



**REPORT OF THE
NCAA DIVISION I BOARD OF DIRECTORS
AUGUST 7, 2019, MEETING**

INFORMATIONAL ITEMS.

1. **Review of Academic Misconduct Legislation and Policies.** The NCAA Division I Board of Directors received a final report [Attachment] and recommendations from the NCAA Division I Presidential Forum based on a charge from the Board of Directors to review academic integrity and misconduct legislation, policy and interpretations. After a year-long process that included initial recommendations from the NCAA Division I Academic Misconduct Working Group, extensive discussions by the Presidential Forum and the NCAA Division I Presidential Forum Steering Committee, and comprehensive membership and governance committee feedback, the Board of Directors took the following actions as recommended by the Presidential Forum:
 - a. Reaffirmed Recent Actions Related to Academic Integrity. The Board of Directors reaffirmed the importance of recent actions to strengthen academic integrity, noting that these enhancements should be permitted to take hold before adding additional layers of regulation. These changes include the improved 2016 legislation now in place; infractions process enhancements, including importation; the new independent accountability resolution process; and the ongoing review of the interpretative process in infractions matters.
 - b. Requested the NCAA Division I Council Introduce Legislation. The Board of Directors requested that the Council introduce a legislative proposal for membership consideration in the 2019-20 legislative cycle that improves overall clarity and reinforces the intended application of the current academic misconduct legislation. [See Attachment, Supplement No. 1.] The proposal, through the Council's normal legislative process, could be considered for adoption in January or April 2020.
 - c. Supported Best Practices. The Board of Directors supported best practices and suggested approaches as recommended by the NCAA Division I Committee on Academics that an institution may consider as part of its efforts to help prevent and identify potential academic misconduct. [See Attachment, Supplement No. 2.] In addition, sometime in the future, the Board of Directors will consider whether the implementation or nonuse of best practices should be considered as mitigating or aggravating factors, respectively, in an infractions case.
 - d. Two-Year Review. The Board of Directors charged the Presidential Forum to review the status of the academic integrity legislation and policies, including the outcome of the ongoing review of the interpretations process as it relates to infractions, in two years and provide an update that assesses whether the implemented recommendations are having the desired effect.

2. **Attestation and Certification of Compliance Requirements.** The Board of Directors received an update related to the attestation and certification of compliance requirements that were adopted in response to a recommendation from the Commission on College Basketball. The Board of Directors discussed a request from the LEAD1 Association to delay the implementation of the attestation and certification requirements and a response to LEAD1 provided by Donald Remy, NCAA chief operating officer and chief legal officer. The Board of Directors took no action related to the attestation and certification requirements. Therefore, the October 15 deadline for completion of attestation and certification requirements remains in effect.
3. **Board of Directors Oversight of the Enforcement and Infractions Processes.** The Board of Directors received a report regarding the NCAA Division I Board of Directors Administrative Committee's initial discussions regarding the possible formation of a more permanent group within the Division I governance structure to provide guidance and oversight on key, noncase specific enforcement and infractions strategic issues. The Administrative Committee agreed that a Board of Directors standing committee would allow for more effective oversight and could perform the functions that have previously been assigned to working groups or task forces. A standing committee would include experts (presidents and non-presidents) on enforcement and infractions processes. Given the specific nature of the necessary expertise of committee members, continuity of membership is an important consideration. The Board of Directors expressed support for these initial themes and concepts and asked the Administrative Committee to develop additional details on the concept of an infractions process oversight committee for consideration in October.
4. **NCAA Board of Governors Federal and State Legislation Working Group.** The Board of Directors received an update regarding the Board of Governors Federal and State Legislation Working Group, which has been charged to examine issues highlighted in recently proposed federal and state legislation related to student-athlete name, image and likeness. Members of the Board of Directors were encouraged to submit input to the working group. Written input from any interested party may be provided [here](#).
5. **NCAA Division I Board of Directors Finance Committee Update.** The Board of Directors received an update from the Board of Directors Finance Committee regarding the review of Division I championships finances. The review is necessary based on the growth of funding requirements under current legislation, policies, and practices, and the need to ensure the quality of championships for student-athletes and other stakeholders. A Council working group will be established to support this review and will report its progress to the Finance Committee. At the conclusion of the review, the membership will have a clearer and shared understanding of the driving factors of the championships cost structure and priorities. The result of the review may include recommendations for legislative and/or policy changes to enable funding of championships in line with the

guiding principles of the review. The review is expected to take nine to 18 months to complete. The following principles were approved by the Finance Committee to guide the review:

