



The Drake Group

ACADEMIC INTEGRITY IN COLLEGIATE SPORT

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The Drake Group Applauds "Intentional Discrimination" Lawsuit Alleging NCAA Discriminates Against HBCUs

NEW HAVEN, CONN. - The Drake Group, a national organization of college faculty and others whose mission is to defend educational integrity in higher education from the corrosive aspects of commercialized college sports, applauds the 'Intentional Discrimination' class action lawsuit ("Manassa vs the NCAA") recently filed in the Southern District of Indiana. This lawsuit alleges that the NCAA's academic requirements, known as the Academic Performance Program, disproportionately penalize Black college athletes at historically Black Colleges and Universities (HBCUs). A critical component of the mission of HBCU's is to admit first generation, non-traditional, low income, and/or at risk students. HBCU's are considered limited-resource institutions or schools in the bottom 15 percent of all Division I member institutions in resources.

The plaintiffs allege the NCAA understood that the required academic metrics would disproportionately discriminate against Black college athletes at HBCUs but implemented it anyway. Further, the suit alleges that the NCAA has imposed even stricter penalty standards for violations since its inception in 2004. Consider:

- In 2013, 15 of the 18 teams that received postseason bans were from HBCUs
- In 2015, 15 of the 21 teams that received postseason bans were from HBCUs
- In 2021, 11 of the 15 teams that received postseason bans were from HBCUs

NCAA penalties for violations of the Academic Performance Program levies include a ban on participation in the post-season NCAA championships including the lucrative March Madness Tournament and bowl games. The lawsuit claims that HBCUs were 43 times more likely to receive a post-season ban than predominantly white institutions, with 72% of teams banned since 2010 from Division I HBCUs.

Indeed, The Drake Group's own research found that four of six (67%) of men's basketball teams in 2018-2019 receiving Academic Progress Report (APR) penalties were from NCAA Division I HBCU programs. Interestingly, all four schools' men's basketball teams penalized by the NCAA had multiyear Federal Graduation Rates that were higher than the men's student body at their respective institutions. On average, the men's basketball teams outperformed the male student body by eleven percentage points.

FGR Compared to NCAA GSR at Division I HBCUs 2019-2020 4-year rates

School	FEDERAL GRADUATION RATES (FGR)			NCAA GRADUATION SUCCESS	
	4-yr Student Body Men	4-yr Men's Basketball	Percentage Point Difference of MBB from Student Body	MBB GSR	Percentage Point Difference of MBB GSR from MBB FGR
Alabama A&M	22%	44%	22	50%	6
Alabama St.	21%	50%	29	86%	36
Alcorn St.	29%	18%	-11	33%	15
Bethune-Cookmn	29%	40%	11	73%	33
Coppin St.	20%	29%	9	73%	44
Delaware St.	33%	67%	34	79%	12
Fla. A&M	37%	13%	-24	71%	58
Grambling	29%	33%	4	73%	40
Hampton	48%	50%	2	86%	36
Howard	58%	75%	17	85%	10
Jackson St.	33%	50%	17	92%	42
Miss.Valley St.	57%	13%	-44	100%	87
Morgan St.	33%	56%	23	50%	-6
Norfolk St.	31%	60%	29	71%	11
N.C. A&T	42%	25%	-17	80%	55
Prairie View A&M	29%	33%	4	65%	32
S.C. St.	31%	36%	5	50%	14
Southern @ BR	26%	0%	-26	33%	33
Tenn St.	25%	63%	38	94%	31
TX Southern	18%	20%	2	100%	80
Ark.Pine Bluff	22%	75%	53	76%	1
MD. East. Shore	33%	60%	27	64%	4
New Orleans	34%	71%	37	100%	29
Mean	32%	43%	10.5	73%	30.6
*NCAA APR penalties					

The lawsuit further claims that according to a 2018 study, race and low resources alone cannot account for HBCUs being penalized six to eight times more like Predominantly White Institutions (PWIs). The lawsuit also states that the design of the NCAA's flawed metric's effect on HBCUs ignores the institutions' focus on serving "a community historically left behind".

