

**MINUTES**  
**BOARD OF REGENTS COMMITTEE ON INTERCOLLEGIATE ATHLETICS**  
**MEETING**  
**SEPTEMBER 3, 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, Hawai'i 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 9:04 a.m. on Thursday, September 3, 2020. The meeting was conducted virtually with regents participating from various locations.

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

Others in attendance: Board Chair Benjamin Kudo; Regent Randy Moore; Regent Jan Sullivan; Regent Michelle Tagorda; Regent Ernest Wilson (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 Research and Innovation Vassilis Syrmos; VP for Information Technology/Chief Information Officer Garret Yoshimi; 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**

Regent Acopan moved to approve the minutes of the June 4, 2020, meeting, seconded by Vice-Chair 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 that no individuals signed up to provide oral testimony.

**IV. AGENDA ITEMS**

Prior to commencing with the agenda, Chair Acoba stated that the COVID-19 pandemic has brought about substantial changes to the realm of intercollegiate athletics. As one of the most visible aspects of the university, athletics has received a great deal of attention with respect to actions taken to cope with the pandemic's effects. Since preparations for sports programs precede the academic year, he opined that the athletic department's response efforts will serve as a barometer for the response efforts of other university departments. He stated that the COVID-19 situation is in constant flux and its uncertain and continually evolving nature will be a test of the flexibility, innovation, and endurance of the university administration, as well as the athletic department. In this context, and given that the responsibilities of the committee encompass monitoring and oversight of athletic programs, it was his belief that the committee needed to focus a majority of its attention on three primary issues over the next academic year: the health and safety of student athletes, coaches, and staff; the financial condition of the athletic programs; and the viability of the athletic department. As such, it was his intention that updates on these subject matters be provided to the committee on a quarterly basis which is reflected in the committee work plan and he would welcome comments on this matter during discussions on the work plan.

UHM Athletic Director (AD) David Matlin preceded his presentation by announcing that the UHM Athletic Department (UHM Athletics) recently finalized and entered into a three-year, \$15 million sports broadcast rights deal which is the most comprehensive local sports coverage package in the country and will provide increased television coverage for additional UHM sports such as women's water polo, tennis, and Olympic sports. Additionally, a deal was negotiated with other Mountain West Conference (MWC) member institutions that will allow UHM Athletics to receive a pro-rated portion of MWC television rights revenues for its participation in MWC football.

#### **A. Impacts of COVID -19 on University of Hawai'i Athletics**

##### **1. Health and Safety Matters: UHM and UHH**

- (a) Review and Monitoring of the Health and Safety of Student Athletes, Coaches, and Staff**
- (b) Health and Safety Status of All Sports Programs Including a Brief Summary of Scheduling of Athletic Events**

AD David Matlin began by stating that the UHM Athletics medical, training, and strength and conditioning staff have been doing a phenomenal job of maintaining flexibility and responding to the ever changing nature of the COVID-19 pandemic to ensure that the health and safety needs of student athletes, coaches, and staff are met. He introduced Jonathan Sladky, M.D., the university's team physician, who would be providing a report on the various health and safety issues, involving UHM Athletics in the context of COVID-19.

Dr. Sladky stated that one of the keys to an effective COVID-19 response is collaboration and cooperation on both the national and local level. He noted that UHM Athletics monitors COVID-19 response actions throughout the country and continues to

work closely with, and receive guidance from, the National Collegiate Athletic Association (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 its response efforts are consistent and it maintains the flexibility to quickly adapt to ever-changing situations. Guidance from the Centers for Disease Control and Prevention (CDC) also serves as a valuable resource when establishing COVID-19 plans and protocols. Additionally, a number of interdepartmental groups such as the UHM Athletics COVID-19 Committee and Student-Athlete Advisory Council play a vital role in formulating response efforts.

