I. CALL TO ORDER

Chair Simeon Acoba called the meeting to order at 8:35 a.m. on Wednesday, June 2, 2021. 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; and Regent Eugene Bal.

Committee members excused: Regent Wayne Higaki.

Others in attendance: Board Chair Benjamin Kudo; Regent Randy Moore; Regent Alapaki Nahale-a; Regent Ernest Wilson (ex officio committee members); President David Lassner; Vice President (VP) for Legal Affairs/University General Counsel Carrie Okinaga; VP for Research and Innovation Vassilis Syrmos; VP for Information Technology/Chief Information Officer Garret Yoshimi; VP for Budget and Finance/Chief Financial Officer Kalbert Young; UH Mānoa (UHM) Provost Michael Bruno; UH Hilo (UHH) Chancellor Bonnie Irwin; Executive Administrator and Secretary of the Board of Regents (Board Secretary) Kendra Oishi; and others as noted.

II. APPROVAL OF MINUTES

Vice-Chair Westerman moved to approve the minutes of the March 3, 2021, committee meeting, seconded by Regent Bal, and noting the excused absence of Regent Higaki, 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

A. Coaches Corner: Kaniela Aiona, UHH Head Men’s Basketball Coach
UHH Athletic Director (AD) Patrick Guillen introduced Kaniela Aiona, the new UHH head men’s basketball coach, who would be providing a report on the UHH men’s basketball program.

Coach Aiona began by speaking about his family and his life experiences, from his days growing up on Hawai‘i Island through his basketball career at Honoka‘a High School and Webster University, to his returning home to coach UHH in the midst of a pandemic. He stated that the UHH men’s basketball team faced distinctive challenges during the 2020 season as a result of the COVID-19 pandemic including modified practice and training schedules and playing in a pod system established by the Pacific West Conference (Pac West) to limit the amount of team travel throughout the season. As a result, UHH was limited to a 12-game schedule competing against its peer institutions in Hawai‘i, Chaminade University and Hawai‘i Pacific University. Despite these challenges, the UHH men’s basketball team proved to be very competitive on the court winning the Hawai‘i pod, finishing the season with a 10 and 2 record, and narrowly missing the opportunity to compete in the National Collegiate Athletic Association (NCAA) Division II regional playoffs by one game. He expressed admiration for the effort of his team and the support provided by the community and vowed to continue working toward re-instilling pride for the UHH men’s basketball program within the community, the university, and the State.

Regent Moore arrived at 8:43 a.m.

Stating that he was impressed with the ability of Coach Aiona and his entire coaching staff to impart a sense of pride in, and commitment to, a program that was based on values first, Regent Nahale-a asked how the coaches were able to impart these values on the players in such a short period of time. Coach Aiona replied that the entire coaching staff began by treating each other and the players as ‘ohana which established trust and rapport between, as well as a respectful and caring attitude among, the players and coaches. It was also stressed that the concept of ‘ohana not only applied to the relationship between coaches and teammates but also to the team’s relationship with the community and everyone that cared about and supported the program. Once the coaches and players understood this concept and realized that they were part of something bigger than themselves, it became easier to strive toward achieving the team’s goals and mission.

Chair Acoba congratulated Coach Aiona on his successful first season as the UHH head men’s basketball coach and wished him success in the coming years. He also requested the Committee’s indulgence in recognizing an extraordinarily selfless and generous individual, Colt Brennan, who by his personal example lifted an entire state to heights that it has rarely seen. While these kinds of acts are memorable in whatever field they occur, this particular instance occurred in University of Hawai‘i Athletics and he offered his mahalo and aloha to Colt Brennan, in memoriam.

B. Title IX Update
UHM Athletic Director (AD) David Matlin introduced Lois Manin, Associate Athletic Director and Senior Women’s Administrator, 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 which was initiated in 2017. 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 (UHM Athletics) 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. UHM has done very well in satisfying the requirements of substantial proportionality experiencing a variance of only 1.39 percent of the overall women’s undergraduate enrollment percentage during the 2019–2020 academic year.

