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Editors' Introduction to The Myles Brand Era at the NCAA: A Tribute and Scholarly Review

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The idea for this Myles Brand Era Special Issue of the *Journal of Intercollegiate Sport* originated in July of 2020—during the Covid-19 pandemic and the resulting shutdown of teaching, travel, but not necessarily intercollegiate sports—as universities and the National Collegiate Athletics Association (NCAA) were debating as to whether to commence with summer practice for fall football season after the cancellation of spring championships including March Madness: both men's and women's. Suddenly sports was neither routine nor reserved only for the sports page or online media; questions of policy, (medical) ethics, and social justice moved front and center as some student-athletes were eager to practice while university presidents prohibited it. Or student-athletes refused to practice until they heard other conferences were returning to the field and did not want to be left out of tentatively scheduled national competitions. Parents spoke loudly on behalf of their children. Everyone looked for guidance to the NCAA. Campus administrators relented. Practices resumed–complete with tests, quarantines, and player protocols—while some people started asking variations of the rather simple question, "What would Myles have done?"

We can only surmise what results his leadership during a pandemic might have brought. Our speculation can perhaps be informed by studying his speeches and opinion pieces written over the span of a 40-year academic career, plus over 100 podcasts, several in-depth interviews, television appearances including U. S. Congressional testimony (over three hundred such items are available at www.mylesbrand.com, a site designed by Peg Brand Weiser), NCAA data and records, and by recalling personal conversations. Perhaps the more interesting question to be asked 12 years after his passing is not, "What would Myles have done?" but rather, "What have we done—individually and collectively on behalf of student-athletes—in the aftermath of Myles Brand's leadership?"

The legacy of Myles Brand includes the insightful essays by the authors in this special issue: all of whom dig deeply into continuing controversies within higher education, intercollegiate athletics, and the values, principles, and style of Brand's

leadership. They take up the gauntlet to dissect and disseminate Brand's lasting influence on the institution of the NCAA in terms of the decisions and policies enacted between 2003 and 2009 that continue to affect the well-being of today's student-athletes, the sustainability of high-cost intercollegiate competition, and now, the "threat to" or "abandonment of" (depending on your point of view) "amateur status" due to students' newfound economic agency and ability to profit from NILs (Name, Image, Likeness).

Our initial call for papers cast the scope of the project broadly: a special issue devoted to the living legacy of Myles Brand, the fourth president of the NCAA from January 1, 2003, to September 16, 2009, on any aspect of his presidency—philosophy, leadership style, initiatives, impacts, successes, and challenges. We urged consideration of a variety of themes: general historical conditions that affected Brand's tenure, biographical aspects of his life that influenced his work as NCAA President, comparisons to other NCAA Presidents, the effect of Brand's untimely death on the NCAA, and the evolution of the post-Brand years. Prefaced by some preliminary remarks and personal observations, it was natural to organize the issue in terms of Brand's three major initiatives of (1) improving academic standards, (2) increasing diversity, and (3) assuring both academic and fiscal sustainability. We are indebted to our contributors for their expertise, thoughtfulness, and high level of scholarship. We urge readers to continue the conversation beyond this issue after studying these provocative papers, all of which look forward into an uncharted future.

To begin, John R. Thelin presents an introductory preface, "From Chaos to Coherence: Myles Brand and the Balancing of Academics and Athletics," that fancifully casts Brand in terms of an imaginary campus mascot, namely, that of a Gryphon. For a scholar such as Brand who studied Plato and Aristotle, ancient Greek mythology is an appropriate place to start, particularly as the Gryphon was the guardian of light against the darkness known as chaos plus a composite of both mental/cognitive and physical/athletic powers. Thelin historically situates The Brand Era within developments in American higher education including the influential Knight Commission on Intercollegiate Athletics and posits Brand as leading the enterprise toward the light of reason and coherence.

Josh Brand provides personal insight into the armchair philosophy of "Myles Brand, My Father," recounting numerous conversations and debates over action theory, education, and sports. He notes the impact of their relationship as he tries to "pay it forward" (a phrase Myles used often in both family and collegiate settings) for the benefit of Josh's own two daughters. For readers unfamiliar with Brand's unwavering support of Title IX, a reminder is in order; his granddaughters were mentioned on numerous occasions in his speeches and in casual conversation as he fondly looked ahead to their future days in college.

As a fellow philosopher, co-author with Myles Brand, and professor currently teaching classes in the philosophy of sport, Peg Brand Weiser reveals the philosophical background integral to Brand's method of analysis and leadership style in "Life is an Adventure: From Action Theory to Action." The turn away from traditional

theoretical analytic philosophy of human action toward a more applied, practical philosophy proved crucial to Brand's corresponding transition to university administrative roles and eventually, his NCAA presidency.

In a behind-the-scenes look entitled, "President Brand's Gambit: Inviting Scholars Inside the Tent," Scott Kretchmar enlightens us as to the backstory of Brand's idea to start an Academic Scholarly Colloquium—a conference planned in conjunction with the annual NCAA convention beginning in 2007—as well as Kretchmar's experience as founding editor of this journal, the *Journal of Intercollegiate Sport*, in 2008. The Colloquium served as a means of bringing together interested supporters and critics that lent transparency to the inner workings of the institution. It was defunded by the NCAA in January of 2013; luckily the journal survives.

Walter Harrison offers another look behind the scenes, providing insight on several administrative roles he held while he was president of the University of Hartford working with Brand and the NCAA. The essay, "Myles Brand and the Responsibility of Leadership," conveys a sense of Brand's style of governing: gathering data and opinions and operating as helmsman to steer the best ideas forward with popular consensus. Harrison discusses both academic reform and sustainability so this essay, along with several others, also adds to the discussion of the topic of sustainability by Rodney Fort. The three topics are interrelated in ways that are difficult to separate.

Heather Reid transports us back to ancient Greece and several of Brand's favorite philosophers—Pythagoras, Socrates, and Plato—while simultaneously updating the tradition in her essay, "Amateurism, Professionalism and the Value of College Sports." Reid argues that ancient voices who extol the educational value of sport form the basis of Brand's ideals of amateurism, academics, and the protection of student-athletes from exploitation. Reid arrives at the "paradoxical" conclusion that "ideals of excellence and professionalism are at the heart of 'amateurism' in the context of college sport." The intrinsic value of competition is not a means but an end in itself that functions along with the educational benefits student-athletes derive from their collegiate experiences.

Lou Matz expands upon his own previous writing (and future work) on Brand's 2006 *Journal of the Philosophy of Sport* article, "The Role and Value of Intercollegiate Athletics in Universities" in his exploration of "Myles Brand: Intercollegiate Athletics Within the Limits of the Academic Mission Alone." He pushes Brand's analogy of athletics and the performing arts to an unprecedented suggestion: the creation of a Competitive Sport major that more fully and productively integrates intercollegiate athletics into the already intertwined, i.e., "integrated," academic and educational missions of our institutions of higher learning.

Welch Suggs and Jennifer Hoffman examine "Myles Brand's Collegiate Model and the Post-Amateurism World of College Sports" by charting the history of the model in both sport and higher education, carefully assessing Brand's definition of the model and finally, assessing its relevance as a policy prescription in our current century whereby lawsuits against the NCAA, new state laws, and now the NCAA itself are allowing student-athletes agency to profit from Name, Image and Likeness.

This radical alteration to the notion of "amateurism" within the collegiate model leads the authors to consider a new era of "post-amateurism" along with the powerful role played by the media, money, and student-friendly/empowering legislation, but they argue nonetheless that the educational value of sports need not be lost in their wake.

David K. Wiggins calls Brand "the quintessential philosopher" and "the conscience of college sport" who labored in the face of "racialist thinking and racism that pervades all levels of sport and society more generally" in his essay, "Myles Brand: A Leader Deeply Committed to Diversity, Inclusiveness, and Social Justice." Analyzing the intricacies of Academic Progress Rates (APR) and Graduation Success Rates (GSR)—metrics implemented by Brand to measure educational progress and graduation rates of student-athletes and their teams—Wiggins notes criticisms brought on behalf of African American student-athletes and Historically Black Colleges and Universities (HBCUs), while also citing Brand's elimination of offensive Native American mascots, his promotion of the hiring of under-represented minorities as coaches and administrators, and his relentless support of equity and opportunity for women and student-athletes under Title IX.

C. Keith Harrison, Bernard Franklin, and Whitney Griffin address issues of diversity, equity, and inclusion in "Myles Brand's Philosophy of the Value of Intercollegiate Athletics: A Collaborative Effort and the Perspective of Two Black Males on Educational Achievement at the NCAA." The authors apply a personal narrative theory to Brand's effort to improve academic standards (through the APR) while introducing and advancing the Scholar-Baller initiative—conceived in collaboration with the NCAA during Brand's tenure—that is particularly effective in helping African American male college athletes. The recent Supreme Court ruling highlights the ongoing challenge of educating under-represented minorities as unpaid "amateurism" legally slips away.

Rodney Fort tackles the persistent topic of sustainability, the third of Brand's three major college sports initiatives in addition to academic integrity and diversity, in "Myles Brand's College Sports Sustainability: 'Amateurism,' Finances, and Institutional Balance." The author identifies the central elements of discussion as the established NCAA definition of "amateurism," athletic department finances, and the "balance between athletic and academic spending as a part of the university mission." An in-depth analysis of NCAA data on revenue sources and expenditures includes a look at the College Football Playoff (CFP) that has evolved from the Bowl Championship Series (BCS) as well as Final Four Basketball Championships in order to assess such well-entrenched, lucrative events in a post-Brand era.

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Rodney Fort is Professor of Sport Management at the University of Michigan. His research ranges wide across both professional and college sports business and economics. He served on the original NCAA Scholarly Colloquium and serves on the Editorial Board of the *Journal of Intercollegiate Sport*.

Bernard Franklin is the retired NCAA Executive Vice President/Chief Inclusion Officer. Prior to his 14 year tenure at the NCAA national office he served as the President at Virginia Union University. After becoming the NCAA president, Dr. Myles Brand hired Franklin as a member of his senior management team. Even though at the time Franklin was a university president, he knew he wanted to work with Brand because he could learn a lot from him. Brand taught Franklin some unforgettable lessons regarding leadership and integrity. Franklin is so thankful that Brand gave him the opportunity to serve the NCAA membership.

Whitney Griffin is a Professor of Psychology at Cerritos College. Griffin is a yoga teacher for athletes with concussions and a mindfulness advocate for the traumatic brain injury community. She is the Copy Editor of the *Journal of Higher Education Athletics and Innovation*.

C. Keith Harrison is Professor of Business, HipHop and Sport in the College of Business at University of Central Florida. Harrison is a former NCAA scholar-athlete at Cerritos College and West Texas A & M University where he was a center on the football team. He is president of scholarballer.org and Senior Editor-in-Chief of the *Journal of Higher Education Athletics and Innovation*.

Walter Harrison is President Emeritus of the University of Hartford, having led the University between 1998 and 2017. As a Professor of English, he has focused most of his research on baseball, its history, and its place in American culture. He served in NCAA governance from 2002 until 2014, serving as a member of the Division I board, and chairing the Executive Committee (now known as the Board of

Governors) between 2005-2007, the President's Advisory Group (a predecessor of the current Presidential Forum) between 2005-2007, and the Committee on Academic Performance (now known as the Committee on Academics) from 2004-2014. In 2015 he received The NCAA President's Gerald R. Ford Award for his "significant lifetime leadership as an advocate for intercollegiate athletics within higher education." He has served as a member of the Knight Commission on Intercollegiate Athletics since 2014.

Jennifer Lee Hoffman is an Associate Professor in the Center for Leadership in Athletics in the College of Education at the University of Washington. Her research focuses on the role of college sports in higher education. She is the author of *College Sports and Institutional Values in Competition: Leadership Challenges* (2020).

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Lou Matz is a Professor of Philosophy and former Assistant Provost and Associate Dean at University of the Pacific. His research focuses on intercollegiate athletics in the university. He is a member and former chair of Pacific's Athletic Advisory Board to the President. He played four years of intercollegiate basketball and one year on a professional development team in Giessen, Germany.

Heather L. Reid is Professor of Philosophy Emerita at Morningside College. She is a 2015 Fellow of the American Academy in Rome, 2018-2020 Fellow of Harvard's Center for Hellenic Studies, and 2019 Fulbright Scholar at the Università degli Studi di Napoli Federico II. She is past president and recipient of the distinguished service and distinguished scholar awards of the International Association for the Philosophy of Sport. Her books include *Olympic Philosophy* (2020), *Introduction to the Philosophy of Sport* (2012), *Athletics and Philosophy in the Ancient World: Contests of Virtue* (2011), and *The Philosophical Athlete* (2002, 2nd ed. 2019).

David Welch Suggs, Jr. is Associate Professor of Journalism at the University of Georgia and Associate Director of the Carmical Sports Media Institute. He covered the NCAA for the *Kansas City Star*, *Street & Smith's SportsBusiness Journal*, and *The Chronicle of Higher Education*. He is the author of *A Place on the Team: The Triumph and Tragedy of Title IX* (Princeton University Press, 2006), which Myles Brand praised as an "exceptionally well-written, well-researched, and balanced book that should be read by anyone interested in the present and future of college sports."

John Thelin is a University Research Professor at the University of Kentucky. An alumnus of Brown University, he was a varsity wrestler and elected to Phi Beta Kappa. In 2006 he was selected for the Ivy League's 50th anniversary Hall of Fame of outstanding student-athlete alumni. He is author of *Games Colleges Play* and *A History of American Higher Education*, both published by Johns Hopkins University Press.

Peg Brand Weiser is Laureate Professor/Research Professor of Philosophy at the University of Arizona and Emerita Associate Professor of Philosophy and Women's Studies at Indiana University. She is editor of *Beauty Unlimited* (2013) and *Beauty Matters* (2000), and a forthcoming collection of essays examining the Covid-19 pandemic entitled, *Albert Camus's* The Plague: *Philosophical Perspectives* (Oxford University Press). Her essay, "Changing Perceptions of Beautiful Bodies: The Athletic Agency Model," will appear in *Somaesthetics and Sport*, edited by Andrew Edgar and William Morgan (Brill Publishers).

David K. Wiggins is Professor Emeritus of Sport Studies at George Mason University. His research focuses on tracing the interconnection among race, sport, and American culture. Among his latest books is *More than a Game: A History of the African American Experience in Sport* (2018). He currently is Editor-in-Chief of *Kinesiology Review* and Editor of the *Sport, Culture, and Society Series* for The University of Arkansas Press. He is also Past-President of the North American Society for Sport History and served for a year as President of the NCAA Scholarly Colloquium.

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From Chaos to Coherence: Myles Brand and the Balancing of Academics and Athletics

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In the United States we rely on colorful mascots to convey the real and imagined values associated with the heritage of our colleges and universities. If I were to select one of these to personify Myles Brand's place in higher education it would be the Gryphon. This legendary creature from Ancient Greek mythology was the guardian of light and was the fierce opponent of the darkness known as chaos. It's an apt match with Myles Brand because the Gryphon is one of the few members of the intercollegiate mascot menagerie who represents both cerebral and athletic prowess.

Symbols gain credibility when they are based on substance. An invaluable source to assure that combination in this essay is the comprehensive website providing archives and access to Myles Brand's papers that was launched in February 2021 (https://www.mylesbrand.com). Its holdings offer an abundance of documents which will be essential for articles and analysis about him as a memorable colleague and influential higher education leader over several decades – yet, sadly, not long enough. My aim is to introduce those rich sources not to exhaust them. I leave intensive primary source research to a subsequent cohort of scholars who take higher education and public policy seriously.

As prelude and preface to this volume I wish to place Myles Brand's leadership roles into historical context, with particular attention to his perceptive response to the chemistry of the modern American university and the serious business of intercollegiate athletics over the span of several decades encompassing the late 20th and early 21st centuries.

Each generation of college and university presidents sees itself as cast into a particular and even peculiar set of headaches that comes with the office. In 1958, for example, Clark Kerr, famous as President of the University of California, noted that the modern university president's role was to be a mediator. He even noted with good humor that the administrative problems facing a modern university president often were reduced to "providing parking for faculty, sex for the students, and athletics for the alumni." Implicit in his analysis was that presidential mediation of this era took place in an environment of abundance where typically the financial decision was not to give or to cut funding for a dean. Rather, it was the delightful problem of whether to give – or give more (Kerr, 1958, p. 96).

Four decades later the presidential concerns had changed drastically. In 1996, for example, the President of Cornell addressed a group of fellow presidents of prestigious universities and confided that their collective fate was that "Presidents are beggars who live in big houses" (Rhodes, 1996, p. 1). Philanthropy loomed large as raising money from donors was the inescapable task at all colleges and universities, whether rich or poor, in an era shaped by the construct and policies of privatization.

How explain the change in presidential casting from mediator to beggar? One reason for this new preoccupation for college and university presidents was that generous public support through state tax appropriations became uncertain and often tapered or declined in actual dollars, both because state tax revenues declined and citizen support for investment in higher education waned. The fifteen-year period starting in 1970 had been cited by economists as "the new depression in higher education." (Cheit, 1973, p. 1). For more than a decade colleges encountered a situation of "stagflation" – an unprecedented combination of double-digit inflation coupled with declining gross national income. The situation was sufficiently stark and prolonged that even prestigious historic institutions with large endowments such as Yale and Brown were showing deficits in their annual budgets.

Economist Charles Clotfelter perceptively noted that starting around 1985 a cluster of institutions signaled recovery from "Higher Education's New Depression" that had started in the 1970s and brought stagflation to all campuses for over a decade. But the financial recovery that started around 1982 gave some universities a combination of robust endowments and high academic prestige that opened the gates for them to "buy the best" – whether it be to attract a head coach, outstanding students, accomplished researchers, or a charismatic president (Clotfelter, 1996). The bubble of abundance burst, however, with the recession of 1989 which was followed by persistent academic budget cuts and austerity measures throughout the 1990s.

Coming of Age in 1989: A Pivotal Year for American Higher Education and Myles Brand

Myles Brand was professionally and personally caught in the middle of the presidential characterizations of the 1960 "mediator" and the 1996 "beggar who lived in a big house." However, to parse the chronological data more closely, the crucial year both for Myles Brand and for American higher education was 1989. Why was this confluence important? To flesh out these vital statistics about Myles Brand's career it is useful to look closely at the social, political, and economic trends in which he and other college and university presidents worked. The year 1989 represented the great divide.

In 1989 the United States economy was under stress, experiencing one of the sharpest, deepest declines in the stock market and leading to massive unemployment and declines in state revenues. The triple whammy was that it also put the brakes on generous private donations from several traditional sources – individuals, corporations, and foundations. Finally, the number of ascending research universities competing for federal grants from such agencies as the National Science Foundation and

the National Institutes of Health increased while total available federal research and development funds were declining. All this was a shock to the national system – and to American higher education – because it marked the unravelling of a trend toward recovery and prosperity that had been ascending since 1985.

This problematic situation and financial stress quickly became evident to Myles Brand when he was inaugurated as President of the University of Oregon in 1989 and then served until 1994. The state of Oregon's landmark tax cut measure known as Proposition Five cast Brand as president and the flagship state university into an unprecedented austerity, leading to dependency on private fund raising. And Brand did well with the Campaign for Oregon, raising $235 million – at the time a record for the university.

As a new president Myles Brand was resourceful in responding to financial adversity with institutional policies and practices that benefitted overall institutional health. His plan was to simultaneously increase tuition revenues, add to undergraduate enrollments, and raise admissions standards at the University of Oregon. How did he accomplish this educational coup? He did so by launching an initiative to enhance recruitment of out-of-state students. This new, expanded constituency came primarily from California where many outstanding applicants were being turned away due to high enrollments at California's crowded campuses. The cohort of out-of-state students tended to have strong high school academic records and test scores. Furthermore, they would pay relatively high out-of-state tuitions when they enrolled at the University of Oregon. President Brand convinced the Oregon State Board of Higher Education and its Chancellor of all state campuses to allow the University of Oregon exclusive claim to keep the added out-of-state tuition revenues. On balance, he had transformed a problem of scarcity into an effective educational strategy that enhanced the University of Oregon's national academic stature and institutional ranking.

College Sports in 1989: Prospects and Problems

The year that Myles Brand first became a university president –1989 – coincidentally also was auspicious because it was the year of the founding of the Knight Commission on Intercollegiate Athletics. This was a watershed in marking the attention that many university presidents started to devote directly to curbing and controlling the excesses of college sports. It meant that intercollegiate athletics had moved "the sports page to the front page" (Thelin, 1994). And the headline news was not always good.

By 1980 a report commissioned by the American Council on Education concluded that college sports, especially in NCAA Division I, had become "The Money Game" (Atwell et al., 1980). The financial puzzle with this development was that big-time intercollegiate athletics programs were expected to be self-supporting yet there was little systematic tracking of financial data to monitor financial performance one way or the other. Within the environment of overall declining resources for colleges and universities in this era, achieving balanced budgets and self-supporting

athletics departments became increasingly problematic even at NCAA Division I programs (Thelin & Wiseman, 1990).

The peculiar economics of college sports was such that university varsity programs, instead of being net revenue producers, were net revenue users and not self-supporting. Traditional revenue sources (ticket sales, television, donations) are chronically short in generating enough income to support costly intercollegiate programs. During periods of rising costs, Division I athletic directors wanted to deal with the problem by trying to increase these revenues instead of decreasing costs. Since revenues were already difficult to increase appreciably, these strategies quickly created a revenue/cost gap. These same problems found that the most popular method of closing the revenue/cost gap was to increase donor solicitation. This persistent financial crisis created a need for universities to rethink the incorporated "athletic associations" within their institutions.

For Myles Brand, a defining feature of his leadership was to acknowledge the marriage of American higher education's odd couple of college education and competitive sports. Whereas a university president such as Clark Kerr in 1958 could be a mediator, for Myles Brand the challenge was to walk a tight rope while balancing academics and athletics. And this would continue the remainder of his career, both as President of Indiana University starting in 1994 and later, in 2003 when he was named President of the National Collegiate Athletic Association (NCAA).

Success and Excess: A Chronology of Events and Developments in Intercollegiate Athletics

Myles Brand became a university president at a crucial juncture in college sports. On the one hand, it marked the starting point of incredible commercial negotiations and partnerships. Foremost was the proliferation of television contracts for football at the level of conferences and individual institutions which were no longer confined by the NCAA's strict cartel that limited television broadcast rights. A second financial and public relations windfall was the flourishing of the Road to the Final Four and March Madness tournaments for men's basketball. This meant both a massive increase in ticket sales and attendance at tournament games as well as a new, expanded television viewing audience for men's basketball.

On the other hand, starting around 1989, various groups started and then persisted in serious reform discussions. As already noted briefly, one landmark was the creation of the Knight Commission – leading to hearings in Washington, D.C. in 1990 about the character and condition of college sports. Trite but true, it was the best of times and the worst of times. The three-decade period resembles match play of point then counter point. Each action prompted a comparable reaction in the following questionable areas:

- Academic Performance: Data on grade point averages and graduation rates raised questions about the status of student-athletes as genuine students, especially for those participating in the major revenue sports. Disparities in retention and graduation rates were especially pronounced for

student-athletes who were minorities and from modest income families (Schulman & Bowen, 2000; Levin & Bowen, 2003).

- Financial Health: College sports continued to soar in media and broadcast popularity and revenues yet by 1989 distant early warnings indicated that even many big time college sports programs were running deficits. One convenient strategy adopted by many athletic directors was to reduce budgetary pressures by eliminating non-revenue Olympic sports, including women's varsity squads.
- In practices and policies involving gender and equity, the promising development was that Title IX had been passed in 1972 and, after initial resistance, the NCAA absorbed women's intercollegiate athletics under their sponsorship. Yet by the start of the 21st century that sponsorship had not yet led to approximation of equity or accommodation. To the contrary, contentious lawsuits were brought by women student-athletes such as at Colgate and Brown. Opportunities for women in educational activities, including intercollegiate athletics, remained unfinished business by 2000 (Suggs, 2005; Thelin, 2000).

Among these troubling trends, perhaps most surprising, especially to sportswriters and media reporters who covered college sports, was the belated discovery by 1989 that most college sports programs lost money. An alarming and counter-intuitive finding was that this included many of the big-time conferences and university programs. Football, once heralded as the "golden goose" that would provide abundant funding for all sports, in fact was a money loser even within many NCAA Division I programs. Big-time sports programs which according to the NCAA guidelines were expected to be self-sufficient, frequently relied on cross-subsidies and bailouts from the university general fund. One irony was that the rate of spending on big time college sports increased at a higher rate than university spending on educational programs – even when college sports programs were running a deficit. The dominant big-time college sports model was broken – or, at very least in need of repairs and reforms.

Details on the Knight Commission

The paradox of popularity for college sports was that the successes at least in the commercial and popular arena led to problems on the campus. Illustrative of this coincidence or collision was the creation of the Knight Commission on Intercollegiate Athletics in 1989. It was an independent group with a professed commitment to leading reforms that were intended to strengthen the educational mission of college sports. The end game was to bring more and better attention to the student-athlete as the essential figure in the college sports enterprise.

According to documents and memoirs posted on the Knight Foundation website, the Commission was formed by the John S. and James L. Knight Foundation in October 1989 to recommend a reform agenda in response to highly visible athletics scandals and low graduation rates for college football and men's basketball play-

ers that threatened the integrity of higher education. The Commission is composed of current and former university presidents and chancellors, university trustees and former college athletes, as well as nationally-regarded thought leaders from organizations with ties to or involvement in higher education or college sports (Knight Commission, 2021).

William C. Friday and Rev. Theodore Hesburgh, two icons in higher education, were the founding co-chairmen and provided leadership for the Commission's 1991 seminal report, "Keeping Faith with the Student-Athlete: A New Model for Intercollegiate Athletics." This report provided a roadmap for reform and was distributed to higher education leaders. It proposed a new "one-plus-three" model for governing intercollegiate athletics: presidential control directed toward academic integrity, financial integrity, and independent certification. By the late 1990s, the NCAA had considered many of the Commission's recommendations to strengthen academic standards and improve athletics governance.

Subsequent reports and recommendations continue to influence and contribute to positive change. Among the Commission's recommendations that led to policy changes: requiring teams to be on track to graduate at least 50 percent of their players to be eligible for NCAA postseason championships and bowl games; including academic incentives in the NCAA's revenue distribution plan; reducing athletics time demands on college athletes; and requiring coaches to disclose outside income from shoe and apparel companies. The Knight Commission also recommended that the NCAA should institute improvements to its coaching education programs and establish basic credentialing for coaches to ensure that coaches are prepared for their roles to protect the health, safety, and well-being of college athletes. The Knight Commission devoted energy and effort to reforming the governance of college sports. In the 1990s, for example, the Commission pushed for presidential leadership at the national, conference, and institutional levels.

The Paradox of Problems and Prospects of College Sports

A truism is that college sports are central to the life of American higher education. No other nation can cite let alone rival the place of varsity sports in the academic institution and enterprise. No American college or university states forthright that intercollegiate athletics are central to the mission of the institution. A customary characterization is for trustees to say that "After all, college sports are the front porch of the university."

Perhaps. But it is a very large front porch. It also is leaky and expensive to maintain and then to repair. The closest approximation to truth in advertising I have heard came about at a symposium sponsored by the Pew Charitable Trusts that brought together in Atlanta a gathering of academic and athletic leaders. The Commissioner of a powerful conference said with a straight face that perhaps it was time for some conferences and their member universities to state that college sports was, after all, part of their land grant mission. The claim was not persuasive even within the circle

of college athletics leaders and advocates. The reality was that for many universities, Murray Sperber's description of "College Sports, Inc." meant that within NCAA Division I, the department of intercollegiate athletics often was comparable to a fiefdom or city-state, an incorporated body with privileged status and exemptions that made it simultaneously a part but apart from the university (Sperber, 1990).

Derek Bok, retired President of Harvard, placed college sports as a central source of concern in need of reform in the commercialization of higher education. The increasing presence of "universities in the marketplace" was especially conspicuous in the proliferation of selling naming rights and adopting logos from athletics donors along with manufacturers of sports shoes and uniforms. (Bok, 2003). Illustrative of this highly commercialized status were annual surveys conducted by *USA Today* that revealed in almost all states nationwide a state university head coach was the state employee with the highest compensation (Stebbins, 2020).

Postscript: Myles Brand and a Legacy of Research and Discussion

A staple datum in biographical profiles of Myles Brand is that he was the first President of the NCAA who had served as a university president. That is impressive but incomplete. An important addition to note is that he also was a pioneering NCAA President in that he was the first to have earned a Ph.D., gained tenure as a professor, and then served as an academic dean and provost prior to being inaugurated as a university president. This elaboration is not a quibble – because there is no assurance that a university president has scholarly bona fides in the curriculum vitae.

This profile of professional and academic roles also was consistent with one initiative Myles Brand championed early in his tenure as President of the NCAA. He advocated for creation of a research advisory council, consisting of appointment of several established scholars from a variety of disciplines – with the common thread that whether economists, philosophers, sociologists, psychologists, or historians – they all studied college sports issues seriously and systematically. This forum of scholars was charged with conducting an annual scholarly colloquium at the start of the NCAA conference and also was responsible for overseeing the founding of the *Journal of Intercollegiate Sport.* These initiatives were exemplary as a model for timely active scholarship. As such they fulfilled the letter and spirit of the mythical Gryphon showcased at the start of this essay as they showed how the structure and spirit of critical analysis could illuminate essential issues and help to lead intercollegiate athletics away from chaos, edging toward coherence.

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Myles Brand, My Father

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When I was growing up, my father had a chair in the living room. It was a comfortable leather reclining chair with a small ottoman. He placed it in a corner of the room so he could see whatever action was going on in the house, and so he could look out the big picture window at the Sonoran desert and mountains. That's where he did his work. He didn't have a desk, he had a chair. As a Philosophy professor, it's where he wrote his books – longhand, double spaced in pencil on yellow legal pads. Later, it's where he wrote his speeches as a university and NCAA president. The chair was usually surrounded by books, letters and many pieces of written-on yellow paper. There was the neat pile of paper, which were the 'keepers', and there were the hastily folded in half pieces of paper flung onto the ground. These were the 'rejects'. Every so often, when the keeper pile was sufficiently high, my father would emerge from his chair and want to talk – or more accurately debate – whatever he was working on. We would have these discussions in the car, while riding our horses through the desert outside Tucson, or just hanging out around the house. It was just my father, me and my stepmother Peg in the house. Because Peg had her own work to do and I was a teenager with plenty of idle time, I was often the only one available for these discussions.

To the outside world, my father was a public figure and a leader. He set strategy, he gave speeches and he led organizations through crises. There always seemed to be a crisis to deal with. From the living room, what I saw was a man who was happiest, most relaxed, and most himself when he was solving problems and learning something new. I think part of what drove him to the heights of his profession was the promise of new things to learn and new challenges to meet. When confronted with a challenge, he went into learning mode. What do I need to learn and from whom do I need to learn to meet this challenge? A little later in life, when I was pursuing my MBA, he took great interest in my studies. He borrowed my Marketing textbook, and probably read more of it than I ever did.

Whether by nurture or nature or some of both (we would often have that particular debate), I owe much of who I am today to being part of my father's life, and I have tried to pay that forward to my own daughters. As I sit in my living room chair typing this out on my laptop (some things change), I know he would be happy to see Peg taking on the challenge of this journal, and I hope that he would be happy with the pursuit of challenges and learning I have chosen in my life.

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Life is an Adventure: From Action Theory to Action[1]

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It is not a sign of weakness to follow the rules and act with respect for others; it is a sign of moral commitment (Brand, 2008b, p. 6)[2]

Dr. Myles N. Brand was President of the National Collegiate Athletic Association (NCAA) from January 1, 2003, until his untimely demise from pancreatic cancer on September 16, 2009, at a time when member institutions numbered 1,036 and student-athletes over 400,000 (NCAA, 2020). At this writing, NCAA institutions number 1,091, student-athletes number 504,619, and the NCAA is holding a national convention to discuss "dramatic" restructuring that may signal the end of the organization as we know it (Lederman, 2021; NCAA, 2021). It is a particularly apt time to be assessing The Myles Brand Era given that a radical change also took place when the NCAA appointed him the fourth administrator to head the institution. He was the first university president, academic, and philosopher to lead the membership in its 97-year history. How did he earn the vote of decision-makers and how did his vision make the Brand Era unique?

The authors in this special issue look back upon Brand's tenure at the NCAA, noting the rationale for his decisions, the lasting import of his actions, and the implications of his legacy going forward. I am grateful to the authors whose time and scholarship serve to complete a fuller picture of a moral philosopher, principled president, and consensus-building leader whose concern for the welfare of student-athletes was deep and personal. I am particularly motivated to respond to a comment made by David Wiggins (in this special issue) who notes, "Brand seemed to be decidedly different than the organization's other Presidents" and then remarks, "what seems most important is to ascertain what accounted for Brand's commitment to diversity, inclusiveness, and social justice." Brand argued vociferously that "There is no better place to learn life skills than athletics" (Brand, 2008a) and that good sportsmanship and competition, as quoted above, embodied a *moral* commitment to both the rules of the game and a respect for others. These were only two of the many ways he invested positive values learned from his academic training into rhetoric advocating athletic competition: an atypical pitch from a philosopher.

Since nearly every author has noted Brand's academic background and training, and some have even provided partial answers to Wiggins' query, I—as a fellow philosopher—offer to track the progression of Brand's early work in action theory, his theoretical turn to the moral role of education, and finally his legacy of principled leadership on issues of ethics and social justice within intercollegiate athletics. I call this progression "from action theory to action." I hope to show that Brand's writings and speeches from 1970 through 2002 offer a foundation for the conceptual strategies employed in meeting NCAA challenges from 2003 through 2009. "Action theory + Aristotle = Applied Philosophy" provides the key to his innovative conceptualization of the applied philosophy of sport that moved him forward into action.

Myles' motto was always "Life is an adventure." He invoked it when—prior to cell phones and without wilderness guides—he canoed long distances in the Northwest Territories and bushwhacked on horseback in Alaska. He raised it when attempting to convince me (in 31 years of marriage) and my stepson, Josh Brand, to move cross-country where the challenge of a new university position awaited. "You have to be willing to take interesting opportunities when they arrive and take the risks that come with them," he once said in an interview (Lawrence, 2006, pp. 72-73). When it came to "adventure," the Brand Era at the NCAA did not disappoint.

From Action Theory to Applied Philosophy

Myles Neal Brand was born in Brooklyn on May 17, 1942, and educated in New York schools and universities. In interviews, he relates how he grew up in a lower middle-class environment where neither parent had attended college and he discovered books, on his own in fifth or sixth grade, at the community library (Gray, 2008). It was during the Sputnik era, and he read material that fed his interest in math and science and nurtured a "love of learning." He also played handball and stickball in the streets (Scarpino, 2007). He attended Carle Place High School on Long Island—after the family had relocated—where he was bored and only enjoyed playing sports: basketball and track (Gray, 2008). He never thought of himself as a leader in any capacity in high school (Scarpino, 2007). Eager to get to college in 1960 and become a mechanical engineer based on summer jobs as a draftsman, he chose a school in upstate New York—Rensselaer Polytechnic Institute (RPI). After his freshman year, he spent three months designing (on paper) the mechanism to make an employee punch card pop back up after it was pushed into a machine that recorded work hours and created paychecks. (It was the early 1960s when data processing equipment was new.) "It was at that point I realized I don't really want to do this," and by the end of his sophomore year, without much guidance, he noticed that the majority of books on his shelf were philosophy (Gray, 2008, p. 2). He fondly recalled a professor, Robert E. Whalen, who was responsible for "a turning point:"

> [He] literally changed my life by opening up possibilities that I didn't know existed . . . he introduced me to a world of abstract ideas that just thrilled me and excited me to a degree I had never experienced . . . It has stuck with me because it made me realize how important teachers are and what faculty

> members can accomplish in working with young people (Lawrence, 2006, p. 57).

Trained as an undergraduate engineer to solve problems pragmatically and efficiently, his thought processes—later in life, when he was in leadership positions—differed from those of philosophers who might leisurely ponder a theoretical issue free of the pressure of departmental colleagues and upper-level administrators awaiting a decision. At RPI, Brand became the head of *Rensselaer Magazine* but he mostly enjoyed learning and talking with fellow students (Scarpino, 2007). He earned a Bachelor of Science in Philosophy from RPI in 1964 which taught him rigor and hard work that guided him to success in graduate school. At the time, however, he thought that he might not be able to advance in a philosophy career due to anti-Semitism notable within academic philosophy (Gray, 2008).

Completing his Ph.D. in philosophy in two and a half years in 1967 at the University of Rochester under the guidance of Richard Taylor and Keith Lehrer, Brand began the typical career trajectory of teaching, writing, and publishing, with his first job at the top philosophy department in the country (Pittsburgh) and as a traditional member of the national organization of the American Philosophical Association. Within only four years (at age 29), he advanced into a series of administrative jobs with his first appointment as Assistant Chair of Philosophy, University of Pittsburgh (1971-1972); Chair of Philosophy, University of Illinois at Chicago (1972-1981); Chair of Philosophy, University of Arizona (1981-1983); Dean of Social and Behavioral Sciences, University of Arizona (1983-1986); Provost, The Ohio State University (1986-1989); President, University of Oregon (1989-1994); and President of eight campuses of Indiana University (1994-2002). He continued to teach and write but pursued administrative positions because they afforded him the opportunity to accomplish change for students and faculty alike. Moreover, he enjoyed them. Of his presidency at Indiana University he said, “I think the part I enjoyed most was working with the leadership team in formulating our goals and working to get it done” (Lawrence, 2006, p. 68). The comradery of a group—a team—appealed to him, in contrast to the solitary activity of writing philosophy, alone, at home (see Josh Brand’s essay in this volume). In effect, he eventually turned his love of “abstract ideas”—the philosophical study of action theory—into action. He set goals and worked to achieve them; both activities involved debate and through leadership, consensus. Over the course of his career, he repeatedly demonstrated the influence of engineering training and graduate study in philosophy that influenced his method of communal problem-solving.

Brand began his academic career as an analytic philosopher engaged with metaphysics in an area known as action theory. His early work focused on defining an action analyzed into its component parts: an agent’s intentions and plans. In 1970 he published *The Nature of Human Action*, a foundational anthology with three introductory essays of his own entitled, “Action and Behavior,” “Ability, Possibility, and Power,” and “The Logic of Action” (Brand, 1970, pp. 3-21, 123-138, and 219-235). Citing a philosophical interest dating back to the ancient philosophers Plato and Aristotle, Brand wrote, “It is not an exaggeration to say that we are now in the midst of

an action theory revolution," and advocated for broadening the scope of action theory beyond traditional theories in behavioristic psychology and philosophy of mind (Brand, 1970, p. i). Various essays sought to distinguish the difference between two so-called "action-locutions," i.e., the ordinary language phrases, "A person performs an action" and "A person can perform an action." Not merely a semantic difference, this type of analysis motivated philosophers to delve into the nature of physical and mental actions, including a person's motivations and resulting consequences. Such exploration, however, functioned at an abstract—or "conceptual"—level that generally ignored real-life application, as evidenced by Brand's matter-of-fact statement, "a theory about the nature of action is logically prior to explanatory, metaphysical, epistemological, ethical, and meta-ethical theories about action" (Brand, 1970, p. 4). A typical example of a basic action worthy of study was that of a person's raising his arm—action *a*—analyzed logically in terms of necessary and sufficient conditions. Consider, for example, the definition of the term "naïve behaviorism" which was considered an established starting point to action theory inquiry:

> (D1) For every person *S* and every action *a*, *S* performed *a* if and only if: (i) there is a *b* such that *b* is the appropriate bit of bodily or mental behavior of *S* or there is a *b* such that *b* is the appropriate bit of bodily or mental behavior of *S* and the appropriate effects of this bodily or mental behavior; and (ii) *b* occurred (Brand, 1970, p. 5).

This definition is quoted at length to emphasize the distant starting point of Brand's progressive development from basic, abstract, conceptual action theory to the many actions he performed as president of two universities and of the NCAA "team" involving policy and people, more directly impacting student-athletes. Action theory required a look at bodily behavior, mental behavior (cognition), and when advancing beyond "naïve" behaviorism, the conative element of desires, plans, and intentions. If a philosopher of action theory today sought a challenging real-life example, she might consider the failure of four-time Olympic champion Simone Biles to perform basic actions that she knew she could perform by coordinating body and mind as she had hundreds of times before. At the August 2021 Tokyo Olympics, Biles withdrew from competition due to her inability to complete a series of actions that she had repeatedly performed in the past, clearly intended to perform again, but simply could not do: an affliction known by gymnasts as the "twisties;"

> I seriously cannot comprehend how to twist . . . I have experienced them before. They're not fun to deal with . . . It's honestly petrifying trying to do a skill but not having your mind and body in sync. Could be triggered by stress I hear but I'm also not sure how true that is (Cooper, 2021, p. 1).

Biles illustrates the difference between "I perform an action" and "I can(not) perform an action."

While at the University of Illinois at Chicago ("Circle," as it was called then), Brand edited *The Nature of Causation* (Brand, 1976) as well as a collection of essays entitled, *Action Theory: Proceedings of the Winnipeg Conference* (Brand & Walton, 1976). *The Nature of Causation* explored yet another basic, foundational concept—tracked back to Aristotle as well as pre-Socratic philosophers—seen as essential to

understanding our daily experiences "of free will, human action, time, laws of nature, empirical knowledge—indeed, almost every area of philosophical inquiry" (Brand, 1976, p. i). In the volume, an essay co-authored with Marshall Swain introduced the notion of "first principles" in which "acceptable principles governing the relations of causation, necessity and sufficiency," functioned as tautological, i.e., necessarily true (Brand & Swain, 1976, pp. 348-349). An example was "*A* causes *B* only if *A* and *B* are distinct." In speeches as NCAA president, Brand often invoked "first principles," for example, the three "central" and "key" principles of "The Collegiate Model of Athletics" articulated in his 2006 State of the Association Address entitled, "The Principles of Intercollegiate Athletics." He referred to them as "axioms" that "should dictate the fundamental nature of college sports" as he examined each in detail:

> Principle No. 1—Those who participate in intercollegiate athletics are to be students attending a university or college.
>
> Principle No. 2—Intercollegiate athletics contests are to be fair, conducted with integrity, and the safety and well-being of those who participate are paramount.
>
> Principle No.3—Intercollegiate athletics is to be wholly embedded in universities and colleges (Brand, 2006a, p. 3).

It is important to realize their philosophical source and the weight of their importance. He saw them as basic—obvious and indisputable—assumptions upon which premises of an argument's conclusion, such as those of The Collegiate Model, could reliably and indisputably rest.

