

Testimony of
Dr. Myles Brand

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STATEMENT OF MYLES BRAND, NCAA PRESIDENT
BEFORE THE
SENATE JUDICIARY COMMITTEE
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Chairman Hatch, Ranking Member Leahy and other distinguished members of the Committee, on behalf of the National Collegiate Athletic Association (NCAA), thank you for inviting me to appear before you today to discuss the Bowl Championship Series (BCS) and the NCAA's role in postseason football bowl games.

I am Myles Brand, and I have been President of the NCAA since January 1, 2003. I have been involved in higher education for more than 35 years as an academician; administrator; and for nearly 15 years before joining the NCAA staff, as president of two major universities - the University of Oregon and Indiana University. During my tenure in the field of higher education, I have worked on various efforts to address growing concerns regarding the detachment of intercollegiate athletics from the educational community and the academic mission of colleges and universities. In many ways, I see my job now as President of the NCAA as an extension of my interest on campus - the education and development of young men and women.

The NCAA is a voluntary association of 1,260 colleges, universities, athletics conferences and related organizations. The NCAA's primary purpose is to regulate and promote intercollegiate athletics in a manner that fully integrates athletics programs with the academic mission of higher education and student-athletes with the student body. As a membership organization, the NCAA serves as the governance and administrative infrastructure through which representatives of colleges and universities enact legislation and set policy to establish recruiting standards and competitive equity among members, protect the integrity of intercollegiate athletics, ensure the enforcement of its rules and provide public advocacy of college sports. The NCAA also conducts 89 championships in 23 sports in which more than 45,000 student-athletes compete for the title of National Collegiate Champion. More than 360,000 student-athletes are competing in sports at NCAA member institutions this academic year.

Critical to understanding intercollegiate athletics is understanding how member colleges and universities create and direct national policy through the NCAA. The relationship between the member schools and the NCAA is often confusing to those outside of intercollegiate athletics. No authority resides with the NCAA unless granted by the member institutions through their representatives. Each institution retains far more autonomy over its athletics programs than is subject to NCAA national policy. For example, conference alignments, such as the recent Big

East-Atlantic Coast Conference decision, are purely institutional issues. The presidents and their boards decide with whom they wish to affiliate; they have not assigned that task to the NCAA or any national organization.

The Association's three membership divisions each have their own federated governance structure. Since 1997, Division I has operated with a structure that places decision-making in the hands of 18 university presidents appointed by their conferences to a Board of Directors. The chief executive officers on campus, the presidents, hold the ultimate authority and control of intercollegiate athletics.

Division I is further subdivided in the sport of football into three parts - Division I-A (the 117 institutions with the broadest financial commitment to athletics), Division I-AA (which sponsors football, but with fewer scholarships) and Division I-AAA (which does not sponsor the sport of football). Among the 89 championships noted earlier, there are NCAA football playoffs in Division III, Division II and Division I-AA. These championships were all established by the member schools in those divisions or subdivisions.

The membership in Division I-A, however, has never voted to conduct an NCAA football championship for the institutions in that particular subdivision, although there have been several efforts to address the subject. In 1976, a proposal to establish a Division I-A football championship was introduced on the recommendation of a special committee that had studied its feasibility. The proposal was withdrawn, however, and never came to a vote. A resolution indicating that the Division I-A membership did not support the creation of a national football championship was adopted in 1988 by an overwhelming majority. In 1994, a blue-ribbon panel was formed to gather information regarding the viability of establishing a Division I-A football championship. The panel forwarded a report to Division I presidents, but no proposal to pursue a playoff was presented.

Instead, Division I-A has a tradition of postseason football participation through a series of bowl games conducted during the Christmas and New Year's holidays, which date back to the early years of the 20th century. Some bowls had agreements with specific conferences for participation of the conference champion, while others opted to fill only one slot through a conference agreement, leaving the other slot open for an at-large team. Significant benefits have derived from the bowl games for the participating institutions, the communities in which they have been conducted and for the popularity of college football. Even before the Bowl Championship Series (BCS) was created, these holiday events brought a level of drama and excitement to postseason football and the communities where they took place that continues as a fixture of the American sports culture.

Nonetheless, many in the media and the public have maintained a steady push for a playoff that would determine a national champion on the field in Division I-A football. While resisting a multi-team bracket that would have elongated the football season, reduced the influence and excitement of postseason opportunities and abandoned the tradition of holiday bowl contests, schools in those conferences (along with the University of Notre Dame) created in 1992 what would become the Bowl Championship Series. The goal of the series is to match No. 1 and No. 2 teams in the season-ending game. Schools from the Big East, Atlantic Coast, Southeast, Big Ten, Big 12 and Pacific-10 Conferences comprise the BCS today. Their participation in the four major

bowls of the BCS - the Rose Bowl, Orange Bowl, Fiesta Bowl and Sugar Bowl - is dominant. In fact, during the 15 years preceding creation of the BCS, there were 120 selections made to the four bowls and only once did a non-BCS school participate, and that was more than 10 years ago.

