

**National Collegiate Athletic Association
Working Group on the Collegiate Model – Rules
NCAA Bylaw 14 (Eligibility)
Concepts Discussion Document**

The purpose of this document is to solicit input from the NCAA Division I membership on concepts currently being considered by the NCAA Working Group on the Collegiate Model – Rules. This feedback will be used by the working group as it continues to finalize its recommendations for the NCAA Division I Board of Directors. Please forward any feedback and comments to rulesworkinggroup@ncaa.org.

Name: 1A FAR Board

Institution/Conference/Organization: 1A FAR

Date: June 18, 2012

Concept No. 1: Create an academic success operating bylaw that focuses specifically on student-athlete and team academic success. All legislation that directly related to academics (e.g., initial-eligibility requirements, progress-toward-degree requirements, full-time enrollment) would be maintained in the academic success operating bylaw. This includes merging the bylaws that govern the NCAA Division I Academic Performance Program with those that regulate the academic performance of student-athletes.

Rationale: Restructuring the operating bylaw to focus on academic-specific legislation will emphasize the primacy of academics at an individual and institutional level. It will allow for greater focus on those bylaws that will directly affect and support student-athlete academic performance.

Points to Consider:

- This may require the development of a new operating bylaw (e.g., eligibility for competition) or embedding legislation that is not primarily focused on student-athlete and team academic success in an existing operating bylaw, if the legislation is deemed necessary.
- The determination of the legislation that would be included in the new operating bylaw and the legislation that would be embedded in existing operating bylaws would be filtered through the established values for those operating bylaws.

Questions:

1. Do you support this concept? **No, not as proposed.**
2. Why or why not? **It makes more sense to place ALL criteria for eligibility for competition in a single bylaw. We do not recommend adding complexity.**
3. Will the creation of an academic success operating bylaw increase efficiency for institutional personnel? **No, not as proposed.**
4. Why or why not? **Taking the approach described would still result in having to review bylaw provisions in multiple places. This could be confusing for coaches, student-athletes, and prospective student-athletes, and could lead to increased risk for error.**

5. Will the creation of a separate bylaw focused on non-academic elements of a student-athlete's eligibility for competition provide clarity and ease in application of the legislation? **No.**

6. Why or why not? **See the reasons stated above. Additionally, one already has to review other provisions in other bylaws (e.g., amateurism provisions in Bylaw 12, and ethical conduct rules in Bylaw 10). Why create further complexity by adding yet another bylaw that must be reviewed? Instead, a grouping of ALL provisions relating to eligibility for competition could be an improvement over the existing structure. On the other hand, Bylaw 14 currently includes some provisions that perhaps should be located elsewhere, if retained at all. For example, the section relating to the impact on eligibility pertaining to participation in high school all-star games also includes an unrelated subsection that addresses *facility use* for high school all-star games.**

In addition, providing a detailed, comprehensive, and interactive index and Table of Contents would be useful.

Concept No. 2: Eliminate specified legislation; and further, eliminate legislation that is directly supported by institutional academic policy. Examples include:

1. Documentation of degree program designation requirement (NCAA Bylaw 14.4.3.1.7.1) and the portion of the designation of degree program (Bylaw 14.4.3.1.7) legislation that prescribe the steps that must be taken for a student-athlete to declare a degree.
2. Permit a student-athlete to practice, but not compete, for a 45-day period regardless of recruited status or participation in the sport of women's rowing. (Bylaws 14.3.5.1.1, 14.3.5.1.2 and 14.3.5.1.2.1)

Rationale: Legislation that is inconsequential or directly accounted for by institution's academic policy should no longer be included in the NCAA Division I Manual based on the newly established commitments.

Points to Consider:

- The timing of a student-athlete's designation of a degree is mandated in the percentage-of-degree requirements legislation.
- Institutional policy for all students should dictate the required steps that must be taken for a student-athlete to declare a degree.
- A single temporary certification period eliminates the need to determine the recruited status of a student-athlete.
- The sport-specific exception for women's rowing is not necessary given the ability of the NCAA Eligibility Center to quickly render final academic certifications.

