

## Eligibility

No. 2015-66

ACADEMIC ELIGIBILITY -- ACADEMIC MISCONDUCT

**Intent:** To define and clarify post-enrollment academic misconduct activities, the individuals to whom the activities apply and violations of such activities, as specified; further, to move the legislation related to pre-enrollment academic misconduct to Bylaw 14.

**A. Bylaws:** Amend 10.1, as follows:

10.1 Unethical Conduct. Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member, which includes any individual who performs work for the institution or the athletics department even if he or she does not receive compensation for such work, may include, but is not limited to, the following:

(a) Refusal to furnish information relevant to an investigation of a possible violation of an NCAA regulation when requested to do so by the NCAA or the individual's institution;

~~(b) Knowing involvement in arranging for fraudulent academic credit or false transcripts for a prospective or an enrolled student-athlete;~~

[10.1-(c) through 10.1-(f) relettered as 10.1-(b) through 10.1-(e), unchanged.]

~~(g) Failure to provide complete and accurate information to the NCAA, the NCAA Eligibility Center or an institution's admissions office regarding an individual's academic record (e.g., schools attended, completion of coursework, grades and test scores);~~

~~(h) Fraudulence or misconduct in connection with entrance or placement examinations;~~

[10.1-(i) through 10.1-(j) relettered as 10.1-(f) through 10.1-(g), unchanged.]

**B. 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).**

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

**14.02.10 Impermissible Academic Assistance. Impermissible academic assistance includes, but is not limited to, the provision of or arrangement of:**

**(a) Substantial assistance that is not generally available to an institution's students or 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; and

(b) An academic exception that results in a grade change, academic credit or fulfillment 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 the general student body; 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.

[14.02.9 through 14.02.13 renumbered as 14.02.12 through 14.02.17, 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, it is the responsibility of a member institution to determine the validity of the information on which the eligibility of a student-athlete is based. Therefore, it is the responsibility of a member institution to determine whether a transcript is valid for purposes of applying appropriate NCAA legislation to the eligibility of a student-athlete when the institution receives notification, or otherwise has cause to believe, that a student-athlete's high school, preparatory school or two-year college transcript is not valid.

14.1.2.1 Pre-Enrollment Academic Misconduct. A prospective student-athlete, student-athlete or a current or former institutional staff member, which includes any individual who performs work for the institution or the athletics department even if he or she does not receive compensation for such work, shall not engage in the following conduct:

(a) Knowing involvement in arranging for fraudulent academic credit or false transcripts for a prospective student-athlete;

(b) Failure to provide complete and accurate information to the NCAA, the NCAA Eligibility Center or an institution's admissions office regarding an individual's academic record (e.g., schools attended, completion of coursework, grades and test scores); or

(c) Fraudulence or misconduct in connection with entrance or placement examinations.

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

[14.2 through 14.7 unchanged.]

14.8 Academic Performance Program.

[14.8.1 through 14.8.3 unchanged.]

**14.8.4 Institutional Staff Member Responsibility -- Academic Performance Program. An institutional staff member shall not knowingly submit erroneous material information to the academic performance program.**

**14.9 Post-Enrollment Academic Misconduct.**

**14.9.1 Policies and Procedures. An institution must:**

**(a) Have written institutional policies and procedures regarding academic misconduct 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.**

**(b) Investigate and adjudicate alleged academic misconduct in accordance with established policies applicable to all students regardless of whether the misconduct is reported to the NCAA or whether the student-athlete acted alone or in concert with others.**

**14.9.1.1 Exception. An institution may establish a policy that permits an expedited investigation and adjudication of academic misconduct 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.**

**14.9.2 Post-Enrollment Academic Misconduct.**

**14.9.2.1 Student-Athlete. A student-athlete shall not be involved in:**

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

**(b) Academic misconduct, without the involvement of a current or former institutional staff member or representative of athletics interests, that results in an erroneous declaration of eligibility to participate in intercollegiate athletics or receive financial aid, or results in the erroneous awarding of an Academic Progress Rate point; or**

**(c) Academic misconduct involving the alteration or falsification of a student-athlete's transcript or academic record.**

**14.9.2.2 Institutional Staff Member or a 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 related to a student-athlete; or**

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

**14.9.2.3 Impermissible Academic Assistance. 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).**

**14.9.2.3.1 Application. If an institution determines, pursuant to its policies and procedures, that academic misconduct has occurred, a violation of Bylaw 14.9.2.3 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, the conduct in question may still constitute a violation of Bylaw 14.9.2.3.**