- a. As championships is a core function of the NCAA, outcomes of this review, including the execution of championships, should clearly reflect the Association's pillars: Academics, well-being and fairness for all involved.
 - b. As the NCAA Division I Men's Basketball Championship is the primary source of funding for all championships and Association programming, it requires ongoing investment to maintain a quality production and experience for all involved.
 - c. The student-athlete's participation in an NCAA Championship should be the pinnacle of their intercollegiate athletics experience, which includes ensuring that all Division I and National Collegiate Championships are bracketed and conducted fairly as national championships and celebrate the student-athlete.
 - d. Agreed upon criteria shall guide financial investment of championships and should be informed by data, sport sponsorship and effective funds management.
 - e. NCAA Championships will reflect the NCAA's commitment to diversity and inclusion and student-athlete gender equity.
 - f. A model that allows for periodic review of championships is important for financial planning.
 - g. Participation in NCAA Championship events requires cost-sharing with member institutions whose student-athletes participate.
6. **Update on College Basketball Reform.** The Board of Directors received an update regarding the implementation of college basketball reform initiatives, including changes to the scholastic and nonscholastic basketball environment and the agent certification process.
 7. **Committee on Academics Update.** The Board of Directors received an update from the Committee on Academics, which included an update on its holistic review of the NCAA Division I Academic Performance Program, implementation of the NCAA Division I Men's and Women's Basketball Degree Completion Assistance Program; the continued review of postgraduate academic enrollment requirements; and preparations for an academic-athletics summit in 2020.
 8. **Division I Council Update.** The Board of Directors received an update on actions taken and issues reviewed by the Council, including several initiatives that advance the Board of

Directors' strategic areas of emphasis. In addition, the Board of Directors received an overview of the new Council-governance legislative process in which conferences submit legislative concepts by July 15 for review before proposals are sponsored by November 1. In the initial iteration of the process, conferences submitted 77 concepts, including three that are related to transfer eligibility. The Board of Directors noted that although the membership recently adopted changes to the transfer regulations (notably, the notification of transfer process), there was no consensus regarding the changes that are contemplated in the transfer legislative concepts. The Board of Directors will review the concepts in more detail and provide feedback to the submitting conferences before the November 1 deadline to sponsor legislative proposals.

9. **NCAA President's Report.** The Board of Directors received a report from NCAA President Mark Emmert regarding current issues facing the Association.
10. **NCAA Board of Governors Update.** The Board of Directors received an update on actions taken and issues reviewed by the Board of Governors, including discussions related to sports wagering, student-athlete name, image and likeness, and Association-wide strategic planning.
11. **Legal Update.** The Board of Directors received a privileged and confidential update from Scott Bearby, vice president of legal affairs, related to ongoing legal matters.
12. **Report of the May 1 Board of Directors Meeting.** The Board of Directors approved the report of its May 1 meeting. (*Unanimous voice vote.*)

Board of Directors chair: Eli Capilouto, University of Kentucky, Southeastern Conference

Staff Liaisons: Diane Dickman, Law, Policy and Governance

Jenn Fraser, Law, Policy and Governance

Kevin Lennon, Law, Policy and Governance

Donald Remy, Law, Policy and Governance

Leeland Zeller, Law, Policy and Governance

Division I Board of Directors August 7, 2019, Meeting	
Attendees:	
Guy Bailey, University of Texas Rio Grande Valley; Western Athletic Conference.	
Dean Bresciani, North Dakota State University; The Summit League.	
Grace Calhoun, University of Pennsylvania; The Ivy League, Division I Council.	
Eli Capilouto, University of Kentucky; Southeastern Conference.	
Christine Copper, United States Naval Academy; Faculty Athletics Representatives Association.	
Julie Cromer Peoples, University of Arkansas; Women Leaders in College Sports.	
Jack DeGioia, Georgetown University; Big East Conference.	
Phil DiStefano, University of Colorado, Boulder; Pac-12 Conference.	
Michael Drake, The Ohio State University; Big Ten Conference.	
Phil Dubois, The University of North Carolina at Charlotte; Conference USA.	
Burns Hargis, Oklahoma State University; Big 12 Conference.	
Ron Machtley, Bryant University; Northeast Conference.	
James Maher, Niagara University; Metro Atlantic Athletic Conference.	
G.P. "Bud" Peterson, Georgia Institute of Technology; Atlantic Coast Conference.	
Michael Rao, Virginia Commonwealth University; Atlantic 10 Conference.	
Nayef Samhat, Wofford College; Southern Conference.	
Denise Trauth, Texas State University; Sun Belt Conference, vice chair.	
Satish Tripathi, University at Buffalo, The State University of New York; Mid-American Conference.	
Absentees:	
Ted Carter, United States Naval Academy; Patriot League.	
Morgan Chall, Cornell University; NCAA Division I Student-Athlete Advisory Committee.	
Andrew Hugine, Alabama A&M University; Southwestern Athletic Conference.	
Renu Khator, University of Houston; American Athletic Association.	
Mary Papazian, San Jose State University; Mountain West Conference.	
Taylor Reveley, Longwood University; Big South Conference.	
Guests in Attendance:	
Rachel Baker, University of Kentucky.	
Jeri Beggs, Illinois State University; Faculty Athletics Representatives Association.	
Rita Cheng, Northern Arizona University; Big Sky Conference.	
Frank Gilliam, The University of North Carolina at Greensboro; Division I Presidential Forum chair.	
Phil Oldham, Tennessee Technological University; Ohio Valley Conference.	
NCAA Staff Liaisons in Attendance:	
Diane Dickman, Jenn Fraser, Kevin Lennon, Donald Remy and Leeland Zeller.	
Other NCAA Staff Members in Attendance:	
Katrice Albert, Scott Bearby, Jackie Campbell, Joni Comstock, Elizabeth Conte, Jon Duncan, Mark Emmert, Dan Gavitt, Michelle Hosick, Felicia Martin, Kathleen McNeely, Bridget Rigney, Dave Schnase, Naima Stevenson, Cari Van Senus, Stan Wilcox, and Bob Williams.	

