



OREGON DEPARTMENT OF EDUCATION
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SB 215/501: Native American Mascots
Senate Education & Workforce Development
Jan McComb, Oregon Dept. of Education
March 28, 2013

Good afternoon Chair Hass and members of the Senate Education Committee. For the record, I am Jan McComb, Legislative Director for the Oregon Education Department. I also served as staff to the State Board of Education at the time they adopted their rule prohibiting the use of Native American mascots.

Background

Most schools have adopted “mascots,” such as the North Salem Vikings. A mascot is a name, symbol, or image that depicts or refers to an individual or animal, custom, or tradition and is used by the school as a nickname, logo, or team name.

Oregon has 15 high schools that use American Indians as mascots for their school: the Amity Warriors; the Banks Braves; the Lebanon Warriors; the Mohawk Indians (Marcola); the Molalla Indians; the North Douglas Warriors; the Oakridge Warriors; the Philomath Warriors; the Reedsport Braves; the Rogue River Chieftains; the Roseburg Indians; the Scappoose Indians; the Siletz Warriors; the Eagle Indians (North Wasco County); and the Warrenton Warriors.

Native Americans are the only *race* that is used as a mascot. A variety of ethnic groups are used as mascots: Vikings, Trojans, Irish, Spartans, Olympians, Celtics, etc. Also, a variety of occupations are used: Fishermen; Loggers; Pirates, Outlaws, Axemen, Millers, Knights, etc. The majority of mascots are kinds of animals.

A number of studies have been published that support the idea that using Native American mascots promote discrimination, harassment, and stereotyping.

Since the 1970s, 20 Oregon high schools have changed their Indian-related nicknames and mascots. Oregon’s community colleges and universities have discontinued the use of Indian mascots. *The Oregonian* does not print names such as the Braves, Redskins, and Redmen.

State law (ORS 659.850(1)) prohibits discrimination in public schools that “unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on race, color, religion, sex, sexual orientation, national origin, marital status, age, or disability. The State Board of Education is specifically directed to establish rules necessary to ensure compliance with Oregon’s nondiscrimination laws. State law directs the State Board of Education to establish policies for the administration and operation of Oregon’s public schools. The board also has broad authority to adopt rules for the general governance of Oregon’s public schools.

ISSUE

In April 2006, the Oregon Indian Education Association adopted a resolution to ban the use of all Native American mascots for sports events. This resolution was prompted, in part, to Native American students being subjected to taunts of “scalp the Indians” and abuse of mascot representations of Native Americans at sporting events. Members of the OEIA asked the board to consider banning Indian mascots.

The State Board of Education and the Superintendent of Public Instruction asked that Oregon tribes discuss the issue and make a recommendation as a whole to the board and the department. A work group was formed to discuss the issue. Consensus was not reached.

In 2012, the State Board of Education took up the matter again. In addition to taking testimony on the subject at its March, April, and May meetings, a special hearing was held in April dedicated to this subject. A variety of viewpoints from many people were expressed at the public hearings, both in favor of a ban and opposed.

The board was especially sensitive to testimony from Native Americans. While many tribal members believed that Indian mascots were offensive and racist in their stereotypical depictions of a male warrior wearing a headdress, others stated that if Indians were removed as mascots then the culture would be deprived of any rendition of Native people—they would be invisible.

When asked about a compromise of allowing depictions of young Native men if the local tribe approved the image, opinion was divided. Some Native Americans felt that this would be a respectful and inclusive approach. Others believed that the local tribe would be subject to bullying by the dominant white culture if they did not approve the use of the image; they did not want to “rock the boat” of an mutually satisfying relationship between the two sectors. Other pointed out that identifying who the “local” tribe was would be problematic due to the relocation and consolidation of Oregon tribes in the prior century. In addition, Banks and Marcola appear to be using images of Mohawk Indians, a New York tribe. Finally, others pointed out that even if the school with the Indian mascot treated the mascot respectfully, they could not control rival teams at sporting events from shouting denigrations at Indians.

At its May meeting, the State Board of Education voted 5-1 to ban the use of Indian mascots and gave school districts five years to phase out their use to mitigate costs to the district (attached rule and resolution).

The board’s report on this subject is available on the Department of Education website: <http://www.ode.state.or.us/superintendent/priorities/native-american-mascot-report.pdf>

Legislation

Both SB 215 and 501 would prohibit the State Board of Education from adopting rules or imposing sanctions related to the use of mascots by public schools. There is no similar prohibition on any other subject matter on the board’s powers currently.

