REPORT OF THE
NCAA DIVISION I COMMITTEE ON ACADEMIC PERFORMANCE
JULY 8-9, 2009, MEETING

***ACTION ITEMS*.**

1. Legislative Items.

a. NCAA Division I Academic Performance Program (APP) -- Definitions and Applications -- NCAA Division I Academic Progress Rate (APR) -- Definition of Cohort.

(1) Recommendation. The NCAA Division I Committee on Academic Performance recommends the NCAA Division I Board of Directors sponsor and adopt noncontroversial legislation to codify the definition of the APR cohort in NCAA Bylaw 23.02.1. [Attachment A]

(2) Effective Date. Immediate.

(3) Rationale. This revision does not change the APR cohort definition currently used to determine a team's APR; rather, the revision will make the language contained within the Manual general in nature and the specific details will be available to the membership in the committee's policies and procedures. The committee noted the need to ensure the legislation in the Manual accurately references current policies and procedures, including changes the committee has made to the cohort definition in response to membership feedback. The committee will continue to notify the membership of any changes to the cohort definition in a timely manner. This proposal is being recommended as noncontroversial legislation, inasmuch as there does not appear to be a significant impact on existing or proposed legislation.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

b. APP -- Penalties and Rewards -- Penalties -- Determination of Penalties.

(1) Recommendation. The committee recommends the Board sponsor and adopt noncontroversial legislation to codify the APP penalty structure in Bylaw 23.2.1.1. [Attachment B]

(2) Effective Date. Immediate.

(3) Rationale. These revisions do not change how penalties are determined or calculated; rather, the revisions will make the language contained within the Manual general in nature and the more specific details will be available in the committee's policies and procedures. The committee noted the need to ensure the legislation in the Manual accurately references current policies and procedures, and it will continue to notify the membership of any changes in a timely manner. This proposal is being recommended as noncontroversial legislation, inasmuch as broader consultation and debate are unlikely to improve the proposal in any substantial way, and there does not appear to be a significant impact on existing or proposed legislation.

(4) Estimated Budget Impact. None.

(5) Student-Athlete Impact. None.

2. Nonlegislative Item.

- **NCAA Division I Board of Directors Academic Performance Program Historical Penalties Appeals Subcommittee Review of Occasion-Three and -Four Historical Penalty Waiver Appeals.**

(1) Recommendation. The committee recommends the Board approve revisions to the APP policies and procedures for Occasion-Three and -Four Historical Penalty waivers and appeals as follows:

(a) To specify that the APP Historical Appeals Board Subcommittee shall have the authority to remand a case back to the committee to be considered in accordance with the committee's policies and procedures and in light of the subcommittee's decision regarding the specific issue(s) raised in the appeal;

(b) To permit the chair of the APP Historical Appeals Board Subcommittee to vote in all cases; and

(c) To specify that the Board's chair shall have the authority to appoint substitute members to the APP Historical Appeals Board Subcommittee, as needed.

(2) Rationale. Permitting the subcommittee to remand a case will center the subcommittee's focus on the specific issues raised in the appeal and on rendering decisions regarding allegations of abuse of discretion. Further, remanding a case back to the committee will return the authority for establishing penalties to the committee, which has appropriate expertise and experience in this area. Given the size of the subcommittee, it is appropriate to permit the chair to cast a vote for all cases, rather than being limited to a tie-breaking vote. Finally, specifying the Board chair's authority to appoint substitute members brings the subcommittee's policies in line with established Board practices. The excerpts outlined in Attachment C include these policy changes.

(3) Estimated Budget Impact. None.

(4) Student-Athlete Impact. None.

***KEY ITEMS*.**

1. APP Historical Penalties Policies and Procedures. After reviewing the Occasion-Three Historical Penalty process from 2008-09, the committee agreed to minor procedural revisions to increase the efficiency and effectiveness of penalty hearings. In addition, the committee approved amendments to its policies and procedures regarding APP Historical Penalties, including development of a mechanism by which the APP Historical Appeals Board Subcommittee may remand cases back to the committee, staff authority to approve partial waivers of Occasion-Three Historical Penalties and flexibility for institutions to revise the relief requested during in-person hearings. The committee policies and procedures documents will be updated to reflect these changes and circulated to the membership after the committee's review.

2. Public Release of APR and Penalty Information. The committee agreed to shift its philosophy and public relations approach to provide for greater transparency in the communication of APRs and APP penalty information. As a result, the committee and staff will be better positioned to explain penalty and appeal decisions and to respond to media inquiries regarding information released by member institutions prior to the annual announcement and posting of APRs and APP penalties. Providing timely, informative responses to media inquires related to the APP will advance public understanding and will best position the committee and the staff to emphasize the fairness and continued effectiveness of academic reform efforts.

INFORMATIONAL ITEMS.

1. **Head Coaches' APR Portfolio.** In January 2009, the Board charged the committee with development and implementation of a publicly available database for reporting APRs for all teams led by Division I head coaches. To that end, the committee approved the 2009-10 technical instructions for the submission and verification of employment data within the APP for all head coaches for baseball, men's and women's basketball, football and women's indoor and outdoor track and field. The committee also noted that a question and answer document was developed by the staff to assist member institutions. Both documents will be incorporated into the APP Data Collection Guide and will be made available to the membership through various informational outlets.

   At the request of the Board, the committee also discussed the possibility of identifying other institutional representatives (e.g., chancellor/president, director of athletics) within the portfolio. Given the additional complexities and institutional administrative burden associated with reporting this information, the committee did not elect to include such information at this time, but agreed to revisit this concept in fall 2011, after the current Head Coaches' APR Portfolio initiative has been fully implemented and evaluated. The committee particularly noted that requiring institutions to report additional institutional personnel would increase institutional administrative burden at a time when institutions are experiencing a reduction in resources and increases in the submission of academic data (i.e., two-year college transfer information and head coaches' information).

2. **Head Coaches' Dashboard.** The Board also asked the committee to explore the viability of a secure Web site that would display for each head coach the academic profile of entering student-athletes by year; the Head Coaches' APR Portfolio; major enforcement actions; and APP penalty history by year. The committee agreed to form a subgroup of committee members to examine issues related to development of the dashboard. The subgroup will provide a progress report on its work during the October meeting.

3. **Public Release of APR and Penalty Information.** The committee received a summary of the most recent public release of institutional APRs and APP penalties, which occurred May 6, 2009. As a result of this discussion, the committee revised its philosophy regarding its public relations efforts to provide greater transparency in the communication of APP penalties. In prior years, the committee's public relations philosophy and approach allowed for teams and member institutions to exhaust all possible appeal opportunities before public release of team APRs and penalties. This approach was intended to allow appropriate time for the Division I membership to understand APR mechanics, to adjust to new data collection and reporting procedures,

and to frame APP-related information in the context of locally initiated campus efforts to improve academic performance. Several years later, as the program enters into its most serious phase of APP penalties, there is increased public and media interest in transparency, especially regarding how penalties are determined and the historical penalty appeals process. Further, given the membership's increasing familiarity with the APP, member institutions now are better positioned to respond to more detailed inquiries that may occur if additional information regarding penalty appeals is shared by the NCAA national office. Providing timely, informative responses to media inquiries related to the APP program will advance public understanding and will best position the committee and the national office staff to emphasize the fairness and continued effectiveness of academic reform efforts. For example, consistent timing in the release of APR and penalties will be maintained; however, when an institution releases APP-related information prior to the NCAA's release date, the committee and/or staff will provide an informative response to resulting media requests. In addition, the committee and/or staff may choose to release details regarding the rationale of its appeal decisions or specific information regarding mitigating factors that might prevent or cause a team to be subject to penalties.

