



May 15, 2006

VIA FACSIMILE AND OVERNIGHT DELIVERY

Mr. Lawrence C. Eppley, Chair
Board of Trustees
University of Illinois System
506 South Wright Street
Urbana, Illinois 61801

Dear Mr. Eppley:

I wrote to you on April 28, 2006, and provided notice of the NCAA Executive Committee's action on your institution's appeal from the NCAA policy governing Native American nicknames and imagery at championship events. This letter will supplement that notification and provide additional information about the Executive Committee's decision.

On April 13, 2001, the U.S. Commission on Civil Rights released a statement calling the use of Native American nicknames and images in sports "disrespectful," "offensive" and "particularly inappropriate." The Commission statement called for the elimination of such stereotypic practices. In the same month, the Executive Committee – which consists of chancellors and presidents from member institutions in all three divisions – asked the NCAA Minority Opportunities and Interests Committee ("MOIC") and the NCAA Executive Committee Subcommittee on Gender and Diversity Issues ("the Diversity Subcommittee") to review the use of Native American mascots, nicknames, images and logos in intercollegiate athletics. In the four-year period that followed, a number of bodies representing the membership, the public, student-athletes and Native Americans worked with the Association in studying the impact of Native American images in intercollegiate athletics.

The MOIC drafted and followed a "Strategic Plan" and "Research Method" that included gathering data, reviewing historical information and soliciting input from the groups listed above. The MOIC also sought and obtained information from administrators, spectators and alumni at institutions that continued to use Native American mascots, nicknames or imagery and at institutions that formerly used such imagery. The MOIC also reviewed studies, consulted with experts, and read more than 50 pieces of literature presenting various perspectives on this issue.

The MOIC presented its initial report to the Executive Committee in October 2002. A copy of the report was distributed to institutions that used Native American references and a copy is available on the NCAA Web site. The MOIC reported, among other things, that 90 percent of the comments received from member institutions and the public supported the elimination of American Indian mascots, nicknames, images, and logos in intercollegiate athletics. The MOIC also forwarded correspondence to more than 500 American Indian tribes and councils to obtain their

National Collegiate Athletic Association

An association of over 1,200 members serving the student-athlete
Equal Opportunity/Affirmative Action Employer

P.O. Box 6222
Indianapolis, Indiana 46206
Telephone: 317/917-6222

Shipping/Overnight Address:
1802 Alonzo Watford Sr. Drive
Indianapolis, Indiana 46202

www.ncaa.org

thoughts and comments. Ninety-nine percent of responses in this category requested the NCAA to ban the use of Native American mascots in intercollegiate athletics.¹ The MOIC concluded that “those aspects that are offensive should be eliminated to ensure that the NCAA’s principles of cultural diversity and gender equity, sportsmanship and ethical conduct and nondiscrimination are adhered to during all athletic events.”

Also in 2002, Stephanie Fryberg, Ph.D., of the University of Arizona, independently studied the psychological impact of social representations on Native Americans. She concluded, in part, that exposure to Native American logos or mascots (1) lowers the self-esteem of American Indian students; (2) reduces American Indian students’ belief that their community has the power and resources to resolve problems (community efficacy); and (3) reduces the number of achievement-related future goals that American Indian students see for themselves. She also found that while exposure to such social representations lowers self-esteem for American Indian students, it raises the self-esteem of European American students.

Upon completion of the initial MOIC report, NCAA institutions using Native American mascots or references were asked to complete a self-analysis checklist to determine the impact of Native American references on their respective campuses. By this time, a number of institutions had voluntarily changed nicknames, retired mascots or otherwise stopped using Native American imagery in connection with their athletic programs. The MOIC continued its work, reviewed the institutions’ responses and issued recommendations in April 2003. The Diversity Subcommittee reviewed additional input and presented its “Report on References to Native American Indians in Intercollegiate Athletics” to the Executive Committee in August 2005. Based on the findings of the MOIC and the Diversity Subcommittee, based on its review of the supporting information, and based on the values identified in the NCAA constitution, the Executive Committee concluded that use of Native American mascots, nicknames and imagery in intercollegiate athletics was a core issue affecting the entire Association. Accordingly, on August 4, 2005, the Executive Committee adopted a policy regarding the use of such imagery at NCAA championship events. The policy did not and does not require an institution to change its nickname or mascot (if any).

The data underlying the policy was subsequently further supported by a thoroughly researched and strongly worded resolution adopted by the American Psychological Association (“APA”). The APA confirmed what the U.S. Commission on Civil Rights, Dr. Fryberg, the MOIC and the Executive Committee had previously concluded: that Native American imagery in athletics has a profoundly negative impact on Native Americans’ self image and overall psychological health.