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. UHM Athletics 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.

Chair Acoba asked how UHM Athletics compared to its peer institutions regarding Title IX compliance and the issue of substantial proportionality. Ms. Manin replied that university athletic departments base substantial proportionality figures upon evaluations and determinations made by the Office of Civil Rights on a national level. In general, the majority of athletic departments set goals of maintaining the variance in substantial proportionality at between one and two percent and UHM Athletics is well within this goal. AD Matlin added that recent comparisons between UHM Athletics and its peer institutions regarding the issue of substantial proportionality have not been conducted but noted that the comparisons conducted in the past have shown that UHM Athletics compares favorably to other institutions.

UHH AD Guillen provided an update on Title IX issues at UHH stating that it uses the same three-pronged approach used by the UHM Athletics as well as the substantial proportionality metric to evaluate compliance. Although 110 female athletes and 84 male athletes participated in the seven women’s sports and five men’s sports UHH competes in, it was noted that these numbers were slightly lower than previous years as a result of the COVID-19 pandemic and the ability for student-athletes to opt out of participating in their respective sport for this season. Similarly, the opt out provisions and extension of player eligibility offered to student-athletes by the NCAA due to the COVID-19 pandemic impacted the UHH Athletic Department’s (UHH Athletics) goal of awarding a percentage of female scholarship dollars that is within less than one percent of the female participation percentage, a goal which it has achieved for the past five years. However, UHH Athletics anticipates that its participation and scholarship figures
will improve once public health circumstances improve and student-athletes are able to return to campus. UHH Athletics’ plan to achieve greater gender equity was also reviewed with UHH AD Guillen noting that a gender equity committee has been established to assess and update gender equity plans, policies, and procedures. While UHH Athletics has made progress in achieving gender equity in several areas including recruiting budgets, academic support, and coaching, it also continues working toward improving in other areas such as facilities, equipment, supplies, and athletic training. An update was also given on current and ongoing Title IX training for all coaches, staff, and student athletes.

Referencing the impact of the COVID-19 pandemic on athletic scholarships and participation numbers, Vice-Chair Westerman asked whether UHH expected the situation to improve or whether both UHH and UHM Athletics had to reevaluate the situation and adjust operations accordingly to remain in compliance with Title IX. AD Guillen replied that UHH Athletics was hopeful that the situation would improve by the fall. He reiterated that the return of student-athletes to campus will allow UHH athletics to establish more accurate roster sizes and scholarship funding, all of which were impacted by student-athlete opt-outs experienced during the past year, and thereby normalize Title IX compliance issues. AD Matlin added that UHM Athletics also believes addressing Title IX compliance will become more manageable once student-athletes begin to return to campus but that this issue must be continually monitored, and adjustments made as situations arise.

Chair Acoba asked whether UHM Athletics had sexual harassment, assault, and discrimination training for its coaches, staff, and student-athletes as part of its ongoing Title IX training and education. AD Matlin responded in the affirmative stating that UHM Athletics has a Title IX training and education program similar to UHH, that this program is required to be certified by the NCAA annually, and that UHM is in complete compliance with all requirements.

C. Academic Progress Report

Ms. Manin provided a synopsis of the academic performance rate (APR) for UHM Athletics and highlighted several of its academic successes. UHM Athletics has improved its APR score for seven consecutive years with an APR score of 986 being achieved for the 2019-2020 academic year, which is slightly above the national average APR score of 983 for the 2018-2019 academic year. Ten of UHM’s 18 teams posted perfect, single-year APR scores of 1,000 during the 2019-2020 academic year with the men’s volleyball team achieving its fourth perfect score in four years and women’s tennis team achieving its seventh perfect score in eight years. Fourteen teams also posted multi-year APR scores of 980 or higher. As of fall 2020, UHM student-athletes maintained a semester grade point average (GPA) of 3.13 and a cumulative GPA of 3.19, a new record, with 67 percent of the 492 student-athletes earning a semester GPA of 3.0 or higher; 69 percent earning a cumulative GPA of 3.0 or higher; 41 student-athletes earning a fall GPA of 4.0; and 17 student-athletes earning a cumulative GPA of 4.0. It was noted that much of this academic success can be attributed to the efforts and hard work of the student-athletes and the Student-Athlete Academic Services staff.
Regent Wilson arrived at 9:05 a.m.

