

MINUTES

BOARD OF REGENTS COMMITTEE ON INTERCOLLEGIATE ATHLETICS MEETING

JUNE 2, 2022

I. CALL TO ORDER

Chair Simeon Acoba called the meeting to order at 8:35 a.m. on Thursday, June 2, 2022, 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 Alapaki Nahale-a; Regent Diane Paloma (ex officio committee members); President David Lassner; Vice President (VP) for Legal Affairs/University General Counsel Carrie Okinaga; 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

Chair Acoba inquired if there were any corrections to the minutes of April 7, 2022, committee meeting which had been distributed. Hearing none, the minutes were approved.

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: Charlie Wade, UHM Men's Volleyball Head Coach

UHM Athletic Director (AD) David Matlin introduced Charlie Wade, head coach of the back-to-back national championship men's volleyball team and provided an overview of his coaching experience, which included a stint as associate head coach for UH Wahine Volleyball. He also highlighted Coach Wade's numerous career accomplishments, such as being named the American Volleyball Coaches Association Coach of the Year in 2019.

Coach Wade began by expressing his appreciation for the support the men's volleyball team has received from the community, the board, President Lassner, AD Matlin, and the entire UHM Athletics 'ohana stating that this backing has been instrumental to the team's success. He spoke about the team's accomplishments on the court as well as in the classroom; acknowledged the academic achievements of Kana'i Akana who received the prestigious Elite 90 award at the men's volleyball finals; and noted efforts to develop a team that embraces Hawai'i's culture and recognizes the

significance of UHM Athletics to the entire State. He also reported on an academic success predicament faced by the team stating that student-athletes who have earned their undergraduate degree and continue their educational pursuits in graduate school are unable to keep their athletic scholarships despite retaining their eligibility to participate in athletic competition. Although the university has taken steps to address this situation by providing tuition assistance to high-achieving academic student-athletes, finding a more permanent solution to this dilemma would be a game changer for the program by affording it with the opportunity to retain players that are both outstanding on the court as well as in the classroom.

Given Coach Wade's remarks about scholarships, Chair Acoba noted that the committee will be recommending that the issue of continuing to provide scholarships to student-athletes who attend graduate school be addressed by the board. President Lassner stated that this matter may need to be handled through amendments to Regents Policy which governs some aspects of the provision of scholarships to student-athletes.

Chair Acoba asked Coach Wade for his thoughts on the team's importance in terms of representing Hawai'i. Coach Wade replied that the team is humbled by the community support it receives. He stated that residents as well as expatriates take University of Hawai'i volleyball very seriously and display a great deal of pride in teams that represent Hawai'i on the largest stage, especially when that team is successful. He also noted the positive impacts athletics has on other aspects of the university when teams participate in competition on a national stage.

Regent Higaki arrived at 8:42 a.m.

B. Student-Athlete Profile: Andre Illagan, UHM Men's Tennis Student-Athlete

AD Matlin introduced UHM men's tennis standout Andre Illagan, highlighting the numerous academic and athletic accolades he has received over his career including being named as the recipient of the prestigious Jack Bonham Award, which is given annually to the top male and female senior student-athlete who best exemplifies the ideals of athletic excellence, academic achievement, public service, leadership, and character.

Mr. Illagan conveyed his appreciation for all of the support he has received from the university, UHM Athletics, and the community; noted his upbringing in Kalihi; and expressed his pride in representing Hawai'i through the sport he loves.

Chair Acoba asked Mr. Illagan about his future tennis plans and whether he was aware of the impacts his achievements have had with respect to representing Hawaii. Mr. Illagan replied that he does have one more year of eligibility due to the National Collegiate Athletic Association's (NCAA) COVID-19 eligibility extension policy and will be returning to UHM to play tennis next season after which he intends to turn professional. He also stated that he has received numerous comments from individuals congratulating him on his efforts and expressing their pride in a kid from Kalihi doing well on the national stage.

Chair Acoba congratulated Mr. Illagan for all of his accomplishments stating that he has served as an excellent representative for Kalihi, Farrington High School, the State, and the university, and is an inspiration to any individual who would aspire to achieve the highest level in the sport of tennis.

Regent Nahale-a arrived at 8:50 a.m.

C. Report on Association of Governing Boards (AGB) Conference on Trusteeship: Topics Related to Intercollegiate Athletics

Regent Wilson provided a report on sessions he attended at the AGB Conference on Trusteeship that addressed intercollegiate athletics stating that college sports have become a lucrative business. He discussed several topics covered at the conference noting that the major focus of conversations was on the everchanging financial landscape of NCAA Division I athletics including the inequity in the amount and distribution of revenues generated by major sporting events such as the Division I collegiate football championship and the men's basketball championship tournament. Dialogue also took place on issues such as recent changes to NCAA policies that can be attributed to questions raised about revenue distribution; federal and state initiatives on this issue that will impact the NCAA and its member institutions; revenue imbalances between men's and women's sports; and employment as well as revenue sharing rights for student-athletes. Ultimately, both the NCAA and its members understand that transformative changes will be necessary to preserve intercollegiate athletics.

