



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Higher Education
February 10, 2015 at 2:00pm

By

Robert Bley-Vroman, Chancellor
University of Hawai'i at Mānoa

And

Ben Jay, Athletics Director
University of Hawai'i at Mānoa

HB 539 – RELATING TO THE UNIVERSITY OF HAWAII ATHLETICS

Chair Choy, Vice Chair Ichiyama, and members of the committee:

HB 539 would invest in an independent governing board all powers and responsibilities necessary to maintain and operate the Athletics Department. The board would report directly to the Board of Regents. The University of Hawai'i opposes this bill, because it would cause our Hawai'i athletics program to be in violation a basic by-law of the National Collegiate Athletics Association (NCAA), the Principle of Institutional Control and Responsibility

NCAA By-Law 2.1, the Principle of Institutional Control and Responsibility, states: "It is the responsibility of each member institution to control its intercollegiate athletics program in compliance with the rules and regulations of the Association. The institution's president or chancellor is responsible for the administration of all aspects of the athletics program, including approval of the budget and audit of all expenditures."

HB 539 would transfer the powers, duties and operational oversight of the athletics department at the University of Hawai'i at Mānoa from the chancellor to a new seven-member board of governors. As proposed, the board of governors would administer the intercollegiate athletics special fund, the primary funding account of the department's operations used to receive, deposit, disburse and account for funds generated from the activities of the athletic program. The board of governors would also establish appropriate charges for activities related to the athletic programs and the use of its athletic facilities, as well as appoint, retain and terminate the athletics director.

However, by rule, it is the responsibility of each member institution's president or chancellor to monitor and control its athletics programs, staff members, representatives and student-athletes to ensure compliance with the constitution and by-laws of the Association.

In principle, the administration of the University of Hawai'i at Mānoa could create an internal governance structure for the athletic department that made use of a management advisory board with similar areas of concern as the board proposed in HB 539. However, consistent with the Principle of Institutional Responsibility, the responsibility for administration of the athletics program must reside with the institutional leadership.



ASUH

Associated Students of the University of Hawai'i
YOUR STUDENT GOVERNMENT

Martin M. Q. Nguyen
Chairperson
ASUH Committee on External Affairs

February 10, 2015

Rep. Issac W. Choy
Chairperson
Committee on Higher Education
415 South Beretania Street, Room 404
Honolulu, HI 96813



Aloha Chair Choy, Vice-Chair Ichiyama and Members,

I am submitting testimony in my capacity as the ASUH Committee on External Affairs Chairperson against HB 539 which establishes the University of Hawai'i at Mānoa athletics department as an entity governed by a board of governors.

While I do understand the general underlying intent of HB 539, given the financial situation of the UH Athletics Department and recent events, I would highly recommend that the Committee on Higher Education conduct the research that the proposal of this bill would not threaten the NCAA accreditation of the University of Hawai'i.

My general understanding of NCAA recommendations is that an athletics department must be a underlying division of an institution of higher learning and governed by such. With that being said, should the UH Athletic Department be spun off as a separate entity governed by an independent board of governors, as opposed to the Board of Regents, HB 539 would be in conflict with the language stated by the NCAA.

We all want to see an improved athletic department and HB 539 is a suggestion that, while good in intent, may contribute negatively to the long-term performance of the UH Athletics Department especially in regards to relations with the NCAA.

Therefore, I state again that I highly recommend that this committee conducts the research to find the possible negative implications of this proposal in regards to the requirements set by the NCAA. Currently, I strongly recommend that this bill does not pass through the Committee on Higher Education.

Sincerely,

Martin M. Q. Nguyen
Chairperson, Committee on External Affairs
Associated Students of the University of Hawai'i at Mānoa

ichiyama2-Brandon

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 01, 2015 10:23 AM
To: HEDtestimony
Cc: unheelim@gmail.com
Subject: *Submitted testimony for HB539 on Feb 10, 2015 14:00PM*

HB539

Submitted on: 2/1/2015

Testimony for HED on Feb 10, 2015 14:00PM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Unhee Lim	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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ichiyama2-Brandon

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 04, 2015 3:46 PM
To: HEDtestimony
Cc: waimeavalleygirl@me.com
Subject: *Submitted testimony for HB539 on Feb 10, 2015 14:00PM*

HB539

Submitted on: 2/4/2015

Testimony for HED on Feb 10, 2015 14:00PM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Bonnyjean Manini	Individual	Oppose	No

Comments:

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LATE

UNIVERSITY OF HAWAII

BOARD OF REGENTS

Testimony presented before the
House Committee on Higher Education
February 10, 2015 2:00 p.m.

By

Jeffrey Portnoy

Regent and Chair, Committee on Intercollegiate Athletics

HB 539 – RELATING TO THE UNIVERSITY OF HAWAII ATHLETICS

Chair Choy, Vice Chair Ichiyama, and members of the Committee on Higher Education:

My name is Jeffrey Portnoy, and I am the chair of the University of Hawaii's Board of Regents Committee on Intercollegiate Athletics.

Thank you for the opportunity to testify in opposition to HB 539, would invest in an independent governing board all powers and responsibilities necessary to maintain and operate the Athletics Department. The board would report directly to the Board of Regents. I want to emphasize that although I am the chair of the University of Hawaii's Board of Regents Committee on Intercollegiate Athletics, I am speaking only for myself. Neither the committee nor board has had the opportunity to discuss the bill and to determine whether it wishes to take a position on the bill or what such a position might be.

I appreciate the Legislature's concern, in particular in its accountability hearings, and I understand the Board created the Intercollegiate Athletics Committee in response to the need for more oversight. It is this committee that is the appropriate place where such oversight should reside.

Secondly, I am aware and concur with Chancellor Bley Vroman that creating such a board of governors would cause our Hawaii athletics program to be in violation a basic by-law of the National Collegiate Athletics Association (NCAA), the Principle of Institutional Control and Responsibility.

NCAA By-Law 2.1, the Principle of Institutional Control and Responsibility, states: "It is the responsibility of each member institution to control its intercollegiate athletics program in compliance with the rules and regulations of the Association. The institution's president or chancellor is responsible for the administration of all aspects of the athletics program, including approval of the budget and audit of all expenditures." A board of governors is in conflict with this requirement.

I welcome the opportunities to engage in public conversation with the legislature about major policies, directions and priorities. However, I believe that maintaining the current committee is appropriate.

ichiyama2-Brandon

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 4:13 PM
To: HEDtestimony
Cc: bp32@hawaii.edu
Subject: Submitted testimony for HB539 on Feb 10, 2015 14:00PM



HB539

Submitted on: 2/9/2015

Testimony for HED on Feb 10, 2015 14:00PM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Bret Polopolus-Meredith	Individual	Comments Only	No

Comments: I am concerned that one of the proposed governors would be a coach. A coach would also be under the supervision of the athletic director. This would be a complicated position with the potential for conflict. Perhaps, having someone retired from college athletic coaching or a coach from another university could offer a similar perspective without a potential for conflict. If the governance of athletics was separated from UHM, would that mean anything for the budget? Would a deficit in athletics still impact the UHM budget? Could tuition be used for athletics?

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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