A summary of actions currently being taken by UHM Athletics to protect and monitor the health and safety of student-athletes and staff, including currently employed safety measures, was provided by Dr. Sladky. Safety measures include requiring the use of face coverings; the adherence to recommended social distancing and handwashing protocols; closing, or limiting use of, athletic facilities; allowing for specific, appointment-only training room services; increasing cleaning and sanitization schedules for all athletic facilities; encouraging all athletic staff to work from home; and requiring staff and student-athletes to self-isolate and remain at home if they are exhibiting any symptoms of COVID-19. He also noted that virtual communication with student-athletes occurs on a regular basis to ensure their health and well-being and to keep them apprised on any changes to UHM Athletics' or university healthcare policies and protocols. All of the actions taken are aligned with university policies and scientifically established COVID-19 response guidelines.

Dr. Sladky also reviewed screening and testing protocols for COVID-19 that have been implemented by UHM Athletics. Screening protocols require student-athletes and athletics staff to complete both the university's health check-in app and an athletics screening document prior to arriving on campus and undergo regular temperature checks prior to taking part in athletic activities or using athletic facilities. Student-athletes must also complete a pre-participation examination prior to taking part in athletic activities. With regard to testing protocols, Dr. Sladky noted that UHM Athletics utilizes guidance provided by the NCAA and CDC stating that the NCAA's recommended testing regime is centered around the placement of programs into three distinct categories: low contact, medium contact, and high contact. These categories were established based upon risk assessments conducted on the various athletic activities associated with each program with high contact risk programs, such as football, having the highest frequency of testing.

An overview and explanation of each of the various means of COVID-19 testing which include surveillance testing, diagnostic testing, high-contact risk testing, and symptomatic testing was provided with Dr. Sladky noting that the most common testing methods currently being performed by athletic departments nationwide are surveillance and symptomatic testing. He expounded upon the type of testing being utilized by UHM Athletics, as well as testing resources available, and stated that processing time for these tests is, on average, 72 hours. To date, UHM Athletics has conducted 373 tests, four of which were COVID-19 positive, and no evidence exists that on-campus athletic activity played a role in any of the four positive cases.

Notification requirements and procedures for student-athletes testing positive for COVID-19, including timeframes and types of information provided and to whom, were summarized. Should a student-athlete test positive, UHM medical staff will determine a course of action based upon whether the individual is symptomatic or asymptomatic and review the planned course of action, along with health and safety recommendations, with the student-athlete. COVID-19 exposure protocols, including contact tracing, self-isolation, and individual health monitoring are then initiated for each of these student-athletes. In addition, medical equipment, including equipment to monitor oxygen levels, are given to the student-athlete and UHM medical staff conduct daily checks on the individual via phone or electronic means.

During a time in which mental health concerns are on the rise globally, Dr. Sladky spoke on the importance of ensuring the mental well-being of the student-athlete in addition to their physical well-being. He spoke on an initiative undertaken by UHM Athletics to meet the mental health needs of its student athletes and announced that an agreement has been secured with TalkSpace, a web-based mental health platform. TalkSpace strategically pairs an athlete who enrolls in the service with a psychologist who best fits the athlete's needs and allows for rapid access to that psychologist to assist the athlete with any mental health issue should the need arise. Additionally, the agreement with TalkSpace allows UHM Athletics to maintain relationships with multiple psychologists and mental health professionals who are able to provide telemedicine and in-person crisis care for the student-athletes and could serve as a resource for the future provision of mental health services for the university.

AD Matlin noted that the uncertainty and wide reaching impacts of the pandemic continue to wreak havoc on athletic schedules with the postponement of all fall sports and the fate of winter sports remaining unknown. Conversations are being held on both a regional and national level as to the possibility of rescheduling various sports seasons to the spring. In preparation for the possibility of out of season play, team activities and practices for football and both men's and women's basketball continue to be allowed and offered on a modified and limited basis that adheres to strict COVID-19 protocols. Dr. Sladky added that each coach is also required to submit practice plans to the UHM Athletics COVID-19 Committee for approval prior to commencing team practices.

