduled for 2008-09 due to enforcement issues. It is anticipated that the Subcommittee on Data Collection and Reporting will complete all reviews and issue final reports later this spring.

10. **APP Data Collection and Reporting Policy for Institutions that Discontinue Sports Which Are Reinstated in Subsequent Years.** The Subcommittee on Data Collection and Reporting began initial discussions on establishing a policy to address how APR data and penalties from previous years should be treated when an institution discontinues a sport and later reinstates the sport at the Division I level. For example, it is anticipated that some institutions will reinstate sports at the Division I level as they recover from Hurricane Katrina. NCAA Bylaw 3.2.4.4 requires all active Division I institutions and institutions sponsoring an NCAA Division I sport to submit APR and GSR data on an annual basis. The Subcommittee on Data Collection and Reporting agreed that institutions should resume reporting APR data beginning with the academic year in which the sport was reinstated and competition was resumed. However, the Subcommittee on Data Collection and Reporting directed the staff to work with the NCAA research staff to determine how the squad-size adjustment may apply in these scenarios. It is anticipated that the Subcommittee on Data Collection and Reporting will finalize this policy at its April meeting after consideration of additional information.

11. **Potential Revisions to the APP Data Collection Process.** The Subcommittee on Data Collection and Reporting considered a request from the staff to combine the corrections and adjustments phases of the APP data collection process. The Subcommittee on Data Collection and Reporting expressed some concern with the proposed change, as the membership has just started to become accustomed to the current data collection process. The Subcommittee on Data Collection and Reporting directed the staff to review the entire data collection process, including the corrections and adjustments phases. In addition, the Subcommittee on Data Collection and Reporting suggested that the staff seek feedback from focus groups comprised of institutional personnel responsible for

APP data submission and, if possible, to create a pilot group of institutions in the next reporting year that will use a different data collection timeline.

12. **Request from a Member Institution Related to the Timeline to Apply a Contemporaneous Penalty.** The committee reviewed a request from an institution to allow a contemporaneous penalty to be applied in the current year when the team anticipates a contemporaneous penalty in the next academic year. The committee did not approve the request and noted that during the penalty waiver process the institution could present its imposition of penalties in advance as mitigating circumstances.

13. **Request from a Member Institution Related to APR Adjustments for Transfers Who Depart an Institution Eligible.** The Subcommittee on Data Collection and Reporting reviewed correspondence from a member institution requesting relief for student-athletes who transfer to other institutions and were in good academic standing at the time of their departure. The institution also requested that student-athletes who graduate with eligibility remaining be removed from the APR cohort. The Subcommittee on Data Collection and Reporting noted the committee's action on the issue of transfers who depart their institution in good academic standing. In regard to the second issue, the Subcommittee on Data Collection and Reporting reiterated its opposition to removing from the APR cohort student-athletes who graduate with eligibility remaining because data has demonstrated that these student-athletes typically have a positive impact on team APRs. The Subcommittee on Data Collection and Reporting also asserted 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.

14. **APR Improvement Program.** The committee received an update regarding the APR Improvement Program. Elements of the program include education outreach to member institutions seeking to improve the academic performance, graduation and retention of student-athletes; APR Improvement Plan development and review; and staff support to institutions seeking APR improvement strategies. Since June, the staff has assisted over 160 institutions in understanding APR scores, advising campus teams regarding the planning process and sharing best practices. APR Improvement Plans reported to the national office are evaluated and constructive feedback is provided to institutions. Also the -staff is conducting instructional conference calls with campus APR Improvement Plan development teams who submitted plans needing further development.

15. **Supplemental Support Fund.** The committee received a report regarding the implementation of the Supplemental Support Fund, which is available for new or enhanced programs developed to support academic reform and for professional development opportunities for individuals providing academic support services to student-athletes. Thirty-six limited-resource institutions are eligible for funding support

and applications are currently being reviewed. Institutions eligible for the SSF participated in fall educational workshops addressing APR policies and improvement strategies delivered in partnership with the National Association of Academic Advisors (N4A).

16. Ongoing Educational Initiatives. The committee received an update regarding educational initiatives conducted by the national office and partner organizations to assist institutions in implementing strategies to support academic reform. Fall APR newsletters were distributed to the National Association of Basketball Coaches (NABC) and the Women's Basketball Coaches Association (WBCA). The National Academic Advising Association (NACADA) sponsored a fall APR Improvement Plan webinar delivered to over 200 participants. Twenty-five academic support professionals completed an N4A training program to serve as consultants available to provide reviews of academic support service programs, with an emphasis on strategies to improve APR. The next offering of the NACADA online introductory course will begin in February and the second NACADA academic reform summer institute for campus APR improvement teams will be held in June in Portsmouth, Virginia.

17. NCAA Division I Men's Basketball Academic Enhancement Group. The committee received an update regarding the work of the Division I Men's Basketball Academic Enhancement Group and learned the group will be conducting its second in-person meeting in January to continue examining the current academic climate in men's basketball and developing strategies to enhance the academic performance and graduation rates in that sport. The committee heard status reports from committee and staff members who are working with each of the five subcommittees. The group intends to develop its final recommendations later this year. The committee supports the group's work and requested regular updates as the group continues its deliberations.