The turning point in Brand's thinking as an action theorist was a keynote address at a conference on Action and Responsibility entitled, "Philosophical Action Theory and the Foundations of Motivational Psychology," which showed his emerging practical nature and a growing concern for results at a time when applied ethics was already developing within the discipline of philosophy. Co-editors Bradie and Brand seismically shifted the scope of their project in publishing their work in a new series of books in applied philosophy. "These studies will investigate the implications of theories of metaphysics, epistemology, and ethics, as well as the human sciences, for social problems which require rational planning and decision making" (Bradie & Brand, 1980, p. v). They forged a new path toward "social problems," arguing:

> Applied philosophy is not a recent innovation. Its practical objective is echoed in a passage by Aristotle in the *Nichomachean Ethics*: 'We are inquiring not in order to know what virtue is, but to become good.' Theoretical inquiry has an essential place in the total enterprise, but the ultimate concern is with the implications for human action (Bradie & Brand, 1980, p. v).

This was a pivotal redirection of focus which revealed that Brand may have enjoyed engaging in purely "theoretical inquiry" in his early work but only 12 years past graduate school, was ready to ground the "total enterprise" in the practical *application* of action *theory* to human *action* and ultimately (as evidenced by the title of the volume) the realm of "action and responsibility" (Bradie & Brand, 1980, p. v). Traditional philosophy had become too narrow; Bradie and Brand sought to expand

the dialogue to other participants whose points of view would both challenge and enhance standard philosophical action theory. This was the first time Brand deliberately expanded the (academic) audience for whom he wrote, encouraging others to do the same. Thus, as early as 1980, he encouraged "a unifying of forces . . . bridge building between motivational psychology and philosophical action theory" (Brand, 1980, pp. 1, 18).

Moreover, Brand broke with past theorizing on actions by invoking Aristotle—to whom he referred many times in subsequent writings—as a foundation for contemporary thinking that re-emphasized that virtuous behavior, i.e., being a good person, was *the* goal. In effect, he moved the examination of human behavior, its motivation and ramifications, into the realm of ethics. Clearly, he argued, it was not sufficient to merely know what virtue *is*, how the term is defined by philosophers in terms of necessary and sufficient conditions. Rather, one must move beyond an abstract, intellectual exercise toward the psychological reasoning behind why and how one *ought* to be virtuous (known in philosophy as the "is-ought" problem). To become good involves a process that takes repeated good behavior, according to Aristotle, but in the 20th century, one should also study mental states, plans, decisions, goals, and resulting actions. In 2007, these very notions were applied to the concept of sportsmanship in Brand's NCAA State of the Association Address entitled, "In All, Fairness:"

> Aristotle argued that one becomes virtuous by doing virtuous acts. That is, the underlying attitudes leading one to act virtuously begins by undertaking the right behaviors until they become habitual. The attitudes necessary for sportsmanship must be nurtured, taught and reinforced (Brand, 2007a, p. 7).

Developing his thoughts further at the University of Arizona, Brand published *Intending and Acting: Toward a Naturalized Action Theory* which criticized recent philosophical writing in action theory as stagnant and uninteresting; his goal was to usher in a new phase that maintained past "systematic theorizing" about human action but also introduced "*non*philosophical work on human action," i.e., "the scientific study of action" (Brand, 1984, p. x). Invoking the work of psychologist William James (1890) as well as philosopher Daniel Dennett (1960s-70s) and cognitive scientist Jerry Fodor (1970s-80s), Brand sought to focus on the central systems of cognitive psychology and related disciplines, stating, "One of my goals is to focus attention on the philosophical foundations of the human output system" (Brand, 1984, p. xi). His efforts to bring attention to empirical issues delved into motivational psychology in order to promote, in his words, "the naturalization of philosophical action theory" (Brand, 1984, p. x). Within two years, he published *The Representation of Knowledge and Belief*, co-edited with Robert Harnish, linguistics professor at Arizona, that indicated both the growing multidisciplinary nature of his research as well as his enjoyment of conversing and collaborating with colleagues (Brand & Harnish, 1986). As Dean of the College of Social and Behavioral Sciences, he created an innovative Cognitive Science program that brought together philosophy, psychology, and linguistics (and now also includes computer science and cognitive neuroscience). Finally, just before assuming the NCAA presidency, he wrote an es-

say entitled, "Activity and Passivity," which could perhaps be read as his last fully philosophical work on action theory in that he again offered a review of recent theorizing, argued its shortcomings, and recommended a "correction" for future direction (Brand, 2003a). Philosophers still debated his suggestions within the field of action theory, metaphysics, and cognitive science. Brand, however, had moved on.

From Applied Philosophy to Action

Following his writings in action theory, Brand—as Provost of Academic Affairs at The Ohio State University from 1986-1989—began to write about the moral role of education in forming virtue, creating a model of character, a good person. This was another form of applied philosophy in which theoretical inquiry about learning was expanded to a broader audience of educators, both local and nationwide, and turned into administrative actions by means of a new leadership position within the academy. More pointedly was the administrative challenge to provide opportunities for *all* students (the enrollment at OSU then numbered 58,000), including those who were underrepresented in higher education and perhaps disadvantaged in K-12 in striving to achieve collegiate success. Three years into the role, a speech entitled, "Remarks by Myles Brand to Statewide Conference on Retention of Minority Students" was a seminal statement of his awareness of social injustices inherent in the system:

> This year marks the 25th anniversary of the Civil Rights Act. Title VI of this Act covers the admission of students to any federally funded institution of higher learning and its programs. This legislation was a major step in making higher education accessible to members of minority groups who previously had been denied admission to the college or university of their choice because of their race, color, or national origin. The passage of this act was not just a legal victory. It was a moral victory for all of us. (Brand, 1989, p. 1).

Brand cited the role of colleges and universities—their faculty, staff, and students—in the "long-overdue guarantee of educational rights" that "demonstrated moral and social commitment and leadership" (Brand, 1989, p. 1). This claim went far beyond his vague observation in the early 1960s of "how important teachers are and what faculty members can accomplish in working with young people" to introduce and implement more complex goals that demanded an acknowledgement of human rights within an ethical framework, a deliberate moral and social commitment, and leadership (Lawrence, 2006, p. 57). The speech confronted two problems: high attrition rates for minorities in four-year colleges and low admission rates, especially in graduate and professional programs. "If we do not develop and implement successful strategies for addressing this now, we will feel the social, political, and economic consequences for generations" (Brand, 1989, p. 2).

Without hesitation, Brand blamed the U. S. government's low prioritizing of affirmative action policies under former President Ronald Reagan, "prominent politicians" who failed to speak out in a national commitment to Blacks, Hispanics,

and members of other underrepresented groups, and the erroneous "impression that equality in our society is now an accomplished fact" (Brand, 1989, p. 2). He also noted that "today's students do not appear to have as strong a sense of social conscience as did students in the 1960s" (a time of folk music, hippies, and civil rights—all of which also influenced his professional administrative outlook) (Brand, 1989, p. 3). He proposed a solution at the critical point when students were dropping out:

> Rather than responding to charismatic social and political leaders, we in higher education must ourselves be leaders . . . We must take a moral—and yes practical—position that diversity should be encouraged and valued. Then we must make certain that it is (Brand, 1989, p. 3).

It takes no giant leap of imagination to understand why only 14 years later, Brand would relish the opportunity to lead the NCAA and its diverse student body toward the goal of graduation while condemning "the dumb jock myth" (Brand, 2008d). In a data-driven prediction, he told administrators and staff assembled from various campuses, what would come to pass:

> In 1985, minority children accounted for 20 percent of this country's school-age population. By the year 2000, one-third of the school-age population is expected to be members of minority groups. By the year 2020, it will be nearly 40 percent. Institutions of higher education must show leadership *now*, if increasing numbers of these young people are to receive college degrees (Brand, 1989, p. 4).

Then he cited low numbers of Hispanics in college, declining numbers of Blacks, and "alarming statistics" of Black faculty among whom Ph.D. awards had dropped 27% since the mid-1970s and who thus provided even fewer role models for Black students than before (Brand, 1989). He never once mentioned intercollegiate athletics but we can fast-forward to the year 2021—where the total number of athletes at 504,619 is made up of only 16% black, 20% other (including, among other groups, American Indian/Alaskan Native, Asian, Hispanic/Latino, and Native Hawaiian/Pacific Islander) while still 63% white (NCAA, 2021). We can speculate that he viewed the opportunity to lead the NCAA as president beginning in 2003 as part of an ongoing commitment of moral leadership devoted to providing equal access to opportunity and diversifying the student body, i.e., a form of improving systemic social justice for student-athletes. Minority undergraduate students must be retained, he wrote in 1989, with "a positive, nurturing environment in which they are encouraged to reach their full potential . . . a college education" (Brand, 1989, p. 6), devoid of discrimination and racism. With educational leaders working together, nationwide, he predicted success. He shared with his audience specific actions he had already taken at OSU, such as the creation of a Young Scholars Program, a "statewide early intervention program for students in middle and high school" that brought together hundreds of students from urban Ohio communities and which was expected to grow (Brand, 1989, p. 15).

As president of the University of Oregon, Brand prominently invoked a major tenet of Aristotle's ethics in his 1992 publication, "Undergraduate Education: Seeking the Golden Mean." Addressed to a national faculty audience, Brand cast

the professor's dilemma of conflicting missions at institutions of higher learning as that between duty to publish-or-perish and the obligation to teach. Noting that "undergraduate education no longer possesses its old cachet," he urged, "This is something we need to change, and soon" in order to successfully revitalize undergraduate education: "We need to cultivate what Aristotle called the Golden Mean . . . by bringing the values and rewards associated with research and instruction into better alignment" (Brand, 1992, p. 18). Brand cited the "Oregon Model"—conceived at the university through "a strategic planning process and much discussion (some of it contentious) . . . in an attempt to provide a number of structures that support high-quality undergraduate education" (Brand, 1992, p. 26). Small Freshman Interest Groups (FIGS) and faculty incentives and awards were cited. The overall plan balanced "the research portion of our missions with instruction and public service—in short, reemphasizing Aristotle's Golden Mean" (Brand, 1992, p. 26).

In 2007, as NCAA President, Brand introduced listeners to Aristotle's Golden Mean in a Mondays with Myles podcast (Brand, 2007c) and in 2008, in his NCAA State of the Association address, he cited the ideal of balance to solve the problem of exuberant "fan interest" resulting in celebratory riots, harm to persons and property, and mob behavior:

> Aristotle's Golden Mean of virtue being a balance between extremes is again appropriate. Too little engagement in the community fails to yield the positive effects and too much engagement detracts from the central academic mission of the university. Each university, in its own environment, must find the proper balance point (Brand, 2008b, p. 9).

When Brand became President of Indiana University, he expressed his thoughts in a speech entitled, "Higher Education and Obligations to the Future: The Inaugural Address of Myles Brand." Assuming the leadership of a university that was steeped in 175 years of history, Brand pledged his commitment—considering it his "moral duty"—to the success of future generations by emphasizing the fulfillment of one's obligations of trust as well as educational and cultural opportunities for students (Brand, 1995). He stressed the sciences, the humanities, and the arts, reminding those in attendance of his favorite philosophy professor at RPI who introduced him to Plato, Aristotle, Hume, Wittgenstein, and Russell:

> Those heady days are still a part of my life; they remain essential to who I am, as a faculty member in philosophy and as a person . . . through the medium of teachers, we fulfill the greater part of our obligations to future generations (Brand, 1995, p. 7).

More specific was a presentation Brand (while still President of Indiana University) delivered several years later to a counseling center at Clarion Health Partners, entitled, "Lifting Up Our World: How Moral Values Affect the Way We Educate Our Young People." Explicit values such as respect, harmony, beauty, and excellence were listed for the instruction and well-being of young people: values carried over into many of his NCAA speeches in the 21st century, as he asked, "What truths or principles should they live by—what values ought they hold on to as they face the new millennium?" (Brand, 1998, p. 372). He cited an age of transition—extensive

world travel, scientific discoveries—and a time in which "we've redefined gender roles more basically than they have been reshaped in any corresponding period in the past twenty centuries" (Brand, 1998, p. 371). He urged those present to teach students to be caring and compassionate, but he advised against giving them ready-made or outdated answers; rather, we should equip them with "the tools to ask the right questions (Brand, 1998, p. 372). Once again, he invoked his academic background: "As a professional philosopher, I have dedicated my life to the belief that asking the right questions is as important as finding the right answers" (Brand, 1998, p. 372). Universities are places that are "uniquely well suited to lift up our society by giving people the tools they need to become moral and productive citizens," whereby "Moral reasoning is not memorizing and reciting dictums, but rather, it is reasoning from first principles" (Brand, 1998, p. 372). He cited philosopher Immanuel Kant's categorical imperative (from the 19th century)—one should treat other people as ends, rather than as means—as "the best bedrock" for both personal and business practices and encouraged the cultivation of a "moral imagination" in order to "help us reflect on the consequences of our actions;" for "the very purpose of ethics . . . is to preserve the ability of spiritually healthy and intellectually vital people to work together in harmonious relationships. That sort of relationship requires both wisdom and virtue" (Brand, 1998, pp. 374, 372). Brand urged the creation of organizations in both business and education "based on this magical combination of human values, organizations that speak both to our nobility and our humility . . . to make the world a better place, a place populated by caring, respectful people, not those prone to violence" (Brand, 1998, pp. 374). Five years later, one such organization Brand came to lead was the NCAA.

These early words are worth studying for their attention to the role of ethics and moral values conveyed through applied philosophy: the application of philosophical method, principles, and debate to contemporary social problems that needed solving by an administrator hired to solve them. When Brand became national news himself in 2000 during a particularly difficult period at Indiana University prior to his presidency at the NCAA, he cited ethics as a guide. Following a tense probationary period over the summer months of 2000 for the basketball coach, Bob Knight, Brand fired him for violating a "zero tolerance policy" that prohibited unwelcome behavior toward any student, staff, or faculty member on campus. The process officially began in the spring with the results of a seven-week investigation into Knight's behavior toward student Neil Reed—whom he grabbed by the throat during practice—and the imposition of a "zero tolerance" policy on May 15, 2000. Knight was warned with a document entitled, "Sanctions and Directives Resulting from the Conditions for Review" (Brand, 2000a, p. 5). Often overlooked by the media was the fact that Knight had explicitly agreed to that legal document (Brand 2000a, p. 4). Brand was severely criticized by faculty, the press, and the general public for allowing Knight one more chance over the summer while Knight and his fans resented the restrictive policy. One hundred and seventeen days later, Knight's verbal interaction and touching of an Indiana University Bloomington student explicitly violated the sanctions to which Knight had agreed and days later, he was relieved of his coaching duties by Brand.

In a subsequent ESPN interview, Knight denied knowing what exactly the sanctions meant, claiming that no one, not even his lawyer, had explained them to him. Reminiscent of standard philosophical definitions, Brand had defined "zero tolerance" in necessary and sufficient conditions. Knight's claim was unfounded.

Brand was criticized again, primarily by Knight fans and the media, for the termination of the coach's 29-year contract (The Indiana University governing Board of Trustees fully supported Brand in this decision; otherwise, Brand could have been fired). The Knight Termination Press Conference held at the Indianapolis campus on Sep. 10, 2000, numbered over two hundred sports writers and reporters and included 27 television cameras. Despite both media and fan outcry to his imposed zero tolerance policy on Knight, Brand stated, "I believed then, and I believe today, that it was ethical and proper to give the coach this final opportunity" (Brand 2000b, p. 1). In referring to his decision as "ethical" and "proper" Brand sought to contextualize and validate his decision within the framework of his governing principles and logical decision-making process as applied to a real-life "social problem." He performed the difficult action of removing the coach from campus to protect student-athletes on the basketball team as well as all other students, and to ensure the integrity of Indiana University in its mission of providing a safe environment for students to learn, grow, and succeed.

After Knight's firing, Brand made university history by appointing as interim and then permanent head coach an assistant coach to Knight, Mike Davis. Davis became Indiana University's first African American head basketball coach and indeed, the first African American coach in intercollegiate athletics ever hired in the school's history. There was pushback on this hire, much of it racist in tone. This action was in overt defiance of unspoken tradition on the Bloomington campus and beyond: a beautiful campus in a small southern Indiana town where just a short drive into the country revealed Confederate flags flying.[3] It caused numerous sports writers to disparage Coach Davis's credentials despite that fact that the following year he led the team to the final game of the 2002 NCAA Division I Men's Basketball Championship. At playoff games (which Brand attended with a police escort), hostile Knight fans would bellow that the reason the Hoosiers kept advancing during March Madness was because former Coach Knight's team had been kept intact by Coach Davis. In effect, they claimed, the team had been stolen from Knight and handed over to an *assistant* coach—who, Knight said, was not an "Indiana guy" (Davis, 2021). The Hoosier run to the 2002 Final Four was historic beyond just the keen competition and enjoyment of the games; Indiana eventually lost to Maryland, but history had been made.

I would argue that the hiring of Coach Davis was one of the most significant moments in Brand's administrative career that reinforced and compelled the urgency of future work on what he had earlier called "social problems"—what we now call "issues of social justice." Confronted with unfiltered racism and hatred, the epitome of unsportsmanlike conduct (students marched on our university residence, hung his image in effigy from dorms and frat houses, and issued death threats), he stood strong in the action he had taken.[4] In his role as President of the NCAA, his insistent pro-

motion of justice—in the form of the hiring of African Americans and other minority coaches, along with women administrators—never waned. He routinely expressed frustration with the lack of success nationwide but continued to instigate new programs to improve the numbers and the work environment, e.g., by hiring the first Vice President of Diversity and Inclusion Charlotte Westerhaus-Renfrow, as well as Executive Vice President of Education and Community Engagement and Chief Inclusion Officer Bernard Franklin (whose essay co-authored with C.K. Harrison is included in this special issue). Sports fanatics continue to cite the firing of Knight as newsworthy, but it was the hiring of Coach Davis that set an institutional precedent, brought attention to the ongoing but ignored systemic injustice of preferential hiring practices, and set Brand on a course of action to do more on behalf of minority hires and promotions. As he had acknowledged in his 1989 speech at The Ohio State University, young Black student-athletes needed role models and even in 2003-2009, young Black coaches were still not being given a fair chance. Future scholars may debate the ethics and business sense of the Davis hire—his success waned after his 2001-2002 season—but overall, the numbers do not lie. Brand was aided in his efforts to continue measuring student success and hiring practices by utilizing data collected by both the NCAA and Dr. Richard Lapchick, Chair of the DeVos Sport Business Management Graduate Program in the College of Business Administration at the University of Central Florida and Director of its Institute for Diversity and Ethics in Sport (TIDES). With numbers and charts, the evidence was undeniable, particularly in sports like men's basketball and football where students of color comprised over 50-60% of the team but coaches of color numbered in the single digits. As debate arose over whether to follow the NFL Rooney Rule, the NCAA instituted measures to improve the numbers. Brand himself admitted that solving this problem was one of the most persistent and frustrating challenges of his tenure: one that even to this day reveals a nagging resistance to racial equity. In an op ed, Brand argued that diversity hiring was simply the right and smart thing to do (Brand, 2009d). It was Lapchick who wrote in a tribute to Brand for ESPN.com on Thursday, September 17, 2009: "America lost a champion for student-athletes, for Title IX and for civil rights in sports with the passing of Dr. Myles Brand on Wednesday. No one did more to make college sport live up to its ideals" (Lapchick, 2009, p. 1).

Shortly after the firing of Knight, Brand delivered his first address to the National Press Club in Washington, D.C. on January 23, 2001. And the rest, as they say, is history—or rather, legacy—which is under scholarly scrutiny in this special issue. Brand cited the long-standing call from the John S. and James L. Knight Commission on Intercollegiate Athletics for academic reform within intercollegiate sports, labelling his plan "Academics First." He warned about the rising commercialization of sport—a theme that grew stronger over the years—and moved him to argue that "the central issue is not to find a way to dismantle intercollegiate athletics, but rather to effectively limit its excesses so that its positive features can flourish" (Brand 2001a, p. 369). Aristotle's Golden Mean was invoked to justify balance. Most often quoted in the press was the phrase, "While we don't want to turn off the game, we can lower the volume" (Brand 2001a, p. 371). Calling further attention to the topic, he published an essay, "Academics First: Rejuvenating Athletics Reform," in

the March/April 2001 publication of the *AGB (Association of Governing Boards of Universities and Colleges) Trusteeship*, a governing body with whom he would later work closely to draft guidelines for the balanced operation of intercollegiate athletics on campuses (Brand, 2001b). In the Fall 2002 issue of *The Presidency* published by the American Council on Education (ACE), he wrote an essay entitled, "The ENGAGED President: Changing Times, Unchanging Principles." Quoting a favorite 20th philosopher, Brand wrote:

> As Bertrand Russell pointed out, 'Change is one thing, progress is another. Change is scientific. Progress is ethical. Change is indubitable, whereas progress is a matter of controversy.' We can make progress, in Russell's sense, only if we develop a sense of mission and cohesion that unites the university's various constituents and expresses the core values of the academy. It is these core values that will sustain us in the midst of the controversies that accompany change. And we must develop policies and partnerships that nurture progress. These are both moral and prudential obligations for higher learning (Brand, 2002, p. 30).

Ironically, the time of the publication was contemporaneous with the NCAA search for a new president. To date, no university president had ever been chosen for that position. It indeed became a "changing time" for Brand as he assumed the NCAA presidency on January 1, 2003.

Legacy of Moral Leadership: "A Friend in the Justice World" (Lapchick, 2009)

How did Brand advise and lead over one thousand constituents of the NCAA to make ethical, albeit controversial progress, when guided by "both moral and prudential obligations?"

> Visions can't be imported. They have to be homegrown. I always found that it took about a year, one cycle, to really understand the depth and the subtlety of an institution (Lawrence, 2006, p. 62).

This strategy, which usually brought success or at least reluctant acknowledgement by the unpersuaded that their voices had been heard and seriously considered, was imported to the NCAA.

> Once I understood what its [the institution's] aspirations were and what was possible in terms of its strengths, then I would let a vision emerge. I would constantly test and retest that vision. I'm a philosopher and philosophy is mostly done through dialectic debate, so I would formulate a position that I thought might work and I would go into a group to try it out. I wanted people to argue with me. Could I defend this position? Did this make sense? Did they have objections? That's the process (Lawrence, 2006, p. 63).

The key, however, was in the scope of the vision. In effect, Brand suggested, "What you've drawn out in the plan is actually their tacit aspirations" in that you lead them to discover, acknowledge, and then expand beyond their own original goals (Lawrence, 2006, p. 65).

> It just takes time and you have to be patient with it. But at the end of the process, there emerges a future vision of the institution that is consistent with and indeed underlies what its members want it to become but is more than they are currently able to reach. The vision of the future has to be a stretch, something more than they had in their minds when they started (Lawrence, 2006, p. 63).

In his first NCAA State of the Association Address in January, 2003 (when he had been on the job less than two weeks), Brand identified two guideposts—reform and advocacy—promising the NCAA constituency and the media that "The future directions of intercollegiate athletics must reflect our positive values. Our reform goal should be enhancing the academic and developmental environment necessary for the full success of student-athletes. In the end, it is all about the student-athlete" (Brand, 2003b, p. 2). Also in early 2003, he presented the Title IX Seminar Keynote Address, immediately advocating in his NCAA tenure for female student-athletes, female coaches, and women of color, partially in response to U. S. Secretary of Education Rod Paige's 15-member Commission on Opportunity in Athletics that sought to undercut Title IX; in response, Brand said, "Title IX is not broken, and it does not need to be fixed" (Brand, 2003c, p. 6). By 2004, he was clearly advocating "a value-based vision of intercollegiate athletics" (Brand, 2004, p. 2). In 2005, he argued for fairness and equity, diversity and inclusion, within the hiring practices of college sports; "I can find no moral justification for excluding from serious consideration qualified persons who are not of the over-represented race or gender" (Brand, 2005a, p. 1). Again, he followed words with action; in August, 2005, he created the Office for Diversity and Inclusion led by an African-American scholar, Charlotte Westerhaus (now Westerhaus-Renfrow), to develop and implement strategies, policies, and programs such as the Diversity Education Program, the Football Coaches Academy, and the Leadership Institute for Ethnic Minority Males and Females. Also in 2005, he took the unprecedented step of banning offensive Native American mascots which he cited as "a teachable moment . . . about how Native American Indians have been characterized and, in some cases, caricatured . . . This is not about an effort to be politically correct. It is about doing the right thing" (Brand, 2005b, p. 1-2).

By 2006, he unequivocally stated, "The NCAA—the voice and conscience of college sports—has a distinctive obligation for normative leadership: leadership that is value-based" (Brand, 2006a, p. 2). He published his oft-cited 2006 essay, "The Role and Value of Intercollegiate Athletics in Universities," prompting at least one commentator, Lou Matz (in this special issue), to wonder why Brand had not advanced his conclusion regarding athletics as a practiced and performed activity—similar to college majors like dance, theater, and music—even further: to push for it as a major on its own. Among other topics, Brand focused instead on the academy's prejudice for the mental over the physical, in contrast to Plato's teaching of the harmony and unity of mind and body in which "physical accomplishment was necessary for successful citizenship" (Brand, 2006b, p. 17). Perhaps this was because he was writing for an audience of philosophers, such as that of the *Journal of the Philosophy of Sport*, not an audience of the general public or other academics

interested in sports. He was keenly aware of rhetorical differences—reserving a certain style of prose for the *New York Times*, *USA Today*, and the *Huffington Post*, that only minimally mentioned philosophical terms, tenets, and theories. In contrast, his publications intended for philosophers (beyond those on action theory which ended around 2003) invoked familiar debates within the field, such as mind versus body, *knowing how* versus *knowing that*, normative ethics, and ancient concepts of beauty. The latter two interests were featured in co-authored essays entitled, "The Beauty of the Game" (Peg Brand & Myles Brand, 2007), and with Marshall Swain, "The True Nature of Cheating" (Swain & Brand, 2008). One can observe differences in style by comparing the co-authored Swain and Brand essay on cheating with the Mondays with Myles podcast with NCAA intern Josh Centor entitled, "Cheating" (Brand, 2007d). Perhaps it is no coincidence that at the time of his passing Brand was drafting another co-authored essay with Swain on sportsmanship and a book of his own entitled, *Myles Brand: Sports and Leadership*.

Issues of social justice began to proliferate. In a co-authored "Statement by NCAA President Myles Brand and Rutgers University President Richard L. McCormick Regarding Comments by MSNBC's Don Imus," Brand defended the Rutgers University women's basketball team against a racist, misogynistic Imus rant (Brand & McCormick, 2007b). In his 2008 NCAA State of the Association Address, "Leadership and Challenges: The Roles of Intercollegiate Athletics in the University," he doubled down on rectifying injustices:

> If intercollegiate athletics is to play its key role in higher education of helping promote social justice, as it should, then all of us, the NCAA national office and the over 1,000 universities it represents, must recognize the challenges and commit ourselves to meet them" (Brand, 2008b, p. 11).

He cited the lack of women in leadership positions, concluding, "it is simply incredulous that the talent pool is so weighted toward men to produce this imbalance. The facts, as well as the history of past lack of female representation, point to a continuing problem of injustice" (Brand, 2008b, p. 11). One month later, Brand addressed student-athletes from the Central Intercollegiate Athletic Association (CIAA), mostly Historically Black Colleges and Universities (HBCUs) attending their DII-level basketball tournament. After sharing his enthusiasm for their talents, he encouraged the values of teamwork, goal setting, hard work, self-sacrifice, self-discipline, self-awareness, and the pursuit of excellence, in other words, the reason he was an advocate of intercollegiate sports, namely, "the educational value in college sports" (Brand, 2008c, p. 3).

A lesser known but significantly important approach Brand advocated to augment the educational value in college sports was the actual study of sports, i.e., a position he endorsed in 2008 when the University of Oregon School of Law Resolutions Dispute Center shared news of a donation from then athletic director Pat Kilkenny and his wife to fund a new curriculum. The undergraduate courses, created under the rubric "Competition Not Conflict," were praised by Brand for using a multidisciplinary approach that would "bring to bear a wide range of methodologies and databases from discussions as well as a wide range of experiences" in the large-

scale cultural phenomenon of college sports; he commented, "You'd miss much of the depth unless you use this approach" (Brand, 2008e). Brand clearly relished the creation of these classes at Oregon, as he conveyed at the time: "What I think is most important is, unlike many gifts to athletics, this one clearly recognizes the academic context in which intercollegiate athletics is conducted" (Brand, 2008e). He saw the study of sport at the college level as a unique opportunity to

> emphasize the values underlying the conduct of sport: sportsmanship, respect and civility toward others, and the ability to grow as a person through participation . . . In college, winning is important but it's more than that. It's how you participate . . . How you conduct yourself and what values you're representing (Brand, 2008e).

He was specific about the "course objectives" of the classes and how they might appeal to students in general on campus, not just to student-athletes:

> The studies that would be undertaken should help us understand how athletics could benefit participants as young as six and eight years old as well as weekend warriors . . . address *deeper* problems about college sports on campus including the developmental aspects . . . [the] maturation process (Brand, 2008e).

Finally, Brand often emphasized in speeches and op eds the long-term benefits of sports:

> Learning attitudes and values and developing life plans are an important aspect of growing while in college. There are many ways to obtain that growth and development. I think none does it better than athletics (Brand, 2008e).

As NCAA president in 2007, Brand had already taught a 400-level class at a nearby Indiana University campus called "Philosophy and Culture: Philosophy of Sports" in which he focused on college sports, the NCAA, and predictable topics such as the integration of athletics into institutions of higher education, including recent academic reforms; fiscal responsibility in college sports; amateurism and paying student-athletes for performance ("pay for play"); sportsmanship; the media's influence on college sports; equity in college sports, including Title IX and minority access; performance enhancing drugs; and the responsibility of intercollegiate athletics to widen social concerns, such as the use of Native American mascots. He missed the classroom and took the opportunity to teach and influence a class of Indianapolis students.

Conclusion

By 2007—with graduation rates continually rising—Brand was touting a success story while simultaneously reminding the media to "get their facts right!" (Brand, 2007a, p. 2). He was quoted by former Indiana University football coach Gerry DiNardo as encouraging student-athletes, when he met with them in person on the practice field or in the locker room, to "One, graduate; two, graduate; and three, graduate" (DiNardo, 2007).

In light of declining health—Brand was diagnosed with Stage IV pancreatic cancer on December 31, 2008—a shortened version of his final State of the Association Address was publicly delivered by Vice President Wallace Renfro at the NCAA convention in January, 2009. In the longer printed version, Brand addressed "the major issue of the proper role for commercial activity within intercollegiate athletics" by advancing "A Balanced Approach" that again invoked Aristotle's Doctrine of the Golden Mean: a middle ground—"the balance point"—between the two extremes of crass commercialism and unrealistic idealism (what he called "pure" athletics). Two new principles emerged: "(P1) Student-athletes are not to be exploited in commercial activity, and (P2) All commercial activity in intercollegiate athletics undertaken by universities and colleges, conferences and the NCAA national office must be consistent with the values and mission of higher education" (Brand 2009a, pp. 8-9). "These principles, in turn, must be translated into rules and practices, with appropriate sanctions"—a task to turn theory, i.e., principles, into action, i.e., practical guidelines for behavior—"Once that occurs, we will be able to move forward in the conduct of intercollegiate athletics with a clear conscience. Intercollegiate athletics has become an integral part of college life and culture. We must do it right" (Brand, 2009a, p. 9).

The agenda was set for 2009 and beyond with the "Final Report of the NCAA Task Force on Commercial Activity in Division I Intercollegiate Athletics" from the Executive Committee. Now open to much debate after the NCAA's shift to allow student-athletes to monetarily benefit from the selling of NILs (Name, Image, Likeness), the report stated unequivocally (1) Student-athletes cannot financially benefit from their participation in intercollegiate athletics beyond grants-in-aid and other forms of approved support allowed by NCAA regulations to promote student-athlete well-being, and (2) their motivation to play college sports should come primarily from the educational and physical benefits of participation (Brand, 2009b, pp. 1-2). It will take time—and scholarly study and debate—to assess the impact of NIL rulings on student-athletes. Already—months into the ruling—money managers are citing potential problems for young, inexperienced, and unprotected student-athletes (Sullivan, 2021).

The plan to reform college athletics included the introduction of new and unique data-gathering measures that would hold students, teams, coaches, presidents, and campus governing boards accountable for the academic progress of student-athletes. Brand argued that the goal of the college experience is graduation and so the NCAA devoted its attention to charting accurate data on student-athlete success in the form of Academic Progress Rates (APR) that measured team performance (any team averaging below 930 now incurs disincentives or punishments) as well as Graduation Success Rates (GSR) for Division I and the Academic Success Rates (ASR) for Division II. The rate of 74% in 2003 was established. An unofficial goal of 80% for the future was set. After six years working on improving graduation rates of student-athletes, Brand announced in the summer issue of the *NCAA Champion Magazine*, "APR: Mission Accomplished!" (Brand, 2009c, p. 5). After starting at 74%, the stated goal of 80% had been reached; he had succeeded in debunking Myth

#1—college sports is more about sports than college—by challenging and changing the environment for college athletes (Brand, 2005a). A recent update of the history of GSRs for student-athletes showed the D1 GSR rate had reached 90%! (see Figure 1). Brand would certainly have been happy to see that number (Hosick, 2020).

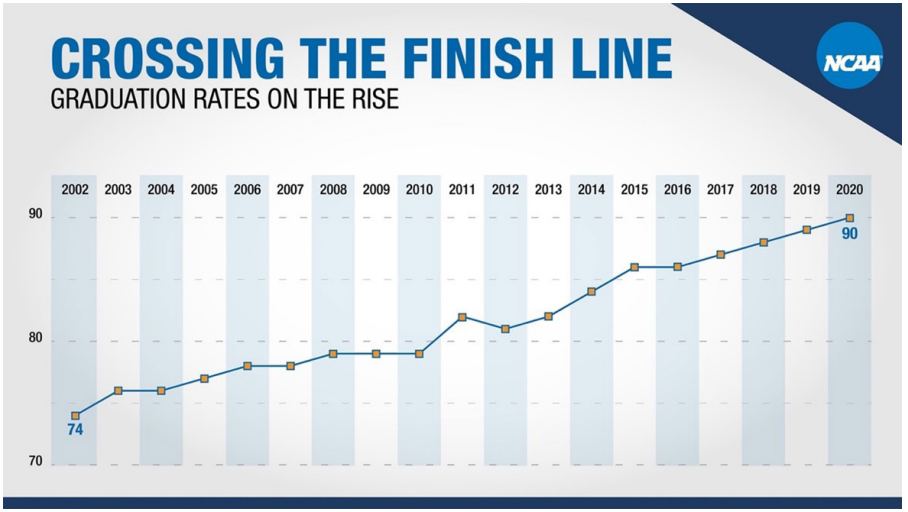

Figure 1
DI student-athlete graduation rate. In Hosick, M.B. (2020, November 17). *DI college athletes reach 90% graduate rate; Rate for men's basketball student-athletes climbs 4 percentage points*. NCAA. Used with permission. https://www.ncaa.org/about/resources/media-center/news/di-college-athletes-reach-90-graduation-rate

Brand offers a cogent and workable characterization of leadership, particularly moral leadership and leadership by consensus. Brand's inclusion of his background and training in philosophy and cognitive science emphasized logical reasoning, imaginative speculation, psychological persuasion, and *action* based on moral principles. In addition, he promoted transparency: discussing new ideas out in the open, gathering feedback, debating, and then crafting a vision together. When asked directly, he defined leadership as "the ability to see ahead and put things in global context, to identify with the aspirations and the values of the institution, to take personal responsibility, and frankly, to work hard" (Lawrence, 2006, p. 69). Having weathered the *adventure* of NCAA leadership, he has left us much to ponder.

Notes

[1] A special note of gratitude is conveyed to R. Scott Kretchmar for his collaborative work with Myles Brand, his initiative in becoming the Founding Editor—now Editor-in-Chief Emeriti—of this journal and for being a most willing and agreeable co-editor, mentor, and friend.

[2] Many references can be found at www.mylesbrand.com, a website edited and launched by Peg Brand Weiser in February 2021, with thanks to Indiana University Archives and the NCAA.

[3] Rock musician John Mellencamp, an avid supporter of IU, especially its sport programs, grew up nearby; he is well-known for his 1985 song, "Small Town." At the university commencement ceremony in 2000, he became Dr. John Mellencamp with the conferring of an Honorary Doctorate Degree in Music by Brand, then President of IU.

[4] To correct the record of false stories that have been propagated, for instance, by Martha C. Nussbaum in a chapter of her 2021 book, *Citadels of pride: Sexual assault, accountability, and reconciliation*, entitled, "Masculinity and corruption: The sick world of college sports" (p. 210), I never stopped teaching my classes. This is just one of several errors or omissions in the Nussbaum publication despite information I provided to her.

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President Brand's Gambit: Inviting Scholars Inside the Tent

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One of Myles Brand's priorities during his Presidency of the National Collegiate Athletic Association (NCAA) was to increase research activity on intercollegiate athletics. This objective was as much personal as it was strategic. Brand was an academic himself. He loved scholarly interchange, and he loved sport. A philosopher by training, he read research in sport ethics, wrote articles about the educational value of sport for refereed journals (Brand, 2006), and taught university-level courses on sport philosophy.[1] He noticed that many fellow academics were as interested in sport as he was, but relatively few of them included it in their research portfolios. He wondered why this was the case and what, if anything, he could do to correct it. As the incoming President of the NCAA, he realized he would have both a bully pulpit and institutional resources to press forward with these personal interests.

The strategic aspect of this agenda is more difficult to discern. Most of the scholarship that existed at that time on Division I college athletics ranged in tone from politely skeptical to openly hostile. Brand was not naïve to this reality. While President at Indiana University Bloomington he not only had to deal with the mercurial, chair-throwing, athlete-choking Bobby Knight, but he also had to endure the attention-grabbing, sport-vilifying Murray Sperber (2000), a faculty member in English and American Studies at Indiana and author of *Beer and Circus: How Big-Time College Sport is Crippling Undergraduate Education*. While Sperber was a local thorn in Brand's flesh, he was just one among a number or other scholars who had little good to say about intercollegiate athletics of the late 20th century. For instance, John Thelin (1994), D. Stanley Eitzen (1999), Andrew Zimbalist, (1999), James Duderstadt (2000), as well as James Shulman and William Bowen (2000) among others, had written pointed critiques of what they saw as an unholy marriage between higher education and big-time intercollegiate sport. Why, then, would President Brand think it advantageous for the NCAA to stimulate what promised to be more of the same? As we will see, Brand had his reasons.

An Early Aborted Venture

In 2005, two years after assuming the reigns of the NCAA Presidency, Brand charged his national office's events staff to make plans to produce a scholarly conference. It would be held in conjunction with the NCAA's centennial celebration and annual convention in January, 2007, Orlando, Florida. A call for papers was issued.

It received a tepid response. Scholars, in general, were skeptical of the NCAA's intentions as reported in *Inside Higher Education*:

> Several scholars who submitted papers . . . said that they had wrestled with issues about whether the NCAA could put on a legitimate scholarly conference about college sports. But they said they had ultimately decided that the association deserved the benefit of the doubt and that 'a scholarly exchange right in the heart of the NCAA decision making process' was worth encouraging, as one put it (Lederman, 2006, p. 2).

Many scholars, however, chose not to give the NCAA the "benefit of the doubt." Thus, in the fall of 2006, just months before this unprecedented conference was to take place, it was cancelled. This came as no surprise to long-time critics of the NCAA. They "didn't like the stuff they were receiving. [It was] too critical of the NCAA," one scholar suggested (quoted in Lederman, 2006, p. 1).

When it was later announced that the NCAA would sponsor a 2008 conference that featured "four invited scholars of international repute," even more stinging criticisms were generated:

> The NCAA, in my humble professional opinion, is not satisfied with sponsoring athletic championships, and monopolizing college sports. It seems determined to also purchase any and all critical academic discussion surrounding intercollegiate athletics. I am struck by the similarity of this situation to the NCAA's tactics in its recent purchase of the NIT.
>
> To purchase as much of the dialogue as possible, the NCAA will sponsor a BCS-like colloquium with only four scholars speaking as representatives for all. I have no doubt the NCAA will publicize this controlled scrimmage as an example of its commitment to its educational mission (Southall, 2007, pp. 4-5).

Brand pushed back against these explanations and called them "conspiracy theories." The papers received, he explained:

> . . . were not of the quality one would expect of a scholarly conference, or at least there were not enough of them to put on a scholarly conference . . . [Consequently] rather than put on a mediocre conference and get off to a bad start, [the Association would start planning again] from scratch" (Lederman, 2006, p. 1).

Brand appears to have made two miscalculations in addition to a strategic error. First, he mistakenly believed that an unprecedented conference of this sort would be popular with academics. He expected a number of new and well-established scholars to submit papers and attend the meeting. Second, he erred in believing that the more acerbic critics of intercollegiate sport would either choose not to attend or participate

in less polemical ways than had been their wont. Brand was wrong on both counts. Previously unengaged academics chose by and large to stay away, and a number of intemperate critics did not.

The strategic error was just as serious as the two miscalculations. Brand relied on NCAA national office staff to organize and publicize the event. He admitted he put the conference in the hands of "really nice people on the NCAA staff." [But they were] "non-academicians [who] really didn't understand [how to stage a scholarly conference]" (Lederman, 2006, p. 2).

This led to an unexpected phone call I received on Thursday afternoon, August 3, 2006. I picked up the receiver. The person on the other end of the line introduced himself, "This is Myles Brand."

Initial Conversations and Negotiations

I knew who Myles Brand was. Myles and I had met briefly on one occasion prior to this call. I was the NCAA Faculty Representative for Penn State and served on the NCAA Division I Management Council. At a recent meeting of the Council, Myles and I had made small talk during one of the breaks in the Council's business. Unbeknownst to me, however, he had used some of my articles in his sport philosophy class and was aware I was one of the elders in the International Association for the Philosophy of Sport. Our phone conversation was brief. He came to the point quickly.

He mentioned the NCAA's previously aborted attempt to organize and host a conference. I had submitted an abstract myself and told him I was aware of the cancellation. He said he believed that more research directed to college athletics was needed, and he was determined to foster it through the NCAA.

He needed someone to lead this effort. He wanted help in forming a Board composed of individuals he described as "the very top scholars" in the various disciplines of sport research. He wanted this Board to meet in person regularly and to organize an annual symposium. He said the NCAA would underwrite this project and give Board members the freedom to conduct high-quality research symposia in the ways they judged appropriate. I would work directly with him, three of his top direct reports—Wally Renfro (Vice President and Chief Policy Advisor), Dennis Cryder (Senior Vice President for Branding and Communications), and Todd Petr (Managing Director of Research)—as well as others at the NCAA national office in the process of recruiting Board members and conducting these meetings.

This call had come without forewarning. I had mixed emotions. I told Brand I would need time to consider his proposal.

My initial inclination was to decline the offer, and I felt I had a number of good reasons for doing so. Some were personal. I was fully engaged in my own research program. I had a number of doctoral students who needed my attention, and I realized this would be a time-consuming and potentially stressful addition to my schedule.

