

MINUTES

BOARD OF REGENTS COMMITTEE ON INTERCOLLEGIATE ATHLETICS MEETING

FEBRUARY 6, 2020

I. CALL TO ORDER

Chair Simeon Acoba called the meeting to order at 10:30 a.m. on Thursday, February 6, 2020, at the University of Hawai'i at Mānoa, Information Technology Building, 1st Floor Conference Room 105A/B, 2520 Correa Road, Honolulu, Hawai'i 96822.

Committee members in attendance: Chair Simeon Acoba; Vice-Chair Michael McEnerney; Regent Kelli Acopan; and Regent Eugene Bal.

Committee members excused: Regent Robert Westerman.

Others in attendance: Board Chair Ben Kudo; Regent Wayne Higaki; Regent Randy Moore; Regent Jan Sullivan; Regent Michelle Tagorda; Regent Ernest Wilson Jr. (ex officio committee members); President David Lassner; Vice President (VP) for Community Colleges Erika Lacro; VP for Legal Affairs/University General Counsel Carrie Okinaga; VP for Academic Planning and Policy Donald Straney; VP for Information Technology/Chief Information Officer Garret Yoshimi; UH Mānoa (UHM) Provost Michael Bruno; UH Hilo Chancellor Bonnie Irwin; UH West O'ahu Chancellor Maenette Benham; Leeward Community College Chancellor Carlos Peñaloza; Executive Administrator and Secretary of the Board of Regents (Board Secretary) Kendra Oishi; and others as noted.

II. APPROVAL OF MINUTES OF THE NOVEMBER 7, 2019 MEETING

Regent McEnerney moved to approve the minutes of the November 7, 2019, meeting, seconded by Regent Bal, and noting the excused absence of Regent Westerman, the motion carried with all members present voting in the affirmative.

III. PUBLIC COMMENT PERIOD

Board Secretary Oishi announced that the Board Office did not receive any written testimony, and no individuals signed up to provide oral testimony.

IV. AGENDA ITEMS

Chair Acoba announced that he would be taking the agenda items out of order and that the committee would take up agenda item C immediately after agenda item A.

A. Coaches Corner: Todd Graham, University of Hawai'i at Mānoa Head Football Coach

UHM Athletic Director (AD) David Matlin introduced Todd Graham, the new UHM head football coach, noting that Coach Graham's proven head coaching experience and

history as an exceptional leader and educator of young men made his application stand out among the numerous qualified candidates that applied for the position.

Coach Graham thanked the university for providing him the opportunity to be the UHM head football coach and stated that he was excited to be at UH and eager to get started, noting that he chose to apply to UH because he felt the program had similar values to his and he wanted to coach at a successful program that he felt he could elevate to an even higher level. He spoke briefly about his family and his life experiences, from his days growing up in Southeast Dallas, through his football career in high school, college, and the National Football League. Coach Graham expressed his view on the game of football, stating that it had a profound impact on his life, not only because it provided him with educational opportunities that he might not have otherwise had, but also because it brought people into his life that provided him with inspiration, stability, and direction.

Coach Graham provided a brief history of his coaching experience. He noted that, although he has had the opportunity to coach at a myriad of football programs, from the intermediate and high school levels to the highest levels of college football, his coaching philosophy has remained constant – to inspire and influence young men to not only be champions on the field but, more importantly, champions in life. He reiterated the impact education had on his life and stated that, being an educator himself, he wanted to impart the importance of education on the young men he coached. Believing that success in the classroom leads to success on the field, Coach Graham stated that he has high academic standards for his athletes, expecting them to achieve a 3.0 grade point average and to compete as hard in the classroom as they do on the field.

Vice-Chair McEnerney asked Coach Graham what his thoughts were on the issue of players being allowed to market their name, image, and likeness. Coach Graham responded that, in his opinion, these discussions need to take place. However, he noted that affording players this opportunity will have an impact on athletic programs across the country particularly in areas of fairness, competition for resources between larger and smaller athletic programs, and gender equity through Title IX. He also expressed his belief that a greater emphasis needs to be placed on the health, safety, and well-being of student athletes which was more important than monetary considerations.

Noting Coach Graham's penchant for instituting fast-paced, high-powered offenses, Regent Bal questioned what his philosophy was regarding speed on the field. Coach Graham answered that speed on the field was important, that speed wins games and that he intends to run both an offense and a defense that will operate at a lightning speed. However, he believes that discipline and character are equally important. Having good character and discipline leads to making smart decisions. Without good discipline and character, athletes tend to make mistakes that not only affect themselves but the team as a whole.

