

Report to the UHM Faculty Senate
David Ericson
Department of Educational Foundations
Faculty Athletics Representative (FAR)
December 2015

The NCAA requires that each institution designate a senior member of faculty rank as its "Faculty Athletics Representative" (aka "FAR"). The FAR is part of the NCAA's mechanism for ensuring institutional control over intercollegiate athletics and represents a strong independent faculty voice in the governance structure for athletics. Though the FAR is a faculty member at UHM, pursuant to a UHM Faculty Senate Resolution (2004), the FAR is a half-time member of the chancellor's staff and reports directly to the chancellor on athletics. Moreover this resolution calls for the FAR to be an *ex officio* member (with vote) of the UHM Faculty Senate Committee on Athletics with further reporting duties to the UHM Faculty Senate. The FAR is selected through an MFS-led faculty search committee which recommends a set of qualified candidates to the chancellor for consideration and appointment. After this kind of search, I was appointed incoming FAR by former Chancellor Tom Apple in summer 2014 and began a semester-long tutelage under the wise instruction of long term FAR, Peter Nicholson, who was retiring from the faculty that December.

FAR's Perspective on UHM Athletics for the Calendar Year of 2015

I began my service as Faculty Athletics Representative in January of 2015. It has been an eventful year for the Athletics Department. We have seen stormy periods and periods of bright sunshine overall. The year began with a dark cloud hovering over lower campus: the head coach and an assistant coach of men's basketball had been terminated in light of NCAA violation discoveries by the compliance department in Athletics, an NCAA investigation was underway, as a result, that threatened to uncover more violations in the basketball program, and the Athletic Director had recently been given notice that he would not be retained for a final year of contractual service. As mauka showers come and go, changing conditions was the rule for the year: the university was successful in hiring its top choice for the new Athletic Director in David Matlin; the new AD was successful in hiring a promising, young head coach for men's basketball in Eran Ganot; and, after letting go the football coach whose fortunes on the field never materialized in four years, Matlin was successful in hiring a former UHM graduate and gridiron Warrior great in Nick Rolovich. The new AD has made a very promising start to inherited issues and problems that would overwhelm most. We can only hope that he is able to continue in strength and stamina, since in the area of academics, his heart is clearly in the right place. Despite these opportunities and brighter conditions during the year, two others threatened to hold the dark cloud in place: the steady increase in

the budget deficit for athletics and sanctions levied on UHM as a result of the NCAA investigation into the basketball program. Here I will take up the sanctions first.

Sanctions against men's basketball. Most of the investigation into our men's basketball program -- cooperatively undertaken by the NCAA enforcement staff, the UHM Athletics compliance department, the FAR (Peter Nicholson at the time), and the UH general counsel's office -- occurred in 2014 prior to my service. At the time Chancellor Robert Bley-Vroman made the decision to terminate the head basketball coach and the assistant coach, it was clear that major violations had been committed which were aggravated by attempted cover-ups. UHM prepared for the day when it had to face the NCAA's Committee on Infractions -- the body that actually determines whether NCAA violations occurred, their severity, and which sanctions are appropriate due to the violations. The university hired an outside law firm, familiar with NCAA proceedings, to help in the case. It had been nearly 40 years since an athletics program had faced major violations charges. When the NCAA's Notice of Allegations (comprised by the NCAA enforcement staff) were made public, the two former UHM basketball coaches were charged with seven Level 1 (the most severe) and Level 2 violations out of 4 levels. It is important to note that UHM itself was not charged with any violations -- including the most feared "lack of institutional control." Indeed, the university had initially uncovered and self-reported a number of the violations before NCAA enforcement stepped in. Indeed, enforcement noted as mitigating UHM's cooperation throughout the investigation. But because the violations occurred under university auspices, the university was on the hook for the nature of the violations committed by the two former coaches. So, with the guidance of the outside law firm, UHM proposed tough self-penalties including the loss of a scholarship, vacating wins for playing ineligible players, probation, loss of practice time, among other penalties. These were "tailored" self-penalties to accord with the kind of operational violations alleged against the ex-coaches (the ethical lapse allegations were all their own).

When the NCAA's Committee on Infractions (a pool of 24 individuals with three year terms of service) hears a case and metes out sanctions for violations, it speaks for the NCAA as a whole, but it does not include regular NCAA employees. The committee is comprised of (usually retired) university administrators and faculty, athletics department officials, and the general public who may or may not be familiar with the actual operation of collegiate athletics. In our case, we had some of each on the seven-person, COI hearing panel. In such a hearing, the COI panel directs the entire proceedings. Initially, the NCAA enforcement staff is invited to present its case and the targeted parties (UHM and the two ex-coaches) are invited to respond. There are no outside witnesses examined and there are no cross-party questions and comments among the enforcement staff and the targeted parties. All conversations begin and end with the hearing panel.

