



Michael K. Young  
President

Office of the President

201 Presidents Circle, Room 203 Salt Lake City, Utah 84112-9008 (801) 581-5701 FAX (801) 581-6892

August 31, 2005

BY FAX WITH CONFIRMING  
LETTER BY FEDERAL EXPRESS

Bernard Franklin, Vice President  
Governance and Membership  
National Collegiate Athletic Association  
Indianapolis, IN 46202

**RE: University of Utah Appeal of Standing as an Affected Institution under New  
NCAA Policy Concerning Hostile or Abusive Mascots, Nicknames or Imagery**

Dear Mr. Franklin:

On August 4, 2005, the NCAA Executive Committee adopted a new policy that prohibits NCAA colleges and universities from displaying hostile or abusive racial/ethnic/national origin mascots, nicknames or imagery at any NCAA championships. The University of Utah fully supports this new policy and is pleased the NCAA has determined to take a stand against the use of hostile and abusive names and images at NCAA member institutions.

Unfortunately, however, the Executive Committee also reached the uninformed conclusion that the University of Utah somehow runs afoul of the new policy. The University has a long and very close relationship with the Northern Ute Indian Tribe (hereafter sometimes the "Tribe") which historically occupied the area comprising the State of Utah. The University has proudly used the "Ute" name and imagery through the years with the permission of the Tribe, and the Tribe has derived significant pride and benefit from the University's use of its tribal name. The University has the current support of the Tribe for its continued use of the Ute and imagery. Under these circumstances and as demonstrated by the recent NCAA decision concerning Florida State, the University of Utah clearly should not be included in the list of institutions subject to the restrictions of the new rule. Therefore, the University of Utah hereby respectfully appeals from the NCAA's decision to include the University of Utah in the list of schools "subject to the new policy."

The University's Relationship with the Northern Ute Indian Tribe

The University of Utah, like the State of Utah, has always shared an affinity with the Northern Ute Indian people. The University of Utah is the flagship institution of the State of Utah. The University takes its name from the Utah state name, which itself derives from the word "Ute," meaning "land of the sun."

The University of Utah has had a longstanding, cordial and mutually beneficial relationship with the Northern Ute Indian Tribe. Since the early part of the last century, the University has taken great pride in its associations with the Tribe. Although many interactions have occurred between the University and the Tribe behind the scenes, the public face of the relationship has always been through the University's sports programs. The University has been told on numerous occasions that the Tribe has taken great pride in its association with the University. The University has always been sensitive and responsive to any concerns expressed by the Tribe concerning the University's names, mascots and imagery.

Since the mid 1960s, the Northern Ute Indian Tribe has had a regular and ongoing relationship with the University's American West Center (discussed in greater detail below). The Center has preserved many oral histories of Ute Indian members and has developed extensive research materials relating to the Ute Indian Tribes. The Center has created for the Tribe its own archive set of research materials. The Center has created three history texts relating to the Tribe which are used in reservation schools. The Center, as well as professors within the University's law school, have assisted the Tribe from time to time with various legal matters.

In the early 1970s the University created a 320-acre research park adjacent to the University's main campus ("Research Park"). As part of the project, the University determined to honor the Northern Ute Indian Tribe by naming the streets running through Research Park after prominent Ute Indians. Representatives of the University met with Tribe members at Fort Duchesne to discuss the proposal. Names were selected for the streets and approved by the Tribe.

In December of 2003, the University and the Northern Ute Indian Tribe executed a Memorandum of Understanding ("MOU"). The purpose of the MOU is to facilitate the recruiting, education and graduation of greater numbers of Ute Indian scientists, engineers, technicians and business professionals. Goals of the MOU are to cooperatively identify sources of funding for training programs, to build a network of professional, academic, and research resources to assist Ute Indian students and the Tribe, and to cooperatively continue to support the University's American Indian Resources Center. The Northern Ute Indian Tribe passed an official resolution supporting the MOU. Copies of the MOU and the Tribe's Resolution are attached hereto as Exhibit "A." Efforts under the MOU are ongoing.

The foregoing are just some of the interactions that the University has had with the Northern Ute Indian Tribe during the last century. The University is constantly in dialogue with the Northern Ute Indian Tribe on these and other issues. The University is proud of its association with the Tribe. The University believes that the Tribe shares these same feelings toward the University.

#### The University of Utah's Names, Mascots and Imagery

The University of Utah, like the State of Utah, has always shared an affinity with the Northern Ute Indian people. Utah derives its name from the word "Ute," and for as long as the University has had sports programs, the Northern Ute Indian Tribe has provided the source and inspiration for the

University's names and imagery. As mores and sensitivities have changed through the years, so have the University's names, mascots and imagery. Through dialogue with the Northern Ute Indian Tribe, the University has retired certain names ("Redskins"), images (cartoon characters), mascots (a Ute Warrior), clothing (feathered headbands for the drill team), and cheers.

