

MINUTES
BOARD OF REGENTS COMMITTEE ON INTERCOLLEGIATE ATHLETICS
MEETING
JUNE 4, 2020

Note: On January 30, 2020, the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern, subsequently declaring it a pandemic on March 11, 2020. On March 16, 2020, Governor David Y. Ige issued a supplementary proclamation that temporarily suspended Chapter 92, Hawaii Revised Statutes, relating to public meetings and records, “to the extent necessary to enable boards to conduct business in person or through remote technology without holding meetings open to the public.”

I. CALL TO ORDER

Chair Simeon Acoba called the meeting to order at 9:00 a.m. on Thursday, June 4, 2020. The meeting was conducted virtually with regents participating from various locations.

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

Others in attendance: Board Chair Ben Kudo; Regent Wayne Higaki; Regent Randy Moore; Regent Michelle Tagorda; Regent Ernest Wilson (ex officio committee members); President David Lassner; Vice President (VP) for Administration Jan Gouveia; VP for Legal Affairs/University General Counsel Carrie Okinaga; VP for Academic Planning and Policy Donald Straney; VP for Research and Innovation Vassilis Syrmos; UH Mānoa (UHM) Provost Michael Bruno; UH Hilo (UHH) Chancellor Bonnie Irwin; UH West O’ahu Chancellor Maenette Benham; Executive Administrator and Secretary of the Board of Regents (Board Secretary) Kendra Oishi; and others as noted.

II. APPROVAL OF MINUTES OF THE MARCH 5, 2020 MEETING

Vice-Chair McEnerney moved to approve the minutes of the March 5, 2020, meeting, seconded by Regent Westerman, and 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

A. Title IX Update – UHM (Deferred from March 5, 2020)

UHM Athletic Director (AD) David Matlin introduced Lois Manin, Associate Athletic Director and Senior Women's Administrator, and Amanda Paterson, Assistant Athletic Director for Compliance and Eligibility, to provide the Title IX report on behalf of UHM.

Ms. Manin briefly reviewed the history of gender equity planning at UHM in response to Title IX noting that the first departmental gender equity plan was created in 1994 and that the athletic department is currently operating under its sixth gender equity plan. She described the three prongs of substantial proportionality, continued expansion, and full accommodation, which are used by athletic departments across the country to provide equitable participation opportunities in athletics stating that at least one of these three prongs needed to be satisfied to maintain compliance with Title IX. Similar to other university athletic departments, the UHM athletic department focuses on the issue of substantial proportionality, which requires that opportunities for participation in intercollegiate sports by gender are in approximate proportion to undergraduate enrollment. To achieve this proportionality, UHM first calculates the percentage of women enrolled at the university as undergraduates and then adjusts rosters on women's athletic teams accordingly to ensure that the percentage of women participating in athletics is within less than five percent of the overall women's undergraduate enrollment percentage. UHM has remained well within the five percent goal since 2015 and continues to strive to improve female participation in intercollegiate athletics.

The awarding of athletic scholarships to female student athletes has also remained steady in relation to the percentage of female students participating in athletics at UHM. The UHM athletic department continues working towards a goal of awarding a percentage of female scholarship dollars that is within less than one percent of the female participation percentage.

Ms. Manin noted that besides scholarships and participation, the UHM athletic department continues to monitor Title IX and gender equity progress in numerous program areas including facilities, medical services, publicity, and support services. She highlighted recent accomplishments in this arena including the negotiation of a contract to provide increased television coverage for women's water polo, women's tennis, and Olympic sports, as well as securing a \$70,000 grant to fund mental health services for female athletes. UHM athletics also continues to focus on a master facilities plan to ensure gender equity. Ms. Manin stated that the UHM athletic department's capital improvement program has dedicated \$14.4 million for improvements to women's athletic facilities, and she reviewed several capital improvement projects that have been completed or are currently in progress.

Ms. Paterson provided a brief outline of the student athlete handbook, highlighting areas specific to Title IX, and reviewed current and ongoing Title IX education and training for all coaches, staff, and student athletes, stating that Title IX education and training is conducted on an annual basis as mandated by the National Collegiate Athletic Association (NCAA).

B. Academics Progress Report

UHH AD Patrick Guillen presented an overview of the academic performance of student-athletes at UHH for the 2018-2019 academic year. He noted the academic success of UHH student-athletes for the fall semester mentioning that they earned a cumulative grade point average (GPA) of 3.112 with 45 percent of the 223 student-athletes earning a fall semester GPA of 3.30 or higher and 57 percent earning a cumulative GPA of 3.0 or higher. To date, for the academic year, 114 student-athletes earned a cumulative GPA of 3.077 which established a new record. It is anticipated that the GPA for the academic year will increase once all grades for the spring semester are calculated and reported to the UHH athletic department. Academic success was attributed to changes in recruiting practices that focus on academics, an increase in academic expectations, and an infusion of resources into academic support for student-athletes. AD Guillen also presented a three-year, historical perspective of GPA by sport stating that academic progress has shown continued improvement.

