

MINUTES

BOARD OF REGENTS COMMITTEE ON INTERCOLLEGIATE ATHLETICS MEETING

DECEMBER 14, 2017

I. CALL TO ORDER

Committee Chair Jeffrey Portnoy, called the meeting to order at 10:30 a.m. on Thursday, December 14, 2017, at the University of Hawai'i at Mānoa, Information Technology Building, 1st Floor Conference Room 105A/B, 2420 Correa Road, Honolulu, Hawai'i 96822.

Committee members in attendance: Committee Chair Jeffrey Portnoy; Committee Vice Chair Simeon Acoba; Regent Brandon Marc Higa; Regent Wayne Higaki; Regent Stanford Yuen.

Others in attendance: Board Vice Chair Ben Kudo; Board Vice Chair Randy Moore; Regent Eugene Bal; Regent Michael McEnerney; Regent Lee Putnam; Regent Douglas Shinsato; Regent Michelle Tagorda; Regent Ernest Wilson Jr. (ex officio committee members); Vice President for Administration Jan Gouveia (acting President); Vice President for Legal Affairs/University General Counsel Carrie Okinaga; Interim Vice President for Academic Planning & Policy Donald Straney; Vice President for Research & Innovation Vassilis Syrmos; Interim UH-Hilo (UHH) Chancellor Marcia Sakai; UH-West O'ahu (UHWO) Chancellor Maenette Benham; Honolulu Community College (HonCC) Chancellor Erika Lacro; Executive Administrator and Secretary to the Board of Regents Kendra Oishi; and others as noted.

II. APPROVAL OF THE MINUTES OF THE AUGUST 10, 2017 MEETING

Regent Yuen moved to approve the minutes of the August 10, 2017 meeting, seconded by Regent Higaki, and the motion carried unanimously.

III. PUBLIC COMMENT PERIOD

Executive Administrator and Secretary to the Board Kendra Oishi announced that the Board Office received no written testimony, and no individuals had signed up to give oral testimony.

Regents Putnam, Acoba and Shinsato arrived at 10:35 a.m.

IV. AGENDA ITEMS

A. Coaches Corner – Laura Beeman

A talk story session was held with Head Women's Basketball Coach Laura Beeman. Coach Beeman shared an email from the father of a 7 year old girl who had observed practice during the week commended the players for being so welcoming and being such good role models for his daughter, and indicated this is why their family would continue to

support Wahine Basketball. Coach Beeman indicated that most women's programs are not revenue generators, but what the team does in the community and value of the opportunities afforded to young girls and players in the state is what really matters. She added that it has been a tough year in terms of wins and losses, but this team really exemplified what Hawai'i is all about.

Coach Beeman noted that getting the funding to move forward with the Gym 1 and Gym 2 projects will tremendously benefit both men's and women's basketball and volleyball, and help with recruitment.

Coach Beeman indicated where UHM is with its gender equity program is better than any other program she has been involved with. There is always room for growth and improvement, but it is great to be part of a department that put emphasis on the well-being of its young women and men.

Questions and comments were raised regarding the value of women's sports given that some individuals may only focus on the program running a deficit and low attendance; what she had done to change Wahine Basketball since being hired; commending Coach Beeman for the 'ohana spirit among the players at games, focusing on academics and character building, and keeping players out of negative/unwanted headlines; what she has done to change Wahine Basketball since being hired; and if she had a magic wand, what would be the one thing that she would change.

Coach Beeman noted the statistics and financial resources required when a young woman is not a contributor to society, and extracurricular sports provide young women with the self-esteem and self-confidence to keep them out of abusive relationships. The UHM sports program gives young women the opportunity to obtain a degree, get a job, contribute to society and become providers for their families. It was noted that the team is very committed to academics and had a 3.12 overall grade point average last year, which is challenging because the program runs from fall to spring and involves a lot of travel. She talked with the team about moving forward and not settling for average or second best, but striving for excellence. When recruiting players, responsibility to academics is stressed and mediocrity is not an acceptable excuse. She indicated that the immigration situation involving a member of the coaching staff has been very difficult on the team and that is the one thing she wished could change.

B. Review & Approval of Three Goals: (1) Board is ultimately responsible for athletics policy & oversight; (2) Board should act decisively to uphold integrity of the athletics program and its alignment with the academic mission of UH; (3) Board must educate itself about its policy role & oversight of intercollegiate athletics

Chair Portnoy suggested the committee start with goal (3) ("Board must educate itself about policy role & oversight of intercollegiate athletics") because it was internal to the board and would not require much discussion. There were no objections from committee members and discussion regarding goal (3).

Regent Yuen moved to recommend board approval of goal (3), Regent Higaki seconded, and the motion carried unanimously.