Today, the only enduring symbol of the University's association with the Northern Ute Tribe is the "Utes" name. The University officially adopted "Utes" as the name for its athletics teams in 1972. The Utes name honors the University's association with the Tribe.

#### The Northern Ute Indian Tribe's Support for this Appeal

The Northern Ute Indian Tribe fully supports this appeal. Just weeks before the NCAA issued its August 4 decision, I and some of the University's vice presidents visited with the Uintah and Ouray Tribal Business Committee ("Tribal Business Committee") on a range of matters of interest to the Northern Ute Indian Tribe. The Tribal Business Committee is the Northern Ute Indian Tribe's governing body with responsibility for all matters, including the cultivation and preservation of the Ute culture. During our recent meeting with the Tribal Business Committee, it confirmed yet again the Tribe's pride in our use of the "Ute" name and their appreciation for the sensitivity and honorable way the University has used the name over the years. The Tribal Business Committee reiterated the honor and distinction the University brings to the Tribe by using its name.

As word of the NCAA's August 4 decision became public, representatives of the Northern Ute Indian Tribe began contacting the University unsolicited to lend their support. The Tribal Business Committee has passed a Resolution supporting the University's continued use of the "Ute" name. The Tribe has also provided a separate letter to the NCAA confirming the Tribe's support of the University of Utah and its use of the "Utes" name and imagery. Copies of the resolution and the letter from the Tribe are attached to this letter as Exhibit "B." Under these circumstances, and consistent with the NCAA's recent decision concerning Florida State, the NCAA should remove the University of Utah from the list of schools "subject to the new policy."

#### The University of Utah's General Commitment to Native American Issues

Most critical to this appeal, is the University's unique relationship with the Northern Ute Indian Tribe and the Tribe's support for this appeal. However, it may also be helpful to the NCAA to understand the University of Utah's overarching commitment to Native American populations on and off campus. For many decades, the University has developed significant resources and outreach efforts for current and prospective Native American students, faculty and staff. The University has also performed significant research and study of Native American issues and provided great assistance to Utah's Native American populations. The following paragraphs demonstrate just a few of the efforts that the University has made in this regard.

- The University has demonstrated a commitment to meeting the current needs of American Indians on the University's campus and within the Utah tribal communities. The University currently administers a number of scholarships for Native Americans who are committed to

teaching and serving in their tribal communities. The University offers approximately twelve scholarships through its American Indian Teacher Training Program. The University also offers an American Indian Child Welfare Leadership Scholarship designed for an individual who plans to work after graduation in a child welfare setting, primarily serving American Indian communities.

- The University has established an American Indian Resource Center ("AIRC") which, in connection with the University's Center for Ethnic Student Affairs ("CESA"), serves as a resource for the University's Native American student population. CESA and AIRC provide Native American students with assistance in academic planning, scheduling, time management and counseling. AIRC also provides important meeting space for Native American students and their peers. AIRC facilities include two study rooms with computers and printers, a large communal meeting space, a kitchen and a conference room. The AIRC and CESA facilities are available for use by the Inter-Tribal Student Association ("ITSA"), a very active student-run organization for Native American students. CESA, AIRC, ITSA and other organizations on campus, annually host an Indian American Awareness Week and a Native American Pow Wow. The University has hosted an awareness week and a Pow Wow for the last thirty-three years.
- The University of Utah has developed a minor in American Indian Studies. Students may seek a minor in American Indian Studies or simply take classes offered through the program. The University currently offers twelve courses dealing with Native American histories, cultural understanding, law and policy, society, literature and films.
- Since 1999, the University's School of Medicine Office of Diversity and Community Outreach has offered its Expanded Indian Nations Outreach Program. This program targets high school students, and particularly Native American high school students, who may have an interest in the health sciences professions and ultimately in working with underserved Native American populations in Utah and around the country. The program exposes high school students to the different health professions and informs students about the resources that are available to help students get into the various health professions.
- The University has developed close working relationships with Native American tribes and has conducted significant work into the preservation of Native American history, culture and languages. In 1964, the University developed a center devoted to research of the American West. Today, that center is known as the American West Center. Although the center has worked on various issues relating to the American West, most of the work of the center has been done on behalf of American Indians in the west.
- One of the most significant projects of the American West Center was the American Indian Oral History Project made possible through a grant from the Doris Duke Foundation. This project began in 1965 and continued for many years. The program resulted in 1,814 taped interviews with Indians from 46 different tribes. Many of the interviews were given in the native tongues of the Indians. This collection serves as an important resource for the study of



Native American history, linguistics and literature. The center continued its emphasis on the preservation of oral histories through a subsequent project called the Ethnic Oral Histories Project. This project has preserved oral histories of various ethnic minorities including many Native American tribes.

