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SYSTEM

**Senate Committee on Higher Education  
Tuesday, February 8, 2022, 3:00 p.m.**

**Testimony by:**

**Kendra Oishi, Executive Administrator and Secretary of the Board of Regents**

**S.B. No. 3268 – RELATING TO UNIVERSITY OF HAWAII ATHLETICS.**

Chair Kim, Vice Chair Kidani, and members of the Committee:

These comments on S.B. No. 3268 are offered in my capacity as the Executive Administrator and Secretary of the Board of Regents.

The Board of Regents of the University of Hawai'i (Board) has not yet had the opportunity to discuss this measure. Discussion is expected to occur at the Board's next meeting on February 17, 2022.

Please note that the Board already has the authority proposed in this bill under section 304A-105, Hawai'i Revised Statutes, but delegates it through Board Policy. Further, during the February 3, 2022, meeting of the Board's Committee on Intercollegiate Athletics, it was agreed that the hiring practices of coaches at other institutions would be reviewed to determine where improvements might be made.

Thank you for the opportunity to offer comments on S.B. No. 3268.

**SB-3268**

Submitted on: 2/6/2022 3:36:42 PM

Testimony for HRE on 2/8/2022 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Susan Pcola_Davis	Individual	Support	Yes

Comments:

I support this bill. I should be called the June Jones Bill because in my opinion this is why the bill was submitted.

I do believe that when there is justifiable cause then the UH Board of Regents should have that authority.

I cannot say that this bill would have changed anything. I do know that the fans were hopeful that our football program would have June Jones lead them and repair the emotional damages of the team.

I do not approve of how the AD handled the situation. Only from what I have read, there seemed to be an ultimatum given to Coach Jones. The Athletic Director is not the football coach, nor is the AD the volleyball coach, the basketball coach or any coach.

I suggest the selection process be transparent to the public so we do not have to fill in the blanks. Who knows maybe we need come season ticket holders as part of the selection process.

As for the contracts, I'm not sure that the Board of Regents is the right entity.

I really think the process in place for this sort of thing needs to be reviewed and probably revised.

I mean we got Timmy Chang pretty cheap. Fair/Not fair?

**SB-3268**

Submitted on: 2/7/2022 11:43:20 AM

Testimony for HRE on 2/8/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Pua Johnson	Individual	Oppose	No

Comments:

I oppose SB3268. Senators are wasting time and taxpayers' resources trying to grab onto a free campaigning spotlight during an election year. Senator Donna Mercado Kim was publicly embarrassed by stating to the media that she was willing to waste \$1.2M of taxpayer dollars to pay Coach Todd Graham to leave and Senators Kim, Dela Cruz, and Fevella were all called out for holding a farce of a hearing on Jan. 7th so now they are attempting to go back and justify their actions with this waste of a bill that's not even worth the paper it's written on.

Neal Milner stated it best in his Honolulu Civil Beat article on Jan. 27, 2022:

***Neal Milner: Enough With The Meddling In UH's Choice Of A Football Coach***

*Certain politicians cannot resist ignoring the university's autonomy to muck around in its business.*

*The controversial search for a new football coach is over. Timmy Chang got the job, June Jones did not.*

*Such a commotion. All the sturm and drang (rhymes with Jones and Chang). Stop it already. Take a breath. Deal with it.*

*There are important principles at stake for doing so. **Like maintaining the integrity of the university by protecting it from political interference.***

*UH administrators had a decision to make and made it. The search had flaws. Some were simply based on bad negotiating. Others arose because so many people in the community thought that it was supposed to be a Jones anointment rather than a full-on search.*

*Whatever.*

*UH officials made a judgment call that was well within the bounds of their authority and no one else's authority to make.*

***Those are the rules. They are there to protect personnel decisions from political interference.***

*Political interference? Whatever do you mean? Let me put it this way: how many of you have complained about Hawaii's politicians sticking their noses where they don't belong? Proboscis politics.*

*That's exactly what has happened and continues to happen with the coaching thing.*

*And that's causing important people to misbehave by inappropriately mucking around in UH business.*