Questions:

1. Do you support eliminating the legislative items referenced in Concept No. 2, Item Nos. 1 and 2? **Yes.**
2. Why or why not? **As suggested in the points to consider, this is an area in which the NCAA can simply require institutions to maintain campus academic policies.**

3. Do you support eliminating legislation that is redundant to institutional academic policy? **No response.**

4. Why or why not? **As a general concept, we would favor eliminating legislation that is redundant to institutional policies, but this question is too vague and broad to be able to respond meaningfully. Which legislation? What contexts? We also wonder how NCAA staff, many of whom are unfamiliar with campus operations, will solicit and enlist campus input to make these calls as to redundancy.**

Concept No. 3: Consider the appropriate definition of academic fraud for NCAA purposes and the role the NCAA should play in investigating and resolving allegations of a violation of academic integrity by prospective and continuing student-athletes.

Rationale: Appropriately identifying the role of the NCAA and possible changes to legislation, policies and associated penalties for occurrences of academic fraud or misconduct by both prospective and continuing student-athletes is necessary to maintain the enduring values of the NCAA.

Points to Consider:

- Currently, a violation of academic fraud may exist even if an institution determines that the act did not violate institutional academic misconduct policies.
- The NCAA has created several mechanisms for dealing with pre-enrollment academic fraud, including high school review staff, the prospective student-athlete review process and with respect to standardized test misconduct and fraud, the NCAA has generally deferred to the work of the testing agencies, and their procedures for whether a test score should be invalidated.
- The NCAA does little to no review of test-score fraud or other pre-enrollment academic fraud issues.
- In order to be an NCAA violation, there must be an institutional nexus to the misconduct. Thus, not all institutional offenses are violations of NCAA legislation (e.g., downloading a paper from the Internet and turning it in as a student's own work).
- A student-athlete may be found not to have knowingly engaged in academic fraud if there is some factual evidence of ambiguity as to whether the assistance crossed the line of appropriate or reasonable tutoring activities or there was no substantive addition to the student-athlete's work (e.g., editorial revisions to a paper). In those instances, the institution's findings are very relevant to the resolution of the matter.

Questions:

1. Should the NCAA be more involved in the review of pre-enrollment academic fraud allegations? **No, not in general, but see comments below.**
2. Why or why not? **The testing entities for SAT and ACT already perform reviews of test score irregularities. The NCAA is already significantly involved in the PSA review process. However, some FBS FARs report that in their experience the SAT and ACT testing centers do very little by way of review. There are two areas in which the NCAA might do more. First, the SAT and ACT entities only evaluate test score jumps with regard to their respective tests. The NCAA**

might help if it did something to compare the two tests in the event of a wide disparity in scores. Second, the Eligibility Center could require that PSAs report ALL test scores, and check that this occurs.

3. What if the institution is involved? **Yes.**

4. Why or why not? **If there is evidence to suggest that an institutional staff member is engaging in pre-enrollment academic fraud, the NCAA should have involvement.**

5. What academic misconduct by a prospective student-athlete should be considered a violation of NCAA legislation? **Fraud or forgery relating to transcripts; involvement by institutional staff members; fraud or forgery related to the SAT or ACT (e.g., getting a ringer to take the test)**

6. What academic misconduct by an enrolled student-athlete should be a violation of NCAA rules?

a. Should legislation distinguish between academic fraud and academic misconduct? **Yes, and “academic misconduct” issues that do not rise to the level of “academic fraud” should be addressed at the institutional level. This question is a bit difficult to address meaningfully in the abstract, however, because it depends on how the terms “academic fraud” versus “academic misconduct” are defined and how the NCAA would distinguish between the two.**

b. Are certain activities less egregious than others? For example, is there a difference between receiving too much assistance with a paper versus turning in a paper that was completely written by someone else? **Yes, but this is easier to state in the abstract and more challenging in practice given the wide array of possible conduct that can occur.**