- The American West Center has also produced hard-bound tribal histories for sixteen Indian tribes. These books are used in reservation schools to provide a history of Native peoples as told by tribal elders from their own perspective. In addition to its oral history interview and bound tribal histories, the American West Center has produced many articles and papers dealing with Indian history, policy and other issues.
- Through the years, the American West Center has amassed an enormous amount of research and documentation relating to Native American tribes. This information has been an invaluable asset to tribes and researchers. The center has created fourteen tribal archives for various tribes across the west.
- Because of the center's vast research and documentation, the American West Center has served as tremendous asset for tribes in lawsuits involving Indian tribal claims to water and land and hunting and fishing rights. The center has assisted the Zuni Pueblo Tribe in a land claims case, the Northern Ute Indian Tribe in a jurisdiction case and in water claims disputes, and numerous hunting and fishing claims for the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation in Idaho.
- During its existence, the American West Center has hired and helped to train hundreds of students, many of whom have gone on to serve the interests of tribes and Native American peoples. Twenty-four students who have worked for and been trained within the American West Center have been American Indians.
- Last year, the University's College of Humanities began an important project relating to the preservation of American Indian languages and cultures. The college opened the Center for Indian Languages (CAIL). CAIL's mission is to work with American Indian communities whose languages and cultures are endangered, with a goal for linguistic and cultural revitalization. The CAIL is cooperating with Native American groups to research and preserve endangered Native American languages. An important goal of the center is to train students to address scholarly and practical needs involving these languages and their communities of speakers.
- Early this year, CAIL announced a collaboration with the Smithsonian Institution's National Museum of Natural History in Washington, D.C. According to the Smithsonian, the collaboration "will advance linguistic scholarship and contribute to the work of Native communities involved in language revitalization efforts."
- The University of Utah's Museum of Natural History is also strongly committed to Native American issues. The museum's mission statement includes goals to "promote the

preservation of . . . cultural diversity” and to “celebrate Utah’s native peoples and cultures.” In furtherance of these goals, the museum has assembled an Indian Advisory Committee to advise and assist with the collection and display of Native American artifacts. The museum owns and exhibits significant information concerning Utah’s Native American populations. In 2002, during the Winter Olympics, the museum hosted an exhibit for the Cultural Olympiad entitled “Utah’s First Nations: Peoples of the Great Basin and Colorado Plateau.” The exhibit was developed in cooperation with Utah’s Indian tribes including the Northern Ute Indian Tribe.

- Through the years, various departments at the University have worked closely with Utah’s Indian tribes to affect changes that will improve the lives of tribal members. In 2001 and 2002, the University’s Center for Public Policy and Administration worked with Utah’s tribes, including the Northern Ute Indian Tribe, to study the impacts of existing state and federal welfare laws on Native Americans. These studies revealed that welfare laws had a disparate negative impact on Native Americans. The reports resulting from these studies made specific recommendations for welfare reforms.
- In 2003, the University’s College of Social Work prepared a report entitled “Urban Indian Health Care for the Wasatch Front: Needs Assessment and Proposed Recommendations 2003-2006.” This report examined health care needs for Native Americans in the Salt Lake City area and proposed recommendations for improvement.
- The University’s Huntsman Cancer Institute has developed a Native American Outreach Program. The goal of this program is to educate Native Americans about ways to protect themselves from cancer and to assist in finding high-quality culturally sensitive cancer care.

The foregoing are only some of the many programs and services developed at the University of Utah. These programs and services demonstrate the University’s overarching sensitivity and concern with Native Americans and the issues they face.

#### The Support of the Mountain West Conference

The Mountain West Conference supports the University of Utah in this appeal. A copy of that letter is attached as Exhibit “C.”

#### Conclusion

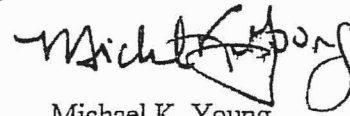
In conclusion, the University reiterates its commitment to the spirit of the NCAA’s August 4 decision. The University agrees that no NCAA school should use names, mascots or imagery that are hostile, abusive or offensive to any ethnic group. However, the University of Utah has a special relationship with the Northern Ute Indian Tribe which has lent its name not only to the University’s sports programs but to the State of Utah itself. The University has used and continues to use the “Utes” name and imagery with the blessing and support of the Tribe. The University of Utah has also demonstrated its long and rich history of service and sensitivity toward Native Americans in general

Bernard Franklin  
August 31, 2005  
Page 7

and their unique issues. Under these circumstances, the University of Utah clearly does not fall within the scope of the new NCAA policy. Therefore, the University of Utah respectfully requests that NCAA to remove the University from the list of institutions identified as not being in compliance with this policy.

Classes at the University of Utah for the fall semester commenced last week. The University will have its opening game of the football season this Friday, September 2, against the Arizona Wildcats. The University is anxious to have this matter resolved and would appreciate a resolution before our first football game. I look forward to hearing from you.