**REPORT OF THE
NCAA DIVISION I PRESIDENTIAL FORUM
TO THE NCAA DIVISION I BOARD OF DIRECTORS
AUGUST 2019**

REVIEW OF ACADEMIC MISCONDUCT LEGISLATION AND POLICIES

Executive Summary.

Based on extensive membership feedback and thoughtful consideration by the NCAA Division I Presidential Forum Steering Committee, the NCAA Division I Board of Directors is asked to consider the following as to “next steps” related to the review of academic misconduct legislation and policies. It is suggested that the “package” of recommendations noted below is responsive to the Board’s charge to more clearly define the NCAA’s role as it relates to campus academic matters without unnecessary intrusion in campus decision making.

Recommendations.

1. Reaffirm the importance of recent actions to strengthen academic integrity at the conference and national levels, noting that these enhancements should be permitted to take hold before adding additional layers of regulation and bylaws. These changes include the improved 2016 legislation now in place; infractions process enhancements including importation; the new independent accountability resolution path; and the ongoing review of the interpretative process in infractions matters. (See pages 3-4 “positive changes to date” for details)
2. Request that the NCAA Division I Council introduce a proposal for the 2019-20 legislative cycle that improves the clarity and reinforces the intended application of existing academic misconduct legislation. [Supplement No. 1]
3. Support “best practices” as recommended by the NCAA Division I Committee on Academics [Supplement No. 2] and refer to a yet-to-be established Board standing committee the issue of whether the implementation or nonuse of such best practices should be considered as mitigating or aggravating factors, respectively, in an infractions case.
4. Request that the NCAA Division I Presidential Forum provide an update to the Board in two years that analyzes the outcomes and assesses whether any implemented changes are having the desired effect.

**REPORT OF THE
NCAA DIVISION I PRESIDENTIAL FORUM
TO THE NCAA DIVISION I BOARD OF DIRECTORS
AUGUST 2019**

NCAA Division I Presidential Forum's Review of Academic Misconduct and Recommendations to the NCAA Division I Board of Directors.

Background and Introduction.

The Board of Directors charged the Presidential Forum to oversee a review of the NCAA's proper role in addressing academic misconduct involving or impacting student-athletes, including an evaluation of academic misconduct legislation adopted in 2016. The overarching purpose was to clearly define the NCAA's role within academic matters and the parameters of institutional autonomy.

Throughout the review, and in accordance with its original charge, the Presidential Forum sought solutions that best align the academic regulation with desired outcomes by not overregulating those members who are doing it right, holding accountable those who break membership expectations, and solidifying a framework that closes some analytical gaps in areas important to the membership.

The Forum acknowledges and celebrates a number of advancements that have been made in the academic misconduct space since this review began, in part because of recommendations initiated by a working group appointed by the NCAA Division I Presidential Forum Steering Committee and vetted through the Steering Committee, but also because of actions taken in the infractions/enforcement space as a result of the Commission on College Basketball.

The Steering Committee reviewed ample feedback from conferences and key governance committees on several potential concepts. In all, 28 of the 32 conferences responded to the Forum's request for feedback, as did key committees. While there was not absolute consensus on any item, several themes emerged that helped inform the Forum's final recommendations.

The Board is asked to consider the following package of actions and outcomes to fortify the entire academic misconduct area and help protect academic integrity without interfering at all in the autonomy institutions have in addressing academic matters.

Positive Changes to Date.

Importantly, five actions affecting the academic misconduct space have already been finalized or are underway:

1. **The 2016 Legislation.** Academic misconduct has been a focus of the division for several years, including a 2016 legislative revision that improved the application of academic misconduct rules and is just now starting to be applied in a small number of cases to date. This new framework:

- a. Clearly defines what constitutes academic misconduct that must be reported to the NCAA;
- b. Clearly specifies that when institutional staff members and boosters are implicated in academic misconduct involving student-athletes, an NCAA violation occurs regardless of the impact on student-athlete eligibility; and
- c. Requires institutions to follow applicable institutional academic misconduct policies and procedures in the investigation and adjudication of academic misconduct for student-athletes.

The Division I membership has generally indicated that the new framework is a significant improvement over the prior construct, which was vague and undefined legislatively. The current legislation is widely accepted as providing greater clarity in what is and what is not a violation of NCAA rules.

- **Revised Educational Column that Codifies the 2016 Legislation.** The Council, in October 2018, amended previous educational materials to alleviate confusion regarding how the violation structure applies to academic integrity.