Moreover, I barely knew Myles Brand, and he did not know me. Would we work well together? Could we trust one another in dealing with sensitive issues? Would

our philosophies be compatible? Moreover, much like some of my colleagues who expressed reservations about the motives of the NCAA in hosting an academic conference, I was wary of institutional norms and purposes of the NCAA. Brand was the head of a multi-million dollar enterprise, not an academic institution. I wondered about ulterior motives.

During our brief conversation, Brand told me he wanted to invite more scholars inside the NCAA tent. He said it would be a healthy relationship, and he lamented the fact that so few top-level researchers addressed issues in collegiate sport. Brand sounded very sincere, but I suspected additional agendas might be in play. For instance, as a Faculty Representative, I knew the NCAA survived on the tenets of amateurism, on the claim that athletes were students not employees, and on the financial benefits accruing from 501 (c)(3) tax exempt status. Sponsorship of a scholarly colloquium would help fortify the NCAA's image as an educationally-tethered organization, an institution that deserved such tax benefits. The Colloquium would serve as an insurance policy of sorts for the NCAA.

Other worries were related to the status of the colloquium itself. Would an NCAA-funded conference whose founding impetus came from the NCAA President himself enjoy any credibility? How could an academic board claim independence when its very existence depended on NCAA largess? Would my own and other colleagues' professional reputations be sullied by mere association with such a project? How would Brand and other NCAA executives react if we wanted to invite an NCAA critic to serve on the Board, or if the Board wanted to invite such a scholar to be a featured symposium speaker? I could picture myself caught in an untenable position between the interests of academic board members on the one hand, and the wishes of Brand and the NCAA, on the other. Would we have sufficient freedom to operate as we wished? If so, would we be able to convince others that we were not working under the shadow of potential NCAA censorship?

Arguments, however, also existed on the side of accepting Brand's offer. His proposal seemed timely. Athletic reform was a popular topic in the two decades extending from 1990 to 2010. The first Knight Commission report (*Keeping Faith with the Student-Athlete: A New Model for Intercollegiate Athletics*) was issued in 1991. A second report (*A Call to Action: Reconnecting College Sports and Higher Education*) was published 10 years later. These two documents called for stronger institutional leadership from presidents, trustees, and faculty, as well as academic and fiscal reform.

In addition, two national faculty organizations devoted to intercollegiate athletic reform were founded during this 20-year period. The more aggressive and critical of the two, The Drake Group, was established in 1999 with a mission of "defending academic integrity in higher education from the corrosive aspects of commercialized college sports" (p. 1). Drake Group members and others founded the College Sport Research Institute in 2007. It continues to sponsor annual meetings, and publishes its own peer-reviewed Journal titled, *Journal of Issues in Intercollegiate Sport*.

Another athletic reform organization, The Coalition on Intercollegiate Athletics, was founded in 2003 and consists of faculty governance leaders at Division I insti-

tutions. Its stated purpose is to "promote academic excellence, integrity and student well-being in intercollegiate athletics." It published its reform agenda in 2007 in a document titled, *Framing the Future: Reforming Intercollegiate Athletics*.

It was also during these two decades that the American Association of University Professors (AAUP) weighed in on athletic reform. In 2002 the Committee on Teaching, Research, and Publication produced a document titled, *The Faculty Role in the Reform of Intercollegiate Athletics*.

The time was ripe for reform in intercollegiate athletics, and Brand understood that. At the start of his tenure in 2003, he formed a commission of 50 Presidents and Chancellors to examine reforms related to fiscal sustainability and academic integrity. Brand gave a speech to the National Press Club in which he emphasized these fiscal and academic themes along with social justice issues related to race and gender (Brand, 2003). It seemed clear that Brand was going to provide reform-targeted leadership for the NCAA.

I contacted his office and indicated I would like to talk further about his proposal for the colloquium and my involvement in it.

Initial Meeting and Follow-up Conversations

Later in August, we scheduled a one-on-one meeting in his Indianapolis office. We both came prepared with important agenda items that required discussion.

Brand raised an issue that did not surprise me. How would we monitor participation? How could we prevent those who merely wanted a stage on which to air extreme and incendiary ideas from harming the reputation of the colloquium? This was a question about the intersection of good scholarship and politics, free speech and potentially controversial research. Colloquium sessions, he reminded me, would be open to the press and media coverage. Brand was concerned about negative publicity for the NCAA, something he had already experienced with the postponement of the first colloquium. However, as an academic himself, he was also well aware of the value and importance of open, unfettered inquiry.

I recounted our procedures at philosophy of sport conferences related to the careful review of abstracts and our commitment to accepting a wide range of well-argued papers, even those with unpopular views as long that they violated no ethical standards and were supported with solid reasoning.

Brand expected this answer but had a follow-up question. "Did you ever have anyone misrepresent his intentions and falsify an abstract for the sole purpose of getting on the program to vent personal or unsupported political views." I told him it had happened only once to my knowledge. I was chairing the session in which it took place. It involved a slanderous attack on a person, a scholar who happened to be present in the room.

I told Brand we quickly dismissed the person from the podium. We apologized to the party that was attacked and told him the perpetrator had intentionally misrepresented the nature of his talk. No press members were in attendance. I concluded that the incident was regrettable but caused little or no harm to the reputation of our

scholarly society. I well understood that such would not be the case if a like incident occurred during an NCAA Colloquium. I read Brand as concluding that he and the NCAA would incur a degree of risk in this regard. It was unavoidable.

Brand raised a second issue of concern – the composition of the Colloquium Board. He had some nominations in mind and wanted my reaction. Two of them were academics with research interests in sport. I knew both of them personally. Each one was a highly regarded scholar with excellent national and international reputations. He also mentioned a third individual—a professor from a prestigious university whose research interests fell outside intercollegiate athletics but nevertheless sat on a number of NCAA committees and had a long history with the NCAA. In my role as Faculty Athletic Representative, I had worked with this person and knew he enjoyed a fine reputation.

These were three individuals with whom Brand was comfortable. He would have a cadre of individuals on the Board who were moderates, who were not confrontational or polemical by nature, who had not been openly critical of the NCAA. Yet, they were people of integrity and intelligence. I told Brand I would have no problem inviting them to serve on the Board.

Brand's nominations, however, reinforced concerns I had about the credibility of the Board – namely, how it would be perceived by academics who prized free inquiry, objectivity, and unfettered scholarly dialogue? Credibility, I thought, would be enhanced by adding members who met two criteria. They had to be at the top of their discipline—whether it be sport sociology, physiology, journalism, business, law, or philosophy. Second, they had to have a reputation for scholarly objectivity, for calling out questionable or indefensible aspects of NCAA sport when and where it was warranted.

I mentioned names of a few individuals to Brand, several of whom were Fellows in the National Academy of Kinesiology. I talked about a couple of individuals from the humanities and social sciences who had written pointed but, in my judgment, balanced books that included critiques of certain aspects of intercollegiate sport. If the Board was to enjoy any credibility, some of these individuals would need to be seated as members. Brand quickly agreed and said something that helped answer that lingering question I and others had about strategic benefits of the colloquium that might accrue to the NCAA.

Brand said he was not afraid of good, critical scholarship. He knew that certain matters in NCAA sport needed fixing and that positive change would be difficult. However, he believed that good scholarship would also tell the larger story about the many benefits of being an intercollegiate athlete. Solid research, in other words, would uncover good stories to go along with the bad. Moreover, well-grounded critical analyses would help identify and direct reform efforts. Movement forward, he noted, would not be possible without good information.

Brand said he believed in the educational value of intercollegiate sport. It was a unique setting for learning. Unbiased research, he believed, would reveal what he saw as a frequently untold story about all the good that athletics added to a college

education. Brand wanted critics and critical thinking on the colloquium Board. We agreed on several additional names for invitation to Board membership.

I had additional concerns about chances for success in recruiting renowned, busy scholars, some of whom would be skeptical about the merits of the project. I needed to tell them that an initial assignment for the Board would be one of writing a constitution that clearly spelled out the Board's composition, duties, operations, and rights. Something in the constitution would need to assure its independence. Brand and I discussed the matter and agreed on the terms "intellectual autonomy." When I contacted potential Board members, I would be able to say we will have a clause in our constitution that promises intellectual autonomy. I could tell them such a clause will be endorsed by all parties, including the President of the NCAA.

Brand was not at all reluctant to endorse the tenet of intellectual autonomy. When I was about to contact one of the top recruits for the Board, Brand sent me a note in which he reminded me not to forget to mention intellectual autonomy during my phone call (personal correspondence received September . . . 2006.) Months later when a press release was being developed to announce the Scholarly Colloquium, Brand wrote to Dennis Cryder:

> All this is good, though I have one suggestion. The Press Release does not explicitly reference that the Board will exercise intellectual autonomy. The talking points cover this, especially the third and fifth ones. I suggest that a sentence be added to the Press Release that makes this point [about intellectual autonomy] probably in the third paragraph (personal correspondence to D. Cryder, January 22, 2007).

The Board, First Colloquium, and the Founding of the Journal

Recruitment of scholars was the first order of business. It would be diverse in terms of gender and ethnicity. But other considerations were also important. It needed to include members from all three NCAA Divisions. Even though most top sport scholars were in Research I institutions that sponsored Division I sport programs, athletic issues deserving attention existed at all three governance levels.

The original Advisory Board included 16 members, all of them top scholars in their respective areas:four from sport philosophy, two from sport management, two from education, and one each from psychology, educational psychology, business, sport law, sport journalism, physiology, sport sociology, and child development. We identified ourselves in our Constitution as "The Forum for the Scholarly Study of Intercollegiate Sport in Higher Education."

The inaugural colloquium was held January 10-11, 2008 in Nashville in conjunction with the NCAA Convention. The theme was foundational to our purpose and was stated in the form of a rhetorical question: "College Sports: A Legitimate Focus for Scholarly Inquiry?" We selected four speakers who were likely to be provocative and insightful.

The meeting was held in a cavernous auditorium, one that accentuated the very modest attendance at that first session. However, Brand was sitting with others in the first row. We would be addressing the question on which he was passionate—the need for more and better research on intercollegiate sport.

The lead speaker, sport sociologist Jay Coakley, titled his talk: "Ignore, Idealize or Condemn: 'Scholarly' Approaches to Intercollegiate Sports." He detailed the many challenges faced by scholars who attempted to do research on big-time college sport. He mentioned that Division I programs typically kept researchers at arm's length and prevented them from seeing inside the institutional walls, particularly those that protected data on finances. He warned that attempts to conduct meaningful research on intercollegiate sport would likely be frustrated by these kinds of roadblocks.

Brand was listening and seemed to take Coakley's arguments to heart. Shortly after the meetings closed, Brand arranged for the dissemination of large amounts of athletic data through a University of Michigan resource center.[2] He also directed his research staff to post data on the NCAA website related to his several academic reform efforts. Researchers, moving forward, would have more and better information on which to conduct their studies.

This was precisely the kind of interaction we hoped the Colloquium would generate. Other papers at that first meeting by Bob Simon, a sport ethicist from Hamilton College, a Division III school; by John Thelin, an educational researcher from the University of Kentucky who had authored books on the uneasy interface of athletics and higher education; and Mary Jo Kane, a scholar from Minnesota who had completed research on educational support for athletes who were academically "fragile." All four papers provided fodder for future colloquium meetings by underlining the complexities of intercollegiate sport and drawing attention to its normative ambiguities.

Reviews of that first meeting were generally positive. Doubts about the credibility of our efforts were eased, if only modestly. The progress was only modest because the Colloquium Board had selected the four speakers. It left itself open to charges of conducting a "controlled scrimmage." However, according to reports in *Inside Higher Ed,* the Board had selected well:

> Steve Walk, a professor of sport sociology at California State University at Fullerton and a former president of the North American Society for the Sociology of Sport, said it was satisfying to see NCAA staff listening to commentary from some of the top sports scholars who previously haven't had a stage.
>
> 'How can I be against that?' said Walk, who was among the academics who last year questioned whether the NCAA was the appropriate group to host a no-holds-barred college sports issues meeting. 'People aren't pulling punches. There is a bit of selecting going on with the speakers, but they've chosen well' (Powers, 2008, p. 1).

Jay Coakley, the lead speaker, noted that he saw an "attempt by the board to find a diversity of

> Speakers . . . I owe the NCAA nothing, and I've been critical of it in the past," he said. "So the fact that I was invited is encouraging. They could have picked a safer choice" (Powers, 2008, p. 2).

When asked by reporters about the possibility of open, scholarly exchange in an event sponsored by the NCAA, I responded that "the mics are open to the audience; people are using them." I also noted the inherent challenges generated by the colloquium:

> Kretchmar acknowledged that the questions about the NCAA's involvement are worth asking. He said he pushed for tenured faculty and longtime sports scholars to speak at the conference and serve on the board, [individuals] who would not be easily influenced by outsiders. Is it possible that research goes in a direction that's unacceptable because it's so disagreeable? Sure. Some of the research findings might make the NCAA uncomfortable. I figured these tensions would be there (Powers, 2008, p. 2).

Subsequent colloquia followed a similar format, although an important modification was made for the second and subsequent colloquia. Open (refereed) papers would be solicited beginning in 2009. In planning these meetings, conversations by the Board revolved around two overriding questions. First, which intercollegiate athletic issues were most pressing and deserved attention? Second, which scholars would be best able to address those issues? Themes and keynote speakers for the following five meetings were the following:

> #2) Theme: Paying the Price: Is Excellence in Sport Compatible with Good Health? (2009)
> Keynote Speakers: Dan Gould, Ron Zernicke, Matthew Mitten, and Mariah Burton Nelson
>
> #3) Theme: College Sports in Recessionary Times: Assessing Challenges and Opportunities (2010)
> Keynote Speakers: Rodney Fort, Rick Hesel and Amy Perko, Richard Lapchick, and Andrew Zimbalist
>
> #4) Theme: Social Justice in Intercollegiate Sport: A Critical Examination of Racialized, Gendered, and Disabled Bodies (2011)
> Keynote Speakers: Alan Sack, Harry Edwards, Susan Cahn, and Ted Fay
>
> #5) Theme: NCAA Academic Reform: Progress, Problems, and Prospects (2012)
> Keynote Speakers: Michael Oriard, Todd Petr and Tom Paskus, Walt Harrison, a Panel of Presidents, Chancellors, and Athletic Directors including Sidney McPhee, Carol Cartwright, Harvey Perlman, Kevin Anderson, and Mike Alden

Brand was not involved in Board conversations on conference themes or selection of the speakers. Interestingly, however, four of the first five meetings addressed issues that were among Brand's priorities (See Brand, 2003): increasing research on intercollegiate sport, developing an economically-sustainable model for athletics, improving social justice (particularly for women and black athletes), and finally raising standards and enhancing academic performance. The Board exercised its "intellectual autonomy" by inviting keynote speakers that included both critics and supporters. Characteristic of many top scholars, they also met two of Brand's criteria for good scholarship. They favored reasoned dialogue over polemics, and they provided evidence and sustained argumentation for their conclusions.

The Journal of Intercollegiate Sport

In our early conversations, Brand and I discussed problems with the dissemination of research. At that time, the lack of scholarship on intercollegiate sport was reflected in (and perhaps, in part, caused by) the lack of journals and other research outlets for reporting such work. We planned to pursue a publisher for a new Journal. We found one that was well-known in Kinesiology circles—Human Kinetics Press (HKP). HKP was a good fit because it had a lengthy history of publishing books and journals related to sport, health, athletics, and education. An agreement was reached with HKP prior to the first colloquium.

A primary audience for both the colloquium and the journal would be the faculty athletics representatives (FARs). NCAA bylaws require that each institution (roughly 1,100 schools across three divisions) have at least one such individual. I attended the Faculty Athletics Representatives Association (FARA) meetings prior to colloquia and advertised our meetings in *FARA Voice*. In addition, Brand agreed to provide all faculty representatives with a free subscription to the new journal, a decision that carried a significant price tag. However, we felt it important to engage the faculty both for purposes of informing them and stimulating them to engage in sport-related research.

As the first editor of the *Journal of Intercollegiate Sport*, I wrote an extended introduction that recounted the leadership provided by Brand, reviewed the work and purpose of the Colloquium and its Board, and touched on the themes of reform and controversy. I remember spending a great deal of time on both.

As a reform-oriented sport ethicist, I had been involved for years with the Coalition on Intercollegiate Athletics (COIA) and other similar organizations devoted to reform. Thus, speaking from my own convictions, I addressed that topic:

> I cannot speak for all Board members, but if optimism [regarding successful reform] brings with it a degree of idealism and naivete, I accept that as a fair criticism. It is important, however, to reemphasize the point that research is not a panacea for reform. Although research may be a necessary component of effective change, it is certainly not also sufficient. It is not sufficient because social change requires commitment, energy, resolve, courage, organized intervention, social pressure, political strategies, strong leaders, and

> more—matters that far transcend the Board's purposes and abilities and factors over which we have little control. Nevertheless, efforts to replace hypotheses, suppositions, impressions, biases and even, on occasion, heated polemics with solid information and reasoned dialog are not trivial tasks. If current reform efforts are to persist, and persist to good effect, research will need to play a central role (Kretchmar, 2008, p. 5).

I also thought it best to address the issue of NCAA influence directly rather than skirt around an issue that would invariably be on readers' minds. It proved to be a difficult statement to write, but I attempted to capture the sentiments expressed by members of our Board:

> On the issue of potentially controversial scholarship, we want to be very clear. The Board welcomes good scholarship that would tend either to support current practice or challenge the status quo. The central issue is not where the research falls on the political landscape but what the quality of that work is. Thus, the presence or absence of controversy is, and should be, a byproduct of this commitment to quality, not an objective. Consequently, we do not plan to publish editorials, polemical essays, or any other articles that are designed to inflame or arouse more than enlighten (Kretchmar, 2008, p. 7).

These flowery words notwithstanding, all of us on the Board knew that we would have different opinions over what counted as "good scholarship," and what a "commitment to quality" entailed. Those members of the Board who had been more critical of the NCAA would endorse broader definitions. Those Board members who saw NCAA sports in a more favorable light would be more skeptical of highly critical contributions. Not surprisingly, we were soon put to the test.

A Potential Crisis Over Board Membership

Our Constitution stipulated Board composition, terms of service, and procedures for selecting replacements. Board members would serve three-year staggered terms. In order to satisfy these requirements, we needed to elect several new members shortly after the conclusion of the second colloquium. The Nominations Committee presented a slate of candidates for election by the Board.

One of the nominees was a staunch critic of the NCAA and was known to seek out and garner press attention when attacking big-time college sports. This person was also broadly regarded to be a competent scholar. The Board already included at least three individuals who were well-known for taking adversarial positions against the NCAA and some of its policies, but none of them were as visible or extreme in voicing their anti-NCAA sentiments as was this particular nominee. I sensed there would be trouble.

Consequently, I was not surprised to hear from Brand himself. He asked about the rationale for this nomination. Because I was not a member of the Nominations Committee, I had little to tell him apart from the obvious. This individual was con-

sidered by members of the committee to be a very good scholar, and this person's expertise lay in an area we would be addressing at a future colloquium. Brand said he thought it would be a mistake to add this individual to the Board.

Brand and I both knew that any unilateral effort by either one of us to remove this person from the slate of nominees would violate our Constitution and, in all probability, lead to some Board resignations. If the nominee were to be withdrawn from consideration, the Board would have to make that decision itself. I asked Brand to address this issue at our next Board meeting and express his concerns prior to the Board's vote.

Brand attended our meeting and made comments specific to the nominee. Board members listened, asked questions, and expressed views of their own. The conversation was frank and collegial. My sense was that Brand spoke more as a colleague and fellow scholar than President of the NCAA. At the end of his comments, he left the meeting . . . and left us to our deliberations and vote.

Board members acknowledged the points made by Brand, and there was a general feeling we did not want to jeopardize the progress we were making via the colloquium and the journal by pressing this particular issue. A compromise was suggested, and it received unanimous support. We would invite the controversial nominee to a future Colloquium as a keynote speaker but not add this person to the Board. A crisis had been averted, at least for the time being.

The Demise of the Forum and Scholarly Colloquium

The Colloquium survived for six years. It was defunded by the NCAA in January of 2013. Several reasons were given for this withdrawal of support. First, attendance at Colloquia was poor and subscriptions to the *Journal* were relatively weak. Moreover, support of the meetings and the *Journal* was costly. The money, some at the NCAA national office argued, might be better spent elsewhere. Finally, the content of the research presented at the colloquium, according to some NCAA staff executives, had turned in a negative, excessively critical direction.

Jim Isch, the Chief Operating Officer at the NCAA, in a very general statement said the colloquium "has not developed the way we hoped" (Grasgreen, 2013, p. 1). Senior Vice President, Wally Renfro, was more specific.

> I was hearing virtually one voice being sung by a number of people, and it was relatively critical of the NCAA's academic reform effort . . . If you lose the capacity for this platform to be a dialogue, it isn't a colloquium anymore. Some might call it a rant" (Grasgreen, 2013, p. 2).

One important voice, of course, was missing from this decision to defund the colloquium—that of Myles Brand. Brand's untimely death on September 16, 2009 left, in my judgment, an intellectual void at the NCAA. I call this an intellectual void, because Brand was the major driver of the colloquium project. It was his brain child. It was Brand who passionately believed that common ground between a large institution and university-based academics could be found. He believed that the relationship would be mutually beneficial—good research promoting NCAA reform,

the NCAA facilitating good research by providing more data and a stage on which to report findings. He was not afraid of what he called "good research." It would uncover the problems in the system, but it would also highlight something important he believed to be true: Intercollegiate athletics at all levels provides marvelous life experiences and educational opportunities for its athletes.

Before resigning as Chair of the Forum Board in 2011, I met with NCAA President Mark A. Emmert on a couple of occasions. It was clear he shared neither Brand's academic interests nor his leadership vision. He would not take an active role in supporting the Forum. It is quite possible that plans for a post-Colloquium NCAA had begun with Emmert's arrival as the 5th President. The die may have been cast, in other words, a couple of years before the Colloquium's official demise.

Some of the funding for the Colloquium was preserved for targeted research sponsored by the NCAA national office's research department. Faculty were invited to submit grant proposals reviewed by the NCAA research staff and an independent panel of scholars. I served for two years as Chair of the Research Panel that awarded the grants. It is also important to note that the *Journal of Intercollegiate Sport* remains as a Brand legacy. It is now in its 13th year of existence and continues to provide a platform for a wide variety scholarly articles on intercollegiate sport.

Final Comments and a Post Mortem

The odd marriage between intercollegiate sport and higher education[3] continues to present legal, economic, social, moral, and educational challenges. In some ways, the logic of business and that of higher education are incompatible. Bill Morgan, a fellow sport philosopher and original member of our colloquium board, called this marriage "an unholy alliance" (Morgan, 2008). This alliance pitted the interests of business—those related to sport's "front porch value," alumni and fan support, media influences, profit and sustainability, market effects on coaches' salaries, and the economic importance of defining college athletes as amateurs —all this and more against the ethos and core commitments of higher education. Scholars who study higher education and sport have called out, and will continue to call out, the tensions, contradictions, and inconsistencies in this hybrid system. Brand counted on scholarship that would balance the educationally problematic with the educationally advantageous. Some Board members did not see outcomes as balanced. Moreover, Brand was optimistic about prospects for reform. He worked for educational, economic, and social improvements within the existing framework. Some Board members believed more radical changes were needed.

The Forum also juxtaposed two cultures that embodied different ways of seeing things, of operating, of interpreting success. Brand had a foot in both cultures. Having spent much of his professional life in as an administrator in higher education, he was experienced in bridging the cultural gap between professors and institutional administrators. He allowed us to operate much as we would have on a college campus. For several years, before Brand's death, the two cultures worked reasonably well together.

However, hopes for the Colloquium were probably unduly optimistic. Brand hoped that Faculty Athletic Representatives would be highly interested in our work. Many attended the national convention and thus would, Brand believed, be likely to attend our meetings. They did not. Most FAR's did not study sport and were not interested in athletic reform.[4] For that reason alone, if not others, they chose not to attend our Colloquium sessions.

Most sport scholars prioritized attendance at meetings for specialists within their sub-disciplines. This is where they would talk to their peers and receive the most credit for tenure and annual review purposes. In addition, most institutions provided only limited travel support for faculty. For faculty not supported by large grants, decisions to attend a second or third meeting annually would be costly. Sport scholars thus attended sport sociology, sport management, exercise science, sport philosophy, child growth and development meetings, and not the NCAA Scholarly Colloquium.

It could also be the case that the colloquium presentations changed in content and tone. Many of the early papers that were critical were also constructive. In that sense they were hopeful. They pointed in the direction of reform, a priority for Brand. Some later papers, particularly those that found fault with the reform efforts, may have been less constructive in tone and content.

However, the most significant change during the six years from the initiation of the Colloquium to its demise, was the loss of Myles Brand. Nobody knows if this "grand experiment" would have continued had Brand remained President of the NCAA, but it was quite certain that its life would be short without his vision, leadership, courage, and support.

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Notes

[1]Brand taught a course at Indiana University/Purdue University Indianapolis (IUPUI) in 2007 during his NCAA Presidency. The course (Phil 414) was titled: "Philosophy and Culture: Philosophy of Sports."

[2]The new data were made available in 2010 at Michigan's Inter-University Consortium for Political and Social Research. Announcement of collaboration was accessed on April 14, 2021 at the following site: https://news.umich.edu/u-m-ncaa-team-up-to-distribute-student-athlete-data/

[3]The marriage is odd because it is virtually unprecedented around the globe. Most countries provide higher degrees of separation than does the United States between business or commercial sporting interests and the purposes and values of higher education.

[4]Faculty athletics representatives (FARs), with some exceptions, do not exercise strong leadership in athletic reform efforts. Most come from departments that have nothing to do with sport. All FARs are appointed by the campus President, and

Presidents are not inclined to appoint individuals who are likely to roil the athletic waters in any way. In addition, FARs must work closely with coaches and thus, cannot afford to be seen as obstructionist . . . at least not on a regular basis. In short, a disconnect existed between Colloquium topics and FAR interests.

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Myles Brand and the Responsibility of Leadership

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Introduction

For twelve years I have kept a picture of Myles Brand and me on my desk. In the picture Myles and I stand, facing each other with very serious faces in a hallway of a convention hotel in a major American city. Myles is telling me something, and I am listening intently. We are both wearing coats and ties, as we always did during National Collegiate Athletic Association (NCAA) meetings, and we must be on a break from an important committee meeting. I don't remember what city or hotel it was, what committee or board meeting we were taking a break from, or what pressing matter we were both so much involved with. But I love this picture because it reflects the passion, the seriousness, and importance of the work we were doing together in leading the NCAA governance process. The picture first appeared in a celebratory booklet the NCAA published in 2009, just after Myles's death. I asked for a copy of it, and have cherished it ever since.

I would like to think that we were talking during a break in a Committee on Academic Performance meeting. I chaired that committee between 2004 and 2014, and leading that committee and working hand in hand with Myles on what came to be known as academic reform in the NCAA are two of my fondest accomplishments during my 45-year career in higher education. At Myles's suggestion, I also served as chair of the Executive Committee between 2005-2007 and the Presidential Advisory Group during the same time. These three positions, in addition to my service on the Division I Board of Directors between 2002-2007, gave me a wonderful perspective to watch Myles's leadership of the NCAA.

Myles was a leader who thought at great length about the most important challenges facing intercollegiate athletics, gathering as much data and as many opinions as possible, then formulating and eloquently expressing his plans for overcoming those challenges, putting them in motion, keeping in touch with the key people who were leading those efforts, and then holding himself and the NCAA accountable for the results and announcing those results in a public and transparent manner. As a result, his presidency marked, in my estimation, the high point in the NCAA's history.

In this paper, I intend to discuss Myles's leadership in two areas—academic reform and fiscal sustainability—where I was intimately involved.

I was elected by my colleagues in the America East Conference to join the NCAA Division I Board of Directors in 2002 and attended my first board meeting in August of that year. I learned during that meeting that a working group of presidents had formed to study how to make data-driven decisions that would lead to an improvement in student-athletes' academic experience. I joined the group immediately. I also learned that the search committee was narrowing the list of candidates for the NCAA presidency. So I was not surprised during the second meeting of the Division I Board I attended in October to learn that Myles had been selected. I only knew Myles by reputation, especially because he had fired Indiana University's well-known head men's basketball coach, Bob Knight, for his treatment of student-athletes. Myles came to our meeting briefly and made a few comments, and we all introduced ourselves.

We all first learned about Myles's initial plans for his presidency during his speech to the NCAA Convention in January 2003. He had only been on the job for two weeks when he gave that speech, but all of us who heard it realized immediately that Myles was well-versed in the challenges facing intercollegiate athletics and had absorbed a great deal of information about them in the three months since he had been elected to the presidency. It was also clear that Myles was prepared to roll up his sleeves and take on these challenges personally; he was prepared to be a hands-on president. I for one found that refreshing.

In that speech, Myles outlined two overarching themes that would become the cornerstones of his presidency: the imperative to provide better academic experiences for all athletes and to improve their graduation rates, especially in football and men's basketball; and the need to address the financial challenges that universities faced, especially with the budgetary growth associated with athletics. He clearly stated that the Association should confront the need for both reform and advocacy: reform those areas that required it but advocate for "the positive value of intercollegiate athletics, to advocate for the benefits intercollegiate athletics provide young women and men and the colleges and universities they attend" (Brand 2003, p. 2). These subjects—academics and financial reform—and these approaches—reform and advocacy—would become recurrent themes throughout Myles's tenure.

Myles also struck the tone that would characterize his tenure: a direct style but a focus on the overarching values that should inform everything the NCAA does. For example, in issuing his call for reform and advocacy, he said:

> We must be clear that reform and advocacy are not merely compatible, they are mutually supporting. We must undertake both, and we must do so simultaneously. Without genuine reform, the future of intercollegiate athletics is in peril. Without vigorous advocacy, the value of intercollegiate athletics will be unrealized (Brand, 2003, p. 2).

He clearly and concisely advocated for ethical behavior, something one might have expected from a philosopher like Myles, but one that was welcomed nonetheless:

> Fairness and ethical behavior are required—not merely preferred—in intercollegiate athletics. That pertains, for example, to the way coaches treat student-athletes, the way student-athletes treat each other, to the way universities deal with student-athletes, and to the way the NCAA interacts with everyone (Brand, 2003, p. 6).

Academic Reform

In this first speech to the Association, Myles outlined in some detail the need to improve student-athletes' academic success. This was no surprise; the NCAA Division I Board had been studying these matters for a year or so before Myles took office. They had not, however, reached the point where a real reform program had begun to emerge, but Myles described the desire to have incentives and disincentives to motivate universities to provide the support necessary for student-athletes to succeed academically. He spent almost as much time describing the need to come to grips with the runaway spending in college athletics, and began to formulate one of his most memorable and unexpected positions: that commercialism can be good for college sports as long as their integrity is not compromised. This was somewhat surprising, since Myles had been a president of two leading research universities, and the expectation was that with that background he might shy away from commercial support of college sports. Although he admitted that he could not define "ironclad, specific criteria for judging when commercial interests overwhelm college sports," he was clear that if handled correctly corporate and commercial support of college sports could improve the experience of student-athletes (Brand, 2003, p. 6).

The final striking aspect of Myles's first speech to the NCAA community is his insistence that the Association develop strategic plans for both academic reform and meeting financial challenges. Within 18 months he would lead the Division I Board in creating a permanent committee to oversee improved academic performance of student-athletes. It would take about two years for him to create a Task Force on the Future of Division I Intercollegiate Athletics. But in that first address he told the Association that both efforts were coming.

Since the Division I Board had an active group of us thinking about how to measure and assess the academic progress of student-athletes, Myles had an active, knowledgeable, and attentive group of presidents to work with. He also discovered that he had a very talented and dedicated group of NCAA senior staff members to call on to help guide and support the effort. David Berst, the vice president of Division I governance aided in guiding the board, and Myles called upon Kevin Lennon, vice president for academic and membership services, and Diane Dickman, managing director of academic and membership services, to lead the effort in academic progress. He could not have found three better or more knowledgeable leaders. All three had played Division I sports (Berst and Lennon—baseball; Dickman—golf), and all three had experience in NCAA affairs. In addition, the NCAA had a very talented data and research staff, led by Todd Petr and soon to be joined by Tom Paskus, who at that time was a consultant to the Board's academic working group. Finally, in

Wally Renfro Myles had found the perfect special assistant for public affairs, both to help him refine his thinking not only about academic progress but also about the role of the NCAA in governing college sports. Even for those of us who worked closely with Myles, it was very difficult to discern where Myles's thinking started and where Wally's ended.

By the summer of 2003, the Board's working group had outlined the most important goals of the academic progress effort: to improve student-athlete academic success and graduation rates in measurable and assessable ways, and to develop incentives and disincentives for colleges and universities to help make progress possible. That working group had also decided that all decisions needed to be based on reliable and accurate data. As I look back on this period, these goals and methods seem self-evident, but it took a lot of leadership and hard work to get to these conclusions. Three university presidents were especially helpful in leading this effort: John Casteen of the University of Virginia; Francis Lawrence of Rutgers; and Robert Kennedy of the University of Kansas.

But Myles realized that he needed more help from respected and thoughtful leaders of athletic departments, so he led the Board to establish an Incentives and Disincentives Working Group to think carefully about incentives and disincentives for athletic departments in Division I. With the help of Lennon, Dickman, and Petr, this group of experienced athletics directors, administrators, and faculty athletics representatives outlined a pathway: measurable year-by-year metrics, and disincentives that would range from loss of athletic scholarship opportunities to ineligibility for national championships. They struggled with appropriate incentives, and these would not be finally established until 2016, long after Myles had died and I was no longer involved directly in the effort. But enough had been done to begin earnest work on establishing an academic performance program.

While that working group was meeting regularly, Myles led the Division I Board in establishing a standing committee to develop the specifics of the program. Myles was clear that this was the most important work ahead of the Association in the years ahead, and the Board discussions led to a decision to have that Board chaired by a sitting president, who was directly accountable to the Board itself. Nominations were sought nationally for this position, and during one Board discussion of the importance of a president leading the effort and reporting to the Board, Mary Sue Coleman turned toward me and said, "Why not you?" To this day, I do not know if that comment was the result of a nomination, a decision prompted by Myles, or simply a spontaneous suggestion by Mary Sue.

At any rate, my appointment was confirmed by the Board and in the summer of 2004 I took on what was to become a 10-year chairmanship of the Committee on Academic Performance (CAP). I was sent to be debriefed by the incentives and disincentives working group, and I found that they had done an immense amount of thinking about the problem, and developed some important metrics and disincentives, and had identified a group of problems yet to be solved. Lennon and Dickman went to work on developing committee membership, made up of athletic directors and other senior athletic staff, faculty representatives, and senior conference administrators.

We also identified at least one other president or provost to serve as vice chair. Over the years, those people would be term-limited and replaced by others; I can say that, in every case, all of the committee members were knowledgeable, thoughtful, and diligent; everyone kept the common good and the welfare of student-athletes front and center in their thinking about these issues. I especially want to cite three very important thought leaders of this group throughout the decade I served as chair: Jack Evans, faculty athletic representative and professor of business administration at the University of North Carolina, Chapel Hill, was the resident expert on data and statistical measurement (he served on the incentives and disincentives working group before CAP was formed and, therefore had an historical understanding of how measurements were developed); Greg Sankey, who was then associate commissioner of the Southeast Conference but had also been commissioner of a smaller conference, the Southland Conference and, therefore, understood the concerns of both major and mid-major conferences; and John Morris, associate athletic director at the University of Washington and later senior associate athletic director at Colorado State University, whose experience in athletic compliance was invaluable in thinking about how universities would administer the program on their campuses.

When we started our work as a committee, the task seemed daunting: develop a program from scratch that would be so widely known and transparent throughout Division I that it could dramatically increase student-athlete academic performance and graduation rates; make that program both measurable and meaningful; and track the performance of all student-athletes who were receiving athletic scholarships in Division I. Aided by Lennon and Dickman's understanding of the Division I landscape and Petr and Paskus's knowledge of statistical data, we developed a transparent program based on two chief indices: eligibility and retention. We also developed the notion of measuring these every term (semester or quarter—and the "translation" of quarterly grades to semester grades itself was a hotly debated point for over a year). The unit of measurement would be the team—not the athletic department (this was also a debatable point)—since sports make different demands on athletes depending on their length of season (basketball and ice hockey, for example span either two semesters or quarters, while most other sports have shorter seasons that line up better with single terms).

Within two years we had developed the basic program, known as the Academic Performance Program. Each athlete could earn two points each term—one for remaining academically eligible (eligibility), and one for remaining on the team (retention). These would be tallied each term but calculated formally each academic year. The percentage of possible points each team earned would determine their Academic Performance Rate (APR). But thinking that percentages would be complicated to explain, we decided to use three digits to stand for the rate (earning 92.5% of the points a team could have earned would give them an APR of 925, for instance). As the least statistically adept person on the committee, I thought of this system like a batting average in baseball. If you got a hit three of every 10 times you were up, you had a .300 batting average, not a 30% average.

If one counted the same points over a four-year period, one derived a Graduation Success Rate (GSR), which could measure how effectively that team's students were progressing to graduation. As early as the late 1990's the Knight Commission had called for at least a 50% graduation rate in order for teams to be eligible for post-season play. Petr and Paskus and their team were able to correlate a 60% graduation rate to a 925 APR, and so we had two rates that could effectively measure academic progress toward degree (APR) and graduation rate (GSR, Graduation Success Rate).

Capturing how all this works in a three-paragraph summary significantly obscures how difficult it was to arrive at these rates. It took a great deal of work by the committee, a great deal of prodding by Myles amid a great deal of skepticism by both critics of the NCAA and by the media, and an enormous amount of fact-gathering by the NCAA staff over 18 months of hard work, but we came together as a committee and a Board in good faith and common trust in the power of data to drive decision making. I reported to the Board on our progress and our stumbling blocks at each Board meeting, and Myles and I would meet with media representatives after each meeting to report on our progress. I also reported to the Knight Commission once a year on our progress in a public meeting. The questions and criticism of those groups helped immensely in both refining the system and clarifying the language we used to define it.

In addition to these formal reports to governance groups and the media sessions, the NCAA staff traveled extensively to Division I conference meetings and to regional gatherings of specific groups like academic advisors, coaches groups in most sports, and athletic administrators. Frequently they would bring back criticisms and concerns they had heard, and we considered them carefully during our meetings.

Myles also met with the national coaches groups, especially in football and basketball, and he kept them informed and also brought back their concerns to the NCAA staff and the committee. I traveled with him on two occasions to meetings with the National Association of Basketball Coaches (NABC), the group that represented men's basketball coaches. In many ways, this was the most critical group. They began by being very skeptical, but thanks to Myles's straightforward effort to enlist their help and support, they came around over time to be supportive of our efforts.

It wasn't always easy. In the last year of Myles's life, when he was battling pancreatic cancer, I went in his place to an NABC meeting during the NCAA Final Four to explain the "coaches' scorecard" we had developed to reflect how well teams under each head coach had performed academically. Presidents, who were involved in most cases with athletics directors in choosing head men's basketball coaches, wanted such a scorecard to measure against a won-lost record, which had been the only real measure up to that time of coaching success. Several of the coaches present were very loudly critical of this effort, and told me so directly and strongly. After my presentation and the questions by the coaches, as I was leaving the meeting, the NABC leaders made a point of telling me that they continued to support our efforts, and that individual coaches were just expressing surprise and skepticism of change.

During the period the committee, which met quarterly in person and frequently by phone between in-person meetings, was developing the metrics and the program, Myles met with us at least three times each year. He inspired us, he prodded us when necessary, and he critiqued and praised our work as needed. It was clear to him, to me, and to the committee that he had tied his own reputation and legacy to the work of the committee. With Myles's support and encouragement, we worked diligently to make sure we had a program that was statistically accurate, was easily measurable, and which was transparent enough that everyone involved—student-athletes, coaches, athletic departments, presidents, boards of trustees, the media, and the general public—understood when student-athletes had succeeded and when their universities had failed them.

By the summer of 2006—two years into our work—Myles was able to report the immediate and early success of our program. In a speech to the National Press Club in October, 2006, Myles was able to announce "significant progress in academic reform" (Brand, 2006a, p. 1):

> When I initially talked about academics first five years ago [referring to a speech he made to the same group in 2001, as president of Indiana University], the graduation rate of student-athletes in Division I was 58 percent—three percentage points better than the student body. Football players were graduating at a rate of 49 percent and male basketball players at a rate of 40 percent.
>
> Five years later, student-athletes are graduating at a rate of 63 percent—five points better than five years ago.
>
> That *is* significant progress. Anyone knowledgeable about graduation rates knows that, for a large population of students, an increase of five percentage points, plus upward trends in all demographic categories, is genuine and significant progress.
>
> Football student-athletes increased five points to 54 percent in those five years. Male basketball student-athletes likewise gained five points from 40 to 45 percent. (Brand, 2006a, p. 2).

During our deliberations as a committee, we confirmed what many other observers of higher education had commented on in the past: the federal government's method of counting graduation rates in higher education was demonstrably flawed. It only counts first-time, first year students. Someone who transfers out of a university or college is considered not to have graduated. Someone who transfers in is never counted. In creating the GSR of student-athletes, Myles and I both believed, we had created a model that better reflected student behavior and tracked them to graduation, whether they transferred in or out. Myles tried, without success, to convince the U.S. Department of Education to revise the way it counted graduation rates. To this date, the federal graduation has not been changed to more accurately reflect student behavior.

Using the newly defined GSR, Myles was able to tell the audience at the National Press Club that the actual graduate rate of student-athletes in Division I was

"77 percent—up one percentage point from a year ago, and 14 points more accurate than the federal rate" (Brand, 2006a, p. 3). He would later challenge Division I universities and colleges—and the student-athletes—to achieve an 80 percent GSR, something they accomplished before he died.

Myles and NCAA Governance

In the spring of 2005, Myles and Carol Cartwright, who was president of Kent State University and was serving as chair of the NCAA's executive committee, the governance group that oversaw all three divisions of the NCAA and was made up of leaders from each of them, approached me about succeeding Carol in summer of that year. I was surprised to be asked, but deeply flattered. I knew that no president of an institution that did not play football in the Football Bowl Subdivision (FBS), the universities and colleges that offered 85 full scholarships in football, had ever served as chair of the executive committee. I had served on the executive committee for a year and a half, and I knew how it functioned, and I believed I could help in that role. So I accepted.

A few months later Myles called me to discuss one of the trickiest governance subjects: how to satisfy presidents of the non-FBS conferences who were not represented on the Division I Board. Just a short explanation of this problem. Division I spans approximately 350 different colleges and universities who differ in size, in funding, in mission, and in endowment. The 11 conferences that offer FBS football had permanent seats on the Division I Board, which had at that time 18 total seats. The remaining seven seats were rotated among the 20 other conferences (now 21) in Division I. As a result, 13 conferences were unrepresented at any one time, and those conferences felt disconnected from the decisions that NCAA governance was making. Myles and David Berst thought they might form a group, which they wished to call the Presidents' Advisory Group (PAG), to represent those 13 conferences, and that all 20 non-FBS conferences would be asked to send a representative to those meetings. They wanted to know what I thought of that organizational concept. I thought it was worth a try, and we jointly decided that the PAG (the NCAA has acronyms for everything) could meet the day before the Division I Board and discuss the issues that would come before the Board the next day. Then they surprised me by asking if I would chair that group.