Sincerely yours,



Michael K. Young  
President

MKY/lm

cc: Chris Hill, University of Utah Director of Athletics  
Myles Brand, NCAA President  
Delise O'Meally, NCAA Director of Governance and Membership Services (by fax)  
Maxine Natchees, Chairman of the Uintah and Ouray Tribal Business Committee  
Chuck Kaiser, Counsel for Northern Ute Indian Tribe  
Forrest Cuch, Director, Utah State Division of Indian Affairs  
Craig Thompson, Commissioner, Mountain West Conference

EXHIBIT "A"

03 - 259

Resolution No. \_\_\_\_\_  
Uintah & Ouray Reservation  
Fort Duchesne, Utah

WHEREAS, the Uintah and Ouray Tribal Business Committee (Business Committee) of the Ute Indian Tribe (Tribe) is empowered by the Article VI, Section 1 of the Tribe's Constitution to make decisions that affect the future and welfare of the Tribe and its members; and

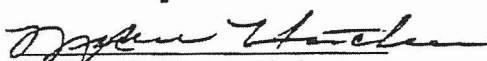
WHEREAS, the development of tribal human resources to assist tribes in the protection of tribal energy and natural resources ranks near the top of every tribe's list of priorities; and


WHEREAS, the Ute Indian Tribe and the University of Utah have determined that the talents of Ute Indian students has previously been under-developed in educational institutions and consequently untapped by industry and government; and

WHEREAS, The Ute Indian Tribe and the University of Utah have developed an agreement that seeks to design, implement, and disseminate innovative educational programs that accelerate the development of tribal human resources.

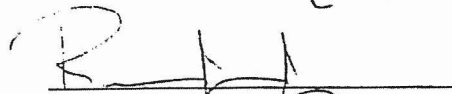
**NOW, THEREFORE, BE IT RESOLVED BY THE UINTAH AND OURAY BUSINESS COMMITTEE OF THE UTE INDIAN TRIBE** that the Ute Indian Tribe hereby agrees to support the Memorandum of Understanding between the Ute Indian Tribe and University of Utah. (Relating to the establishment of cooperative education programs and initiatives for the mutual benefit of the Ute Indian Tribe and the University of Utah).

**BE IT FURTHER RESOLVED** that the Chairman and/or the Vice Chair of the Ute Tribal Business Committee is authorized to sign any and all documents related to the Memorandum of Understanding between the Ute Indian Tribe and the University of Utah.

  
Maxine Natchees, Chairman

  
T. Smiley Arrowchis, Vice Chairman

  
O. Roland McCook, Member

  
Richard Jenks Jr., Member

\_\_\_\_\_  
Vacant

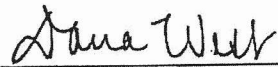
\_\_\_\_\_  
Vacant



Resolution No. 03.259  
Uintah & Ouray Reservation  
Fort Duchesne, Utah

**CERTIFICATION**

I hereby Certify that the above Resolution was adopted by the Uintah and Ouray Tribal Business Committee under authority of the Constitution and By-laws of the Ute Indian Tribe at a meeting held in Fort Duchesne, Utah, at which a quorum was present, on the 10th day of November 2003 by a vote of 4 FOR, 0 AGAINST and 0 ABSENT.



\_\_\_\_\_  
Dana West, Secretary  
Uintah and Ouray Tribal  
Business Committee

**Memorandum of Understanding  
Between the Ute Indian Tribe  
And  
University of Utah**

Relating to the Establishment of  
Cooperative Education Programs and initiatives  
for the Mutual Benefit of the Ute Indian Tribe and University of Utah

**I. STATEMENT OF NEED**

The development of tribal human resources to assist tribes in the protection of tribal energy and natural resources ranks near the top of every tribe's list of priorities. Yet, for many tribes, the development of tribal human resources remains an elusive goal to achieve. Historically, the problem is rooted in the lack of opportunities for tribes to guide and participate in the educational development and training of Native American scientists, engineers, technicians, and business professionals in a manner that reflects and supports tribal priorities.

Similarly, educational institutions, private industry, and federal government agencies are finding it difficult to recruit and retain the scientists, engineers, technicians, and business professionals required to maintain America's industrial and scientific leadership. Native Americans represent a pool of talent that has previously been under-developed in educational institutions and consequently untapped by industry and government. The Ute Indian Tribe and the University of Utah have determined that it is imprudent to ignore this previously untapped human resource.

**II. GOALS OF THE UTE INDIAN TRIBE - UNIVERSITY OF UTAH  
COOPERATIVE RELATIONSHIP**

The goal of the Ute Indian Tribe - University of Utah cooperative relationship is two-fold:

1. To design, implement, and disseminate innovative educational programs that accelerate the development of the tribal human resources.

2. To matriculate greater numbers of competent and experienced Ute Indian scientists, engineers, technicians, and business professionals who are available to Native American Tribes, private industry, and government agencies.

This memorandum is intended as an instrument to express the mutual desire of both parties to establish a cooperative relationship and is not intended to be a contract or create legally binding obligations on the part of either party.