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

Excerpt from the NCAA Division I Committee on Academic Performance Policies and Procedures Guide for Occasion-Two Historical Penalty Appeals Procedures

Appeal of Staff Decision

The committee has authorized the Subcommittee on Appeals to consider all appeals of staff decisions involving Bylaw 23.2.1.2.2, Occasion-Two Financial Aid, Playing and Practice Season and/or Recruiting Limitations.

After the staff has rendered a decision, the institution may appeal the decision to the subcommittee. The subcommittee's decision is final and is not subject to further review by any other authority.

Subcommittee members may not discuss a pending request with the staff processing the case or institutional representative(s) without all parties having the opportunity to participate. However, the staff supporting the work of the committee may contact the subcommittee chair to arrange a teleconference or to discuss procedural matters relevant to processing an applicant's request. Further, the subcommittee members may contact the staff supporting the work of the committee to request that additional information about the case be submitted.

Appeal Procedures

A member institution must submit the appeal of a staff decision to the NCAA national office. All notices must be submitted using the LSDB*i* portal. The online appeal program will produce a signature page that must be signed by the chancellor or president and provided to the NCAA national office.

The application must set forth the rationale for the appeal. In addition, the appeal must identify all team penalties which the institution wishes to appeal. The appeal will be considered a single case and will not be complete until each team penalty is addressed.

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.

Any appeal filed after seven-calendar days must include an explanation of why the appeal was not filed within the prescribed time period. The chair of the subcommittee must determine whether any appeal filed after seven-calendar days may be filed. *(Revised: 4/2007)*

An appeal of a staff decision will be heard via teleconference. After submission of the appeal, the staff will schedule a teleconference call and notify the institution and subcommittee of the date and time. In addition, the staff handling the case will review the application and ensure it is complete. The staff handling the case will also contact the institution to verify that all facts and assertions are accurate. This must be done prior to the case being forwarded to the subcommittee.

Appeal Participants

Each of the following individuals from the institution must participate in the appeal: (a) chancellor or president (or his or her designee); (b) athletics director or senior woman administrator; (c) faculty athletics representative; (d) head coach of the penalized team(s); and (e) any other individuals whose presence was requested by the subcommittee.

The institution at its discretion may permit other institutional staff members and conference office staff members (e.g., conference commissioner) to be on the teleconference for the appeal.

An institution and any individual whose presence has been requested by the subcommittee may have legal counsel present; however, an individual must speak on behalf of himself or herself.

Student-athletes and noninstitutional or nonconference office staff members are not permitted to participate in the teleconference or be present on the call.

The lead NCAA administrator who handled the case (or a staff member with case administrative oversight responsibilities) and NCAA staff member(s) supporting the work of the committee must participate on the call.

The subcommittee chair, at his or her discretion, has the authority to remove a participant from participating or being present on the teleconference call. The subcommittee chair is not required to give advance notice/warning for removing any participants.

Documents Reviewed by the Subcommittee

The subcommittee will receive and review the notice of penalty, appeal application (including supporting documents), staff decision and rationale and applicant team(s) APP data. Prior to the teleconference, the subcommittee will distribute to the institution, NCAA staff and involved individuals an agenda of teams to be discussed and a list of specific documents that comprise the record the subcommittee will review.

Introductions

The subcommittee chair will call the teleconference meeting to order and introduce the members of the subcommittee.

Following introductions of the subcommittee, the chair of the subcommittee will ask the institution to select one person to speak on behalf of the institution (institutional spokesperson). This person must be someone who is employed by the institution on a full-time basis. An involved individual must speak on behalf of himself or herself.

institution will introduce its representatives followed by individuals whose presence has been requested by the subcommittee or the institution and conference office representatives.

The NCAA staff will introduce themselves.

After the introductions, the subcommittee chair may make announcements.

Review of the Appeal

The NCAA staff administrator who handled the case (or a staff member with oversight responsibilities) has 10 minutes per team to describe the facts of the appeal, applicable case precedent and the staff's rationale.

The institution's spokesperson will then have 10 minutes per team to describe the case and explain the reasons for requesting that the staff's decision be overturned or modified.

The chair or acting chair is responsible for monitoring the time. Following the description of the case, the subcommittee members may ask questions of all participants. Once all questions have been answered, the call will conclude with the staff and institution each providing one five-minute closing statement. The closing statement must be conducted by the institution's spokesperson and the staff member who presented the case.

Deliberations and Decision

At the conclusion of the teleconference, the subcommittee members must deliberate. Neither the institution, conference, nor NCAA staff member(s) handling ***or presenting*** the case, ~~or with case administrative oversight responsibilities~~, may be present for the deliberations. NCAA staff members supporting the committee will be present during deliberations but will not be the same staff member(s) handling the case.

A simple majority of subcommittee members present and voting is necessary for a decision. The chair, or acting chair on a particular appeal, shall not vote unless there is a tie vote among present and voting members. In situations where there is a tie vote, the chair shall cast the deciding vote.

Written confirmation of the decision must be provided by the subcommittee to the institution within 21-calendar days of the decision.