The upshot of all this was that from 2005-2007 I was chairing three important groups in NCAA governance: the executive committee, the PAG, and the CAP. Those three positions gave me an excellent perspective on the entire NCAA during those years, and an equally great perspective on Myles' leadership style.

During that time Myles invited me to join him at dinner on the night before all three of the groups would meet—sometimes just the two of us, sometimes with his wife, Peg, and sometimes with another president, frequently the chair of the Division I Board. Some of those meetings were entirely friendly discussions, but some involved very intimate and detailed discussions of the most significant problems facing the NCAA: strategic priorities, important lawsuits, important contract negotiations

with corporate partners, problems in governance or even with senior staffing at the NCAA, and sometimes with the complex and tricky politics involved in keeping the entire 1200-member association moving in the right direction.

Fiscal Responsibility

Many of those dinner conversations initially involved academic reform, but as that area began to show real progress, Myles frequently turned to the other major strategic initiative he had outlined to the National Press Club audience in 2006: institutional accountability for responsible fiscal management. Myles realized from the beginning that this subject posed significantly more complex issues than academic reform. He realized they had two aspects in common: that the future public confidence in the NCAA depended on its being able to manage change in both areas, and the "bully pulpit," the moral persuasive power of the NCAA president. But they also differed dramatically: where institutional presidents were united in their beliefs that the NCAA could provide a unified approach to improvement in the academic performance of student-athletes, they were not willing to allow the NCAA to "control" fiscal performance of either athletic departments or universities or colleges. Those problems lay within the responsibilities of presidents and institutional governing boards.

What he led me, and sometimes Peg or other presidents, to ponder was whether the "moral suasion" (his term) of his position was strong enough to persuade presidents and institutions to do the right thing in providing fiscal responsibility and to improve student-athlete welfare. In 2004, Myles and Michael Adams, who was president of the University of Georgia and chair of the finance committee of the executive committee, had made a major recommendation in the direction of greater fiscal responsibility of the NCAA. As the broadcast rights for the NCAA Division I men's basketball tournament had dramatically increased with new contracts, they persuaded the executive committee to hold back some of the distribution of that money to the membership in order to build a "reserve fund" that might be called on to get the NCAA through any unforeseen difficult financial time. At that point, three years or so after the attacks of September 11, 2001, we were focused on terrorism and what affect it might have on a men's basketball tournament in future years. Little did we know that it would be a pandemic that would cause the NCAA to have to look to the reserve fund we had established in order to assure its survival 16 years later.

Myles, his senior executives, I, and the other leaders of NCAA governance knew that if we were to succeed in convincing presidents and governing boards to take fiscal responsibility seriously enough in order to assure the sustainability of intercollegiate athletics, we would need presidents of major universities to lead a task force to examine the issues. Myles was able to recruit Peter Likens, who had been active in NCAA matters and who had recently retired from the presidency of the University of Arizona to chair the task force; Larry Faulkner, president of the University of Texas, to chair the subcommittee on aligning athletics with the values of higher education; Gerald Turner, president of Southern Methodist University, to chair the subcommit-

tee on the influences of outside constituencies on effective presidential leadership; and Karen Holbrook of The Ohio State University to chair the subcommittee on the well-being of student-athletes.

Eighteen months after the Presidential Task Force met for the first time, it published its report entitled *The Second Century Imperatives: Presidential Leadership—Institutional Accountability* (Brand, 2006b; Brand, 2006c). Divided into four sections—Fiscal Responsibility, Integration of Athletics into the University Mission, Relationships with Internal and External Constituencies, and Student-Athlete Well-Being—the report contained two dozen different initiatives, some that could be instituted by the NCAA, but most to be instituted by individual campuses.

The Fiscal Responsibility section was the most extensive and hard-hitting. Both Myles and the task force members knew that strong measures needed to be taken, both on national and individual institutional levels, in order to reduce the rapid growth in athletic department budgets. The task force called on the NCAA to establish a financial database that included all aspects of institutional athletics budgets, from scholarships to salaries and benefits to capital budgets. These institutional reports would be reviewed by outside auditors using "agreed-upon procedures" (Brand 2006c, p. 25), then reported to the institutional president or chancellor and then to the NCAA. The task force also called for financial "dashboard indicators" which would allow presidents and athletic directors to compare their institutional budgets with those of their peers (Brand 2006c, pp. 25-26).

The rationale behind these two key recommendations was two-fold: athletic directors often lobbied their presidents for budget increases based on what competitors were spending; and presidents frequently were pressured by boosters, donors, media, and fans to increase salaries and facilities for much the same reasons. If a confidential database could provide accurate information for presidents, this would allow them to have some independent confirmation or rebuttal of these claims.

In 2007 Myles asked a number of presidents—including me—to work on creating this database. Under the direction of NCAA chief financial officer James Isch, we created the database and dashboard indicators. To some extent these financial indicators reflected a compromise between public and private institutions: publics wanted the privates to have to state the scholarship costs, which we knew were higher without the state subsidies that publics receive, but privates wanted publics to have to report the costs of their facilities, which in some public institutions are built and maintained by other state agencies or departments.

The report also called for an accounting of the costs of NCAA regulation, something that would satisfy those members who felt put-upon by NCAA requirements, and it called for regular monitoring by the NCAA Division I Board of the trends of athletics financing across the division. Unfortunately, neither of these practices was ever implemented.

In the section that called for the integration of athletics into the university mission, the report recommended greater oversight of athletics by the faculty, especially citing a growing role for the Faculty Athletics Representative, and recommended that the athletic compliance officer report directly to the president rather than the

athletic director. It also called for a maximum number of "special admissions" for athletes, something that had grown out of the academic reform movement (Brand 2006c, p. 34.).

In some ways the section that dealt with the relationship of athletics to the governing board was the most sensitive. Myles had reached out to the Association of Governing Boards (AGB), whose president, Richard Legon, worked closely with this subcommittee in emphasizing the AGB's "Statement on Board Responsibilities for Intercollegiate Athletics" (Brand 2006c, p. 43). Here the task force wanted to state clearly that the president had the responsibility for operating the intercollegiate athletics program, and the Board's role should always be in an oversight capacity.

The final section of the report covered student-athlete well-being, and concentrated on defining academic "at risk" student-athletes and providing them with the necessary support and advice in order to succeed (Brand 2006c, p. 51.). In addition, it suggested further review of whether athletic scholarships should be offered on a four-year basis, rather than the widespread norm at the time of one-year awards, reviewed annually, and went so far as to suggest a review of the possibility of granting five years of eligibility to reflect the growing trends of students remaining on campus for five years as undergraduates (Brand 2006c, p. 52). Unfortunately, none of these suggestions ever materialized.

Conclusion

Why did one of the two initiatives that Myles Brand announced in his first speech to the NCAA membership—academic reform—succeed while the second one—fiscal responsibility—largely fail? Certainly academic reform succeeded because university and college presidents, who had taken over the governance structure of the NCAA just a few years before Myles became NCAA president, supported Myles. They understood the need for better academic support of student-athletes. Academics was also an area in which the NCAA could foster standards and assign disincentives without fear of legal challenges. Finally, Myles could provide the "moral suasion" that could support presidentially led reform and muster the power of the media, who began with some skepticism but came to be powerful backers of improved academic success.

There are three reasons, I suggest, why Myles did not succeed as clearly with his initiative to foster fiscal responsibility in college athletic programs. First and foremost, this was clearly an area, as Myles said in his speech to the National Press Club in 2006, that antitrust considerations made it impossible for the NCAA to restrict salaries or spending in general. Myles and his colleagues on the Presidential Task Force knew they could only provide a clarion call for all university and college presidents to take responsibility for fiscal responsibility on their own campuses.

Second, it was an area where Myles and his colleagues could only make some changes at the national level, realizing that much of what was needed was local initiative by university presidents. Myles saw the 2006 report, *The Second Century Imperatives: Presidential Leadership—Institutional Accountability,* as a vehicle to

promote and support this change, but he realized change had to come primarily at the local level. The report itself identified the opposition it would likely run into on individual campuses—from athletic administrators and coaches, from boards of trustees or regents, from alumni and donors, from legislators, and from so-called "booster groups." Had Myles lived longer, had he been able over a period of, say, five more years to continue to provide strong leadership and support of individual presidents and chancellors as they attempted to hold down the "arms race" on individual campuses, things may have been different.

Finally, however, the power began to shift significantly in 2007 away from the NCAA as a national association and toward the individual conferences. Two things happened that year that signaled this change: first, Myles agreed to allow the Football Bowl Championship institutions and conferences to establish a College Football Playoff that lay outside of NCAA control. I remember Myles telling me that he would not stand in the way of that taking place. I knew what a turning point this would be, and so did he. But he said with the clarity that I had come to expect from him: "I can't stand in the way. They will leave the NCAA if I try."

Second, armed with their new understanding that they could act independently of the NCAA, especially in contractual matters, the most financially secure conferences began to sign media deals for football and men's basketball with important national television or cable networks. I remember clearly a day in the spring of 2007 when Jim Delany, commissioner of the Big Ten, with whom I had worked while I was a vice president at the University of Michigan in the 1990's, called me to tell me "as a courtesy" that his conference had signed such a broadcast rights deal with Fox that eventually, he said, would bring $40 million to each of the conference's universities. I asked if he had talked with Myles. "I told him yesterday," he replied.

This shift doomed any chances of controlling budgets among the best financed conferences. It also began a steady shift in power and influence away from the NCAA as an association and toward the best-known conferences, especially the best-known football conferences. A year after Myles's death, I was one of the people who was a candidate to succeed him. During my interview with the search committee, I was asked to respond to the question of whether the NCAA should provide greater independence to conferences in matters concerning benefits to student-athletes. Within a year of being selected as Myles's successor, Mark Emmert led an Association-wide vote to provide greater autonomy to the five most prosperous football conferences. The movement toward less control by the NCAA had begun.

If we look back now at the years of Myles's leadership, we can appreciate how clearly he saw the challenges facing the NCAA, and how effectively he formed initiatives to combat them. He succeeded where he had the authority to act, but was considerably less successful where he could only call on his influence and "moral suasion." He was, however, the man for the moment, and the NCAA—and college sports—have never been as successful, as influential, or as closely tied to universities' educational mission as they were then.

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Amateurism, Professionalism and the Value of College Sports

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Introduction

The summer of 2021 seemed revolutionary for college sports. In *NCAA v. Alston et al.,* the Supreme Court struck down limits on education-related benefits for college athletes, state laws went into effect permitting them to profit from their fame, and pay-for-play with standard employment benefits seemed just around the corner. All forms of media were abuzz with debate about the value of college sports. Behind today's legal, financial, and institutional questions, however, there are philosophical issues with roots running back to 535 BCE. That was the summer when the philosopher Pythagoras (known today for his theorem) walked into a gymnasium and marveled at the masterful ball-playing skills of a certain young athlete. Reasoning that such a performance demanded extraordinary virtues such as patience, persistence, courage, and self-control, the philosopher devised a scheme to educate him. Pythagoras offered to financially support the youth's athletic training in exchange for following the philosopher's lessons. The athlete agreed, and after some time, Pythagoras noticed that the athlete's motivation to study had shifted from the money to intellectual honor, so he cleverly announced that he would no longer be able to pay. The athlete offered to continue studying for free, but Pythagoras pled poverty, so the athlete, having developed a great passion for his studies, turned around and began paying the philosopher for the lessons (Iamblichus 300/1818, 5.21-24).

The ancient story has a happy ending, with the athlete Pythagoras recruited eventually writing his own books and travelling with his mentor to combine academic study with athletic exercise in gymnasia all over the ancient Greek world. The very term 'academic' derives from the gymnasium in Athens where Plato taught, following the examples of Pythagoras and his own teacher, Socrates. Education at the ancient Academy always included athletic activities—at least insofar as it remained true to Plato's idea that sport was an important tool for training the soul.[1] The ancient Greeks combined athletics and academics in education to achieve *aretē* (virtue, excellence), a disposition expected to lead to success in any profession. Somewhere

along the line, however, this holistic idea of education fragmented. The term 'academics' came to designate worthwhile educational activities in contrast with 'athletics,'[2] the educational value of which—if it was recognized at all—was thought to be confined to the body (as evidenced by terms like 'physical education'). It comes as no surprise, then, that almost none of the ink spilled debating the college sports revolution of 2021 discusses its intrinsic educational value. Even the "education-related benefits" permitted in the Alston case refer specifically to non-athletic programs and awards. Nor should it come as a surprise that Myles Brand, a voice in the wilderness when it comes to articulating and defending the educational value of sport in the academy, was himself a philosopher.

Answers to the question "What is the value of college sport?" vary in form. For most, the answer is a number: the capital valuation of the industry (measured in billions of dollars), the revenue generated at a particular institution (usually measured in the millions), or even the dollar-valuation of an individual student's athletic scholarship package, which can exceed $100,000 during their college career. Less-tangible and less-quantifiable benefits are less-often recognized: things like entertainment value, alumni engagement, state and community morale. Given that the college sport industry is, as Brand repeatedly pointed out, embedded within institutions whose mission is education, however, discussion and debate about its legal and financial issues should always take place in a context that prioritizes sport's educational value. A good understanding of the educational value of sport has the power to resolve the apparent oppositions between amateurism and professionalism, academics and athletics, even employment and exploitation. In this essay, I explore value of college sport from a philosophical point of view, attempting to clarify the concept of amateurism and paradoxically reveal its similarity to professionalism. I conclude that education is the value in college sport that needs to guide all the others—including those that involve dollar signs.

Amateurism vs. Professionalism

In the current debate about college sport, amateurism and professionalism are presented as opposites with the crucial distinction being pay. In the *Alston* case the National Collegiate Athletic Association (NCAA) argued that its limits on athlete compensation are needed to preserve the "amateur" nature of college sports, which widens consumer choice by providing a product distinct from professional sports (NCAA v. Alston, 2021, p. 10). They did not even attempt to deny the commercial nature of college sport, even as they argued that college athletes must not be professionals. This distinction reflects Brand's claim that in college sports, the term "'amateur' defines the participants, not the enterprise" (2006a. p. 11). The Supreme Court countered that the NCAA's conception of amateurism has changed steadily over the years, and quoted the lower court's finding that the NCAA "nowhere define[s] the nature of the amateurism they claim consumers insist upon." That court had "struggled to ascertain for itself 'any coherent definition' of the term, and even a former

SEC commissioner testified that he had "never been clear on . . . what is really meant by amateurism" (NCAA v. Alston, 2021, pp. 10-11). On the face of it, and in most dictionary definitions, the term 'amateur' refers to anyone who engages in an activity without being paid; it can also refer to someone who is incompetent or inept. That second meaning hardly applies to college athletes, who in many sports perform close to, often at, and sometimes above a professional level. What keeps them from being professionals according to the dictionary definition is that sport is not their "main paid occupation."

The NCAA's conception of amateurism, considered closely, emphasizes the idea of priority and does not exclude the possibility of payment. After all, many student-athletes already receive valuable compensation linked to their participation in sport. What the NCAA really wants to preserve is the idea that they are students first. In an article titled "Pay for Play is Fine—But Not in College Sports," Brand distinguished the collegiate from the professional model of sport not upon whether athletes were paid, but rather upon the ends of the enterprise:

> For the professional model, the bottom line is . . . well . . . the bottom line. For the collegiate model, the bottom line is education. In the professional model, the athletes are commodities who can be traded to meet market needs. In the collegiate model, the athletes are students (Brand, 2008, p. 1).

Like Pythagoras' student in the initial phase, they are "paid" to be students and not to play sports. Playing sports is one part of the larger program of higher education that constitutes their main occupation during those years. Student-athletes are amateurs in the NCAA's view because their "end" while in college is supposed to be education, whereas a professional's "end" is supposed to be money. The heart of the matter is not dollars and cents, but rather means and ends.

The concept of amateurism has its philosophical roots in the idea that the moral value of an action depends partly on the end (*telos*) for which it is performed. The term 'amateurism,' based on the Latin word for love, suggests doing something for love rather than some external reward. Amateurism in sport emerged around the turn of the 20th century—a period that witnessed the revival of the Olympic Games in Europe as well as the emergence of college sports in the United States. In those days, it was bound up with distinctions of social class—specifically a working versus a leisure class,[3] but it was inspired by the ancient Greek idea that doing something for its own sake was always more noble than doing it for some external end. Aristotle identified this as the key characteristic of *kalokagathia* (beautiful goodness), an elevated moral status associated with both aristocracy and athletics.[4] The so-called "Crown Games," in which winners received nothing more than wreaths of olive or laurel, were *more* prestigious than "money games" offering valuable prizes. The ancient Greek athletes who inspired the modern ideal of amateurism were certainly not amateur in the sense of being unpaid—nor did they all have a separate profession during their athletic careers.[5] The point was that they engaged in sport as an end in itself rather than a means to some external end, thereby expressing their closeness to the gods—who have no needs and therefore do everything autotelically.[6] Amateur-

ism in this original context was not about payment or skill-level, but rather about attitudes and intentions, ends and means. Viewing sport as a means to external ends threatened the appreciation of its intrinsic value that amateurism sought to preserve (Morgan, 2020).

Restricting compensation has repeatedly proven itself a bad way to preserve the spirit of amateurism. Within the Olympic Movement, one might argue, the attempt to legislate amateurism paradoxically promoted love of money more than love of the game.[7] There simply is no logical entailment between the fact that an athlete receives a cash prize or payment, and the idea that they are motivated by those things to play the sport. Apart from the reality that people have multiple motivations for acting, a person can engage in an activity for ends intrinsic to it even if the activity also serves external ends. Imagine I am cycling on the road from Siracusa to Sortino; this does not imply automatically that my "end" is to arrive at Sortino, perhaps I am training or riding for pleasure. As long as the benefits I seek are internal to the activity, one can say that I am doing it for its own sake—as an 'amateur'. The external fact that I am paid, or even categorized as a professional does not prevent me from being amateur in this sense. Indeed, current usage of the term 'professional' better describes the attitude expected of an amateur athlete. Whereas we generally use the term 'job' to describe something done strictly "for the money," we reserve the term 'profession' for activities placed at the center of our identities and our lives. A professional acts professionally because it is who she is and what she does.

Professions typically demand specialized education and long apprenticeships, and when people enter a profession like law or medicine or academia they become part of a group of highly-trained specialists who seek to preserve the quality of their common activity by holding each other to high standards. Professionals are paid (often handsomely) for their work, but in contrast with mere 'jobs,' that payment is not the only—or even the central—end of their work. Indeed, lawyers working *pro bono* or a doctor volunteering to treat children in a war zone hardly cease to be professionals when they work without pay. If anything, such actions are considered *more* professional than their compensated work, and in some industries unpaid services are specifically referred to as 'professional courtesies' or 'professional obligations.' The idea of the consummate professional is one who has achieved such excellence in and dedication to her field that she embodies its ideals and can be relied upon to act in accordance with them without consideration for external rewards. Paradoxically, the presence of professional athletes competing for joy of it at the Olympic Games creates a better spectacle of amateurism than excluding them ever did (Reid, 2016). The amateurism that the NCAA is promoting better resembles this attitude than one characterized by ineptness or recreation. Likewise, it should be understood in terms of philosophical questions about attitudes and ends, rather than financial questions about money. Professionalism as an attitude is something that should be promoted by college sport, just as it is promoted elsewhere in higher education. What the NCAA wants to discourage is playing college sports as a job, strictly in exchange for wages.

Academics vs. Athletics

We may even go so far as to say that colleges should promote a "professional" attitude toward sport, but not in the sense that students should be professional athletes (or, for that matter, "professional students").[8] Rather, college sports should promote the *educational* end of cultivating professional dispositions. It is no secret that the goal of most college and university students, athletes or not, is to become a professional rather than simply have a job. They go to college to receive the education necessary, not only the specialized knowledge, but also the generalized skills and appropriate dispositions for someone who aims to achieve excellence in their field. Indeed, the term 'liberal arts'—sometimes used derisively to describe subjects in the arts and humanities that seem detached from specific careers—may well derive from the idea of a "liberal professional" who can freely offer his or her expert services to clients independent of an institutional employer. The term is still used in Europe to classify lawyers, accountants, psychologists, architects, and other professionals who work for themselves. Given that learning to be professional is central to the enterprise of higher education, the NCAA's insistence on amateurism in athletics may seem paradoxical. But this is because the popular idea of college athletes being amateur because they are "students first" contains the pernicious assumption that one cannot be a student of sport.

To his credit, Brand recognized and defended the educational value of sport. In the 2006 State of the Association Speech, he even described it in language that reflects my argument about sport cultivating professional dispositions:

> Since the participants in college sports are students—individuals whose first order of business is acquiring an education—their academic success is of central importance. You have all heard our refrain, 'There are more than 360,000 student-athletes, and almost all of them will go pro in something other than sports.' Those who participate in our games are the future doctors, lawyers, teachers, business people and elected officials. They are future family members and community leaders. A few will play professional sports; but they, too, should receive an education from our fine universities and colleges. The fact of the matter is that a college education is the best preparation for a successful, fulfilling, happy life, and acquiring that education should be primary. (Brand 2006a, p. 3)

Brand does not defend college sport as a training program for professional athletes; it would be a mistake to do so. Though some student-athletes attend college with precisely that goal in mind, the placement rate is just too low to count intercollegiate athletics as a pre-professional program—even in the powerhouse programs. Instead, Brand touts the educational value of sport for the professional and community roles traditionally adopted by college graduates. The mistake that some people make when hearing such statements is that they exclude sport from ideas such as "acquiring education" and "academic success."

Conceptually opposing athletics and academics is understandable, of course. Faculties and universities tend to do the same—as evidenced by the fact that sports participation usually does not contribute toward earning a degree. College education is associated exclusively with academic activities, a category from which athletics is excluded even though the term 'academic' derives from Plato's gymnasium. In an article entitled "The Role and Value of Intercollegiate Athletics in Universities" (2006b), Brand pushes back against such misconceptions, arguing not only that intercollegiate athletics contributes to the "academic enterprise," but also that it could contribute far more if it was not regarded as a strictly extracurricular activity. His argument is based on a comparison with academic programs in the performing arts such as music, dance, and drama. Locating the bias against sports in a disdain for the body and physical skills in favor of the mind and cognitive skills, Brand suggests that performing arts, despite being physical skills, are accepted as academic because of their link with high culture (2006b, p. 14). This certainly is not the first time that social elitism and mind-body dualism rear their ugly heads in the debate about amateurism and the value of sport. I wonder, however, if Brand's argument based on physical skills falls short in describing the educational potential of sport.

The joke that "he went to college but majored in football" only works because sport is assumed to be separate and even a distraction from intellectual education. Majors in the performing arts are accepted also because they incorporate the academic study of theory, history, and other traditional subjects. Perhaps football could be a legitimate major too if it included courses in philosophy, physiology, and psychology. But the particular educational value of performance itself needs to be acknowledged and understood. Sports and performing arts at the collegiate level demand more than physical skill, they also engage high-level cognitive abilities and uncommon character virtues. Achieving excellence in almost any performed activity, even "intellectual" activities such as speaking a foreign language, requires consistent practice, persistence in the face of failure, and effective interaction with others. Likewise, almost every profession pursued in higher education, from law to medicine to accounting, demands not only specialized knowledge and career-specific skills, but also the ability to transform those things into a service performed for a client. In other words, professionalism is itself performance—excellent performance; and activities like sport, dance, drama, and music can teach us how to achieve it.

Excellent performance, moreover, characteristically demands the *integration* of mind and body; the harmonizing of cognitive and physical skills. Whether in music, drama, dance, or sport, it defies the epistemological distinction between knowing how and knowing that.[9] It is, in contrast with many educational activities—especially traditional academics—essentially holistic.[10] College sport is also holistic in the social sense. Student-athletes form what might be termed "performance communities," in which the pursuit of excellence in a common practice is cooperatively pursued by a group of like-minded practitioners.[11] It does not matter whether the sport is team or individual—the bonding between members of a track team can be just as great as that of a basketball team. Performance communities may even include competitors from other schools and athletes from different sports; the common denominator, the

basis for mutual understanding, is the shared commitment to excellence. It is no coincidence that professionalism is also associated with communities—specifically professional guilds and organizations such as the American Bar Association, which work to preserve the quality and integrity of the practice. No one denies that the knowledge required for particular careers is properly part of higher education, but the generalized skills and dispositions needed to perform as a professional are just as important. Because sport is an activity in which excellence can be reached at a fairly young age—indeed, the age normally devoted to higher education—it can be a great place to learn the process of pursuing of excellence as a way of life.

Employment vs. Exploitation

This performance-based argument for the educational value of high-performance sport may justify a young adult's athletic commitments, but does it justify athletic professionalism within universities? Elsewhere in the world, it is not uncommon for university students also to play professional sports. Italy's national soccer team includes several part-time students, including a star on its Euro 2020 team, Matteo Pessina, who is pursuing a degree in economics at a prestigious university (Currò, 2021). Tour de France cyclist Guillaume Martin earned a master's degree in philosophy while competing at the elite level. There is no law preventing professional athletes in America from enrolling in college, but few do because the demands of pro sports are hard to reconcile with serious study during the brief period of youth traditionally devoted to both. In other words, the dilemma for young elite athletes who also want to study is pretty much the same whether they play professionally or in college. Even if defenders of college sport can make a good educational argument for keeping elite sport and elite education under a single roof, so to speak, they still face the question of whether doing so amounts to athlete exploitation. The ethical issue for institutions is not about *whether* student-athletes should receive compensation—they already do—it is about what constitutes *fair* compensation in a given situation.[12]

Brand's arguments for amateurism in college sport were guided by the principle that it is embedded within colleges and universities, whose mission is education. "The participants in intercollegiate athletics are students," he said in his State of the Association Address. "They are not, in their roles as athletes, employees of the university. They are students who participate in athletics as part of their educational experience. This is the heart of the enterprise" (2006a, p. 5). The reminder is aimed especially at colleges and universities that fail to support and sometimes even obstruct the educational aspirations of their athletes. But even institutions that put education first may unethically and illegally exploit student-athletes by benefitting disproportionately or unfairly from that relationship. Brand (2008) points out that the revenue generated by a few high-profile sports goes to subsidize college athletics programs for the vast majority of student-athletes, in other words the money serves educational ends. "But somehow," he complains, "the obvious and even noble acquiring of money to finance the mission of higher education is characterized as little

more than a ravenous greed for filthy lucre when it comes to financing the mission of intercollegiate athletics." As we said before, Brand does not deny that college sport is a business, he argues that it's a different kind of business than professional sport since its goal is not profit but rather to "to meet the mission of higher education"(Brand, 2008, pp. 1-2). But does subsidizing educational ends for the many justify the restrictions on compensation for the revenue-generating few? What sort of compensation is appropriate? Would exploitation concerns be resolved by making student-athletes employees of their colleges?

It makes sense, given that the relationship between students and colleges serves the end of education, to compensate students in educational terms. Remember that the *Alston* case struck down limits on education-related benefits (such as graduate tuition and paid internships) for student-athletes. If the educational value of athletics were better recognized, perhaps grants and fellowships sponsored by corporations or professional teams could be offered.[13] Other legal decisions have struck down restrictions on what student-athletes can earn from outside sources, for example by selling the rights to their name, image, and likeness—a form of compensation that poses no direct threat to the priority of education in college sports, and may even provide student-athletes with the chance to learn about the business side of sports. Nor is it in question that institutions should use the revenue generated by sport to serve educational ends, but there are several professionals, including coaches and fundraisers, who earn handsome salaries while serving the educational ends of the institution. There are also several students who are employed as tutors, instructors, laboratory assistants, and more. What makes student-athletes different? In a concurring opinion on the *Alston* case, Justice Kavanaugh characterizes that relationship between colleges and student-athletes as one between business and labor. "The bottom line," he says, "is that the NCAA and its member colleges are suppressing the pay of student-athletes who collectively generate billions of dollars in revenues for colleges" (NCAA v. Alston, 2021, p. 4). He goes on to compare student-athletes to skilled workers such as cooks and camera crews, as well as college-educated professionals such as nurses, lawyers, and journalists. Is this how we should think about student-athletes, as labor whose wages have been suppressed by price-fixing agreements among their employers?

How we think about the relationship is crucial—for institutions, students, and spectators alike—because it conditions the ethical expectations of the parties. Some people argue that student-athletes should be treated as employees of the institution and offered the attendant benefits. This would clearly change what counts as fair within the relationship. As a professor, my relationship with students in my classes was clearly different from my relationship with students hired to work in our office—even when it concerned the same person. It was fair, for example, to ask a student in her role as office worker to type up a document for me or even to run to the library for me because these tasks were part of a job for which she was compensated by wages. It would have been inappropriate to assign her such tasks in my class, however, because they do not directly serve her educational ends. Different relationships call for different expectations and compensations. Insofar as the relationship between institutions and student-athletes is aimed at their education, like the relationship be-

tween professors and students (and, ideally the relationship between coaches and athletes), it imposes restraints on what should be asked of them and what ends those tasks should serve. If the relationship were one of employment, by contrast, workers may legitimately be asked to serve the institution's interests on the understanding that such service will be compensated by wages.

Supporters of the employment solution might counter that student-athletes already are treated like workers in a business rather than students in a classroom. Indeed, it can be plausibly argued that the financial benefits of college sports—in contrast with the performing arts—make the educational exploitation of student-athletes all but inevitable. But this practical approach overlooks serious ethical questions that cannot be addressed by wages or benefits. An institution that uses student-athlete "labor" to generate revenue—whether or not it fails to compensate them with a share of that revenue, and whether or not it conspires with other institutions to prevent a competitive market for their labor—is violating the means-end principle that governs the ethics of educational relationships. This violation is actually deeper and wider than the economic exploitation of the small percentage of athletes who actually generate revenue in college sport. As Brand points out, "The idea that a market should be created for the employment of students to play sports because it is only fair would benefit only a few individuals in only a couple of sports on only a handful of campuses where revenues exceed expenses" (Brand, 2008, p. 2). Employing the few student-athletes who actually generate revenue—even paying them handsome salaries with benefits—will not resolve the perception of the many that their colleges are exploiting them. And this perception is widespread, even among those receiving scholarships to play sports that do not generate revenue and have no professional leagues. Perhaps these student-athletes sense an ethical violation in their educational relationship with their colleges, or perhaps they already view themselves as exploited employees. In either case, this situation is educationally tragic because colleges teach ethics most effectively through their treatment (or mistreatment) of students (Bok, 1995). The relationship between student-athletes and their colleges needs to be one in which both parties receive the appropriate benefits.[14] It is hard to imagine that transforming an unsatisfactory educational relationship into an employment relationship will resolve the issue of exploitation in college sports. Employees are just as capable of being exploited by institutions as students are.

All of this is not to say that the problem is simply the students' failure to appreciate the educational nature of their relationship with colleges and the intrinsic value of their sports experience. Colleges are just as guilty of abusing the relationship—maybe more so since they dictate the terms. Those who criticize college recruits for seeking better compensation forget that most students are financially motivated to attend college. A college education is understood and even promoted as a means to the end of increased lifetime earnings, and athletic recruiting is no exception. In fact, the presentation and promotion of athletic programs as businesses rather than educational programs only perpetuates the pernicious idea that money is what really counts in higher education overall. We can hardly blame young people in this environment for discounting the educational aspects of college as well. As noted above, the relationship between colleges and students is educational for better or for worse.

When colleges use athletes as means to financial ends, the lesson they teach is that it is acceptable to treat others as means to selfish ends—no matter how often Immanuel Kant's moral injunction against this is repeated in the classroom.[15] Employment and exploitation are not opposites. What is needed to avoid exploitation in college sport is fair compensation that serves the end of education—as the ethics of college-student relationships clearly demands.

Conclusion

Students who go to college hoping to become professional athletes are not really that different from their classmates. They are looking to make a career out of something they love to do by becoming excellent at it. When students ask me for advice on a career in philosophy, I tell them they have to do it out of love. They have to be willing to put the time and effort into earning a Ph.D. without any expectation of becoming a professor; if they love philosophy that much then they may become good enough at it to make a living doing it. In other words, you need to be an amateur in order to become a professional. But professional careers in philosophy are just too rare to be the reason for studying it. This is true of many, if not most of the subjects studied in college. They do not train students for a particular job, they construct the framework of skills and dispositions upon which professional careers are built. College sport can and does contribute to that end, especially insofar as it teaches us to transform our love for an activity into excellence. It is and should remain amateur in that sense, as part of an education aimed at professionalism.

This essay has explored the value of college sport by interrogating three apparent oppositions: amateurism vs. professionalism, academics vs. athletics, and employment vs. exploitation. As Brand recognized, education is the end that resolves college sport's paradoxes. The ideal of amateurism focuses on means and ends, privileging things done for their intrinsic value, i.e. as ends in themselves. Engaging in the pursuit of excellence through elite-level sport, furthermore, has the potential to generate performance virtues that are as important for professional careers as traditional academic subjects. In terms of disposition, amateurism and professionalism turn out to be more similar than different. Restrictions on compensation consistently fail to promote the amateur spirit, however. Avoiding exploitation in the educational relationship between colleges and students is a question of fairness, not finance. If colleges would recognize and promote the educational value of elite athletics, student-athletes more likely would, too. Once both parties recognize that the end of their relationship is education, they should be able to negotiate fair and appropriate compensation. In any case, we should not assume that student-athletes put a dollar sign before their answer to the question, "What is the value of college sport?" Said top basketball prospect Jalen Duren about the recruiting process, "It's never been and never will be about money. I just want to get better, and I love the game too much to cheat it that way" (quoted in Witz, 2021, p. 7). No more "amateur" approach to college sport can be imagined—whether he gets paid or not.

Notes

1. Plato, *Republic*, 410bc. For a complete account of Plato's use of sport in education, see Reid (2007) and Reid (2011), pp. 56-68.

2. There is also an interesting educational story behind the term 'athletics,' which has its root in the *athla* (feats, labors) of heroes like Heracles. See Reid (2019).

3. As Llewellyn and Gleaves (2016, pp. 6-7), put it, "The social origins of amateurism sprung to life . . . from Victorian Britain, where an upper-middle-class (and to a far lesser degree, aristocratic) desire to set themselves apart from the perceived morally corrupt working classes employed amateurism as a legitimating ideology for elitist sporting preserves. Amateurism represented a tool for those who held power to reassert control in times of social disorder and political subversion." For a philosophical analysis of 19th century amateurism, see Morgan (2020), especially Chapter 1.

4. The most complete account is in *Eudemian Ethics* 8.15. For a discussion of the concept applied to Olympic Sport, see Reid (2020, pp. 195-203) and Reid (2021, pp. 222-224).

5. Elite athletes in ancient Greece often made a living from their winnings and Olympic victors sometimes received state support for life. For an overview see Young (1984, 1988).

6. One might argue that this was a religious end, which could be understood economically as favor from the gods in things like bountiful harvests (Reid, 2020), but the added religious prestige of competing for the crown was linked specifically to the fact that it served no immediate personal need.

7. This argument is made in several essays in Reid (2020); see especially pp. 104-106; 213-216; 390-391.

8. The term "professional student" is usually applied jokingly to people who stay in school long past the normal time needed to graduate, or, if they graduate, they continue to pursue additional degrees rather than transitioning into the world of employment.

9. This distinction between ways of knowing was brought to light by Ryle (1949). The question of how and whether it applies to skilled action has been debated extensively in recent years; for an overview, see Fridland and Pavese (2020).

10. Sport philosopher Jesus Ilundain-Agurruza has investigated the cultivation of excellence in performance, a process he calls "Skillful Striving." He notes that in athletics, martial and performing arts, "latent skills flourish and weaknesses can be made assets by nurturing intellectual, physical, emotional, and social abilities through disciplined movement, purposeful reflection, and emotional control" (2016, p. 2). The process involves moving and acting as what he calls "holistic, integrative bodyminds," and it brings together more than the body and the mind. The pursuit of performative excellence connects skills with virtues and ethics with aesthetics because (1) doing your best is moral, (2) skill is beautiful, (3) virtues improve skills, and (4) skill is community based (Ilundain-Agurruza, 2017, p. 331).

11. My idea of performance communities is based on Alasdair MacIntyre's (1981) social practice theory, which provides the modern framework for linking sport with virtue cultivation, and Ilundain-Agurruza's emphasis on the communal nature of skillful striving. "Laudable character," he says, "is built on discipline, responsibility, and a social framework that provides personal paradigms and standards of excellence" (2016, p. 1).

12. Zema (2019) argues that colleges and universities are not obligated to compensate athletes beyond tuition, room, and board, but student-athletes should be free to receive external compensation.

13. Corlett (2013) argues that colleges and universities are themselves exploited economically by professional sports franchises who use them to train their players.

14. Otto and Otto (2013), for example, propose a "distribution fairness model" which includes, among other things, insurance to cover future losses in case of injury and a derivative-value trust to permit the student-athlete to share in profits derived from his or her fame.

15. The injunction to always treat others as ends in themselves is the second formulation of Immanuel Kant's (1795/1983) famous "categorical imperative," commonly taught in introductory ethics courses.

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Myles Brand: Intercollegiate Athletics Within the Limits of the Academic Mission Alone

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If we are to restore the proper role of intercollegiate athletics we must make an absolute commitment to the academic mission and integrity of the university. --Myles Brand[1]

In his *Religion Within the Limits of Reason Alone*, the German philosopher Immanuel Kant argued that religious belief must be bound solely by reason and the human conditions of experience in our spatio-temporal world. Religious beliefs that transcended these conditions were unjustifiable and, more importantly, could easily motivate what Kant characterized as a fanatical *pseudo-service* to God that led to superstition, persecution, and violence. Legitimate or enlightened religious belief must operate within the bounds of reason and morality, which led Kant to heterodox views on Christianity, such as Jesus was a human moral exemplar and not a divine being and living a moral life alone is sufficient for any reward in a possible afterlife.

One of Myles Brand's longest-standing convictions about intercollegiate athletics (IA) was that it must be bound solely by the academic mission and values of a university or become an unjustifiable activity. When IA is guided by commercial values or winning as the *summum bonum*, it easily leads to what might be called a fanatical '*pseudo-intercollegiate athletics*,' a neglect or outright repudiation of academic values that can easily motivate academic and financial scandals. Legitimate or enlightened IA must operate within the bounds of the academic mission and educational values of a university, which led Brand to the heterodox view that IA should be reconceptualized as an educational activity that is essential to the academic mission of universities. As the first National Collegiate Athletic Association (NCAA) President to be a former faculty member and university president, Brand's view of the role of IA in universities had unique credibility.

During his presidency, Brand led novel academic reforms in IA that gained deserved public recognition, such as increasing high school academic requirements to play IA and the establishment of the Academic Progress Rate (APR) that produced higher student-athlete graduation rates. Nevertheless, his defense of the educational and academic value of IA should be equally acknowledged since this was, for Brand,

the ultimate reason why universities should support IA in the first place: "the underlying reason why universities support intercollegiate athletics is that it provides educational value for those students who participate" (Brand, 2009, p. 7). To those critics who contended that because universities are academic institutions and athletic participation is not 'academic' and so IA does not belong there, Brand countered by offering a broader view of a university education that included not only formal learning objectives but the development of character virtues that take place outside of the formal academic curriculum and that are essential to a productive life in one's community and as a citizen, virtues that IA can develop. In this way, Brand held that IA should rightly be considered to be part of the academic mission. Brand made his most forceful and elaborate defense of the educational value of IA in his 2006 article "The Role and Value of Intercollegiate Athletics in Universities." This article represents the fruition of Brand's thinking on the topic since it is here where he developed what I believe is his most distinctive defense of the academic value of IA: its similarities to performing arts such as dance and music.

In section I, I describe Brand's developing view of the educational value of IA that preceded his signature 2006 article. Articulated when he was President of Indiana University and subsequently as the new President of the NCAA, Brand proclaimed the necessity of IA's relationship to the educational and academic mission, but he did not give many details about this relationship and was in the process of developing what would become his 'Integrated View.' In section II, I explain Brand's Integrated View and focus on his key argumentative strategy: the analogy of the educational value of IA to the educational value of performing arts like music and dance. In section III, I argue that Brand did not bring his analogical argument to its full logical conclusion, namely, that IA should contribute to a bona fide academic major in Sports Performance or Competitive Sport. Moreover, Brand could have appropriated a contemporary vision of liberal learning outcomes that includes some of the very character virtues that Brand identified as inherent in IA, hence relocating them from the sphere of what he termed "developmental aspects of character" (Brand, 2009, p. 7) to actual 'academic' learning outcomes. The result is that Brand's defense of the educational value of IA can be strengthened based on the premises of his own reasoning. I conclude by raising some criticisms of Brand's view based on the organizational framework and policies of IA that create difficulties for the full realization of its educational value.[2]

Section I: Developing the Educational Argument for Intercollegiate Athletics

Based on public speeches that he gave before the publication of his 2006 article on the role and value of IA in a university, Brand had a strong conviction that IA must contribute to the academic mission of the university, and he was thinking through the types of reform that would align with this goal. Indeed, there were different ways that, or different degrees to which, IA could align with the academic mission. Brand thought both about removing existing obstacles as well as novel integrative

approaches: there could be higher academic standards for eligibility, there could be annual completed unit standards to progress toward graduation, athletic academic and advising services could be incorporated into these university services for all students, there could be less required athletic participation to create more time for study, coaches could be hired who valued developmental values for their players as much as winning, and there could be formal recognition by faculty and academic administrators of the educational value of IA.

Just over four months after he, as President of Indiana University, fired controversial basketball coach Bobby Knight, Brand gave a speech to the National Press Club titled "Academics First: Reforming Intercollegiate Athletics." Here, he rejected two extreme and unrealistic solutions to the educational problems created by the commercialization of IA, primarily in the elite athletic programs with football and men's basketball: eliminating IA and athletic scholarships and replacing them with student-led club sports or, alternatively, professionalizing them. For Brand, these remedies neglected the benefits of IA on campus when "conducted well and with good sense" (Brand, 2001, p. 369), such as strengthening connections among the community, students, faculty, and alumni, providing economic benefits to the local community, and, for those programs that generated sufficient revenue, financing nonrevenue sports, including women's sports. Brand did not believe that the professionalization of IA—paying college athletes directly—was a realistic and appropriate possibility. For Brand, the goal was not to dismantle IA but "limit its excesses so that its positive features can flourish" (Brand, 2001, p. 369). Nonetheless, for Brand these positive features were not enough to justify IA since it must ultimately serve a university's academic purpose and not merely be an ancillary service, such as providing entertainment. He stated, "if we are to restore the proper role of IA we must make an absolute commitment to the academic mission and integrity of the university" (Brand, 2001, p. 369). But in this speech, Brand does not articulate how IA can serve the academic purpose other than not to interfere with it by improving graduation rates. In other words, he does not identify the educational value of IA but only exhorts presidents, trustees, directors of athletics, and conferences to commit to the "primacy of academics, despite the daily pressures of the athletic community and boosters" (Brand, 2001, p. 369).