This goal will be accomplished by:

- Cooperatively identifying and securing funding resources among federal agencies, private sectors, and foundations to support the implementation of education and training programs for Ute Indian students in the technical, scientific, and business fields;
- Building a network of professional, academic, and research resources to assist Native American students, tribes, educators and professionals; and
- Cooperatively continuing to support the American Indian Resource Center, which can counsel, advise, and otherwise support American Indian students in their professional growth and development; enhance the opportunities for academic success; and assist the student in identifying financial aid opportunities.

### III. THE PARTIES

#### 1. UNIVERSITY OF UTAH

The University of Utah offers 75 undergraduate degree programs, more than 50 teaching majors and minors and 96 graduate majors. The U offers instruction in baccalaureate, masters, and doctoral degree programs. Its colleges, graduate, and professional schools include architecture, business, education, engineering, fine arts, health, humanities, law, medicine, mines and earth sciences, nursing, pharmacy, science, social and behavioral science, and social work.

The University commits itself to providing challenging instruction for all its students, from both Utah and other states and nations, and encourages

interdisciplinary work and the integration of instruction and research opportunities. It expects and rewards superior teaching and academic excellence among its faculty. It seeks the broad and liberal education of all its students and their familiarity with a changing world.

The University of Utah fosters the discovery and humane use of knowledge and artistic creation in all areas of academic, professional, and clinical study. The U is accredited by the Northwest Association of Schools and Colleges, and is classified by the Carnegie Foundation as one of 50 comprehensive Research I universities from among 3,700 U.S. institutions.

In both basic applied research, the University measures achievement against national and international standards. Rigorous assessment and review are central to advancing its research programs and creative activities, as are participation and leadership in national and international academic disciplines. The University also cooperates in research and creative activities with other agencies and institutions of higher education, with the community, and with private enterprise.

University of Utah fosters reflection on the values and goals of society, the school augments its own programs and enriches the larger community with its libraries, hospitals, museums, botanical gardens, broadcast stations, public lectures, continuing education programs, alumni programs, athletics, recreational opportunities, music, theater, film, dance and other cultural events.

The U's three libraries are Marriott, Eccles Health Sciences, and Quinney Law. These facilities are open to the campus community and the general public when classes are in session. U students come from all 29 Utah counties, all 50 states, and over 100 foreign countries. Students are encouraged to contribute time and expertise to community and professional service, to national and international affairs and governance, and to matters of civic dialogue.

a) University of Utah Mission Statement

The mission of the University of Utah is to educate the individual and to discover, refine, and disseminate knowledge. As a major teaching and research university, the flagship institution of the Utah State System of Higher Education, the University of Utah strives to create an academic environment where the highest standards of scholarship and professional practice are observed and where responsibilities to students are conscientiously met. It recognizes the mutual relevance and

interdependence of teaching and research as essential components of academic excellence. It welcomes students who are committed to learning and who conform to high academic standards. The right of free inquiry is zealously preserved; diversity is encouraged and respected; critical examination and creativity are promoted; and intellectual integrity and social responsibility are fostered. The University is fully committed to the goals of equal opportunity and affirmative action, which are designed to ensure that each individual be provided with the opportunity for full, unhampered, and responsible participation in every aspect of campus life.

b) American Indian Resource Center Mission Statement

The mission of the American Indian Resource Center (AIRC) is to provide culturally sensitive academic support, mentoring, counseling, and social activities to American Indian students in order to achieve success in an academically competitive environment as they strive to reach their potential. The four primary advocacy and service areas include recruitment, retention, graduation and community outreach. The AIRC provides a culturally appropriate, supportive environment for American Indian students and assists in the transition to University life.

2. UTE INDIAN TRIBE

The home of the Ute Indian Tribe is the Uintah and Ouray (U & O) Reservation, located within a three-county area in Northeastern Utah, known as the Uintah Basin. The reservation covers a large portion of western Uintah and eastern Duchesne Counties.

The opening and settlement of the U & O Reservation in 1905 brought with it a checker-board pattern of ownership and jurisdiction. Today's surface ownership of the Uintah Basin is a mixture of Federal Lands (50.5 %), Fee lands (23.8%), Tribal Trust Lands (17.5%), and State of Utah Lands (8.2%). The Ute Tribe, with slightly less than one million acres has ownership of almost 25% of the Uintah Basin's total land area.

The Government. The Ute Indian Tribe is made up of three bands the Uintah, the White River and the Uncompahgre. Two representatives from each of these bands are elected to serve four-year terms on the Tribal Business Committee, the governing body of the Tribe. However, governmental decisions by the Business Committee are made by resolution. Once resolutions are adopted, they become law and Business Committee members then realize that they must abide by those laws.