2. **Infractions Process Enhancements.** In August 2018, Division I adopted an “importation” provision that allows, among other things, for facts established by a decision or judgment from a credible entity (and the underlying information relied upon to reach those decisions or judgments) to be accepted as true in deciding whether an institution or individual violated NCAA legislation. This change, which was a recommendation from a topical working group formed after the Commission on College Basketball issued its report, has already been approved and is now operational, and the Presidential Forum believes the provision could be relevant in the academic misconduct space.

Other commission reforms will be impactful as well. These include enhanced responsibility for cooperation, new and/or immediate penalties for noncooperation, higher penalties for select cases, protections for whistleblowers and others. These and other meaningful enhancements approved by the Division I Board of Directors and membership resulted in meaningful enhancements to the traditional infractions process. The application of such changes is relevant for academic misconduct cases in addition to other types of cases.

3. **New Independent Accountability Resolution Path.** Another Commission on College Basketball outcome was the adoption in August 2018 of legislation that establishes an independent accountability resolution program to investigate and adjudicate select infractions cases. The Forum notes that some academic misconduct cases, if they meet the established criteria for independent resolution, would be adjudicated through this process.
4. **Accrediting Agencies.** The Forum, in January 2019, asked the staff to contact the six regional accrediting agencies to discuss their role in academic misconduct matters, particularly those that are significant and systemic.
5. **Review of Interpretive Process in Infractions Matters.** The Forum also asked the Council to review and examine the interpretive process within the context of the enforcement/infractions process. A working group has been named and work on this referral has begun with a final report and recommendations likely in early 2020 for membership consideration.

Four Concepts Provided for Membership Comment.

As a reminder, the following is a summary of the four concepts for which the Forum asked the membership to comment:

Concept 1: Add an overarching bylaw that would capture instances of systemic, willful disregard for academic integrity as it pertains to student-athlete eligibility and/or fair competition.

Concept 2: Legislative revisions that improve overall clarity and reinforce the intended application of the legislation adopted in 2016. Such changes do not change the application of the existing bylaw.

Concept 3: Provide institutions with “best practices” to help schools prevent academic violations related to student-athletes.

Concept 4: Allow the legislation adopted in 2016 and the new tools created as a result of the Commission on College Basketball to more fully play out before seeking alternative solutions.

Final Outcomes and Recommendations.

Throughout the review, and in accordance with its original charge, the Presidential Forum sought solutions that best align the academic regulation with desired outcomes by not overregulating those members who are doing it right, holding accountable those who break membership expectations, and solidifying a framework that closes some analytical gaps in areas important to the membership.

The Forum acknowledges and celebrates a number of advancements that have been made in the academic misconduct space since this review began, in part because of recommendations initiated by the working group and vetted through the Presidential Forum Steering Committee, but also because of actions taken in the infractions/enforcement space as a result of the Commission on College Basketball.

The Presidential Forum Steering Committee has reviewed feedback provided by conferences and key governance committees. It is clear from the feedback that there are myriad viewpoints on this topic. The Board is asked to consider the following package of actions and outcomes to fortify the entire academic misconduct area and help protect academic integrity without interfering at all in the autonomy institutions have in addressing academic matters.

Recommendations.

Given all these changes or activities under review, the Forum recommends that the Board consider the following actions:

1. Reaffirm the importance of recent actions to strengthen academic integrity at the conference and national levels, noting that these enhancements should be permitted to take hold before adding additional layers of regulation and bylaws. These changes include the improved 2016 legislation now in place; infractions process enhancements including importation; the new independent accountability resolution path; and the ongoing review of the interpretative process in infractions matters. (See pages 2-3 for details)
2. Request the Division I Council introduce a legislative proposal for membership consideration in 2019-20 that improves overall clarity and reinforces the intended application of existing academic misconduct legislation. [Supplement No. 1] This legislation, through the Council's normal legislative process, could be adopted in January or April 2020.
3. Support the "best practices" as recommended by the Committee on Academics [Supplement No. 2] and ask the Board, given its infractions oversight role, to consider the issue regarding whether the implementation or nonuse of such best practices should be considered as mitigating or aggravating factors, respectively, in an infractions case.
4. If the suggested outcomes and recommendations are approved, the Board should consider asking the Presidential Forum to provide an update in two years that analyzes the outcomes and assesses whether any implemented changes, including the outcome of the interpretative review, are having the desired effect.

It is important to note that the Presidential Forum Steering Committee seriously considered Concept No. 1 noted above. The Steering Committee did not forward this concept to the Board but decided to retain it as an option in the future if the actions prescribed above do not achieve the desired outcome over time.

The concept was to add an overarching bylaw that would capture instances of systemic, willful disregard for academic integrity as it pertains to student-athlete eligibility and/or fair competition. Feedback from the membership on this idea indicated some but not significant support. Comments trended toward concern that such a provision would be unnecessary and that recent changes in the infractions process will capture systemic academic malfeasance. As such, the Steering Committee decided not to submit the concept at this time.

Summary.