*At its root, hiring is simply a personnel decision. Hey, I'm not clueless. I know it is more important to the public than a search for a new dean of Arts and Humanities or the co-chair of the Faculty Senate Ad Hoc Committee on Urinal Repair.*

*But importance does not obviate either the rules or the norms. **When it comes to hiring, it is crucial for the university to stand its ground.***

***UH is especially and specifically protected. By law, the university has a special degree of autonomy, more than other state agencies, in managing its affairs. That's in the state constitution. The public approved that stipulation in a statewide election over 20 years ago.***

*This autonomy is not a done deal or an automatic trump card. There are constant skirmishes between university officials and the legislators who often view this autonomy as some kind of invasive species.*

*But it is there, reasonably well established, along with the assumptions that proper norms will develop to support this idea. In a well-functioning world, these norms apply to the public as well as the big shots.*

*Sure, people have the right to complain if they don't like something UH has done, say like choosing Chang over Jones. But we need to keep our anger and hurt feelings in a broader perspective.*

*OK, maybe that legal stuff sounds a little too abstract. So, let's go real life and consider some actual bad, process-threatening behavior on the part of politicians who don't like the coaching choice UH just made.*

*The first one is by a public official who normally behaves well, Honolulu Mayor Rick Blangiardi.*

*Mayor Blangiardi, who in my book has generally done a good job overall and is typically careful with his words, misbehaved when he said publicly soon after the decision that June Jones was "uniquely qualified." Failing to hire him, the mayor went on to say, was "a major failure of leadership at multiple levels."*

*The mayor claimed he was "speaking personally."*

*Let's call what Blangiardi did there a minor failure of leadership at one important level.*

*Come on, Mister Mayor. When a politician speaks publicly about a highly emotional issue, he or she is never speaking personally.*

*It's disingenuous for him to think his remarks wouldn't add fuel to the fire. Maybe that's what he wanted to do. Who knows? In any case, that's all we need because we have more than enough agitators and boundary crossers.*

*And those would be some of our legislators.*

*Am I alone or do many of the rest of you often feel puzzled and discouraged by our state legislators? Ever heard any stories about legislative interference, special favors or just plain bullying? You have? Well, I'll be jiggered.*

*Welcome to the post-coaching crisis legislative world. Sen. Donovan Dela Cruz and Rep. Bob McDermott have asked for a legislative investigation of the hiring.*

*Right. Good call. Nice time management. In the middle of likely the most important legislative session in the most fraught circumstances of our lifetime, these statesmen can find the time to do something that's really important, which is to browbeat university officials for making the wrong coaching choice and threatening to punish them for it.*

*You representatives of the people need some suggestions on how to fill your legislative time? If it'll help, ask your constituents for a checklist.*

*It's time to move on because of the broader-than-football principles at stake.*

*And you know why else it is time to move on? Because under the circumstances, all the grumbling, gnashing, and shouting are inappropriate and counterproductive.*

*You know who has shown really good initiative in understanding this? Not the politicians, that's for sure.*

*No, it's been the football people who did not get the coaching job. Maybe it's because they are nicer people. Maybe it's because they understand firsthand the need to move on after you lose.*

*Very soon after June Jones did not get the job, he issued an unequivocal statement supporting Timmy Chang and reminding people of the close links between the new coach and himself.*

*Same for Rich Miano, a UH football legend who probably would have come to work for Jones had he been hired.*

*"My message is to rally around the guy that's a native son," Miano said, "a guy that's going to need all of our help, a guy that if this program is at a crossroads the only way up is for us to support him."*

*And Timmy Chang himself: "I'm back, I'm home, and in my heart I never left. This is beyond incredible for me and my family."*

*He and his wife have six children.*

*So, here, Coach Timothy Kealii'okaaina Awa Chang, is your first big decision:*

*Public school or private school?*

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February 7, 2022

**LATE**

Via email  
Senate Committee On Higher Education  
Attn: Donna Kim, Chair

**RE: SB 3268**

Dear Chair Kim:

I am submitting this testimony in support of SB 3268

On January 18, 2022, several days before athletic director David Matlin interviewed June Jones for the UH football coaching job, I sent an E mail to President David Lassner warning him that Mr. Matlin was not objective and was biased against Coach Jones. I also pointed out that the football program did not belong to David Matlin but belonged to the people of the State of Hawaii because for most people in Hawaii, UH football is their main connection to the University of Hawaii.

