

# ACADEMIC MISCONDUCT

Regional Rules Seminars 2015



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## 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.



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## BACKGROUND

<b>2011</b>	• Targeted review of academic misconduct legislation and regulatory structure.
<b>April 2014</b>	• Official interpretation issued. • Recognition that academic misconduct legislation requires enhancement.
<b>2014 - Now</b>	• Academic committees seek feedback on draft legislative concepts.



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### WHO HAVE WE TALKED TO?

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

NCAA Committees
<ul style="list-style-type: none"><li>• Academic Cabinet.</li><li>• Committee on Academic Performance.</li><li>• Committee on Academics.</li><li>• Division I Council.</li><li>• Committee on Infractions.</li><li>• Student-Athlete Reinstatement.</li><li>• Board of Directors.</li><li>• SAAC.</li><li>• Division II and III bodies as requested.</li></ul>

Membership Groups
<ul style="list-style-type: none"><li>• N4A.</li><li>• FARA.</li><li>• DIA FARs.</li><li>• CCACA.</li><li>• COIA.</li><li>• Conferences.</li><li>• Practitioners.</li></ul>

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### 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.



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### WHAT DID THEY HAVE TO SAY?

- Legislation focuses too much on outcome.
- Act/Actors/Outcome.
- Institutional Policies and Procedures.



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### 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.



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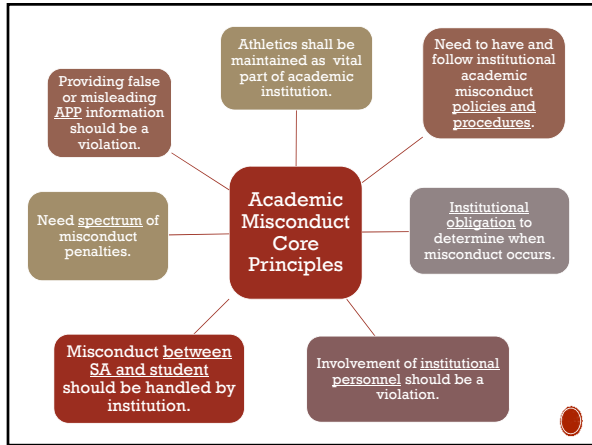
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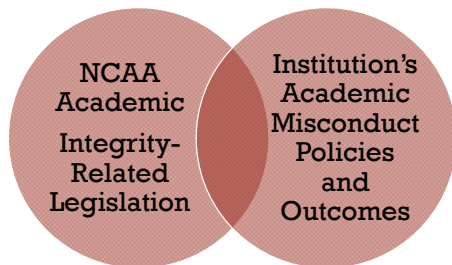
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### NCAA ACADEMIC INTEGRITY ISSUES



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**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.



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**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.



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**PROPOSED LEGISLATIVE CHANGES**



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### KEY LEGISLATIVE UPDATES

1. Academic Misconduct.
2. Policies and Procedures.
3. Impermissible Academic Assistance vs. Extra Benefits.
4. NCAA Division I Academic Performance Program (APP).
5. Other Academic Improprieties.



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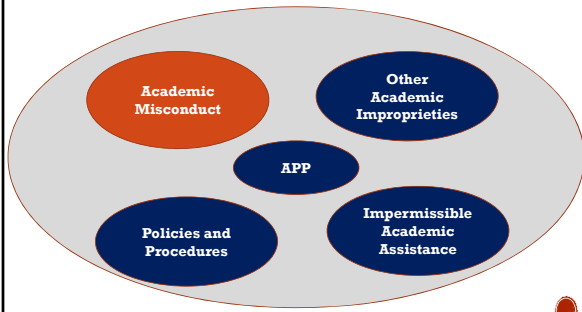
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### ACADEMIC INTEGRITY THEMES



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### ACADEMIC MISCONDUCT

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



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### 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.




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### 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.




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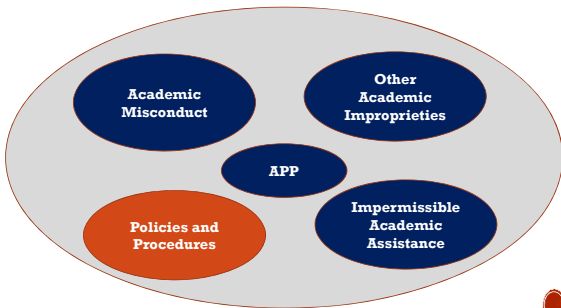
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### ACADEMIC INTEGRITY THEMES




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### **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).




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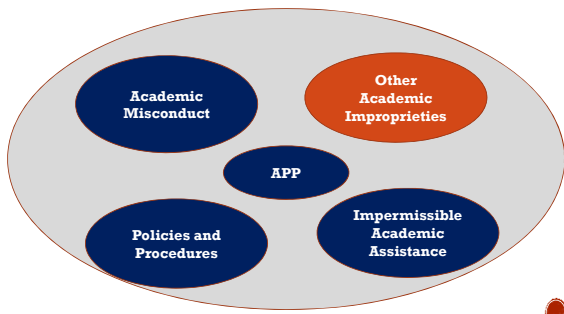
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### **ACADEMIC INTEGRITY THEMES**




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### **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.