¹ Dozens of organizations representing Native American interests have opposed the exploitation of Native American images in intercollegiate athletics. These include, among others, the Association on American Indian Affairs, the National Indian Education Association and the National Congress of American Indians. This short list does not include resolutions passed by individual tribes, inter-tribal councils or countless campus groups calling on athletic teams to cease using Native American nicknames and related images.

On August 9, 2005, Dr. Myles Brand sent a letter providing notice that the University of Illinois was subject to the Executive Committee's policy regarding Native American mascots, nicknames or imagery at NCAA championship events. In the letter, Dr. Brand explained that institutions had two avenues available for seeking relief from the policy. One avenue was to file appeals with the staff, and ultimately the Executive Committee, challenging application of the policy to that particular institution. The other avenue was to ask the respective divisional presidential bodies to recommend amending or modifying the policy itself.

Illinois, through its Board of Trustees, elected to pursue the first option and requested exemption from the policy on October 13, 2005.² Illinois' request for exemption was presented to the staff review committee, which consists of officials at the NCAA national office including Dr. Bernard Franklin, Wally Renfro, Kevin Lennon, Charlotte Westerhaus, Bob Williams, Corey Jackson and Delise O'Meally.

The staff review committee denied Illinois' request for exemption from the policy, in part, on November 11, 2005. Because "Illini" refers to natives of the State of Illinois, rather than to a Native American tribe, the staff review committee decided that the "Illini" and "Fighting Illini" nicknames were not hostile or abusive and were not subject to the policy. Therefore, the only dispute involves the so-called "Chief Illiniwek tradition" that includes (1) the names "Chief Illiniwek" and the "Chief," (2) the Chief logo, and (3) the Chief Illiniwek performance. See Illinois' January 30, 2006, appeal defining the "Chief Illiniwek tradition" (p. 2).

The staff review committee provided Illinois notice that it could appeal the adverse portion of the decision to the Executive Committee. Illinois appealed the staff decision on January 30, 2006, and filed additional materials dated March 28, 2006.

The NCAA Division I Board of Directors reviewed Illinois' appeal on April 27, 2006, and prepared a recommendation for the Executive Committee. The Board of Directors recommended that the appeal be denied. The Executive Committee addressed Illinois' appeal during its April 28, 2006, meeting to determine whether Illinois demonstrated that the staff review committee decision was contrary to the evidence. Like the staff review committee, the Executive Committee considered whether the type of use of mascots, names and/or imagery, including the pervasiveness or degrees of the use, creates or leads to an objectively hostile or abusive environment for members of the campus community and/or the general public and/or the student-athletes involved in intercollegiate competition. The Executive Committee also considered the response of the Native American community as a whole to the impact of such names and symbols, as well as the impact on local Native American peoples.

² As the staff review committee noted in its November 11, 2005 correspondence, it is customary, and sometimes mandated, that an institution's president or chancellor speak for the institution in matters before the Association. However, the Executive Committee accepted this appeal as the Illinois Board of Trustees has assumed responsibility for this matter. President B. Joseph White is copied on this decision.

At the April 28 meeting, the Executive Committee considered all arguments and materials submitted by Illinois, including attachments, and all materials submitted in response by the staff. The Executive Committee also considered materials consulted when drafting the policy and the Division I Board recommendation.

Having reviewed all information submitted, the Executive Committee noted, as stated above, that the “Illini” or “Fighting Illini” nicknames are not subject to the policy and the staff review committee decided their use is not hostile or abusive. Furthermore, Chief Illiniwek does not perform at “away” games, including championships, and current competition uniforms do not employ the Chief logo or other Native American imagery. Accordingly, under current circumstances, the policy does not impact Illinois’ participation in NCAA championship contests. It would, however, impact the scheduling of championship events hosted by Illinois.

Illinois seeks relief from application of the policy. Upon review of all materials and after careful deliberation of the factors above, the Executive Committee concluded that the University’s appeal materials do not support a finding that the staff review committee’s ruling was contrary to the evidence considered. In fact, the Executive Committee concluded that the staff review committee’s decision was supported by substantial evidence.