AD Guillen presented an overview of the academic performance of student-athletes at UHH for the 2020-2021 academic year. He noted and commended the academic success of UHH student-athletes mentioning that a record number of student-athletes (154) were placed on the UHH honor roll earning a cumulative GPA of 3.0 or higher. To date, UHH student-athletes have earned a one-year GPA of 3.173 and cumulative GPA of 3.192 for the academic year, with 114 student-athletes earning a cumulative GPA of 3.3 or higher. Additionally, 70 percent of UHH student-athletes earned a spring semester GPA of 3.0 or higher with 65 percent earning a cumulative GPA of 3.0 or higher. 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 (ASR), overall student-athlete retention rates, and graduation rates was also provided by AD Guillen. He mentioned that UHH Athletics experienced an average retention rate of 78.2 percent as compared to the campus retention rate of 71 percent and that graduation rates have continually increased since 2015 with 35 student-athletes graduating this year.

Stating that the ASR for the latest cohort of student-athletes at UHH was 71 percent and the NCCA Division II national average for ASR was 74 percent, Chair Acoba questioned the significance of these figures. AD Guillen replied that UHH Athletics had an ASR of 67 percent for the previous academic year, so improvement is occurring. He also explained that ASR is only calculated based upon student-athletes that are on scholarship and does not factor in the academic success of non-scholarship athletes. Since a large percentage of student-athletes at UHH do not receive any scholarship money, including one-third of the UHH baseball team, the ASR may not be an accurate reflection of the academic success and progress of all student-athletes. In the future, the UHH Athletics is hoping to track information on non-scholarship athletes and include this data in its academic progress report to the committee.

D. Update on NCAA Policies Related to Postsecondary Student Athlete Compensation for the Use of Name, Image, or Likeness (NIL), and Transfers.

AD Matlin introduced Amanda Paterson, Assistant Athletic Director for Compliance and Eligibility, to provide the report on NCAA policies related to NIL and transfers.

Ms. Paterson began by stating that, while the NCAA has been engaged in the process of creating NIL policies and regulations with its member institutions for over one year, uncertainty remains on the final outcome of the proposed policies and regulations. It was also noted that a vote on proposed NIL policies and regulations scheduled for January 2021 was postponed to mid- to late June 2021 for possible implementation on July 1, 2021, leaving minimal time for athletic departments to address any changes. She reviewed the proposed policy changes and NIL activities that will be allowed and prohibited for both student-athletes and their associated universities under these proposed policies although she stressed that discussions are ongoing and all of the proposals to date are subject to change.
Mentioning legislation under consideration by Congress regarding the issue of NIL, Vice-Chair Westerman asked whether federal legislation with respect to NIL would be preferable over legislation being pursued in individual states. AD Matlin replied that federal legislation would be preferable and that differing legislation in each state would result in confusion and make it difficult for intercollegiate athletics to function.

Chair Acoba asked whether it was anticipated that enactment of federal legislation or establishment of NCAA guidelines requiring a review of the overall structure of intercollegiate athletics would occur in the future. AD Matlin replied that some changes will most likely need to be made to the intercollegiate model for athletics in the future and that discussions on this issue have been ongoing.