**C. Bylaws:** Amend 16.01.1.1, as follows:

16.01.1.1 Restitution for Receipt of Impermissible Benefits. [A] Unless otherwise noted, for violations of Bylaw 16 in which the value of the benefit is \$100 or less, the eligibility of the student-athlete shall not be affected conditioned upon the student-athlete repaying the value of the benefit to a charity of his or her choice. The student-athlete, however, shall remain ineligible from the time the institution has knowledge of receipt of the impermissible benefit until the student-athlete repays the benefit. For violations of Bylaw 16 in which there is no monetary value to the benefit, violations shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the student-athlete's eligibility.

~~16.01.1.1.1 Application to Impermissible Academic Assistance. The restitution provisions of Bylaw 16 do not apply to an extra benefit violation in which a student athlete receives an impermissible academic arrangement or assistance from an institutional staff member or representative of an institution's athletics interests. In such a situation, reinstatement of the involved student athlete's eligibility for competition is required.~~

**Source:** NCAA Division I Council (Committee on Academics)

**Effective Date:** August 1, 2016

**Category:** Amendment

**Topical Area:** Eligibility

**Rationale:** Over the course of the past three years, the membership has engaged in a comprehensive review of post-enrollment academic misconduct with the goal of determining whether change is necessary to current legislation, interpretations and policies. The membership believes the current regulatory structure is confusing, unclear and imprecise. Appropriate revisions to the academic misconduct legislation will benefit individual institutions and the Association as a whole. Despite changes in the academic landscape, academic misconduct legislation has not been revised since 1983 when the legislation was added to the Manual. Under the current regulatory structure, it can be unclear when academic misconduct involving student-athletes falls within the purview of the NCAA and when academic misconduct should be an institutional matter. This proposal will address membership concerns by expanding the application of academic misconduct legislation to any situation in which an institutional staff member is involved and replacing the current academic extra benefit analysis with a specific and limited definition of impermissible academic assistance. In addition, the proposal will require institutional policies and procedures regarding academic misconduct for the general student-body and prohibit an individual

from knowingly providing false or misleading NCAA Division I Academic Performance Program information.

**Estimated Budget Impact:** None.

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

## Position Statement(s)

### History:

Jun 03, 2015 Submit Submitted for consideration.

Jun 23, 2015 Committee on Academics, Recommends Approval

Jun 24, 2015 Council Review -- Introduced into Legislative Cycle

## Financial Aid

### No. 2015-67 FINANCIAL AID -- MAXIMUM LIMITS ON FINANCIAL AID -- TEAM LIMITS -- NONATHLETICALLY RELATED INSTITUTIONAL FINANCIAL AID

**Intent:** To specify that nonathletically related institutional financial aid shall not count toward maximum institutional grant-in-aid limitations.

**A. Bylaws:** Amend 15.02, as follows:

15.02 Definitions and Applications.

[15.02.1 through 15.02.2 unchanged.]

15.02.3 Counter. A "counter" is an individual who is receiving **athletically related** institutional financial aid ~~that is countable against the aid limitations in a sport~~ **or outside educational expenses per Bylaw 15.2.6.4.**

15.02.4 Financial Aid. "Financial aid" is funds provided to student-athletes from various sources to pay or assist in paying their cost of education at the institution. As used in NCAA legislation, "financial aid" includes all institutional financial aid and other permissible financial aid as set forth below. (See Bylaws 15.01.6.1, 16.2, 16.3 and 16.4.)

[15.02.4.1 through 15.02.4.3 unchanged.]

~~15.02.4.4 Exempted Institutional Financial Aid. The following institutional financial aid is exempt and is not counted in determining the institution's financial aid limitations:~~

~~(a) An honorary award for outstanding academic achievement or an established institutional research grant that meets the criteria set forth in Bylaw 15.02.6 (and must be included in determining if the student-athlete's cost of attendance has been met);~~

~~(b) A postgraduate scholarship awarded by an institution in accordance with Bylaw 16.1.4.1.1;~~

~~(c) Federal government grants awarded based on a student's demonstrated financial need [e.g., Supplemental Educational Opportunities Grant (SEOG)], regardless of whether the institution is responsible for selecting the recipient or determining the amount of aid, or providing matching~~