OBJECTIVES

- Provide background of academic misconduct legislative proposal.
- Identify proposed changes to academic misconduct legislation.
- Generate conversation and answer questions.
- Seek feedback for NCAA Division I Committee on Academics.
- Expected timeline.

BACKGROUND

2011
- Targeted review of academic misconduct legislation and regulatory structure.

April 2014
- Official interpretation issued.
- Recognition that academic misconduct legislation requires enhancement.

2014 - Now
- Academic committees seek feedback on draft legislative concepts.
WHO HAVE WE TalkED TO?

- A wide cross-section of the membership has provided feedback, including:

  **NCAA Committees**
  - Academic Cabinet.
  - Committee on Academic Performance.
  - Committee on Academics.
  - Division I Council.
  - Committee on Infractions.
  - Student-Athlete Reinstatement.
  - Board of Directors.
  - SAAC.
  - Division II and III bodies as requested.

  **Membership Groups**
  - N4A.
  - FARA.
  - DIA/IFBI.
  - CCACA.
  - COIA.
  - Conferences.
  - Practitioners.

WHAT DID THEY HAVE TO SAY?

- 1983 last legislative update.
- Media and Congressional attention.
- Public trust in the NCAA as educational organization.
- Interpretation rather than legislation.
- Regulatory structure is confusing.

WHAT DID THEY HAVE TO SAY?

- Legislation focuses too much on outcome.
- Act/Actors/Outcome.
- Institutional Policies and Procedures.
ESTABLISHMENT OF “CORE PRINCIPLES”

- Membership feedback led to legislative priorities.
- October 2014: NCAA Division I Committee on Academic Performance drafted principles.
- January 2015: Committee on Academics refined core principles.
- Proposed legislative draft directly correlates to membership-driven priorities.

NCAA ACADEMIC INTEGRITY ISSUES

NCAA Academic Integrity-Related Legislation

Institution’s Academic Misconduct Policies and Outcomes
Institutional Obligation

- Institutions have the duty and obligation to determine when institutional academic misconduct occurs.
- How does an institution determine whether academic misconduct occurred?
  - Apply its institutional policies applicable to all students.

Institutional Obligation

- Why isn’t there a universal definition of what constitutes academic misconduct?
  - Individual campuses vary greatly.
  - Not NCAA’s place to regulate an institution’s academic programs or institutional academic policies.
  - Institutional policy incorporated into proposed legislation.

Proposed Legislative Changes
KEY LEGISLATIVE UPDATES
1. Academic Misconduct.
3. Impermissible Academic Assistance vs. Extra Benefits.
4. NCAA Division I Academic Performance Program (APP).
5. Other Academic Improprieties.

ACADEMIC INTEGRITY THEMES

ACADEMIC MISCONDUCT
- When should institutions report academic misconduct to the NCAA?
  - Current State.
    - Fraudulent academic credit.
    - Academic misconduct.
    - Miscertification + competition.
ACADEMIC MISCONDUCT

- When should institutions report academic misconduct to the NCAA?
  - **Proposed Future State.**
    - When an alteration or falsification of a student-athlete's transcript or academic record occurs.
    - Academic misconduct leads to an "erroneous declaration of eligibility."
    - An institutional staff member is involved regardless of the impact on eligibility.

KEY UPDATES

- Proposed legislation focuses on actors (institutional staff members) as opposed to outcome (Did the misconduct lead to eligibility and competition?).

- Student-athlete academic misconduct violation threshold reduced to the misconduct resulting in student-athlete's eligibility (i.e., student-athlete student needed to meet the six-hour rule). Competition no longer required.

ACADEMIC INTEGRITY THEMES

- Academic Misconduct
- Other Academic Improprieties
- Policies and Procedures
- Impermissible Academic Assistance
- APP
POLICIES AND PROCEDURES

- Member institutions must have published institutional academic misconduct policies and procedures regarding academic misconduct.
- May have policies that allow student-athletes more expeditious outcome than general students.
- Policies must be approved by institution’s president.
- May not have separate procedure for student-athletes (e.g., undue delay).