4. **Future Reviews of Occasion-Three and -Four Historical Penalty Waivers.** In anticipation of increased Occasion-Three and -Four Historical Penalty waivers in future years, the committee considered several alternatives for review of penalty waiver requests. Given the significance of Occasion-Four Historical Penalties, each team subject to an Occasion-Four Historical Penalty will be required to attend an in-person hearing with the committee, unless the staff provides full or conditional relief. The committee amended its policies and procedures to permit the staff to provide partial relief to teams subject to Occasion-Three Historical Penalties, whether for the first time or in a subsequent occurrence. Allowing the staff to make decisions on teams that may not need to appear before the committee should increase the committee's efficiency and should reduce institutional expenses. Institutions subject to Occasion-Three Historical Penalties still may have an in-person hearing when the staff is unable to provide partial relief or when the institution is not satisfied with the partial relief granted by the staff. The committee will review all decisions made by the staff and will provide guidance and feedback when necessary. In addition, the committee asked for a report at its October meeting regarding the possible volume of Occasion-Three and -Four Historical Penalty waivers in future years, including the number of cases the committee may be required to review.

5. **Institutional Authority to Request Additional Relief from Occasion-Three and -Four Historical Penalties.** The committee amended its policies and procedures to permit an institution to revise the level of relief originally requested in its waiver

application during its in-person hearing. The committee noted that circumstances may develop during or in preparation for a penalty waiver hearing that compel an institution to request relief that was not outlined in its original waiver request. The committee stopped short of extending its own authority, which is limited to providing relief that is no greater than what was requested by the institution. The committee noted the appropriateness of deferring to institutional discretion in electing to impose penalties or in choosing to refrain from seeking relief of certain penalties. Further, it does not wish to undermine such actions on the part of institutional leaders who may intend to use APP penalties as motivation to change team or institutional culture.

6. Occasion-Four Historical Penalties. The committee reviewed the current application of Occasion-Four Historical Penalties, including the possibility that an institution's entire athletics program could be placed in restricted membership status beginning in 2010. The committee noted that Occasion-Four Historical Penalties were intended to be more significant than a postseason competition restriction when a team historically has underperformed and has failed to improve academically. However, some concerns have been raised regarding the severity of such penalties and the possibility that teams that have performed well academically may be subject to postseason competition restrictions due to the underperformance of another team at the same institution. The committee noted that several possible alternative penalty decisions exist, primarily through the current waiver process, and it charged the staff to develop draft principles to guide the committee's consideration of Occasion-Four Historical Penalty waivers. The committee specified that the principles should maintain a focus on the academically underperforming team and should allow the staff and committee flexibility to provide appropriate penalty relief for a team and/or institution based on academic performance and mitigating circumstances.

7. Conditional Waivers of Occasion-Three Historical Penalties. The committee discussed the process for reviewing fulfillment of conditionally approved Occasion-Three Historical Penalty waivers. Conditions imposed generally included a target single-year APR and acceptable implementation of the institution's APR Improvement Plan. Such reviews will begin with the staff reviewing the team's APR data and information regarding the implementation of the institution's APR Improvement Plan. If the staff determines the team has not satisfied the conditions of the waiver, the institution may appeal the decision to the committee. The committee determined that it generally will consider such appeals via teleconference, while reserving the opportunity to forward cases to in-person meetings of the committee as needed. Per current policies, institutions will not participate in the teleconferences or in-person reviews of appeals of conditional waivers. The committee's decisions will be final and will not be subject to further review. Finally, if a conditional waiver is not satisfied and further relief is not provided by the committee, an institution must impose the resulting penalties in the academic year

following denial of the appeal (i.e., appeals denied in 2009-10 result in imposition of penalties in 2010-11).

8. Application of Practice-Day Reduction Penalty for Occasion-Two Historical Penalties in Basketball. The committee reviewed the application of the practice-day reduction penalty when a team is subject to Occasion-Two Historical Penalties, and specifically discussed how a basketball team should apply the penalty when it plays three contests in one week. Under current APP policies, any team subject to Occasion-Two Historical Penalties that does not meet the improvement review must reduce the team's weekly practice time by four hours per week; further, this time must be taken on the same day and must be replaced with academic support activities. This day off from practice is intended to be in addition to the required day off from weekly countable athletically related activities, as specified by NCAA legislation. However, Bylaw 17.1.6.4.7 provides an exception to the day-off requirement when a basketball team has three contests in one week, provided the team takes an additional day off in the week before or after the three-contest week.

The committee determined that when a basketball team subject to the additional day-off APP penalty plays three contests in one week, it still shall be required to take a day off to fulfill its historical penalty. If the institution uses the legislated exception for the one-day-off-per-week requirement when it has three contests in the same week, the following requirements will apply:

a. The team will not impose the APP additional day-off penalty during the week the team satisfies the condition of the legislated exception (i.e., the week it does not engage in any countable athletically related activities for two days), and

b. The team will replace the four hours of missed practice time for one of those two days with approved academic support activities that must be completed on the same day.

Accordingly, staff will revise the previously issued educational column that provides information regarding the practice-day reduction penalty and a list of acceptable academic support activities in which penalized teams may engage to replace reduced practice time.

9. Policies and Procedures for Institutions No Longer Qualified as a "Limited Resource" Institutions. Currently, institutions identified as lacking sufficient financial resources to quickly and reasonably engage in academic enhancements (i.e., bottom 10 percent among Division I institutions) are given additional consideration within the APP.

These institutions are identified annually by comparing institutional, athletics and student-body resource levels at all Division I institutions. When considered for APP penalties, institutions identified in the tenth percentile typically receive waivers of contemporaneous penalties and may avoid historical penalties if their team(s) can demonstrate significant improvement. Further, institutions with the most limited resources are also eligible to apply for the NCAA Division I Academic Performance Program Supplemental Support Fund (SFF). However, regular adjustments of institutions near the tenth percentile determination point occur each year due to natural fluctuations of circumstances at these institutions. In addition, institutions joining Division I as active members often have limited resources and may displace some institutions previously identified in the tenth percentile. In addition, institutions that previously have been identified as "limited resource" institutions assume they will continue to be in this category in subsequent years and will continue to receive additional consideration with regard to penalties and the SSF. In order to address these circumstances and to ensure consistency in subsequent years, the committee approved the following policies and procedures:

a. Written notice will be provided by the staff to institutions ranking in the bottom 10 percent based on institutional resources and to institutions no longer within the tenth percentile.

b. If an institution was previously eligible for the SSF and has received a multiyear award, the institution will continue to be eligible to receive funds pursuant to the multiyear award.

c. If the institution has a team subject to a contemporaneous and/or historical penalty, the institution no longer will receive additional resource consideration in the review of a waiver request; however, its previous identification as an institution in the tenth percentile will be considered as mitigation in the penalty waiver process. While this consideration will not result in automatic relief of the penalty, it will be a factor the committee includes among others in rendering a decision.

d. Multidivisional institutions (i.e., Division II or III institutions that typically sponsor one or two sports at the Division I level) will not be included in the determination of the tenth percentile of institutions based on resources.

10. Transfer Requests under Bylaw 14.8.2. The committee approved amendments to its policies and procedures regarding the review of waiver requests for a student-athlete who transfers when his or her team is subject to a restriction on postseason competition due to APP penalties for the remainder of the student-athlete's seasons of eligibility, as

permitted in Bylaw 14.8.2. Such requests may be initiated only by a member institution through existing procedures for the submission of a waiver to the NCAA Division I Legislative Council Subcommittee on Legislative Relief. Additionally, Bylaw 14.8.2 stipulates that, in order to receive the waiver, the APP penalty must preclude the student-athlete's team from participating in postseason competition during all remaining seasons of the student-athlete's eligibility. To this end, only remaining seasons of eligibility will be considered, not the amount of time remaining on the student-athlete's "five-year clock." Therefore, the waiver due to the APP postseason competition penalty should be available only to student-athletes with one season of eligibility remaining.

The committee developed recommended guidelines for review of such waiver requests by the Subcommittee for Legislative Relief. All waiver requests should include information regarding the academic impact of the student-athlete's transfer and should be signed by the student-athlete. The following information should be included to describe the academic impact:

a. The student-athlete's career APR eligibility- and retention-point history;

b. The student-athlete's grade-point average and credit hours earned; and

c. The impact of the transfer on the student-athlete's anticipated date of graduation.

