

## MINUTES

### BOARD OF REGENTS COMMITTEE ON INTERCOLLEGIATE ATHLETICS MEETING

MAY 18, 2018

#### I. CALL TO ORDER

Committee Chair Jeffrey Portnoy, called the meeting to order at 10:00 a.m. on Friday, May 18, 2018, at the University of Hawai'i at Mānoa, 2465 Campus Road, Executive Dining Room, Honolulu, Hawai'i 96822.

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

Committee members excused: Regent Wayne Higaki.

Others in attendance: Board Chair Jan Sullivan; Regent Michael McEnerney; Regent Lee Putnam; Regent Douglas Shinsato (ex officio committee members); President/Interim UH Mānoa (UHM) Chancellor David Lassner; Vice President for Administration Jan Gouveia; Vice President for Legal Affairs/University General Counsel Carrie Okinaga; Vice President for Academic Planning & Policy Don Straney; Vice President for Information Technology/Chief Information Officer Garret Yoshimi; Vice President for Budget & Finance/Chief Financial Officer Kalbert Young; Interim UH-Hilo (UHH) Chancellor Marcia Sakai; Executive Administrator and Secretary to the Board of Regents (Board Secretary) Kendra Oishi; and others as noted.

#### II. APPROVAL OF THE MINUTES OF THE JANUARY 11, 2018 MEETING

Regent Higa moved to approve the minutes of the January 11, 2018, meeting, seconded by Regent Yuen and the motion carried with Regent Acoba abstaining.

#### III. PUBLIC COMMENT PERIOD

Board Secretary Oishi announced that the Board Office received no written testimony and no individuals had signed up to provide oral testimony.

#### IV. AGENDA ITEMS

There were no objections to reordering the agenda to take up action items first.

##### B. Approval of Revisions to:

1. Regents Policy 9.202, Classification Plans and Compensation Schedules
2. Regents Policy 9.218, Delegation of Personnel Actions

Chair Portnoy explained that in January 2018, relatively minor revisions were made to RP 9.218 regarding delegation of authority for coaches contracts. At that time, there was some discussion at the committee meeting about whether regents should extricate

themselves from approving extensions of coaches contracts, and he felt that prior revisions made that gave regents final authority over coaches contracts that exceeded a certain period of time or salary range was an appropriate balance of oversight. Administration worked on revising the applicable regents policies to provide clear and unambiguous direction on when appointments of athletics coaches and related administrators require approval by board leadership. These revisions allow the athletic directors and chancellors to extend coaches contracts up to five years and increases the amount of compensation permitted without board leadership approval.

Athletic Director Matlin indicated that the proposed changes will make athletics more agile, improve hiring opportunities, and help retain quality coaches in the fast-paced, competitive market of collegiate athletics. UHM is committed to hiring quality coaches and the success of student-athletes on and off the field. On average, UHM coaches are at the 27<sup>th</sup> percentile among the 133 Division I institutions, and on the lower end of contract terms. Providing coaches with an appointment period of up to five years when warranted allows UHM to provide more security since it is not able to offer much more in compensation in the near-term due to current economic realities.

Long-term and short-term contracts bear different kinds of risk, and the athletics department collaborated with the Office of General Counsel, Human Resources, and Hawai'i Government Employees Association to revise the template for long-term contracts for head coaches that will mitigate risks to the university. There may be some adjustments in the short-term to the length of coaches contracts on a case-by-case basis, but an abundance of long-term contracts is not envisioned.

Comments were raised expressing support for what is best for the student-athletes.

Regent Yuen moved to recommend board approval of the revisions to RP 9.202 and RP 9.218, seconded by Regent Higa, and the motion carried unanimously.

**E. Review & Approval of Consolidated & Revised Goals 1 & 2: Board should exercise appropriate oversight over the integrity of the athletics program and its alignment with the academic mission of UH**

Committee Chair Portnoy explained the history of the proposed goals, which the committee discussed last year along with the role of the board in terms of oversight over intercollegiate athletics. The committee previously deferred action on the consolidated and revised goals because Committee Vice Chair Acoba was not present for the previous discussions.

Regent Acoba expressed concerns regarding the scope of the board's oversight and the need for input from administration on how it views the regents' role. He requested that administration provide a response as to how it views its role when faced with issues that involve the community. He noted that the proposed combined goal does not address policy or oversight, and suggested that the original goal 1, "Board is ultimately responsible for athletics policy and oversight," be added back in.

President Lassner explained his understanding that this activity was about setting goals of the committee and that a presentation by administration may not be

appropriate. However, administration could develop policy on the role of the board relative to administration on matters such as student-athlete integrity.