Unlike the NCAA's administration of other championships, its role in Division I-A postseason football is minimal, focused primarily on a certification process for bowls that ensures uniformity of bowl administration, financial stability and compliance with NCAA playing rules. The Association's involvement in Division I-A football was significantly diminished in 1982 when the United States Supreme Court ruled that the NCAA's regular-season television contract was a violation of the Sherman Antitrust Act. As a result, regular-season television has been the property of the individual member institutions, which have negotiated contracts through their conferences. As an extension of that role, the BCS schools have further negotiated joint television contracts for the four bowls in the championship series.

The NCAA also has the responsibility in Division I-A football to protect the integrity of the game and the sanctity of the subdivision itself. While there are 117 institutions in Division I-A, the BCS represents an agreement among 64 of those institutions to participate in the series with guaranteed participation for the champions in the six conferences, plus two additional at-large berths. Any team from a non-BCS Division I-A conference (Conference USA, Mountain West, Western Athletic, Sun Belt and Mid-American Conferences), or an independent can qualify if it is ranked in the top six in the BCS standings. Currently at issue and under debate is access to the four BCS bowls by the non-BCS conference institutions and the revenue that would result from increased access. The non-BCS schools have formed the Coalition for Athletics Reform to address their concerns.

There are at least four possibilities in the near term for addressing access within Division I-A postseason football. First, the Division I-A membership could vote to establish an NCAA tournament like the ones that exist in Division I-AA and Divisions II and III. The brackets for those championships range from 16 teams in Division I-AA to 28 teams in Division III. Second, an additional one game or three games could be played after the bowls to identify on the field a champion. Third, the method of ranking teams for the four bowls could be broadened, or the number of bowls in the next iteration of the BCS contract could be increased. Or finally, fourth, the current system, or something very close to it, could remain in place.

While most in the media and many in the public favor a full playoff in Division I-A similar to that in other divisions, and similar to the National Football League playoffs, I do not. Here, I speak for myself; there is no official NCAA position on this matter. I have mixed feelings about the argument that such a tournament would have severe academic consequences. Only a few schools and a limited number of student-athletes would participate, and the impact would not be greater than football championships in other divisions or championships in other sports. From the perspective of protecting student-athlete time for academics, it would be better to limit the regular season games to 11, rather than the 12 that is now the case if the calendar permits. Rather, my reason for not favoring a Division I-A playoff is because it would diminish the benefits from the unique postseason opportunities the bowls have provided. This is an exciting feature of

Division I-A football worth preserving, and a full-fledged, multi-stage tournament would detract too much from the bowl system.

Others have proposed one or three additional games after the current four bowls to identify the champion on the field. Although still controversial for most of the same reason, namely it diminishes the bowls, these more moderate approaches may be worthy of additional study. They would likely generate significantly greater revenue for many institutions in Division I-A that struggle meeting the demands for multiple sport programs competing at an elite level. However, the decision, it seems to me, should not be based solely on new revenue from media and advertising contracts. Rather, it should be based on enhancing the integrity and excitement of college football at the Division I-A level.

I do understand the concern for greater access to the major bowl games. The expense associated with operating a Division I-A football program is not for every institution. A recently released NCAA study conducted by three distinguished Brookings Institution economists notes that spending in college sports, though a small proportion of a university budget, about 3.5 percent, is not trivial and it is increasing. In the difficult financial times facing universities, there is a need to offset as much of these expenditures as possible with revenue. For those who make the decision to assign football a high priority in their expenditures, there should be a fair means of competing for postseason play. This is, I believe, the essence of the Coalition's position.

It is also important to point out that no school, including the BCS institutions, should be disadvantaged by any new approach. In that regard, I do not favor any redistribution of revenue that accrues to the BCS universities through their media contracts in football. Although there currently is some revenue sharing that takes place, the large majority goes to those who make the greatest commitment and whom the market rewards. In other words, the current revenue structure is a result of the free-market at work.

Any changes to the current approach must add value for all the participants. This goal, if it is achievable, is to find the tide that will raise all ships.

On September 8, I facilitated a meeting where representatives of the BCS and Coalition schools began a conversation to address these issues. I am happy to report that the meeting accomplished more than anyone would have expected. It exceeded all of our expectations. All the participants emerged from the meeting with greater appreciation for those things they have in common, as well as respect and understanding for the differences. Those presidents have agreed to meet again November 16 to consider postseason football options put forth by their fellow presidents and conference commissioners. Frankly, I am optimistic that genuine progress is being made.

Over time and with a willingness to listen to the other side, I believe the presidents of these institutions can reach a mutually agreeable position that is fair, that acknowledges differences in tradition and investment levels, and that preserves the integrity of the game. I am committed to assisting both groups to reach this end. The NCAA can be the facilitator and neutral party that protects the game and the interests of Division I-A student-athletes.

This is the preferred approach to resolve the differences. Intervention by the courts or advocacy for one group over another by elected officials at any level will be counterproductive. We saw the

results of such intervention in the recent conference realignment debate, and the emotions attendant to such discussions were only exacerbated.

This is the time for higher education to show its most statesmanlike, most collegial face. Ultimately, the university presidents are the decision makers, and I have great confidence that those presidents participating in the September 8 meeting and any other discussions will do just that. In the meantime, I urge this committee to encourage the 117 institutions involved to come together, discuss their issues, and find solutions that will advance intercollegiate athletics and higher education.

Thank you.