The organizational structure of the Ute Tribe is complete. As with most other governmental entities, departments have been formed to carry on governmental and administrative functions. These departments include Legal, Personnel, Accounting and Auditing, Revenues and Taxation, Resource Management, Fish & Wildlife Management, Vital Statistics, Job Training (JTPA), Social Services and Aging, Economic Development, Youth Program, Fire and Emergency Response, Motor Pool, Property and Supply, Police, Judicial Systems and others. Additionally, the Tribe operates several enterprise departments that are designed to provide and to produce revenues. Included in tribal enterprises is a convenience market and gas station, a finance company for tribal members use, a wood products company complete with a sawmill and milling capabilities, a cattle livestock operation, a culinary water system, an environmental health department for handling garbage and sewage, and a bowling alley, because of Utah state laws the Tribe has been unable to initiate gambling on the Reservation as many other Tribes have done.

The People. According to the Tribe's Department of Vital Statistics, the enrolled membership of the Ute Tribe is presently 3,120 members. This population has grown from about 2,500 members in 1980 and is projected to increase to 4,672 by the year 2010. Eight-five percent (or about 2,650) live within the boundaries of the Uintah and Ouray Reservation.

The population of the Tribe living on the reservation is made up of 703 households. Of the families making up those households, 345 (or 45%) fall into the very low income category and 147 (or 21%) are in the low income category. The average size of families making up these two categories is 4.15 people.

Like most communities in Rural America, the aging population of the Ute Indian Tribe is growing. Unemployment, overcrowding and poor living conditions on the Reservation oft times create a feeling within the young people of the Tribe of despair and uselessness, causing them to either leave the home or to seek friends and outside activities that are not beneficial to their well-being, neither physically, mentally or spiritually.

#### IV. ORGANIZATIONAL RESPONSIBILITIES UNDER THE MEMORANDUM OF UNDERSTANDING

##### 1. UTE INDIAN TRIBE INTENDS TO PURSUE THE FOLLOWING ACTION:

- a) Ute Indian Tribe will work with University of Utah to identify the educational and training needs of tribal constituents and how these needs can most effectively be addressed in a university environment.
- b) Ute Indian Tribe will identify and recruit prospective tribal applicants and otherwise promote Ute Indian Tribe-University of Utah education and training initiatives.
- c) Ute Indian Tribe will work cooperatively with University of Utah to seek private and federal funding to support the implementation and expansion of Ute Indian Tribe-University of Utah initiatives.
- d) Ute Indian Tribe will work with tribal members to demonstrate commitment and support of University of Utah educational programs and will encourage the matriculation of Ute Indian undergraduate and graduate students to the University of Utah.
- e) Ute Indian Tribe will provide undergraduate students from University of Utah with internship opportunities to work on scientific, engineering, technical, and business projects with the Ute Tribe, when funding is available.

##### 2. UNIVERSITY OF UTAH INTENDS TO PURSUE THE FOLLOWING ACTIONS:

- a) University of Utah will make available as appropriate and possible its regular summer and academic year of educational and research programs to Ute Indian students, educators, and tribal personnel.
- b) University of Utah will work cooperatively with the Ute Indian Tribe to seek private, state and federal funding to support the implementation and expansion of Ute Indian Tribe-University of Utah initiatives.
- c) Within the limit of available funds, the University of Utah will offer financial assistance to academically qualified Ute Indian students.
- d) Within the limits of available resources, the University of Utah will work cooperatively when appropriate and requested by the Ute Tribe to conduct

scientific and technical research in areas of paramount importance to the Ute Tribe. The University of Utah will aid and assist the Ute Tribe to build a body of scholarly materials available in education, language, natural resources, business and other disciplines.

- e) University of Utah will continue to support the American Indian Resource Center in its effort to provide comprehensive services and support to all American Indian students attending the University of Utah.

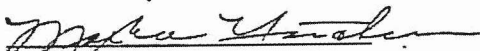
3. AMERICAN INDIAN RESOURCE CENTER INTENDS TO PURSUE THE FOLLOWING ACTIONS

- a) American Indian Resource Center will collaborate with the Center for Ethnic Student Affairs and assist the Office of Admissions with recruitment and will serve to enhance the retention and graduation rates of American Indian students attending the University of Utah.
- b) American Indian Resource Center will work with the Ute Tribe to seek scholarships and financial aid for Ute Tribal members who attend the University of Utah.
- c) American Indian Resource Center will work with the Ute Indian Tribe when appropriate and possible to design, implement, and disseminate innovative education programs that accelerate the development of tribal members.
- e) American Indian Resource Center will serve as a liaison between the University of Utah and the Ute Indian Tribe and will assist the Ute Indian Tribe and University of Utah with the MOU initiatives.
- f) American Indian Resource Center will facilitate cooperative agreements between University of Utah and the Ute Indian Tribe. American Indian Resource Center will assist in identifying opportunities for Ute Indian educational initiatives, especially those designed for the development of natural and human resources, with academic colleges and departments at University of Utah.