The committee or the staff, at the direction of the committee, will have the authority to review waivers of the transfer residency requirement under Bylaw 14.8.2 in order to provide a recommendation to the Subcommittee for Legislative Relief. The staff will provide an annual report of all requests and decisions to the committee. Further, the penalized team that loses a retention point due to the student-athlete's transfer will receive an APR adjustment for the lost retention point when the committee recommends an approval of a waiver of the residency requirement under Bylaw 14.8.2, the Subcommittee for Legislative Relief approves the transfer waiver, and the student-athlete immediately enrolls in the new four-year institution.

Finally, notice of the availability of the waiver and waiver decisions will be provided as follows:

a. Penalized teams will be notified of the process via correspondence from the committee.

b. Penalized teams will be notified of all decisions for student-athletes transferring from their institutions.

c. Student-athletes will be notified of this option by the institutions they attend.

11. APP Penalty Waiver Directive Updates for Conditionally Approved Waivers. The committee approved specified amendments to the APP penalty waiver directive [Attachment D] regarding the criteria that the staff and subcommittee should consider when reviewing conditionally approved penalty waivers in future academic years. The 2008-09 academic year was the first year that the staff and subcommittee reviewed conditional waivers of Occasion-Two Historical Penalties, and the amendments are based on the experience from the first year of reviewing such waivers.

12. Multiyear Conditional Approval of APP Penalty Waivers. The Committee on Academic Performance Subcommittee on Appeals considered the option of providing multiyear relief from APP penalties by applying multiyear conditions in conditionally approved penalty waiver cases. This concept was considered because multiyear APR goals designed to move a team's APR above 925 now are required in APR Improvement Plans. After considering a number of scenarios, the Subcommittee on Appeals decided to maintain the current practice of using single-year conditions, as this keeps institutions engaged in the process of moving teams above the penalty benchmarks and creates a level of accountability by requiring institutions to request a waiver each year a team is below a penalty benchmark. Further, the current system allows the staff and Subcommittee on Appeals to determine if additional conditions (such as single-year retention or eligibility targets) are needed at each review, based on the team's evolving circumstances. Finally, it was determined that the costs of establishing and monitoring a multiyear conditional waiver process outweighed the potential benefits.

13. APR Adjustment Directive. The committee approved the APR adjustment directive, effective immediately [Attachment E]. At its April 2009 meeting, the committee approved two amendments to the directive regarding the processing of APR adjustment requests for student-athletes who depart their institutions to pursue professional athletics as a vocation and for student-athletes who participate in Olympic and international competitions. Accordingly, the directive has been updated to reflect these changes.

14. APR Calculation for Student-athletes who Graduate with Eligibility Remaining. The committee affirmed its position regarding the inclusion of postgraduate student-athletes in the APR cohort. Currently, the APP cohort includes student-athletes who have graduated, but return to their institutions to complete their athletics eligibility. In the calculation of the APR, student-athletes who have graduated are automatically awarded the "R" point for each term after graduation in which they are part of the cohort. However, in order to earn the "E" point, the student-athlete must pass six hours and be in good academic standing at the conclusion of each regular academic term after graduation in which he or she is enrolled full time. Therefore, a postgraduate student-athlete cannot

be awarded less than one out of two ("1/2") APR points in an academic term and cannot subject the team to contemporaneous penalties (i.e., they will not be "0/2").

Data indicate that the number of student-athletes who compete as postgraduates has increased, while the number of lost "E" points has decreased significantly for this group over the same time period. The data also indicate an increase in the number of postgraduate student-athletes who remain in the cohort for two terms following graduation. Across most sports, postgraduate student-athletes are positively contributing to team APR scores by earning almost all possible points. In particular, men's basketball, baseball and football have shown strong improvement in the academic performance of postgraduates during the past four years. In fact, if postgraduate student-athletes were removed from each team's cohort, 57 percent of squads would experience an APR decrease, and 37 percent would experience no change. In addition, the committee noted that all student-athletes representing institutions in athletics competition should be held to a minimum standard of academic performance. Removing postgraduate student-athletes from the APR cohort would reduce the motivation for institutions to ensure postgraduate student-athletes maintain academic progress in the final term. Although graduation is a primary goal of the APP, ensuring academic accountability of all student-athletes also is an important goal of the program.

15. Awarding of the Delayed-Graduation Point and Branch Schools. The NCAA Division I Committee on Academic Performance Subcommittee on Data Collection and Reporting discussed the concept of an institution earning a delayed-graduation point for a former student-athlete who graduates from either a branch campus of the institution or another institution that is part of the same state or university system. Current policy specifies that in order to earn the delayed-graduation point, the former student-athlete is required to graduate from the institution where he or she lost the APR point(s). In addition, the Subcommittee on Data Collection and Reporting noted that, for federal graduation purposes, the Department of Education recognizes an institution as a separate institution if it has an independent federal identification number. Therefore, for reporting federal graduation information, if a student-athlete transfers and graduates from a branch institution or a different institution within a state system and that institution has a federal identification number that is different than the original institution, the student-athlete is considered a graduate from the second institution. Based on this information, the Subcommittee on Data Collection and Reporting confirmed that in order to earn the delayed-graduation point, the former student-athlete must graduate from the institution where he or she lost the APR point(s) or from a state university-system institution or branch campus with the same federal identification number.

16. 2009-10 APP Data Reviews. The Subcommittee on Data Collection and Reporting reviewed a list of the 30 institutions selected for APP data reviews for the 2009-10 academic year. Twenty five of the institutions selected will complete Graduation Success Rate (GSR), Academic Performance Census (APC) and APR data reviews, and five institutions will complete reviews for GSR data only. Additionally, one institution from the 2008-09 review class will be extended into the 2009-10 academic year.

17. Implementation of APR Improvement Plans. Each year, APR Improvement Plans are evaluated by the staff to determine if institutions have implemented the plans submitted in the previous academic year. Implementation of previously submitted APR Improvement Plans is considered in the analysis of APP penalty waivers and in distribution of the SSF. The committee reviewed a list of commonly cited reasons for not implementing elements of APR Improvement Plans. The committee determined that, as it is entering the third year of required submission of APR Improvement Plans, institutions should face increased accountability to address the issues that are causing academic underperformance and to develop and implement an acceptable APR Improvement Plan. As a result, the committee specified that except for unique circumstances (e.g., natural disaster), the staff should not favorably consider any explanation offered by an institution for not implementing all critical element(s) of plan. However, the staff may favorably consider the following when evaluating implementation of an institution's plan:

a. Evidence that a critical element of the plan was addressed effectively by an alternative initiative or method not reflected in the original plan, or

b. Objective data that demonstrates that the previously identified issue is no longer a critical issue impacting the team(s).

These expectations will be included in the committee's policies and procedures and will be shared directly with institutions at the time that improvement plans are submitted and reviewed.

18. Penalties for Institutions that Fail to Submit Acceptable APR Improvement Plans. The committee amended its policies and procedures to specify that any institution that is required to create or submit an APR Improvement Plan, but fails to create or submit a plan meeting all committee specifications, will be subject to the following prescribed penalties:

a. Ineligibility to receive SSF grant monies for one year;

b. A presumption that any related penalty waiver(s) will be denied; and

c. Notification to the institution's chancellor or president and conference office that the institution failed to submit an acceptable APR Improvement Plan.

19. Discussion of Key APP Research Questions. The committee began an examination of the effectiveness of the review factors used to determine historical penalties and identified key research issues related to the APP for the coming year, including a review of historical penalty factors and their impact on improved academic performance and a review of the relationship between APRs and graduation rates. This topic will be explored during future committee meetings.

20. NCAA Cost-Containment Initiatives. The committee discussed several possible concepts to provide financial relief to the membership, given the current economic conditions. The committee noted that a significant portion of institutional expenditures related to the APP are related to annual data submissions (e.g., APR, APC and GSR) and concepts to reduce this burden on member institutions were implemented during the committee's April meeting. Even so, the committee intends to continue this review with the goal of increasing efficiency, rather than diminishing the importance of academics or delaying the effects of academic reform. To this end, the committee directed the staff to identify additional adjustments that could be submitted during the data submission phase, rather than filing adjustment request to the NCAA national office.