D. Update on Health and Safety Matters

Kula Oda, UHH Associate Athletic Director (AAD), provided an update on health and safety issues involving UHH Athletics. While there were no major changes to report, it was noted that UHH Athletics would be returning to large-scale pre-participation physical testing for student-athletes which includes mental health screening to help identify individuals who may need assistance in this area. He reviewed mental health services that were available at UHH and noted actions being taken to ensure the mental health of student-athletes. He also spoke about concussion protocols that were updated in 2021 and provided data on concussions by sport, stating that there was a total of four diagnosed concussions in 2021–2022.

Chair Acoba asked whether data indicated an increase or decrease in concussions at UHH. AAD Oda replied that UHH averages about six to eight concussions a year but only witnessed four concussions last year. He also stated that most of UHH's athletic programs do not involve high-contact sports which are more prone to concussions.

Regent Haning inquired as to whether there were any plans in place at UHH to prevent or reduce concussions. AAD Oda responded that UHH Athletics conducts baseline testing during its pre-participation physical exam, continuously strives to increase concussion awareness among coaches and student-athletes, and conducts workshops to educate coaches about activities that increase the risk for concussion. However, preventing concussions during athletic competition is difficult. Regent Haning expressed his belief that at some point a cost-benefit analysis will need to be conducted on the issue of concussions related to athletics.

Regent Paloma stressed the importance of awareness with respect to the long-term health and safety of student athletes and commended UHH Athletics for its endeavors in this regard.

Jonathan Sladky, M.D., UHM's team physician, provided statistics on concussions experienced by UHM student-athletes by sport over the past four years, noting that there was a noticeable decrease in the 2020-2021 academic year which was mainly due to the impacts of the COVID-19 pandemic on athletic competition. Although UHM Athletics experienced an uptick in the number of concussions during the 2021-2022 academic year, figures still remain significantly lower in comparison to the period prior to the pandemic. He also discussed concussion protocols and efforts undertaken to reduce or prevent concussions, but concurred with AAD Oda regarding the difficulties of preventing concussion during live-contact competition.

UHM Athletics continues to stress the importance of ensuring the mental well-being of student-athletes, undertaking several initiatives over the past three years to address this issue including hiring a mental health specialist specifically dedicated to the mental healthcare of student-athletes. Dr. Sladky noted efforts by UHM Athletics to increase mental health awareness among student-athletes, coaches, and staff, and highlighted proactive, reactive, and preventative measures that are being taken to make sure that the mental health needs of student-athletes are met.

Regent Haning expressed his hope that UHM Athletics will take better advantage of resources at the John A. Burns School of Medicine (JABSOM) to address some of its healthcare needs in the future although he acknowledged that there were obstacles that would need to be addressed to achieve this goal. Dr. Sladky agreed, stating that establishing a partnership with JABSOM to utilize its tremendous healthcare resources would be a win-win situation.

Referencing the increase in concussions in the swimming and diving program, Regent Bal questioned the nature of these incidents and asked whether this increase was of concern. Dr. Sladky replied that, of the three concussions attributed to swimming and diving, two were related to diving and one was associated with swimming. He noted that there has been recent turnover in the program's coaching staff and that UHM Athletics is working with the new coaches regarding concussion prevention. He also stated that the increase in the number of concussions experienced by this program is not overly concerning given that these figures did not show a trend.

E. Update on the Athletic Budget and Financial Integrity of the UHM and UHH Athletic Departments, Including Student Fees and the Restoration of Legislative Funding

AAD Oda provided a snapshot of revenue and expenditure projections for UHH Athletics stating that an anticipated surplus of almost \$15,000 is expected for fiscal year 2022.

Regent Wilson inquired about the amount of UHH Athletics' annual budget. AAD Oda replied that UHH Athletics generally receives between \$2.4 and \$2.5 million annually.

AD Matlin gave an update on revenue and expenditure projections noting that, due in large part to the receipt of federal relief funds and actions taken to reduce expenses, UHM Athletics is projecting a net deficit of \$400,000 for fiscal year 2022. He also acknowledged the receipt of \$2.5 million in additional student-athlete scholarship support from UHM stating that this will be a game changer for UHM Athletics. Ongoing and future considerations with respect to the UHM Athletics' budget were also reviewed, including legislative funding for operations and capital improvements, as well as the role UHM Athletics will play in the Aloha Stadium project which has the potential to positively impact its finances.

