NCAA Division I Committee on Academic Performance
Academic Performance Program Access to Postseason and Penalty Waiver Directive

Background.

The central purpose of the NCAA Division I Academic Performance Program (APP) is to ensure that the NCAA Division I membership is dedicated to providing student-athletes with an exemplary education and intercollegiate athletics experience in an environment that recognizes and supports the primacy of the academic mission of its member institutions while enhancing the ability of student-athletes to earn a degree.

When a team’s academic performance, measured by the multiyear NCAA Division I Academic Progress Rate (APR), falls below 930, that team becomes ineligible for postseason competition and is subject to penalties. The NCAA Division I Committee on Academic Performance has established a transition period in which the APP penalty benchmark will be 900 in 2011-12 and 2012-13. In addition, filters are applied to teams’ data to account for improvement and resources in the penalty calculation. NCAA Division I Bylaws 18.4.2.3.1, 23.2.2.3 and 23.3 provide for waivers of APP penalties or access to postseason competition. The committee has approved this directive to provide guidance to the NCAA staff and the NCAA Division I Committee on Academic Performance Subcommittee on Appeals in reviewing APP penalty waiver requests.

Guiding Principles.

1. Requests to waive ineligibility for postseason and APP Level-One, -Two and -Three penalties will be considered independently. The requests are filed simultaneously, but the access to postseason competition and APP penalties have different standards for relief.

2. APP penalty and postseason waiver requests involve a review of the entire athletics team’s overall academic performance. The APR is a team rate and not based on the academic performance of a single student-athlete. Therefore, the review of waiver requests shall consider all student-athletes included in the team’s multiyear APR. This approach considers the loss of all APR points, not just those of select students. This approach could be referred to as the “top-down approach” (e.g., start at an APR of 1000 and explain the loss of all points).

3. APR Improvement Plans are reviewed with the waiver request. Plans should be designed to assist teams in achieving APRs above the penalty benchmarks in a reasonable time by identifying and addressing issues impacting a team’s APR with measurable goals, steps to achieve the stated goals and a timetable for implementation.
4. The identification of academically under-performing teams that are subject to an APP penalty includes consideration of resource level and squad size. Therefore, the staff/subcommittee/committee will generally not consider these elements in its review of APP penalty waiver or loss of access to postseason waiver requests.

**Waivers of Ineligibility for Postseason Competition.**

1. **First Occasion Team is Ineligible for Postseason Competition.** Institutions are permitted to submit a waiver request the first occasion a team is subject to postseason competition ineligibility. The committee has established a high threshold for relief in these cases and generally relief will not be provided.

- Factors to be Considered. The staff/subcommittee will consider the following factors in reviewing such a request:

  (1) **Extraordinary Mitigating Circumstances.** The institution’s cited mitigation must be clearly out of the control of the institution, the department of athletics and the team’s student-athletes. It must pertain to matters not previously addressed in the APP (e.g., small squad size, institutional mission). Finally it must have impacted the team over the multiple years that make up the four-year APR. An example of mitigation that would be considered extraordinary is a natural disaster that impact a team’s APR over multiple years. An example of mitigation that would not be considered extraordinary would be head coaching change, significant leadership change at the institution, or institutional reclassification.

  (2) **APR Improvement Plan.** An institution’s commitment to improving the penalized team’s academic performance as outlined in the APR Improvement Plan must be considered in reviewing a waiver requesting relief from postseason competition ineligibility. Plans will be reviewed for focus on critical areas impacting academic success as well as other components demonstrating the institution’s accountability toward meeting the stated goals of the APP (e.g., graduating student-athletes).
(3) Academic Factors. A waiver request must include a comprehensive review of the team’s historical academic trends to determine if the team’s placement in the APP penalty structure is the result of habitual underperformance or the result of some anomaly event (see the list on Page No. 4). Trending will also be evaluated to determine if the team is making progress with respect to the penalty benchmark.

(4) Alternative Penalty Options. An institution may request that an alternative penalty be imposed in lieu of postseason ineligibility. The institution must include an explanation of how the alternate penalty equates to a loss of postseason access.

2. Second Occasion Team is subject to Loss of Postseason Competition. Institutions are permitted to request a waiver of a team’s loss of access to postseason competition.

- Factors to be Considered. The second or subsequent time a team loses access to postseason competition, the staff/subcommittee/committee will review the request using the same factors used in considering an APP penalty waiver (see Page Nos. 4 – 7 for more information). If a team has demonstrated meaningful improvement and some of the factors in item 3-b are present, the level of mitigation required for relief may be less stringent than what is required the first occasion the team was ineligible for postseason competition.