But what did Brand believe were the academic purposes of a university? His view was conventional and, I believe, more representative of the research-oriented universities where he had been President: to "discover, apply, transmit and preserve knowledge" (Brand, 2001, p. 369). His definition is worth reflecting on for two reasons. First, Brand stated that any university activity must at least indirectly serve these purposes and not interfere with them (Brand, 2001, p. 369). Secondly, Brand's definition of a university's academic purposes was one-sided since it stemmed solely from a faculty perspective—to discover, apply, transmit, and preserve knowledge—rather than from a student learning perspective, where IA can be aligned with the academic mission. This is Brand's approach in his 2006 article.

It is also worth noting from Brand's "Academics First" speech that he provocatively claimed that "the athletic department cannot be separated, organizationally or

in attitude, from the academic side of the institution" (Brand, 2001, p. 369). However, he did not elaborate on this reform principle and its implications. Did he mean to imply that Athletics should report to Academic Affairs, or merely to reinforce the recommendations by the Knight Commission reports on the necessity for university presidents to have control of Athletics? Or that directors of athletics and coaches must be hired who share the "attitude" of the academic side of the value the life of the mind and academic study? Brand returned to this organizational issue in his 2006 article.

It is in Brand's first state of the NCAA address in 2003 that he began to articulate the educational value of IA. He identified five foundational principles to guide the strategic planning of the NCAA: integration of IA into the academic mission, presidential control of IA, advocacy of the positive value of IA, preservation of amateurism, and the importance of fairness and just action in IA. In this speech, to integrate IA into the academic mission meant that "intercollegiate athletics must accommodate itself to the academic priorities of universities and colleges, and not vice versa" (Brand, 2003, p. 4). For Brand, students must train in athletic cultures that encourage them to take advantage of educational opportunities, such as access to all majors and adequate time to study. But it is in the context of the third foundational principle—the "positive value" of IA—that Brand described its educational value, for he claimed that IA created opportunities "to internalize the values of hard work, fair competition and cooperation toward a common goal . . . loyalty, fairness, self-respect, respect for others and a quest for excellence" (Brand, 2003, p. 5).

In his 2005 State of the Association address, Brand focused on a different dimension of the alignment of athletics with the academic mission than in his 2003 address—not the educational value of IA but new academic reforms designed to improve graduation rates, namely, stronger high school academic requirements to play IA and required yearly academic unit completion targets or APR. Brand attempted to debunk the myth that student-athletes dedicated much more time on developing their athletic skills than getting an education by giving empirical evidence of higher graduation rates among athletes than the general student body, though he acknowledged that the myth persists due to the lower graduation rates for football and men's basketball. In response to the perceptions that athletes took easy courses or completed easy majors (so-called 'clustering'), Brand admitted there was some evidence for these claims, but he directed the criticism at its proper source of responsibility: the faculty who have the authority to approve courses and majors in the academic curriculum and assign grades. As a former faculty member, he was a credible insider critic.

In Brand's 2006 State of the Association Centennial address, Brand did not give any attention to the educational value of IA. He described first axioms that should guide IA: the acquisition of a college education and realization of full academic potential, compliance with NCAA rules that engender fairness of competition, commercial practices that do not detract from the academic opportunities, business activity that is guided by the values of higher education, and a commitment to the ideal of a meritocracy (Brand, 2006a). Brand's preoccupation in his address was the increasing threat that commercial realities of IA posed to the educational opportunities of

student-athletes. To make the case that IA can be conceptualized as an educational activity itself would temper the threat and lead faculty and academic administrators to embrace IA's academic value within a university's mission and more willingly accept its financial support by the university's general fund. This is what Brand tried to accomplish in his 2006 article.

Section II: Brand's Integrated Ideal of Intercollegiate Athletics

In his 2006 article "The Role and Value of Intercollegiate Athletics in Universities," Brand finally gave his full attention to how IA can be *integrated* with the academic mission of the university, rather than merely align with it, such as developing virtues like hard work, commitment toward a common goal, and respect for others or, more minimally, not detract from it, such as by improving graduation rates (Brand, 2006b). That Brand produced a scholarly article amid his responsibilities as the President of the NCAA was remarkable, and he would refer to his fundamental critique of faculty attitudes toward IA in later articles and talks.[3] For Brand, *integration* was the goal and ideal, combining IA with academic study to create a unified educational experience. His appeal to 'integration' hearkened back to the beginning of the NCAA's mission in the early 20th century, referenced in his penultimate annual State of the NCAA speech where "intercollegiate athletics are to be an *integral* part of higher education and the student-athlete an *integral* part of the student body" (Brand, 2008a, p. 1, emphasis is mine).

Brand's focus and audience in the article were specific. His purpose was not to defend the *organization* or *system* of delivering IA from long-standing criticisms and critics, though he claimed many of the criticisms were false or exaggerated and others were being rectified by new reforms. Rather, his principal purpose was to explain how IA "has the potential to contribute far more to the academic enterprise than it does currently" (Brand, 2006b, p. 9). Brand's targeted audience was the very same group whose misperceptions prevented IA from being properly understood: the faculty and the academy at large.

To explain his 'integrated' view of IA, Brand first described what he characterized as the 'standard' view. Held primarily by faculty and academic administrators, the Standard View of IA is that it is not part of the academic and educational mission of universities; rather, it is extracurricular, and its elimination would not detract from the university mission. Universities are devoted to the discovery and dissemination of knowledge and the different disciplinary methods of knowing, and students are to learn the content of areas in academic disciplines and develop cognitive skills to understand and apply them, such as analytical reading skills, written and oral communication, and critical thinking. IA might develop worthwhile virtues such as hard work, persistence, teamwork, and leadership, but its elimination would not detract from the educational mission and would, in fact, strengthen it by removing an unnecessary distraction. IA is no more related to the educational mission than activities of student clubs or Greek life.

Brand's first reaction to the Standard View was to bring out the bias against the educational value of IA by comparing the academic standing of musical performance to the non-academic standing of athletic performance. He identified three types of relevant similarities between music performance majors and IAs that exposed the academic bias against IA—shared experiences, demonstration of 'practical' skills through performance, and the development of similar values or character virtues. First, he identified student experiences that athletes and performing art students have in common to demonstrate that there are no substantive differences between them: students must be accomplished for a highly competitive admission process; some with exceptional talent are admitted even with below normal qualifications; there are auditions (in the case of athletics, coaches watch athletic competitions or athlete videos); there are many hours of practice, in and out of class, that are year round; there are public performances; students formally represent the university; there are ambitions for professional careers that are highly competitive; and, based on the amount of time spent together on and off campus, students form much stronger bonds with their performance instructors and coaches than with typical faculty. Second, unlike the study of physics or philosophy, Brand described IA and the performing arts as exhibiting not only factual knowledge or theoretical understanding but the demonstration of knowledge or understanding through action or *praxis*. This distinction between theoretical and practical knowing was described by Gilbert Ryle as the difference between knowing 'that' and knowing 'how'. For example, music students gain both knowing 'that' through music theory and history and knowing 'how' through practice and public performances. The same is true for intercollegiate athletes. They understand concepts of technique and strategy and perform or exhibit them in practice and competition. Finally, Brand identified various character virtues that are inherent to the ideal of athletic participation, such as "striving for excellence, perseverance, resilience, hard work, respect for others, sportsmanship and civility, and losing and winning with grace" (Brand, 2006b, p. 17). Many of these virtues are cultivated in the performing arts and are an important part of the character or whole-person development of students. Brand concluded his analogy by stating, "given this convergence, it might be expected that the student-athlete experience and that of students in the performing arts would have similar academic standing, but that is not the case" (Brand, 2006b, p. 11).

For Brand, the principal reason for this disparate treatment is that what has counted as legitimate 'academic' study has traditionally been limited to purely intellectual or cognitive skills, not physical skills or skills of physical movement. Legitimate academic activity involves learning factual content in disciplines, methodological ways of thinking, and the development of the necessary cognitive skill to demonstrate these, such as reading, writing, critical thinking, and conducting research. Brand stated, "for the most part, faculty members hold intellectual powers in higher esteem then they do bodily abilities. Put provocatively, the American academy is prejudiced against the body" (Brand, 2006b, p. 14).

Brand's Integrated View of IA is based on the assumption that the development of physical skill is worthy of inclusion as part of a university education. Bias against the value of the display of skill through the body prevents such inclusion. The history

of academic tradition notwithstanding, why should the development of the body and skilled physical movement not be a legitimate academic activity of study and performance? Brand rightly noted that the purposes of a university education have become more practical over time. This reform orientation began in the mid-19th century with the founding of U.S. land grant universities devoted to practical know-how and new 'professional' majors, such as agriculture and engineering. So for Brand, while there had been a higher education tradition that values bodily skills leading to a vocational or non-liberal arts approach to university education, there is also an entrenched bias against bodily or physical skills, especially among liberal arts faculty.

Brand returned to his analogy to the performing arts to conclude his account of the Integrated View by noting that "although they [athletics] are not part of the liberal arts core, they play the same type of role as music and art and, perhaps, business and journalism" (Brand, 2006b, p. 17). In defense of his view, Brand alluded to Plato's educational ideal in his *Republic* of combining intellectual (musical) and physical (gymnastic) training to form a harmonious, integrated person and a complete political leader. And Brand pointed out that, unlike in the rest of the world, physical education has been an integral component of the United States' primary and secondary educational system and so should be assimilable as "a valuable part of the educational environment" (Brand, 2006b, p. 17) in higher education.

Brand emphasized that his defense of IA on the grounds of its development of physical skills, or what can be more precisely described as skills of physical movement, was different than the common educational defense of IA, which focused on the development of cognitive skills and habits that supported or transferred to academic learning, such as critical thinking and problem solving, where playing a sport well involves "observation, weighing alternatives, assessing probabilities, and hypothesizing solutions" (Brand, 2006b, p. 12). While Brand did acknowledge the truth of this perspective, his decided focus was on the academic bias toward cognitive skills and rejection of physical skill development as appropriate to university education.

Brand concluded his account of the Integrated View by drawing out some of its implications. He noted that given the relevant similarities between music and athletic performance, athletes should receive academic credit for participating in IAs. However, Brand resisted the implication that there should be majors in basketball or other sports, though he never explained the reasoning for his assertion. I address this issue in the next section. Reiterating the statement in his 2001 'Academics First' speech, Brand contended that Athletics and Schools of Music should have the same reporting line in the university's organizational chart and that directors of athletics should have a similar role as deans. He held that the director of athletics should report directly to the president and be part of the presidential cabinet, yet Brand's view here appears to contradict his own claim since deans report to academic vice presidents, not presidents, and Schools of Music are part of Academic Affairs. His view became more unclear when he, in the very same year, praised Vanderbilt University for its progressive decision to have its Director of Athletics report to the Vice President of Student Affairs to integrate athletics better into the university (Brand, 2006c, pp. 45-46).

Section III: Expanding Brand's Integrated Ideal

Brand's defense of the educational value of IA based on the similarities to the performing arts is compelling. He identified educationally relevant similarities between the two types of activities, especially the practical 'know how' skill of performing and the types of personal and social character virtues that these activities can develop. Those who have attempted to challenge the logical strength of the analogy have not made a persuasive case (Feezell, 2015). However, Brand's analogy would have been strengthened had he used dance performance, rather than music performance, as his primary comparison since it involves skill of physical or bodily movement that is a more comparable to athletics. Nevertheless, Brand unwittingly planted the theoretical seeds in his article that warrant having IA contribute directly to a new academic major and hence to better fulfill his desideratum that IA be as central to the academic mission as possible. As he rightly noted, there was a time in U.S. higher education when music and dance were not part of the academic curriculum, but academic attitudes evolved to establish these extracurricular and performance-oriented activities as legitimate academic majors. Brand pointed out that these new attitudes were part of 'practical' or 'pragmatic' educational reform movements that began in the United States in the mid-nineteenth century. He referred to this 'distinctly American' practical approach in U.S. universities, which he contrasted with the mostly theoretical and research-oriented German universities, yet "despite this practical, skill-oriented history of American higher education, the intellectual, cognitive approach prevails. In it, emphasis on bodily skills is inappropriate; indeed, it subverts the true aim of the university" (Brand, 2006b, p. 14).

So, despite the facts that (1) there are various relevant learning similarities between IA and performing arts; (2) former extracurricular 'performance' activities that include the practical demonstration of physical skills, such as music and dance, became bona fide academic majors; and (3) there has been a continuing and influential pragmatic curricular reform tradition in universities and colleges, Brand did not bring his arguments to their logical conclusion: IA should contribute to a new, first-of-its-kind Sport Performance or Competitive Sport major. I have extended Brand's argument to this logical terminus in my article "Turning Competitive Athletics Into a Performance Major Like Music" by describing the curricular requirements, program learning objectives, and advantages of this type of potential new major (Matz, 2020). Brand explicitly dismissed the notion of majoring in sports like basketball or other sports (Brand, 2006b), but his haste in doing so is unclear. He pointed out that only those physical activities that are 'artistic' and 'relate to high culture' are considered liberal arts, which is why ballet and classical music qualify, but football and rock-n-roll do not (Brand, 2006b). Given the context and tone, Brand appeared to be critical of these distinctions and so was not defending the academic status quo.

Similar to a Music Performance major where a specific performance focus—such as piano or percussion or saxophone or voice—is combined with a music-related curriculum, a Competitive Sport major would combine a 'performance' concentration in a particular NCAA or select Club sport with a sports-related curriculum.

Here, in Table 1, is one possible type of Competitive Sport curriculum with corresponding learning objectives[4]:

Table 1
Competitive Sport Curriculum and Learning Objectives

Required Courses	**Learning Objectives**
Intercollegiate or Club Sport (3 years)	Sport-specific Objectives
Principles of Exercise Physiology	
Nutrition and Metabolism	
Sport Analytics	
Sport Psychology	Critical Thinking
Global History of Sport	Written Communication
Legal & Policy Aspects of Sport	Oral Communication
Philosophy of Sport	Intercultural Understanding
Public Speaking	Teamwork & Leadership
Sport Management	Ethical Reasoning and Conduct
Principles of Coaching and Leadership	
Internship	
Integrative Capstone Project	

The sport-specific objectives would be defined by the coaching staff. The other learning objectives would be defined by faculty with input by the coaches. Several of these learning objectives could be addressed by both faculty and coaches. The program would be directed by a faculty member and administered in an academic unit. The establishment of such a Competitive Sport major would more fully realize Brand's long-held conviction that IA must be a part of the academic and educational mission of universities and colleges.

Aside from the analogical curricular frameworks that music performance and dance programs provide for a Competitive Sport major, Brand was also apparently unaware when writing his article of a contemporary pragmatic vision of liberal learning objectives that could have strengthened his case for the academic value of IA, one espoused by the preeminent national organization devoted to undergraduate liberal learning, the Association of American Colleges and Universities (AAC&U).[5] In collaboration with the business sector, community organizations, and university leaders, AAC&U has identified through its Liberal Education and America's Promise (LEAP) initiative essential learning outcomes for a 21st century liberal education. Among these outcomes are ones that Brand identified in IA: teamwork and problem solving, intercultural knowledge and competence, ethical reasoning and action, and integrative and applied learning.[6]

In an article that was the basis of what would be his last State of the NCAA annual address in 2009, Brand articulated his most elaborate description of a complete university education, but he did not realize that what he characterized as the "developmental aspects of character" as well as the purposes for this character development had already been conceptualized as academic learning outcomes and goals in AAC&U's pragmatic conception of liberal learning. Brand stated:

> The primary role of a university education is to create learning opportunities in academic disciplines, such as physics, psychology and philosophy. It is also designed for certain skill development, such as computer literacy and cultural understanding. But a complete university education goes beyond these areas; it also includes the development of character that enables one to be a successful adult, someone who is capable of having a good family life, who is a contributor to his or her community, and who is a productive citizen. These developmental aspects of character are taught through participation in athletics. There are, of course, other ways to learn character at the university. But, I contend, there is no better way than through athletics participation (2009a, pp. 6-7).

Here, Brand distinguished three types of educational experiences that universities ideally should formally foster: learning the content of an academic discipline, learning certain skills, and developing character virtues. The purposes of the latter are to become an effective member in private life, in one's community and as a citizen, goals that AAC&U also identified as essential to 21st century liberal learning.

Brand's argument for the academic value of IA can be extended even further. Playing an intercollegiate sport can plausibly be considered as a type of liberal art. Interestingly, Brand claimed that although IA can play the same type of educational role as music and art, it is "not part of the liberal-arts core" (Brand, 2006b, p. 17). From this statement, it appears that Brand believed that there was a relevant difference between types of performance-based physical skills, though he earlier appeared to criticize the academic distinction between high and low artistic forms. But here again, Brand did not realize the possibilities of his argument. Based on traditional understandings and the historically evolving pragmatic orientation of the liberal arts, the following reasons can justify reconceiving the playing of a competitive sport as a liberal art: it (1) liberates human powers of the body and displays its excellences or virtues; (2) creates profound opportunities for self-reflection and self-knowledge; (3) develops contemporary liberal arts skills such as teamwork and problem solving, intercultural competence, ethical reasoning and action, and integrative and applied learning; (4) provides a general condition of physical and mental health, which is useful for all kinds of specific occupations, *the* original meaning or criterion of the four liberal arts in Plato's ideal education in the *Republic*,[7]; and (5) contributes to the formation of a holistic, integrated person.[8] In his defense of IA as a type of performing art, Brand laid the foundation for these additional defenses of the educational value of IA, which would have fully satisfied his requirement that IA be integrated with the academic mission of the university.

Section IV: The Impact of the Organization IA on its Educational Value

During his NCAA Presidency, Brand spoke and wrote often on the increasing conflict between educational and commercial values, especially for highly commercialized athletics programs with football and basketball. This was the theme of what

would be his final 2009 State of the Association address, and it is revealing that he began his 2006 article by describing the detrimental effects of this problem before shifting his focus to the educational value of IA. Nonetheless, Brand's Integrated View of IA required much more examination of the educational harms that the organizational delivery of IA created, and I contend that he minimized the extent and intractability of the following problems due to both the commercialization of IA as well as professional ambitions of the key administrative stakeholders in IA, such as presidents, conference commissioners, directors of athletics, and coaches:

1. the amount of missed class due to IA
2. the required amount of time commitment to IA in and out of season
3. the hiring of coaches who do not genuinely value academic study and life of the intellect.

In his article "Faculty Members' Constructive Engagement in Intercollegiate Athletics," Brand acknowledged two regular faculty complaints about how IA conflicts with academics: the amount of class that student-athletes miss, which is much more than those who are musicians or debaters, and the burden placed on faculty to accommodate athletes, who might need to give student-athletes additional instructional time or to create separate assignments (Brand, 2007a, pp. 14-15). Rather than examine these problems and offer recommended remedies, Brand focused on defending missed class as a legitimate excused absence and the unfairness of faculty who penalize students due to the requirements of participation. However, the problem of missed class time raises the contentious issues of who has the authority to determine missed class policy and how much missed class is acceptable.

On the one hand, I agree with Brand that athletes should not be penalized academically for fulfilling their university IA obligations, and faculty should realize that there are legitimate institutional-level commitments that might sometimes conflict with their courses. However, why should IA and their conferences have the authority to dictate to faculty how much class student-athletes will miss, especially when the amount is extensive? In his 2005 State of the Association address, Brand stated "the academic integrity of an institution is primarily in the hands of the faculty. They create and approve the courses and curriculum, and *they set the standards for instruction*" (Brand, 2005, p. 4, emphasis is mine). The burden should be on athletic conferences and athletic programs to create competition schedules and an IA culture that absolutely minimizes the amount of time athletes miss class. For example, the athletic department at my mid-major D-1 institution, which does not have an IA football program, aspires to have students miss no more than 15% of any course in a semester, and most athletes do not approach that limit, though in some years some teams exceeded it. Why shouldn't the limit be 5 or 10%, and why shouldn't the authority to adopt a sensible limit be a result of a collaborative process involving the faculty, academic vice presidents, presidents, and directors of athletics?

Brand also never gave sufficient attention to the amount of IA athletic practice time in and out of season. This is a foundational issue for the healthy and sustainable

integration of IA with academic study, even if IA is embraced by the academy as an academic experience. The only significant mention of this issue by Brand that I could find was his Mondays with Myles episode "Aristotle's Golden Mean" (Brand, 2007b). Here, he stated that a limit of 20 hours per week in season seemed to be about the right amount between an extreme and a deficiency, the two poles that frame the Aristotelian mean to define a character virtue. But Brand gave no principled argument for this limit, e.g., by comparing IA participation to a half-time job or basing the amount on the typical 20-hour limit for student federal work study. Brand only noted that the 20-hour limit seemed too little for some critics and too much for other critics but left it at that. Moreover, Brand omitted key facts from his brief analysis. First, the 20-hour limit does not include other time that student-athletes need to commit to IA, such as treating injuries and travel time to competition. Additionally, the 20-hour limit is often de facto transgressed by athletes due to factors like the pressure they might feel from coaches or the program culture to improve or to earn more playing time.

Brand also gave too little attention to one of the most vital factors in the integration of IA with the academic mission: the academic orientation of coaches. When he did refer to coaching issues in his State of the Association speeches and elsewhere, Brand focused mostly on the lack of women and minority coaches in IA. His most elaborate discussion of coaches' orientation and responsibilities appeared to be his Mondays with Myles episode "Winning & Losing" (Brand, 2007c). Here, Brand described the importance of coaches as teachers and mentors who impart "life skill values" such as "seeking excellence, persistence, hard work, team work" (Brand, 2007c, p. 217). He stressed the ethical commitment that university athletic programs and coaches have to recruit athletes who are prepared enough to succeed academically and to provide proper academic support. He agreed with the interviewer that if academic success matters, more coaching contracts should be structured to reward team academic performance and not solely competitive success (Brand, 2007c, p. 220). Yet, Brand frankly acknowledged that in "the real world" (Brand, 2007c, p. 218), coaches get hired and fired to win, and he rejected the adage 'It's not whether you win or lose but how you play the game' since winning is, in fact, important, though it must be done in the right way (Brand, 2007c, p. 218).

However, the episode leaves one with the impression that Brand minimized what appears to be an intractable conflict between commercial interests and educational priorities, particularly at the highly commercialized IA programs. If a coach's win-loss record is what ultimately matters in hiring and firing, they are incentivized to recruit, above all, the most talented player, not one who will also be academically well-prepared or motivated by the enjoyment of academic study. And it will always be a temptation to risk getting caught for violating policies for competitive success, even for highly respected academic institutions. It is also telling that among the "life skill values" that Brand identified coaching imparts, he did not mention the value of the life of the mind. This is a conspicuous oversight since this would be an impactful way for coaches to integrate with the academic mission. In addition, when Brand talked about the necessity of coaches' commitment to academic success, he did not

describe the deeper levels of academic success that faculty generally recognize as paramount. For example, do coaches create an athletic culture that values the life of the intellect and academic study? Will they support players who want to miss practice to attend exam study sessions or intellectual activities on campus? Do they inspire their players to take demanding classes to challenge themselves intellectually? These questions are heightened by Brand's frank acknowledgment that coaches are hired to win since commercial success depends on it, and commercial success is necessary to subsidize IA, especially non-revenue generating sports.

I conclude with Brand's view of amateurism and its relationship to the educational mission of universities since his defense of amateurism was ultimately based on the educational value of IA and the amateur status of intercollegiate athletes is being challenged legally as never before in NCAA history. Unlike professional sports, Brand maintained that IA is ideally to be an educational complement of academic study and the campus educational experience. Brand thought it was a distinctive strength of U.S. universities that IA was part of the educational experience, unlike any other universities in the world. As a practical reality, he advocated that IA must be commercialized to finance itself, but the business enterprise of IA must always be conducted within the educational values and ethical integrity of the university. To professionalize IA is to misunderstand its fundamental educational purpose and direct it away from educational goals to making a living.

However, one can draw a different logical conclusion from his premises than Brand did. To professionalize IA by allowing athletes to profit from the use of what is now called their name, image and likeness (NIL) could give them a powerful real-world educational opportunity to learn about the business side of sports, and so professionalizing IA could better support educational goals. It is relevant to note in this regard that business is the most popular major for intercollegiate athletes.[9] So even if one grants Brand's questionable assumption that student-athletes are amateurs solely because their motivation to play is "for its own value, the feeling of pride in the competition itself" (Brand, 2003, p. 5) or "for the love of the game" (Brand, 2005, p. 10) or "as part of their overall education, not as professionals" (Brand, 2009, p. 4)—which distinguishes them from professional athletes—compensating them for the use of their name, image and likeness would nevertheless give them a real experiential learning opportunity.

One can also logically appeal to Brand's insistence on "fair and just action in intercollegiate athletics" (Brand, 2003, p. 6) to defend student-athlete payment not only for the use of their NIL but also for those few student-athletes who generate more revenue than the costs of their program. Brand opposed this option. In his "Why the Fairness Argument on Pay for Play Isn't a Fair Argument," Brand argued that it has always been true in IA that others involved in the IA enterprise besides the student-athletes have been paid. In reply to those who defend payment to those "few elite athletes in one of the two sports [football and basketball] at one of the dozen or less institutions that are "big time" enough to consistently generate more revenue than required to pay the bills" (Brand, 2008b), Brand countered that there would be the charge of unfairness by those athletes who are not getting paid and by those

whose non-revenue sports are supported by football and basketball. However, these arguments are not too persuasive since the former begs the question in its reliance on historical tradition, and the latter does not plausibly identify the alleged unfairness to others.

In the end, Brand used his faculty and university president experience to articulate a view of the educational value of IA that faculty and the academy could embrace as part of the academic mission. His view was both principled and pragmatic. Based on the documentary record, Brand never appeared to formulate a specific plan to promote intentional conversations at universities by presidents and faculty athletic representatives to gain acceptance of his Integrated View. Unless one read his 2006 article, there was not enough regular emphasis in his speeches, writings, and interviews on the educational value of IA to widen the exposure of his Integrated View. I am also unaware of any survey data of faculty perceptions on the educational value of IA and its relationship to institutional mission. The status of the impact of Brand's Integrated View on faculty attitudes about IA is thus difficult to assess. Nevertheless, as I have argued above, since Brand's educational ideal of IA can logically be extended to contribute to a Competitive Sport major, the establishment of such a major would directly connect IA with the academic mission, and the spread of such majors could have a significant impact on changing faculty perspectives on the legitimate place of IA in universities. At a momentous time in U.S. higher education when university priorities and budgets are under perhaps unprecedented scrutiny, Brand's insistence that IA must be integrated with the academic mission is more relevant than ever.

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Notes

1. Brand (2001).

2. While Brand's analysis of the educational value of IA applies to all NCAA divisions, his target audience is mostly Division I.

3. For example, see Brand (2007b) and https://www.hamilton.edu/news/story/ncaa-president-myles-brand-speaks-on-the-place-of-intercollegiate-athletics-in-american-culture

4. See Matz (2020).

5. Brand's lack of reference to AAC&U's liberal learning outcomes is intriguing since he was a member of the LEAP National Leadership Council and listed his 2006 participation in a CV.

6. See https://www.aacu.org/essential-learning-outcomes. AAC&U released its first version of the Liberal Education Outcomes in 2005, which were renamed Essential Learning Outcomes in its 2007 publication *College Learning for the New Global Century*.

7. While Brand invoked Plato's educational ideal of combining intellectual and physical training to defend his educational defense of IA, he did not appreciate other aspects of Plato's account of the value of physical training for the development of the intellect, e.g., Plato held that rigorous bodily or gymnastic training, which included athletic contests, developed the endurance and spiritedness (courage) needed to persist with the abstract and rigorous ruler education in mathematics, geometry, astronomy, and dialectic. See Plato, *The Republic*, 537b.

8. I develop this argument in an article that is scheduled to appear in the spring 2022 edition of *Liberal Education* titled "Playing Competitive Sport as a Liberal Art."

9. According to the NCAA's most recent data, 25% of student-athletes majored in Business in 2017-18. See https://www.ncaa.org/about/resources/research/division-i-diploma-dashboard

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Myles Brand's Collegiate Model and the Post-Amateurism World of College Sports

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Regrettably few philosophers today become public intellectuals in the manner of Plato or Socrates. Even fewer do so in the field of sport. But perhaps the most influential in the specific realm of college sports, was Myles Brand. Brand spent 15 years on philosophy faculties at the University of Pittsburgh, the University of Illinois at Chicago, and the University of Arizona before moving into the administrative ranks of universities across the country (mylesbrand.com, n.d.).

He was thrust into the national spotlight in 2000 when, as president of Indiana University, he fired Bob Knight, the legendary and tempestuous head men's basketball coach. Two years later, the National Collegiate Athletic Association (NCAA) hired him as president, the first such from a career other than athletic administration.

Brand led the organization for seven years before his untimely death from pancreatic cancer in 2009. He championed gender equity in sports and diversity in hiring practices. He brought about new measures to assess academic performance and penalize teams whose players did not keep up in the classroom. But a dozen years after his death, Brand's most significant legacy at the NCAA is a clear version of the ideals of what college athletics are and should be, and an attempt to use these ideals to drive policy decisions. He called this the "collegiate model." In his annual addresses at the NCAA convention and other public statements, the collegiate model evolved from a basic formulation of amateurism—with participation being its own reward—to a fully-realized framework embedding the purpose of sports in the purpose of higher education: providing educational experiences, contributing to campus community, engaging the broader public, and contributing to the university's social-justice mission.

In doing so, Brand drew on a century of rhetoric in college and Olympic sports about the idealism of amateur athletics. His contribution was to take elements of older arguments about how college sports were supposed to function and fit them into a coherent paradigm. That paradigm seems most useful for college leaders like Brand himself trying to understand the roles that sport plays on their campuses and the excesses that universities should seek to curb.

The collegiate model, and the century of debate about college sport that it seeks to make coherent, are based on both the limits of our ideals and aspirations about college sport amid the financial and commercial realities of how sport actually functions in the context of higher education and in American life. "Amateurism," which has been core to the NCAA's mission since the association's founding, was first championed by scholars and advocates in the late nineteenth and early twentieth centuries as the only means of teaching important life lessons through sport, while professional sports were deemed to be irredeemably corrupt. But the reality is that colleges have always used sports, especially big-time sports, as a means of telling institutional stories and connecting with constituents, be they fans, state legislators who control college purse strings, or tuition-paying students.

Brand sought to strip away the problematic aspects of the history of amateurism in his comments while NCAA president about the status of college athletes. He also tried to reconcile the innate conflict between offering sport as an educational opportunity and deploying teams for institutional interests. He never said it publicly, but in doing so Brand seems to be exhorting colleges to adhere to the second formulation of Immanuel Kant's categorical imperative, known to any philosophy student: One should always treat people as ends in themselves, not means to other ends (Kant, 1889). If athletes are treated more like students who happen to perform, perhaps like music students, then they can be shielded from the commercialism accompanying big-time sports (Brand, 2006a).

However, using athletics for institutional marketing has a very long history in higher education strategy. Oberlin College is an early example of how institutions use their athletic programs and facilities for prestige and illustrating their values (Horger, 1996). First opened as Oberlin Collegiate Institute in 1833, it also became the first coeducational institution by admitting women students in 1837 (Oberlin College, 2017). With women's enrollment surpassing men by 1900, Oberlin addressed concerns over men's lower enrollment and corresponding losses in prestige by building the Warner Gymnasium and promoting men's athleticism in 1902 (Horger, 1996).

Thus, the purpose of this paper is threefold, presented here in order: To present the theoretical antecedents of the collegiate model in the histories of both sport and higher education. Second, to articulate the definition of the collegiate model of sport as Brand presented it iteratively in public comments. Third, and finally, is to situate the relevance of the collegiate model as a policy prescription in twenty-first century college sports. The commercialization of college sports that has defined today's moment was primed to accelerate during Brand's tenure at the NCAA. His philosophical approach to defining the collegiate model was not enough to stem the tide of athletic departments turning into juggernauts when it comes to raising and spending money. That process has cast a cold light on amateurism and what it means for athletes today. While the courts and Congress for generations accepted that amateurism was foundational to college sports, judges and legislatures are now affirming that college athletes have economic agency, as they pursue their extracurricular and student interests.

Background

Sports emerged on college campuses in the second half of the nineteenth century and became the subject of intense interest both among participants and spectators. Originally organized and led by students, such as the Harvard and Yale boat clubs that participated in the first intercollegiate contest in 1852 at Lake Winnepesaukee, New Hampshire, alumni also became involved as managers of sports teams on many campuses, raising funds and even hiring coaches (Bernstein, 2001; Durick, 1988; Watterson, 2020; Whiton, 1901). In the 1880s and 1890s, faculty asserted control over sports at Harvard and elsewhere, but by the turn of the century, sport was largely under the purview of university administrators. More specifically, it was outside of the faculty and others involved in academic affairs. At the same time, football games and other sports attracted crowds of students and other supporters alike, providing an income stream and platforms for colleges to connect to their alumni and other stakeholders through games in big cities and the construction of immense stadia on campus (Smith, 2008; Watterson, 2020).

The Collegiate Ideal

At the same time, colleges and universities began to look for more ways to recruit students as the number of institutions expanded. Among the values of this early expansion were the reliance on the ways that a college was a "large family, sleeping, eating, studying, and worshipping together under one roof" (Rudolph, 1990, p. 88). Attending college took on more than just the training for the elite as it expanded into disciplines such as chemistry in preparation for professions such as medicine and teaching.

The extracurriculum took on new importance. By the 1920s "fraternities and social clubs, theater groups, newspapers, and magazines, all of these various enterprises not only allowed young undergraduates to emulate and prepare for life, but also provided them with experiences that they knew to be profoundly human" (Rudolph, 1990, p. 464). Athletic teams, including college football, were "a response to the sterility of the curriculum" in the collegiate era, and in the university era become "competition for the one-sided intellectuality and the overwhelming impersonality of the official scheme of things" (Rudolph, 1990, p. 464).

According to the higher education historian Frederick Rudolph, the extracurriculum "played a major role in sustaining collegiate values" particularly as smaller colleges grew into universities. Clubs, teams, and other activities took on the function of "an agency of the collegiate emphasis on fellowship, character, on well roundedness, and as such, it was a powerful instrument during the period of the 1920s in bringing the university ideal into accommodation with the collegiate ideal" (Rudolph, 1990, p. 464). The collegiate ideal emerged as a critical frame for understanding higher education, where academic life and campus life share equal importance in developing a culture and set of mores for students to carry into later life.

The Roots of Amateurism

If the extracurriculum functions as a locus of collegiate values, nothing is a clearer example than the value of amateurism, which became closely associated with college sport. As collegiate sports like track, football, and basketball were formalized at the turn of the century, college leaders espoused a paradigm of sports that drew on three intellectual traditions popular at the time:

1. The Olympic movement, which was claimed to be based on classic Greek ideals of sport
2. The tradition of "Muscular Christianity" popularized in upper-class Protestant circles
3. The belief that play was an important psychosocial developmental activity for both children and adults.

The Olympic Movement

During this time period, an explicitly class-based movement in sports took place on both sides of the Atlantic. Baron Pierre de Coubertin convened a conference of sporting leaders in Europe and America who co-opted the name and some characteristics of the Olympic Games of classic Greece to launch a new movement in 1896 (although the Greeks themselves had revived the Olympics some years earlier) (Young, 1984). Coubertin wrote that organized sport was a "canker" that inevitably led to corruption and unsportsmanlike conduct in pursuit of victory, but that the Olympics would invite only gentleman as representatives of their own countries, thus counteracting any impulse to cheat in pursuit of victory (Coubertin, 1908). He was inspired in part by Sir John Pentland Mahaffy, a classics scholar at Trinity College in Dublin, Ireland, who traveled in Greece in the 1870s and wrote both about the revival of the Olympics among the Greeks as well as about what he and Coubertin believed to be a distinction between amateur and professional athletics in ancient times. Wrote Mahaffy:

> The term "*athletic* was used by the Greeks for that professional development which they reprehended as the exaggeration of the older *gymnastic*, with its accompaniment of public games at which the contests were amateur performances, and which were for centuries the glory and pride of Greece (Mahaffy, 1879, p. 63).

The Olympic proposition took root in the nascent NCAA, which was founded in 1906. In an address to the NCAA's annual convention in 1910, R. Tait McKenzie of the University of Pennsylvania applied the Greek term *aidos* to amateur sport, defining it as the "spirit that should actuate the gentleman amateur," in particular the "scrupulous respect for personal honor and fairness that would make a team elect to risk a probable defeat rather than win through the services of those who do not come within the spirit of a gentleman's agreement" (Mckenzie, 1911, p. 79). This spirit, McKenzie argued, underlaid the ancient Greek ethos of sport competition that culminated in the Olympic Games. It flourished when sport was idealized, but waned as competition became an end in itself rather than a means to the practice of gentlemanly ideals. The Olympic era ended, on McKenzie's account, when sport fell out of

favor with "the better class of Greeks, who refused to compete with those they considered their social inferiors" (pp. 81-82). McKenzie called on educators to embrace the classical, amateur ideal of sport to promote "honorable and manly competition" as a national norm for the country, "for it is on the two great Anglo-Saxon races that the spirit of competitive sport has descended from the Greeks" (pp. 79-80).

More broadly, modern scholars agree that the interpretation of Olympic athletics as amateur in the Victorian tradition is completely wrong. Mahaffy misconstrues the Greek words he labels "gymnastic" and "athletic," according to Young (1984), and fundamentally misunderstands the character of Greek competitions, including the Olympics. While the Olympics and other tournaments were religious ceremonies, victors in them were rewarded lavishly, and also competed for pay in a variety of other games (Dombrowski, 2009). Moreover, while Mahaffy and McKenzie state that Greek athletics became corrupted when common men began competing and athletes trained specifically for their sports, instead of merely competing as a leisure activity, Young (1984) and Dombrowski (2009) make clear that athletics were extremely serious from the outset. Young is clear in our erroneous assessment of early amateurism and Greek competition: "From Homer on, the concept of amateurism in any sense is wholly foreign, often even antithetical to the nature and vocabulary of Greek athletics" (Young, 1984, p. 164). Young (1984) goes on to assert, "whether or not ancient athletes accepted money for their agonistic achievements has not to do with their nobility or integrity of character" (p. 165). So the path from prizes and pay to corruption is nothing like what the founders of amateur sport would have us believe.

Muscular Christianity

As college and Olympic sports were coming into being, another, related movement found footing in American culture and particularly in higher education: "Muscular Christianity," as it has come to be known, was a set of beliefs that prioritized physical activity as a means of transmitting moral lessons of hard work and perseverance while also keeping the Anglo-Saxon race strong enough to withstand incursions by others.

Muscular Christianity was a response to early nineteenth-century asceticism, Calvinist suspicion of idle activity, and the rise of women in Protestant church membership. It is important to note that, while exclusive to Protestant males, advocates for "the strenuous life" pronounced it beneficial to all men, not just a favored few of elite physique. Without exercise and the development of fortitude, any man would succumb to mediocrity and dissolution (Putney, 2001). A generation of evangelical coaches like Amos Alonzo Stagg at the University of Chicago used their teams as a platform to preach their views about manhood and how sport could be used for moral education for men (Ladd & Mathisen, 1999).

While unpaid amateurism was not a specific tenet within the Muscular Christianity movement, the idea that professional athletes would not receive the same moral development seemed to be a common assumption. Stagg, for example, wrote that he turned down several offers to play professional baseball because of his concerns about pro sports (Berg, 1996; Stagg & Stout, 1927). Proponents of Muscular

Christianity were particularly enamored with football because they believed rough play—albeit only within the limits of amateur sportsmanship—could develop manhood (Moore, 2015).

Sports and Personal Development through Play

The third justification for educational sport offered a somewhat more specific justification for amateurism: preserving the "play impulse." A more secular version of moral development through sport espoused by Muscular Christianity, this turn-of-the-century concept posited that individuals learned from the "play impulse," or low-stakes competition that would allow students to develop skills and ways of thinking and moving (Crowley, 2006). Participating in amateur sports would indulge this play impulse and allow students to develop the desired skills and attributes. Participating in sports for any kind of pay would not, and on this basis the NCAA built up its elaborate code of amateurism.

"The purpose of play, then, viewed as a biological process, is to prepare for life and to furnish a medium for the realization of life," wrote Carl E. Seashore (1910, p. 510). Sport, then could be harnessed in service of this play impulse, preparing participants for the challenges of life. This same concept has been embraced by the service academies. A plaque at West Point proclaims "Upon the fields of friendly strife are sown the seeds that, upon other fields, on other days, will bear the fruits of victory" (U.S. Military Academy, n.d.).

These three strands--arguments that professional sports corrupted the Greeks, the Muscular Christian idea of amateur sport providing a platform for moral education, and the "play impulse" belief that amateur sport provided a space for rehearsing actions for later life—all contributed to the NCAA's principle of amateurism. That principle, which is recorded in the association's Bylaw 2.9 is that:

> Student-athletes shall be amateurs in an intercollegiate sport, and their participation should be motivated primarily by education and by the physical, mental and social benefits to be derived. Student participation in intercollegiate athletics is an avocation, and student-athletes should be protected from exploitation by professional and commercial enterprises (National Collegiate Athletic Association, n.d.).

However, there are two basic flaws in this line of thinking. First, as Crowley (2006) notes, the logical conclusion is that participation in sport ought to be a requirement for the entire student body and not merely for the elite athletes competing on football and baseball teams. However, broad participation was never a principle or goal for the NCAA (Crowley, 2006).

More broadly, the psychiatrists and theorists who advocated for moral development through sport participation never actually explained the mechanism by which suiting up on the football field, or building strength and skill through basketball practice, translated to character development. Nor did they offer any evidence of how it was supposed to work. Instead, they cited anecdotes of athletes and built arguments based on religious sources, in the case of Muscular Christianity and the play impulse, or on selective readings of classic Greek culture. No mechanism has

ever been offered for how physical, mental, and social benefits are conveyed through sport. This is not to say that such benefits do not accrue through participation, but that researchers and practitioners have never answered the basic questions of how? How much? And how much is possible only through sports?

Finally, it is worth noting that to varying degrees, all three of these justifications for amateur sport were explicitly exclusionary toward all but upper-class white male college students. The Olympic ideal excluded professionals as tradespeople who could not receive the intellectual and moral benefits of sport (Young, 1984). Muscular Christianity was explicitly intended to elevate Anglo-Saxon Protestants against cultures of the Mediterranean, Africa, and other potential enemies (Putney, 2001). And the play impulse had its roots and highest meaning in the context of Christianity (Seashore, 1910). Sport remains virtually alone (with Greek systems on some campuses) as sex-segregated activities at colleges and universities. College sport has an even more complicated relationship with race: while a handful of Black, Latino, and Native American athletes participated in football and other sports from the earliest days of competition, southern colleges maintained segregated teams into the 1970s and in many cases refused to allow their teams to compete against integrated teams from northern institutions (Hoberman, 1997; Needham, 1905). That changed as college coaches realized that a significant number of Black football and men's and women's basketball players could be dominant at the top levels of collegiate competition (Hoberman, 1997).

