

2-18-2008 Commercialism

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2 JOSH CENTOR: Welcome to "Mondays With Myles". Here
3 is a conversation most of our listeners will be very
4 interested in.

5 Dr. Brand, coming out of convention a Commercialism
6 Working Group was formed. This came off of a letter that was
7 submitted from Dr. Michael Adams, the chair of the Executive
8 Committee and a member of the board of directors, looking at
9 the issue of postseason football. Now, we have this working
10 group.

11 Can you give us some background on the issue?

12 DR. MYLES BRAND: Yeah. It was a very interesting
13 occurrence. President Adams, as you pointed out, Josh, was
14 very concerned with what happened in the BCS postseason
15 football. In fact, he had recommended a playoff. The board
16 of directors began to discuss that. And the conversation
17 turned to questions that underlie not just the competition,
18 but the way the games are presented. And, in particular, what
19 role does commercial activity have in, not just football,
20 but -- and not just postseason football, but in all of our
21 championships and conference games and regular season games?

22 So earlier on, we had a small task force looking at
23 issues like student likenesses -- to what extent can students
24 be represented in commercial activity without exploitation --
25 which is not an easy question to answer. But that, in the

1 context of this conversation, expanded beyond student
2 likenesses and beyond postseason BCS games to really include
3 commercialism in all of Division I sports.

4 JOSH CENTOR: So just to take a step back, will
5 postseason football still be a significant part of this
6 group's charge? Or have we stepped away from that issue for
7 the time being?

8 DR. MYLES BRAND: I think the way the games are
9 presented, both on television and in the venue, BCS
10 postseason, will still be an object of interest to this group.
11 We'll look at everything that Division I student-athletes
12 participate in -- every type of event -- and that includes
13 postseason football, but not just those postseason games. All
14 the Bowl games, basketball games, even the men's Final Four,
15 to make sure we are doing things the right way. But we
16 certainly will include the starting point that Michael Adams
17 had in mind -- namely, a postseason BCS football.

18 JOSH CENTOR: So as we talk about commercialism, I
19 guess the first question that comes to mind, is that okay for
20 amateur athletics?

21 DR. MYLES BRAND: Is it okay for universities which
22 are not-for-profit associations to undertake commercial
23 activity? Well, the answer is yes. Of course it is. The
24 fact of the matter is that universities have been engaged in
25 commercial activity for a very long period of time. In fact,

1 there is something called the Bayh-Dole Act, which was passed
2 several decades ago, which also universities to hold equity in
3 and keep the revenues from inventions, such as technology or
4 healthcare inventions.

5 So universities have a role to play in commercial
6 activity. And, after all, athletics is part of universities.
7 So the question is not whether or not they should do it.
8 Obviously, it's being done. We are not going to back up from
9 that university as a whole or as part athletics.

10 The question is how is it being done. Is it being
11 done within the context and the mission of higher education?
12 Obviously, going back to likenesses questions, we don't want
13 to exploit student-athletes. But what role do students have,
14 if any, in these commercial activities?

15 Remember they are students; they are not employees.
16 So we have to be very careful of the student role, if there is
17 any. We also want to make sure that anything that is done in
18 the stadium, as well as on TV, works within the context of
19 higher education. It is consistent with the way the
20 university normally deals with commercial activity.

21 JOSH CENTOR: Should universities and the athletics
22 departments within them be looking for opportunities to expand
23 their commercial entities?

24 DR. MYLES BRAND: Universities receive their revenues
25 from a number of sources, such as tuition, state and federal

1 funds, sometimes through research, philanthropic activities,
2 and also commercial activities such as technology transfer.
3 They are always looking to expand all of those revenue
4 sources, including the commercial ones. But in all those
5 cases they always have to be done within the value system of
6 higher education.

7 So yes, they are going to try and expand commercial
8 activity; they are going to try and expand their research
9 activity; they are going to try and expand the philanthropic
10 activity, but always within the value system of higher
11 education.

12 JOSH CENTOR: Do we worry at all that the higher
13 profile schools will have a way easier time with their
14 commercial opportunities than some of the lower profile
15 schools and that might create more disparity between programs?

16 DR. MYLES BRAND: I think it does and that does
17 happen. Is it a worry? Yes, in the same way it is that
18 certain schools have larger endowments because they have more
19 philanthropic support. Some schools have larger research
20 budgets because they have better laboratory spaces, and they
21 have hired faculty who are able to produce new discoveries
22 within those laboratories. Some universities have bigger
23 libraries than others.

24 I mean, there are considerable differences amongst all
25 our universities, and that includes athletics. We want to

1 make sure, so to speak, there is a level playing field; there
2 are no unfair advantages. But the key, I think, to commercial
3 activity is not that some have more than others or that some
4 win more games than others, but are we doing it in a proper,
5 fair, and just way? And in particular -- and I know I keep
6 repeating myself because it is critically important -- are we
7 doing it in conjunction and consistent with the values of
8 higher education?

9 JOSH CENTOR: And what's important to note about that,
10 of course, is that this working group is made up of
11 representatives from the board of directors who are
12 chancellors and presidents. And that is an important part of
13 that.

14 DR. MYLES BRAND: It is. The vast majority of the
15 task force will be presidents and chancellors. It will also
16 have some ADs and a few other people advising the group. But
17 it is our presidential leadership group. And the reason for
18 that is that the presidents really are on the front lines of
19 this.

20 This group is not going to set new NCAA legislation.
21 This group is designed to set principles and philosophy so
22 that we can proceed in a better and more systematic way at the
23 NCAA. And I think we are most fortunate to have our President
24 Graham Spanier, as chairing this group who, as you may know,
25 is the president of Pennsylvania State University.

1 JOSH CENTOR: What's the time frame here?

2 DR. MYLES BRAND: We'd like to move this along and try
3 and do it within 6, 9, at most 12 months -- but probably less.

4 I think once we get the group together and provide
5 them with a background material, it will coalesce rather
6 quickly of what the principle should be. There isn't much
7 disagreement. But there hasn't been the opportunity, until
8 now, to articulate clearly and publicly of what the principles
9 underlying commercialism are in intercollegiate athletics.

10 JOSH CENTOR: Well, interesting initiative. Thanks
11 for sharing some insight.

12 DR. MYLES BRAND: My pleasure.

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