Ms. Paterson also provided an update on changes to NCAA transfer rules stating that a uniform, one-time transfer rule was adopted to afford athletes participating in football, baseball, and basketball the same transfer opportunities given to athletes participating in all other sports. In short, all student-athletes will now be allowed to exercise a one-time transfer to an athletics program at another institution and become immediately eligible to participate in athletic competition. She reviewed the requirements and restrictions for obtaining a one-time transfer waiver, as well as penalties for any violations, specifically noting that direct or indirect contact with a student-athlete prior to their entrance in the transfer portal is a Level II NCAA violation. In addition, concerns were raised about the overzealous use of the transfer portal by student-athletes as a tool to determine potential prospects in their respective fields of play. AD Matlin added that UHM Athletics has undertaken efforts to educate student-athletes about the risks associated with entering the transfer portal such as the loss of scholarships and positions on teams once this occurs and commended Ms. Paterson and her staff for their efforts on this matter.

Chair Acoba requested clarification about the inability of the athletics department to retain a spot for a student-athlete once they have entered the transfer portal. AD Matlin replied that once a student-athlete enters the transfer portal, the coach of the affected team needs to recruit another athlete to replace the departing player and cannot hold a position on team for the departing player should they decide to return.

Noting that a violation of the transfer rules has serious implications, Chair Acoba asked if there were plans in place to avoid these violations. Ms. Paterson replied that she believed that ongoing education and training of coaches and student-athletes on the transfer rules is key to avoiding violations.

E. Football Facilities Update

AD Matlin provided an update on the planning for, and progress being made on, facility improvements to the Clarence T.C. Ching Athletic Complex (Ching Complex) that were necessitated by the decision to demolish Aloha Stadium and use the Ching Complex as a venue to host home games for the university’s football team. He summarized the most current information available on the facility upgrades highlighting a number of projects that were already in progress or scheduled to begin including replacement of field turf; installation of grandstands, press boxes, and scoreboards; and
the construction of portable concessions and restrooms, as well as the aggressive timeline for completion of these projects to host football games during the 2021 season in accordance with NCAA Division I standards. All improvements are currently progressing on schedule and are expected to be completed by September 2021 in anticipation of the football team’s opening game on September 4. Renderings of the facility improvements and design were also presented.

While the New Aloha Stadium Entertainment District (NASED) is slated for completion by 2024, AD Matlin stated that improvements to the Ching Complex were needed to meet two immediate goals: preserving as much of the annual $3.4 million net-positive contribution received from home football games as this revenue is critical to supporting athletic department operations and non-revenue generating sports at the university and meeting NCAA Division I and Mountain West Conference requirements for football, or obtaining waivers from these requirements. He underscored the attendance requirement, noting that a university must average 15,000 or more fans per game over a two-year period. Although this requirement has been suspended for the 2021 season because of the COVID-19 pandemic, it will be reinstated in the 2022 season. As such, additional plans are being formulated to further upgrade the Ching Complex from the 9,000-seat facility currently being constructed to a 15,000-seat facility for the 2022 season. UHM Athletics is also cognizant of the possibility that the NASED will not be completed by 2024 as anticipated and is developing longer-term plans for the use of the Ching Complex beyond 2024.

Due to the limited seating capacity of the upgraded Ching Complex which has led to the demand for football tickets exceeding the supply, AD Matlin stated that it was necessary to develop a football ticket distribution plan that strived to balance inclusiveness and the needs of all stakeholders with the revenue-generating needs of the university. He provided an overview of the plan for the 2021 season and noted that additional ticketing and viewing options are being considered for future seasons.

Regent Bal questioned whether individuals will be afforded the opportunity to purchase single-game tickets. AD Matlin replied that this does not appear likely for the 2021 football season. Under the current ticketing plan, UHM Athletics is attempting to accommodate as many season-ticket holders as possible and has placed a number of tickets on hold to allow some season-ticket holders who do not receive a full allotment of tickets to attend at least one or two games. However, if tickets that have been committed to other groups such as students and visiting teams are returned, those tickets may be made available for single-game purchase. He noted that UHM Athletics has established deadlines to commit to ticket purchase and use to better allow for the management of the overall number of tickets available. The expansion of the Ching Complex to a capacity of 15,000 in 2022 should help to somewhat address this dilemma.