Stating that possible long-term cardiac effects attributed to COVID-19 and its impacts to the health and safety of student-athletes have been the basis for some universities to cancel sports, Chair Acoba asked Dr. Sladky to speak on this issue and apprise the committee on the university's approach to this matter. Dr. Sladky responded that, while the long-term cardiac effects of COVID-19 are still unknown, currently available data suggests that they are mainly experienced by severely ill COVID-19 positive individuals who have required long-term hospitalization and that any cardiac damage that does occur appears to be reversible. Nevertheless, he stated that concern exists within the athletic community over the possible cardiac effects of COVID-19 to the point that even professional sports leagues are in the process of developing cardiac testing protocols for its athletes. UHM Athletics is fortunate in that it has long-term relationships with several cardiologists, as well as connections to a number of

infectious disease specialists, and these individuals serve as a valuable resource for addressing this concern.

UHM Athletics' cardiac specific protocols for COVID-19 were reviewed with Dr. Sladky stating that student-athletes who test positive and are symptomatic receive an extensive cardiac workup that includes electrocardiogram screening, cardiac ultrasounds, stress testing, and testing of cardiac chemical levels specific to indications of cardiac injury or damage. Comprehensive return-to-play protocols have also been established whereby both symptomatic and asymptomatic COVID-19 positive individuals are monitored by medical, training, and strength and conditioning staff and are provided with progressive levels of activity prior to being allowed to return to full athletic activity. This process generally lasts two weeks for asymptomatic individuals and four weeks for symptomatic individuals. He remarked that the cardiologists and infectious disease specialists associated with UHM athletics are comfortable with these plans and protocols and the safety of this approach.

Due to Hawai'i's environment, Vice-Chair Westerman asked if UHM Athletics made every effort to allow for outdoor training and activities while maintaining physical distancing requirements. Dr. Sladky responded in the affirmative stating that evidence regarding outbreaks indicates that transmission of the disease mainly occurs as a result of indoor activity and very rarely has been associated with activity outdoors. AD Matlin added that the strength and conditioning staff has been working on establishing outdoor weight training and conditioning stations for use by student-athletes and have procured additional equipment for this endeavor through external fundraising.

Regent Sullivan arrived at 9:52 a.m.

UHH AD Patrick Guillen began by acknowledging the numerous individuals who have worked tirelessly to address the numerous issues impacting UHH Athletics as a result of the COVID-19 pandemic, stating that the dynamic nature of COVID-19 has required UHH Athletics staff and student-athletes to maintain flexibility as the situation continues to evolve. The four core principles adopted by UHH Athletics to formulate its COVID-19 mitigation policies and protocols were reviewed and some of the actions taken to protect and monitor the health and safety of student-athletes and staff were highlighted. Some of the COVID-19 health and safety measures currently in place include requiring the use of face coverings; adhering to recommended social distancing and handwashing protocols; closing or limiting the use of athletic facilities; increasing cleaning and sanitization schedules for all athletic facilities; establishing a health isolation room for use if necessary; and encouraging all athletic staff to work from home. Similar to UHM, all student-athletes and staff are required to complete the university's health check-in app and once student-athletes begin to arrive on campus, temperature checks will be conducted prior to individuals taking part in athletic activities or using any athletic facility. The UHH athletic department also established a COVID-19 working group that meets weekly and works in collaboration with the UHH administration to ensure that its response efforts, including established protocols and procedures, are consistent with general campus, State, county, and Centers for Disease Control and Prevention guidelines.

UHH Athletics follows the NCAA's guidance for conducting COVID-19 testing of student-athletes, as well as its recommended testing regime, and uses the same categories of low contact, medium contact, and high contact athletic activities that are used by UHM Athletics. While all student-athletes at UHH are required to receive a negative COVID-19 test result prior to their arrival on campus, AD Guillen stated that UHH Athletics established testing plans and protocols for each of the NCAA's contact risk sports classifications that include timetables, testing frequency, and method of testing, and that these plans and protocols were based on a variety of factors, including whether student-athletes were symptomatic or asymptomatic and whether athletic competition was actively occurring for a student-athlete's particular sport. He reviewed the plans and protocols for each classification as well as a number of testing scenarios.