The Implications of Amateurism

Despite the questionable motives behind these theories and the lack of empirical evidence for them, leaders in college sports continued to espouse the benefits of amateur college sports to participants. However, the NCAA endured decades of conflict between different conferences and members about what was permissible for colleges to offer athletes, and in particular continued scandals about athletes being paid under the table ("subsidized," in the language of the day). In a 1929 report for the Carnegie Commission, Howard J. Savage wrote that "Subsidies for athletic participation are among the first fruits of commercialism. As one bad apple will rot a barrel, so one subsidized athlete will corrupt a school" (Savage et al., 1929, p. 128).

The solutions that evolved were for colleges to provide "legitimate" benefits that were considered uniform across a group of colleges, such that no institution could gain an unfair advantage through providing more compensation. The goal of a "level playing field" in recruiting athletes became bedrock to NCAA rules that exist to this day.

But benefits took different forms. The Big Ten Conference allowed college boosters and others to provide jobs to athletes, some of which were sinecures allowing plenty of time for training (Watterson, 2020). The Southeastern Conference permitted colleges to subsidize education. The NCAA decided that the latter was preferable, permitting colleges to offer educational and living expenses prior to the 1950s, then four-year scholarships in 1957 (Staurowsky & Sack, 2005). Starting in 1952, NCAA policies increasingly permitted institutions to offer athletic aid and

eliminated need-based requirements. By 1957, the NCAA defined educational expenses as "tuition and fees, room and board, books, and $15 per month for laundry" (Sack & Staurowsky, 1998, p. 47). The NCAA and its members continuously insisted that such educational benefits did not constitute pay and thus did not make athletes employees. Instead, they were students rewarded for the merit they demonstrated as amateurs. It also constrained the costs of recruiting teams of athletes for institutions. The number of scholarships available for each team changed over time, with some sports restricted to only offering a full scholarship to an athlete and others being allowed to divide scholarship funds among a larger number of students.

Over the course of the NCAA's history, its members and apologists made the case that the value of an education, as covered by an athletic scholarship, was reward enough for athletes. Most did not couch it in quite these terms, but the implication was that the education received was compensation for athletes. When the Rev. Theodore M. Hesburgh became president of the University of Notre Dame, he knew that football was inextricably tied to Notre Dame's institutional image, and he did not hesitate to leverage the team's notoriety for institutional benefit. Notre Dame fought the NCAA for its own television deal in the early 1950s, with Hesburgh stating that "television can further widespread public interest in collegiate football, and, what is more important, can promote greater public interest in the educational institutions of which the teams are just one dramatic aspect" (Associated Press, 1953). Notre Dame eventually backed down when the association took steps to expel members who refused to abide by a national contract (Dunnavant, 2004).

In 1949 Hesburgh declared in an address at Notre Dame's football banquet that the sport was not an end in itself, something to be pursued for its own sake, but a means to teach the values of teamwork, cooperation, adaptability to circumstance, and the courage to commit to a game plan (Hesburgh, 1949). In a 1951 essay summarizing the just-past season, he painted a portrait of a football player—young, strong, intelligent; "a person, the son of a father and a mother, somebody's brother" (Hesburgh, 1951, p. 2). He used this to argue players ought to be educated "by developing their heart and spirit than by merely training their reflexes" (p. 4). Here and elsewhere, he implied that there is a covenant between the university and the player—that in exchange for their hard efforts on the field, the university should provide them with the character development they will need for later life. A win-at-all costs mentality will not provide this; nor will it do to

> . . . buy a player and then ask him to pose as an amateur for a school; certainly, it is bad to ask a player to exemplify a school's spirit, while preventing him from getting a real education by excessive practice in extra-seasonal activities (Hesburgh, 1951, pp. 4-5).

Hesburgh's work set the stage for periodic "reform" efforts in college sports. Most of these were not directed at the athletes themselves, but instead aimed at the institution—the athletic departments and their stakeholders. Over the course of the 1970s and 1980s, boosters at a number of colleges were accused of paying athletes under the table; the most notable, Southern Methodist University, received the NCAA's death penalty in 1987, vacating a season's record and canceling another. Programs also came under fire for allowing athletes to get by with minimum aca-

demic achievement, culminating in the spectacle of Dexter Manley, an NFL player, admitting during a Senate hearing that he had never learned to read, neither in school in Houston nor in college at Oklahoma State University (Friend, 1989). As a result, the NCAA instituted controversial academic standards and an independent panel, the Knight Commission on Intercollegiate Athletics, released a report titled "Keeping Faith with the Student-Athlete" that called on colleges to operate with the principles of presidential control of athletics to ensure academic integrity and financial prudence, with an NCAA certification process intended to monitor all three (Knight Commission on Intercollegiate Athletics, 1991). Strikingly, the report does not even include the word "amateur" or discuss pay for athletes; instead it focused on the danger of athletes being "exploited" by their universities in the pursuit of institutional revenue, as the NCAA warns of in its principle of amateurism.

But not everyone was as idealistic about amateurism. In his memoir, former NCAA director Walter Byers questioned all that he had been defending for the majority of his tenure as Executive Director of the NCAA. "We're in a situation where we, the colleges, say it's improper for athletes to get, for example, a new car," he told the Associated Press. "Well, is that morally wrong? Or is it wrong because we say it's wrong?" (Kirshenbaum, 1984).

In a memo to the NCAA's leadership, Byers wrote:

> I earnestly hope that the membership does not take a righteous stand in favor of old-time amateur principles for the athletes, but modern-day commercial involvement for coaches and institutions, and somehow expect a relatively small NCAA enforcement crew to keep the situation clean (Byers & Hammer, 1997, p. 13).

It was his position that colleges were exploiting athletes' talents, and that athletes "deserved the same access to the free market as the coaches enjoyed" (Byers & Hammer, 1997, p. 13).

Byers was writing at a pivotal moment in the commercial evolution of college sports. In 1984, colleges won the right to negotiate their own football television contracts when the U.S. Supreme Court ruled that television products were a commercial product and thus subject to antitrust laws (*National Collegiate Athletic Association v. Board of Regents of Univs. Of Okla. And Ga.*, 1984).[1]

Following the *Regents* decision, colleges began negotiating new and highly lucrative contracts to broadcast football games. A group of high-profile institutions first banded together as the College Football Association, but then Notre Dame and the Southeastern Conference broke away to sign their own deals in the early 1990s (Dunnavant, 2004). One by one, leagues took to the marketplace as the NCAA itself began negotiating higher and higher prices for the Division I men's basketball tournament, "March Madness."

Amateurism and the Collegiate Ideal

As college sports and the concept of amateurism evolved over the course of the twentieth century, so did a paradigm of the extracurriculum, the framing of undergraduate education where academic life and campus life share equal importance and are deeply connected to a sense of place (Toma & Kezar, 1999). A campus is more

than just the classrooms and its libraries, it is also the interactions and extracurricular aspects where learning occurs in the social spaces throughout a campus (Fish et al., 2016). From the faculty, to peers, to the librarians, and advisors and staff throughout residence halls, career services, and clubs or student government, the collegiate ideal represents all the learning that occurs on a college campus and in the extracurriculum (Toma, 2003).

Although not dependent on college varsity programs, the collegiate ideal leverages both highly visible and less visible sports. Spectator sports with their high visibility, larger crowds, and attention beyond campus are an outlet for institutional enthusiasm, a vehicle for institutional identity, and a tool for institutional appetite (Toma, 2003; Toma & Kezar, 1999).

The educational values of the collegiate ideal and the community spectacle of sports are held in tandem with the amateur values of varsity sports. Despite the highly visible, commercial, and professional characteristics of the growing athletic enterprise, women's sports and non-revenue men's sports have become increasingly professional and commercialized while also being held up as more representative of the amateur ideal (Hoffman, 2020; Hoffman et al., 2009).

Thus, the collegiate ideal incorporates amateurism into the broader context of the ineffable, idealistic vision of American higher education. While espousing this ideal, however, college leaders also presided over conferences, athletic departments, and the NCAA itself chasing ever-greater television contracts and stadium revenue to fund their expanding program demands, in addition to dealing with ethical challenges such as bribing recruits and providing athletes with sub-par academic experiences.

In 1997, the NCAA restructured its governance such that instead of a massive convention with each member getting a vote on rules changes, the three divisions voted on separate rules for themselves (Calvin et al., 2019). In Division I, a set of committees consisting of coaches and administrators voted on changes to the rulebook, with a council of presidents—following the Knight Commission's recommendation—getting the final say. Following the terms of Richard Schultz and Cedric Dempsey as executive directors, the NCAA sought a president, and the people who made that decision were themselves college presidents, and so chose one of their own.

Myles Brand and the Collegiate Model

The NCAA and the public narrative over college sports was well suited to the message of a philosopher and president who had stood up to an abusive coach. The selection of Myles Brand as NCAA president satisfied three priorities of the NCAA in 2003:

1. Maintaining amateurism as a guiding principle
2. Generate revenue sources to fund athletic programs
3. Hold those to account who violate rules over these practices

In his annual "State of the Association" speeches, Brand presented an itera-

tive definition of what he called the "collegiate model" of sports, as contrasted with a "professional model." Perhaps unsurprisingly, given Brand's background, the speeches take the form of philosophical theory-building. And given the audience for the "State of the Association"—college presidents, athletic directors, and a handful of media—it also is unsurprising that the model Brand presents is primarily a model for how athletic programs ought to operate, rather than a model for the life and career of athletes themselves. Furthermore, the collegiate model as Brand conceptualized it as president of the NCAA, leans on his strength as a public intellectual. He raised the collegiate model as a foundation, a set of values, to frame policy, rather than a practical strategy to guide financial or structural policy change.

In his first State of the Association speech in 2003, shortly after taking office, Brand defined amateurism in the sense "most often understood by the general public" as possessing the "sense of the game for its own value, the feeling of pride in the competition itself, the recognition for local champions" (Brand, 2003, p. 5). The following year, Brand presented a "values-based vision of intercollegiate athletics," with his definitions of the professional and collegiate models (Brand, 2004).

The professional model, on Brand's account, is profit-based, and participants comprise a paid labor force. Teams are loosely tethered to their communities. Brand says he does not disparage this model, but that it is not the appropriate paradigm for college sports. This argument, that distinguishing college sports from professional sports with amateur and student status, draws on Stevens' opinion in *Board of Regents v. NCAA* which stated that college football television is a distinct product from professional football because of its "unique blend of high-quality athleticism, amateurism, and academic tradition" (Porto, 2012, p. 51).

Instead, the collegiate model is based on education, with participants being students and teams attached to institutions. Brand identifies the key threat as being the "cultural deterioration of fundamental relationship [sic] between college sports and the college campus" in favor of a drift toward professionalism, with athletics programs looking and behaving like freestanding enterprises (Brand, 2004, p. 6). This formulation defines the main purpose of the NCAA: to be the "means by which cooperative action is undertaken in support of the collegiate model" (Brand, 2004, p. 7).

In 2005, Brand stated that to some unidentified critics, amateurism "means athletics on the cheap," that if college athletics were truly amateur, then athletes would be wearing old uniforms and riding buses (Brand, 2005, p. 5). Instead, he said, as long as athletes are *bona fide* students coming to college to get an education, athletics programs could take advantage of whatever resources they had, including television royalties and shoe contracts, to provide amenities to athletes. In a contemporaneous conversation with the editorial board of *The Chronicle of Higher Education,* Brand said he believed that if college athletes were paid, college sports would turn into a "cheap minor league" and lose their appeal to the public (personal communication, M. Brand, May 2004).

Brand built on these points in his 2006 address commemorating the NCAA's

centennial. He stated forthrightly that the bedrock principles of the collegiate model were that athletes were students, not employees, and that athletics programs were "embedded, [are] part of, the university" (Brand, 2006b, p. 7). This follows the Knight Commission on Intercollegiate Athletics' assertion that presidents had to maintain control of athletic programs to ensure their congruence with the educational mission of their institutions (Knight Commission on Intercollegiate Athletics, 1991).

He also challenged the contention that amateurism has its roots in a classist distinction to prevent nineteenth-century college athletes, a minority of the well-to-do, from having to compete against professional athletes. That history, and its association with British universities, was irrelevant to America, he said. As noted before, this does not take into account the explicit class- and race-based arguments made in favor of American amateurism early in the century.

Two years later, Brand began to build out the idea of what athletics in support of education meant. Participating in sports allowed for learning opportunities outside the classroom, developing attitudes and "life plans," and "internalizing the values necessary for happy and fulfilling lives" (Brand, 2007a). Among these values were the drive to pursue excellence, the ability to lead and follow, sportsmanship, commitment to focus and hard work, persistence, and knowing the importance of team and group. As students in classrooms receive skills and information through study, athletes receive these traits and values through practice and competition.

In his final State of the Association address, in 2009, Brand developed these ideas further. Amateur does not mean mediocre, nor does it mean to limit athletics to those who do not need the money, but instead it means that athletes are students first and foremost and thus unpaid (Brand, 2009). He also made his strongest statements yet on the need to prevent athletes from making money, commenting that "NCAA rules are mostly designed to regulate student-athletes" (Brand, 2009, p. 5). Receiving any kind of payment from a university or from endorsing products was *verboten* for athletes, but most of Brand's attention was focused on colleges themselves not exploiting athletes by requiring them to endorse products. He drew a distinction: marketing teams or universities did not exploit those athletes but putting the face of an athlete on a billboard would, whether or not she was paid.

In sum, across his years at the NCAA, Brand built an argument for the value and validity of college athletics based on two basic principles: athletes were students—not employees—and athletic programs were part of higher-education institutions. Neither principle is original. Brand's predecessor Walter Byers asserts in his memoir that the NCAA promulgated the term "student-athlete" in the 1950s to prevent courts from classifying athletes as employees and thus subject to workers' compensation laws (Byers & Hammer, 1995). The Knight Commission argued for presidential control over intercollegiate athletics, including in particular its budgeting. But Brand integrated these premises into a systematic vision within which college athletics could operate.

However, his two basic principles beg the same question that classic explanations of amateurism did: why should not athletes, even student-athletes, be paid? How would the ways we define and view compensation change or damage the ath-

lete's experience?

In 2008, Brand and the NCAA pitched the *Huffington Post* on the idea of the president writing a blog for them. In a series of posts, he developed two arguments against paying athletes (which he shortened to "pay for play"). In one post, he provides the "capitalist" argument: Athletes produce the labor that goes into college sports, so of course they should be paid (Brand, 2008a). Brand answers this by saying that colleges are not operating in a capitalistic environment: They are non-profit organizations maximizing educational opportunities for all students, and programs that drive revenue (i.e., from tuition and state investment) subsidize others that do not. Therefore, college football and men's basketball may be the only sports that can generate revenue in excess of expenses, but that revenue is needed for all of the other expenses not only for those teams but for other athletic programs, ones that do not generate revenue.

In a second post, he presents the "fairness" argument: Everyone else in college sports is making money, particularly high-profile coaches, so why should not athletes get a cut? Brand arrives at the same place as in the prior article by a similar path: Coaching salaries are set by the marketplace, and at the top levels of college sports, universities compete with professional teams for coaches (Brand, 2008b). There is no marketplace, however, for athlete salaries, because most teams make no money beyond the handful of big-time football and men's basketball programs. Therefore, "you can't correct what on the surface appears to be an inequity for a few . . . by creating a worse inequity for the majority" of athletes (Brand, 2008b).

Brand parses salary from compensation and points to external sources as the cause of escalating college football coaching salaries—outside earned income from apparel contracts, television contracts, speaking engagements, and the like. He further notes that among the total number of college coaches only a few in football garner total compensation that runs counter to the amateur ideals of collegiate sports. He affirms that the NCAA is unable to constrain salaries as a matter of policy. He notes the limits on the NCAA's legal authority to cap salaries and calls on campus leaders to wrestle with the question of coaching and market forces.

When discussing coaching salaries and athlete pay, Brand reaffirms amateurism and the distinction it makes between coaches and athletes: Coaches are employees and athletes are students. In an installment from his "Mondays With Myles" podcast series, he notes,

> I don't think (coaching salaries are) related at all to whether we pay student athletes. That's a wholly different issue. We don't pay student athletes because they are students. And we don't pay English majors and we don't pay journalist [*sic*] majors and we don't pay those who participate in athletics. We just don't pay students. They're not employees. They're there to get an education (Brand, 2007b).

Notably, Brand never made the point that many others made about paying athletes: that athlete grants-in-aid, representing a "free education," were compensation enough (e.g., Dorfman, 2013). With tuition, board, books, and fees covered for athletes in some sports, not to mention professional-grade coaching, supplemen-

tary training, and sports medicine, athletes certainly get a lot of benefits. This fits with Brand's point about athletes and coaches being in different marketplaces, but it leaves out the reality that only a handful of athletes actually receive "full-ride" scholarships that cover all costs.

In another third missive for the *Huffington Post*, Brand appears to draw on the revenue theory of cost proposed by the economist Howard Bowen: Universities garner all the revenue they can and spend all the revenue they raise on their programs because they are motivated to make those programs better, not to make profits. In sports, athletic departments raise all the money they can for the best facilities and coaches to provide athletes a unique educational experience, not to compensate them with money. Athletes are the "object" of college sports, not "a human resource in the great business machine" (Brand, 2008c).

Legal Challenges to the NCAA's Collegiate Model

Brand was succeeded by another university president, Mark Emmert, who had led the University of Washington, Louisiana State University, and the University of Connecticut. Emmert almost immediately found himself on the defensive, both legally and culturally, about the NCAA's rules and the status they accorded athletes.

In 2006, a class of athletes led by former Stanford football player Jason White sued the NCAA, alleging that the association's limits on the value of a scholarship violated antitrust law by preventing athletes from receiving funds to cover the full cost of attendance (Baker III et al., 2011). Two years later, the association agreed to settle the lawsuit with payments to former athletes, and in 2015 allowed five leagues—the Atlantic Coast, Big Ten, Big 12, Pacific-Twelve, and the Southeast Conferences—the autonomy to set their own rules regarding financial benefit (Wolohan, 2017). All agreed to enhance the value of a 100% grant-in-aid to cover the full cost of attendance. While the lawsuit did not ultimately result in a legal finding about the NCAA's amateurism guidelines, it was the first in a series of rulings in which the courts called into question the NCAA's control over defining and deciding what is considered athlete compensation.

The next was a case brought by former UCLA basketball player Ed O'Bannon, who sued over the use of his name and statistics, which the NCAA had licensed to EA Sports to create the "NCAA Basketball" video game (Edelman, 2014). In that case, a district judge called for athletes to be paid an additional $5,000 per year for the rights to their names, images, and likenesses (NIL; Wolverton, 2016). An appellate court struck that down, but left in place the district court's finding that the NCAA's amateurism guidelines violated antitrust law (Good, 2016).

In the summer of 2021, the Supreme Court ruled in *NCAA v. Alston* that the NCAA could not restrict the kind or value of educational benefits colleges could provide to athletes. While the antitrust ruling was relatively narrow, the court expressed deep skepticism about all of the NCAA's restrictions on student aid. Writing for the majority, Justice Neal Gorsuch observed that "no one disputes that the NCAA's

restrictions *in fact* [emphasis in the original] decrease the compensation that student-athletes receive compared to what a competitive market could yield" (*NCAA v. Alston*, 2021, p. 14). Going further, Justice Brett Kavanaugh wrote a concurring opinion to "underscore that the NCAA's remaining compensation rules also raise serious questions under the antitrust laws" (p. 2). He stated that the NCAA's business model would be "flatly illegal" in most other industries, and that the NCAA "cannot avoid the consequences of price-fixing labor into the definition of the product" (pp. 3-4). In short, both the majority opinion and the concurrence invite and all but write a road map for athletes to continue chipping away at the NCAA's authority over amateurism in the courts.

Finally, also in the summer of 2021, a raft of state laws took effect allowing current athletes to seek what Ed O'Bannon wanted in retrospect: control and the ability to profit from the use of their NIL. California passed the first Fair Pay to Play Act in 2019 and a flood of states passed legislation in 2021, forcing the NCAA to abrogate its rules preventing athletes from profiting from their NIL rights (Hosick, 2021; McCann, 2021).

All of these challenges to the collegiate ideal came into force as the revenue coming into college sports increased literally exponentially as colleges signed new media deals and brought in more revenue from their stadiums in the years following Brand's passing. Those funds then were poured into new facilities, positions such as videographers and compliance staff, and salaries and severance pay for coaches and administrators. In 2007 the author Rick Bragg noted that the University of Alabama had paid Nick Saban "enough to burn a wet dog" to rescue the Crimson Tide football team, but his annual salary of $4 million that year was surpassed by 29 coaches in 2020 (Bragg, 2007; Casagrande, 2017; USA Today, n.d.). As Justice Kavanaugh put it in his concurring opinion, "Those enormous sums of money flow to seemingly everyone except the student-athlete" (*NCAA v. Alston*, 2021, p. 3).

According to the NCAA's Finances of Intercollegiate Athletics Database, universities with athletic programs in the Power Five (also known as autonomy) conferences of the ACC, Big 10, Big 12, Pac-12, and Southeastern Conference, generated $8.2 billion in 2019 (NCAA, n.d.). Of that, 56.4% ($4.6 billion) went to coaching and administrative salaries, severance pay, and facilities. Statistics like this complicate any argument by the NCAA that athletes should not be paid.

The Collegiate Model for the 21st Century

Myles Brand's articulation of the collegiate model and his defense of NCAA rules stressing amateurism over the prior century has fallen victim to three threats: one internal, one external, and a third more insidious. The internal threat is that the collegiate model is based on the premise that the benefits athletes derived from participating in sports could only be obtained if athletes were not compensated. That premise is not based on evidence or even a clear ethical principle. Instead, it evolved purely out of tradition as well as a (possibly purposeful) misreading of Greek history.

The amateurism premise was never tested, but it will be as the court decisions and legislative action in 2021 reverberate through higher education.

The external threat is that the ideals of the collegiate model have been found lacking when set against the purposes for which universities use athletics programs: to generate revenue and compensate coaches, administrators, and others involved in the enterprise and to raise the profiles of universities when teams are successful. The NCAA and its members apparently did not see this coming; they made no plans for challenges to amateurism until laws were already in place (Wertheim, 2021). But plenty of others did. The legal challenges to the collegiate model and future ones invited by the Supreme Court suggest that it has lost its valence with the public. So too does a poll by Morning Consult, which found that a majority of Americans favored giving athletes the opportunity to profit from the sales of their NIL (Silverman, 2021). In short, the courts and the public appear to have decided that college athletics has failed Kant's categorical imperative by using athletes as means to other ends, rather than as ends in themselves, by allowing colleges, coaches, and administrators to reap massive rewards from athletics while athletes' economic benefits are constrained.

This takes forms beyond just athletes and pay. Long before Brand got to the NCAA, the amateurism ethos spawned a massive rulebook intended to nominally level the playing field by ensuring that all colleges offered recruits and enrolled athletes the same array of benefits. That is, an athlete being recruited in football or basketball at school A would be offered a grant that would cover the same costs that the grant at school B would cover—Northwestern University might be tens of thousands of dollars more expensive than the University of Illinois, but the athlete would not see the cost difference. But the rulebook went on to cover the most picayune of situations, such as the kind of food colleges could offer recruits during visits (Fenno, 2014).

The insidious threat stems from the NCAA's failure to act in situations where colleges did not protect athletes from predators or shielded athletes from punishment when they themselves acted criminally. Baylor University, for example, was accused of covering up sexual assaults committed by football players during the head-coaching tenure of Art Briles (New, 2017). At Michigan State University, a physician working for the women's gymnastics team assaulted a number of athletes over 16 years, but university officials did not act until gymnasts began filing criminal complaints (Lansing State Journal & Indianapolis Star, n.d.). Neither university, nor others at which similar events took place, ever faced sanction from the NCAA.

As such, it seems clear that not only is amateurism based on the false premise that a relationship exists between the compensation and the educational benefits derived by athletes, but it also has created a system in which petty issues are enforced against the interests of athletes while criminal conduct that affects them goes unscrutinized at the national level. We conclude, then, that college sports are in need of a new model that protects athletes' personal interests and acknowledges their economic ones.

New Revenue, Need for a New Model

At the outset of the 2020s, two conditions are clear. First, as in Brand's era, the pressure on athletic departments to capture revenue will continue unabated. In the spring of 2021, the College Football Playoff announced it was exploring an expansion from four teams to 12, doubling the number of games in the tournament, which in 2019 generated an estimated $470 million annually (Hinnen, 2012). What separates the current landscape from Brand's era is the second condition: athletes are acquiring and asserting rights to economic participation in the business of college sports.

Given these economic, legal, and legislative changes, and changing public sentiment over college athlete pay in 2021, American sport seems desperately in need of a new definition of amateurism and, given the NCAA's inability to adapt to the new landscape, quite possibly a new model for sport governance.

We recommend that sport organizations ranging from youth sports to professional organizations and the U.S. Olympic and Paralympic Committee come together to consider a new dichotomy between amateur and professional. There is a role for amateur sports, but it is not to prevent compensation. Instead, it is to promote the educational and personal development of athletes. Brand hinted at this in an article published in the *Journal of the Philosophy of Sport* when he criticized American higher education for placing academic value on the arts but not on sports (Brand, 2006a). However, the NCAA has arrogated to itself the definition of what a "student-athlete" is: A full-time, traditional-aged undergraduate who must meet not only her institution's academic standards for both admission and continued enrollment but also the NCAA's. And neither the NCAA nor the institution evaluates the outcomes of her experience—the lessons learned from sport, the quality of development provided by coaches and other staff, or any of the other benefits purported to accrue from athletic experience—but only her own inputs in the form of grades, test scores, and progress toward a degree, none of which have anything to with her personal growth in her sporting experience.

Rather than enforcing a thick rulebook defining amateurism and what it permits and forbids, the NCAA could scale back to a league and service organization, maintaining the rules of play, national organization governance, and administering competitions, including championships in the collegiate model. As NCAA President Mark Emmert suggested after the Alston case ruling, colleges or perhaps conferences could decide on the definitions of eligibility and amateurism (Blinder, 2021).

Institutions, then, could decide on whether the definition of a college student eligible for intercollegiate athletics, a definition created more than a century ago, is appropriate for their student populations. However, given the lack of evaluation of the athletic experience, what may also be needed is a separate national organization to provide oversight for athlete welfare and rights, coaching certification, and economic or legal guidance. This might need to be a federal agency, perhaps under the supervision of the U.S. Department of Education or Health and Human Services.

Conclusion

We began work on this analysis of Myles Brand's legacy in the spring of 2021, with the Supreme Court's *NCAA v. Alston* decision looming and states on the brink of enacting legislation permitting athletes to market their NIL. While there is much uncertainty ahead, June 21, 2021 will stand as a marker in the history of college sports just as, if not more, significant than the period of Roosevelt's threat to dismantle college athletics. Where will Myles Brand's legacy fit in this history?

While it is hard to contextualize the current moment while we are still in it, it is also a challenge not to overly historicize Brand and the collegiate model he promoted while at the helm of the NCAA. As a philosopher, his attempt to reconcile the innate conflict between offering sport as an educational opportunity, while relying on teams for institutional marketing and the responsibility of campus community building also warrants historical context.

Ron Smith writes in *Play-by-Play: Radio, Television, and Big-time College Sport* that from the outset, college and university athletic programs have been tasked with this dilemma: How to offer a highly competitive athletic program that represents the university well, yet do so absent any institutional financial support (Smith, 2010). Both the practical approach and the philosophical dilemmas have been embedded in our system of higher education and our college athletic programs from the start. While Brand did not invent this arrangement, he is in good company for those who were unable to rein in college athletics, no matter how coherent the philosophical argument.

The enterprise of college sports has been remarkably resilient. For a century and a half, college teams have squared off on the premise—and often the myth—that athletes are "merely" undergraduates engaged in an activity for pleasure and for the honor of representing their schools. This premise has held up since the Oxford-Yale boat race in 1852, despite the challenges of cheaters, gamblers, frauds, and other hucksters.

However, it may now succumb to the most powerful force in sports: media. The deluge of money flowing into college sports primarily from broadcasters has permanently ruptured the paradigm that Myles Brand and his predecessors sought to cultivate. But the educational value of sports need not be lost. Instead, if a new paradigm can be established that permits athletes to pursue their professional aspirations while institutions still deliver on their educational ideals, a new model can redeem the checkered history of amateur college sports.

Notes

1. In the court's opinion, Justice John Paul Stevens wrote that the NCAA "plays a critical role in the maintenance of a revered tradition of amateurism in college sports" (p. 468), but did not specify what amateurism was or how far it extended. In NCAA v. Alston et al., the court specifically ruled that this line in the Regents decision was "dicta," or a stray comment that did not have the force of law (National Collegiate Athletic Association v. Board of Regents of Univs. Of Okla. And Ga., 1984).

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Myles Brand: A Leader Deeply Committed to Diversity, Inclusiveness, and Social Justice

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Myles Brand will always be remembered as the man who fired legendary Indiana University basketball coach Bobby Knight. For many historical figures, both within and outside of sport, a highly publicized, singular event often defines their legacy. Such is the case with Brand. Brand's dispute with the controversial yet enormously well-known Knight has tended to obscure other, more consequential aspects of his career. This is unfortunate since Brand's professional accomplishments were many and varied. Born in Brooklyn, New York, and recipient of a BS degree in philosophy from Rensselaer Polytechnic Institute in 1964 and a Ph.D. in the same field from the University of Rochester in 1967, Brand fashioned a sterling academic career, first as an assistant professor and later as an upper-level administrator, including serving as president of two major Research I institutions (Brennan, 2009; Dunn et al., 2010; Hutchens, 2009; Pennington, 2009).

Brand's first academic position was as an assistant professor in the department of philosophy at the University of Pittsburgh, where he taught from 1967 to 1972. Following a five-year stint at Pittsburgh, Brand quickly climbed the academic ladder, assuming prestigious administrative positions at major universities, which underscores his superb leadership skills and ability to forge relationships and work effectively with people from various walks of life and backgrounds. He served as chair of the department of philosophy at the University of Illinois at Chicago from 1972 to 1981; head of the department of philosophy at the University of Arizona from 1981 to 1983; director of the Cognitive Science program at the University of Arizona from 1982 to 1985; dean of the faculty of social and behavioral sciences at the University of Arizona from 1983 to 1986; coordinating dean of the College of Arts and Sciences at the University of Arizona from 1985 to 1986; president of the University of Oregon from 1989 to 1994; and president of Indiana University from 1994 to 2002 (Brennan, 2009; Dunn et al., 2010; Hutchens, 2009; Pennington, 2009).

In 2003 Brand took on perhaps his most challenging administrative position. That year, he was hired as the 4th President of the National Collegiate Athletic Association (NCAA), his first administrative position outside the formal university set-

ting but one for which he was imminently qualified, based on his interests, skill set, and years of experience navigating the nexus between athletics and education. As the first of two university presidents to serve as President of the NCAA (the other being Mark Emmert, current NCAA President), Brand brought to the position a deep understanding of the complexities of intercollegiate sport, as well as a commitment to insuring its educational value and continued role as a positive force in university life. Importantly, not only did he oversee the high-profile athletic programs at two major universities, but he was also a student of sport who understood its history and the positive values and life lessons it could impart if organized and conducted properly (Lippold, 2007).

One of the best indications of Brand's thinking about intercollegiate athletics specifically and sport more generally can be gleaned from his January 23, 2001 presentation to members of the National Press Club in Washington, D.C. titled "Academics First: Reforming Intercollegiate Athletics" (Brand, 2001). Given just four months after Brand had fired Knight at Indiana University and about a year and a half before he assumed the position as President of the NCAA, the address laid out his philosophy of college sport to members of the National Press Club with honesty, forethought, and clarity. Basing his remarks, like any good academician, on both personal experience and the latest scholarly work, including James Shulman and William Bowen's *The Game of Life* (2001) as well as James Duderstadt's *Intercollegiate Athletics and the American University;* A *President's Perspective* (2000), Brand made clear his belief that major changes needed to be made in intercollegiate athletics. In particular, he pointed out what he termed was the "disconnect" between university presidents and the public at large. Most university presidents, noted Brand, believe their primary responsibility is to create and foster an environment in which new knowledge is uncovered, explained, and disseminated so as to make life more fulfilling, purposeful, and rewarding, while the general public believes "the most visible and vital role played by institutions such as IU is as a sponsor of athletic teams" (Brand, 2001, p. 367). Notwithstanding these comments, he laid blame for much of this "disconnect" at the feet of universities that had launched an athletic arms race characterized by the building of elaborate facilities, increasingly large expenditure budgets, and ballooning salaries for coaches and athletic directors—the effect of which "has led to the blending together of intercollegiate athletics with entertainment, which in turn has led to growing commercialization" (Brand, 2001, p. 368).

This commercialization, in Brand's view, jeopardized the mission of universities and, perhaps more importantly, "threaten[ed] to undermine the integrity of a system of higher education that has been widely acknowledged to be the best in the world" (Brand, 2001, p. 368). To deal with this issue, which was a crisis for Brand, especially regarding Division I football and men's basketball programs, a commitment should be made "to the academic mission and integrity of the university" while at once limiting the excesses of intercollegiate athletics "so that its positive features can flourish" (Brand, 2001, p. 369). Disputing those who either recommended the elimination of highly organized athletic programs and turning them into club sports or transforming them into an entirely professional endeavor, Brand contended instead

that college sport needed to be reformed through a movement he titled *Academics First*. Leading the movement should be university presidents with assistance from athletic directors, coaches, governing boards, and the press. For Brand, one issue needing immediate attention was the dismal graduation rate in Division IA men's basketball, which at the national level in the late 1990s stood at 42%, some 15% below the general student body. African American players fared the worst, with just 34% of them graduating within a six-year period. The remedy for this problem, as far as Brand was concerned, was not to make freshmen ineligible for athletic competition as some suggested, but to devise a system that did not force the most gifted players "to attend college just to meet their goal of playing professionally." Brand also recommended that authorities should examine ways to dramatically improve the K-12 academic preparation of student athletes. Ultimately for Brand, elevating graduation rates hinged on two factors: reassessing the K-12 academic preparation of student athletes and providing tutorial services that are fully "integrated into university-wide services" (Brand, 2001, pp. 370-371).

The pressing need for reform was not just idle chatter. Almost immediately after being appointed President of the NCAA on January 1, 2003, Brand began implementing various reforms designed to improve the academic preparation of student-athletes, increase their chances of graduating, and offer them a more meaningful and fulfilling college experience. Obvious throughout his nearly seven-year tenure as President was Brand's commitment to diversity, inclusiveness, and social justice. On many occasions, he noted that intercollegiate athletics and universities more generally should be committed to social justice and should provide everyone the opportunity to advance through the quality of their effort and natural ability. He remarked in 2008 "that social justice, advancement, success on the basis of hard work and actual ability, should be the only thing that counts—not skin color or gender" (Brand, 2008a, p. 9). On Brand's passing in 2009, Richard Lapchick, Chair of the DeVos Sport Business Management Graduate Program at the University of Central Florida and longtime advocate for racial equality in sport and society at large, poignantly wrote, "Like so many others, I lost a hero and a friend. Brand was a philosopher who will be remembered for his eloquence and for his fight for justice in sport, especially regarding graduation rates, gender equity, and diversity and inclusion" (Lapchick, 2009, p. 2).

One example of Brand's commitment to equality and social justice was the creation of the Office of Diversity and Inclusion at the NCAA, originally headed up by Charlotte Westerhaus, who is now an Indiana University Bicentennial Professor (Brand, 2007d; Kelley Indianapolis, 2019). Brand also tackled head-on the problem of academic preparation and graduation rates of athletes—a persistent concern in academic circles, to say the least, with African American athletes seemingly always at the center of it. Brand became NCAA President not too long after a series of reform measures were passed to improve the quality of education of student-athletes and thus increase their chances of graduating. In the 1980s and 1990s, on the heels of cheating scandals at several institutions and the stunning revelations of academic failures of such prominent African American athletes as Dexter Manley, Chris

Washburn, and Kevin Ross, the NCAA instituted a number of propositions designed to eliminate cheating and elevate the academic performance of athletes. In 1983 the NCAA passed and implemented three years later Proposition 48, which required prospective athletes to achieve at least a 2.0 GPA in eleven core high school courses and a score of 700 on the SAT in order to become eligible for competition at the college level. Proposition 48 provoked intense debate, particularly among African Americans, many of whom, such as prominent basketball coaches John Thompson and Don Chaney, were outraged by the use of what they viewed as racially biased standardized test scores, while other well-known figures such as sociologist and civil rights activist Harry Edwards believed the minimum test scores would serve to incentivize Black athletes and improve their overall academic performance. In 1992, Proposition 48 was modified. The new measure, Proposition 16, created a sliding scale of SAT scores and a minimum high school GPA based on thirteen core courses rather than eleven (Coakley, 2021; Smith, 2011; Wiggins, 2018; Wiggins & Miller, 2003).

Brand enthusiastically supported these reform measures. In fact, while he was NCAA President, the number of core courses determining eligibility was raised to 16. The data, though, were inconclusive. A study conducted by Richard Lapchick on behalf of the NCAA and released in March 2003 reported "that the academic achievements of many of the 16 men's basketball teams remaining in the N.C.A.A. tournament did not match their accomplishments on the court" (Litsky, 2003, p. S4). Based on data which assessed the number of basketball players who matriculated to college between 1992 and 1995 and had completed their degrees within six years, the graduation rates of African American players representing six of the 16 teams in the 2003 NCAA tournament "was a third to three-quarters lower than the rate for all male athletes" (p. S4). Of the sixteen teams, only Duke, Kansas, and Butler graduated at least two-thirds of its African American players. Six months later, however, the NCAA released a Department of Education report that undercut these findings. The report indicated that the graduation rate for all African American male athletes had risen to 48 percent, some 5 percentage points higher than the previous year. Moreover, the merged graduation rates of male and female African American athletes had risen to 52 percent, an increase of four percentage points from the previous year. And the graduation rates for African American male basketball players at the Division I level had climbed to 38 percent, an increase of two percentage points over the previous year.

The apparent improvement in the graduation rates of student-athletes, particularly among African American male and female student-athletes, albeit gleaned from data not always easy to decipher, was welcomed by Brand and indicated to him that the good news resulted from the reforms that had recently been implemented. Even so, Brand recognized much more work needed to be done. Soon, he appointed a committee to study the incentives and disincentives in place to hold schools accountable for the graduation rates of their student-athletes. The result was the creation of the Academic Progress Rate (APR), which was implemented for the first time in 2005. The APR, now utilized alongside the NCAA -created and -monitored Graduation Success Rate (GSR) and Coaches Academic Progress Rate (CAPR), was established

to hold institutions accountable for the success of their student-athletes through a combination of academic metrics. Although there is little question that the APR has generally resulted in increased graduation rates, it has been heavily criticized by a broad spectrum of the American public, a fact that probably would have provoked the ire of Brand (Brand, 2006a; Drape, 2005; Hamilton, 2005; Hylton, 2009; Ositelu, 2019).

One particularly vocal collection of critics, The Drake Group, a network of academics who believe intercollegiate athletics has become too dominant a force on university campuses, assailed NCAA academic measures, contending that the reforms are merely "public relations 'smokescreens' hiding widespread exploitation of academically unprepared athletes and academic fraud by institutions chasing financial success in Division I sports" (Gurney et al., 2015, p.1). The group's major complaints were that the APR, and GSR and CAPR for that matter, did not allow for an accurate comparison with non-athlete students; that the metrics did not acknowledge how unprepared college athletes were impacted by the different missions and overall quality of students varying in size and available resources; and that the standards encouraged academic fraud when inadequate remedial support services were provided to under-prepared student-athletes (Gurney et al., 2015). Not unexpectedly, the source of much criticism on behalf of individuals and groups revolved around the impact of the NCAA measures on African American student-athletes. For instance, Derrick Z. Jackson, an award-winning Black journalist, accurately noted in a 2018 issue of *The Undefeated* that the continued disparities between the graduation rates of Black and White athletes and the NCAA's refusal to not only acknowledge the gulf, but to pretend it does not exist exposed the claim of "how college sports helps more and more minority students" as being patently erroneous (Jackson, 2018).

There were other critics. Monique Ositelu, a senior policy analyst of higher education with New America's Education Policy Program, correctly wrote in a 2019 volume of *Diverse Issues in Higher Education,* that Historically Black Colleges and Universities (HBCUs) had as low-resourced institutions been disproportionately penalized by the APR. Unlike wealthy and generously endowed larger universities, which can afford to place at-risk athletes on institutional scholarships rather than athletic ones and therefore "increase their teams' APR scores and create a false sense of academic progress," HBCUs lacked the financial resources to selectively distribute athletic aid in an effort to raise APR scores and avoid NCAA penalties and the inevitable public scrutiny that typically accompanied it (Ositelu, 2019). Brand certainly would have been distraught by Ositelu's analysis. He had expressed on multiple occasions, perhaps more than any NCAA president before or after his tenure, support for HBCUs and desired to see that athletes representing those institutions were successful academically and enjoyed meaningful and fulfilling careers following graduation. In a joint 2008 interview with Charlotte Westerhaus, Brand acknowledged the important role played by HBCUs in providing opportunities to local communities and economically disadvantaged students, and recognized HBCUs as institutions that furnished positive and nurturing environments. He also noted the financial constraints faced by HBCUs and lauded the grant program established by the NCAA

to help Black schools alleviate fiscal concerns as much as possible (Brand, 2008b).

Besides sustained attempts at academic reform, Brand and the NCAA did all they could to encourage member institutions to rid themselves of the use of Native American mascots and images. In February 2006 the Executive Committee of the NCAA handed down a policy stipulating that any member institution that used "offensive or hostile imagery" depicting Native Americans would be barred from hosting championship events. A policy that Brand noted "was over four years, almost five years in the making," and after consultation with "80 national Native American organizations" and the Commission on Civil Rights," was not without controversy, however. Critics claimed, among other things, that the new policy was implemented in an inconsistent fashion (Brand, 2006b, p. 60). One example critics pointed to is the case of the Florida State University Seminoles, which the NCAA initially put on its list of schools for potential sanctions for its use of "very hostile and abusive" Indian mascots and names but eventually exempted the university from any discipline because of its close relationship with the Seminole tribe. "Because the Florida Seminole Tribe has made an explicit decision and participated in the images that they [Florida State] use and said this is acceptable," noted Brand. "And surely we have to defer to those Native American tribes who feel that way" (Brand, 2006b, p. 64).