Chair Acoba asked Coach Graham what his approach was to avoiding or mitigating reputational risks. Coach Graham replied that education is the key to protecting the reputation of the university. Programs need to be more proactive in educating their

athletes, staff, and administrators on the values expected of them and on being good stewards for the program. He remarked that, as the head football coach, he takes responsibility for the actions of his players and staff and pledged to monitor and avoid any reputational risks to the integrity and standards of the University of Hawaii.

Chair Acoba inquired as to what Coach Graham's thoughts were on the benefits that a football program brings to a university. Coach Graham stated that football programs can bring a sense of pride to not only a university but to the community as a whole. Football programs can serve as an inspiration to individuals, including students, to better themselves and he highly encourages his players to integrate into student life and serve the community.

C. Continued from November 7, 2019 Meeting:

1. Committee Goals and Objectives

Chair Acoba mentioned that discussions regarding the committee goals and objectives were started at the November 7th committee meeting and that this was a continuation of those discussions. He noted that a chart containing the annual review of the committee goals and objectives and projected committee accomplishments for 2019-2020 academic year had been distributed. He remarked that some of the goals and objectives have already been satisfied and opened discussions among committee members on the proposed committee goals and objectives.

There being no comments or discussion, Chair Acoba suggested amending the chart provided to better align the projected accomplishments relating to booster club updates and Title IX compliance with more applicable committee goals and objectives and entertained a motion to adopt the goals and objectives, as amended.

Vice-Chair McEnerney moved to adopt the committee goals and objectives as amended, seconded by Regent Acopan, and noting the excused absence of Regent Westerman, the motion carried with all members present voting in the affirmative.

2. Future Committee Status of the Intercollegiate Athletics Committee

Chair Acoba pointed out that discussions on the future status of the Intercollegiate Athletics Committee were initiated at the November 7th committee meeting. He remarked that the increasing complexity of collegiate athletics over the last few years has resulted in athletics having a greater interrelation with numerous university policies which warranted maintaining the status of the Committee on Intercollegiate Athletics as a stand-alone committee of the board.

Discussion occurred among committee members during the November 7th, 2019, meeting as to the pros and cons of maintaining an Intercollegiate Athletics Committee. Regent Moore agreed oversight was critical but questioned whether a separate athletic committee was needed or if oversight could be incorporated into another existing committee such as academic and student affairs. Vice Chair Higaki agreed that oversight was a good thing with sentiments favoring a separate committee but noted it

appeared the separate committee concern was raised based on timing and the reduction of the number of Regents and increased workload that may be entailed.

Athletics is likely the most visible aspect of the university, receiving more media coverage than most other programs, provides an opportunity for a university to shine but can result in risks to the reputation of the university, affords an education in itself where athletes learn about teamwork and perseverance, and creates an opportunity for the university to showcase academic programs. Among other reasons for supporting the continuance of an independent athletics committee are that it allows for more specific and focused monitoring and oversight of athletic programs that might not be possible if this responsibility were added to the responsibilities of other committees; that it would send a strong message to the university and community at large on the importance of the athletic programs to the State and would demonstrate a commitment by the board to the athletic programs, and that it would enhance critical monitoring of the action of the National Collegiate Athletics Association and other university athletic conferences and affiliates in order to protect the interests of student athletes, including any rapid change in the policies and direction of intercollegiate athletics across the country. Further, adding the monitoring and oversight functions to another committee would make proper execution of the functions difficult. The committee adopted the reasons discussed at the November 7, 2019 meeting favoring maintaining the committee.

Vice-Chair McEnerney moved to recommend board approval of maintaining the Intercollegiate Athletics Committee as stated in the bylaws, seconded by Regent Acopan, and noting the excused absence of Regent Westerman, the motion carried with all members present voting in the affirmative.

D. Legislation Related to Postsecondary Student Athlete Compensation for the Use of Name, Image, or Likeness (NIL)

Chair Acoba announced that this matter was for discussion purposes only, as the NCAA NIL policy, possible federal legislation regarding NIL, and NIL legislation introduced or passed in other states was discussed at the Committee's last meeting. However, he noted that three bills have been introduced during the Legislature's Regular Session of 2020 that would set in motion the process to allow NIL opportunities for student-athletes of UH if the legislation is passed.

AD Matlin briefly reviewed the NIL issue expressing his belief that a discussion on this subject was important and had merit. He also noted that UHM's athletic department has been engaged in the process for creating NIL policies and direction currently being undertaken by the NCAA. However, AD Matlin opined that, while universities need to continue to do more for their student athletes, instead of continually focusing on the monetary compensation of athletes, a more prioritized focus on enhancing their collegiate experience and improving their overall well-being in areas such as mental health, nutrition, and academics should be emphasized.