I am enclosing a copy of my email to President Lassner and his response.

Because of Mr. Matlin's bias and because of the importance of the UH football program to the people of the State of Hawaii, I encouraged President Lassner to place the decision making in hiring the next UH football coach in the hands of the Board of Regents and the President and to take it solely out of the hands of Mr. Matlin.

President Lassner did not pay attention to my warnings about Mr. Matlin's bias which came into full display with his negotiating in bad faith with the ridiculous contract offer to Coach Jones and later engaging in character assassination of Coach Jones.

I believe the President and the Board of Regents did not pay enough attention to this disaster in the making. If the Board of Regents had oversight over the hiring and firing of the athletic director and head coaches, it would have resulted in better corporate governance and would have likely prevented this disgusting series of events by Mr. Matlin, for which the President and Board of Regents are ultimately responsible. Mr. Matlin and President Lassner have given the University two big black eyes.

I can tell you that all of the football fans I have talked to are totally disgusted with the way Mr. Matlin conducted himself during the hiring process and a number have cancelled their football season tickets, or terminated their membership in Na Koa or eliminated their financial support for the athletics program.

When a prior athletic director, Herman Frazier, failed to offer Coach Jones a contract extension during the Sugar Bowl year causing Coach Jones to leave for SMU, Mr. Frazier was immediately fired. When the Stevie Wonder fiasco was uncovered, then AD Jim Donovan was fired.

Mr. Matlin failed to offer Coach Jones a contract in 2015 even though Coach Jones agreed to coach for free during his first year knowing that the University athletic program was in dire financial shape. Mr. Matlin hired Todd Graham in 2020 without performing a sufficient background check, resulting in serious charges of abuse by the football student athletes against Coach Graham, a record number of football players transferring out of the program and placing the entire football program on life support. Shortly thereafter, Mr. Matlin then engaged in bad faith negotiations with Coach Jones in 2022 and engaged in false public character assassination of Coach Jones. Mr. Matlin's conduct was more like an MMA fighter than an executive of a respected institution of higher education.

There does not seem to be any accountability or discipline faced by Mr. Matlin for his past conduct and this latest outrageous conduct during his negotiations with Coach Jones, even though I believe the results of his acts and omissions are much worse than what got Mr. Frazier and Mr. Donovan fired. Mr. Matlin would probably have been removed if he was working at any other University.

The public has very little confidence in Mr. Matlin. Confidence in the office of the athletic department will not be restored unless Mr. Matlin is removed.

One person, with all of his/her biases should not have sole power to interview, offer and select the UH football coach. The UH football program is the economic engine that fuels the overall athletic program and if the public loses confidence in the football program because of the athletic director, as is the current case, the entire UH athletic program, the entire University and indeed the entire State of Hawaii suffers. The misuse of that sole power by the athletic director during the Coach Jones hiring fiasco is the very reason why SB 3268 is needed.

For the above reasons, I believe SB 3268 should be passed so that the Board of Regents can hold the athletic director and head coaches accountable for their acts and omissions. I believe this would set a standard of good corporate governance.

Sincerely,



Kenneth K. P. Wong

Enclosure



## Kenneth Wong

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**From:** David Lassner <david@hawaii.edu>  
**Sent:** Wednesday, January 19, 2022 5:20 AM  
**To:** Kenneth Wong  
**Cc:** Amy Luke  
**Subject:** Re: UH football/Dvid Matlin/June Jones

**Importance:** High

Mahalo Mr. Wong. I appreciate the input and your passion for UH athletics.  
Best regards,  
David Lassner

On Jan 18, 2022, at 5:23 PM, Kenneth Wong <[ken@kenwonglaw.com](mailto:ken@kenwonglaw.com)> wrote:

President Lassner and Amy,

I spoke to Amy today about the pressing issue concerning the next UH football coach. Thank you for giving me your time to speak to you.

I have held football and basketball season tickets for a long time but gave up my football tickets when I saw the direction of the program and became discouraged. I am extremely concerned about the selection process for the next UH football coach and the person heading that process, David Matlin.