c. If certain activities are less egregious than others, is there value in creating a scale of academic misconduct and a corresponding penalty structure? **No. Why add complexity? If a matter involves academic misconduct (and not academic fraud), the matter should be addressed by the institution consistent with institutional handling of such matters for all students. If the situation involves academic fraud, we recognize that there can be degrees of culpability. For example, there likely should be consideration of a different and more severe penalty when an institutional employee (e.g., a tutor) writes a full paper for a student-athlete, as opposed to a single sentence. But, most FBS FARs would rather leave some discretion in the hands of the Enforcement staff and Committee on Infractions rather than attempting to create a rigid scale of degrees of academic fraud and corresponding penalties. On the other hand, many FBS FARs remain concerned that Student-Athlete Reinstatement decisions are generally not transparent, and sometimes**

involve staff departing from guidelines. There could be more agreement if Student-Athlete Reinstatement decision-making were more transparent. But transparency could mean no departure from guidelines without review by the SA Reinstatement Committee or automatic review by the Committee.

7. Should a distinction be made if there is or is not an athletics nexus to the academic fraud committed? **Yes.**

a. Is the presence of an athletics nexus a prerequisite for NCAA involvement (in terms of interpreting and penalizing academic fraud)? **Yes.**

b. Should a student-athlete be treated in the same manner as a general student if his or her institution determines that institutional athletics staff members did not facilitate the wrongful behavior? **Yes, although the question is unclear. Treated by whom? The campus? If so, the answer is yes. The NCAA? There is some concern that a campus decision that an institutional staff member lacked involvement should not trump an actual investigation by NCAA as to whether there was such involvement. But, if there is indeed no such involvement, general campus policies should apply and control.**

c. Should a student-athlete be treated in the same manner as a general student if his or her institution determines that institutional staff members facilitated the wrongful behavior but were not motivated by the student-athlete's athletics reputation or skill? **While we generally favor having campuses treat student-athletes in a manner consistent with the treatment of all students, this question suggests determining proof of motive or lack thereof on the part of institutional staff members. Proving motive can be very difficult. If the student-athlete committed academic fraud and had help from athletics staff, there should be an NCAA violation. After all, in such a case, the student-athlete would have had intent, and there would be an athletics nexus even if the athletics staff had other motivations.**

8. Should distinctions be made between institutional athletics employees (e.g., tutor, coach, work-study student or administrative assistant)? **No. Penalties could vary, however, depending on the position of the employee who is engaging in the academic fraud. Indeed, institutional penalties should vary. But, if the student-athlete has engaged in academic fraud, the penalties as to the student-athlete should likely be consistent given the athletics nexus.**

9. How should the NCAA weigh the institutional determinations of academic misconduct alleged or committed by student-athletes? **Although this in large part depends on the definition of "academic misconduct" as opposed to "academic fraud," most FBS FARs believe that the NCAA should be deferential to institutional determinations and handling of "academic misconduct" cases alleged or committed by student-athletes unless there is clear and compelling evidence that the institution is abusing its discretion in making such assessments and not properly addressing cases of academic fraud.**

a. Should a student-athlete be in violation of NCAA legislation if there was an athletics nexus, but his or her institution determines that academic fraud did not take place? **No.**

b. Why or why not? If there has been an institutional review and a determination that the situation does not constitute “academic fraud,” the matter should not be a violation of NCAA legislation unless there is clear and compelling evidence that the institution abused its discretion in making its determination. It is very important that the NCAA allow institutions to determine whether there was academic fraud or academic misconduct. It is impractical and an infringement on institutional autonomy for the NCAA to have different standards than the institution. Correspondingly, if there is an allegation of academic misconduct and the institution, through its normal process as applied to all students, finds that no such academic misconduct occurred, that should be the end of the story. Some FBS FARs, however, expressed concerns that some institutions will not do a fair or adequate job in assessing situations possibly involving academic fraud.

c. Should a student-athlete be subject to an NCAA violation if there is no institutional nexus? No, although this question is unclear. We assume you mean no involvement by institutional staff, but we are not certain. But, see our response to “e” below regarding definitions.

d. Why or why not? See above. Also, institutional policies should be sufficient.

e. What weight, if any, should be given to varying institutional policies with respect to academic fraud? So, what might be considered academic fraud on one campus, would not be considered as such on another. It would be beneficial for the NCAA to define “academic fraud” for purposes of the application of Bylaw 10.1-(b) and to distinguish “academic misconduct” that can be addressed and resolved at the institutional level and consistent with institutional policies for all students. We suggest that the NCAA create definitions and parameters consistent with the Official Interpretation published on September 6, 2000, which provides the following guidelines:

The subcommittee reviewed the application of Bylaw 10.1-(b) as it relates to academic fraud and agreed that the following guidelines generally should be used in determining whether an incident of academic fraud should be reported to the NCAA as a violation of Bylaw 10.1-(b) or should be handled exclusively at the institutional level in accordance with its policies applicable to all students.