President Lassner added that Hawai'i has joined approximately 20 other states in introducing or passing NIL legislation and that if states continued passing individual

laws unique to each state, the NCAA, and collegiate athletics in general, would have difficulty functioning on a national level. He stated that the NIL issue may require enactment of federal legislation as differences and disparities in the various state laws would most likely result in the filing of anti-trust lawsuits or lawsuits claiming restraint of interstate trade under the Commerce Clause. President Lassner also mentioned that one of his concerns with NIL legislation is the potential for the establishment of greater inequities between schools and inequities between student-athletes within schools.

Discussions occurred as to whether the Hawai'i legislation would pass the State Legislature, when the legislation would take effect should it pass, what the impacts might be should the legislation pass, and some of the unintended consequences of NIL legislation.

B. Proposed Revisions to Regents Policy 7.208 (RP 7.208)

Regent Tagorda arrived at 11:26 a.m.

Board Secretary Oishi provided an overview of past discussions concerning revisions to RP 7.208 stating that RP 7.208 was last amended in 1996 and that current requirements and practices necessitated revisions to the policy. She noted that the revisions to RP 7.208 were discussed at four separate committee meetings spanning from October 2018 to June 2019, and that the revisions were fine-tuned after each discussion resulting in the copy of RP 7.208 that was presently before the committee.

Chair Acoba reviewed the proposed revisions to RP 7.208 going through the document section by section. He suggested several amendments to the proposed revisions including re-ordering the importance of some of the policy's guiding principles; specifying that the President, or President's designee, should be the individual responsible for notifying the board of any actions that negatively affect the reputation or financial performance of the athletics department; clarifying some of the responsibilities of the UHM CEO; and making technical, nonsubstantive amendments. Chair Acoba opened discussions among committee members on the revisions to RP 7.208 as well as the proposed amendments.

There being no discussion, Vice-Chair McEnerney moved to recommend board approval of the proposed revisions to RP 7.208, as amended, seconded by Regent Bal, and noting the excused absence of Regent Westerman, the motion carried with all other members present voting in the affirmative.

Regent Wilson arrived at 11:27 a.m.

Chair Acoba opened discussions on any other questions regents may have for AD Matlin.

Board Chair Kudo asked AD Matlin what his thoughts were on attendance at football games and why attendance remained low despite a successful and winning program. AD Matlin responded that many factors are affecting attendance at live sporting events not only for UH, but at schools across the country. He noted that the younger generation is more inclined to watching events on their mobile devices and bridging this

gap is something that needs to be addressed. He also stated that the current stadium experience is not exciting to individuals, although Aloha Stadium has done a good job with their limited resources and given the age of the facility, and that the planned construction of a newer, more modern facility will help to address this issue.

AD Matlin expressed that his biggest dismay was with student attendance which initially starts off well but drops dramatically after the third game and welcomed any input as to how to address this dilemma. He further noted that because of a shortage of officials at the high school level, high schools have been holding football games on Saturday nights which increases competition for the same fan base and has a negative effect on attendance at UH games. While there is no easy solution to solving this complex issue, the athletic department is continuing its work to increase fan attendance. AD Matlin also remarked that season ticket sales experienced a slight uptick but there is still a lot of work to be done.

Board Chair Kudo noted the low salary for UH football coaches and had concerns about how UH can attract and retain good coaches without financial support. AD Matlin replied that UH will be hard-pressed to compete with the financial capabilities of the Power 5 schools but that he has some creative thoughts on how to increase financial support to retain coaches. While financial considerations play a large role in whether a coach decides to leave or remain at UH, he expressed his belief that there are a number of intangible factors of coaching at UH that will hopefully assist in the retention of coaches. Noting that he has hired 10 head coaches since becoming AD, some of which have left for increased financial opportunities elsewhere after experiencing a successful career at UH, AD Matlin stated that his goal as AD is to hire great coaches that will leave UH in a better place should they decide to leave.

Regent Sullivan arrived at 11:39 a.m.

Noting that community college students have inquired as to whether they could pay a fee to get tickets to sit in the student section similar to the fee paid by UHM students for access to home football games, Regent Acopan asked whether the athletic department could address this issue or find other ways to incentivize student and alumni attendance. AD Matlin responded that only UHM students receive free tickets because they are the only ones who pay an athletics fee. He stated that the issue with community college students paying a fee and attending games has been brought up in the past and it is a complex situation. There has been a program established over the past year that allows UHM students to bring one guest with them to a game at a reduced ticket price. Nevertheless, the athletic department continues working on ways to broaden access to games for students and alumni.

V. ADJOURNMENT

There being no further business, Vice Chair McEnerney moved to adjourn, seconded by Regent Bal, and noting the excused absence of Regent Westerman, and with all members present voting in the affirmative, the meeting was adjourned at 11:46 a.m.

Respectfully Submitted,

/S/

Kendra Oishi
Executive Administrator and Secretary
of the Board of Regents