AD Guillen also provided an update on the status of UHH sports activities for the near future stating that pre-participation testing for student-athletes involved in fall and winter sports is anticipated to begin on September 20. He remarked that one key to the success of athletics and athletic activities is proper and timely communication and that UHH Athletics communicates with student-athletes, coaches, and staff on at least a weekly basis in order to keep everyone apprised of the status of intercollegiate athletics at UHH as well as intercollegiate athletics in general. It was mentioned that 82 percent of the student-athletes at UHH are on-island, approximately 60 percent of which remain in quarantine due to current State regulations. The remaining student-athletes are currently enrolled in distance learning and will be arriving on campus at a later date. AD Guillen noted the anticipated practice start-dates and timeframes for the fall and winter sports but stated that no athletic related activity would be allowed on campus prior to October 1 when practices for fall sports are scheduled to begin. Athletic team practice plans and protocols, including individual testing requirements and requirements that student-athletes and coaches undergo daily health screenings and temperature checks prior to attending practice, were reviewed.

Chair Acoba inquired as to who conducted COVID-19 testing for UHH Athletics and the reasoning behind choosing that testing company. AD Guillen replied that Premier Medical Group Hawai'i conducted COVID-19 testing for UHH Athletics. Chancellor Irwin added that Premier Medical Group Hawai'i was chosen because it conducts the majority of COVID-19 testing on the Island of Hawai'i and is the same organization used by the County of Hawai'i for its COVID-19 testing.

## **2. Financial Matters: UHM**

### **(a) Review of the Annual Athletic Budget and Financial Integrity of the Athletic Department**

### **(b) Student Athletic Fees**

Prior to the presentation by AD Matlin, President Lassner noted that UHM Athletics has operated under severe financial constraints for decades, often unable to balance revenues and expenses within available institutional allocations. He affirmed that athletics is an important aspect of the university, not only providing educational opportunities for thousands of individuals and preparing them for success in life, but

also serving as a source of pride and inspiration for an entire state. However, while UHM Athletics has risen to the occasion in attempting to balance its budget and embarked on a number of initiatives to reduce costs and increase revenues, unique circumstances and cost challenges, as well as the changing landscape of intercollegiate athletics continue to hinder these efforts. The COVID-19 pandemic only adds to these financial challenges with the postponement of all fall sports, which generates the bulk of revenues for UHM Athletics, and the uncertainty it poses on the future of intercollegiate athletics. If additional fiscal mitigation measures are not taken, UHM Athletics is projecting a record deficit of \$9.3 million due to these external challenges.

President Lassner explained that the athletic deficit becomes an obligation of UHM. While the deficit amount is minimal in comparison to those currently faced by athletic departments across the country, it is substantial and unsustainable for UHM, especially with the anticipated reductions in revenues for the university. In light of this deficit, and the continuing and increasing challenges that will undoubtedly face intercollegiate athletics in the near future, he announced that a blue ribbon committee was being established to, among other things, provide strategic visioning advice for the future of athletics at UHM, assess actions that can be taken to bring revenues and expenses into alignment, and find ways to address current and future challenges and opportunities for UHM Athletics to achieve sustainability. The committee will be asked to formulate a plan by the end of this calendar year.