ACADEMIC INTEGRITY THEMES

- Academic Misconduct
- Other Academic Impairments
- Impermissible Academic Assistance
- Policies and Procedures

OTHER ACADEMIC IMPROPRIETIES

- Pre-enrollment academic integrity issues.
- Currently in Bylaw 10.1.
  - Relocating to Bylaw 14 for ease of reference.
- Violations of this provision would continue to be very serious on the spectrum of penalties.
- Intent is to consider pre-enrollment legislative changes in 2016-17 legislative cycle.
ACADEMIC INTEGRITY THEMES

Providing false or misleading APP information should be a NCAA violation.

- Example: Knowingly providing incorrect NCAA Division I Academic Progress Rate (APR) data in order to avoid postseason penalty.

ACADEMIC PERFORMANCE PROGRAM

ACADEMIC INTEGRITY THEMES
IMPERMISSIBLE ACADEMIC ASSISTANCE

- Replaces the current extra benefits legislation. Relocates from Bylaw 16 to Bylaw 14. Specific to academic.
- Drafted to target only egregious acts of assistance. For example, proofreading would not be impermissible assistance;

IMPERMISSIBLE ACADEMIC ASSISTANCE

- What is it?
  - Substantial impermissible assistance by an institutional staff member or booster.
    - Academic assistance per Bylaw 16 still ok.
  - Academic exception for a student-athlete in order to improve a grade, earn credit or meet a graduation requirement.
    - If generally available to student-body, still ok.

IMPERMISSIBLE ACADEMIC ASSISTANCE

For impermissible academic assistance to be violated:
1. Institutional staff member or booster involved;
2. Institution does not find academic misconduct;
3. Substantial amount of assistance/exception;
4. Leads to eligibility of student-athlete;
5. Assistance/exception not generally available and/or not provided to all students; AND
6. Assistance not permitted in Bylaw 16.3.
IMPERMISSIBLE ACADEMIC ASSISTANCE – EXCEPTION EXAMPLE

- An English professor allowed a student-athlete to turn in a term paper two semesters after the course was completed for full credit.
- The professor did not allow any other student in the course to receive the exception.
- Institutional policy does not address this type of issue.

IMPERMISSIBLE ACADEMIC ASSISTANCE – EXCEPTION EXAMPLE

- The institution did not find academic misconduct per institutional policies and procedures.
- The exception resulted in the student-athlete receiving a passing grade in the course and directly impacted the student-athlete’s certification of eligibility.
- Would this be considered an NCAA violation under “impermissible academic assistance”?

IMPERMISSIBLE ACADEMIC ASSISTANCE – EXCEPTION EXAMPLE

- Yes.
- The academic exception was not generally available to the institution’s student body or students in the involved course.
- Academic misconduct was not found by the institution and an institutional staff member was involved.
- The exception led to an erroneous certification of eligibility of the student-athlete.
A booster arranged for a student employee in the dining hall to complete a term paper for a student-athlete, who was in his fourth year of enrollment.

The paper was submitted to the professor and the student-athlete received a passing grade in the course, which subsequently kept the student-athlete eligible for competition.

After exhausting eligibility, the student-athlete withdrew from the institution.

The institution investigated the issue, but did not find academic misconduct, citing the student-athlete’s withdrawal from the institution.

Would this situation be considered an "impermissible academic assistance" violation?

Yes.

The institution determined that academic misconduct did not occur.

The academic assistance provided was not generally available to the institution’s student body or students in the involved course.

The assistance was substantial and not permitted in Bylaw 16.3.
IMPERMISSIBLE ACADEMIC ASSISTANCE
- ASSISTANCE EXAMPLE

- A booster and an institutional staff member were involved (due to the student working at the direction of a booster).
- The assistance led to an erroneous certification of eligibility of the student-athlete.

FOR FURTHER REFINEMENT

- Definition of institutional staff member.
  - Should it be as broad as the Bylaw 10.1 definition?
  - Should student employees be included?
  - Should student employees who primarily work in athletics be included?

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**FUTURE**

- NCAA Division I Committee on Infractions Subcommittee and group of Committee on Academics members refining final draft.
- Committee on Academics anticipates recommending legislation in June 2015.
- If adopted by the membership in April 2016, legislation could be effective as soon as August 2016.

**QUESTIONS?**