3. Notes on Outcomes. A loss of access to postseason competition waiver request will be approved, conditionally approved or denied.

a. First occasion loss of access to postseason waiver requests should be denied if the institution cannot demonstrate extraordinary mitigating circumstances as described on Page No. 2. Other factors listed in item number one above will be examined, but absent extraordinary mitigation are not likely to result in an approval.

b. Second and subsequent waivers of loss of access to postseason competition should be denied if the institution cannot demonstrate:

(1) Significant academic improvement that is sustainable;
(2) Mitigating circumstances as defined on Page No. 7; and

(3) An APR Improvement Plan that demonstrates the institution’s commitment to improving the team’s academic performance by identifying critical issues that have impacted the team’s APR and addressing those issues with clear steps and measurable goals; and

(4) An expectation that the team will achieve an APR of 930 or higher in a reasonable period of time.

APP Penalty Waivers.

1. Factors to be Considered. Institutions are permitted to request a waiver of a team’s APP penalties. The staff/subcommittee/committee will consider the following factors in reviewing such a request:

   a. Academic Factors. Evaluating a team’s academic performance is an important part of the APP Penalty waiver process. The staff/subcommittee/committee’s review of a team’s academic performance may include consideration of the following elements:

      (1) A comprehensive review of the team’s historical APP performance, including any penalty history and academic trends to determine if the team’s placement in the APP penalty structure is the result of habitual underperformance or the result of some anomaly event. Trending will also be evaluated to determine if the team is making sustainable progress toward the penalty benchmark.

      (2) The team’s Graduation Success Rate and Federal Graduation Rate, if available.

      (3) Eligibility and Retention. The team’s eligibility and retention will be compared against the following:

         i. All other Division I teams in the same sport.

         ii. The institution’s teams.
The team’s academic profile including hours earned, grade-point average, eligibility and retention points.

The academic profile of the team when admitted to the member institution, including admissions status as compared to the general student-body and/or other student-athletes at the institution.

The number of graduates the team has generated over the four years that make up the multiyear rate.

The number of student-athletes who were not academically eligible and not retained included in the multiyear APR.

Other academic data elements that may be relevant to the case.

b. Other Factors. The staff/subcommittee/committee’s review of a team’s academic performance may also include consideration of the following elements:

1. Size of variance between the team’s APR and the applicable APP penalty benchmark (930).

2. The team’s single-year APRs that comprise the multiyear rate. Specifically, the number of single-year APRs above or below the penalty benchmarks (930).

3. The institution’s history of implementation of its APR Improvement Plan as well as the current plan’s ability to address critical issues (see below).

4. Mitigating circumstances that have affected the team’s APR (see below).

5. An institution may request that an alternative penalty be imposed in lieu of the assigned APP penalty or a penalty option from the menu offered at Level-Three. Should an institution offer an alternative penalty, the staff/committee/subcommittee would consider the various factors as well as the alternate penalty in the
decision. The institution must demonstrate how the alternate penalty equates to the penalty it would replace.

(6) Teams asserting that they have advanced in the penalty structure due to corrections to APP data identified in an APP data review must demonstrate that the current penalty is due to a lost opportunity for the institution to identify academic issues impacting the team’s academic performance; to develop an appropriate APR Improvement Plan and to have an opportunity to rectify academic issues. If the institution can demonstrate this lost opportunity to identify and correct academic issues affecting the team’s academic performance the staff and/or subcommittee/committee may consider this a mitigating circumstance warranting relief from a penalty, however all such requests will be reviewed on a case-by-case basis to allow for other factors to be reviewed as well.

c. Mitigating Circumstances. Circumstances will be considered as compelling mitigating factors if the institution can demonstrate that it had a direct correlation to the team’s ability to earn eligibility/graduation and/or retention points supported by objective documentation. The institution may reference mitigation that was considered in a previous waiver request if the impact of the mitigation is evidenced in the current APR. Waiver decisions will analyze those circumstances that may be unique events resulting in academically low performing year(s) versus habitually underperforming teams. A team’s APR that is negatively affected by a unique one-time circumstance, but otherwise is not historically an underperforming team, should be treated differently than a team that has a history and pattern of academic underachievement.

Circumstances not considered compelling mitigation may include, but are not limited to, the following:

(1) Unreasonable reliance by a student-athlete on misinformation from an institutional staff member (e.g., misadvisement);

(2) Institutional lack of understanding regarding the APP;

(3) Failure to develop and implement an APR Improvement Plan;
(4) Conferences and/or institutions with more stringent academic standards than NCAA Division I progress-toward-degree requirements; or

(5) Circumstances submitted in a request to receive an adjustment of an individual student-athlete’s APR retention and/or eligibility or graduation point if the institution received relief for those circumstances by way of an APR adjustment.

Institutions are limited to submitting information concerning mitigating circumstances only for the academic years used to calculate that team’s current multiyear APR. However, the staff, subcommittee and committee reserve the right to consider any relevant information that would explain the team’s historical performance.

d. APR Improvement Plan. An institution’s commitment to improving the penalized team’s academic performance as outlined in the APR Improvement Plan must be considered in reviewing a waiver requesting relief from APP penalties. Plans will be reviewed for focus on critical areas impacting academic success as well as other components demonstrating the institution’s accountability toward meeting the stated goals of the APP (e.g., graduating student-athletes).

e. Level-Three Penalty Options. An institution with a team subject to Level-Three penalties must self-impose penalties from a list of menu options. These penalties are in addition to the prescribed penalties. The institution may also elect to request an alternative penalty be imposed. The staff/committee will consider the institution’s self-imposed penalty elements in the waiver decision. The staff/committee can also prescribe additional penalties for the team.