21. NCAA Division I Leadership Council's Review of Academic Criteria in the Membership Process. The committee began initial discussions related to the Leadership Council's comprehensive examination of Division I membership standards. Specifically, the committee noted the Leadership Council's intention to include some objective measures of institutional academic performance as part of the assessment of potential Division I members. In general, the committee agreed that the expectation that institutions are committed to ensuring the academic success of student-athletes should be made clear to prospective members. The committee will give further consideration to specific recommendations in response to formal requests for feedback, which it anticipates receiving later this year.

22. NCAA Division I Academic Cabinet Update. The committee received an update on the June 2009 Academic Cabinet meeting, specifically noting the cabinet's review of the division's initial-eligibility requirements and its initiatives related to nontraditional courses. The committee reviewed the goals and principles identified by the cabinet and

agreed that institutional responsibility to consider academic preparation and academic risk of prospective student-athletes must be maintained. Committee members also indicated that risk management is the responsibility of institutions, rather than the NCAA, and that practices, rather than outcomes, may be an appropriate focus of the cabinet. Some support also was expressed for ensuring new initial-eligibility rules do not expand or create new opportunities for abuse or misrepresentation of a prospective student-athlete's academic preparedness. The committee supports the cabinet's evaluation of the initial-eligibility requirements and looks forward to continued involvement in the review of potential initial-eligibility models at its future meetings.

The committee also noted the cabinet's examination of issues pertaining to nontraditional courses used to satisfy initial-eligibility requirements and the actions taken by the cabinet as preliminary steps to promote academic integrity and to ensure current legislation and policies are consistent with the academic goals and purposes of the Association. The committee noted the increased use of nontraditional courses is a significant issue, especially in light of rapid growth and evolution within the online educational environment. The committee is supportive of the cabinet's attention and actions to address the issue.

23. **NCAA Division I Men's Basketball Academic Enhancement Group Report.** The committee reviewed the April 2009 report of the Basketball Academic Enhancement Group. The committee discussed whether the report's recommendations adequately address the issues affecting the academic performance of men's basketball student-athletes, including the cultural issues regarding student-athletes' expectations of professional athletics opportunities after college and outside influences on student-athletes that do not emphasize academic achievement. Given these factors, the committee noted the importance of recommendations designed to address these issues, such as the engagement of parents or legal guardians in the recruitment process through payment of official visit expenses. The committee also noted the potential benefit of formally collecting feedback from campus administrators (e.g., academic advisors) on the practical impact and possible unintended consequences of the recommendations in the report. Finally, the committee noted it expects to have an opportunity to review and provide feedback on the group's final report during the committee's October meeting.

24. **NCAA Division I Football Academic Working Group Status Report.** The committee reviewed the Football Academic Working Group Status Report and specifically noted that football student-athletes in both subdivisions, particularly first-year student-athletes, lose a significant number of APR eligibility points during the competitive season. The committee discussed the recommendation to require football student-athletes to complete eligibility requirements in the fall term in order to avoid ineligibility for the first two

contests of the following season and some members noted an immediate penalty (e.g., lost of participation in a bowl game or competition in the current football season) may be more effective to motivate the desired academic behavior among football student-athletes. The committee also considered concerns expressed by the working group about the Head Coaches' APR Portfolio, but did not elect to change the planned format for the portfolio at this time. (See Informational Item No. 1 on Page No. 4.)

25. NCAA Division I Women's Basketball APR Review. The committee received an update regarding efforts to monitor APRs in women's basketball. In the most recent data, the number of "0/2s" in women's basketball increased significantly from 2006-07 to 2007-08 and the overall eligibility rates have decreased over the past two years in that sport. The NCAA Division I Women's Basketball Issues Committee will review the APR data at its October 2009 meeting and will determine the appropriate steps to address these issues.

Acting Committee Chair: *Melvin Johnson, Tennessee State University, Ohio Valley Conference*
Staff Liaisons: *Julie Cromer, Academic and Membership Affairs*
Diane Dickman, Academic and Membership Affairs
Kevin Lennon, Academic and Membership Affairs
Todd Petr, Research
Bill Regan, Academic and Membership Affairs

ATTACHMENT A

Proposal Number: 2009-?

Title: ACADEMIC PERFORMANCE PROGRAM -- DEFINITIONS AND APPLICATIONS -- ACADEMIC PROGRESS RATE -- DEFINITION OF COHORT

Intent: To revise the definition of the NCAA Division I Academic Progress Rate (APR) cohort, as specified.

Bylaws: Amend 23.02.1, as follows:

23.02 - DEFINITIONS AND APPLICATIONS

23.02.1 Academic Progress Rate.

The NCAA Division I Committee on Academic Performance shall have the authority to determine the minimum acceptable NCAA Division I Academic Progress Rate (APR), which shall include a calculation that accounts for currently enrolled student-athletes ~~*receiving institutional financial aid based in any degree on athletics ability or, for those institutions or teams that do not offer athletics aid, recruited student-athletes who:*~~

~~*(a) on or after the varsity team's first date of competition in the championship segment are listed on the varsity team's roster; or*~~

~~*(b) have exhausted eligibility and returned to the institution as a fifth year student to complete a baccalaureate degree.*~~, **as defined by the Committee on Academic Performance.**

The rate shall account for the institution's success in retaining and graduating all such student-athletes. Further, the rate shall account for the academic eligibility of the student-athletes including all applicable NCAA, conference and institutional academic eligibility requirements. The committee shall publish an explanation of the APR calculation to the membership annually.

Source: NCAA Division I Committee on Academic Performance.

Effective Date: Immediate.

Proposal Category: Amendment.

Topical Area: NCAA Division I Academic Performance Program.

Rationale: This revision does not change the APR cohort definition currently used to determine a team's APR; rather, the revisions will make the language contained within the Manual general in nature and more specific details will be available in the committee's policies and procedures. Current legislation does not reflect previous changes the committee has made to the cohort definition in response to membership feedback. Adoption of this proposal will eliminate the need to update the Manual each time the committee revises the definition of the APR cohort

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and/or creates additional exceptions to the APR cohort. This proposal is being recommended as noncontroversial legislation, inasmuch as broader consultation and debate are unlikely to improve the proposal in any substantial way, significant disagreement or alternative points of view will not be generated and there does not appear to be a significant impact on existing or proposed legislation.

Budget Impact: None.

Impact on Student-Athlete's Time: None.

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ATTACHMENT B

Proposal Number: 2009-?

Title: ACADEMIC PERFORMANCE PROGRAM -- PENALTIES AND REWARDS -- PENALTIES -- DETERMINATION OF PENALTIES

Intent: To revise the NCAA Division I Academic Performance Program (APP) penalty structure, as specified.

Bylaws: Amend 23.2.1.1, as follows:

23.2 PENALTIES AND REWARDS

23.2.1 Penalties.

The NCAA Division I Committee on Academic Performance shall notify an institution or team when it fails to satisfy the appropriate academic standards as outlined in the NCAA Division I Academic Performance Program (APP). The institution shall then apply the applicable penalty pursuant to the policies of the APP.

Bylaw 23.2.1.1 Determination of Penalties.

The Committee on Academic Performance shall apply ~~*three*~~ **multiple** levels of analysis when identifying those institutions or teams that fail to satisfy the academic performance program. The Committee on Academic Performance shall publish annually to the Division I membership the standards for determining unsatisfactory performance under the academic performance program. An institution or team may be required to apply penalties for failing to meet ~~*one filter, two filters or all three filters*~~ **the identified review factors, as determined by the committee's policies and procedures**.

~~23.2.1.1.1 - Level One -- Comprehensive Comparison of Academic Progress Rate -- All Sports.~~

~~One level of analysis shall compare the academic progress rates among all Division I athletics teams (every Division I team of both genders from every sport). The Committee on Academic Performance shall identify the minimum academic progress rate (APR) that successfully satisfies the level one analysis, and that rate shall be published annually to the membership.~~

~~*23.2.1.1.2 - Level Two -- Limited Comparison of Academic Progress Rate -- Same Sport/Same Gender.*~~

~~*23.2.1.1.3 - Level Three -- Comparison of NCAA Graduation-Success Rate.*~~

~~*This level of analysis shall use the graduation-success rate (GSR) of each of an institution's athletics teams and shall involve a comparison of that rate as specified in the policies and procedures of the academic performance program. The Committee on Academic Performance shall identify the standard that successfully satisfies the level three analysis and that standard shall be published annually to the membership.*~~

DRAFT

Source: NCAA Division I Committee on Academic Performance.