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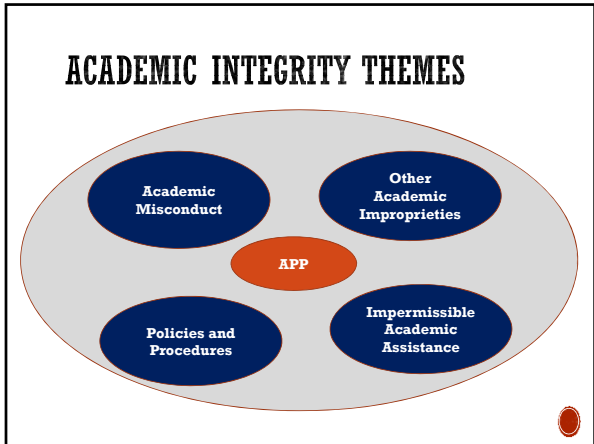
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### ACADEMIC PERFORMANCE PROGRAM

- 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.

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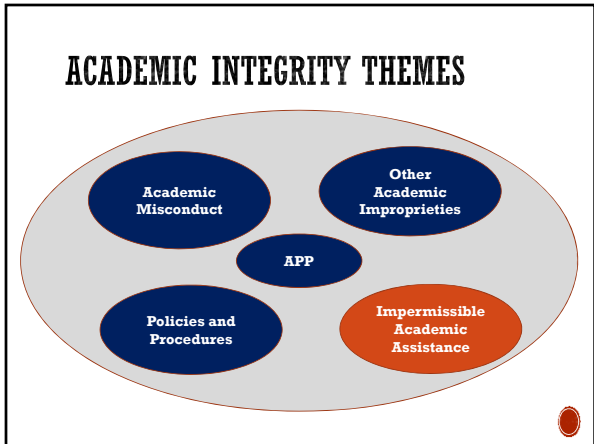
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**IMPERMISSIBLE  
ACADEMIC ASSISTANCE**

- 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;




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**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.




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**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.




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**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.




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**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"?




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**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.




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**IMPERMISSIBLE ACADEMIC ASSISTANCE**  
**– ASSISTANCE EXAMPLE**

- 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.



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**IMPERMISSIBLE ACADEMIC ASSISTANCE**  
**– ASSISTANCE EXAMPLE**

- 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?



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**IMPERMISSIBLE ACADEMIC ASSISTANCE**  
**– ASSISTANCE EXAMPLE**

- 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.



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## 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.




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## 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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Academic Integrity Concepts	Current	Future
<b>Consolidation Legislation Structure</b>	<ul style="list-style-type: none"> <li>▪ Spread across multiple bylaws.</li> <li>▪ Legislation last updated in 1983.</li> <li>▪ Reliance on interpretation to define regulatory structure.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Combines legislation in Bylaw 14.</li> <li>▪ Incorporates interpretation into legislation.</li> <li>▪ No impact on level or severity of penalties.</li> </ul>
<b>Academic Misconduct Violations</b>	<ul style="list-style-type: none"> <li>▪ Institutional obligation to determine if academic misconduct occurred.</li> <li>▪ NCAA Violations determined by outcome.</li> <li>▪ Academic misconduct is reported when:                             <ul style="list-style-type: none"> <li>◦ Results in fraudulent academic credit or false transcripts; or</li> <li>◦ Results in erroneous declaration of eligibility AND the student-athlete competed.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Maintains institutional obligation to determine if academic misconduct occurred.</li> <li>▪ <b>Expands</b> NCAA Violations. Academic misconduct determined by <b>act</b> and/or outcome.</li> <li>▪ Academic misconduct is reported when:                             <ul style="list-style-type: none"> <li>◦ Results in fraudulent academic credit or false transcripts; or</li> <li>◦ Involves an institutional staff member; or</li> <li>◦ Results in erroneous declaration of eligibility.</li> </ul> </li> <li>▪ "Student-on-student" cheating generally not a violation.</li> </ul>
<b>Academic Extra Benefit Impermissible Academic Assistance</b>	<ul style="list-style-type: none"> <li>▪ Bylaw 16.</li> <li>▪ Applied when a student-athlete receives academic benefit not generally available to all students.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Defines scope of impermissible academic assistance violations.</li> <li>▪ <b>Less broad</b> than current extra benefit analysis.</li> <li>▪ Applies when a student-athlete receives <b>substantial</b> assistance not generally available to other students.</li> <li>▪ Assistance <b>must</b> impact student-athlete eligibility.</li> </ul>
<b>Institutional Staff Member Definition</b>	<ul style="list-style-type: none"> <li>▪ Defined as any individual who works for the institution (full- or part-time-paid or unpaid).</li> </ul>	<ul style="list-style-type: none"> <li>▪ Remains any individual who works for the institution (full- or part-time paid or unpaid).</li> <li>◦ <b>Reduces</b> scope of definition excludes student workers whose responsibilities do not include interactions with student-athletes.</li> </ul>
<b>Institutional Policies and Procedures</b>	<ul style="list-style-type: none"> <li>▪ Not explicitly required.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Creates</b> requirement that documented academic misconduct policies and procedures must be on file or published.</li> <li>▪ Requires institution to follow policies and procedures when a student-athlete is implicated.</li> <li>▪ <b>Allows</b> exceptions for expedited process with presidential approval.</li> </ul>
<b>False APP Data</b>	<ul style="list-style-type: none"> <li>▪ Not explicitly addressed.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Violation if staff member knowingly provides false APP data.</li> </ul>
<b>Other Academic Improprieties</b>	<ul style="list-style-type: none"> <li>▪ Bylaw 10.1 legislation tied to pre-enrollment academic integrity issues.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>No editorial change.</b> Pre-enrollment academic integrity issues will be further reviewed in next legislative cycle.</li> </ul>

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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.



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## **QUESTIONS?**



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