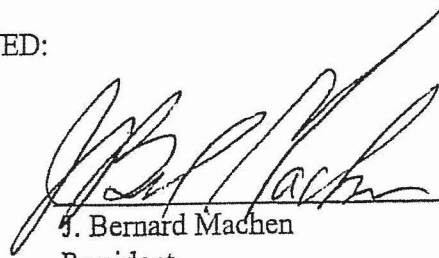
V. DURATION

This Memorandum of Understanding will become effective upon the date of final signature and is intended to continue for four years, provided however, it may be terminated by either party at anytime.

APPROVED:

  
Maxine Natchees  
Chairman  
Ute Indian Tribe Business Committee

DATE: Nov. 25, 2003

  
J. Bernard Machen  
President  
University of Utah

DATE: Dec 16, 2003

EXHIBIT "B"





## UTE INDIAN TRIBE

P.O. Box 190  
Fort Duchesne, Utah 84026  
Phone: (435) 722-5141 • Fax: (435) 722-5072

August 29, 2005

Mr. Bernard Franklin  
Senior Vice President for Governance  
and Membership  
National Collegiate Athletic Association  
700 W. Washington Street  
P.O. Box 6222  
Indianapolis, Indiana 46206-6222

Re: Application of the NCAA's August 4, 2005 Policy to the University of Utah

Dear Mr. Franklin:

The NCAA, as you know, adopted a policy on August 4, 2005 prohibiting member colleges and universities from displaying hostile or abusive racial/ethnic/national origin mascots, nicknames, or imagery at future Association championships. That policy was applied to the University of Utah because its athletic teams are known as the "Utah Utes." The Ute Indian Tribe has formally approved the University of Utah's use of the Ute name and supports the University's continued use of it. The Tribe requests that the NCAA action, insofar as directed at the University of Utah, be reversed.

### BACKGROUND

The approximately 3200-member Ute Indian Tribe resides on millions of acres in northern and central Utah within the exterior boundaries of its Reservation. The Reservation was established in 1861 by President Abraham Lincoln for the use and benefit of the Indians then residing in Utah Territory. Under the constitution adopted by Tribal members, the Business Committee is the governing body of the Tribe and is responsible for pursuit of its interests, including cultivation and preservation of the culture of the Tribe and the Ute People.

For many years the Tribe and the University have maintained an effective partnership. Among other things and by way of example only, the University has sponsored math, science, and other educational programs on the Reservation for Tribal members; provided scholarships to Tribal members; and through its American West Center has assisted the Tribe in memorializing oral

Mr. Bernard Franklin  
August 29, 2005  
Page 2

histories, cataloguing its historical documents, preparing histories of the Ute People used in Tribal schools, and otherwise preserving the culture of the Tribe and the Ute People. For its part many Tribal members have attended the University; participated in its educational, cultural, and sports programs; and benefited from the many ways the University has helped preserve the Ute culture. The Tribe, the University, and their members and supporters are proud of the Ute name and the culture it represents. Indeed, the Ute name and culture are the predicates of our State's name: Utah.

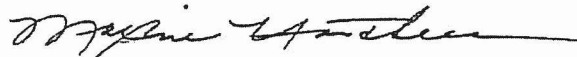
That is not to suggest that the Tribe/University relationship, like all partnerships, has not had its challenges. From time to time issues have presented themselves, including those involving the University's Athletic Department. When that has occurred the Tribe has duly raised its concerns with the University and the University has responded to them with sensitivity and promptness. If new issues were to arise the Tribe would raise them with the University and expects that they would be resolved as they have been in the past.

CONCLUSION

For these reasons the Tribe supports the University's use of the Ute name and requests that the NCAA reverse its August 4, 2005 action, insofar as directed at the University of Utah.

We would be delighted to discuss this matter with you. Please let me know if such a conversation would be helpful.

Sincerely,



Maxine Natchees  
Chairman, Tribal Business Committee

cc: Michael K. Young,  
President of the University of Utah  
Jon Huntsman, Jr., Governor of Utah  
Myles Brand, NCAA President

**WHEREAS**, the Tribal Business Committee ("Business Committee") of the Ute Indian Tribe of the Uintah and Ouray Reservation ("Tribe"), the Tribe's governing body, is empowered by Article VI, Section 1(q) of the Constitution and By-Laws of the Tribe to take all actions necessary and advisable to cultivate and to preserve the culture of the Tribe and the Ute People;

**WHEREAS**, the "Ute" name is an integral part of the cultural identity of the Tribe and its members and constitutes an inseparable element of their rich cultural traditions;

**WHEREAS**, for many years the Tribe has maintained a valued relationship with the University of Utah (the "University");

**WHEREAS**, the Tribe has given the University permission to use the Ute name as the representative symbol for the University's athletic teams;

**WHEREAS**, the Tribe has found the University's use of the Ute name to be honoring and respectful of Tribal culture, and the University's affiliation with the Ute name is a source of pride for Tribal members;

**WHEREAS**, on August 4, 2005 the National Collegiate Athletic Association ("NCAA") announced a new policy prohibiting colleges and universities from using at NCAA championship athletic events any "hostile or abusive" nicknames or images of racial, ethnic, or national origin ("Policy");