Effective Date: Immediate.

Proposal Category: Amendment.

Topical Area: APP.

Rationale: It is important to note that these revisions do not change how penalties are currently determined or calculated; rather, the revisions will make the language contained within the Manual general in nature and the more specific details will be available in the committee's policies and procedures. Current legislation does not reflect all elements of the penalty analysis. If adopted, this proposal will eliminate the need to update the Manual each time the committee revises the APP penalty structure and how those penalties are determined. This proposal is being recommended as noncontroversial legislation, inasmuch as broader consultation and debate are unlikely to improve the proposal in any substantial way, significant disagreement or alternative points of view will not be generated and there does not appear to be a significant impact on existing or proposed legislation.

Budget Impact: None.

Impact on Student-Athlete's Time: None.

ATTACHMENT C

Excerpt from the
NCAA Division I Academic Performance Program and NCAA Division I Committee on Academic Performance Policies and Procedures (Pages 88-96)

Board of Directors Subcommittee Review

Appeal of Committee Decision

A subcommittee of the Board of Directors, selected at the Board's discretion in number and members, has legislated authority to consider appeals of committee decisions involving Bylaw 23.2.1.2.3 Occasion-Three Penalties provided the basis for appeal meets the review standard.

After the Committee on Academic Performance has rendered a decision, the institution may appeal the decision to a subcommittee of the Board of Directors. The subcommittee's decision is final and is not subject to further review by any other authority.

In appealing a Committee on Academic Performance decision, the institution must demonstrate that the committee abused its discretion in applying the legislation and/or policy and procedures of the APP. The institution may not present new information or data in its appeal that was not presented to the Committee on Academic Performance.

Generally, the subcommittee will make the determination as to whether this criteria has been met. However, the chair, or acting chair, does have the discretion to determine that an institution's appeal does not meet the review standard. If he or she determines that the appeal does not meet the review standard, the chair will notify the institution that the appeal will not be heard by the subcommittee. The chair's decision is final and not subject to further review.

Scope of Review

Abuse of discretion occurs when the Committee on Academic Performance:

- Fails to follow NCAA legislation and/or established APP policies and procedures, and the failure to adhere to legislation or policies reasonably could have resulted in a different decision by the Committee on Academic Performance.

Recording

The subcommittee may record and/or have present a recording clerk during all Occasion-Three and -Four appeal hearings.

Conflict of Interest

A Board subcommittee member must recuse himself or herself from participation in an appeal (i.e., representing his or her institution or deliberating as a subcommittee member) in which he or she is personally connected with an institution or conference (e.g., previous employer, alma mater). A Board subcommittee member with a personal relationship or institutional affiliation that reasonably would result in any appearance of bias or prejudice should refrain from participating in any manner in the processing of an appeal. However, a subcommittee member that recused himself or herself may participate in the preparation of the appeal for their own institution, including but not limited to drafting the appeal application, preparing appeal arguments and gathering appeal materials.

It is the responsibility of the Board subcommittee member to remove himself or herself if a conflict exists. Institutional objections to a Board subcommittee member participating in the review of an appeal must be raised with and resolved by the chair or acting chair of the subcommittee as soon as recognized, but will not be considered unless the concern is raised prior to the scheduled appeal. Participation by a subcommittee member in previous APP matters involving the institution or with regard to general policy (e.g., an Occasion-Three waiver appeal) does not constitute a conflict of interest requiring recusal.

In the event that the Board subcommittee chair must recuse himself or herself or is unable to participate in the appeal, the remaining members must vote, by simple majority, to determine who will serve as "acting chair." In addition, in the event that an institution objects to the chair participating in a review based on a conflict of interest concern, the remaining members must vote, by simple majority, to determine who will serve as "acting chair" and the acting chair will resolve the conflict of interest issue regarding the chair prior to the appeal. If the acting chair finds that no conflict exists, the chair may resume his or her role. *(Revised: 12/2008)*

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

Appeal Procedures

All appeals must be submitted electronically to the NCAA national office using the LSDB*i* portal. All appeals must be submitted within 21 calendar days of written notification of the Committee on Academic Performance decision. The online appeal application program will produce a signature page that must be signed by the president or chancellor.

An institution will be required to submit an appellate brief explaining its rationale for appealing the committee's decision. Specifically, the institution's appellate brief may only address how it believes that the committee abused its discretion in applying the legislation and/or policy and procedures, and how these abuses reasonably could have resulted in a different decision. The subcommittee may not hear a case de novo (e.g., over again, anew). The Committee on Academic Performance chair, or acting chair, has the authority to review the submitted appellate brief to determine whether it raises any arguments, data or information not previously presented to the committee. If the committee chair finds that new arguments, data or information has been raised, he or she may raise the issue before the subcommittee. See Committee Issues below for more detail. *(Revised: 10/2008)*

In addition, the appeal must identify all team penalties that the institution is appealing. The appeal will be considered a single case and will not be complete until each team penalty is addressed.

All appeals of the Committee on Academic Performance decisions must be submitted electronically to the national office via the LSDB*i* portal within 21 calendar days of written notification of the Committee on Academic Performance's decision.

Any appeal filed after 21 calendar days must include an explanation of why the appeal was not filed within the prescribed time period. The chair of the Board subcommittee must determine whether any appeal filed after the 21 calendar days may be considered.

The staff supporting the committee will work with the institution prior to the teleconference to prepare for the appeal. This must be done prior to the case being forwarded to the Board subcommittee.

Timeframe for Hearing

An appeal of the committee's decision regarding an Occasion-Three Penalty will be heard via teleconference before a subcommittee of the Board of Directors. After notice of the intent to appeal, the staff supporting the subcommittee will schedule a teleconference and notify the institution of the date and time. When setting the date and time for the teleconference, the subcommittee will attempt to accommodate the schedule of the institutional representatives and involved individuals. Any conflicts with the teleconference date should be communicated as soon as possible to the staff supporting the subcommittee.

Documents Reviewed by the Subcommittee

The Board subcommittee will receive and review the notice of penalty, appeal application (including supporting documents), applicant team(s) APP data and committee's decision and rationale and all documents which form the record.

Prior to the teleconference, the subcommittee will distribute to the institution an agenda of the teams to be discussed and a list of specific documents that comprise the record the subcommittee will review.

The subcommittee also may request additional documentation during the teleconference or the subcommittee's deliberations, with copies provided to all parties.

Appeal Participants

The following individuals must participate in the appeal: (a) the institution's chancellor or president; (b) the athletics director; (c) the head coach of the penalized team(s); (d) Committee on Academic Performance chair or, if different, the individual who chaired the Committee on Academic Performance hearing; and (e) any other individuals whose presence was requested by the committee. Of these groups of people only those individuals who were present for the hearing before the committee may be present during the teleconference. If any of these individuals are not available (e.g., individual is no longer employed by institution, family illness) for the hearing, the institution must notify the Board subcommittee at least 14 calendar days prior to the scheduled hearing. The subcommittee will then notify the institution as to whether it expects another individual to substitute for the unavailable individual. At the chair's discretion, the appeal may proceed without the unavailable individual.

In addition, the institution may permit four other individuals to participate in the hearing, one of which must be responsible for implementing the institution's APR Improvement Plan. An institution may have legal counsel present, and he or she must count as one of the four other individuals the institution is permitted to have attend the hearing.

Media representatives, including institutional media staff, may not be present at the hearing.

Student-athletes may not be present at the hearing.

The executive officer or one other representative of a member conference's office may be present at a waiver hearing involving a conference member.

An individual whose presence was requested by the committee may have legal counsel present; however, the individual must be present for the teleconference and counsel may not speak on the individual's behalf.

All other individuals must be approved by the Board subcommittee.