The great weight of authority, and information gathered by the Executive Committee (primarily through the work of the MOIC and the Diversity Subcommittee), show that use of Native American imagery, when exploited in athletics, creates an environment that is demeaning, insensitive, hostile or abusive to Native Americans.³ The Executive Committee believes the evidence shows that images of Native Americans, when used to promote athletics or to entertain fans, creates an environment that is hostile or abusive to the Native American community as a whole. The “Chief Illiniwek tradition” is an example of such exploitation. The Executive Committee finds that the stereotypic and manufactured Chief Illiniwek, together with the inauthentic dress and dance, creates a hostile or abusive environment, particularly when routinely offered as a “performance” to entertain alumni and fans during half time at athletic contests. Specifically, the Executive Committee finds that the “Chief Illiniwek tradition” creates an environment that is inconsistent with the core beliefs and fundamental values of the NCAA and that is not welcomed in NCAA championships. Neither a lengthy tradition nor respectful motives can excuse the exploitation or mischaracterization of Native American culture.

Illinois had multiple opportunities to present evidence in support of its position. Indeed, Illinois submitted no less than three briefs or substantive arguments during the appeal process. However, Illinois simply failed to present sufficient information to the staff review committee or the Executive

³ Illinois presented no persuasive study, data, authority, research or information to the contrary.

Committee on which to conclude that the “Chief Illiniwek tradition” should not be subject to the policy. Rather, the Executive Committee noted, among other things, that campus groups (including the Student Government Chief Retirement Taskforce and the Senate Committee on Equal Opportunity) object to the “Chief Illiniwek tradition” and have requested that Illinois discontinue use of the tradition. Likewise, specific Native American groups (including the Peoria Tribe of Indians of Oklahoma) have called upon the university to retire the Chief Illiniwek imagery. Indeed, the Peoria Tribe called the Chief Illiniwek imagery “demeaning” and “a degrading racial stereotype that reflects negatively on all American Indian people.”

These groups are merely representative of many others that also oppose the “Chief Illiniwek tradition.” Other opposition groups are identified by the Progressive Resource/Action Cooperative and the North Central Association of Colleges and Schools. In its August 16, 2002, questionnaire responses, the University Office of Public Relations identified still other campus groups in opposition including the Diversity Initiatives Planning Committee, the Faculty Student Senate, the Illinois Student Government, the Daily Illini newspaper and the following departments: History, English, Anthropology, Linguistics, Afro-American Studies, Program for the Study of Religion, Program in Jewish Culture and Society and the Counseling Center.

The Executive Committee also noted the accreditation report of the North Central Association documenting objections to “The Chief” and concluding, among other things, that (1) controversy over the Chief has aroused “ill will, animosity or resentment”; (2) “there is no doubt . . . that the continued controversy is having a negative effect on the educational effectiveness of [the university]”; and (3) the controversy “will not go away.” The Peoria Tribe resolution and the accreditation report were provided by Illinois. Despite clear resistance and opposition by native and non-Native organizations, Illinois elected to retain the Native American imagery.

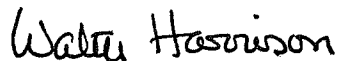
These specific accounts are consistent with the Executive Committee’s general findings and provide ample evidence supporting the staff review committee decision. Given the pervasive use of the “Chief Illiniwek tradition,” and the overwhelming opposition by campus and community groups, the Executive Committee cannot conclude that Illinois satisfied its burden of demonstrating that it should be exempted from the policy or that the staff review committee decision was contrary to the evidence. Based on the relevant factors and the evidence presented, the Executive Committee voted to affirm the staff review committee. None of Illinois’ legal arguments dictates a different decision.

The Executive Committee decision regarding application of the policy to Illinois is final. Accordingly, Illinois is immediately subject to the protections of the policy. The Executive Committee reiterates that this decision does not mandate that Illinois change its nickname, logo or imagery. Rather, the decision is limited to Illinois’ ability to host NCAA championship events. Under present circumstances, the policy does not impact Illinois’ participation in NCAA championship competition.

As stated above, two avenues were made available to institutions seeking relief from the policy. The avenues are separate, but not mutually exclusive. Although Illinois has exhausted its appeal regarding application of the policy, Illinois may still seek to amend or modify the policy itself. As set forth in the August 9, 2005, correspondence, Illinois may submit "the terms and rationale for the suggested amendment or policy change" to the appropriate presidential body. In this case, the Division I Board of Directors would be the appropriate forum to address concerns regarding adoption of the policy. There is no deadline for seeking amendment or modification.

The Executive Committee appreciates the opportunity to review the Illinois appeal regarding application of this policy.

Sincerely,



Walter Harrison, chair
NCAA Executive Committee

WH:jw

cc: Mr. Richard H. Herman
Mr. B. Joseph White
Selected NCAA Staff members