

7-16-2007 DI Overrides

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2 JOSH CENTOR: Welcome to "Mondays with Myles".

3 Dr. Brand, today I want to talk a little bit about
4 overrides. A couple of -- three, actually, proposals have
5 been sent back to the board of directors, the Division I board
6 of directors from the membership.

7 Can you tell me a little bit about the override and
8 what that means in the NCAA structure?

9 DR. MYLES BRAND: This is part of the strength of the
10 NCAA structure. Three divisions operate separately, in a
11 federated way right now. And the Division II and Division III
12 operate more as a town meeting participatory democracy and
13 make their final votes at the convention.

14 But what Division I has done since 1997 is act as a
15 representative democracy. So we have a board of directors,
16 like a university board of trustees or board of regents. And
17 they are representative of the whole, and they make the final
18 decisions. Except that on occasion the membership itself can
19 say we don't agree with the board of directors, and we want
20 the group as a whole to make that decision. That was built in
21 from the beginning. And we're seeing a few cases in which
22 that's coming to fruition.

23 That looks like we'll have, going back to the board, a
24 situation in baseball, one, for text messaging; and another in
25 golf, in which the board will be asked, Do you want to sustain

1 the position you've taken? And if not, then they'll go
2 through another process to find out where they want to be.
3 But if the board says, Yes, we are comfortable with the
4 position we've taken, then it will go to the entire group of
5 institutions -- 350 institutions at the convention. So I
6 think this is democracy at work. This was designed to do
7 this, and it seems to be progressing well.

8 JOSH CENTOR: Just so review the process for our
9 listeners. The board of directors makes a decision, if you
10 will. 30 override votes are needed from the membership to get
11 the board of directors to reconsider. In this case, it'll be
12 at their August meeting. If the board upholds its previous
13 decision, that legislation will go to the NCAA convention,
14 where the entire membership, as Dr. Brand expressed, will vote
15 on it. If they decide to amend their previous legislation, a
16 60-day window opens, in which case the membership can then
17 respond with 30 override votes which would then get it to the
18 convention, or no override votes which would then make it
19 legislation.

20 There have been significantly more overrides in the
21 last couple of years than since 1997. We went almost a decade
22 without any, but now in the last three years, we've had more.
23 Why is that?

24 DR. MYLES BRAND: Well, more isn't a lot.

25 JOSH CENTOR: Right.

1 DR. MYLES BRAND: I mean, we're still under a half a
2 dozen.

3 JOSH CENTOR: Right.

4 DR. MYLES BRAND: But there are some controversial
5 issues on the table. Let's take text messaging, for example.
6 There was an attempt to see if you could get a notion of text
7 messaging in which there would be, let's say, restricted hours
8 or restricted usage, and no one can figure out how that might
9 work. And so the Management Council said, As a result, we're
10 going to rule out text messaging entirely or any other
11 electronic messaging. And then the board of directors adopted
12 that recommendation.

13 There's no question that that's controversial. Is
14 there a better way to do it? Well, we're not clear. But in
15 any case, I think, by the board of directors taking the
16 position that it did, certainly raised the question, Is there
17 a better way to do it? And so at least 30 members have come
18 together and they said, We want the board to reconsider.

19 The board may or may not reconsider, as you point out.
20 During their August meeting is the time for them to do it.
21 And if they put it back and say, You know, we can't find
22 anything better, then it goes to the convention as a whole to
23 figure out what to do. And that strikes me as a reasonable
24 way to proceed in these controversial issues.

25 JOSH CENTOR: Does the override suggest that the

1 president sitting on the board of directors, that the
2 committee as a whole is not necessarily in touch with the
3 athletics programs? Is that what the feedback is saying?

4 DR. MYLES BRAND: No. First of all, we don't know
5 what'll happen at the convention, and we don't even know
6 what'll happen in August when the board reconsiders. I think
7 the board is in touch. I think they're feeling frustrated by
8 the fact that there is no better way to handle electronic
9 messaging at this point.

10 And they're trying to see where the technology evolves
11 so you can put some reasonable controls on it, or there's some
12 other more palatable rules you could adopt.

13 I think the board is representative. And through the
14 various recommendations it receives, not only through
15 Management Council, but through its cabinets and its other
16 committees. I mean, it's fully in touch. That doesn't mean
17 everyone is going to agree in the end, and we will have
18 controversial issues.

19 JOSH CENTOR: Interestingly enough, in the original
20 board of director's decision about text messaging, that group
21 was influenced by the student athletes.

22 DR. MYLES BRAND: And that's absolutely right. And I
23 think that was a very significant influence on the Management
24 Council, and most especially the board of directors. The
25 board of directors is paying a lot of attention to what

1 student athletes say.

2 Some student athletes think, Well, they don't have a
3 say. Well, I think it's just the opposite. I think when they
4 do voice an opinion, particularly if they do so in a consensus
5 way, as we saw in this case, the fact of the matter is the
6 board pays great attention.

7 Some of the coaches are not happy with the ban on text
8 messaging. They say it makes their jobs harder to communicate
9 with the student athletes, and they would prefer to have it
10 back the old way -- if not complete freedom, at least a
11 controlled use.

12 JOSH CENTOR: Well, these are three hot issues,
13 obviously, if they had the override enacted. One of my
14 favorite parts of convention, to be quite honest with you, is
15 when there is an override vote. I think it's very exciting.
16 So we'll keep our eyes on this in August, on the board of
17 directors. We'll probably do a follow up after that.

18 And we'll see you next week, Dr. Brand.

19 DR. MYLES BRAND: You bet.

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