- a. The subcommittee confirmed that an institution is required to report a violation of Bylaw 10.1-(b) any time an institutional staff member (e.g., coach, professor, tutor, teaching assistant) is knowingly involved in arranging fraudulent academic credit or false transcripts for a prospective or enrolled student-athlete, regardless of whether the institutional staff member acted alone or in concert with the prospective or enrolled student-athlete.
- b. The subcommittee confirmed that an institution is required to report a violation of Bylaw 10.1-(b) any time a student-athlete, acting alone or in

concert with others, knowingly becomes involved in arranging fraudulent academic credit or false transcripts, regardless of whether such conduct results in an erroneous declaration of eligibility.

- c. If a student-athlete commits an academic offense (e.g., cheating on a test, plagiarism on a term paper) with no involvement of an institutional staff member, the institution is not required to report a violation of Bylaw 10.1-(b), unless the academic offense results in an erroneous declaration of eligibility and the student-athlete subsequently competes for the institution.

Finally, the subcommittee noted that in all cases in which a student-athlete knowingly engages in conduct that violates institutional policies, the institution is required to handle a student-athlete's academic offense in accordance with its established academic policies applicable to all students, regardless of whether the violation is reportable under Bylaw 10.1-(b)] or whether the student-athlete was acting alone or in concert with others. [Reference: Bylaw 10.1-(b)]

We also believe that implicit in this September 6, 2000, official interpretation is that “academic fraud” as described as reportable in subparts “a” and “b” would include any such actions that allowed a student-athlete to remain eligible or keep a scholarship.

Concept No. 4: Consider modifying current four-year college transfer requirements to include academic component(s).

Rationale: Legislation governing the eligibility of four-year college transfers currently attempts to balance a number of concerns. The current legislation may not adequately address academic issues. In light of the Association's emphasis on student-athlete academic success and academic-based metrics, an assessment of the four-year college transfer legislation is needed to ensure the requirements align with academic success and enduring values of the Association.

Points to Consider:

- Permitting a student-athlete to transfer and be immediately eligible based on leaving the first institution academically eligible and meeting eligibility requirements (e.g., percentage-of-degree requirements) at the second institution is consistent with the principle of graduating within five years after initial collegiate enrollment.
- Concept does not include a recommendation to amend the Bylaw 13 (recruiting) requirements, therefore, the institution's right to deny permission to contact would be maintained.
- The transfer requirements could also include an NCAA Division I Academic Progress Rate (APR) component. For example, the student-athlete will not, and has not previously, impacted an institution negatively in the academic performance report (e.g., student-athlete maintained a 2.600 grade-point average).

Questions:

1. Should all student-athletes be required to serve an academic year in residence at the time of transferring from one four-year institution to another four-year institution? **No.**
2. Why or why not? **For the reasons described in the Points to Consider, many FBS FARs are of the view that student-athletes who transfer should be relieved of the requirement to serve an academic year in residence provided that they are meeting all percentage-of-degree requirements. If such a transferring student-athlete, however, has less than a 2.6 GPA, the transfer would negatively impact the APR for the school from which the transferring student-athlete is departing. To address such cases, the APR retention point rules should be reconsidered and revised to avoid penalizing the first institution. Mid-year transfer rules may need to be retained, as well. Alternatively, some FBS FARs would favor the concept set forth in the third bullet in the Points to Consider above to allow immediate eligibility only for a transferring student-athlete who has maintained at least a 2.6 grade-point average. Finally, some FBS FARs favor retaining the current transfer rules given concerns about timely graduation.**
3. Should student-athletes in some sports be required to serve an academic year of residence at the time of transferring from one four-year institution to another? **No.**

