

Educational Column - 1 Educational Column

Title:

Academic Misconduct -- Reporting a Misconduct Violation (III)

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Educational Column:

NCAA Division III member institutions are reminded that an institution has the authority to determine whether academic misconduct has occurred, consistent with policies applicable to all students and prospective students. The following information is designed to assist institutions in determining whether academic misconduct should be reported as a violation of Bylaw 10.1-(b).

Academic Misconduct

"Academic misconduct" is an umbrella term which encompasses violations of an institution's policies related to academic honesty and integrity by a prospective or enrolled student-athlete or institutional staff member (e.g., academic fraud, academic offenses, violations of an institution's academic honor code, plagiarism and/or cheating, etc.).

Misconduct Violations

An institution is required to report an academic misconduct violation pursuant to Bylaw 10.1-(b) in the following instances:

- a. Institutional Staff Member Involvement. Any time an institutional staff member (e.g., coach, professor, tutor, teaching assistant) is 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. Student-Athlete or Prospective Student-Athlete. Any time a student-athlete or prospective student-athlete, acting alone or in concert with others, is involved in arranging fraudulent academic credit or false transcripts, regardless of whether such conduct results in an erroneous declaration of eligibility.
- c. Competition While Ineligible. Any time academic misconduct results in an erroneous declaration of eligibility and the student-athlete subsequently competes for the institution.

Academic Offense

"Academic offense" is a term used to describe academic misconduct that does not constitute a violation of NCAA legislation.

If a student-athlete engages in academic misconduct that does not constitute a misconduct violation (e.g., cheating on a test, plagiarism on a term paper), it should be treated as an academic offense, and the institution is not required to report a violation of Bylaw 10.1-(b), provided the student-athlete does not subsequently compete after an erroneous declaration of the student-athlete's eligibility.

In all cases in which a student-athlete engages in academic misconduct in violation of institutional policies, the institution is required to handle the student-athlete's misconduct in accordance with its established academic policies applicable to all students, regardless of whether the misconduct is reportable under Bylaw 10.1-(b) or whether the student-athlete was acting alone or in concert with others.

Further, institutions should note that the extra benefit legislation continues to apply regardless of whether an academic misconduct violation has occurred.

The following questions and answers are designed to assist the Division III membership in applying NCAA Division III legislation as it relates to academic misconduct involving prospective or enrolled student-athletes.

Question No. 1: My institution does not have policies related to "academic misconduct;" rather we have academic dishonesty policies and procedures. Are we required to apply the standards above?

Answer: Yes, although an institution may use different terms to describe violations of its institutional academic policies, the term academic misconduct, for NCAA purposes, is an umbrella term which encompasses any violation of an institution's conduct policies related to academic honesty and integrity by a prospective or enrolled student-athlete or institutional staff member.

Question No. 2: Who determines whether academic misconduct has occurred?

Answer: An institution has the ultimate authority to determine whether academic misconduct has occurred, consistent with policies applicable to all students and prospective students.

Question No. 3: What is the difference between a misconduct violation and an academic offense?

Answer: Both misconduct violations and academic offenses fall under the umbrella term "academic misconduct." A misconduct violation should be reported to the NCAA, whereas an academic offense should be handled at the institutional level in accordance with institutional policies applicable to all students and prospective students.

Question No. 4: If an institutional staff member is involved, either alone or in concert with a prospective or enrolled student-athlete, in committing academic misconduct should an institution report an academic misconduct violation?

Answer: In cases involving an institutional staff member, an institution should only report an academic misconduct violation if the institutional staff member arranged for a prospective or enrolled student-athlete to receive fraudulent academic credit, false transcripts, or any time academic misconduct results in an erroneous declaration of eligibility and a student-athlete subsequently competes for the institution.

Question No. 5: Does the term "institutional staff member" refer to both regular employees and volunteers at the institution?

Answer: Yes. The term "institutional staff member" refers to any individual, including student-workers, who works in any capacity on behalf of the institution, whether as a regular employee or in a volunteer capacity.

Question No. 6: What is the meaning of the phrase "arranging to receive fraudulent academic credit or false transcripts?"

Answer: This phrase refers to conduct such as altering or "doctoring" transcripts or arranging to receive credit for a course in which the prospective student-athlete or student-athlete did not enroll or he or she did not complete.

Question No. 7: Bylaw 10.1-(b) uses the phrase "knowing involvement" in reference to conduct by an institutional staff member, student-athlete or prospective student-athlete which results in a misconduct violation. Why don't the above-referenced guidelines refer to "knowing involvement"?

Answer: An institutional staff member, student-athlete or prospective student-athlete who knowingly engages in the underlying conduct that ultimately results in a violation of Bylaw 10.1-(b), is deemed to have been "knowingly" involved in the violation itself, regardless of whether the institutional staff member, student-athlete or prospective student-athlete knew such conduct would result in an academic misconduct violation. As such, knowledge is generally presumed.

Question No. 8: Should an institution report a misconduct violation when a prospective or enrolled student-athlete or an institutional staff member commits an academic offense (e.g., cheating on a test, plagiarizing, cheating with another student)

Answer: An academic offense should be handled by the institution in accordance with institutional policies and procedures applicable to all students and prospective students and should not be reported to the NCAA, unless the academic offense subsequently results in an erroneous declaration of eligibility, and the student-athlete competes on behalf of the institution.

Question No. 9: What constitutes an "erroneous declaration of eligibility?"

Answer: An erroneous declaration of eligibility occurs when academic misconduct results in an institution certifying a prospective or enrolled student-athlete as eligible when he or she should otherwise have been ineligible for competition.

Question No. 10: What if the prospective or enrolled student-athlete was erroneously declared eligible but did not subsequently compete on behalf of the institution?

Answer: The academic offense should be handled by the institution in accordance with institutional policies and procedures applicable to all students and prospective students and should not be reported to the NCAA as a violation.

Question No. 11: If an institution concludes after an investigation that no "academic misconduct" occurred, does that mean that no other violations of NCAA legislation have occurred?

Answer: No, the student-athlete may have received impermissible benefits.

[References: Bylaw 10.1-(b) (unethical conduct) and an official interpretation (8/12/14, Item No. 2-a)]

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References

Legislative References			Other
Div.	Number	Title	References Educational Columns: <u>1</u>
III	10.1	Unethical Conduct.	Educational Columns: 0
			Proposals: 0