In spite of the critics, the NCAA policy against the offensive caricatures and stereotypes of Native Americans in the form of nicknames and mascots has proven to be largely successful. In 2013, the National Congress of American Indians reported that 2,000 Indian "references in sports have been eliminated in the past 35 years, with about 1,000 remaining today" (Rogers, 2013). Importantly, those colleges and universities that have done away with Native American mascots and images have generally done well financially in the long run. Manish Tripathi and Mike Lewis, two sport management scholars from Emory University, concluded from their research that those colleges and universities that eliminated Native American mascots felt the financial pinch for one or two years but this disappeared in the long term. Utilizing data from the Equity in Athletics Disclosure Act, Lewis and Tripathi concluded that NCAA basketball teams that removed Native American mascots over the last four decades realized a "long-term positive financial impact" (Lewis & Tripathi, 2013).

Brand complemented his efforts at banishing Native American Indian mascots and imagery with a visible and concerted campaign to secure more head coaching positions for African Americans, particularly in football, which has always had a dearth of minorities in charge of teams. He helped establish, with assistance of the Black Coaches Association (BCA), three coaching academies to assist African Americans in securing coaching positions. Brand also utilized the most public forums to urge the hiring of Black coaches. Although by all accounts a "soft-spoken, unpretentious, even shy person," Brand willingly spoke out via various forms of the media, just as he had done with so many other issues in an effort to keep the NCAA more visible to member institutions and the general public, about the paucity of African American football coaches (Dunn, et al., 2010, p. 189). He did it, for example, in interviews published in major newspapers such as the *The New York Times* and through "Mondays with Myles," a popular podcast created by Josh Centor, the

NCAA's Coordinator of New-Media Communications. In a blunt assessment regarding the limited number of minority coaches in football, Brand told Centor in a 2007 episode of the podcast that:

> it [the lack of Black coaches] is a very serious problem and it's a frustrating problem, too, because we have not been making a kind of progress I think we ought to make. It's a problem about which I spoke many times in the last four years that I've been here, but nonetheless it's proved to be very close to intractable at this point (Brand, 2007a, p. 110).

Brand's seriousness about the lack of minority coaches was made evident through his engagement with the BCA and its Executive Director Floyd Keith. He worked closely with the organization on an issue that was obviously close to his heart. Just a year after he was appointed President of the NCAA, Brand delivered the keynote address at the BCA Images of Excellence Luncheon. In the address, he provided one of his most comprehensive assessments and offered possible solutions to the lack of both Black coaches and Black upper-level administrators in college sport. Aside from the dramatic increase in the number of African American head coaches in Division I male basketball, Brand observed, "men and women of color are simply not being hired in head coaching jobs or administrative positions in intercollegiate athletics in an equitable way" (Brand, 2003a, p. 6). Excluding the number of Black administrators at HBCUs, Brand pointed out there were only 29 African American men and three African American women in athletic director positions in all divisions in intercollegiate sport. The numbers for head coaching jobs was not much better. Of approximately 14,000 head coaching positions, again excluding those at HBCUs, African American males held 737 of those positions and African American women just 165.

To reverse these numbers, Brand suggested, among other things, that university presidents develop and embrace clear guidelines for job searches that would lead to the identification of minority candidates and ensure they would be treated fairly. Specifically, he recommended that searches for head coaches and athletic directors be conducted in a similar fashion to those conducted for academic positions. Such a practice would entail the creation of a "representative search committee" consisting of faculty and university administrators as well as athletic department members; emphasize an intentional effort to identify minority candidates; insist that the search committee "personally interview the leading candidates" to ensure their ability to field highly successful teams, promote academic success among student-athletes, and effectively represent the university and its various constituencies; and require that search committees submit a short list of three to five candidates to university presidents for his/her final decision. This approach, Brand emphasized, would put the final decision on the hiring of coaches and athletic administrators squarely in the hands of university presidents and not athletic departments, which often "restrict the pool of candidates to a small network of known individuals" and "leads to appointments that lack diversity" (Brand, 2003a, pp. 21, 24).

Brand reiterated many of these suggestions during his testimony in a 2007 House of Representatives subcommittee session on "The Lack of Diversity in Leadership

Positions in NCAA Collegiate Sports" (House of Representatives, 2007). Chaired by John D. Dingell of Michigan and including other witnesses such as Richard Lapchick, Jesse Jackson, president of the Rainbow/Push Coalition, and Nolan Richardson, former head basketball coach at the University of Arkansas, Brand delivered a prepared statement and answered several pointed questions posed by House members. He made clear once again his disappointment that more African Americans had not been hired as head coaches in football, pointing out the frustratingly low number of African Americans who had assumed such positions over the previous four years at the Division IA level or the Bowl Championship Subdivision. He repeated, as he would many times over during his tenure as President of the NCAA on this issue and others, the crucial role that university presidents played in identifying and hiring African Americans as head coaches in football. He made explicit that the NCAA could not mandate who was interviewed and ultimately hired as coaches in intercollegiate athletics. That power resided with member institutions, under the leadership of their presidents. Increasing the number of minorities in the profession, Brand emphasized, fell to colleges and universities, not the NCAA (House of Representatives, 2007).

Echoing points made in his writings, interviews, and other forms of communication about the lack of minority coaches, Brand suggested during his testimony that he was most encouraged by the efforts of the BCA. Having a great deal of respect and a good working relationship with BCA Executive Director Floyd Keith, Brand effusively praised the organization. He lauded the various initiatives implemented by the organization to increase the number of African Americans and other minorities in head coaching positions. He was especially praiseworthy of the BCA's hiring report card—a formula he frequently compared favorably with the Rooney Rule in the National Football League—that graded colleges and universities on the progress they made regarding the number of minorities interviewed and hired for coaching positions. Although continuing to be disappointed by the scarcity of minorities in the profession, he pointed out to the subcommittee that as a consequence of the BCA's public disclosure of its grades,

> more than 30 percent of all candidates interviewed for head coaching positions over the last 3 years have been minorities. Even more striking is that 76 percent of all the openings over the last 3 years have had at least one minority candidate interviewed and more than three out of every four vacancies, a person of color was interviewed (House of Representatives, 2007, p. 15).

Brand's subcommittee testimony, unfortunately enough, would prove to be overly optimistic. Indeed, he would have been distraught by the number of Black head coaches currently in college sport, especially football and men's basketball. The latest numbers regarding Black head coaches and key coordinating positions from the 130 Football Bowl Subdivision (FBS) schools are appalling and would lead one to believe that the sport will never reach the minority representation on the sidelines that it has reached on the playing field. Among the 130-member FBS teams, only 11 of them will be led by African American head coaches entering the 2021 season, a decline from just 15 years ago and reflecting an underrepresentation similar to

the National Football League, which has only three African American head coaches among 32 teams (Associated Press, 2021). The number of African American head coaches in college basketball is just as dismal. Only 22.7 percent of the head coaches at the Division I level are African American. Of the 77 teams in the Power Six Conferences of college basketball (ACC, Big 12, Big East, Big Ten, PAC 12, and SEC) only 13 of them are led by African Americans (Nerkar, 2021).

The possible reasons for the small number of head coaches in college football and men's basketball are multiple and varied. Tellingly, similar to Brand, some people laid blame for this unfortunate situation partly on the search process but not exactly in the way he had envisioned it. In college basketball, according to these critics, a primary reason for the small number of Black coaches has to do with the increasing use of search firms. As one Black head coach recently told NBC Sports, "white presidents hire white search firms to hire white AD's who hire those same white search firms to hire white head coaches" (Dauster, 2020, p.4). Exacerbating the problem, many of those same coaches suggest that athletic directors, who are increasingly coming from the world of business, tend to play it safe by repeatedly hiring the same white coaches rather than giving quality Black assistants, who are stereotyped as recruiters with the requisite skills to relate to players and their parents from urban backgrounds, a chance. Rarely are qualified Black assistant coaches viewed as possessing the know-how to develop players and relate to administrators and boosters. The result is that many White coaches have been recycled through the system while their Black colleagues are left waiting for job offers that never come.

The concerted effort Brand put into securing more Black head coaching positions in college athletics, which proved to be far more difficult than perhaps even he had imagined, would be duplicated in his attempts to see that women were provided the same access to college sport as their male counterparts. Relatively speaking, he was more successful here, largely as a result of the support of the federal government in defending the rights of women to participate in intercollegiate sport. Title IX is the prime example. Always controversial, Title IX has prompted numerous challenges—almost from the moment it was signed into law by Richard Nixon in 1972. Some of the most heated challenges garnering national attention were court cases filed on behalf of male athletes who argued that the elimination of their teams had been a direct result of the legislation (Brake, 2010; Hogshead-Makar & Zimbalist, 2007; Suggs, 2005).

The one men's sport that was perhaps most connected to Title IX was wrestling, which had seen many of its programs, some of them very prestigious and long-standing, terminated at various institutions across the country. In 2002, the National Wrestling Coaches Association (NWCA), after witnessing the failed lawsuits filed on behalf of individual college wrestling programs, filed its own suit against the Department of Education (DOE). In essence, the lawsuit alleged that colleges, because they were unable to add more women's team due to women's limited interest in sports, were unfairly "eliminating or limiting the size of men's teams" to reach proportionality requirements mandated by Title IX (Ridpath et al., 2009, pp. 264-265). The DOE dismissed the claim, noting there was no indication that Title

IX policies had caused the elimination of men's wrestling programs. The NWCA would, in turn, unsuccessfully appeal the decision to the DC Circuit Court of Appeals and the U.S. Supreme Court. Undeterred, wrestling advocates then decided to lobby the DOE and the new George W. Bush administration in an effort to overturn Title IX guidelines. The DOE, headed up by Bush appointee Rod Paige, responded by establishing the Commission on Opportunity in Athletics to study the issue and offer recommendations as to whether changes should be made to the guidelines. With 10 of the 15 commissioners representing NCAA Division I colleges with large football programs and the fact that the majority of witnesses invited to testify in hearings only spoke about the reduction in men's programs rather than those lost by women, it came as no surprise that the Commission issued a report calling for rollbacks in Title IX guidelines that arguably went against the statute itself (Ridpath et al., 2009). Fortunately, two prestigious members of the Commission, legendary swimmer Donna de Varona and soccer star Julie Foudy, wrote a minority opinion opposing most of the recommendations. Groups such as the National Coalition on Women and Girls in Education and the American Bar Association expressed their opposition as well. Ultimately, because of Paige's decision to accept only those recommendations that received unanimous support, the DOE opposed adopting most of the suggestions. In July 2003, the Director of the Office for Civil Rights (OCR) distributed a letter titled "Further Clarification of Intercollegiate Athletics Policy Guidance Regarding Title IX Compliance" in which it opposed the most harmful proposals (Grossman, 2010).

Concerted efforts on the part of the NWCA, the executive branch, and others to alter Title IX guidelines were deeply troubling to Brand and he expressed it on multiple occasions. For instance, approximately three months prior to the OCR issuing its letter, Brand staunchly defended Title IX guidelines in what was referred to as a "Title IX Seminar Keynote Address" (Brand, 2003b). Full of data, thoughtful reasoning, and careful analysis, the Address was both a passionate defense of Title IX and another window into Brand's belief in the power of sport to impart values and teach positive character traits that can be carried over into other aspects of one's life. He noted how impactful Title IX had been since it came into existence, citing the fact that there were now some 150,000 women competing in intercollegiate athletics; that the NCAA was sponsoring 19 championships in women's sports; and that female athletes were receiving approximately 42 percent of available scholarship money. He also pointed out that when schools eliminated specific sports programs it was an institutional decision rather than a result of Title IX guidelines. To Brand, far too many schools had unfairly used Title IX as an excuse when sports programs were eliminated, unwilling to acknowledge that the means to achieve gender-equity in intercollegiate athletics was based on institutional priorities and choices regarding the allocation of resources. He emphasized and provided examples, moreover, of women who took advantage of the opportunities afforded by Title IX, excelled as college athletes, and then went on to distinguished careers whose skills and character traits could only be learned through sport. Among those women mentioned by Brand were Robin Roberts, outstanding college basketball player and television broadcaster; Dot Richardson, Olympic softball player and Orthopedic surgeon; Anita

DeFrantz, medal winning Olympic rower, United States Olympic Committee member, and Executive Director of LA 84; and Ann Meyers Drysdale, UCLA basketball standout and television broadcaster. Of the athletes he quoted in support of Title IX, it was certainly no coincidence that Brand chose University of Arizona President Peter Likins who wrestled while an undergraduate student at Stanford. Not many people were more credible to defend Title IX than the highly respected Likins, president at a Research 1 institution who had competed competitively in the one sport that so aggressively opposed the statute. "As an old wrestler (Stanford '57), I have been deeply saddened by the wholesale elimination of wrestling teams under Title IX," noted Likins (Brand, 2003b, p. 5). He went on:

> However, I assign fault to male leadership, and not to Title IX. We have as a national society decided that we prefer to allocate the fair distribution of opportunities for male athletes in a peculiar way, assigning very large numbers of these opportunities to one sport and correspondingly contracting the number of men's sports we can sponsor within economic constraints (Brand, 2003b, p. 5).

Unfortunately, in 2005, the OCR, with no prior notice or public pronouncement, issued another "clarification" on Title IX that authorized universities to distribute e-mail surveys to women students so as to determine their level of interest in athletics (Grossman, 2010). A blatantly underhanded attempt to satisfy the third prong of the Title IX guidelines requiring schools to offer women's athletic programs proportional to the level of interest in athletics as shown by women in the general student body, the surveys demonstrated the lengths to which Title IX's opponents would go to weaken the law. The OCR, knowing full well the limited response rate to such methods of data collection, shamefully noted that not responding to the survey would indicate a lack of interest in participating in intercollegiate athletics. Two years later, the OCR held a hearing on Title IX for the express purpose of affirming the DOE's right to use e-mail surveys to assess women's interest in participating in intercollegiate athletics (Kuznick, 2007).

Brand was appalled by these efforts to circumvent Title IX guidelines through obviously unreliable e-mail surveys (It was not until 2010, a year after Brand's death, that then Vice President Joe Biden would announce the elimination of this loophole in DOE policy regarding enforcement of Title IX). Evidence of Brand's disapproval can be gleaned from the NCAA's formal resolution in 2005 opposing student interest surveys on the grounds that the DOE had adopted the policy without input from other interested groups and that it violated "principles of equity under Title IX" (Grossman, 2005, p.4). More pointedly, the NCAA argued that the use of surveys themselves "conflicts with a key purpose of Title IX-to encourage women's interest in sports and eliminate stereotypes that discourage them from participating and shifts the burden to female students to show that they are entitled to equal opportunity" (Grossman, 2005, p.4). Brand referenced the resolution and made explicit his opposition to the DOE policy in a May 2007 "Monday with Myles" interview with Josh Centor. "We don't believe, and in fact, the Executive Committee of the NCAA sent out a very strongly worded letter," Brand told Centor. He continued:

> We don't believe that that reflects a good way of accounting for interest to the underrepresented gender. Moreover, we don't believe that this will, in fact, be a reasonable way to defend yourself in court if you are, in fact, out of compliance with Title IX (Brand, 2007b).

In all, Brand, and by extension the NCAA, experienced mixed results when it came to academic reforms, ridding college sport of Native American Mascots and imagery, increasing the number of Black head coaches, and maintaining the integrity of Title IX policies. Although impactful in an assortment of different ways regarding diversity, inclusiveness, and social justice, the one area in which Brand seemed to be most ineffective during his tenure as NCAA President was convincing member institutions to hire Black head coaches (Brand, 2007c; 2009b). With the assistance of university presidents and others, Brand successfully led the fight for academic reforms in intercollegiate sport, albeit a system still fraught with limitations and problems, and the elimination of offensive Native American Mascots and images. Ultimately, with the backing of governmental legislation, Brand's efforts to uphold the original intent and policies of Title IX would generally prove more effective, although a variety of factors resulted in the decline of women coaches and African American women athletes in many sports. With the notable exceptions of basketball and track and field, African American women are still underrepresented in most sports at the intercollegiate level.

The dearth of Black head coaches in college sport, however, seemed to be an entirely different matter. In spite of his efforts to encourage the hiring of more Black head coaches, a fact acknowledged posthumously in 2010 when the Black Coaches Association renamed its signature Administrator of the Year award after him, Brand had a particularly difficult time in motivating member institutions to interview, let alone secure, the services of minority candidates in such positions. Brand alone could not overcome both the racial segregation and assumptions that govern the culture of the head coaching ranks in college sport—a situation that sadly shows no sign of changing any time soon. Brand alone could not eliminate the racialist thinking and racism that pervades all levels of sport and society more generally. These facts should not diminish Brand's reputation as a principled and morally upstanding person, who was "a courageous and visionary leader, deeply committed to many ideals, including fairness and equality, academic reform, and academic excellence." (Dunn et al., 2010, p.190).

Tellingly, Brand's reputation as a "courageous and visionary leader" has only grown over time, particularly when compared to his predecessors as well as his immediate successor, Mark Emmert, who continues to guide the NCAA to this day. In fact, in some ways, Brand seemed to be decidedly different than the organization's other Presidents. Although many examples could be provided to indicate the essential differences between them, including Brand's unparalleled level of transparency as evidenced by his creation of the NCAA Scholarly Colloquium among other things, what seems most important is to ascertain what accounted for Brand's commitment to diversity, inclusiveness, and social justice.[1] It is not a question that can be answered with any degree of certainty, but there seems little doubt it could not

have been any other way for a man who would remain the quintessential philosopher throughout his long and distinguished academic and administrative career. Humble, curious, and lover of knowledge, Brand was an idealist always seriously concerned with what constituted the good life, questions of right and wrong, and importance of democratic principles. These concerns were manifested, in turn, in his dedication to insuring that everyone, irrespective of race, gender, and economic and cultural background, had fair and equal access to college sport and the many benefits that resulted from participating in it. He was too modest to probably feel comfortable with such a moniker, but it is no exaggeration to state that Brand, albeit for too short a period of time, was the conscience of college sport.

Notes

[1] Brand introduced the NCAA Scholarly Colloquium in 2008 as a way to encourage more research on various aspects of intercollegiate athletics. The colloquium, which was a two-day event held prior to the annual NCAA conference, brought together prominent scholars who delivered presentations on a wide variety of topics dealing with college sport. Always a nicely organized event that spurred insightful discussion and thoughtful dialogue, the colloquium was cancelled by the NCAA in 2013 for reasons that are not entirely clear. For information about the colloquium, see Brown (2011), Kretchmar (2013), and Steinbach (2013).

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Myles Brand's Philosophy of the Value of Intercollegiate Athletics: A Collaborative Effort and the Perspective of Two Black Males on Educational Achievement at the NCAA

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"There is no better place to learn life skills than athletics." (Myles Brand, 2008)

Phase One Interaction with Myles Brand: The Conference

In August of 2003, the National Collegiate Athletic Association (NCAA), the Black Coaches Association (BCA), educators, scholars, and athletic administrators were in attendance at a hotel in Kansas City, Missouri. At this particular conference, I (first author of this paper) was afforded the opportunity to investigate the inequities of ethnic minority coaches at the collegiate level after I had presented on how my research team would approach this important topic. I was lucky enough during the working groups to be assigned to Dr. Myles Brand's team. As a think tank of leaders, our mission was to do our best to figure out how to address these diversity, equity, and inclusion issues in both a philosophical and practical manner. Serendipitously, I had another topic in my intellectual queue related to *education and sport* that I would later pose to Myles during our think tank. Before diving into the second interaction with Myles, it is crucial that this paper be positioned within the personal narrative theory in order to analyze the philosophical aspects of education, sport, and the body.

Personal Narrative Theory

Universal to human development, personal narratives give life to theory and practice. Personal narratives are not confined to the field of sociology; they are also prominent in social science fields and sub-fields such as personality psychology (McAdams, 2008). The last two decades have seen the analysis of personal narra-

tive research cross intellectual boundaries and connect with nearly every academic discipline in the United States (Kohler-Riessman, 2001). One of the advantages of personal narrative theory is the ability to investigate the connections within and between multi-layered chronicles at one time:

> Personal narratives can address several key theoretical debates in contemporary sociology: macro and micro linkages; structure, agency, and their intersection; process of structuration; social reproduction and social change. They can provide access to both the individual and the social, and make it possible to see connections between them — and are shaped by relations of production and power, systems of language, symbols, beliefs, and cultures, as well as histories and geographies (Laslett, 1999, p. 392).

The connective tissues of education, race, and sport have illuminated theoretical scholarship on how relations of production and power affect Black male college athletes in football and basketball. Persistent inquiry into the layered systems of language, beliefs, cultures, and histories for this demographic is incumbent upon scholars in order to address the challenges relevant to their educational experiences.

Sustainable solutions to diversity, equity, and inclusion for Black male athletes should engage multiple levels of a students' ecology. For example, macro-level factors could include American cultural values towards Black males and football, meso-level factors could include faculty communication with the students, and micro-level factors could examine a Black male athletes' friendships, family, activities, and teachers (Bronfenbrenner, 1979). Scholars in the intersection of education, race, and sport (especially with African American college athletes in football and men's basketball) are urged to consider that:

> Future research should extend the work presented here by focusing on more in-depth case study narratives on some of the macro-, meso- and micro-level factors affecting the educational experiences and holistic developmental opportunities of African American male athletes (past and present) in secondary and postsecondary educational settings. In addition, other qualitative approaches such as critical ethnography, participatory action research, grounded theory, and phenomenological research could help expand what we know about the educational issues and challenges facing this student population. (Singer, 2016, p. 1091)

As such, this paper follows the emergence and value of the personal narrative by two African American males working together within the structural forces of the NCAA, higher education, and intercollegiate athletics. The combination of these three structures is in strong alignment with Myles Brand's integrated view of education and sport. As Brand (2006) stated,

> The idea of harmony between mind and body in education comports well with the underlying philosophy of education in this country . . . The Integrated View disposes of the bias against physical-skill development. The Attic Greeks had a good perspective. They believed that the mental and the physical should both be part of a sound education. Even someone as

> committed to the superiority of the mental as Plato held that physical accomplishment was necessary for successful citizenship (p. 17).

Brand's reference of Plato's philosophy illustrates the harmony of education and sport, academics and athletics in concert as one integrated identity, to improve academic standards. The next section is phase two of the personal narrative in real time of one such collaboration. The following story is about two individuals who believed that an innovative program approach to harmonize education and sport through visual representation could synergize intercollegiate athletics and American higher education in a unique way.

Phase Two Interaction with Myles Brand: Scholar-Baller®

First Author

Background on Scholar-Baller and the Many Educational Wins

During the roll out of the BCA Hiring Report Cards, I asked Myles, "Is it possible to have an academic patch on the front of the jerseys during athletic competition?" Myles directed me to see Kevin Lennon and JoJo Rinebold, two NCAA senior leaders. One of them asked if Scholar-Baller ™ was trademarked. "Yes," I confidently replied. Consequently, Myles asked me to speak to Dr. Bernard Franklin (one of the top senior leaders at the NCAA during this time period) about how Scholar-Baller might fit with the Academic Progress Rate (APR) movement and the Committee on Academic Performance.

Bernard was a key leader for our nonprofit organization and he taught me that you have advocates or acquaintances — Bernard was the former. Once Bernard and I connected, he offered encouragement that my timing was spot on and had great potential to build a partnership based on the leadership vision of Myles' improved academic performance outcomes. What jump started the timing was that Myles and Bernard had been conversing about diversity, equity, and inclusion already. Myles was curious how African American communities perceived intercollegiate athletics in terms of African American men and women in higher education. Bernard explained that there was discussion of a strategy on this topic to potentially partner with the United Negro College Fund (UNCF), whose motto "A mind is a terrible thing to waste" appeared to fit perfectly. Bernard and I both agreed that the UNCF's motto coupled with the cool, edgy language of Scholar-Baller had the potential to impact all student-athletes, especially African American collegiate athletes.

Today, the Scholar-Baller program synergizes intercollegiate athletics and American higher education. The mission of this non-profit organization is "To inspire youth and young adults to develop leadership skills and to excel in education and life by using their cultural interests in sport and entertainment" (scholarballer.org, n.d.). In support of the mission, the vision statement is "To systematically recognize and reward all student-athletes who excel academically in order to further their academic

and personal development" (scholarballer.org, n.d.). Some of its initiatives include the Academic Performance Recognition Incentive ™, the Scholar Baller ® Education Station at the Dwight Howard Basketball Camp (2009-2012), and the Academic Momentum Award ™. Over 1,000 scholar athletes are recognized annually through the "SB Patch" which is typically worn on game jerseys, hats, and other pieces of apparel. Other forms of recognition incentives include helmet stickers, plaques, and honor roll placement for their *academic* performance. New incentives will continue to be introduced on a regular basis to provide cool and functional items in recognition of one's dual achievement on both the playing field and in the classroom.

Using a three-pronged approach, Scholar-Baller program targets education (i.e., curriculum), research (i.e., measurement of impact), and mentoring (i.e., peer groups). As a tool, the culturally relevant curriculum is based on the six ideals of vision, industry, self-respect, perseverance, success, and humility. The innovative curriculum has led to measured positive impact, as many Scholar-Baller participants have seen a boost in individual and team GPAs, as well as APR scores across race, gender, and social class populations (Harrison et al., 2018; 2020; Harrison & Bukstein, 2015; Harrison & Rasmussen, 2015; Harrison & Sutton, 2013). Finally, mentoring is facilitated through partner programs that range from high schools to community colleges to universities to professional players in the National Football League.

In the next section, Bernard takes us on the journey of these theoretical discussions to the eventual approval by Myles to fund a Scholar-Baller initiative through the NCAA and the many schools that would benefit from this governing body of intercollegiate sports' stamp. After we received the green light, Bernard brings us to his phone call with me on November 20, 2005 to share the great news that Myles wrote the following approval note with a phrase he always told me about Scholar-Baller's educational and academic message: "It's about pride." I pass the mic to the second author of this paper at this juncture of the essay.

Second Author

My first introduction to Scholar-Baller was early in my tenure at the NCAA national office. I accompanied President Myles Brand to a People United to Save Humanity (PUSH) national convention, where Reverend Jesse Jackson was hosting a roundtable discussion on intercollegiate athletics and Dr. Brand was a panelist. As I recall, there was significant discussion regarding African American student athletes with a focus on Division I football and men's basketball. Dr. Brand was peppered with questions and comments about the low graduation rates for Black student athletes. Myles took the position that the issues being presented had to be addressed and he indicated that one of his foci was dedicated to improving the academic performance of not just Black student-athletes, but all student-athletes.

It was at this roundtable discussion where I first met Keith. He briefly introduced a program to me he had developed that aimed at improving the academic performance of student-athletes. His approach to improving the academic performance of student-athletes was rather unique and the branding concept was considered a little edgy and unorthodox. The nomenclature "scholar-baller" was raw but generational. That said, it was somewhat difficult for some NCAA staff members to embrace it at

that time.

Both Dr. Brand and I were intrigued by the programmatic approach of Scholar-Baller and I arranged for Keith to meet with staff members who were engaged in developing the Academic Performance Plan. As I listened to Keith outline the tenets of the Scholar-Baller initiative, I was struck by what I perceived as the two foundational cornerstones of his initiative: *identification* and *recognition*. It was clear to me that student-athletes who would become involved in this initiative would identify the appropriate strategies to assist them in achieving an established academic goal. Second, once a student-athlete achieved the goal for academic success, there was a process for public recognition and affirmation.

Keith's approach was a confluence of hip-hop culture and an emphasis on attainable academic achievement. The term "baller" in hip-hop culture denotes an athlete who is skilled and experienced in playing the "game." It was a term that young student-athletes could relate to and identify with. I thought of it as a refreshing approach to defining the concept of winning beyond the field of athletic competition to include achieving in the academic classroom.

The timing of Keith's discussions with myself and NCAA staff was fortuitous because it came as President Brand was ushering in an era of renewed emphasis on the academic achievement of student-athletes. This emphasis led to the establishment of the Division I Academic Performance Program (APP), which created penalties and sanctions for teams who did not meet certain academic benchmarks.

Figure 1
Image of NCAA Support
Note: Original image used from the first author's collection.

Even though it was not a conventional approach, I thought the Scholar-Baller concept was worth supporting. That is exactly why I thought the NCAA should support the program: because it was unconventional and spoke to student-athletes, particularly African American student-athletes, on a level they could relate to in a dynamic way. President Brand had a similar mindset and authorized a start-up grant to take Scholar-Baller from being a concept on paper and transforming it into a programmatic reality (see Figure 1).

Dr. Brand plowed new ground and invested in an idea that has benefited many student-athletes. He supported a concept that not only makes school cool, but also

represents how cool education and academic performance is through the Scholar-Baller logos that are gender inclusive and available to every NCAA competitive sport (see Figures 2 and 3 taken from scholarballer.org).

These artistic images harmonize education and sport through visual representation in a unique way.

Figure 2
Image of Scholar-Baller ThinkWoman Logo

Figure 3
Image of Scholar-Baller ThinkMan Logo

Discussion: A Note on "Theory in Practice" of the Scholar-Baller Concept Guided in Part by Somaesthetics

Philosophers of sport have contributed a great deal to the literature on the body and human movement. While not exhaustive, some of the key scholarship in this philosophical context includes an analysis of dualism (Kretchmar, 1994), perceptions of athletic bodies (Weiser, in press), and aesthetics of the body (Shusterman, 1999). The specific area of body scholarship within the philosophy of sport community provides an ideal lens to evaluate the linkage of education and sport.

The value of the Scholar-Baller program and logos align with Brand's vision of improving academic standards through its images and culture of self-fashioned achievement. Such bodily perception, performance, and presentation of the Scholar-Baller initiative require an interdisciplinary field of inquiry to fully dissect it. Sport philosophers refer to this field of analysis as somaesthetics. According to Shusterman (1999),

> Somaesthetics can be provisionally defined as the critical, meliorative study of the experience and use of one's body as a locus of sensory-aesthetic appreciation (aesthesis) and creative self-fashioning. It is therefore also devoted to the knowledge, discourses, practices, and bodily disciplines that structure such somatic care or can improve it. (p. 302)

In keeping with Scholar-Baller's thematic curriculum of six ideals, somaesthetics has six components: pragmatic, experiential, analytical, practical, *representation-*

al, and *performative.* Representational and performative are most associated with Scholar-Baller's sport and body project that moved the needle through Myles Brand and the NCAA's support. Honor rolls, car bumper stickers about high academic achievers, and scholar-athlete Academic All-American recognition messages have been around for many years. However, the innovation gap that Scholar-Baller filled was maximizing the symbols of education and sport performance through language and the artistic creativity of popular culture. This is why Scholar-Baller has two main representations of academic excellence (3.0 grade point average or higher): the ThinkMan and ThinkWoman.

The genesis of Scholar-Baller was always centered around the representation of student-athlete performance not only athletically, but academically as well. The connection with Myles Brand and the co-authors of the current paper is that Myles was deeply concerned about how society, especially African American communities, perceived college athletics and higher education. Scholar-Baller becoming the first image on the jersey of any NCAA athletic team was monumental on September 2, 2004 in a football contest between Arizona State University and the University of Texas-El Paso in Tempe, Arizona (the first and second authors were in attendance). With African American males highly represented in football and men's basketball at Predominantly White Institutions (PWIs), we must briefly turn our discussion to how the historical context of Black males in America as racialized bodies functions with this central question: Why do the racial aspects of the body in sport matter from a philosophical perspective?

Universal Communities, Missions, and Images: Race and Philosophy

When racial integration became legal in America in the 1950s, African American males made record demographic shifts in schools and sport. This shift resulted in an explosion of talent in the revenue-producing sports of football and men's basketball: they were considered by many as the "prized" recruits and performers and the backbone of high profile collegiate athletics (Wiggins, 1991, p. 164). However, there are perpetual challenges with the presence of Black men in starting positions at many PWIs both on macro- and micro-levels. Examining one of the pioneering philosopher's thoughts on race and prejudice might help illuminate the context of why Scholar-Baller's universal mission and images are so important for the future of African American student-athletes, including women.

Over 100 years ago, American objective idealist philosopher Josiah Royce applied his principle of loyalty to the racial climate of 1906 in his paper entitled "Race questions and prejudices." Along with W. E. B. DuBois's "The souls of Black folk" publication in 1903, Royce was among the first pragmatic philosophers to directly address issues of race in the sociopolitical context so early in the 20th century. At a time when most White male philosophers did not take an antiracist focus, Royce stands out in writing against racism "in a time of anti-immigration and pro-imperialism sentiment due to white anxiety in the United States about the possible decline of global white supremacy" (Kegley, 2009, p. 2). His ideas on universal community building were progressive for his time:

> I also believe Royce leaves us some insights on race and race antipathies, including the lessons of his own obliviousness to the racist domination of imperialist colonialism. In advocating for loyalty to loyalty, I believe Royce would call on all persons to acknowledge the sin of racism, to overcome ignorance and recognize unconscious and conscious racism in oneself, and above all, to seek atoning deeds through communal and individual action with the goal of building a universal community which respects all persons (Kegley, 2009, p. 8).

These goals of building a universal community are embodied in the Scholar-Baller program. The program addresses the challenges of Black male athletes in revenue-generating sports on a macro-level through its value on academic excellence. It furthermore solidifies this value through the tradition of Academic All-American recognition and affirmation ceremonies. On a micro-level, Scholar-Baller engages the individual student through building an athletic community that respects all persons (Kegley, 2009). The curriculum of the program is built on principles of self-identity and social identity, which serve the overall mission of a universal community.

The goal of Scholar-Baller has always been to empower all student-athletes, especially African Americans. The resistance that this concept and movement has endured by some of the institutional and biased individual perspectives at the NCAA and some of the membership schools is part of what Professor Harry Edwards deems as the struggle that must be (Edwards, 1980). The loyalty of the first author of the current paper as a former NCAA collegiate scholar-baller himself — to give back to higher education and athletics – is the real victory and part of the lessons learned from participating in football as a center (see Figure 4 below). The irony of so much resistance is that nearly 20 years later, the Scholar-Baller patch logo represents what Myles often called "pride in the classroom" has now been imitated by numerous NCAA membership institutions. Many of these schools have even stitched the word "graduate" on their jerseys and other game attire. The next section concludes the current paper's contributions with some philosophical thoughts on Myles Brand's legacy in terms of education and sport.

The Future of Dr. Myles Brand's Legacy: The Value of the NIL Movement?

Before concluding this paper, we want to highlight some of the contributions to the literature and identify future directions for scholarship with the personal narrative, practical philosophy of the body, and somaesthetics in education and sport. One contribution is that the current paper answers the call for more action research and personal narratives in real time related to education, race, and sport — especially for African American males in the revenue sports. However, more research on the philosophy of sport and the body should be systemically dedicated to African American women and Women of Color in higher education and sport.

The personal narrative theory was utilized with two Black male voices and both have held academic appointments throughout their careers. This is important. The

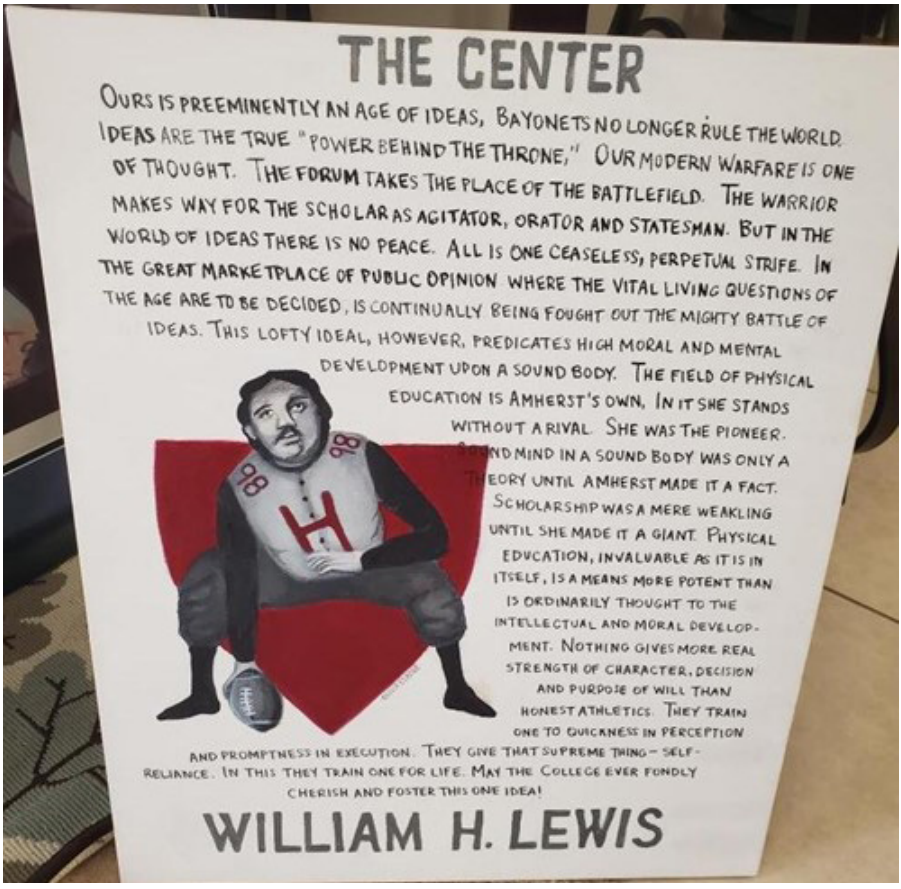

Figure 4
William Henry Lewis. Image taken from the art gallery at the Paul Robeson Research Center for Innovative Academic and Athletic Prowess at the University of Central Florida.

paper fills a gap with the dearth of Black voices and the lack of analysis of body-aesthetics in the sport philosophy literature. Furthermore, with the current racial climate of the USA during the aftermath of the post murder assassinations of Breonna Taylor and George Floyd, it is important that more personal narratives about racial educational victories be told in academic *and* lay platforms. The story of the first two authors in concert with the allyship of an especially influential non-Black voice (i.e., Myles Brand as a White and Jewish American) is an effective model of advocacy for racial justice that took place in real time at the nexus of NCAA, higher education, and intercollegiate athletics. Future research and theory building in the philosophy of sport as well as somaesthetics might consider the development of a subdiscipline related to intersectionality, race, and somaesthetics.

Life comes full circle: I (Keith) was a "baby professor," as Skip Gates Jr. (a notably famous Harvard professor) calls us at that stage. I first presented my phi-

losophy of sport on Black males at a conference at Washington State University in 1996. The current paper contributes to the philosophy of the racialized body in a non-stereotypical or non-deficit perspective of Black male student-athletes through sport, which is still overlooked in many disciplines (Harrison, 1996; 1997). Finally, more research is needed on representation and performance in athletics. The story of Myles Brand in collaboration with the first two authors of the current paper is only *one* innovative story of academic and athletic programming success on improving academic standards through the identity formation of contemporary student-athletes. There are many others at NCAA membership institutions of higher education in North America and globally that have never been told through a philosophical and personal narrative prism.

Last Words

In the final analysis, one of the positive outcomes from the 2021 Supreme Court decision about amateurism is the attention that education-based performances in athletics have received. One Supreme Court judge asked why the NCAA $5,980 Educational Achievement Award Stipend has not been utilized more (Lipschultz & Bloomberg, 2021). The Name, Image and Likeness (NIL) movement intersects with more and more rights for athletes, so only time will tell how the paradigm of education and sport will shift, bend, and turn. So, what would Myles say about all these educational, social, and cultural changes that will impact intercollegiate athletics and higher education as we know it? We can only ponder, but Brand's (2006) peer-reviewed article gives us some clues as to what might be on the horizon in the good, bad, and the irreverent gray areas since the NCAA has left the NIL decisions up to each membership institution:

> Students' education may include both intellectual-and physical-skill elements. Although an emphasis on the intellectual certainly has had salutary effects, a university education should not be limited in that skill development is necessarily excluded. The structure of the university, in turn, should reflect this integrated approach. On the defensive side, failure to place adequate operational controls on intercollegiate athletics is a recipe for deep problems, including public exposure by the media. On the constructive side, mainstreaming intercollegiate athletics into the campus structure is likely to yield value for the institution in terms of broadly based developmental educational opportunities (p. 18).

The lack of an integrated approach has created a perfect storm for deep biases towards physical skill development and mental accomplishments in higher education. Scholar-Baller's harmony of mind and body is a constructive approach that has continued to yield value for the institutions who maximize on this type of collaboration. Dr. Myles Brand's legacy of advocating for a sound education has a positive ripple effect for the entire campus community and macrosystem at once. Stay tuned, philosophical world.

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Myles Brand's College Sports Sustainability: "Amateurism," Finances, and Institutional Balance

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Introduction

During his National Collegiate Athletic Association (NCAA) presidency, from 2002 to the time of his death in 2009, Myles Brand emphasized three initiatives: academic integrity, diversity, and sustainability.[1] This paper is about the last of these. To discuss sustainability, one needs a definition of that which is to be sustained, namely, "college sports." And since the topic is Myles Brand and sustainability, let it be *his definition* of college sports. There isn't anything different about his definition that any knowledgeable reader would recognize, but he did organize it in an easy fashion and repeated it throughout his tenure.

That definition is derived from his public papers and archived videos. This was made possible by the existence of a tremendous archive recently publicly available at MylesBrand.com. While the entire collection is highly recommended, the work in this paper relies most heavily on his State of the Association documents and video interviews, Mondays with Myles.

Brand repeatedly distinguishes three crucial essentials of college sports—"NCAA amateurism," finances to support the highest quality of competition in all NCAA divisions, and balanced treatment of athletics relative to academics within the university.[2] From the material in his archive, Brand was always re-emphasizing and assessing the state of these three essentials of college sports during his presidency. Sustainability remains an issue (Hosick, 2021), with NCAA amateurism much more the centerpiece recently.

In this paper, an attempt is made to assess each element according to Brand's idea of sustainability. No side is taken on whether it is worth sustaining, a battle being waged by others elsewhere in the arena of college sports. The sustainability of Brand's college sports does matter in that debate.

The paper proceeds as follows. The next three sections assess NCAA amateurism (Section II), finances (Section III), and balance within the university (Section

IV). Brand's view on the essential nature of each prefaces the assessments. Other observations related to Brand's sustainability are in Section V and conclusions round out the paper in Section VI.

NCAA Amateurism (Section II)

The overriding college sports distinction for Brand is the paradigm of NCAA amateur college sports. Under that paradigm, athletes are students first and NCAA amateur athletes second. Brand was clear about this early on (Brand, 2004):

> Simply put, the collegiate model is education-based. The professional model is profit-based. The participants in the collegiate model are student-athletes in pursuit of an education. The participants in the professional model represent a labor force in pursuit of a negotiated salary . . . These differences define the value of college sports to higher education.[3]

Amateurism, as that term is commonly understood, was the paradigm of college sports at its inception, long before Brand's articulation. It is the purpose of Article VI of the by-laws of the NCAA forerunner, the Intercollegiate Athletic Association of the United States at its formation in 1906. This is the credo embraced by all NCAA presidents and there is nothing unique about Brand's position on this point.

However, NCAA amateurism is another matter entirely since it involves a limit on compensation, not the commonly understood definition of that term. The definition of NCAA amateurism is the basis of many fundamental criticisms of how university administrators (UAs) handle college sports through their NCAA. The point here is to assess how NCAA amateurism has fared since Brand's presidency. That is a separate endeavor from arguing about its legitimacy or desirability. For Brand, it was a pillar of college sports, and he was unshakable on this point.