Chair Acoba expressed his concern with lack of adequate notification to the board or the committee of the President's convening of a blue ribbon committee which, it appeared, would be establishing a vision for the future of athletics at UHM and making determinations and recommendations to achieve this vision. While it was acknowledged that UHM Athletics has had decades-long financial difficulties, he noted that this situation was not unique to athletics and that other departments have been faced with similar, long-term fiscal challenges. Chair Acoba stated that Regents are ultimately held accountable and responsible for the direction of the university, including the direction and economic viability of UHM Athletics, and asked if consideration was given by the President to appoint a Regent to the blue ribbon committee. President Lassner responded that it was his understanding that Regent Policy suggested that Regents not be appointed to committees that would be generating recommendations to the board. However, he stated that the blue ribbon committee will be welcoming input from all stakeholder and interested parties, including the Regents, as to the future of athletics at UHM. Chair Acoba opined that this was problematic because it would be difficult for Regents to have any meaningful input on any recommendations made by the blue ribbon committee regarding UHM Athletics once they have been set in motion. In view of this discussion, Chair Acoba questioned the necessity and relevancy of continuing with a financial presentation by UHM Athletics since it appeared that the blue ribbon committee would be making recommendations with regard to this matter by the end of the year. Nevertheless, he requested that AD Matlin proceed with the financial presentation.

AD Matlin stated that UHM Athletics, like other institutions, is facing a dynamic and uncertain situation that is unprecedented in intercollegiate athletics. Despite UHM

Athletics' efforts to reduce costs and increase revenues, fiscal challenges continue to be an issue. He reiterated that UHM Athletics is projecting a \$9.3 million deficit and mentioned some of the factors impacting its budget that are beyond its control, including an anticipated reduction in general fund appropriations of 16 percent. He stated that the factor with the most impact to the variable budget of UHM Athletics is the ability for the university to take part in athletic competition which affects multiple self-generated revenue streams for the department but noted that the determination to proceed with athletic competition is made by external entities. Major self-generated revenue streams such as ticket sales, media revenues, corporate partner revenues, athletic apparel sales and sales, and concession revenues are all significantly affected by the lack of athletic competition, particularly in relation to the fall sports which generate the most revenue for UHM Athletics. AD Matlin briefly reviewed some of the efforts undertaken to try to blunt the loss of these revenues, such as offering an option for season ticket holders to donate a portion of their payments to UHM Athletics, and stated that UHM Athletics continues to work closely with corporate sponsors, boosters, donors, and other stakeholders to ensure the long-term economic viability and sustainability of athletics at the university.

Chair Acoba asked if the projected revenue figures provided already factored in the anticipated reduction in general funds. AD Matlin responded in the affirmative.

Chair Acoba inquired if the projected expenses for UHM Athletics took into account any cost reductions associated with the postponement of fall sports and fiscal mitigation measures already taken. AD Matlin replied in the affirmative but noted that UHM Athletics also experienced cost increases, such as collectively bargained salary increases, which were factored in to the projected expenses.

Time not permitting, Chair Acoba requested that AD Matlin to complete his presentation on the financial matters facing UHM Athletics at the next committee meeting.

## **B. Committee Work Plan Discussion**

- 1. Committee's Role in Monitoring and Overseeing the Athletics Program in the Context of COVID-19**
- 2. Committee Work Plan**

Chair Acoba stated that due to time constraints, discussion on the Committee Work Plan (Work Plan) as well the committee's role in monitoring and overseeing the athletics program in the context of COVID-19 would be discussed at the next committee meeting. Given the complexity of some of the issues facing athletics and the limited amount of committee meetings, he opined that the committee should proceed with the Work Plan as currently drafted prior to in-depth discussions taking place and asked if there were any objections to this plan. There were no objections from committee members.

Chair Acoba also commented on the importance of the committee's role in monitoring and overseeing the athletics program in the context of COVID-19 stating that



this disease can be life-threatening and is having a tremendous impact on athletics both in Hawai'i and across the nation. As such, the committee should be kept apprised of steps the athletics departments and athletics programs are taking to address the issues and challenges they are facing as a result of COVID-19 and that it was imperative that discussions among committee members on this issue occur at the next committee meeting.

**V. ADJOURNMENT**

There being no further business, Vice-Chair Westerman moved to adjourn, seconded by Regent Higaki, and with all members present voting in the affirmative, the meeting was adjourned at 10:32 a.m.

Respectfully Submitted,

/S/

Kendra Oishi  
Executive Administrator and Secretary  
of the Board of Regents