Goal (1) (“Board is ultimately responsible for athletics policy & oversight”) was taken up next. Regent Higaki moved to recommend board approval of goal (1), Regent Acoba seconded.

Extensive discussion held regarding what is the responsibility of administration, specifically the chancellor, and the ultimate role of the board as discussed in the Association of Governing Board statement and study. There was general consensus that it is the role of administration to keep the board informed and consult with the board when necessary. Administration noted that collaboration was important, and different perspectives can be useful, but it would be helpful to define exactly what “policy & oversight” includes. There were board policies related to athletics, but some uncertainty as to what was meant by “athletics policy,” and no similar statements by the board regarding other departments existed. The increasing trend towards institutions recognizing athletics as separate entities being different in the overall framework of public institutions was noted and national discussions are taking place regarding whether boards should have committees devoted to athletics. Athletics is one of the most visible parts of a university and many universities have suffered tremendous economic and public relations losses because of what has gone on in athletics. There have also been issues at other universities with trustees getting involved in matters they should not be involved with.

Concern was expressed about the tendency to view athletics as separate from the university itself; how to persuade others at the university and in the community who may think athletics is irrelevant; what might be done to improve the integration of athletics going forward; the athletics department continuing to run at a deficit, and how athletics and other programs are not profitable on a cost allocation basis and rely on funding (legislative funding, tuition, fees, grants, donations).

A suggestion was made to consider deferring action on goal (1) until administration had time to weigh in on what the relationship between the board’s responsibility and administration’s responsibility with respect to athletics policy & oversight. There were no objections.

Further discussion held regarding goal (2) (“Board should act decisively to uphold integrity of the athletics program and its alignment with the academic mission of UH”). A suggestion was made to consider combining goals (1) and (2) to have the board assure through appropriate oversight the integrity of the athletics program and its alignment with the academic mission of UH. Concerns were expressed about the board not micromanaging athletics and using a word other than “assure.” Based on this discussion, the pending motion was withdrawn, and Regent Higaki made a motion to recommend board approval of combining goals (1) and (2) with the suggested language, Regent Yuen seconded.

Further discussion then ensued regarding deferring action on combining goals (1) and (2). The pending motion to recommend board approval of combining goals (1) and (2) with the suggested language was withdrawn and the committee deferred action on goals (1) and (2) until administration has time to weigh in on and propose language for the relationship between the board’s responsibility and administration’s responsibility with

respect to athletics policy & oversight; proposed language for the combined goals (1) and (2) to be brought to the next committee meeting.

C. Gender Equity – Report on Title IX Compliance

UH Mānoa Athletic Director (AD) David Matlin introduced Lois Manin, the new Associate AD Student Services/Senior Woman Administrator who gave a presentation on Gender Equity/Title IX Update that included information on the Patsy T. Mink Act and it is integrated into the National College Athletic Association (NCAA) Gender Equity Statement; history of UHM's Gender Equity Reports/Plan; Title IX Equitable Participation Opportunities; Scholarships; Title IX Laundry List; Areas of Progress; Areas for Further Assessment – In Progress; and Areas of Focused Attention – Master Facility Plan. AAD Manin explained the presentation was based on the 2016 report completed last summer by the Athletics Advisory Board Committee chaired by Peter Nicholson. The department subsequently hired Dan Cohen, an attorney and Title IX consultant, and Cheryl Levick, a Title IX expert; to review the documents, and provide guidance and feedback s they work towards their goals. It was noted that the NCAA does not regulate Title IX compliance. Title IX regulations break down into 13 program areas, the first of which is opportunities. Athletic departments are only required to comply with one of the three prongs of compliance requirements. UHM is in compliance with Prong I (Substantial Proportionality), while many other institutions are only in compliance with Prong II or Prong III. For the 2016-2017 Academic Year, women made up 55.4% of undergraduates and received 55.9% of athletic opportunities, a ½ point ahead. The second program area is scholarships. Duplicated scholarship counts are used for participation and refer to student-athletes who play more than one intercollegiate sport, something more common among female student-athletes. Unduplicated counts are used for scholarships and refer to the true number of student-athletes. In order to meet the goal of less than 1% scholarship proportionality goal, the department will need to continue monitoring the roster management plan to continue the upward trend. The Title IX Laundry List contains the 11 remaining program areas.

The committee clarified that the men's and women's coaching salaries were compared internally and against peer institutions. Market values for each sport are evaluated and benchmarks created based on conferences UH participates in, other schools, and comparable conferences within the Group of 5. The athletic department is working with administration to update salary ranges to ensure compliance. The committee also clarified that traditionally in Hawai'i football and women's volleyball do not run at a deficit, but how overhead revenues are allocated needs to be taken into consideration. There are more revenue opportunities for some sports than others, which helps support other sports, as do other revenue sources such as Hawai'i's IMG Sports Marketing Corporate Partner Program, the Under Armour apparel deal, and the Hawaiian Airlines deal.