4. Why or why not? **Although we recognize that there could be a greater percentage of transfers in sports such as football, basketball, and baseball should the “year-in-residence” rule be eliminated, we are of the general view that NCAA rules should be consistent across all sports. Some FBS FARs, however, support maintaining the year-in-residence for football, basketball, and baseball transfers. They are concerned that to do otherwise could create a “free agency” atmosphere in those sports.**
5. What sports should be included in the one-time transfer exception? **All sports. Be consistent.**
6. Is there an academic reason to support prohibiting student-athletes in certain sports from transferring and being immediately eligible? **No.**
7. Do you support sport-specific transfer requirements determined by the overall APR for that sport? **No.**
8. Why or why not? **Treat all sports the same.**
9. Do you support a multiple-layer approach to a student-athlete's access to practice, competition and athletically related financial aid? For example, a student-athlete who meets some but not all of the requirements may be permitted to practice, but not compete while serving a year in residence? **No.**
10. Why or why not? **Although these academic reforms, once in effect, should have value for incoming freshman, they need not be extended to four-four transfers. Presumably, the initial institution will have already applied the multi-layer approach upon the student-athlete’s initial enrollment and matriculation. It should not be repeated upon a transfer.**
11. Do you support the establishment of research-based academic requirements for transfers (note this could be in addition to requiring a year of residence in certain sports)? **No response.**
12. Why or why not? **This question is unclear. We favor the continued utilization of research-based assessments by the Academic Cabinet in formulating academic policy recommendations.**

Concept No. 5: Consider modifying progress-toward-degree requirements.

Rationale: Progress-toward-degree standards ensure that student-athletes are earning degree applicable credits and appropriately progressing toward a degree. Part of embedding academic success as a first expectation is to ensure that progress-toward-degree standards support continued progress toward a degree and ultimately graduation.

Points to Consider:

- Current progress-toward-degree standards require a minimum grade-point average, earning of a percentage of a degree and the passing of a minimum number of hours in a given semester and year.
- Currently there are limited instances where NCAA legislation differs based on sport.

Questions:

1. Do the current standards adequately progress a student-athlete toward achieving a degree? **Yes.**

2. Why or why not? **It is a very good policy and program that facilitates moving our student-athletes to degree completion within five years or less. However, consideration should be given to modifying the current standards to allow more academic flexibility for high-achieving students. One size does not fit all. Students who are taking and successfully completing academically rigorous coursework should be able to structure class schedules in a manner so as to provide them with the best academic experience. This might mean taking a required research seminar in the summer when the student-athlete has more time or taking several classes toward a minor in a single semester; however, current PTD requirements could limit a student-athlete's academic choices. Some possible options could include authorizing the following:**

- **A student-athlete who is on a 4-year graduation track (50% after 2 years, 75% after 3 years) and/or with a certain GPA could be allowed to apply hours from *any* degree program (not only hours applicable to that student-athlete's degree program) to meet PTD requirements; or**
- **A student-athlete who is on a 4-year graduation track (50% after 2 years, 75% after 3 years) and/or with a certain GPA could be allowed to use hours toward any institutionally recognized academic credential (e.g. minor, concentration, certificate program) to meet PTD requirements.**

3. Should the current grade-point average minimum that requires a percentage of the grade-point average needed for graduation be simplified and require a 2.000 minimum each year? **No.**

4. Why or why not? The current policy facilitates movement toward a degree within five years or less and allows incoming students to explore various majors to a limited extent in the first year or so of studies. Also, institutional policies on academic probation/suspension often are more rigorous.

5. Should the nine-hour requirement that is currently in place for football student-athletes be extended to all sports? No.

6. Why or why not? Although favored by some FBS FARs, many FBS FARs dispute its value for football. Additionally, the current football policy with its inconsistent and difficult to monitor approach to recapturing lost games and inclusion of a one-time exception is not a model that many FBS FARs favor.

7. Are the current percentage-of-degree benchmarks appropriate? Yes.

8. Why or why not? The policy facilitates moving our student-athletes to degree completion within five years or less.