The Forum believes it has accomplished its charge and that the recommendations appropriately align the NCAA's regulating authority within the academic arena. Viewed in their entirety, the recommendations collectively fortify the NCAA's regulatory responsibility without infringing upon institutional autonomy. And importantly, they uphold the academic integrity that is at the core of higher education.

Finally, as in any membership organization, there are varying viewpoints and perspectives. The Forum sought to find common ground and listen to all voices. As noted, if the suggested outcomes and recommendations are approved, the Board should consider asking the Forum to provide an update in two years that analyzes the outcomes and assesses whether any implemented changes are having the desired effect.

ACADEMIC ELIGIBILITY -- ACADEMIC MISCONDUCT -- REORGANIZATION AND CLARIFICATION
OF APPLICATION

Intent: To reorganize the structure and clarify the application of the academic misconduct legislation, as specified.

Bylaws: Amend 14, as follows:

14 Academic Eligibility

[14.01 unchanged.]

14.02 Definitions and Applications.

~~14.02.1 Academic Misconduct — Post Enrollment. All institutional staff members and student athletes are expected to act with honesty and integrity in all academic matters. Post enrollment academic misconduct includes any violation or breach of an institutional policy regarding academic honesty or integrity (e.g., academic offense, academic honor code violation, plagiarism, academic fraud).~~

[14.02.2 through 14.02.9 renumbered as 14.02.1 through 14.02.8, unchanged.]

~~14.02.10 Impermissible Academic Assistance — Institutional Staff Member or Representative of Athletics Interests. — Impermissible academic assistance by a current or former institutional staff member or a representative of an institution's athletics interests includes, but is not limited to, the provision or arrangement of:~~

~~(a) Substantial assistance that is not generally available to an institution's students and is not otherwise expressly authorized in Bylaw 16.3, which results in the certification of a student athlete's eligibility to participate in intercollegiate athletics, receive financial aid, or earn an Academic Progress Rate point; or~~

~~(b) An academic exception that results in a grade change, academic credit or fulfilment of a graduation requirement when such an exception is not generally available to the institution's students and the exception results in the certification of a student athlete's eligibility to participate in intercollegiate athletics, receive financial aid, or earn an Academic Progress Rate point.~~

~~14.02.11 Institutional Staff Member. For purposes of Bylaw 14, an institutional staff member is any individual, excluding a student employee, who performs work for the institution or the athletics department, regardless of whether he or she receives compensation for such work.~~

~~14.02.11.1 Student Employee. For purposes of Bylaw 14, a student employee is an institutional staff member if:~~

~~(a) He or she has institutional responsibilities to provide academic services to student athletes; or~~

~~(b) He or she engages in academic misconduct or provides impermissible academic assistance at the direction of a nonstudent employee, an institutional staff member per 14.02.11.1 (a) or a representative of the institution's athletics interests.~~

[14.02.12 through 14.02.16 renumbered as 14.02.9 through 14.02.13, unchanged.]

14.1 Admission, Enrollment and Academic Credentials.

[14.1.1 unchanged.]

14.1.2 Validity of Academic Credentials. As a condition and obligation of membership, an institution is responsible for determining the validity of a student-athlete's academic record.

~~14.1.2.1 Pre-Enrollment Academic Misconduct. A prospective student-athlete, student-athlete, representative of athletics interests or a current or former institutional staff member shall not:~~

~~(a) Arrange for a false or inaccurate academic record (e.g., courses, grades, credits, transcripts, test scores) for a prospective student-athlete; or~~

~~(b) Provide false, inaccurate or incomplete information to the NCAA or an institution regarding a prospective student-athlete's academic record.~~

[14.1.2.2 through 14.1.2.5 renumbered as 14.1.2.1 through 14.1.2.4, unchanged.]

[14.2 through 14.8 unchanged.]

14.9 ~~Post-Enrollment Academic Misconduct~~ **Integrity**.

14.9.1 General Principle. All institutional staff members and student-athletes are expected to act with honesty and integrity in all academic matters.

14.9.2 Definitions.

14.9.2.1 Institutional Staff Member. For purposes of Bylaw 14.9, an institutional staff member is any individual, excluding a student employee, who performs work for the institution or the athletics department, regardless of whether he or she receives compensation for such work.

14.9.2.1.1 Student Employee. For purposes of Bylaw 14.9, a student employee is an institutional staff member if:

(a) He or she has institutional responsibilities to provide academic services to student-athletes; or

(b) He or she engages in an academic integrity violation at the direction of a nonstudent employee, a student employee who has institutional responsibilities to provide academic services to student-athletes or a representative of the institution's athletics interests.

14.9.3 Pre-Enrollment Academic Integrity. A prospective student-athlete, student-athlete, representative of athletics interests or a current or former institutional staff member shall not:

(a) Arrange for a false or inaccurate academic record (e.g., courses, grades, credits, transcripts, test scores) for a prospective student-athlete; or

(b) Provide false, inaccurate or incomplete information to the NCAA or an institution regarding a prospective student-athlete's academic record.