Questions and comments raised regarding a request for information on unit cost per player; the status of having a soccer field on the Clarence T. C. Ching Complex and whether there were any other fields closer to UH campus; how much the Title IX consultants were being paid; how scholarship allocations were determined; whether funds raised by booster clubs are taken into consideration; what is being done about

transgender student-athletes and transgender students; and whether there were any incidences regarding the National Anthem.

AD Matlin explained that it would be \$18 to \$20 million for an on-campus soccer field, and while they had not looked into fields closer to UH it was a good idea, but there can be compliance issues for recruiting when games are played at a high school. The Waipi'o Soccer Complex is a very nice facility, and people on that side of the island appreciate the games being nearby, but it does take longer for the student-athletes to travel. The scope of work for the Title IX consultants in the terms of engagement was limited to no more than \$10,000 in total for both. Scholarships allocations for each sport are set by the NCAA. How funds raised by booster clubs are used is taken into consideration, and any inequities would need to be addressed. UHM does not currently have any transgender student-athletes, but discussions were held at the Big West meetings last week and UHM is going to create policies to address these student-athletes. UH administration is close to finalizing a draft policy to address the issue of transgender students. AD Matlin noted there were no incidences at UH regarding the National Anthem.

Board Vice Chair Kudo arrived at 12:12 p.m., quorum was not affected.

D. UH Hilo Athletics Overview & Update

UHH Athletics Director (AD) Pat Guillen gave a presentation that included an overview and update of UHH Athletics and report on Gender Equity/Title IX, including the UHH Gender Equity Plan; Scholarships; current and ongoing Title IX Training; Title IX Laundry List; Areas of Progress; and Areas for Further Assessment – In Progress. UHH is in compliance with Prong I (Substantial Proportionality). For the Academic Year 2016-2017 women made up 60.7% of undergraduates and received 58.7% of athletic opportunities. He also provided a roster breakdown of total participants for the various sports programs at UHH. The Title IX Laundry List contains the 8 remaining program areas. With the dissolution of the athletics program at Brigham Young University-Hawai'i, UHH will need to work with the conference office on scheduling. There are no permanent locker room spaces for any sports programs, except the baseball program because games are played at the Francis Wong Stadium.

A question was raised regarding whether UHH had an inventory control program for equipment and supplies. AD Guillen explained that UHH does not have an equipment manager, but each head coach keeps track of inventory.

A request was made for information on unit cost per player.

Regent Higaki left at 12:19 p.m., quorum was not affected.

E. Time Management Plan for Student-Athletes

UHM AD Matlin gave a presentation providing a brief history and of UHM's Time Management Plan; the three areas of athletically related activities addressed; legislative summary; challenges; and the annual review process. The NCAA Student Advisory Committee was concerned about the time student-athletes spend as athletes and students, and formed a group that came up with recommendations. The Autonomy Five

conferences adopted a Time Management Plan for themselves, and the other mid-majors and 27 other Division I conferences have the opportunity to opt into the legislation, with the Big West Conference (BWC) being the only non-Power 5 conference to opt in. A lot has been learned by going through the process this past year and it really makes a difference for the welfare of student-athletes. UHM's policy was done in collaboration with the BWC and BWC institutions, Football Bowl Subdivision League I schools, and UH administration, coaches, and student-athletes. UHM's football program is in the Mountain West Conference, the swimming program is in the Mountain Pacific Sports Federation Conference, and so these two programs are not part of the time management plan even though those programs are similarly monitored. The football program does an excellent job of time and calendar management.

The UHM Time Management Plan has been implemented to provide adequate time off for student-athletes, and properly notify them of any changes to the calendar so student-athletes can plan accordingly. Notification of student-athletes has been a manual process, but a module will be integrated into the JumpForward software that will provide greater efficiency.

Questions and comments were raised regarding whether there was a time management plan for UHM sports programs not in the BWC; whether travel counted as time off; and the lack of specific numbers in the Gender Equity Plan.

AD Matlin explained that the expectations of the football and swimming programs are aligned with the UHM Time Management Plan, but are not mandated. The NCAA approved a Hawai'i exemption regarding travel. The Gender Equity Plan is still in draft form, so the department will continue to work on finalizing.

V. ADJOURNMENT

There being no further business, Regent Higa moved to adjourn, and Committee Vice Chair Acoba seconded, and with unanimous approval, the meeting was adjourned at 12:23 p.m.

Respectfully Submitted,

/S/

Kendra Oishi
Executive Administrator and Secretary
to the Board of Regents