Discussions were held regarding the need to define oversight and take accountability into consideration, but avoid micromanaging. It was noted that the goals originated from concerns about issues involving athletics that occurred at other universities (i.e., Penn State, Michigan State, etc.) and there being no formal policies addressing the role of the board of regents with regard to the UH athletics program. The “Statement on Board Responsibilities for Intercollegiate Athletics” from the Association of Governing Boards (AGB) 2012 report, *Trust, Accountability, and Integrity: Board Responsibilities for Intercollegiate Athletics* indicates the need for institutions to have a formal guidelines or goals that explain that the regents or trustees of an institution have a role in athletics. This report helped inform the original goals that were proposed, which have been amended based on feedback received at committee meetings.

President Lassner indicated that administration works with committee chairs to structure meetings and ensure that regents and the public are informed on key issues including academics, concussion protocols, coaches contracts, and Title IX. These key issues are not currently in policy, but administration could elaborate on the higher risk items to address appropriate board oversight. If the board prefers a policy, administration could help identify items that the board reviews on a semi-annual basis.

Regent Yuen made a motion to recommend board approval of the consolidated and revised goal, “Board should exercise appropriate oversight over the integrity of the athletics program and its alignment with the academic mission of UH,” as stated, seconded by Regent Higa, and the motion carried unanimously.

Regent Acoba made a motion to recommend board approval of the goal, “Board is ultimately responsible for athletics policy and oversight.” Regent Higa seconded, and the motion carried unanimously.

#### **A. Coaches Corner – Gene Krieger, University of Hawai‘i at Hilo Volleyball Coach**

Athletic Director Guillen introduced Gene Krieger, UHH Head Volleyball Coach. Coach Krieger has a reputation of program building, is a three-time National Collegiate Athletic Association (NCAA) Division II and National Association of Intercollegiate Athletics (NAIA) National Coach of the Year, and has impeccable credentials.

Coach Krieger talked about the tradition of UHH athletics and volleyball and his “Hawai‘i first” philosophy for recruitment. His efforts include recruiting local athletes or former residents, increasing the number of local athletes or former residents on the team from one this year to more than nine next year, getting the team back to championship level, and motivating student-athletes to perform well in the classroom and serve as role models to the community.

Coach Krieger also discussed outreach efforts and reintegration of alumni and the community through participating in the Merrie Monarch Festival and offering low-cost community volleyball camps. He noted that last year was the first time in 62 years that

UHH volleyball participated in the prestigious Haili Volleyball Tournament, which the team won.

All of this year's senior student-athletes graduated on time and are projected to graduate on time next year. UHH was also recognized nationally as one of the top academic teams by the American Volleyball Coaches Association.

Questions were raised regarding the challenges of coaching in an institution with limited resources, and in the shadow of a bigger, well-known, and better-funded team; whether Coach Krieger was working with UHM coaches; whether the NAIA had anything comparable to the NCAA RPI Rankings; and the geographic recruitment areas.

Coach Krieger responded that he tries to focus on the positives and keep the doors open for student-athletes from mainland schools or former residents who wish to return to UHH. He emphasizes the financial advantages for residents who attending UHH and finds people who share the same dream of playing volleyball in Hawai'i. Rankings for Division II are based on playing teams within the region, which for UHH includes Northern and Southern California, Washington, and Alaska. For recruitment, Coach Krieger is focused on Hawai'i and the west coast.

Committee Chair Portnoy noted that the committee made efforts to not be Mānoa-centric and Coach Krieger's accomplishments with the UHH volleyball team reinforces the importance of focusing on both athletic programs.

### **C. UH Mānoa Athletics**

- 1. Update on Health & Wellness**
- 2. Update on Finances**

Dr. Jill Inouye (Team Physician) and Dr. Andy Nichols (Medical Director of UHM Student Health Services) provided an update on student-athlete health and wellness, including concussions and screening EKGs. There are no major changes since last year and the concussion management program is in alignment with the NCAA recommendations and the 2016 Consensus Statement. No major changes were made to UHM's concussion management program, but UHM is following the NCAA recommendation of introducing student-athletes to light activities as tolerated after the initial 24- to 48-hour rest period has proven helpful, which is a change from prior years. The UHM concussion management protocol was submitted to the NCAA last spring and is awaiting feedback. The total number of reported concussions has increased since last year, but that is due in part to increased awareness among student-athletes and coaches. UHM started performing screening EKGs last year for football, men's and women's basketball, and women's volleyball and soccer. This year, screening EKGs will be done on all incoming freshmen and transfers, with a goal of conducting screening EKGs on all student-athletes in the next 3 to 4 years.