The Drake Group has long recognized the significant flaws in the NCAA's metrics in its Academic Performance Program including the Academic Progress Report (APR) and the Graduation Success Rates (GSR). The Graduation Success Rate routinely overestimates graduation rates by as much as 20 percentage points. Some important remedies offered by The Drake Group include the following:

- The institution should be held responsible for all students participating in the athletic program, demonstrating that these students can successfully compete in the classroom and on the playing fields. To do otherwise allows institutions to (a) discard athletes who do not measure up to athletic skill standards, (b) run off lesser skilled athletes because more skilled prospects have been identified, (c) make unreasonable athletics-related time demands on less academically prepared students, causing them to drop out or leave due to academic failure, and (d) deny responsibility for athletes who transfer to other institutions because they are neither an academic nor an athletic "fit" for the program or have been treated unfairly. In other words, the coach and the athletic program should be held responsible for retention AND graduation.
- Athletes attending Ivy League institutions and the U.S. military academies do not receive athletics related financial aid. To include this group in the NCAA's current metric is a dishonest reflection of the admission philosophies of these institutions. To include these athletes in any scholarship athlete cohort also reflects an NCAA purposeful effort to inflate the aggregated graduation rate, since the graduates of these institutions graduate at higher than 90 per cent graduation rates. They should, however, be included among the sub-groups of either recruited or non-recruited ("walk-on") students.

- The NCAA removes from the denominator 24,298 scholarship athletes who leave an institution in good academic standing. Because not all of them enroll in another institution, their removal mathematically inflates the GSR calculation by reducing the denominator. It can easily be determined that these "Left Eligibles (LEs)" are NOT passed from that school's cohort to another school's cohort as "Transfers In" because "Transfers In" (7,945) should equal "Left Eligibles"(24,298). Thus, it is clear that 65% or 16,353 of the Left Eligibles in the Division I 2015-18 cohort chart displayed are NOT passed to another school's cohort, but rather remain unaccounted for, and are very likely college dropouts. This is a sizeable number, and it causes the GSR rates to be significantly inflated by 7 to 11 per cent.[4] This flaw alone would indicate that the NCAA GSR metric is inaccurately reporting the academic success of athletes who leave by absolving the original schools of responsibility for failing to retain them. At the same time, the GSR adjusts for transfers out, which encourages institutions to push out athletes who might not graduate or who are easily replaced. This flaw too renders all dependence on the GSR invalid.

The APR is an NCAA metric that proposes to be a real time measure of a team's academic performance. Points are awarded for retention and eligibility. To maintain an APR score to avoid penalties, PWIs employ hundreds of tutors and a cadre of academic advisers to secure the multi-year team cutoff score of 930. What results is at best a second-class education.

Authors also contend that the Academic Progress Rate is gamed by PWI's with significant resources and thereby disadvantaging HBCUs. The Drake Group remains concerned that the NCAA turns a blind eye to the common practice of PWIs recruiting underprepared athletes, predominantly basketball and football athletes of color, and admitting them by waiving normal academic admissions standards, only to discard athletes who do not meet athletic or academic expectations through clever manipulation of permissible exceptions and waivers to avoid penalties.

The gaming of APR requires vast resources for summer term aid and raising gas that enables unwanted athletes to leave the institution without penalty. This deception involves applying a multitude of permissible NCAA exceptions and schemes. Athletes are placed in less challenging classes and majors, or independent study and online classes under friendly professors. Strong students are added to scholarship rosters to offset the performances of poorer students. Many well-funded athletic departments are operating academic support programs that are not under the jurisdiction of the institution's academic authorities.

The NCAA has admitted that they are concerned about the disparate impact the APP penalty structures place on HBCUs but have done nothing significant to rid this unconscionable discriminatory practice. Even former College Presidents and Committee on Academics Chairmen Walter Harrison and Roderick McDavis have allegedly both admitted being haunted by the practice, yet the NCAA carries on.

The Plaintiffs, on behalf of a nationwide class, seek injunctive relief from the NCAA's academic performance program. The Drake Group supports this lawsuit including injunctive relief through a ban on the use of the NCAA's discriminatory practices inherent in its academic metric (APR), Graduation Success Rate and Academic Based Revenue Distribution that rewards schools for academic achievement.

For the most current information on The Drake Group, follow us on [Twitter](#) and [Facebook](#) or visit us at www.thedragegroup.org.

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