14.9.24 ~~Post-Enrollment Academic Misconduct~~ **Integrity.**

14.9.14.1 Policies and Procedures, **Investigation and Adjudication.** An institution must:

(a) Have written institutional policies and procedures regarding ~~academic misconduct~~ **violations or breaches of an institutional policy regarding academic honesty or integrity** applicable to the general student body, including student-athletes. The policies and procedures must be approved through the institution's normal process for approving such policies and must be kept on file or be accessible on the institution's website; **and**

(b) Investigate and adjudicate **an** alleged ~~academic misconduct~~ **violation or breach of an institutional policy regarding academic honesty or integrity** in accordance with established policies ~~regardless of whether the misconduct is reported to the NCAA or whether the student-athlete acted alone or in concert with others.~~

14.9.14.1.1 ~~Exception~~ **Expedited Review.** An institution may establish a policy that permits an expedited investigation and adjudication of **an alleged** academic ~~misconduct~~ **violation** by a student-athlete, provided other applicable policies and procedures are observed and the policy for expedited review is approved through the institution's normal process for approving such policies and is approved by the institution's president or chancellor (or his or her designee). Further, the policy that permits an expedited review must be kept on file or must be accessible on the institution's website.

14.9.24.12 **Prohibited Conduct -- Student-Athlete.** A student-athlete shall not be involved in **a violation or breach of an institutional policy regarding academic honesty or integrity:**

~~(ea) Academic misconduct involving~~ **Involving** the alteration or falsification of a student-athlete's transcript or academic record; **;**

~~(ab) Academic misconduct involving~~ **Involving** a current or former institutional staff member or representative of athletics interests; **or**

~~(bc) Academic misconduct, without~~ **Without** the involvement of a current or former institutional staff member or representative of athletics interests, that results in:

(1) An erroneous declaration of eligibility to participate in intercollegiate athletics and the student-athlete subsequently competes for the institution while ineligible;

(2) An erroneous declaration of eligibility to receive financial aid and the student-athlete subsequently receives financial aid while ineligible; or

(3) The erroneous awarding of an Academic Progress Rate point;~~or.~~

14.9.24.23 Prohibited Conduct -- Institutional Staff Member or Representative of Athletics Interests. A current or former institutional staff member or a representative of an institution's athletics interests shall not be involved (with or without the knowledge of the student-athlete) in:

(a) ~~Academic misconduct~~ **A violation or breach of an institutional policy regarding academic honesty or integrity** related to a student-athlete; ~~or~~

(b) The alteration or falsification of a student-athlete's transcript or academic record; **or**

(c) The provision of academic assistance or an exception that is not otherwise permissible pursuant to Bylaw 16.3, is not generally available to the institution's students and results in the certification of a student-athlete's eligibility to participate in intercollegiate athletics, receive financial aid, or earn an Academic Progress Rate point.

14.9.24.3.1 Application. If an institution determines, pursuant to its policies and procedures, that ~~academic misconduct has occurred~~ **conduct violates an institutional policy regarding academic honesty or integrity**, a violation of Bylaw 14.9.24.3-(c) shall not be cited by the institution or through an enforcement investigation. If an institution determines, pursuant to its policies and procedures, that ~~academic misconduct has not occurred~~ **conduct does not violate an institutional policy regarding academic honesty or integrity**, the conduct in question may still constitute a violation of Bylaw 14.9.24.3-(c).

~~14.9.2.3 Impermissible Academic Assistance—Institutional Staff Member or Representative of Athletics Interests. A current or former institutional staff member or a representative of an institution's athletics interests shall not provide impermissible academic assistance to a student-athlete (see Bylaw 14.02.10).~~

Source:

Effective Date: Immediate

Proposal Category: Amendment

Topical Area: Academic Eligibility

Rationale: Based on a review, initiated by the Board of Directors and overseen by the Presidential Forum, of academic misconduct legislation, a few relatively minor challenges were identified. The challenges relate to the organization of the legislation and confusion surrounding the nomenclature of “impermissible academic assistance.” This proposal would consolidate all academic integrity legislation into one section of Bylaw 14 (consistent with current efforts to refresh and modernize NCAA legislation); eliminate the use of the term “impermissible academic assistance”; and improve the overall clarity of the legislation by embedding the

institutional determination of whether a violation of an institutional policy regarding academic honesty or integrity has occurred into the legislative mechanics. The recommended consolidation of all legislative authority into 14.9 will ease membership evaluation and application of the legislation. The recommended use of the phrase “academic integrity” (as opposed to “academic misconduct”) is intended to encompass the broad spectrum of possible outcomes in academic cases and the different nomenclature used by different institutions. The use of the term should improve clarity and understanding of the application of the legislation. Any violation related to academic integrity could be termed an “academic violation” regardless of the nomenclature used to describe a violation or breach of an institutional policy regarding academic honesty or integrity. An instance in which academic assistance or an exception is provided that is not otherwise permissible pursuant to Bylaw 16.3, is not generally available to the institution's students and results in the certification of a student-athlete's eligibility to participate in intercollegiate athletics, receive financial aid, or earn an Academic Progress Rate point could also be termed an “academic violation.” The recommended organizational and terminology changes do not amend what constitutes a violation but simplify the structure and application of the legislation, consistent with the intent of the academic misconduct legislation adopted in 2016.