F. Update on Compliance with NCAA Policies and Conference Requirements Including Policies Related to Student Athlete Compensation for the Use of Name, Image, or Likeness (NIL)

AAD Oda explained that UHH Athletics is a NCAA Division II member subject to rules and regulations which differ slightly from those imposed on Division I members. He reviewed the Division II transfer portal process stating that several additional safeguards to protect student athletes were implemented in 2022, including a requirement that a student-athlete contemplating entrance into the transfer portal complete an educational module which explains the process and its impacts on their athletic and academic status. It was noted that UHH's student-athlete transfer rate has increased to approximately 10.8 percent since the implementation of the new transfer portal rules and that UHH Athletics is examining ways in which it can better adapt to these changes to ensure continued success for its athletics programs. Although UHH Athletics has not experienced significant impacts from recently established NIL policies, it is currently in the process of researching third party NIL vendors to assist in brand building and educating student-athletes on the NIL process.

Regent Nahale-a commended the actions of UHH Athletics with respect to understanding and adapting to the new transfer portal rules.

Regent Moore asked how UHH Athletics's transfer portal data compares to its Division II peers. AAD Oda replied that data throughout Division II appears to indicate that all athletic programs are experiencing similar increases in student-athlete transfer rates. Given this information, Regent Moore surmised that the transfer portal rules do not appear to have disproportionately affected Division II schools. AAD Oda agreed but stated that the change in transfer portal rules has provided student-athletes with an easier pathway to explore other options and UHH Athletics remains concerned with the substantial increase in transfer rates. Chancellor Irwin added that one reason for out-of-state student-athletes transferring is the lack of familial support due to the inability of parents to attend games and that the transfer-portal rule changes have made it less difficult to transfer to a program that is closer to home.

AD Matlin provided a report on the work of the NCAA Division I Transformation Committee (Transformation Committee) which was recently formed to develop a set of Division I commitments, regulations, and membership obligations to respond to the ever-changing landscape of intercollegiate athletics and the set of issues that

continually challenge the division. Updates on the work of the Transformation Committee are expected in August 2022.

Vince Baldemor, AAD for External Affairs, discussed matters involving NIL within UHM Athletics, stating that interviews have already occurred with six third-party vendors that specialize in, and offer different elements for, managing NIL, and that evaluations of each vendor are ongoing. UHM Athletics also continues to discuss the NIL issue with its Mountain West Conference and Big West Conference peers.

Chair Acoba inquired about the UHM Athletics' progress on engaging with a third-party to manage NIL, the number of student-athletes taking advantage of NIL opportunities, and the use of NIL to attract student-athletes to intercollegiate programs. AD Matlin replied that several companies are being evaluated to provide NIL management services to UHM Athletics with the possibility that one company would be selected to manage NIL opportunities for student-athletes and another company chosen to educate student-athletes on the NIL process. He also noted that approximately 70 student-athletes at UHM have reported entering into NIL agreements. While NIL is prohibited from being used as a recruiting tool, it is difficult to determine whether or not this is currently occurring and is an issue that the Transformation Committee is expecting to investigate and discuss.

G. Athletics Forecast for Fall and Winter 2022

AAD Oda reported that UHH Athletics is anticipating more normalized athletic activities for the fall and winter of 2022 including the return of unfettered competition, practices, scheduling of events, and travel. However, certain precautions such as masking requirements in the athletic training room and student-athlete academic success lab will remain in place. He also highlighted several team accomplishments and student-athlete achievements for the 2021-2022 academic year.

AD Matlin stated that, similar to UHH Athletics, UHM Athletics will be focusing on a continued return to normalcy for the fall and winter of 2022 with the expectation that athletic competitions will occur without attendance restrictions. He also reviewed numerous academic achievements and athletic successes experienced during the past year and stated that UHM Athletics will be focused on building upon these successes in the fall and winter.

H. Athletic Facilities Update

AAD Oda reviewed several ongoing athletic facilities projects at UHH including a softball/soccer field/multipurpose building project that is close to being finished and the recently completed renovation of its tennis courts.

Chair Acoba asked if there were any facility improvements needed at UHH. AAD Oda replied that while a number of athletic facilities are in need of renovation and repair, the two priority projects for UHH Athletics would be improvements to the baseball field and gym, both of which remain unusable due to poor field and gym floor conditions.

Noting that gym floor issues have been in existence at UHH throughout his time on the board, Chair Acoba questioned the reasons for the lack of progress in addressing this matter. AAD Oda stated that UHH Athletics has tried to deal with this issue but that \$3 to \$5 million would be needed to enclose and air condition the gym which are necessary actions to properly address the situation.