In addition, of these groups of people only those individuals who were present for the hearing before the committee may be present on for the teleconference.

NCAA staff members supporting the subcommittee must participate in all portions of the waiver appeal, including deliberations. In addition, the staff supporting the committee must participate in the appeal but may not be present for deliberations. Other NCAA staff members may participate at the discretion of the chair. At the request of a member institution or in the exercise of its own discretion, the subcommittee may exclude an individual from certain portions of the appeal.

The ~~subcommittee~~ Board of Directors chair~~, or acting chair,~~ has the discretion to substitute subcommittee members in the event that a member(s) is unavailable to hear an appeal.

Introductions

The subcommittee chair or acting chair will call the meeting to order and introduce the members of the subcommittee and the staff supporting the Board 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 (designated spokesperson).

The institution will introduce its representatives, followed by conference representatives who are present.

The Committee on Academic Performance chair or acting chair will introduce himself or herself and any other committee member present on the teleconference.

The NCAA staff will then introduce themselves.

After introductions, the subcommittee chair may make announcements.

Committee Issues

Prior to the review of the appeal, the committee chair may raise any issues he or she has regarding the documentation filed by the institution. Specifically, whether he or she believes that any of the arguments, data or information in the appellate brief is new and was not provided to the committee during the waiver hearing and the new argument, information or data would have reasonably led to a different decision at the committee level.

Following the committee chair's presentation, the institution will have an opportunity to respond.

After the committee chair's presentation and the institution's response, the subcommittee will deliberate. The subcommittee chair, or acting chair will ask everyone, other than subcommittee members and NCAA staff supporting the subcommittee to disconnect from the teleconference

while they deliberate. After the subcommittee has deliberated appeal participants will be notified that the conference call will resume.

The subcommittee may render one of the following decisions:

1. The arguments, data or information is not new and the appeal may continue as scheduled; or

2. The arguments, data or information is new and must be remanded back to the committee for reconsideration. *(Adopted: 10/2008)*

Review of the Appeal

The institution is provided an opportunity to present its basis for appealing the Committee on Academic Performance decision to the subcommittee. The institution's appeal should be based on the appellate brief submitted to the subcommittee. The institution's brief may only address, based on the facts that were presented to the Committee on Academic Performance, how it believes that the committee abused its discretion, as outlined in the review standard section, in applying the legislation and/or its policies and procedures and how such abuses could have reasonably resulted in a different outcome.

The appeal may not exceed one hour in length. The one-hour time period will conform to the following process:

The Committee on Academic Performance chair, or acting chair, will have 15 minutes to describe the facts of the appeal, applicable case precedent, the committee's decision and rationale and address the allegations that it abused its discretion in applying the legislation and/or it policies and procedures. The NCAA staff supporting the committee may participate in the opening statement as long as their comments are included in the 15 minute time limit. *(Revised: 10/2008)*

The institution's designated spokesperson will then have 15 minutes to describe the case and to address how it believes the committee abused its discretion in applying the legislation and/or its policies and procedures and may include comments in rebuttal to the committee's opening statement. The institution's president or chancellor and athletics director may participate in the opening statement as long as they are employed full time by the institution and their comments are included in the 15 minute time limit.

Following opening statements from the chair, or acting chair, of the Committee on Academic Performance and the institution, the Board of Directors subcommittee members may ask questions of all participants, including NCAA staff member supporting the committee. Once all questions have been answered, the teleconference will conclude with the committee and

institution each providing a five-minute closing statement. The closing statement must be made by the institution's spokesperson and the committee member who presented the case.

The subcommittee may ask questions at any time. Any institutional representative, committee member or NCAA staff supporting the committee may be questioned on any relevant issue. It is possible that the parties will be asked to respond to questions prior to their formal presentations. The one hour period includes questioning by the subcommittee. *(Revised: 10/2008)*

If the institution or Committee on Academic Performance desires to ask a question of another party, that question should be directed to the subcommittee chair, who will then decide if the question is appropriate and, if so, will direct it to the appropriate individual.

The chair of the Board subcommittee, or his or her designee, is responsible for monitoring the time.

Deliberations and Decision

At the conclusion of the appeal, the subcommittee members will deliberate. The subcommittee may request additional information from any appropriate source, including the member institution or the Committee on Academic Performance. In this event, the institution and the Committee on Academic Performance chair, or acting chair, will be given an opportunity to be represented at the time such information is provided to the subcommittee. Otherwise, only subcommittee member and that NCAA staff supporting the subcommittee may be present for the deliberation.

The standard of review for the subcommittee is that it must determine whether the institution demonstrated that the committee abused its discretion in applying the legislation and/or policy and procedures and the failure to adhere to the legislation or policies reasonably could have resulted in a different decision by the committee. As part of its deliberation, the Board subcommittee may (a) uphold the committee's decision; or (b) reverse or ~~modify~~ remand the decision if it finds the Committee on Academic Performance abused its discretion in applying the legislation and/or policy and procedures and the failure to adhere to the legislation or policies reasonably could have resulted in a different decision by the committee.

If the subcommittee ~~reverses or modifies the decision of~~finds that the Committee on Academic Performance abused its discretion in applying the legislation and/or policy and procedures and the failure to adhere to the legislation or policies reasonably could have resulted in a different decision by the committee, ~~it~~the subcommittee may render one of the following decisions:

1. **Approved:** The subcommittee determines the institution's request demonstrated evidence that the committee abused its discretion in applying the legislation and/or policy and procedures and the failure to adhere to the legislation or policies reasonably could

have resulted in a different decision by the committee. Based on the evidence before it, the subcommittee determined that a waiver of Bylaw 23.2.1.2.3 was warranted. In such instances, the team will not be subject to the Occasion-Three Penalties. If, in the following three-year period, the team fails to meet the established benchmarks and factor review, the Occasion-Three Historical Penalties will be assessed, rather than progressing to Occasion-Four Historical Penalties.

~~**2. Conditionally Approved:** The subcommittee determines the institution's request demonstrated evidence that the committee abused its discretion in applying the legislation and/or policy and procedures and the failure to adhere to the legislation or policies reasonably could have resulted in a different decision by the committee. Based on the evidence before it, the subcommittee determined that a waiver of Bylaw 23.2.1.2.3 was warranted if specific conditions were met by the institution/team. Such conditions will be outlined by the subcommittee in the decision notification. If, in the following three-year period, the team fails to meet the established benchmarks and factor review, Occasion-Three Historical Penalties will be assessed rather than progressing to Occasion-Four Historical Penalties. However, failure to meet the stated conditions will result in the decision converting to a denial and the waived penalty being implemented. In this instance, if, in the next three-year period, the team fails to meet the established benchmarks and factor review, Occasion-Four Historical Penalties will be assessed.~~

2. Partially Approved: The subcommittee determines the institution's request demonstrated evidence that the committee abused its discretion in applying the legislation and/or policy and procedures and the failure to adhere to the legislation or policies reasonably could have resulted in a different decision by the committee. Based on the evidence before it, the subcommittee determined a partial waiver of Bylaw 23.2.1.2.3 was warranted. The subcommittee may require a team to satisfy specified conditions in order to receive relief from the portion of the penalty that is waived. The subcommittee may also provide a partial waiver and remand the case back to the Committee on Academic Performance to consider whether additional conditions should be imposed in light of the reasoning of the subcommittee and in accordance with the committee's policies and procedures. If, in the following three-year period, the team fails to meet the established benchmarks and factor review, Occasion-Four Historical Penalties will be assessed.

3. Remand: The subcommittee determines the institution's request demonstrated evidence that the committee abused its discretion in applying the legislation and/or policy and procedures and the failure to adhere to the legislation or policies reasonably could have resulted in a different decision by the committee. Based on the evidence before it, the subcommittee determined that the matter should be remanded to the Committee on Academic Performance to be decided in light of the reasoning of the subcommittee and in accordance with the committee's policies and procedures.

Only subcommittee members and NCAA staff supporting the Board subcommittee may be present for the deliberation. A simple majority of the subcommittee members present and voting is necessary for a decision. ~~The chair, or acting chair, 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 (e.g., electronic) confirmation of the decision will be provided by the Board subcommittee to the institution and the committee within 21 calendar days from the date of the teleconference.