Regent Acopan asked if consideration has been given to using other university facilities such as the Stan Sheriff Center to allow fans who are unable to obtain tickets to the Ching Complex to view games and create a Mānoa experience type of atmosphere with food trucks, vendors, and concessions. AD Matlin responded in the
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affirmative. However, for 2021, UHM Athletics has been limited to a capacity of no more than 10,000 persons on campus for sporting events under permits issued by the Department of Planning and Permitting (DPP) of the City and County of Honolulu for the Ching Complex improvements. Ongoing conversations are occurring between DPP and UHM Athletics to expand this number for future years.

Vice-Chair Westerman questioned whether the seating capacity of 9,000 at the Ching Complex was the maximum capacity of the facility or maximum capacity with COVID-19 social distancing guidelines in place. AD Matlin replied that anticipated maximum capacity for 2021 without social distancing guidelines was 9,000 spectators.

Regent Nahale-a asked about the process used to establish ticket prices. AD Matlin stated that UHM Athletics has a ticket committee that analyzes ticket pricing. While the ticket pricing plan has resulted in slightly higher ticket prices due to limited availability and premium seating designations to generate revenue, efforts are being made to keep ticket prices reasonable in an effort to maintain fan engagement, particularly with regard to season-ticket holders.

F. Update on Health and Safety Matters Relating to Student Athletes, Coaches, Staff, and Spectators

AD Matlin reviewed screening and testing protocols for COVID-19 that have been implemented by UHM Athletics, as well as the various means of COVID-19 testing and resources being used to conduct testing. As of May 2021, UHM Athletics has conducted about 14,801 tests, 34 of which have been confirmed as COVID-19 positive, for a positivity rate of approximately 0.23 percent. Efforts to vaccinate student-athletes are also ongoing. While only 66 of the approximately 460 student-athletes have been fully vaccinated, he stated that an additional 51 student-athletes have begun the vaccination series but have not yet completed the process. It was noted that the lower vaccination rate among student-athletes was due, in part, to the date of eligibility for student-athletes to receive vaccinations during the waning moments of the spring semester when many students had completed coursework and returned home. AD Matlin also discussed the impacts of the COVID-19 pandemic on the schedules and competitive opportunities for several sports.

Stating that vaccination rates among student-athletes appears to be around 26 percent, Chair Acoba asked whether UHM Athletics had plans in place to increase this number. AD Matlin replied that initiatives are in place to encourage student-athletes to receive their vaccinations and reiterated that the low vaccination percentage was due, in part, to the departure of a significant number of student-athletes from campus prior to their becoming eligible to receive the vaccine. He also stated that a vaccine clinic will be held this weekend at the athletic facilities for student-athletes, coaches, students, faculty, and staff. Dr. Jonathan Sladky, UHM’s team physician, concurred with AD Matlin and noted that with further vaccine education to address any hesitancy among student-athletes and increased availability of on-campus vaccinations, the percentage of student-athletes who are vaccinated will increase once they return to campus. In addition, all students attending UHM in the fall must meet vaccination requirements which should also result in increased vaccination rates among student-athletes.
AD Guillen provided an update on the various health and safety issues involving UHH Athletics reviewing some of protocols regarding COVID-19 screening and testing that are currently in place. As of May 24, 2021, UHH Athletics has conducted 4,601 COVID-19 tests, five of which have been confirmed as positive, for an overall positivity rate of 0.11 percent. UHH athletics anticipates that nearly 100 percent of its student-athletes will have received their COVID-19 vaccinations by the time they return to campus in the fall. He noted that approximately 50 percent of student-athletes had been fully vaccinated and an additional 30 percent had received their initial vaccine dose prior to the conclusion of the 2020 fall semester and that the remainder of student-athletes who were unvaccinated had planned to receive their vaccinations upon their return home.