**WHEREAS**, the NCAA identified the University of Utah as one of the institutions subject to the Policy because of the University's use of the Ute name;

**WHEREAS**, the Tribe, by and through the Business Committee, does not believe that the University's use of the Ute name is "hostile or abusive;"

**WHEREAS**, the Business Committee is informed that the University may challenge the NCAA's imposition of the Policy, insofar as it applies to the University;

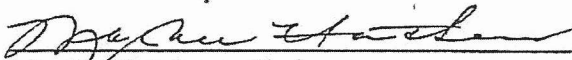
**WHEREAS**, for reasons that include the foregoing, the Business Committee finds it in the best interest of the Tribe to support the University's use of the Ute name and its challenge to the Policy, insofar as applied to the University;


**NOW, THEREFORE, BE IT RESOLVED BY THE UINTAH AND OURAY TRIBAL BUSINESS COMMITTEE OF THE UTE INDIAN TRIBE** that it hereby reaffirms its support for the University of Utah's continued respectful use of the Ute name as a representative symbol of its athletic organizations;

**BE IT FURTHER RESOLVED** that the Business Committee declares the Tribe's opposition to the NCAA's imposition of the Policy against the University of Utah, and


expresses the Tribe's support for the University's challenge to the NCAA's application of the Policy to the University;

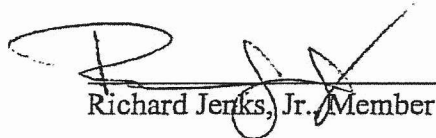
**BE IT FINALLY RESOLVED** that the Chairman or, in her absence, the Vice-Chairman, is authorized to execute any and all documents and to take all other actions as may be necessary and appropriate to carry out the terms, conditions, and intent of this Resolution.

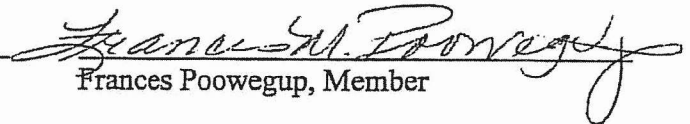
  
Maxine Natchees, Chairman

  
T. Smiley Arrowchis, Vice-Chairman

Absent  
Irene C. Cuch, Member

  
Ronald Groves, Member

  
Richard Jenks, Jr., Member

  
Frances Poowegup, Member

**CERTIFICATION**

I **HEREBY CERTIFY THAT THE FOREGOING** Resolution was adopted by the Tribal Business Committee of the Ute Indian Tribe of the Uintah and Ouray Reservation pursuant to the Constitution and By-Laws of the Ute Indian Tribe of the Uintah and Ouray Reservation at a duly called meeting in Ft. Duchesne, Utah on the 24th day of August, 2005, at which time a quorum was present and voted 5 for and 0 against, 0 abstaining and 1 absent.

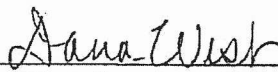
  
Dana West, Secretary, Tribal Business Committee  
Ute Indian Tribe, Uintah & Ouray Reservation

EXHIBIT "C"



8/29 cc: VP Esplin



AIR FORCE	NEW MEXICO	UNLV
BYU	SAN DIEGO STATE	UTAH
COLORADO STATE	TCU	WYOMING

CRAIG THOMPSON, COMMISSIONER

August 29, 2005

Bernard Franklin  
NCAA Vice President  
Governance and Membership  
P.O. Box 6222  
Indianapolis, IN 46204

Dear Bernard:

Please accept this letter as Mountain West Conference (MWC) support for the University of Utah's request for a waiver of the policy related to the use of Native American names and mascots. It should be noted that the MWC supports the NCAA policy against the use of hostile and abusive names at NCAA member institutions. However, I believe that a unique relationship exists between the University of Utah (Utah) and the Ute Indian Tribe such that the use of the Ute name by Utah is neither abusive nor hostile.

As Utah has indicated in its appeal, it has enjoyed a longstanding and harmonious relationship with the Ute Tribe. The Uintah and Ouray Business Tribal Business Committee has supported and encouraged Utah's use of the Ute name as a symbol of pride and respect for the history and culture of Native Americans. In addition, Utah has numerous programs that promote the study of Native American culture and has established various academic programs targeted at Native American students.

The MWC would like Utah and the Ute tribe to continue this relationship and to continue along a course that has served each party well as it relates to the use of the Ute name. In this regard, please review carefully, the information set forth in the Utah appeal when making your determination. The MWC and Utah believe that retention of the Ute name is extremely beneficial to the continued positive relationship that currently exists between the Ute tribe and the University of Utah.

Thank you for your consideration of this matter. Please contact me if you have any questions.

Sincerely,

Craig Thompson  
Commissioner

cc: Michael K. Young, President – University of Utah  
Chris Hill, Director of Athletics – University of Utah

RECEIVED

AUG 29 2005

PRESIDENT'S OFFICE