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# A BILL FOR AN ACT

RELATING TO UNIVERSITY OF HAWAII ATHLETICS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Over forty years ago, the United States  
2 Congress passed Public Law 92-318, Title IX of the federal  
3 Education Amendments of 1972, renamed the Patsy Mink Equal  
4 Opportunity in Education Act in 2002. Title IX mandates: "No  
5 person in the United States shall, on the basis of sex, be  
6 excluded from participation in, be denied the benefits of, or be  
7 subjected to discrimination under any education program or  
8 activity receiving federal financial assistance."

9           One of the most visible impacts of Title IX is in  
10 athletics. With respect to athletic programs, the United States  
11 Department of Education evaluates several factors in determining  
12 whether equal treatment exists, including, but not limited to:  
13 whether the selection of sports and levels of competition  
14 effectively accommodate the interests and abilities of members  
15 of both sexes, the provision of equipment and supplies,  
16 scheduling of games and practice time, travel and per diem



1 allowance, and the provision of locker room, practice, and  
2 competitive facilities.

3 As a recipient of federal funds, the University of Hawaii  
4 must comply with Title IX. For example, in order to have a  
5 football team composed of all male athletes, a corresponding  
6 number of opportunities for women athletes is required.

7 The legislature finds that compliance with Title IX and  
8 funding of athletics at the University of Hawaii is a matter of  
9 statewide concern.

10 The purpose of this Act is to support the University of  
11 Hawaii in meeting this federal mandate.

12 SECTION 2. Chapter 304A, Hawaii Revised Statutes, is  
13 amended by adding four new sections to part V to be  
14 appropriately designated and to read as follows:

15 **"§304A- The University of Hawaii at Manoa athletics**  
16 **department; program identification number.** All appropriations  
17 to the University of Hawaii at Manoa athletics department in the  
18 general appropriations act and supplemental appropriations act  
19 shall be designated by a program identification number separate  
20 from all other University of Hawaii program identification  
21 numbers.



1           §304A-           Athletic tuition waivers and scholarships.   (a)  
2   The University of Hawaii shall annually allocate funds to the  
3   University of Hawaii at Manoa athletics department sufficient to  
4   cover all current tuition waivers and scholarships awarded to  
5   University of Hawaii at Manoa student athletes.

6           (b) Each fiscal year, the University of Hawaii shall  
7   transfer an amount equal to all tuition revenue paid by student  
8   athletes of the University of Hawaii at Manoa to the University  
9   of Hawaii at Manoa athletics department.

10          §304A-           University of Hawaii at Manoa athletics  
11   department; general funds prohibited.   The University of Hawaii  
12   shall not allocate general funds to the University of Hawaii at  
13   Manoa athletics department, except as appropriated by the  
14   legislature for the purpose of complying with Public Law 92-318,  
15   Title IX of the federal Education Amendments of 1972, as  
16   amended.

17          §304A-           Men's athletics; self-sufficiency.   (a) Men's  
18   sports teams at the University of Hawaii at Manoa, collectively,  
19   shall be fiscally self-sufficient.

20          (b) Total annual expenditures for University of Hawaii at  
21   Manoa men's sports teams shall not exceed the sum of the revenue



1 generated by the University of Hawaii at Manoa athletics  
2 department and donations to the University of Hawaii at Manoa  
3 for athletics.

4 (c) For the purposes of this section, "men's sports team"  
5 means a team for any intercollegiate sport, as defined in  
6 section 481E-1, and of which at least seventy-five per cent of  
7 the student athlete members are male."

8 SECTION 3. The University of Hawaii shall submit an annual  
9 report to the legislature, no later than twenty days prior to  
10 the convening of each regular session, regarding the status of  
11 implementation of this Act and the following:

- 12 (1) Annual revenues and expenditures of the University of  
13 Hawaii at Manoa athletics department, segregated by  
14 women's teams and men's teams;
- 15 (2) Allocation of revenue to women's teams and men's teams  
16 from media revenues, student fees, donations, and  
17 other sources; and
- 18 (3) Average cost of each student athlete, including the  
19 costs of coaches, trainers, meals, travel, facilities,  
20 and uniforms.



1           SECTION 4. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$3,000,000 or so much  
3 thereof as may be necessary for fiscal year 2016-2017 for the  
4 University of Hawaii at Manoa athletics department.

5           The sum appropriated shall be expended by the University of  
6 Hawaii for the purposes of this Act; provided that the sum  
7 appropriated shall be in addition to the base budget of the  
8 University of Hawaii set forth in House Bill No. 1700, regular  
9 session of 2016.