Estimated Budget Impact: None.

Impact on Student-Athlete's Time (Academic and/or Athletics): None.

**NCAA Division I Committee on Academics Suggested Review Standards for Monitoring
and Preventing Academic Integrity Issues**

Background.

As a result of a review of NCAA Division I academic misconduct legislation and policies, the NCAA Division I Board of Directors supported the use of best practices and suggested approaches for monitoring and preventing academic integrity issues. The NCAA Division I Committee on Academics identified suggested approaches that an institution may consider as part of its efforts to help prevent and identify potential academic misconduct.

This document is intended to provide a suggested operational framework, including involvement by stakeholders, use of data and key areas of review in efforts to monitor and prevent serious academic integrity issues. As a professional association with subject matter expertise in academic support and advising of student-athletes, the National Association of Academic and Student-Athlete Development Professionals document “Best Practices for Promoting and Maintaining a Culture of Student-Athlete Success, Accountability, and Academic Integrity” is recommended as a companion to this document.

Suggested Institutional Stakeholders.

All or a combination of the following institutional stakeholders, as determined by the needs of the institution, should be involved in the data collection and analysis of the suggested review standards:

- a. Faculty and the NCAA faculty athletics representative.
- b. Academic support unit for student-athletes.
- c. Athletics compliance.
- d. Enrollment management (e.g., registrar, admissions).
- e. Institutional research.
- f. Academic administrators (e.g., provost, academic deans).
- g. Office of student conduct.
- h. Information technology.

Suggested Review Standards.

An institutional standing committee, composed of identified stakeholders, should consider the following areas of analysis and data for an annual review, monitoring and potential report to the institution's administration:

Comparison Between Student Data and Student-Athlete Data:

- a. Major/degree selection data. Course grade and enrollment distribution data.
- b. Policies and/or data regarding grade changes, including recertification due to grade change procedures.
- c. Policies and/or data for nontraditional courses (e.g., independent study, online courses) and use of internships.
- d. Policies and/or data for course schedule accommodations, including add/drops outside published deadlines and waivers of prerequisites and extra credit accommodations.
- e. Policies and/or data for credit accepted from other institutions (nontraditional, part time).

Compliance/Academic Support Policies and Procedures (Student-Athlete Specific):

- a. Existing academic support policies and procedures, including control of passwords, tutoring and mentoring policies and education and training of staff working with student-athletes in an academic capacity.
- b. Policies and/or approach to athletics department staff members' and boosters' communication with academic authorities on campus (e.g., admissions, faculty) and with other institutions regarding a prospective student-athlete or student-athlete's academic matters.
- c. Proctoring and testing procedures and/or approach for online assignments and exams taken in athletics facilities or while traveling for athletics purposes (e.g., away competition).
- d. Policies and/or approach to the evaluation and validity of a prospective student-athlete's academic record (e.g., who is authorized to work with a prospective student-athlete's academic record; who has the authority to communicate with another institution regarding academic matters; procedures for addressing a discrepancy in a prospective student-athlete's academic record).

**National Association of Academic and Student-Athlete Development Professionals (N4A)
Best Practices for Promoting and Maintaining a Culture of Student-Athlete Success,
Accountability, and Academic Integrity**

It is the expectation of the N4A that student-athletes will make academic progress in a manner consistent with other students in accordance with institutional academic codes of conduct. Ideally, student-athletes should engage in academic pursuits based upon their personal passions and career interests and compete with character in the classroom. This document has been developed to provide a template so that individual institutions may create policies and practices that fit their unique needs, yet adhere to the core values of student engagement, personal development, academic rigor, and integrity. The policies and practices herein are not a prescriptive list of specific instructions; rather, they are meant to serve as structural support for this philosophical foundation, and take into account wide arrays of resource allocation and institutional differences. When building policies from the base provided, institutions should take great care to include representatives from their campus communities and align with existing policies that may already exist. While various constituent groups (coaches, faculty, athletics personnel, etc.) are mentioned throughout the document, more than any other group, student-athletes themselves must be educated and trained to understand, accept, and value a culture of independent learning that places a premium on their well-being and holistic development.