Questions were raised regarding the number of concussions sustained during sports participation and whether an on-site physician is available at games other than football to evaluate student-athletes and determine if they are able to return to the game. Dr. Nichols explained that UHM has a robust system of team physician coverage at most

home events. Athletic trainers undergo intensive training regarding concussions and everyone takes a conservative approach to concussions. When trainers are not able to travel with the team, both UHM and UHH rely on the hosting teams.

Questions were raised about the number of concussions for water polo and sailing. Dr. Inouye explained that water polo is a very high contact sport, and most sailing-related concussions involve getting hit by the boom.

Questions were raised regarding whether there is a protocol for student-athletes who sustain multiple concussions and if former student-athletes return with claims about sustaining injuries while participating in UH sports. Recovery time from concussions varies by student-athlete. There is no designated protocol for student-athletes who sustain multiple concussions, but physicians meet with student-athletes to determine whether the student-athlete wishes to continue playing. Neither Dr. Nichols or Dr. Inouye were aware of any former student-athletes coming forward claiming to be suffering from injuries sustained while participating in UH sports.

A question was raised on who pays for EKGs. The athletic department covers the cost of screening EKGs. If further screening is necessary, they work with insurance carriers.

Lois Manin, Associate Athletic Director (AAD)/Senior Woman Coordinator, provided an update on the NCAA best practices on mental health, which is a hot topic in intercollegiate athletics. She also provided the status of the plan UHM is developing to be in compliance with best practices; initiatives to increase awareness of resources available on-campus; efforts to increase response time, provide access to off-campus health care providers, and ensure student-athletes are getting the services they need; and ongoing education efforts for coaches, staff, and student-athletes. The goal is to have a plan in place by the end of summer.

Questions and comments were raised regarding the process for notifying family if there is a mental health issue, the wait-time for student-athletes to see a counselor, and whether mental health training is available for coaches.

AAD Manin explained that if the student-athlete is 18 years old, the athletic department is not allowed to notify family, even with the student-athlete's permission. The athletic department encourages student-athletes to notify their parents and tries to create an environment to facilitate that, but is not able to make them do so. In emergency situations, student-athletes are taken to the counseling center and immediately assessed, and the counselors determine the appropriate course of action. There is a backlog for non-emergency situations and access to mental health services is an issue statewide. The athletic department provides ongoing education for coaches and staff to create an environment of awareness.

Head Football Coach Nick Rolovich noted that the NCAA has instituted a medical evaluator at football games to identify signs of injury for any player on the field for either team and remove them from the game. Referees are also doing a better job of identifying injuries and removing players when warranted. The UHM football team is

utilizing state-of-the-art equipment, including new helmets for the most at-risk positions donated by an alumnus. He reiterated how helpful the counseling department had been for the players this past year.

The committee requested five years of statistical data regarding concussions.

AD Matlin provided an update on athletic department finances, including the operating deficit, new initiatives, and facilities improvements. The budget deficit was reduced from \$4.2 million in fiscal year (FY) 2015 to \$1.7 million in FY2017, despite severe cost challenges such as travel and fringe benefit costs that are unique to Hawai'i athletics, and other costs associated with recent NCAA legislation. Recent initiatives significantly increased savings and incremental revenues for the athletic department. Hawaiian Airlines extended fixed travel prices in the travel agreement to visiting teams and Big West administrators, and worked with its corporate partner Outrigger Hotels to make it possible for UHM to host the Big West Conference Council Meetings on May 7 to 9 at the Outrigger Reef Hotel in Waikīkī. Pūpūkāhi I Holomua, a new philanthropic program to support student-athlete success, was created. Other initiatives are in progress and more work needs to be done.

The deficit for FY2018 is projected to be approximately \$2.3 to \$2.6 million, an increase over 2017. Contributing factors to the anticipated deficit are the loss of \$400,000 from the Spectrum TV contract and fringe benefit increases. More games were broadcast on national television which resulted in UH not being able to meet the 7 game minimum for Spectrum, but the national exposure for UH was good. On October 2017, the fringe benefit rate increased from 52% to 58%, which cost approximately \$330,000.

AD Matlin also provided an update on the following CIP projects: repairs to Gym 1 and Gym 2 will start in mid-June, with Gym 2 expected to be completed by the end of the year; Phase I of the wahine softball stadium, a Title IX initiative, was completed; the football scissor lift pads is targeted for completion by August 1, 2018; and the baseball locker room should be completed by the next season. He thanked the Legislature for their support and UH facilities and administration for their efforts on these design-build projects, and noted the design-build process appears to be more time and cost-effective.

Questions and comments were raised regarding the "progress update" figures on the operating deficit; status of the tripartite agreement between 'Ahahui Koa Ānuenue (AKA), the athletic department and UHF; the cumulative debt for the athletic department; sources of revenues; and whether there has been success with student contributions.

