

Honolulu, Hawaii

FEB 17 2022

RE: S.B. No. 3268

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Higher Education, to which was referred  
S.B. No. 3268 entitled:

"A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII  
ATHLETICS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize the University of Hawaii Board of Regents to terminate the athletic director and head coaches at four-year campuses for cause; and
- (2) Require the Board of Regents to approve all coaching contracts at four-year campuses with salaries greater than \$200,000, including additional private funding and bonuses.

Your Committee received testimony in support of this measure from two individuals. Your Committee received testimony in opposition to this measure from the Hawaii Government Employees Association AFSCME Local 152, AFL-CIO, and one individual. Your Committee received comments on this measure from the University of Hawaii Board of Regents.

Your Committee finds that the University of Hawaii Athletics, including the University of Hawaii Rainbow Warrior football team, is a significant cultural aspect to Hawaii's people. Beginning in



1909, the University of Hawaii football program has remained as one of the university's signature programs, captivating the State for decades. One component of success to athletic programs are head coaches, who serve as impactful, influential figures to student athletes across all athletic programs. To some student athletes, head coaches become parental figures who provide mentorship, provide player health and well-being, and even maintain relationships with players and families beyond graduation.

However, from December 2021 to January 2022, at least eighteen Warrior football players declared their intent to enter the transfer portal. Following the declarations, which were highly unusual, allegations surfaced against a former football head coach.

The transfer portal issues and other allegations made against the coach by current and former players became a matter of statewide concern, with the Senate Committees on Ways and Means and Higher Education holding an informational briefing to learn more about budget and costs related to coaching staff contracts and issues surrounding the transfer of players.

Your Committee also finds that the Board of Regents of the University of Hawaii should have the authority to terminate a coach for cause because significant costs to the State may result from the termination. According to Board of Regents Policy 9.202 (RP 9.202), upon recommendation from the Chancellor and the President, with approval from the Chairperson or Vice Chairperson of the Committee on Intercollegiate Athletics, the Board of Regents is required to approve original terms of head coaches lasting more than five years; amended terms of head coaches lasting more than five years; and appointments, extensions, and salary adjustments for head coaches, non-head coaches, and administrators exceeding the salary schedule by more than twenty-five percent, or exceeding \$500,000 annually.

Upon hire, the former football coach's salary was valued at \$800,000. While the Board of Regents is ultimately responsible for the cost of contract termination and should carry the responsibility of voting on termination, the Board of Regents Executive Administrator could not provide documentation regarding the Board of Regents' approval on the former football coach's



contract, which was subject to its oversight pursuant to RP 9.202. If action had been taken to fire the former football coach without cause, the university could have lost as much as \$1 million to buy out his contract. The issues relating to the former football coach raise concerns that there should be checks and balances in place between the university, the Board of Regents, and potential athletic department hires.

To prevent a similar situation in the future, this measure authorizes the Board of Regents to terminate the athletic director and head coaches for cause and requires it to approve all coaching salaries greater than \$200,000, including additional private funds and bonuses.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3268 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Higher Education,



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DONNA MERCADO KIM, Chair



