

Board Meeting
March 13, 2007

RESOLUTION CONCERNING CHIEF ILLINIWEK

Whereas, students and alumni have deep affection for the Chief Illiniwek tradition since it was introduced in 1926 and ending it without complete and precise definition of the legal requirements of the laws of the State of Illinois and the rules of the NCAA and their control over use, modification, or non-use of the tradition will cause tremendous loss of financial and other support of the friends of the University;

Whereas, in 1991 the Collegiate Athletic Association Compliance Enforcement Procedures Act became law in Illinois, requiring the NCAA to comply with the due process procedures and protections set forth in the statute in all cases involving sanctions imposed against a college or university of this State such as the University of Illinois;

Whereas, in 1996 a bill was passed by consensus in the Illinois General Assembly and enacted into law with the express purpose of protecting Chief Illiniwek as the honored symbol of the University of Illinois at Urbana-Champaign and leaving changes in the status of it as the symbol of the University totally in the hands of the Board of Trustees of the University or as otherwise defined by law;

Whereas, the University of Illinois Board of Trustees adopted guidelines to seek a “consensus conclusion” to the matter of Chief Illiniwek;

Whereas, in August 2005 the NCAA announced a policy to prohibit NCAA colleges and universities from displaying what it termed "hostile and abusive" racial/ethnic/national origin mascots, nicknames, or imagery at any of the 88 NCAA championships;

Whereas, the University of Illinois unsuccessfully appealed the NCAA policy to the NCAA staff review committee, and an additional guideline recognizing the impact of the NCAA policy was incorporated into the consensus process and has never abandoned its position as stated in those appeals;

Whereas, the implementation of the NCAA policy has threatened the vitality of University athletic programs;

Whereas, the NCAA has taken away from the University the power to shape its future use, non-use, or modification of such symbols;

Whereas, serious damage is being inflicted upon the University of Illinois and its relationship with students, faculty, staff, alumni, and citizens of this State by reason of the NCAA Executive Committee's actions;

Whereas, the NCAA Executive Committee's actions constitute a direct and ongoing threat to the autonomy of the University of Illinois and its right of self-governance;

Whereas, the freedom to choose one's own name, and freedom of speech, including symbolic speech, are fundamental liberty rights guaranteed to all persons by the United States Constitution and the Illinois Constitution;

Whereas, the University of Illinois is presently a party to litigation concerning the validity of the NCAA policy as applied to the Chief Illiniwek tradition;

Whereas, the specific application and uncertainty of future application of the NCAA policy with regards to the Chief Illiniwek tradition, dance, regalia, logo, music, and symbol is unfair, as evidenced by the NCAA's creation of *ad hoc* exceptions to its policy for other universities;

Whereas, the University of Illinois has not yet taken the final step in the appeal process, which is to obtain judicial direction as to whether the NCAA Executive Committee's policy as applied against the Chief Illiniwek tradition is in violation of Illinois law, whether the due process requirements of State law were complied with, whether the policy as applied has been consistent among the member institutions, and whether the sanctions are arbitrary and capricious;

Whereas, it is in the best interests of the University of Illinois at Urbana-Champaign that this entire matter be presented in a forum that guarantees fairness, due process, and a final, binding legal decision by an impartial judge;

Now, therefore, be it resolved, that the Board of Trustees of the University of Illinois directs its legal counsel to join with Dan Maloney and Logan Ponce in their declaratory relief count only, seeking a final declaratory judgment from the court as to whether the NCAA policy and sanctions directed toward the Chief Illiniwek tradition as observed prior to February 21, 2007, are legal, valid, or enforceable.