The COI hearing panel has the power to acquit charged parties, find them in violation and levy more onerous sanctions than self-levied by the parties, change the

level of violations, and more. In this case, the COI decided to focus on a perceived rift between the compliance department and the ex-head basketball coach and levy more severe penalties on UHM than those self-leveled and a lesser level of convicted allegations (all Level 2) on the ex-head coach.

Though I cannot (under NCAA regulations) speak to the substance of the hearings themselves (a rather interesting experience I'm not keen to repeat), the COI findings and sanctions were a clear departure from the enforcement staff's brief resulting from an extensive investigation. Nor do they accord with the large educational program and continuing information flow that UHM's compliance department provides to all UHM sports – including men's basketball. I, personally, found the COI's rendering of the case and its additional sanctions against UHM to be astonishing.

Whether or not UHM decides to appeal the COI's sanctions, the men's basketball program will surely be harmed for several years into the future. And we may lose more precious Academic Progress Rate points as a result. It simply underscores how careful we need to be in the selection of head coaches, as we have apparently been this past year. This fiasco has cost us reputation, treasure, and time. It never should have happened. We need to ensure it never will again.

The increasing budget deficit in Athletics. Yes, it is getting larger at well over \$4 million projected for this fiscal year alone. And I don't see any end to this. Indeed, the current and previous AD's have nearly worked miracles to keep it this low. With football attendance at a historical low-point and looming increases in new Cost of Attendance payouts (to remain at all competitive) within Division I, I think we can anticipate even worse deficits in the immediate future. We have no Nike in the islands as a potential big-time donor, and even Larry Ellison, should he become aware, is unlikely to underwrite even our competitive sailing program. Increasing the student fee for Athletics (we have one of the lowest student fees in Division I in the country) is likely to go nowhere, especially after the current \$50 per semester fee was imposed on students over the objections of ASUH and GSO. In seeking government help for the department, the governor has indicated that we should choose between our money-losing Cancer Center and Athletics, and drop the latter. Go down this road, however, and a restricted UHM budget would better argue for dropping the former (and its \$8 million dollar per year mortgage). Indeed, with far fewer unionized employees, dropping the Cancer Center would be far less costly. But I should hope this presents us with a false choice. At any rate, this is a dark, stormy cloud that will remain with us for now.

But even dark clouds may have silver linings. The subsidy UHM provides to Athletics current budget of @\$34 million is somewhere between \$3-5 million (depending on accounting), certainly at the very low end of Division I schools. UHM Athletics overwhelmingly finances itself. While football is at its nadir in competition (and can only go up, we should hope), we field a number of highly competitive

teams in our conferences and even nation-wide. Witness women's volleyball this year and men's basketball defying the odds so far this season. If not school spirit (which we need more of), we are certainly able to rouse community spirit throughout the state.

As academics ensconced in our disciplines, we tend to look at competitive athletics as having little redeeming educational value. A number of faculty eye the budget deficit as eating into academic programs, and athletics as mere community entertainment. While nice to have, athletics add nothing to the educational values we hold dear. And when push comes to shove, "out with competitive athletics." Perhaps this is an attractive line of argument for some of us. And no doubt it will come into consideration as the deficits mount.

I think, however, that it presents us with another either-or false dichotomy: either the educational programs of upper campus or the athletics of lower campus. We now have around 450 student-athletes in our 21 sports programs that equitably serve both genders and many ethnicities. Many of these student-athletes would not be able to attend the university were it not for the athletic scholarships we provide so that they may obtain a first class education.

Yes, we could turn these athletic scholarships into purely academic scholarships, but then we would be ignoring the true educational value that is central to competitive collegiate athletics. Though some coaches may live or die by wins and losses, I have come to see many of them as every bit an educator as the rest of us. I have seen them worry over the academic progress of their student-athletes, and not merely for eligibility reasons. They know that nearly all of their charges will never play another competitive game once they graduate, that their education is the most important purpose of their time here at UHM. And I have seen many of our sports grow our young people in leadership, self-discipline, fair-mindedness, collegiality, and selflessness – all of those elements in the development of character that we hope for in graduating good persons and good citizens. Athletics may not create rocket scientists, but they can definitely help create, with the aid of coaches who understand and hone their educational role, fine and decent persons.