NCAA amateurism supports the contradiction in terms that is "amateur compensation." Brand inherited amateur compensation in the form of grants-in-aid (GIAs), started in 1956 (Byers, 1997). GIAs covered tuition, room, board, and books. With legitimate amateur compensation defined, adherents can move on to distinguish "commercial exploitation." Of course, one can take the word "exploitation" in either its value neutral or pejorative interpretations. I leave that aside and use the term as Brand saw it. Essentially, in Brand's time, "commercial exploitation" was everything not covered by the NCAA definition of "legitimate" compensation.

First and foremost, NCAA amateurism disallows pay for play. Brand often also spoke at length on other commercial exploitation. In a "Monday with Myles" (WISH-TV, 2009), he stated that allowing college athletes to endorse corporate products on behalf of themselves, for their athletic department, or for their university, made those athletes professionals. What distinguished NCAA amateurism, at the individual program level was (WISH-TV, 2009) " . . . they're not asking any individual athlete to undertake any individual advertising, put your hand on the product and say buy this. That's not permitted."

For Brand, legitimate advertising put universities forward, while also putting athletes forward *as part of the university academic endeavor*. College athletes are

students first. In the modern nomenclature, payment for the use of athletes' name, image, and likeness (NIL) would violate the NCAA amateur paradigm even if it came from purely non-academic organizations and not from their university.

This distinction between amateur compensation and commercial exploitation provides a guide to assessing the status of NCAA amateurism from Brand's perspective. The status of NCAA amateurism, consistent with the paradigm, versus profiting from NIL rights, harming the sustainability of the paradigm, are the point of the assessment.

Legal attacks have changed the definition of legitimate educational expense since Brand's time. The first is *O'Bannon v. NCAA*.[4] In 2014, the 9th District Court found that the NCAA's limit on GIAs to less than the full cost of attendance violated the antitrust laws. The 9th U.S. Circuit affirmed in 2015 and added that covering educational expenses did not endanger the NCAA amateurism model.[5]

The NCAA read the handwriting on the wall during the original trial and created the autonomy conferences inside the Football Bowl Subdivision (FBS) of Division I in 2014.[6] The autonomy conferences were granted exclusive control over nearly everything involving finances, including the determination of GIAs relative to the full cost of attendance. In December 2015, without requiring it, the autonomy conferences allowed full cost of attendance GIAs.

In addition, prior to the autonomy conferences, pleas of special hardship could result in compensation under special NCAA funds (for the description of the modern version of these funds, see NCAA, 2021). The autonomy schools also added transportation expense reimbursement for family travelling to watch their athletes in national championships.

Subsequent legal challenge further removed the cap on non-cash educational expenses. Where *O'Bannon* was about *cash* educational benefits relative to full cost of attendance, *NCAA v. Alston* concerned *non-cash* educational benefits and post-eligibility benefits. In 2019, the same 9th District Court determined that limits on non-cash benefits also violated the antitrust laws.[7] The NCAA could still limit cash awards to full cost of attendance. The 9th Circuit upheld in 2020 and the Supreme Court affirmed in a very rare 9-0 decision in June 2021.[8]

This set of legal attacks on amateur compensation caps, and the NCAA adjustments to them, all involve redefinition of academic expenses. Brand's cherished definition allows for these under NCAA amateurism. Since these lawsuits did not happen under Brand's watch, we can't know if he would have fought them vigorously or not. After all, these legal decisions did make the athletic activities more expensive for UAs.

Furthermore, the courts stopped short of declaring full cost of attendance a cap, explicitly leaving full cost of attendance as a reasonable compromise maintaining parts of NCAA amateurism. And the rest of the pay for play restrictions in NCAA amateurism were not the courts' concern in any action to date. As such, they remain completely intact.

Brand might have had strong opinion about the creation of the autonomy conferences in the first place. For some programs, at least, the very definition of autonomy

suggests a change in balance. But let's save that for the relevant later section of the paper.

Turning to NIL, *O'Bannon* originally contended that setting the value of athlete NIL at $0 violated the antitrust laws. And the 9th Circuit upheld that doing so violated antitrust law. However, the 9th Circuit did not uphold the trial court decision that schools be required to set aside $5,000 in trust per athlete for post-eligibility NIL payment and offered nothing in its place. As of 2015, then, the issue of NIL compensation was left up in the air under *O'Bannon*. But two powerful forces moved the NIL right back to front and center.

First, individual states responded. Eleven states have laws on the books reinstating some form of NIL rights for athletes in those states. In six of these states, the laws were scheduled to take effect on July 1, 2021. In response, NCAA President Mark Emmert implored the U.S. Congress to enact a federal law to centralize the definition of NIL rights and reduce the complexity of compliance across multiple state jurisdictions (Murphy, 2021a). The NCAA has also voiced a preference for antitrust immunity so that it cannot be held responsible into the future over this contentious issue. However, it became clear at the time that Congress would not act in time, if at all.

The second event that brought NILs back to the forefront came in December of 2020. The Supreme Court of the U.S. agreed to hear the NCAA's appeal of *Alston*. It was generally perceived that the results of that appeal would bear directly on NILs.

So, the NCAA faced both pressure from oncoming state law on NILs and the possibility that the Supreme Court opinion would also bear directly on NILs. NCAA President Mark Emmert stated flatly that the membership must act quickly, or the executive would have to take emergency action to align NCAA rules with state law requirements (Russo, 2021). After forming a committee and deliberating, the Division I Board of Directors decided to delay any action until after the *Alston* appeal result.

In June 2020, the Supreme Court ruled 9-0 against the NCAA in *Alston*. Adding an additional consenting opinion, Justice Kavanaugh warned that quite possibly all NCAA restrictions on any type of earnings should be subject to in-depth and expensive antitrust action. Along with state laws coming into effect on July 1, 2021, the NCAA Division I Board of Directors really had no choice but to respond on the issue of NILs.

As a temporary rule change, on the eve of state laws coming into effect on July 1, 2021, the Board directed individual programs to set their own policies on NILs. For those programs where state law had been enacted, NIL policies must comply with those state laws. In states without NIL laws, the Board offered loose guidelines intended to prevent pay-for-play or using NILs as a recruiting inducement (Murphy, 2021b).

Most likely NIL areas for athletes are product endorsement (especially monetizing social media), sports camp endorsement, video game contracts, autographs for a fee, and name use on some apparel. Some of these are happening through group licensing agreements, including a group of athletes and athletic programs, facilitated by third party firms. To be clear, college athletes are profiting from the use of their names, images, and likenesses. But athletic departments, themselves, are not paying

them. The other limit across most of the state laws is that athletes cannot create conflicts with existing athletic department contracts, most likely large apparel contracts, and no boosters can be involved.

Profit from NILs flies directly in the face of Brand's paradigm of NCAA amateurism. His was the broad premise that if endorsement didn't lift up the athletes as part of the academic enterprise, then college athletes were behaving as professional athletes. Recent developments concerning athlete NILs can only be viewed as a blow to his NCAA amateurism ideal.

But there is an element that has escaped general attention. As an offset against the partial reinstitution of athlete NIL rights, all the state laws defining NILs also are setting what remains of NCAA amateurism in the stone of law. Nothing in any of the court proceedings or state laws allows payment derived from playing, TV contracts, or existing and future university apparel contracts.[9]

While ongoing NIL payments are non-trivial to the athlete, they are trivial in the grand scheme of the total value that athletes generate. By far and away the very largest parts of values generated by athletes are in game day revenues, media contracts, and athletic department apparel contracts. All of these major revenue contributions are still excluded in the growing number of state NIL laws. Thus, the largest part of the values they help to create remain untouchable to the athletes, as a matter of state law and the remnants of the NCAA amateur requirement.

The bulk of Brand's NCAA amateurism component of sustainability has survived. GIAs are more expensive for UAs, but those were legitimate educational expenses in Brand's view and consistent with NCAA amateurism. As for commercial exploitation, at least the NIL contracts that college athletes are most likely to sign are not payments from the university. Further, the lion's share of the value created by athletes, at least at this writing, remains beyond the athletes' grasp.

Financial Sustainability[10] (Section III)

Brand's view of the role of money in college sports was stated clearly in his first address to the association (Brand, 2003): "Those who proclaim that commercial interests have no place in collegiate athletics have a myopic view of the nature of the modern university. Universities, both private and public, cannot achieve excellence . . . without individual and corporate support."

In a "Monday with Myles" (WISH-TV, 2009), Brand said that money was required to enable the highest-level participation for athletes. Financial sustainability would have athletes continuing to enjoy the highest quality of competition in every NCAA division. However, on finances, he voiced concern that college sports administrators were basing their budgets on a never-ending increase in revenues throughout his presidency.

Schmadtke (2005) quotes Brand on financial sustainability in the middle of his presidency: "The current business model that a number of institutions are following is not sustainable. The reason they've been able to do that is through the media contracts. We've seen some limitations of those. The growth is not sustainable." NAC-

DA (2005) quoted Brand voicing concern about expenditures: "I'm not talking about cost containment, I'm not talking about cutbacks, but how do you bring the rate of growth under control?" In the portion of his address to the association that year (Brand, 2005) confronting the myth that college sports is "only about the money," Brand continued to voice his concern (see Myth No. 2):

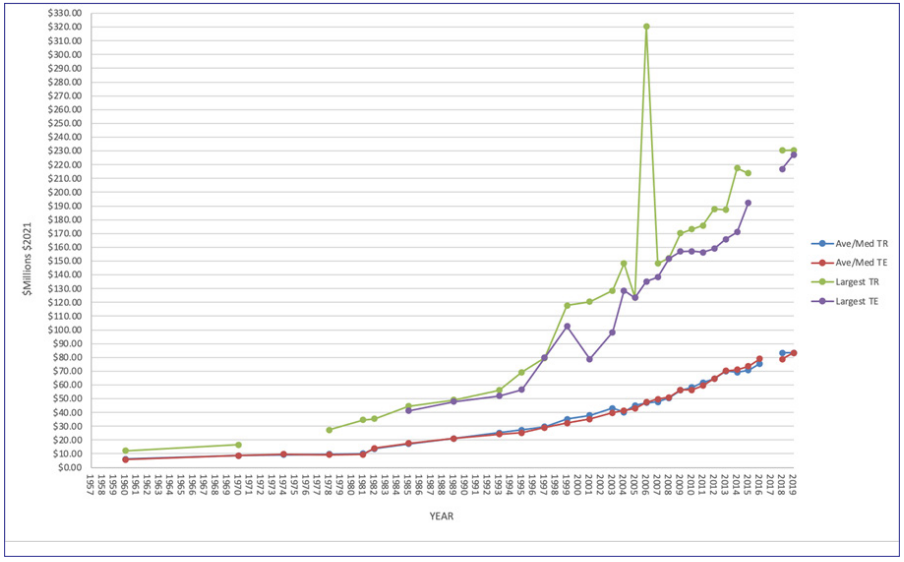
> And while there will be sufficient support—in all likelihood—so that athletics budgets will continue to increase, the expectations for the current high rate of growth cannot be met in the future. There will be disappointments when the rate of growth moderates.

Nothing had changed, in Brand's view, by the time of his address to the association in 2009 (Brand, 2009). He continued to disagree that revenues would continue to increase, and there can be no mistaking his warning (p. 2):

> There is no question that Division I athletics directors have had to increase their efforts in fundraising. True, they have had some success. But there are natural limits, especially in times of an economic downturn.

Figure 1

FBS Operating Revenues and Expenses ($2021)



Source: Calculated from the annual revenue and expenses reports of the NCAA. The version with the 2017 data could not be located and those values could not be calculated by the author from information at other sources.

Notes: Upon inquiry by the author, the NCAA responded that a particularly large gift to that program was responsible for the very large Largest Total Revenue value in 2006. Since donations are counted in generated revenue, the figure stands. However, typically donations are annual affairs, not large single-year jumps. Prior to 2004, the average report was used, and the median after that. The 2016 "Ave/Med TE" was eyeballed from the 2019 report.

The Great Recession, in full swing at the end of his presidency in 2008-2009, was on everybody's mind. But the preceding quotes make it clear that financial sustainability had been a concern of his throughout his presidency.

Ultimately, financial sustainability is about whether revenues can continue to rise and, if not, the responses by UAs to that challenge. There is no immutable law of nature that stops more people from spending even more than was spent last year so, of course, revenues can continue to rise. But if they don't, then sound economics and business decision theory offer the remedy. UAs will simply have to cut back and do less. How dramatic the reduction will be will depend on how dramatically revenues fall.

Observers want athletics to be different on these points, but it just is not. Fort (2010) shows that, as a matter of data, revenues have increased in real terms since the written record began back in the mid-1960s. In tough times, like recessions, that same paper documents exactly the type of behavior economics and business decision theory predict, namely, cutting back and doing less. Not catastrophically, but reasonably relative to the expected behavior of revenues.

Figure 1 updates the data in Fort (2010). The data are from the annual NCAA revenue and expenditure reports at the central tendency (average prior to 2004; median from 2004 onward) and the highest endpoint reports.[11] Total revenue includes allocated revenue sources.[12] It is very important to recognize that the total revenue and total expenditure reports at either the central tendency or at the highest endpoints are not from the same program. But the data remain informative both as elements of the revenue and expense distribution and as a consistent series over time.

Simple examination of Figure 1 reveals that revenues and expenses move together over time, more so for the central tendency pair than at the highest endpoints. More importantly for assessing sustainability, both the central tendency and the highest endpoints increase over time in real terms ($2021). The increase is much more pronounced for the latter.

Since about 1995, the gap between the central tendency and the highest endpoints has been growing over time. For example, in 1995 the gap was $41.9 million ($2021). By 2019, the gap had grown to $147.3 million ($2021). The multiple of the highest endpoint total revenue to the central tendency total revenue increased from 2.5 to 2.8, some 12 percent. Only subsequent data will decide if the gap might have started to close, as the latest revenue for the highest endpoint report seems to show for 2019 in Figure 1.

It is tempting to draw the conclusion that the rich are getting richer while the rests are not. Indeed, the gap is an important policy point, indicative of the higher-revenue Power 5 programs growing away from the rest of the FBS, and forever leaving the FCS programs behind. But the rest of the FBS programs are growing. In fact, the revenues for both the central tendency and the highest endpoint programs are increasing at rates any business would envy.

The top panel in Table 1 portrays the data in Figure 1 in terms of inflation adjusted ($2021) constant average growth rates (CAGR). An informative comparable is the riskless rate on government securities that grow at approximately the growth

Table 1
FBS Revenues and Expenses, Correlations, and Constant Average Growth Rates

	CAGR			
	Average/Median Report		Largest Report	
Period	TR	TE	TR	TE
1985-2019	4.75%	4.70%	4.96%	5.15%
1985-2003	5.22%	4.68%	6.08%	4.94%
2004-2019	4.97%	4.77%	2.99%	3.87%
1997-2009	5.49%	5.72%	6.54%	5.80%
2010-2019	4.06%	4.44%	3.24%	4.18%

	Correlation (TR, TE)	
Time Period	Average/Median Report	Largest Report
1985-2019	0.995	0.976
1985-2003	0.997	0.930
2004-2019	0.988	0.930
1997-2009	0.980	0.872
2010-2019	0.959	0.896

Source: See Figure 1. All calculations by the author.

rate of the economy at large, around 2.5 percent to 3 percent annually. All are substantially greater than the riskless rate, especially since the riskless rate has been much lower recently, on the heels of economic policy dealing with recession and Covid pandemic. Interestingly, CAGR in the lasts 10 years all are lower than in the preceding 10 years, but still quite large.

To demonstrate another important financial sustainability issue, the bottom panel of Table 1 shows simple correlations between revenues and expenses depicted in Figure 1 for years with data on all categories, starting in 1985. Overall, the correlation is +0.995 at the central tendency and +0.976 at the highest endpoint reports. Controlling for the switch from average to median in 2004, the correlation is +0.988 for the median over the period 2004-2019. These are quite high, positive correlations.

Of course, the reason they move so strongly together is because that is designed to happen by UAs. As with all budgeted units at universities, there is no value in budget carryover (beyond contingency protection). UAs budget units at the closest they can get to their ideal in order to pursue research, teaching, and service, and expect units to turn those budgets into those outputs. It is expected across the university that programs spend their entire budget, producing the high correlations in Table 1.

While still quite high, in the last 10 years (2010-2019) Table 1 shows that the relationship has weakened a bit at the central tendency (by about 2.1 percent) and become a bit stronger at the highest endpoints (by about 2.7 percent), relative to the

10 years prior (1997-2009). Over the last 10 years, revenues are growing faster than expenses at the highest endpoints.

The data over the last 10 years are entirely consistent with Fort's (2010, p. 10) earlier report on financial sustainability prior to that: "Further, growth for both the 'average' and 'largest' departments was steady through the 1980s and truly stupendous on through the 1990s for the 'largest' departments." The caveat is that CAGR levels are still quite respectable but growth in revenues seems to have slowed in the last 10 years. And the correlations just show that deficits at the central tendency and highest endpoints really are not of much concern.

For one last look, consider another issue that occupied Brand's presidency, the FBS championship. The championship is crowned in the second year in a school year designation. For example, the 1998-99 school year would see the 1999 championship.

The NCAA oversees all national championships for Divisions I, II, and III, with one notable exception. The NCAA has never had responsibility for the FBS championship. Prior to 1999, the FBS champion was determined by a combination of poll rankings, outside the purview of the NCAA.

From 1999-2014, the champion was determined in the Bowl Championship Series (BCS). The BCS was separate from the NCAA at its creation, a self-appointed organization of conference commissioners, media, and bowl organizers. The BCS ranked teams by polls and computer algorithms and made sure that the 1st and 2nd ranked teams were matched against each other. From 1999-2006, they played each other in a rotation among the major bowl games. From 2007-2014, the 1st and 2nd ranked teams were matched in a non-bowl, highest-bidder game, christened officially as the BCS Championship.

Starting in 2015, a new structure took over, the College Football Playoff (CFP). The same BCS conference commissioners, media, and bowl organizers just renamed the BCS as the CFP and now oversee a single knockout bracket. The 1st and 4th ranked teams, and the 2nd and 3rd ranked teams, play semifinal games in a rotation among the New Year's Six bowl games.[13] The winners then play in the CFP Championship, the location determined by bidding for the rights to the game.

Why bring this up relative to an NCAA president like Brand if the NCAA never had any responsibility for the FBS championship? Because the health of football matters for nearly all FBS athletic departments. While the common perception that "football pays for everything else" is not born out by their own reports (Fort & Winfree, 2013, Chapter 1), in most FBS athletic departments football does generate excess revenue over costs that helps support the rest of the department. The economic health of the CFP is an indicator of the health of college sports.

CFP payouts for 2021, shown in Table 2, were unaffected by the Covid pandemic. The absolute dollar value of the CFP is quite large, some $483.5 million. But an important lesson in Table 2 is that the total was shared by the formula across 131 FBS programs and another 104 of the total 127 FCS programs. Autonomy conference members receive between $5.1 million (Big Ten) and $7.4 million (Big 12). The determining factor in this variation in payouts is making the CFP semifinals and the

rest of the New Year's Six bowl games, except that Notre Dame gets its $3.19 million regardless of whether and where they appear. The payouts for the independents, the rest of the FBS, and the FCS are quite small.

Down to the individual program level, while still a substantial sum, the payouts in terms of athletic department revenues is not quite such a big deal. In the Big Ten for the proximate non-Covid result, athletic department revenues for 2019 ranged from $102 million at Purdue to $221 million at Ohio State (Berg, 2020). So, the $5.1 million Big Ten CFP payout ranged from 2.3 percent to 5.0 percent of the Big Ten program budgets.

The other big money, coming from basketball's March Madness was significantly affected by the Covid pandemic, causing its cancellation for 2020. The payout to conferences that year was only $225 million of its anticipated $600 million.[14] Revenues and payouts returned to normal for 2021, and the entire anticipated $613 million was distributed to conferences. Compared to the CFP result, there would be another 100 programs in Division I that do not play football, for a total of 358 programs. They explicitly do not share equally, but if they did, it would be 613/358=$1.7 million each. That would be about 80.9 percent of the hypothetical "equal shares" across all Division I football programs of $2.1 million in Table 1.

The continued popularity of the two showcase championships in college sports speaks to financial sustainability, quite clearly.

Table 2
2021 CFP Conference Payouts

Conference	Base	Semi-Final	Other NY6	Total	#Progs.	Prog. Ave.
ACC	$66 mil.	$12 mil.	$4 mil.	$82 mil.	14	$5.9 mil.
Big 12	$66 mil.		$8 mil.	$74 mil.	10	$7.4 mil.
Big Ten	$66 mil.	$6 mil.		$72 mil.	14	$5.1 mil
Pac-12	$66 mil.		$4 mil.	$70 mil.	12	$5.8 mil.
SEC	$66 mil.	$6 mil.	$12 mil.	$84 mil.	14	$6 mil.
ND	$3.19 mil.			$3.19 mil.	1	$3.19 mil.
P5 + ND				$385.19 mil.	65	$5.9 mil.
Independents	$1.56 mil.			$1.56 mil.	6	$260,000
G5	$90 mil.		$4 mil.	$94 mil.	60	$1.6 mil.
FBS				$480.75 mil.	131	$3.7 mil.
FCS	$2.7 mil.			$2.7 mil.	104	$25,962
Total	$427.5 mil.	$24 mil.	$32 mil.	$483.45 mil.	235	$2.1 mil.

Sources: Payouts at CollegeFootballPlayoff.com. Conference information at Sports-Reference.com/CFB.
Notes:
Conference- ACC included Notre Dame (ND) in its conference schedule. But ACC and ND kept separate CFP arrangements.
Semifinal- $6 mil. with no addition for making the final.
Other NY6- $4 mil. for each team. Each team also receives $2.5 mil. expenses (unshared).
Team Ave.- All but Big 12 actually do share pretty much equally. ND not included in ACC.
G5- $90 million pool to be shared as these 5 conferences determine.
Independents- $1.56 mil. collective pool shared as the independents determine. There were 6 besides ND in 2020-21.
FCS- $2.7 collective pool to those granting the full complement of GIAs shared as these conferences determine. There were 9 of the 14 total FCS conferences in 2020-21.

Sustainable Balance within the University (Section IV)

The final issue in this Brand assessment of sustainability follows from the fact that it is *college* sports. For Brand, sports were part and parcel of university management and its balance against all other university units was essential. On the balance between athletics and academics, he worried about the negative impact athletic fundraising success might have on general university fundraising.

In Brand's view, imbalance would happen through redirection away from academics and toward athletics. Imbalance like this would be a failure at keeping college sports integral to the academic mission. From Brand (2005, see Myth No. 2):

> In my view, we must develop a process for value- and mission-based budgeting of athletics that parallels the way budgets for other university programs are set. The central point is that the value of an athletics program must ultimately rest on its support of an integration into the educational mission and traditions of the university.

And from the Brand (2009), more of the same (p. 3):

> On the one hand, in the current environment, competitive Division I athletics programs are possible only if there is revenue from commercial activity. But on the other hand, commercial activity if not appropriately managed can abridge the values and mission of higher education institutions. The central questions then become: What is the balance point between too much and too little commercial activity and how do we adhere to it?

He argues for Aristotle's Golden Mean (again, p. 3): "In the case of commercial activity, the extremes of unrealistic idealism and crass commercialism are not the right causes of action, but between them – somewhere – there is an acceptable balance point." Brand would have viewed a university top-heavy in athletics as a sustainability violation even if financially sustainable because it violated this concept of balance.

Because it is often completely misunderstood, it is worth a brief review of the value of college sports to UAs.[15] After all, it is that value that UAs must balance against the relative value of other units as they decide how to spend budgets across campus. Fort & Winfree (2013, p. 33) summarize and reference the large literature concerning the values of college sports to UAs and offer the following:

- Direct payment of student support to the university (tuition and any portion of room, board, and books)
- Greater giving by alumni and other boosters to the general university fund.
- A larger and better pool of student applicants.
- Favorable general budget treatment by legislators.
- A larger and better pool of faculty and UAs.
- Value added to athletes, many of whom would not be at the university without athletics.
- Whatever Title IX compliance UAs have achieved.

Student support is collected directly from the athletic department. The rest are collected across campus, indirectly. Fort & Winfree (2013) refer to them as "other values" collected across campus.

Fort and Winfree (2013) model UAs having objectives of research, teaching, and service. They decide the size and scope of athletics that best contributes to these objectives, taking all of their opportunity costs and relevant value margins into account. The athletic mix is considered relative to the overall university endeavor.

Given these objectives, UAs choose a spending level for a particular quality and quantity of college sports to satisfy their objective, just as they do with all the other units on their campus. Brand (2009) fully understood this (p. 3):

> There is no university known to me that has the resources for everything its faculty, students and staff want to do. Thus, it is necessary to allocate resources according to the institution's priorities, to use its resources well and to supplement its resources when possible. That is true in athletics for all institutions in all three divisions.

Brand also understood that NCAA amateurism results in a transfer from some athletes to UAs.[16] This is also completely non-controversial in the social science literature. NCAA amateurism adds dollars to the UAs' consideration of how much to spend on the quality and quantity of college sports at their institution, relative to the rest of the units on campus. Quite bluntly, under NCAA amateurism, athletes subsidize the creation of the "other values" listed above.

A bit of budget arithmetic makes the point clear.[17] Let's examine a given quality and quantity of athletics for now. Expenditure on athletics by UAs is the institutional support referred to earlier, defined as the remaining costs after subtracting sports-generated revenues.

Let $C = A + M + S$ be the total cost of running sports. A is the payment to athletes. M is the payment to other mobile resources like coaches and athletic directors (ADs). S is the rest of the cost of running all the sports. On the other side of the leger is R, referred to earlier as "generated revenues" from running the sports. R includes donations and the elements of Brand's "commercialism," namely, gate and gate-related revenues, television rights fees, and memorabilia revenues.

The institutional support required for the quality and quantity of sports under consideration is the difference between costs and generated revenues:

$$(1)\ I^0 = A + M + S - R$$

If $R \geq A + M + S \Longrightarrow I^0 \leq 0$, that is, either no institutional support is required ($I^0 = 0$), or UAs enjoy excess sport-generated revenue ($I^0 < 0$). According to UAs' own Member Financial Reports to the NCAA, it appears that nearly all UAs have $R < A + M + S \Longrightarrow I^0 > 0$, that is, positive institutional support will be required to generate the level of the values listed above that UAs judge as best serving their goals. From this perspective, as with all units on campus, the UAs' portion of the athletics budget is an investment to obtain the values listed earlier.

NCAA amateurism transfers money from athletes to UAs. Let the transfer be $T = \alpha A, 0 < \alpha < 1$. It is clear that $\alpha < 1$ in Division I and portions of Division II. Some level of compensation needs to be offered to athletes to keep them engaged in the sports option. And even though athlete compensation is capped, competition will drive some portion to non-monetary competition, such as well-appointed athletics facilities. For a given quality and quantity of the output, NCAA amateurism reduces athlete compensation to $(1 - \alpha)A$.

The transfer goes to subsidize the values obtained by UAs across campus, listed above. The actual determination of α over the history of the NCAA was touched on earlier. The result now is full cost of attendance forced by *O'Bannon*. Into the future, it will be determined by additional full expenses tethered to education forced by *Alston* and whatever comes of state NIL laws.

Thus, UAs view T as another source of revenue in addition to R. But portions of T are competed away to other mobile resources. If one AD won't spend some of their transfer on, say, mobile coaches, others will. Let $0 < \beta < 1$ be the competitively determined portion of T going to the mobile resources. It is unlikely that $\beta = 1$, so UAs retain $(1 - \beta)$. The new institutional support consideration becomes:

$$(2)\ I' = (1 - \alpha)A + M + \beta T + S - [R + (1 - \beta)T]$$

The difference between (2) and (1) is:

$$(3)\ I' - I^0 = -\alpha A + \beta T - (1 - \beta)T < 0$$

The inequality holds with the reasonable assumption just made that $\beta < 1$. The transfer reduces institutional spending for a given quality and quantity of sports. UAs are free to spend the savings pursuing their research, teaching, and service objectives, perhaps on athletics itself.

For many critics of college sports, any institutional support is unacceptable. Brand, doubtless drawing on the experience of his university presidency (at Oregon, 1989-1994, and then at Indiana, 1994-2002), understood institutional support precisely as modeled in expression (1), (National Press Club, 2006):

> Universities attempt to maximize their revenues and redistribute those resources according to their educational mission. Universities are nonprofit corporations, and as such, they do not generate profits for private owners or shareholders. But they do have an obligation to generate significant amounts of revenue to pursue their mission.

This essentially is the relationship in (1), above, with the added observation that the entire budget, including institutional support will be spent. And growing R reduces I. In Brand (2009, p. 2), he notes that commercialism can close the gap (more R). But he goes on to say that it is perfectly allowable for UAs to invest in athletics via institutional support. As long as it is all done in a way that is respectful of the fact that athletes are students. And as long as it does not negatively impact academics.

Brand never raises the issue of the transfer from athletes to UAs resulting from NCAA amateurism. While he spoke directly to expression (1), he did not do so for expressions (2) and (3). Except to note that spending escalation might be occurring in facilities.

Again, critics point to "large" and unacceptable levels of institutional support. And Brand's worry during his presidency was similar but set in the more insightful context of UA investment in athletics. The lesson from the institutional support budget logic that Brand clearly understood demands that athletic institutional support be compared to the rest of the university budget.

Brand (2005) further made plain that the level of institutional support relative to the university budget was quite small (see Myth No. 2):

> Many or most in the general public and perhaps even the media assume that athletics eats up 25 percent or more of a Division I-A university's budget. In fact, the percentage of the university's budget consumed by athletics can be higher at smaller programs because of fixed costs, but the average Division I-A program represents only 3 to 4 percent of university expenditures.

This naturally suggests that the assessment question is whether institutional support has been a growing *share of university spending* since Brand's 2005 observation?

A partial take on this question can be calculated from data in NCAA Research (2020) as cited in Table 3. The report states that over the period 2015-2019 the sum of direct allocation and student fees *decreased* by 9 percent at the median autonomy school and increased by 18 percent at the median nonautonomy school. Using these percentages and data elsewhere in the report, one can determine allocated revenue (including institutional support and student fees) for both 2019 and 2015. This allows for the calculation of the CAGR reported in Table 3.

Table 3

Calculated CAGR, Allocated Revenues 2015-2019 ($Millions)

2019	Autonomy	Nonautonomy
Total Revenue 2019	$121.533	$38.245
Generated Revenue 2019	$109.812	$14.226
Allocated Revenue 2019	$11.721	$24.019
% Change over 2015	-0.09	0.18
Allocated Revenue 2015	$12.880	$20.355
Inflation adjusted CAGR	-4.2%	2.2%

Sources: NCAA Research (2020). Total and Generated Revenue, 2019, from "Median (and Range) 2019 Revenues and Expenses for Division I FBS Schools by Subdivision." Percentage changes from "Summary of 2005-2019 FBS Trend Data." Inflation factor of 1.08 for 2014 to 2019 dollars from the calculator at MinneapolisFED.com.

Notes: Allocated Revenue 2019 is the difference between Total Revenue 2019 and Generated Revenue 2019. Allocated Revenue 2015 applies % Change over 2015 to Allocated Revenue 2019. Inflation Adjusted CAGR is in 2019 dollars.

The 4.2 percent decrease in allocated revenue at the median autonomy school is particularly notable, both for the fact that it is a decrease and for the size of the average annual decrease. Compared to the economy at large over this period, the average annual increase for the nonautonomy programs also is large relative to the riskless rate, but not by much. Of course, this is just at the median programs and not a comparison to the rest of university expenditures.

A more granular examination, at the individual program level and across all programs, is both laborious and contentious. But it need not be so. Under Brand's administration, "agreed upon procedures" were adopted for collecting and sharing college sports financial data. Brand (2008) championed "dashboard" access to these data and the result during his presidency was the Members Financial Reporting System (MFRS). Brand stated the intent (2008, p. 7): "The overall goal is for institutions to carefully review their rates of expenditure increases and make sound financial decisions for the future of intercollegiate athletics and their campuses."

With due care, the MFRS contains data, including annual university overall budgets, that can facilitate financial comparisons at the individual institution level. But outside analysts have to rely on the very few athletic programs that post the data for public access, or laborious, hit-and-miss Freedom of Information Act requests. It doesn't have to be this way; it is this way due to the reluctance of some UAs and their NCAA to make the data readily publicly available.[18]

Fort and Winfree (2013) did the comparison for a cross-section at the top and bottom revenue positions of autonomy programs, and a cross-section at the top and bottom of the remaining FBS programs. They used individual program reports to Office of Post-Secondary Education and *USA Today* data, rather than the MFRS data. For the autonomy programs:

> The clear picture at the top of the FBS heap varies in the way we would expect. University administrators with the most successful athletic departments put next to nothing into their athletic programs, relative to either their university budget or allocations to other departments on campus . . . The bottom of the heap programs generate lower return, but even very small amounts of 'other values' relative to their university operating budgets, generate reasonable returns overall (p. 53).

And for the rest of the FBS:

> The remaining . . . departments all needed returns from the other values created across the university to provide a reasonable return on the institutional support invested. To get to a 5 percent return, the amounts needed ranged from $545,000 . . . to $24.2 million . . . with a median of $3.7 million (p. 55).

Fort and Winfree (2013) also provide the return on institutional support investment from just the student support payment from the athletic department. The median for the autonomy programs was 254.6 percent. For the rest of the FBS programs the median was 125.6 percent.

Fort and Winfree (2013) also highlight the autonomy and nonautonomy programs listed in Table 4. While institutional support as a percent of the university

operating budgets for these programs has risen for all except Texas, the percentages themselves typically remain very small. The reservation is held for Arkansas State, which was the largest in 2012, remains the largest for 2020, and is large both in absolute terms and compared to more than a few other units at that university. The values in Table 4 also are generally in the "3 to 4 percent" range claimed by Brand in 2005 (quote above). It does not appear that spending balance within the university has changed much if at all.

Table 4
Institutional Support as Percent of University Expenditure, 2012 and 2020

Program	2012	2020
Texas	0%	0.0%
North Carolina	0.08%	0.2%
Washington State	1.2%	2.2%
South Florida	0.27%	1.8%
Florida Atlantic	0.46%	2.5%
Arkansas State	3.1%	8.3%

Source: The 2012 percentage are from Fort and Winfree (2013) as cited in the text of the paper. The 2020 percentages are from allocated revenue reports at USA Today and university operating budget reports.

From Table 4, the main conclusion from Fort and Winfree (2013) still seems to hold:

> All-in-all, even if some of the student aid payments back to the university would have existed without institutional support, student aid payments plus small other values across the university appear to generate enviable returns (p. 56).

While there will always be some programs with issues in this regard (like Arkansas State in Table 4), it seems that Brand's element of balance across the university is the least of the sustainability worries.

Other Observations (Section V)

Brand spoke mostly about sustainability during the recession at the end of his presidency. In addition, Fort (2010) examined the behavior of UAs during recessions to see if management responses were what would be expected by economics and business decision theory. Responses were what one would expect of any business (profit or revenue maximizing). Get conservative, cut variable costs, and some even cut programs.

In the recent Covid episode, similar responses were made. Flexible positions went first along with postponed bonuses and personnel furloughs. And many schools

used part of the federal CARES support program to buoy athletics. But programs were cut, too. Data collected by Dittmore (2021) show that at least one sport was cut from 34 different Division I programs. None of the major sports suffered.

Perhaps more telling on the sustainability front, it isn't clear any of these cuts were permanent. Clemson, for example, will restore Men's Track. La Salle is restoring Men's Swimming and Stanford will restore all 11 sports that it previously cut. According to Dittmore's (2021) data, 10 of those 34 Division I schools have announced that at least one of their cut sports will return.

At this point, the creation of the autonomy programs in 2014 leads to an interesting speculation about how Brand would have evaluated balance more abstractly. Would he have viewed the further separation of the Power 5 from the rest of college sports as tension on balance and long-term sustainability? His archive suggests he would have been unsure it was a good move from the balance perspective.

Finally, it is interesting to consider balance directly as an ongoing assessment of the role of college sports at the university. I think Myles Brand would have dived straight into this conversation, for its intellectual value as well as for a chance to once more advocate balance that he held dear. This is not a new undertaking for academia and to shun such review would be to ignore its own history, all the way back to the Yale Report of 1828.[19]

Fort (2015) suggests how such an assessment might go using the example of the historical evolution of schools of business on campus. At the heart of the discussion was the issue that the value of business training was completely captured by the student and the firm that hired them. This was not in keeping with the liberal arts foundation of the creation of some greater social good coming from university education. Proponents argued that the same criticism had been made about then well-established schools of engineering.

The debate was also carried on in The Ford Foundation Report (Gordon & Howell, 1959) and The Carnegie Foundation Report (Pierson, 1959). The former was hostile while the latter offered constructive criticism of business school curricula. Ultimately, the result was careful oversight of the evolution of schools of business.

The important point here, of course, is that open dialogue and an actual debate on academic legitimacy occurred. For Brand's definition of sustainability, the same would need to be true of any sincere, recurring evaluation of the place of college sports at the university. It is suspected that he would have been at the forefront of such a debate or listening attentively in the audience.

Conclusions (Section VI)

During his NCAA presidency, Myles Brand focused on three elements of college sports sustainability. The assessment in this paper suggests that NCAA amateurism is battered a bit by court cases and state law but attacks on the essential part of pay for play have been held at bay. Financial stability continues as it did during and immediately after his presidency. Finally, athletics and academics, at least in terms

of funding, as a percentage of university expenditure, exhibit the same balance they did nearly 10 years go.

Brand would be dismayed by the precariousness of NCAA amateurism. Conceptually, he would be fine with the *O'Bannon* and the *Alston* decisions since they were about reimbursement tethered to educational expense. But the same cannot be said of the rise of state laws and federal attempts to codify NIL rights for athletes. His definition of college sports would count that as a loss to sustainability.

This paper concludes with an observation related to another of Brand's visions for college sports. The Scholarly Colloquium on College Sports, and the founding of this *Journal of Intercollegiate Sport*, were both another Myles Brand initiative. The Colloquium was meant to raise the standard of NCAA criticism from ideological attack to sound research and data analysis.

The Fort (2010) paper cited in the text was a direct result of the author's membership in the Colloquium. Financial sustainability was assessed just as a matter of data, not as a matter of movements to change college sports, or as a matter of some foundation credo.

It is lamentable, and tarnishes Brand's legacy that the Colloquium was canceled because it was viewed as too critical of the NCAA. That exercise of ideology, even though on the other side of the coin, is counter to Brand's intention that academic rigor, wherever it led, could only be good for the NCAA. It is no surprise that the Colloquium was killed only after his death and this journal was sent packing (fortunately, finding a new home).

Let's put this in Brand's (2003) own first observations about the organization he had begun to lead: "To the extent that current procedures are overly bureaucratic or exclude key stakeholders, we will have to modify our processes." As a remedy for access to MFRS data by researchers, the NCAA should openly share those important financial data. As for the elimination of the Colloquium, a tribute to his legacy would be to just bring it back. Thinking that eliminating his Scholarly Colloquium brainchild will somehow reduce honest analysis of the NCAA is, well, unsustainable.

Notes

[1] On the first, Brand championed the move to the Academic Progress Rate in 2002 and Graduation Success Rate in 2005, and sanctions for inadequate academic performance. For his dedication to the second, the 2018 NCAA Minority Opportunities & Interests Committee made him their first posthumous "Champion of Diversity & Inclusion" (Schwarb, 2018).

[2] Another academician might come up with a different interpretation of Brand's papers and videos than the one employed here. For example, in (Brand, 2006a), he enumerated another goal, athlete health and safety. Hopefully, no reader assigns biased intentions to what is simply ineptness. In this paper, it is always "NCAA amateurism" to emphasize that it is not the commonly accepted definition of amateurism.

[3] The are no page numbers on many of the PDF versions of Brand's addresses to the association at MylesBrand.com. Every effort is made to point the reader to the relevant locations, but if no page number is cited, it is because there were none.

[4] White v. NCAA (2008) preceded, but the NCAA settled the case prior to decision.

[5] In addition to the ruling on antitrust, a $208.7 million pool was created for FBS football, and Division I men's and women's basketball athletes harmed by GIA limits over the period March 5, 2010, to March 21, 2017.

[6] The autonomy conferences are also known as the "Power 5" conferences—the ACC, Big 12, Big Ten, Pacific-12, and SEC.

[7] Non-cash benefits were named as computers, scientific and musical instruments, and the like. Post-eligibility benefits were named as graduate scholarships, internships, and other aid.

[8] For the reader interested in the general relationship between the courts and NCAA amateurism, the more important "finding within the finding" is that there is no blanket special antitrust deferral granted to the NCAA. Kavanaugh's consenting opinion is an invitation to a completely broad attack on NCAA athlete "price fixing" under the antitrust laws, but that was one voice among the nine.

[9] These, however, also are under suit. The suit brought by Arizona State men's swimmer Grant House and Oregon women's basketball player Sedona Prince seek antitrust relief against the remaining compensation limits on NILs, including value added to college sports broadcasts and streams.

[10] My earlier work on sustainability (Fort, 2010) focused on a variety of revenue and expense categories, competitive balance, and athletic director responses to recession. In order to cover the ground set forth by Brand's elements of sustainability, only a subset of my previous coverage is in this paper.

[11] The form of NCAA reports of finances was remarkably stable through the 2015 data (published in 2016). But beginning with the 2016 data (published in 2017), the reports took a marked turn. So far, one can still piece together the depiction in Figure 1, but into the future it may be more insightful to use the quartile data reports. This is unfortunate since the reports for the highest endpoints are lost.

[12] NCAA Research (2020) lists the sources of allocated revenue as student activity fees, direct government support, and direct and indirect institutional support.

[13] The Peach, Fiesta, Cotton, Orange, Sugar, and Rose Bowls.

[14] Reports show insurance paid $270 million of the expected $800 million in March Madness revenues for 2020, This reduced payouts to $225 million of the $600 million expected (Dodd, 2021).

[15] The model of UAs and sports that has generated the most analytical traction for your author is in Fort & Winfree (2013, Chapters 1 through 3) and Fort (2015). Applications are in Fort (2016, 2018, Forthcoming).

[16] See Brand (2006b).

[17] The next few paragraphs borrow liberally from Fort (Forthcoming).

[18] This is how the analysts at USA Today generate their revenues and expenses report that they publish and share with the Knight Commission on Intercollegiate Athletics. But these other collections do not offer the full data set, instead they report what they believe is interesting to their clientele. Your author's attempt to collect and prepare the MFRS data for research consumption is at my publicly available

business data collection (Fort, 2021). It is far from complete (2006-2014) and took two years to complete.

[19] Randolph (1977) covers the ground on the debates in academia, itself, on the place of vocational education compared to the liberal arts foundation of the original American universities. The most recent I could find on the role of the Yale Report, in order to point the reader at a modern set of references, is Potts (2016).

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