An overview, by sport, of the academic success rate and missed class days of student-athletes, as well as overall student-athlete retention rates, graduation rates, and areas of origin was also provided by AD Guillen. He mentioned that UHH continues to experience improved retention rates with an average of 80 percent of student-athletes returning and that graduation rates have continually increased since 2015 with 30 student-athletes graduating this year.

Regent Moore commented that it would be helpful to have context as to how the data regarding GPA, graduation rates, and retention rates for student-athletes compare to the same data points applied to the entire student body. AD Guillen replied that it was his understanding that the rates were higher for student-athletes. However, he did not have the data readily available but could provide it to the committee.

AD Matlin introduced Dr. Ronald Cambra, Assistant Vice Chancellor for Undergraduate Education, and Ms. Courtney Tsumoto, Director of Academics, Student-Athlete Academic Services (SAAS), to provide the academic progress report for UHM. Dr. Cambra gave a synopsis of the academic performance rate (APR) for UHM athletics highlighting that UHM has improved its APR score for six consecutive years with an APR score of 984 being achieved for the 2018-2019 academic year, which is slightly above the national average APR score of 983. A record 11 of 18 teams posted perfect, single-year APR scores of 1,000 during the 2018-2019 academic year with the men's volleyball team achieving its third perfect score in three years and women's tennis team achieving its sixth perfect score in seven years. Thirteen teams also posted multi-year APR scores of 980 or higher, with 11 of these teams matching or bettering their respective sport's national average.

Dr. Cambra noted that as of fall 2019, UHM student-athletes maintained a semester GPA of 3.08 and a cumulative GPA of 3.13 with 63 percent of the 492 student-athletes earning a semester GPA of 3.0 or higher, 61.5 percent earning a cumulative GPA of 3.0 or higher, and 40 student-athletes earning a fall GPA of 4.0. This success carried over to the spring semester of 2020, with student-athletes maintaining a semester GPA of 3.42 and a cumulative GPA of 3.25 with 86 percent of the student-athletes earning a semester GPA of 3.0 or higher, 69 percent earning a cumulative GPA of 3.0 or higher, and 68 student-athletes earning a spring GPA of 4.0. He remarked, however, that GPA

calculations for the spring semester were impacted by the change in the grading system used due to COVID-19.

Ms. Tsumoto presented an overview of the academic challenges faced by student-athletes at UHM due to the COVID-19 pandemic. As the majority of services provided by SAAS, including academic advising, tutoring, mentoring, study halls, and learning sessions, take place on an in-person basis at the Nagatani Academic Center, SAAS advisors and staff had to quickly adapt to the rapidly changing educational landscape in order to provide these services in an online format. She stated that a major educational challenge faced by many student-athletes was a lack of personal laptops to allow for the continuation of their coursework in an online format. SAAS was able to secure the use of travel laptops to loan to student-athletes and worked with Hamilton and Sinclair libraries to keep computer labs open to continue to meet the educational needs of the student-athletes. Ms. Tsumoto also noted that SAAS maintains a close working relationship with coaches to ensure that they are able to regularly monitor a student-athlete's academic progress.

Vice-Chair McEnerney asked whether the increase experienced in GPAs during the spring 2020 semester was due to the cancellation of athletics which may have allowed student-athletes to focus more on academics. Dr. Cambra replied that the increase in GPAs may have reflected the cancellation of athletics but remarked that student-athletes were also away from campus which created difficulties in meeting their educational needs. He stated that it was his belief that the work of SAAS in using technology to remain in close contact with student-athletes was remarkable which is reflected in the spring GPAs.

C. Financial Update

AD Guillen presented an overview of revenue generated and expenses realized by the UHH athletic department for the past three fiscal years. He noted that the UHH athletic department was projecting a surplus of \$229,900 for the current fiscal year mostly due to the cancellation of its spring sports. Financial challenges that the UHH athletic department may face in the next fiscal year include possible budget cuts, decreases in game guarantees, the possibility of shortened athletic seasons, increased hotel rates, and rising airline travel costs due, in large part, to the COVID-19 pandemic. However, the severity of these challenges and the fiscal impacts they will have on the UHH athletic department are still largely unknown. He stated that booster clubs have stepped forward to provide financial assistance in meeting some of these challenges.

