

MINUTES

BOARD OF REGENTS COMMITTEE ON INTERCOLLEGIATE ATHLETICS MEETING

MARCH 3, 2022

Note: On January 26, 2022, Governor David Y. Ige issued a proclamation related to the COVID-19 emergency that temporarily suspended Section 92-3.7, Hawai'i Revised Statutes (HRS), "only to the extent necessary to suspend the requirement to have at least one meeting location that is open to the public".

I. CALL TO ORDER

Chair Simeon Acoba called the meeting to order at 8:30 a.m. on Thursday, March 3, 2022. The meeting was conducted virtually with regents participating from various locations.

Committee members in attendance: Chair Simeon Acoba; Vice-Chair Eugene Bal; Regent Kelli Acopan; Regent William Haning; and Regent Ernest Wilson.

Others in attendance: Board Chair Randy Moore; Regent Wayne Higaki; Regent Benjamin Kudo; Regent Diane Paloma; Regent Robert Westerman (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 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 Chancellor Bonnie Irwin; Executive Administrator and Secretary of the Board of Regents (Board Secretary) Kendra Oishi; and others as noted.

II. 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.

III. AGENDA ITEMS

A. Recommend Board Approval of Revisions to Regents Policy (RP) 7.208, Intercollegiate Athletics

Chair Acoba began by stating that the actions being taken by the committee at this meeting comport with the functions and responsibilities of the Intercollegiate Athletics Committee (ICA) as outlined in the Bylaws of the Board of Regents (Board Bylaws). He provided a synopsis of the committee meeting held on February 3, 2022, highlighting that the administration presented an overview of the hiring process used for head coaches at UHM in the context of concerns raised during public forums. He also summarized ensuing discussions that occurred among regents about various aspects of the process and the impacts actions taken during this process have on the interests and reputation of the university which served as the impetus for the proposed amendments to RP 7.208. It was noted that the amendments are specific to the selection procedures

used for a head coach and are intended to protect the interests and reputation of the university in the hiring process.

Regent Wilson moved to recommend board approval of the proposed revisions to RP 7.208, and the motion was seconded by Regent Haning.

Chair Acoba reviewed the proposed amendments to RP 7.208 stating that the overriding principle of these changes is that the hiring process should be conducted from the perspective of advancing the reputation of the university and protecting its interests, a notion which he believes was lost by the administration during the selection process for the current head football coach. Chair Acoba solicited feedback and comments from regents.

Regent Wilson concurred with Chair Acoba emphasizing the importance of public perception with respect to high-profile situations such as the hiring of a head coach and its impact on the public image of the university and proffered his support for the policy amendment.

Board Chair Moore thanked Regent Acoba for his efforts in developing the proposed amendments to RP 7.208 but expressed his concern about the effect that publicly naming individuals will have on the willingness to serve on an advisory committee for the hiring of a head coach. He also questioned the need to stipulate these provisions in the RPs stating that the majority of the proposed amendments involve good practices that would be applicable to any hiring process conducted by the university.

Regent Kudo expressed his belief that instilling public trust should be one of the guiding principles used for the management and operations of intercollegiate athletics at the university and suggested an additional amendment to incorporate this idea into RP 7.208. He proposed that “maintaining the integrity of the University of Hawai‘i through the actions, process, or protocols taken or used in the management and operation of the athletics department” should be the text of the newly created guiding principle which should be entitled “Instilling the Public Trust” and moved to amend the motion to include this additional amendment as proposed. Regent Wilson seconded the motion.

Regent Haning asked if the additional amendment as proposed by Regent Kudo was intended to correct a perceived deficiency in the public trust of the athletic department. Regent Kudo replied that the additional amendment was intended to ensure that instilling public trust would be used as a guiding principle by the athletic department since it is one of the most visible and scrutinized components of the university system. Regent Haning remarked that, while policies can become burdensomely lengthy, he concurred with the proposed additional amendment.

There having been a motion that was moved and seconded, a roll call vote was conducted on the adoption of the secondary amendment, with all members voting in the affirmative.

Referencing Board Chair Moore’s comments, Chair Acoba stated that, while the proposed amendments may iterate best practices that should be used in any employment process, what occurred recently during the hiring process for the head

football coach raised several questions and concerns that compel these provisions to be specifically noted in RP 7.208.

Regent Westerman stated his concurrence with the proposed amendments given the visibility of the athletic department but also opined that the board should not be directly involved in the hiring and termination process for head coaches as has been alluded to by some individuals.

Regent Acopan expressed her belief that the process used to hire the head football coach was correctly implemented but stated that the proposed amendments appeared to be more about addressing the public's perception of the integrity and transparency of the hiring process. As such, she stated that she was in support of the amendments.

