

CURRENT AND PENDING MATTER

Southern Illinois University  
Board of Trustees  
February 8, 2006

APPROVAL OF A RESOLUTION AUTHORIZING THE PRESIDENT AND GENERAL  
COUNSEL TO EXECUTE A CERTAIN CONSENT DECREE WITH  
THE UNITED STATES DEPARTMENT OF JUSTICE

Summary

The United States Department of Justice ("DOJ" or "Department of Justice") notified Southern Illinois University ("University" or "SIU") in November that it intended to file a lawsuit against it related to three (3) fellowship programs. The Department of Justice and SIU negotiated resolution of this matter. The resolution protects all current students, avoids the cost of protracted litigation with no penalties or fines assessed against SIU, and amends the eligibility requirements of three (3) SIU-C paid fellowship programs.

The President and General Counsel are requesting Board authorization to execute the Consent Decree with the Department of Justice.

Rationale for Adoption

The Consent Decree allows SIU to avoid protracted litigation in which SIU likely would not be the prevailing party. Further, the Consent Decree avoids potential legal exposure and financial penalty and protects the students currently receiving the subject matter fellowships.

Considerations Against Adoption

Although there are strong if not overwhelming legal arguments prohibiting discrimination on the basis of race, gender, national origin, and religion, there are those who oppose any changes in programs which either consider or provide as a primary basis selection on the basis of race, gender, and/or national origin.

Constituency Involvement

The President's Office conducted more than ten (10) group presentations on this matter at both the SIUC and SIUE campuses. Groups represented at the meetings include the SIUC Graduate Council, the Chancellors, the Provosts and Vice Chancellors, Deans, Department Heads, and the Alumni Association as well as legislators and students (including student body leadership and students currently participating in the three subject matter programs). Overall, the President's office has met with more than 400 individuals.

Resolution

BE IT RESOLVED, By the Board of Trustees of Southern Illinois University in special meeting assembled, That:

(1) The form and substance of the proposed Consent Decree between the Board of Trustees of Southern Illinois University and the United States Justice Department is hereby approved.

(2) The President and General Counsel of Southern Illinois University be and are hereby authorized to execute such Consent Decree and take all necessary actions to comply with such Consent Decree.