NON-TRADITIONAL COURSES

The recent proliferation of nontraditional courses has created an additional complexity for academic support units for student-athletes in monitoring these courses. The N4A recommends each campus create a broad-based campus committee (including athletics and non-athletics department personnel) to define non-traditional courses on their campus, identify existing, campus-wide policies and procedures regarding non-traditional courses and wherever possible, align with these campus policies and procedures. Issues of concern for committees to address include, but are not limited to:

- enrollment guidelines and restrictions for student-athletes
- academic support strategies for non-traditional courses (i.e., tutorial)
- proctoring of online exams and assignments
- access/completion of online assignments and exams in athletic facilities
- restrictions on non-academic athletics department personnel (i.e., coaches, operations staff, etc.)
- evaluation of academic outcomes for student-athletes in non-traditional courses as compared to overall student body
- education and training for students and staff
- syllabus collection
- annual reporting structures
- off-campus testing procedures
- general security standards
- educate staff in recognizing questionable activities and how to report/document violations

ACADEMIC SUPPORT CENTERS / COMPUTER LABS

As academic support programs have developed, so have the growth of academic support centers. While not all centers are stand-alone facilities, the N4A defines any location where student-athletes are assigned to complete study hall/tutorial assignments as an area the following practices should be considered. Though not an exhausted list, the N4A recommends each campus consider the following practices for oversight of academic support centers:

- clearly defined schedule for supervision of the facility/center
- clearly defined restrictions regarding non-academic athletics department personnel
- clearly defined parameters regarding individuals and activities in each space
- education and training for students and staff to include reporting of questionable activities
- regular evaluation for all personnel engaged in providing academic support (e.g., advising, tutoring, mentoring)
- policy regarding services available to former student-athletes
- documented policies and procedures to report any violation of institutional or NCAA policy
- safety issue should be addressed when academic centers are open late at night (i.e., locked doors, student-athletes unable to leave the academic center alone after a specific time, etc.)
- a clear plan of action of any emergencies or harmful situations should be established

ACADEMIC SUPPORT PERSONNEL

Regardless of title or employment status, personnel hired specifically to provide academic support services to student-athletes (i.e., tutors, mentors, learning specialists) must take great care to foster a student-driven environment with clearly defined expectations and limitations. These employees must be committed to the highest levels of academic integrity, and have a strong conviction to uphold the mission of the institution. Though not an exhaustive list, the N4A recommends each campus consider the following practices related to personnel hired specifically to provide academic assistance to student-athletes:

- required participation in comprehensive training program
- policy to encourage and clearly outline reporting of suspicious or questionable activity
- personnel records with documentation of any previous issues, warnings, and/or violations of institutional policy
- monitoring and supervision of adherence to all policies
- well-established hiring policies and practices
- policy related to non-work related communication with student-athletes, staff, and coaches (i.e., social media communication)
- ongoing training and evaluation of personnel
- policies regarding access to online student records and accounts
- required exit interviews of all personnel
- policies outlining tutorial relationships based on relevant factors (e.g., prior relationships with student-athletes, sport)
- communication with University staff about changes/trends in University code of conduct policy

CAMPUS COMMUNICATION

The campus community including faculty, staff, and students are critically important in fostering and promoting an environment of academic integrity. Given the complexities surrounding a student-athlete's collegiate experience, the N4A recommends each campus consider the following practices regarding communication with campus constituents:

- clearly defined role and responsibility of the Faculty Athletics Representative (FAR) communicated broadly to campus
- communicate expectation that student-athletes not be granted special treatment from faculty because of their participation in intercollegiate athletics
- policy developed regarding appropriate communication between faculty and athletics personnel (e.g., faculty and coaches, staff and coaches, admissions personnel)
- documentation practices to define on-campus recruiting rules and restrictions
- Support campus policy for proper identification and communication of academic misconduct and educate coaches and athletics department personnel
- communicate with faculty of nontraditional courses to determine what they consider appropriate academic support (i.e. tutorial) for their assignments

ACADEMIC ADVISING / COUNSELING

Student-athletes must be encouraged to explore and actively seek their own individual academic interests. Policies and practices should reflect this philosophy so that with regard to course enrollment and major selection, their experience as a group is indistinguishable from that of the general student body on any given campus. The N4A recommends each campus develop policies and practices that encourage student-athletes to actively engage in the process of course and major selection, and to consider the following practices related to specific course enrollment and matriculation of majors:

- ongoing collaboration with campus units to educate student-athletes on major and course options, and other academic opportunities
- review by semester the student-athlete course enrollment compared to overall campus student enrollment
- annual review of distribution of student-athletes across majors on campus
- documented procedures for academic advising of student-athletes
- ongoing education for academic support staff in academic programs on campus
- efforts to facilitate communication between academic support personnel and campus advisors
- efforts to connect student-athletes with major and college advisors regularly
- outreach efforts with campus career services and student-athlete development office to connect major selection with career objectives and job placement
- active involvement of student-athletes in all academic advising conversations

SUMMARY

The National Association of Academic and Student-Athlete Development Professionals (N4A) is a group of professionals committed to the holistic development of the collegiate student-athlete with an emphasis on academic opportunity, development, and success. Understanding the complexities of the student-athlete experience and the pressures associated with the drive for athletic achievement, the core of our work is the empowerment of the student-athlete throughout the matriculation process and making an effective transition to life beyond intercollegiate athletics. Central to this mission is an unyielding commitment to academic integrity. As academic and student-athlete development professionals we are committed to helping create and uphold a culture of integrity that emphasizes student-athlete engagement and academic rigor. At every turn, student-athletes should be given opportunities to make choices that challenge themselves and increase their odds of being successful after graduation and away from their field of competition.