Prohibits Public Schools from using Native American Mascots

(1) As used in this section:

(a) "Native American mascot" means a name, symbol or image that depicts or refers to an American Indian Tribe, individual, custom or tradition that is used by a public school as a mascot, nickname, logo, letterhead or team name.

(b) "Public school" means a school or program operated by a school district, education service district or public charter school.

(2) To ensure that all public schools are in compliance with ORS 659.850 which prohibits discrimination in public schools, on or after July 1, 2017, the use of any Native American mascot by a public school is prohibited.

(3)(a) The prohibition under this section includes a prohibition on the use of team names such as "Redskins," "Savages," "Indians," "Indianettes," "Chiefs," "Chieftains," and "Braves."

(b) A public school may continue to use the team name "Warriors" as long as it is not combined with a symbol or image that depicts or refers to an American Indian Tribe, individual, custom or tradition.

(c) A public school may continue to use a mascot that may be associated with Native American culture, custom or tradition if the mascot depicts an animal or other image that is not a person. Examples of such mascots include team names and images such as the "Thunderbirds", "White Buffalo" and "Eagles."

(4) Nothing in this rule shall be construed to prohibit a public school from:

(a) Displaying art work, historical exhibits or other cultural educational exhibits or conducting educational programs related to Native Americans as long as the display or program is not associated with a Native American mascot;

(b) Honoring the contributions of Native Americans by naming a school, building or program after a Native American.

(5) Each school district, education service district or sponsor of a public charter school shall notify:

(a) On or before January 1, 2013, the Department of Education if any school operated by the district or sponsor uses a Native American Mascot; and

(b) On or before July 1, 2017, the Department of Education when a new mascot is adopted for the public school.

(6) The Superintendent of Public Instruction shall find any school district, education service district or public charter school that violates this section to be in noncompliance with the discrimination prohibitions under ORS 659.855. Pursuant to ORS 659.855, the Superintendent may immediately withhold all or part of state funding from the school district, education service district or public charter school.

Stat. Auth. ORS 326.051, 659.850 & 659.855

Stat. Implemented: ORS 326.051, 338.115, 659.850 & 659.855

Oregon State Board of Education Resolution

WHEREAS, more than 100 organizations across the nation have endorsed the discontinuation of Native American mascots, including the National Indian Education Association, the Oregon Indian Education Association, the Society of Indian Psychologists, the Affiliated Tribes of Northwest Indians, and the US Commission of Civil Rights; and

WHEREAS, the American Psychological Association and American Sociological Association have found the use of Native American mascots and symbols and their stereotypical imaging of American Indians within our public schools to be offensive and harmful to all students; and

WHEREAS, symbolizing a complex and varied race with a single narrow representation of a male warrior distorts and misrepresents that race to both Native Americans and non-Native Americans and communicates an inaccurate portrayal of American Indian heritage; and

WHEREAS, research has shown that Native American children exposed to Native American mascot images lowered self-esteem, reduced students' belief that their community has the power and resources to resolve problems (community efficacy), and reduced the number of achievement-related future goals that Native American students see for themselves; and

WHEREAS, school mascots that represent a people use an ethnic subset of a race, and "Indians" represent the only race-based mascots; and

WHEREAS, although many Oregon public schools have changed their mascots, several public schools in Oregon continue to have Native American mascots and these mascots often do not present culturally accurate images of Native Americans; and

WHEREAS, the continued use of Native American mascots establishes an unwelcome and often times hostile learning environment for American Indian students in all schools and not just in those schools with Native American mascots, particularly during sports competitions; and

WHEREAS, all heritages, cultures, races and religions have the right to be treated with dignity and respect; and

WHEREAS, it is important to be culturally sensitive and to educate everyone working within the Oregon Public Education System, that no matter how well meaning their intentions, that their actions may be offensive and harmful to some and therefore, need to be eliminated; and

WHEREAS, all public schools are required to align instruction to the social sciences academic content standards which include historically accurate descriptions of Native Americans in Oregon; and

WHEREAS, the Oregon Legislature has given the Oregon State Board of Education the responsibility in state statute to ensure that persons are not subjected to unlawful discrimination in our public schools on the basis of race, color, religion, sex, sexual orientation, national origin, marital status, age or disability; and

WHEREAS, the Oregon State Board of Education is committed to the creation of an Oregon Public Education System that is equitable for all students, where no student is subjected to unlawful discrimination and where no student experiences a hostile educational environment; and

NOW, THEREFORE, be it resolved that:

1. The Oregon State Board of Education endorses the elimination of the use of Native American mascots by all Oregon public schools.
2. The Superintendent of Public Instruction shall send a copy of this resolution with the administrative rule adopted by the State Board of Education to all school districts, education service districts and public charter schools in Oregon.