The UHH athletic department also continues to explore additional avenues to generate revenue. The creation of a Vulcan development board in collaboration with athletic booster clubs to generate increased financial support from the community is currently being discussed, online merchandising continues to be pursued, and talks continue with the UH bookstore and UHH licensing partners regarding merchandising opportunities. AD Guillen also mentioned that the PacWest Conference (PacWest) signed a multimedia partnership with FloSports which should also generate some revenue for the UHH athletic department.

Chair Acoba asked what accounted for the \$230,000 surplus. AD Guillen replied that the surplus was primarily due to the cancellation of spring sports which eliminated almost all travel-related expenses.

AD Matlin provided a brief overview of the athletic department's budget including revenues generated, expenses incurred, and the overall budget deficit. He noted that only 10 percent of public university athletic departments generate more revenues than expenses and those that experience positive or break-even financial outcomes generally receive greater external support from sources such as student fees and government appropriations.

While the budget deficit for the 2018 fiscal year was \$2.1 million, UHM AD Matlin remarked that, if not for cost challenges such as travel and fringe benefit costs that are unique to Hawai'i athletics, the UHM athletic department would have a surplus of approximately \$4 million. Although UHM athletics generates a higher amount of revenue than its peer institutions and has experienced an increase in revenues of approximately 22.3 percent over the past five years, it also continues to face significant challenges from increased expenses, particularly with regard to fringe benefits which are approximately 20 percent higher than the average for Mountain West Conference (MWC) institutions.

AD Matlin also highlighted UHM athletics' economic value to the State referencing impacts outlined in a study conducted by the Shidler College of Business at UHM. The financial impact of UHM athletics on the university was also reviewed. UHM generates approximately \$17.2 million for the university through various sources including \$5.6 million in tuition from athletes not on scholarship, \$1.1 million in parking revenues from on-campus athletic events, and over \$1 million from branding and advertising.

Vice-Chair McEnerney inquired as to what made the provision of athletic student aid unique in Hawaii compared to other institutions. AD Matlin replied that the primary reason for UHM athletics' student aid costs being unique relates to the numbers of student athletes from foreign countries and the mainland. There are also scholarship and tuition costs that differ from peer institutions.

Regent Wilson arrived at 10:08 a.m.

Noting that \$15.3 million was listed as "other expenses" incurred by UHM athletics in 2019, Vice-Chair McEnerney asked if this was due to travel expenses. AD Matlin responded that travel expenses, travel subsidies, and required guarantees for games accounted for the majority of the expenses in the "other expenses" category.

D. Impact of COVID-19 on the Foreseeable Future of UH Athletics

AD Guillen stated that the dynamic nature of COVID-19 has required the UHH athletic department to maintain flexibility as the situation continues to evolve. He reported that a working group has been formed to prepare for the return of student-athletes to campus. Some actions are already being taken by the UHH athletic department in preparation for the return of students to campus including purchasing personal protective equipment and sanitation supplies for all facilities and common

areas, establishing sanitation protocols and increasing sanitation schedules, and reconfiguring study labs, athletic rooms, and common areas to meet physical distancing guidelines. The UHH athletic department works in collaboration with the UHH administration to ensure that its response efforts are consistent with general campus, State, county, and Centers for Disease Control and Prevention guidelines. The student-athlete experience, as well as the mental health of student-athletes, is also being considered and addressed by the UHH athletic department as it searches for creative ways to hold virtual team events, meetings, and bonding activities, and possibly even in-person team activities with proper physical distancing guidelines in place.

The PacWest also has a working group that meets weekly to discuss the various COVID-19 guidelines developed by each member institution, as well as requirements of state and local authorities for the areas where member institutions are located. Plans for athletic competition in the fall that are based on NCAA recommendations are also being formulated by the PacWest working group.

AD Guillen mentioned that a national survey was being conducted among all NCAA Division II institutions, which includes UHH, regarding fall sports and issues such as scheduling, season timetables and start dates, and fall season championships. He stated that many of these issues are dependent on state and local guidelines and the mandates established by authorities and campus administrations, all of which remain uncertain.

