



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Higher Education
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By
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And
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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.