Academics

There are a variety of metrics used to follow student-athlete academic progress. We use the NCAA's important "Academic Progress Rate" (APR), the NCAA's "Graduation Success Rate" (GSR), the U.S. government's "Federal Graduation Rate" (FGR), and the student-athlete's GPAs. For examining the academic quality of freshman recruits, the NCAA also uses high school GPAs and SAT scores.

Our current academic picture is mixed. On the bright side, the overall GPA of our student-athletes in 2014 is 3.07, down only slightly from a recent high of 3.11 in 2013, but well above our peer institutions and all Division 1 schools. Only a handful

of our teams fall below 3.0 on average, and here they do better than the UHM student body at large. Our Graduation Success Rate, too, has been rising since 2011 and the latest 2013 data show that we are eclipsing our Big West peer institutions. But the data spread over four years show that we still lag behind the average for all Division I schools. On the multiyear Federal Graduation Rate (which is calculated differently than the NCAA's GSR), our student-athletes rate is higher than our general student population at 57.3% to 54.0%, but we are well behind both Big West peers and all Division I institutions that are near 65%. The APR baseline of 930 is the point at which individual sports and the entire sports program begins to incur penalties such as loss of scholarships and ineligibility for post-season tournaments and bowl games. I am happy to report that none of our teams, nor our sports program as a whole, is in danger of falling below, though we are still worried about men's basketball. Overall, our multiyear average is 972, which represents a four-point gain over the previous multiyear average of 968. Our goal, however, is to climb above the 50th percentile of all Division I schools, which has steadily improved and now stands at 978. We have some work to do there, for sure. Right now, only six of our eighteen NCAA sports teams have multi-year scores higher than the Division I average for their sport.

A final area that deserves close monitoring moving ahead is in the area of recruitment of freshmen student-athletes. In his May 2013 FAR's report, Peter Nicholson noted that there had recently been better recruiting by coaches of student-athletes who could succeed athletically, socially, and academically. I fear that we may be seeing some backsliding here, at least in the academic realm. In 2014, our SAT average for freshmen student-athletes had averaged down to 992 from 1027 four years previously. Moreover, our GPA average for core high school subjects has gone from 3.2 down 3.12 most recently. We now stand at the 15th percentile for SAT score averages and at the 10th percentile for entering GPAs. among Division I schools. A number of our peer institutions in the Big West recruit student-athletes to meet a much higher admission standard and yet manage to compete well on the playing court or field. Why can't we? I believe that we can do far better than we are currently.

There are new NCAA recruiting incentives on the horizon. Beginning with the 2016 – 2017 academic year next fall, freshman recruits must enter with at least a 2.5 high school GPA and sliding-scale higher SAT scores in order to be eligible for immediate competition. Freshmen SAs admitted with lower scores will be ineligible for competition, and even practice in some cases. Coaches will have even less reason to offer scholarships to students whose academic prowess is suspect.

One further issue affecting academics – missed class time by student-athletes – is a perennial issue at UHM. In order to compete, our student athletes have to travel to the mainland. This means missed classes. And when we do well in post-season play, the number of missed classes generally compounds. It is in the nature of the beast. During this past year, men's basketball, for example, missed 22 days of classroom

instruction – more than a month – during the season. This year men's basketball is scheduled to miss far fewer instructional days, thanks due to the AD's and basketball coach's concerns for academics and their adroit schedule changes that cut down on missed classes. Would that all of our coaches consider the number of missed instructional days as paramount when scheduling competition. It is too much to ask our strong team of academic advisors for athletics to do more than plug the dike of missed class days.

A final note. Though the FAR's central duties to help ensure the academic integrity of athletics and to help ensure the welfare of student-athletes requires independence from the Department of Athletics, those same duties require close involvement and interaction with its administration, coaches, and staff. I was fortunate to serve on the search committee that brought us the new AD, Dave Matlin. It has been good to get to know him, his goals and hopes, and his style of administration since he came on in late April. I am certain that we made the right recommendation to the chancellor. I also want to thank Associate AD's, Carl Clapp and Marilyn Moniz-Kaho'ohanohano for their collegial warmth and wisdom. In this respect, learning the job as FAR, and its extensive involvement with all facets of the athletics program, especially compliance, has been a full-time occupation that belies my half-time appointment. Here I want to thank former FAR Peter Nicholson and Director of Compliance Amanda Paterson, as well as our commissioners in the Big West and Mountain West conferences, for their patience in showing me the ropes and easing the FAR learning curve. And finally, we, the faculty, should feel fortunate Chancellor Bley-Vroman has been at the helm in these turbulent times for UHM Athletics. He listens, ponders, and acts judiciously with a scholar's insight. I thank him for his ready ear.