AD Matlin stated that, similar to the UHH athletic department, the UHM athletic department has to maintain flexibility with contingency planning as the COVID-19 situation continues to evolve. UHM athletics is monitoring COVID-19 response actions throughout the country and continues to work closely with the NCAA, the university administration, the State, the county, both the Big West Conference and MWC and their respective member institutions, and other groups to ensure that response efforts are consistent and allow UHM athletics to meet its core values and guiding principles. He highlighted some of the major actions taken by UHM athletics to address COVID-19 including closure of all athletic facilities to all students; prohibition of in-person use of the Nagatani Academic Center; allowing for specific, appointment-only training room services; canceling all non-competition events such as banquets and booster club fundraisers; and encouraging all athletic staff to work from home. Virtual communication with student-athletes also occurs on a regular basis to ensure their mental health and well-being and keep them updated on any changes in the status of intercollegiate athletics. The UHM athletic department continues to monitor the COVID-19 situation and remains prepared to resume operations with proper safeguards in place when the time arises.

All spring collegiate sports seasons for 2020 were cancelled and fall sports activities such as training camps and practices have been postponed. AD Matlin stated that while the majority of UHM's collegiate sports take place in the spring, the major revenue-generating sports occur in the fall. It is uncertain how fall sports will be conducted and whether schedules, timetables, tournament play, and conference championships will need to be modified as these decisions are highly dependent on

state and local guidelines and mandates that may be established by authorities and campus administrations.

AD Matlin reported that efforts are ongoing to develop, evaluate, assess, and implement various initiatives to reduce expenses, increase revenues, and continue moving the athletics department forward. He also reviewed steps taken by UHM athletics to utilize social media and other virtual instruments as a means of continued fan engagement. Social media contests, team feature videos, player bios, and even cooking videos made by the athletic directors of both UHM and UHH have been created to sustain fan interest and support.

Vice-Chair McEnerney queried whether the anticipated lessening of fan capacity for sporting events held in large venues as a result of physical distancing guidelines and the concomitant decrease in fan attendance and revenue were factored in to the UHM athletic department's financial calculations. AD Matlin replied in the affirmative stating that various models have been developed to address this issue.

Board Chair Kudo asked whether the UHM athletic department was proactively and systematically assessing the changing landscape of competitive intercollegiate athletics due to COVID-19 and searching for ways to respond operationally to these changes that could result in decreased expenses or increased revenue. AD Matlin responded that the UHM athletic department has been assessing a number of ways it can respond operationally to address the impacts of COVID-19. The UHM athletic department is currently reviewing its policies and procedures to determine areas where both immediate and long-term changes can be made to increase efficiency and reduce costs, particularly with travel costs which account for a large portion of the expenses. He also mentioned that the UHM athletic department will be working to determine the feasibility of several revenue-generating initiatives it believes will be available to UHM athletics when a "new normal" for intercollegiate athletics is established.

Chair Kudo asked if the UHM athletic department has been consulted on the progress of the stadium redevelopment plans. AD Matlin replied that the UHM athletic department and Stadium Authority have had several meetings on this issue and it has provided input on the redevelopment plans. Meetings are anticipated to continue throughout the planning, designing, and building process.

Regent Higaki questioned whether cost-savings were realized during the COVID-19 pandemic with the decrease in use of athletics facilities. AD Matlin replied that the athletic department is trying to minimize facility costs, particularly with regard to utility costs, as much as possible during the COVID-19 pandemic.

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

AD Matlin reported that in April, 2020, the NCAA Board of Governors announced their support of NIL compensation with the stipulation that the use of trademarked items such as conference and school logos not be allowed. Furthermore, the NCAA directed all of its three divisions to immediately begin modifying and modernizing relevant

bylaws, policies, and rules to address this situation stipulating that they take effect no later than January of 2021. The NCAA is hopeful to have concepts for NIL policies and regulations submitted over the summer and formal proposals completed by the fall of 2020 for adoption. He also stated that the NCAA realizes that a patchwork of individual state laws that are unique to each state would result in the NCAA, and collegiate athletics in general, having difficulty functioning on a national level, and that in May 2020, the Power 5 conferences sent a letter to the United States Congress requesting consideration of federal legislation on NIL.

F. Committee Annual Review

Chair Acoba referenced the committee annual review matrix provided in the materials packet and asked for comments from committee members. Hearing none, Chair Acoba requested that the committee adopt the annual review by voice vote and all committee members present voted in the affirmative.

Chair Acoba stated that the athletic program, under Regents Policy 7.208, is part of the educational function of the university and fundamental changes in athletics are forecasted. Athletics is an asset of the university and requires continued focused attention and expertise that a standing committee provides.

V. ADJOURNMENT

There being no further business, Vice-Chair McEnerney moved to adjourn, seconded by Regent Westerman, and with all members present voting in the affirmative, the meeting was adjourned at 10:27 a.m.

Respectfully Submitted,

/S/

Kendra Oishi
Executive Administrator and Secretary
of the Board of Regents