2. Notes on Outcomes. An APP penalty waiver request will be partially or fully approved or conditionally approved, or denied. Requests will likely be denied if the institution cannot demonstrate:

a. Significant academic improvement that is sustainable; OR

b. The team is performing well academically but for one or more years of APP data impacted by compelling, documented mitigating circumstances;
c. An APR Improvement Plan that demonstrates the institution’s commitment to improving the team’s academic performance by identifying critical issues that have impacted the team’s APR and addressing those issues with clear steps and measurable goals;

d. An expectation that the team will achieve an APR of 930 or higher in a reasonable period of time; and

e. Appropriate self-imposed penalties at Level-Three.

Use of Conditional Approvals.

Waivers of APP penalties and ineligibility for postseason competition may receive conditional approval. A waiver that is conditionally approved does not waive the team’s penalty unless the team satisfies the stated condition(s). These conditions may include, but are not limited to:

1. Acceptable implementation of the institution’s written APR Improvement Plan;

2. Attendance at mandatory educational sessions;

3. Meeting or maintaining single-year eligibility and retention goals and/or, meeting or maintaining a specified single-year APR without the inclusion of delayed-graduation points;

4. Requiring the institution to implement certain elements of its APR Improvement Plan determined to be “critical” to improved academic performance;

5. Requiring the institution to demonstrate it has satisfied its commitment of resources to enhance academic support initiatives, that are part of the institution’s APR Improvement Plan or cited in its APP penalty waiver/hearing rationale;

6. Requiring the institution to impose limits, restrictions or penalties that are part of its APR Improvement Plan or cited in its waiver/hearing rationale (e.g., withhold a head coach from contests);

7. Requiring an institution to use the NCAA Facilitating Learning and Achieving Graduation/Graduation Risk Overview program; and
8. Requiring an institution comply with identified minimal academic profiles for entering student-athletes that are part of its APR Improvement Plan or its waiver/hearing rationale. *(Revised: 10/2008; 10/2010)*

An institution/team that fails to meet the stated condition(s) by the given timeframe shall have the waiver decision converted to a denial and the APP penalty must be applied to the team. The institution must impose the applicable penalty within the prescribed period of time.

**Review of Conditionally Approved Penalty Waivers.**

At some point established by the committee, such as the start of the academic year following the year in which the waiver was conditionally approved, the staff verifies that all established conditions were met (e.g., single-year APR, acceptable implementation of APR Improvement Plan). If the staff concludes that the team has not satisfied the condition(s) of the penalty waiver, the subcommittee and staff may consider mitigating circumstances presented by the institution. Such reviews shall occur on a case-by-case basis, and shall include consideration of any mitigation for the team’s failure to reach the target APR, as well as the totality of the team’s circumstances with regard to the imposed conditions. In such cases, the staff will review factors including improvement in the single-year and multiyear APR, how close the team came to meeting the target and mitigating circumstances. This action does not change an institution’s opportunity to explain why it failed to meet the condition(s) or to appeal a decision by the staff to the subcommittee. The subcommittee will hear such appeals via teleconference. The subcommittee’s decision is final.

Finally, if it is determined that a conditional waiver is not satisfied and the waiver is denied, the institution must impose the resulting penalties in the time period prescribed by the committee, but generally the academic year following denial of the appeal or, if there was no appeal, following determination that the conditions were not met (e.g., determined condition was not met in 2011-12 results in the imposition of the penalties in 2012-13).

If the team is subject to a penalty in the next academic year, the team is potentially subject to the penalty level that was conditionally waived and the next penalty level if it fails to meet the conditions of the waived penalty.
APR Improvement Plans.

APR Improvement Plans are meant to encourage institutions that have a team with an APR below 930 to implement strategies to improve the academic performance, retention and graduation of the student-athletes on the team. Institutions seeking relief from an APP penalty are expected to demonstrate that the team’s academic performance will improve and will achieve an APR of 930 in a reasonable period of time. Therefore, APR Improvement Plans submitted with a waiver will be reviewed as follows:

1. Institutions/teams will be accountable for identifying issues impacting the penalized team’s ability to move its APR above the established penalty benchmark. The following shall be addressed:

   a. Identify any issues impacting the academic performance, retention and graduation of the team’s student-athletes and develop specific and measurable goals to address the issues, steps to meet the goals, timetable for implementation and persons responsible for each step outlined in the plan.

   b. Identify specific target APR goals for the team(s) for the current academic year that will assist the team in meeting the 930 benchmark in a reasonable period of time.

   c. Identify all steps the institution has taken toward implementation of any previous APR Improvement Plan and progress toward the measurable goals.

2. If an institution fails to create and submit an acceptable APR Improvement Plan, as defined by the committee, there is a presumption that any penalty waiver request will be denied.