In my talks with donors, former UH athletes and longtime fans, many of whom know Mr. Matlin personally, there is an overwhelming lack of confidence that Mr. Matlin will make the right choice of the next football coach. He got the football program in this mess with the hiring of Todd Graham and there is great trepidation about whom he will select next, given the list of publicly disclosed candidates.

The UH football program is on life support. The last time it was on life support was after coach Fred Von Appen Appen went 0-18. June Jones was hired and he immediately resurrected the football program with the greatest turn around in NCAA history. The NCAA had given the SMU football program the "death penalty" and shut down that program two years. SMU could not recover for 25 years until June Jones arrived and resuscitated that program.

Of the 4 leading publicly listed football candidates, only June Jones has been a head coach and only June Jones has resuscitated programs that

have been on life support. June Jones knows Hawaii and its culture and will inspire great confidence in the players, with the fans and the entire State of Hawaii. Young coaches, seek to use UH as a stepping stone to obtain a greater payday at another institution. That is not a concern with June Jones because he has already made his money; hiring him would bring stability instead of the revolving door of young coaches looking for greater financial security at other programs.

There are three older coaches, all of whom are or will be in the college Hall of Fame, that have built successful programs at their school and retired or left, and were brought back to resuscitate a once proud program. These coaches are Chris Ault at Nevada, Bill Snyder at Kansas State and Mack Brown at North Carolina and they all restored a winning tradition to the program on their second go around. Therefore, there is ample precedent for bringing back June Jones.

The choice of June Jones is a "no brainer". There is a groundswell of support for June Jones from donors, former athletes, fans, media and the public. However, we understand that Mr. Matlin has a built-in bias against Mr. Jones that clouds his judgment and is "tuning out" any donors, advisors, supporters and fans who are suggesting that he hire June Jones as the next coach.

The UH football program is the part of the University system with which the public is most familiar and has the closest connection. A successful football program brings pride to the University and pride to the State of Hawaii. It does not belong to the athletic director; it belongs to the people of the State of Hawaii.

Given the current state of the UH football program, the decision on the next football coach cannot be left to David Matlin to make. His last selection was a disaster of epic proportions. At most schools, the athletic director is let go after making such a serious mistake. Athletic director Jim Donovan was let go after the Stevie Wondergate debacle. This debacle with Todd Graham, allegations of abuse of student athletes and the failure of Matlin to thoroughly do a background check on Graham before hiring him is much more serious than Wondergate.

Time is of the essence as we understand that Mr Matlin may select the next football coach by tomorrow. We implore President Lassner and the Board of Regents to get involved, come to a consensus on selecting the next football coach and not just sit back and leave it up to one person. To many, the answer is obvious: June Jones.

Thank you for considering this appeal.

Aloha, Ken Wong

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**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**  
AFSCME Local 152, AFL-CIO

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**LATE**

The Thirty-First Legislature, State of Hawaii  
The Senate  
Committee on Higher Education

Testimony by  
Hawaii Government Employees Association

February 8, 2022

S.B. 3268 — RELATING TO  
UNIVERSITY OF HAWAII ATHLETICS

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO opposes S.B. 3268, specifically the section that requires the University of Hawaii Board of Regents to approve all coaching contracts at four-year campuses for salaries greater than \$200,000 and grants the Board the authority to terminate coaches for cause.

We respectfully note that the University's Executive Policy 9.216 addresses and governs issues related to the classification and compensation of coaches. As the Exclusive Representative of head and non-head coaches at the University, we negotiate not only the master collective bargaining agreement, but also the terms and conditions of each individual coach's employment agreement. Each agreement is reviewed and approved by three parties: the coach, the Exclusive Representative, and the University Administration, and may include performance or termination clauses and metrics. As drafted, S.B. 3268 infringes on the mutually agreed upon employment agreement by inappropriately allowing the Board of Regents to unilaterally nullify a contract to which they are not a signatory. Therefore, we respectfully request the Committee's consideration in deferring action on this measure.

Thank you for the opportunity to testify in opposition of S.B. 3268.

Respectfully submitted,



Randy Perreira  
Executive Director