There having been a motion that was moved and seconded and the adoption of a secondary amendment, a roll call vote was conducted on recommending board approval of the proposed revisions to RP 7.208 inclusive of the additional amendment. The motion was adopted with all members voting in the affirmative.

B. Recommend Board Approval of Amendments to the Board Bylaws, Article II.D.2.f., Committee on Intercollegiate Athletics

Chair Acoba noted that the proposed amendments to Article II.D.2.f. of the Board Bylaws will specify that the selection of head coaches falls under the jurisdiction of ICA thereby conforming the Board Bylaws to the proposed amendments to RP 7.208.

Regent Wilson moved to recommend board approval of the proposed amendments to Article II.D.2.f. of the Board Bylaws, seconded by Vice-Chair Bal, and the motion carried with all members present voting in the affirmative.

C. Recommend Board Approval of Proposed Terms for the Independent Assessment of University of Hawai'i at Mānoa Athletics Department (UHM Athletics) Operations Relating to Student-Athlete Welfare and Communications

Chair Acoba provided background information on a request made by the administration to conduct a third-party, independent assessment of UHM Athletics' operations as they pertain to student-athlete welfare and communications. He also summarized actions taken, as well as discussions that occurred, at the ICA meeting on February 3, 2022, and the board meeting on February 17, 2022, including the presentation of a formal proposal establishing the assessment's general considerations and limiting the amount of funds to be expended to \$75,000. It was noted that at the meeting on February 17th, the board deferred action on this request and referred this matter back to ICA for further discussion in order to develop a more purposeful approach for the assessment and provide the assessor with definite parameters as to what the assessment should involve. As such, proposed terms for the independent assessment were formulated for consideration for approval by the board.

Regent Wilson moved to recommend board approval of the proposed terms for the independent assessment of UHM Athletics' operations relating to student-athlete welfare and communications and the motion was seconded by Regent Acopan.

Chair Acoba reviewed each of the proposed terms that were set-forth in the document provided in the committee materials stating that this proposal breaks new ground for both the committee and the board but was necessitated by the unique situation facing UHM Athletics and will serve as a foundational document should adjustments be needed in the future. It was noted that the proposed terms incorporate some of the provisions that were contained in the initial request made by the administration as well as new provisions intended to institute a more refined scope.

Regent Higaki arrived at 9:04 a.m.

Recognizing that the request for an independent assessment was in direct response to claims made about the university's football program at a Senate hearing, Regent Kudo nonetheless expressed his concerns about the narrow scope of the assessment's terms. He stated his preference for a broader assessment aimed at evaluating UHM Athletics' procedures with respect to student-athlete welfare and communications in its entirety but with an emphasis placed on issues raised regarding the football program.

Regent Haning noted his support for the independent assessment as proposed but also stated that he would be inclined to support broadening the scope of the assessment to encompass the entirety of the university's sports programs so as to avoid reactionary responses to intermittent crises.

President Lassner remarked that, while the majority of the allegations made about UHM Athletics specifically involved the football program, the procedures used to address complaints pertinent to student-athlete welfare and communication apply to all sports. As such, an independent assessment of the procedures used to address complaints with respect to the football program would affect all other sports at UHM. He also pointed out that, even as proposed, the independent assessment will not be a football-only review.

Chair Acoba stated that the proposed terms are being issued by the regents and would be evaluated from the perspective of the administration. He also stated that in reviewing all of the complaints brought forth at the Senate hearing, it appeared that only two letters did not pertain to the football program.

Board Chair Moore suggested that the board seek recommendations from UHM Athletics on improvements that could be made across all sports at UHM after the final report about the independent assessment was received and reviewed.

Regent Higaki noted that the recommended action as contained within the board action memo is not specific to the football program. He also suggested that removing any mention of football in the terms of the assessment as proposed would clarify that it is intended to address all sports at UHM.

David Matlin, UHM Athletic Director (AD), stated that the scope of the assessment was formulated in response to concerns and complaints raised at the Senate hearing,

which involved other sports in addition to football. He also reiterated that the procedures used to address complaints pertinent to student-athlete welfare and communication apply to all sports and not just a single program.

Chair Acoba restated that the majority of claims made were with respect to the football program, questioned the necessity of expanding the scope of the assessment to encompass sports that were not experiencing any issues, and posited whether this would be a worthwhile expenditure of time, effort, and additional resources. He also stated that, since the policies and procedures for addressing complaints pertinent to student-athlete welfare and communication apply to all sports as noted by President Lassner and AD Matlin, an independent assessment of the football program will impact other sports by inference.

There having been a motion that was moved and seconded, a roll call vote was conducted and the motion carried with all members present voting in the affirmative.

IV. ADJOURNMENT

There being no further business, Chair Acoba adjourned the meeting at 9:26 a.m.

Respectfully Submitted,

/S/

Kendra T. Oishi
Executive Administrator and Secretary
of the Board of Regents