ATTACHMENT D

NCAA Division I Committee on Academic Performance
Academic Performance Program Penalty Waiver Directive

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 academic or resource characteristics comparisons, 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 Bylaw 15.5.8.3, Bylaw 23.2.1.2.1.1, Bylaw 23.2.1.2.2.1, Bylaw 23.2.1.2.3.2 and Bylaw 23.2.1.2.4.1. 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 multiyear 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 to 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. APR Improvement Plans assist teams in achieving the established APR penalty benchmarks in a reasonable time by identifying the issues impacting a team's APR, establishing measurable goals, steps to achieve the stated goals and establishing a timetable for implementation.

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 multiyear 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: acceptable implementation of the institution's written APR Improvement Plan; attendance at mandatory educational sessions; meeting or maintaining single-year eligibility and retention goals and/or, meeting or maintaining a specified single-year APR. *(Revised: 10/2008)*

An institution/team that fails to meet the stated condition(s) by the given timeframe shall have the waiver decision converted to a denial, and the APP penalty must be 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. Review of Conditionally Approved Penalty Waivers.

Conditionally approved penalty waivers are reviewed at the start of the academic year following the year in which the waiver was conditionally approved. The staff verifies the institution's APR data for rates on which the waiver was conditioned and also determines if any other non-numeric conditions have been met. The staff will review APR data both pre- and post-APR adjustments.

If team's single-year APR is below the established condition, the committee and waiver case staff may consider mitigating circumstances. Such reviews shall occur on a case-by-case basis, and shall include consideration of any mitigation for the team's failure to reach the target APR, as well as the totality of the team's circumstances with regard to the imposed conditions. In such cases, the staff will review factors including improvement in the single-year and multiyear APR, how close the team came to meeting the target, and mitigating circumstances. This action does not change an institution's opportunity to explain why it failed to meet the condition(s) or to appeal a decision by the staff to the committee. This policy is effective for waivers to be reviewed during the 2009-10 academic year and after.

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 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. The team's single-year APRs that comprise the multiyear rate. Specifically, the number of single-year APRs above or below the penalty benchmarks (e.g., 900, 925).

l. The number of student-athletes who were not academically eligible and not retained.

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

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

8. 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 ("0/2" 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.

9. 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 "0/2" 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 "0/2" 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;

c. Failure to develop and implement an APR Improvement Plan; or

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.

10. 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:

(1) Review the size of the variance between a team's expected Federal Graduation Rate based on its multiyear APR (Attachment No. 1) and the institution's student-body Federal Graduation Rate.

(2) Compare differences between the team's expected Federal Graduation Rate based on the multiyear 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 No. 1 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 multiyear APR (Attachment No. 1);

(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.

11. Automatic Waivers of Contemporaneous Penalties.

a. Institutional Characteristics. Teams with an expected Federal Graduation Rate based on its multiyear 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. [Attachment No. 1]

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

12. 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) A waiver for a team subject to an Occasion-One Historical Penalty that meets only improvement, and has achieved single-year APRs that demonstrated the team is capable of achieving a multiyear APR above 925, 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 team(s) subject to an Occasion-Two Historical Penalty that meets improvement 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 team(s) that compares favorably in the by-sport comparison (Attachment No. 2) 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 team(s) that demonstrates that the team(s) is out performing its general student body (Attachment No. 1) 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. Teams(s) from an institution 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).

13. APR Improvement Plans.

APR Improvement Plans are meant to encourage institutions that have a team with an APR below 925 to implement strategies to improve the academic performance, retention and graduation of the student-athletes on the team. 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 multiyear 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 implementation of the previous APR Improvement Plan and progress toward the measurable goals.

(2) Identify any new issues impacting the academic performance, retention and graduation of the team's student-athletes and develop specific and measurable goals to address the issues, steps to meet the goals, timetable for implementation and persons responsible for each step outlined in the plan.

(3) Identify specific target APR goals for the team(s) for the current academic year that will assist the team in meeting the 925 benchmark in a reasonable period of time.

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 issues impacting the academic performance, retention and graduation of the student-athletes on each team subject to APP penalties.

(2) Identify specific and measurable goals to address the issues, steps to meet the goals, timetables for implementation and persons responsible for each step.

(3) Identify specific APR target goals for the team(s) for the current academic year that will assist the team in meeting the 925 benchmark in a reasonable period of time.

Delays of Occasion-Two Historical Penalties

Occasion-Two Historical Penalties are intended to be serious and significant and delaying their application is contrary to this intent. Therefore, in the vast majority of cases, the staff and/or subcommittee will not approve any delay in the application of these penalties. In rare cases where an institution can demonstrate that due to unanticipated and extraordinary circumstances outside the control of the institution, team and involved student-athlete(s) it is unable to apply Occasion-Two Historical Penalties within the prescribed period a delay may be conditionally approved.

Delays of Contemporaneous 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 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. <u>Guiding Principles</u>.

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. <u>Use of Conditional Approvals</u>.

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.

Expected Federal Graduation Rate Based on
NCAA Division I Academic Progress Rate

The table below provides a team's expected Federal Graduation Rate based on its multiyear NCAA Division I Academic Progress Rate (APR). This rate is then compared to the institution's most recent student-body Federal Graduation Rate to determine whether a team would receive a waiver of contemporaneous- and/or historical penalties based on institutional characteristics.

APR	Federal Graduation Rate
940 – 931	45 percent
930 - 923	40 percent
922 – 912	35 percent
911 – 904	30 percent
903 – 891	25 percent
890 – 876	20 percent
875 – 865	15 percent
864 – 860	10 percent
Below 860	0 percent

[Note: This table was created by comparing APRs to historical-squad Federal Graduation Rates for N=5,427 squads with both rates available (using equipercentile method). This table should be considered a fairly rough guide only (especially at the tails of the distribution) until contemporary graduation rates are available for squads in the APR cohort. Note that this table will continue to change as the APR formula changes and additional adjustments are applied to the calculation of the rate.]

Minimum NCAA Division I Academic Progress Rate to be Above the Tenth Percentile by Sport

The table below provides the minimum multiyear NCAA Division I Academic Progress Rate (APR) required for a team to meet the by-sport comparison factor within the historical-penalty structure. A team with an APR at or above the APR listed for the specific sport would meet the by-sport comparison factor, but must also meet the improvement factor in order to avoid historical penalties in the 2009-10 academic year.

Baseball	
Men's Basketball	
Men's Cross Country	
Football	
Men's Fencing	
Men's Golf	
Men's Gymnastics	
Men's Ice Hockey	
Men's Lacrosse	
Men's Skiing	
Men's Soccer	
Men's Swimming	
Men's Tennis	
Men's Track, Indoor	
Men's Track, Outdoor	
Men's Volleyball	
Men's Water Polo	
Men's Wrestling	
Women's Basketball	
Women's Bowling	
Women's Cross Country	
Women's Rowing	
Women's Fencing	
Field Hockey	
Women's Golf	
Women's Gymnastics	
Women's Ice Hockey	
Women's Lacrosse	
Women's Softball	
Women's Skiing	
Women's Soccer	
Women's Swimming	
Women's Tennis	
Women's Track, Indoor	
Women's Track, Outdoor	
Women's Volleyball	
Women's Water Polo	
Mixed Rifle	

ATTACHMENT E

NCAA Division I Academic Progress Rate
Adjustment Directive

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 R 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.

Effect of Adjustment.

The APR is calculated by evaluating each student-athlete in the NCAA Division I Academic Performance Program (APP) cohort. Each student-athlete is able to earn two points for each regular academic term he or she is in the cohort. The E point is awarded if the student-athlete is academically eligible to compete in the next regular academic term (even if he or she has no competition in that term). The R point is awarded if the student-athlete is retained by the institution in the next regular academic term (i.e., returns to the institution as a full-time student as of the institution's census date or the fifth week of classes, whichever is earlier). Student-athletes who graduate in a term are awarded both points for that term. If a student-athlete remains in the APP cohort after graduation, he or she is always awarded the R point for having graduated. A student-athlete who earns both points in an academic term is recorded as "2 for 2" (2/2).