Regent Haning asked whether the condition of the gym floor has resulted in any injuries to student-athletes. AAD Oda replied in the affirmative, although he stated that they are not common and no major injuries have been sustained to date.

AD Matlin presented an update on UHM athletic facilities, reviewing a number of projects including recently completed upgrades to the Rainbow Wahine Softball Stadium and upcoming renovations to the Alexander Waterhouse Strength and Conditioning Center. The planned expansion of the Clarence T.C. Ching Athletics Complex (Ching Complex) continues to move forward with the recent filing of an environmental assessment for the project and UHM Athletics is working closely with the university's Office of Project Delivery to address permitting, funding, and supply chain issues. Although the Legislature has appropriated \$350 million for a replacement of Aloha Stadium and three companies are actively competing for the opportunity to build and operate the new facility, the timetable for its completion remains uncertain. As such, UHM Athletics is anticipating seeking a waiver from NCAA attendance requirements which will require submittal of a plan on how, and when, it will get to a 15,000-fan rolling attendance for home football games. He noted that the timeline for completion of a new Aloha Stadium as well as expansion efforts with respect to the Ching Complex will be factors in developing this plan.

Chair Acoba questioned whether there were projected construction commencement and completion dates for the new Aloha Stadium. AD Matlin replied that initial projections were for construction to begin in 2023 and be completed by 2025 or 2026. However, a change in agencies spearheading the Aloha Stadium redevelopment effort may result in those dates being extended further into the future. Given this information, Chair Acoba asked if there were contingency plans in place to address this issue and whether consideration has been given to other uses for Ching Complex upon completion of the new Aloha Stadium. AD Matlin replied that UHM Athletics' plan is to continue moving forward with the expansion of, and upgrades to, Ching Complex to meet certain requirements while continuing to engage with the State on the Aloha Stadium matter. Consideration has also been given to using the Ching Complex for more campus-life and community-related activities such as concerts and movie nights.

Regent Kudo opined that the completion time for a new Aloha Stadium will probably be more in the six- to ten-year range and suggested that UHM Athletics look to Ching Field as a longer-term solution than presently planned.

I. Status of the Independent Assessment of UHM Athletics Department Operations Relating to Student-Athlete Welfare and Communications

Chair Acoba remarked that, while unfortunate, what transpired with respect to the UHM football program in the fall of 2021 and early 2022 could not be ignored and

required that action be taken by the board to address individual student claims as well as its fiduciary responsibilities. Measures taken by the board to attend to these matters included the approval of an administrative request to have an independent third-party assessment performed on UHM Athletics' operations as they pertain to student-athlete welfare and communications; the adoption of a process for this independent assessment with the objective of instituting changes to prevent a recurrence of the circumstances which led to adverse claims against UHM Athletics; and the approval of amendments to Regents Policy 7.208 to guide the hiring process of head coaches with the ultimate goals of maintaining high standards that were in the best interests of the university, increasing transparency in the hiring process, and preserving the university's reputation. Although the contents of the independent assessor's report are not yet known, Chair Acoba opined that the assessment process mirrors larger questions regents and the board must face in other areas of university oversight and that the board's actions on the completed report will be a defining moment for the board and the path it has chosen for itself in this role. He also emphasized that, while cooperation and collaboration with the university administration is conducive to progress, the board must retain its independence and take actions with only in the best interests of the university in mind.

Regent Kudo agreed with the comments made by Chair Acoba and espoused the benefits of an independent assessment stressing that such an assessment did not reflect poorly on the management of UHM Athletics, but rather was a tool that could be used for organizational and operational improvement for the benefit of student-athletes, coaches, staff, and administration.

Regent Nahale-a remarked that these types of situations are challenging, due in part to the governance process, and he welcomed the opportunity to be provided with an independent review of the circumstances and operations regarding this matter.

J. Committee Annual Review

Chair Acoba referenced the committee annual review matrix provided in the materials packet stating that it sets forth the actions carried out by the committee throughout the year and asked for comments from committee members. Hearing none, Chair Acoba stated that UHM and UHH Athletics have enjoyed an exceptional year, noting their numerous accomplishments. He also noted that the State's commitment for the university to be competitive in sports was established decades ago and opined that intercollegiate athletics at the university needs to be viewed more as a valuable asset that is economically viable and one that should be nurtured rather than considered a losing proposition. While the sense of pride, belonging, inclusiveness, and place afforded by the university's athletic programs are intangibles, they are real to the people of Hawai'i and the importance of university athletics in creating bonds between the university and the community is invaluable. He also expressed his thanks to the student-athletes, coaches, staff, athletic departments, university administration, and committee members for their work throughout the year.

V. ADJOURNMENT

There being no further business, Chair Acoba adjourned the meeting at 10:31 a.m.

Respectfully Submitted,

/S/

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