AD Matlin explained that progress updates represented initiatives or cost savings made since the November 2015 deep dive on financials. There is a plan for the tripartite agreement and the athletic department is awaiting feedback from UHF. Interim UHM Chancellor Lassner indicated that as part of the UHM financial plan, the campus has started paying down \$700,000 per year of the debt that was forgiven by a previous chancellor. Since then, there has been approximately \$10 to \$15 million in new

accumulated debt. The goal is to have the athletic department break even by 2020. Fluctuations in revenues are largely due to ticket sales, which have gone down at UHM and across the country for the past several years, but UHM is significantly ahead of the average for Mountain West and the Group of 5.

Additional questions were raised regarding the cost of attendance (COA) and the new NCAA ruling allowing parents to be brought on recruiting visits; and potential increased costs and benefits resulting from the federal court ruling in the O'Bannon case. Student fees comprise approximately 3% of the budget, compared to the 10% to 33% for other Mountain West schools. The athletic department continues to review student contributions and hold discussions with Associated Students of the University of Hawai'i (ASUH) and other student groups. The athletic department is also starting a young alumni program and SuperFanU application to reach more students, and ASUH is committing 8% of student fees to incentivize students to attend events. The athletic department spends between \$150,000 and \$160,000 on COA, and covers other costs through fundraising efforts. COA is a fairly significant recruiting factor which needs to be balanced with fiscal responsibility and Title IX considerations.

Coach Rolovich indicated that having parents attend recruiting trips could significantly impact the budget. Recruiting efforts are focused on local athletes and determining the commitment of recruits in attending UHM.

#### **D. UH Hilo Athletics**

- 1. Update on Health & Wellness**
- 2. Update on Finances**

AD Guillen provided an update on health and wellness, and athletic department finances. He commended the certified athletic trainers and team physicians for the phenomenal job they do in caring for student-athletes and reported that the total number of reported concussions decreased from 7 the previous year to 5 this year, with an average recovery period of 2 weeks. Extensive baseline testing for all student-athletes is conducted at the beginning of every year. There was one case of rat lungworm contracted during training before the season started, with the student-athlete recently graduating.

Coaches receive extensive training, education, and awareness on depression and suicidal tendencies. Student-athletes are informed at the beginning of the year about available resources. In August, counseling services will include an online educational tool to help recognize signs of mental health issues. Training for student-athletes will be conducted later in the fall.

AD Guillen also provided an update on UHH athletic department finances, including projected surplus, budget process, challenges, and opportunities. The spring sports program has experienced more success this past season than it has in the past 15 to 20 years. NCAA Division II teams are reimbursed fixed amounts for post-season play and nothing for conference championships. Several teams are projected to advance to conference championships, which will result in increased expenses. Philanthropic

donations have increased by 30% and fundraising has increased over 20% since 2015, but it will not be enough if the programs continue on the anticipated trajectory. Game guarantees and travel remain a challenge for UHH. UHH will collaborate with UHM on additional legislative opportunities, is partnering with the UH bookstore for online merchandising, and will continue fundraising and revenue generating initiatives. He noted that the amount of outreach the sports programs have in the community has really helped and they will continue those efforts.

Questions were raised regarding the stability of the Pacific West Conference league. AD Guillen responded that the league is stable and former local sportscaster Bob Hogue is the current chair of the Sports Administration Committee for the Division II Conference Commissioners Association. Both Chaminade and Hawai'i Pacific University remain in the league, but Brigham Young University-Hawai'i left the league.

#### **F. Committee Annual Review**

The committee and the board, in collaboration with administration, had significant accomplishments this past year at both UHM and UHH, although significant financial challenges remain. Big strides have been made with regard to health, wellness, and Title IX.

Comments were made expressing appreciation regarding the informational value of Coaches' Corner; the content of athletic department reports and level of responsiveness to requests for additional information; the progress made by the athletic departments over the past few years; and committee leadership for helping to ensure the committee addressed critical issues of the athletics programs.

Committee Chair Portnoy indicated that athletics is the single most prominent aspect of the university to the general public, and there needs to be a balance between what matters the regents should and should not be involved in. It was also noted that gambling has become an issue across the country which impacts universities and university sports that will need to be addressed in the future, and a request was made to administration to provide an update next year regarding the university's efforts to address this issue.

#### **V. ADJOURNMENT**

There being no further business, Regent Higa moved to adjourn, and Regent Yuen seconded, and with unanimous approval, the meeting was adjourned at 11:52 a.m.

Respectfully Submitted,

/S/

Kendra Oishi  
Executive Administrator and Secretary  
to the Board of Regents