G. Update of the Athletic Budget and Financial Integrity of the UHM and UHH Athletic Departments

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 provided an update to the fiscal report given to the committee on March 3, 2021, stating that the COVID-19 pandemic resulted in approximately $14.1 million in lost revenues. Although athletic department expenses saw a concomitant reduction of $8.7 million, UHM Athletics’ projected net deficit for fiscal year (FY) 2021 remains at $8.2 million. It was also noted that $3.6 million in general fund appropriations for athletic department operational costs was removed from the State Budget by the Legislature and that an analysis of the impacts of the loss of this funding is currently being conducted. UHM Athletics continues to search for opportunities to decrease expenses and enhance revenues including implementing some of the recommendations of the Strategic Visioning Committee established in the fall of 2020.

Chair Acoba requested clarification on the impacts of federal relief funding on the budget for UHM Athletics. AD Matlin replied that UHM Athletics is currently working with the university administration on determining the availability of federal relief funds which may impact the final budget figures for FY 2021. President Lassner added that, prior to the conclusion of the legislative session, the intent of the administration was to allocate relief funds to a number of programs at UHM, including athletics, that have experienced precipitous revenue declines during the past year. However, general fund reductions made to UHM’s operating budget by the Legislature have resulted in a re-analysis of the distribution of these funds.

AD Guillen reported on the FY 2021 fiscal projections for UHH Athletics. He stated that UHH Athletics is anticipating net revenues of $2,404,728 after legislative funding reductions of $172,505, and net overall expenses of $2,036,810 which will result in a surplus of $367,918 being experienced for FY 2021. It was noted that legislative reductions in general fund appropriations in the amount of $400,000, in addition to a return to a more normalized form of competition which will increase travel expenses, will have negative implications for the UHH Athletics budget in FY 2022. UHH Athletics will continue to proceed with plans for competition during the next academic year in a fiscally responsible manner while providing student-athletes with a positive experience.
H. **Athletics Forecast for Summer and Fall 2021**

AD Matlin reported that UHM Athletics will be focusing on a number of issues throughout the summer and fall of 2021 to allow for the effective and efficient management of the department and athletic competition within the dynamic landscape of intercollegiate athletics that is anticipated due to the continuing impacts of the COVID-19 pandemic. Efforts to address rules and protocols regarding competition and spectator attendance at sporting events while ensuring the health and safety of student-athletes, coaches, staff, and spectators are ongoing. Planning for budget impacts due to the pandemic and loss of legislative funding, as well as preparing for the opening of the Ching Complex by September 2021 will continue throughout the summer. He stated that bridge programs for incoming freshmen student-athletes to help acclimate them to the collegiate experience will also be reinstated over the summer.

AD Guillen stated that, like UHM Athletics, it is anticipated that all student-athletes at UHH will return to campus in the fall and that a more normalized athletics competition schedule will be experienced in 2021. He noted that, while some fall 2020 sports were canceled, others such as soccer, men’s basketball, women’s volleyball, and men’s tennis were allowed to compete in extremely modified schedules during spring 2021 with a number of these teams witnessing success at both the local and national levels.

I. **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 stated that 2020 proved to be a challenging year for intercollegiate athletics both in Hawai‘i and nationally and underscored several of these challenges. He acknowledged the accomplishments of both UHM Athletics and UHH Athletics; the work of the student-athletes, coaches, staff, athletic departments, and university administration under demanding circumstances; the efforts of the board office staff in assisting the committee; and the committee members for their patience and diligence throughout the year in completing the tasks set forth in the committee work plan.

V. **ADJOURNMENT**

There being no further business, Regent Acopan moved to adjourn, seconded by Regent Bal, and noting the excused absence of Regent Higaki, and with all other members present voting in the affirmative, the meeting was adjourned at 10:11 a.m.

Respectfully Submitted,

Kendra Oishi  
Executive Administrator and Secretary  
of the Board of Regents