10          SECTION 5. New statutory material is underscored.

11          SECTION 6. This Act shall take effect on July 1, 2016, and  
12 shall be repealed on June 30, 2021.



**Report Title:**

UH Athletics; Scholarship; Title IX; Self-Sufficiency;  
Appropriation

**Description:**

Requires that the UH-Manoa athletics department be a separate program ID in the state budget act. Requires that tuition waiver and scholarship funds be transferred to the UH-Manoa athletic department. Prohibits allocation of general funds to the UH-Manoa athletic department except for Title IX compliance. Requires that UH-Manoa men's teams collectively be self-sufficient. Requires UH to report annually. Repealed 6/30/21. Appropriates funds. (HD1 Proposed)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*





# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
House Committee on Higher Education  
Tuesday, February 16, 2016 at 2:02pm

by

Robert Bley-Vroman, Chancellor

and

David A. K. Matlin, Athletic Director

University of Hawai'i at Mānoa

HB 539 Proposed HD1 – RELATING TO THE UNIVERSITY OF HAWAII

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

Thank you for the opportunity to submit testimony on HB 539, Proposed HD1. This bill requires the following:

- That the University of Hawai'i at Mānoa athletics department be a separate program ID in the state budget act.
- Scholarship funds paid by the athletics department be transferred to the University of Hawai'i at Mānoa athletics department.
- Prohibits allocation of general funds to the University of Hawai'i at Mānoa athletics department except for Title IX compliance.
- Requires that the University of Hawai'i at Mānoa men's teams collectively be self-sufficient.
- Requires the University to submit an annual report regarding the status of implementation of this act to report annually.

The University of Hawai'i supports amendments to this bill. The University of Hawai'i at Mānoa athletics department recently completed an in-depth comprehensive assessment of its program. The exercise resulted in five main conclusions:

1. The University of Hawai'i at Mānoa athletics department is performing equal to or better than its peers both on-the-field and financially.
2. University of Hawai'i at Mānoa has \$5.2 million of uniquely higher costs that our peer do not. Absent those higher costs, the University of Hawai'i at Mānoa athletics department would have finished 2015 with a budget surplus rather than a deficit.
3. The financial model of expecting the University of Hawai'i at Mānoa athletics department to break-even is inconsistent with collegiate athletics nationwide where only 24 of 230 public universities operate in the black. Those 24 schools are members of the "Power Five" conferences such as the Pacific 12 or Southeastern (SEC) conferences which typically have media revenues of \$30-

\$40 million per school - - compared to the University of Hawai'i at Mānoa's \$2 million of media revenues.

4. University athletic programs typically receive “external support” made up of three components: student fees, direct government support and institutional support. Compared to its peers, the University of Hawai'i at Mānoa athletics department program receives one of the lowest levels of support in the nation at 33% of revenues. In comparison, the average for peers in the Big West Conference is 67% and in the Mountain West Conference 41%.
5. The University of Hawai'i at Mānoa athletics department produces significant economic benefits for the State of Hawai'i including \$66 million in direct spending, 864 jobs created, and \$7 million in state tax collections.

HB 539, Proposed HD1, would help address the current low level of external support that the University of Hawai'i at Mānoa athletics department receives. The University respectfully requests the consideration of the following amendments.

Amend §304A – The University of Hawaii at Manoa Athletics department; program identification number.

~~All appropriations to the University of Hawaii at Manoa athletics department in the general appropriations act and supplemental appropriations act shall be designated by a program identification number separate from all other University of Hawaii program identification numbers.~~

The proposed amendment would delete the establishment of a new separate program ID for University of Hawai'i at Mānoa athletics department. It is our understanding that the intent of HB 539, Proposed HD1, can be implemented without a new program ID. As such, rather than establishing a new program ID, the University of Hawai'i at Mānoa athletics department would propose that the intent be met through the existing structure at the University.

Amend §304A, Part (a) - Athletic tuition waivers and scholarships to read as follows:

- (a) The University of Hawaii shall annually allocate funds to the University of Hawaii at Manoa athletics department sufficient to cover all ~~current tuition waivers and scholarships~~ expenses of the awarded to University of Hawaii at Manoa Athletic Department ~~student athletes~~.

The proposed amendment would make it clearer that the UH Mānoa Athletic Department would be made whole for all scholarship expenses, not only tuition or costs covered by waivers. For example, UH Mānoa Athletics also incurs costs for off campus housing for student-athletes as part of the scholarship award because of the limited on-campus housing available. In addition, the proposed amendment would



apply to not only student-athletes, but also graduate assistants and managers who are part of the program and for which scholarship expenses are incurred.

Delete §304A, Part (b) - Athletic tuition waivers and scholarships:

~~(b) Each fiscal year, the University of Hawaii shall transfer an amount equal to all tuition revenue paid by student athletes of the University of Hawaii at Manoa to the University of Hawaii Manoa athletics department.~~

The University of Hawai'i cannot support this provision.

Delete §304A, - University of Hawaii at Manoa athletics department; general funds prohibited:

This provision can be done administratively by the University of Hawai'i.

The University of Hawai'i respectfully requests consideration of amendments for HB 539, Proposed HD1. Thank you for your time and consideration of this testimony.