A student-athlete who was not retained by an institution (did not return to the institution or did not return as a full-time student) in the next regular academic term and did not graduate will be a "1 for 2" (1/2) or a "0 for 2" (0/2) depending on whether he or she earns the E point. Likewise, a student-athlete who completed a term and was retained, but was not eligible will be a 1/2. A student-athlete who did not complete an academic term, and therefore did not earn E, and was not retained should be reported as 0/2. In all of these circumstances, it may be possible to request an adjustment to a lost point or points. Approval of an adjustment request does not result in the awarding of any lost E and/or R points. Rather it removes the lost points from both the numerator and the denominator. Thus the 1/2 becomes a 1/1, or the 0/2 becomes a 0/1 or 0/0. Please note some adjustment criteria require the earning of the E point in order for the request to be considered.

Circumstances Warranting an Adjustment of the E or R Point.

Adjustments will be granted only if stated conditions described below are met.

1. Academic Term Not Completed.

   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) and failed to earn the E and/or R point may be considered for an adjustment in the following situations. In all circumstances, contemporaneous documentation must be included. If relief for the lost R point is being requested, the documentation must clearly indicate that a student-athlete was unable to be retained by the institution as a result of the mitigating circumstances. If relief for the lost E point is being requested, the documentation must clearly demonstrate how the mitigating circumstances impacted the student-athlete's academic performance. The following mitigation will be considered:

   a. An incapacitating injury or illness to the student-athlete or an immediate family member, which is clearly supported by contemporaneous medical documentation. The documentation must clearly indicate that a student-athlete was unable to be academically successful and/or retained as a result of the incapacitating physical or mental circumstances.

   b. A natural disaster (e.g., earthquakes, floods).

   c. 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 on 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 on whom the student-athlete is legally dependent.

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

e. Participation in the following Olympic or international competition:

(1) Official Pan American, World Championships, World Cup, World University Games 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.

The Olympic or international training, tryouts and competition must occur within one year of the student-athlete's departure from the institution.
(Adopted: 4/2009 effective 4/2009 for the 2008-09 APR cohort, retroactive to any prior year cohorts).

f. Other unforeseen events and/or circumstances beyond the student-athlete's and/or institution's control that led to lost E and/or R points in a term that the student-athlete did not complete.

2. Academic Term Was Completed, Student-Athlete Not Eligible.

A student-athlete who completed a regular academic term as a full-time student may receive an adjustment to a lost E point if one of the reasons listed below applies. In all circumstances, contemporaneous documentation must be included. The documentation must clearly demonstrate how the mitigating circumstances impacted the student-athlete's academic performance. (Note: A student-athlete is not required to earn the R point). The following mitigation will be considered:

a. The student-athlete was rendered academically ineligible and the institution was not able to submit a progress-toward-degree waiver (e.g., transfer, withdrawal, no pending competition).

b. An incapacitating injury or illness to the student-athlete or an immediate family member, which is clearly supported by contemporaneous medical documentation. The documentation must clearly indicate that a student-athlete was unable to be academically successful as a result of the incapacitating physical or mental circumstances.

c. 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 on 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 on whom the student-athlete is legally dependent.

d. A natural disaster (e.g., earthquakes, floods).

e. Other unforeseen events and/or circumstances beyond the student-athlete's and/or institution's control that impacted the student-athlete's ability to be academically successful.

3. Academic Term Completed, Student-Athlete Not Retained.

Student-athletes who completed a regular academic term as a full-time student but were not retained (did not return to the institution or did not return as a full-time student) may receive an adjustment to a lost R point if one of the reasons listed below applies. In all circumstances, contemporaneous documentation must be included. The documentation must clearly demonstrate how the mitigating circumstances impacted the student-athlete's ability to be retained by the institution. (Note: A student-athlete is required to earn the E point). The following mitigation will be considered:

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 next 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. An incapacitating injury or illness to the student-athlete or an immediate family member, which is clearly supported by contemporaneous medical documentation. The documentation must clearly indicate that a student-athlete was unable to be retained by the institution as a result of the incapacitating physical or mental circumstances.

e. A natural disaster (e.g., earthquakes, floods).

f. 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 on 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 on whom the student-athlete is legally dependent.

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

h. Participation in the following Olympic or international competition:

(1) Official Pan American, World Championships, World Cup, World University Games 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.

The Olympic or international training, tryouts and competition must occur within one year of the student-athlete's departure from the institution. *(Adopted: 4/2009 effective 4/2009 for the 2008-09 APR cohort, retroactive to any prior year cohorts).*

i. The student-athlete was not retained by the institution in one regular academic term, but he or she later returned. The student-athlete must qualify for the missed-term exception pursuant to NCAA Bylaw 14.4.3.5-(a). The student-athlete must return to the institution as a full-time student in a subsequent term and meet all criteria for the missed-term exception. A student-athlete may only have the R point adjusted one time during his or her academic career based on this mitigation.

j. The student-athlete was not retained due to other unforeseen events and/or circumstances beyond the student-athlete's and/or institution's control.

4. <u>Professional Athletics Opportunities</u>.

a. Initial professional sports opportunity.

The student-athlete completed an academic term and was not retained due to participation in professional sports as a vocation. (Note: A student-athlete is required to earn the E point). 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.

Note: If a request meets all criteria for adjustment of the lost retention point, it should be filed in the APP data collection system. All other requests should be filed through the Legislative Services Database for the Internet (LSDB*i)* portal.

b. Second professional sports opportunity.

The student-athlete returned to the original institution in a regular academic term following his or her initial departure to pursue professional athletics as a vocation and subsequently lost a point(s) due to the pursuit of another professional sports opportunity, provided the student-athlete earned the E point in the term in which he or she first departed the institution to pursue professional athletics. Such participation may be demonstrated by the documents listed below. Please note that this documentation must clearly indicate that the student-athlete could not complete the regular academic term due to the second professional athletics opportunity (e.g., indicate the timing of the opportunity). If the term was completed, the student-athlete must have earned the E point in order for the R point to be adjusted (see letter a above).

(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.

(Adopted: 1/2008 effective 1/2008 for the 2007-08 APR cohort, retroactive to any prior year cohorts).

5. Transfer.

a. The student-athlete was not retained because he transferred to another institution and meets the following criteria:

(1) The student-athlete earned the E point in the last term of enrollment prior to transfer.

(2) The student-athlete was enrolled at the institution for at least one academic year prior to transfer.

(3) The student-athlete immediately transferred to another four-year institution. This requires full-time enrollment at the new institution at the next available regular academic term. The student-athlete presents a cumulative grade-point average at the original institution of at least 2.6.

Note: This adjustment request is not filed through the LSDB*i* portal, but rather it is filed in the APP data collection system.

b. The student-athlete was not retained because he transferred to another institution and meets the following criteria:

(1) The student-athlete earned the E point in the last term of enrollment prior to transfer.

(2) The student-athlete was enrolled at the institution for at least one academic year prior to transfer.

(3) The student-athlete immediately transferred to another four-year institution. This requires full-time enrollment at the new institution at the next available regular academic term.

(4) The student-athlete presents a cumulative grade-point average at the original institution of at least 2.0, but less than 2.6 and satisfies a rigorous review of academic factors (e.g., number of transferable credit hours accepted by the next institution and applicable to the student-athlete's designated degree program, positive trends in the student-athlete's academic performance, student-athlete's academic success compared to other students with similar admissions profiles and a reasonable expectation of graduation within five years of initial full-time enrollment).

Note: This adjustment will be subject to a high review standard and will be filed through the LSDB*i* portal.

Circumstances that Do Not Warrant an Adjustment of the R Point.

Circumstances that are generally 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 actions taken at the institution (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, APP 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 a 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 E point.

Staff Authority in APR Adjustment Requests.

The committee has provided the staff with the authority to use its discretion in the application of this directive. Exceptions to this directive may be applied when warranted, in the staff's judgment, by the unique circumstances of a specific request. Further, the committee has afforded the staff the authority to award E and/or R points as appropriate, depending on the unique circumstances of the request.