

By-laws 2.010 and 2.020 (Responsibilities of Member Schools)

As a voluntary association of member schools, the IHSA is a self-governing organization. By deciding to become a member, each individual school is charged with the responsibility of ensuring that the school complies with all rules and regulations established by the membership. And within the framework of the IHSA Handbook, it is the school principal who has been designated as the person ultimately responsible for the conduct of a school's teams and other persons from the school.

When one considers the size of the IHSA (over 750 schools), the only practical way the association could function is as a self-governing organization. The charge of the administrative staff of the IHSA is to manage athletic

and activity programs aimed at enriching the educational experience for high school students in Illinois. And while the nine full-time administrators occasionally conduct investigations for violations of the association's rules, those investigations typically occur only after a member school has requested one.

By-law 2.010 reinforces the commitment member schools make to follow not only the rules of the association, but also to agree to compete by the playing rules in sports/activities as established by the National Federation of State High School Associations. In order to assist schools with this by-law, the staff of the IHSA provides a number of resources to its membership. From

workshops to individual school presentations to the development of a compliance checklist, the staff of the IHSA responds to the articulated needs of the membership in providing the necessary teaching tools to schools and coaches.

While it is hoped that the above-mentioned resources are helpful to member schools, the final responsibility, as expressed in By-law 2.020, in making sure a school is in compliance with the rules of the association falls on the principal. As a result, it's imperative that member school principals take time to develop an understanding of association rules/policies and know what safeguards their school has in place to ensure their compliance.

Don't Forget

**November 28-
December 27**

- By-Law Amendment Ballots available on-line

December 10

- IHSA Board of Directors Meeting



From the Staff

This month's 'From the Staff' article is a reprint of Dr. Hickman's November 29, 2007, letter to the membership concerning the on-going dispute between the IHSA and the Illinois Press Association. As mentioned a copy of this letter was posted as a message in the IHSA Schools Center. Given the seriousness and the potential long-term ramifications of the issue, the letter is being reprinted in this forum. Interested individuals are also encouraged to review the IHSA's Media Policy <http://www.ihsa.org/org/policy/2007-08/policies.pdf>, which is located in the IHSA Member School Handbook.



The IHSA serves member schools by providing leadership for equitable participation in interscholastic athletics and activities that enrich the educational experience.

November 29, 2007

Dear Principal/Official Representative,

In recent days you have undoubtedly heard about the ongoing dispute between the Illinois High School Association and the Illinois Press Association regarding photography of our state series contests. A series of events that took place in the past few weeks forced the IHSA to bar several newspaper photographers from the sidelines during the state football championships in Champaign. Since it is unlikely that any media outlet that is a member of the Illinois Press Association will present the IHSA's side of the story in print, I thought it was important to give you a full accounting of the dispute and what precipitated the action the Association took last weekend.

For many years, IHSA media policies have included a restriction on the "secondary use" of photographs – that is, use of photographs for non-news coverage or other commercial purpose. In order to obtain photography credentials for a state meet or contest, a media outlet must agree to abide by those terms. The IHSA's policy is virtually identical to that used by other entities conducting public events: for instance, Illinois State University, the University of Illinois, and the Big Ten.

The IHSA policy in no way impinges on the freedom of the press to cover our events or to use photographs taken at those events for news coverage. At issue is the way that several newspapers are now making "secondary use" of those photographs — specifically, by posting a large Web site gallery of pictures that were never published and offering them for sale. This use is outside the normal news-gathering function of a newspaper and interferes with the IHSA's right to sell photographs of its events or license that right to others. This is the same right that ISU, the U of I, and the Big Ten protect with their policies. It is also the right that prevents news outlets from videotaping our events and then selling copies.

For the last seven years, the IHSA has licensed the right to sell photographs from state finals to Visual Image Photography. In exchange for exclusivity, VIP provides to the IHSA, for use in its publications and programs, digital files of every picture it takes (about 100,000 over the course of a year). The IHSA receives no payment from VIP, but does save the cost of hiring photographers, about \$35,000 a year. If the IHSA failed to protect VIP's exclusive rights, it would be in violation of its contract and might face legal action from VIP.

All of these details have been on the table for some time, and as recently as August 9, I met with the leadership of Illinois Press Association and its attorney to discuss IHSA media policies. As the meeting concluded, I asked the Illinois Press Association to enumerate its concerns in writing so that the IHSA could deal with them formally. IPA did not send such a list. Instead, the next action of the Illinois Press Association was to file for a temporary restraining order on November 1. On November 5, the TRO was denied by a circuit court judge, who advised the IHSA and Illinois Press Association to continue their negotiations.

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During those talks, the IHSA was able to reach agreement with the Illinois Press Association on two issues. The IHSA explained that with regard to action photography, VIP had not be given preferential treatment or positioning. In addition, the IHSA clarified that newspapers could post an unlimited number of photos in their Web site galleries. Based on these discussions, the Illinois Press Association withdrew its request for a preliminary injunction on November 15.

The only real stumbling block was the issue of "secondary use," or the sale of photos. Since our media policy was still in force, the IHSA asked the Illinois Press Association, in the spirit of compromise and good faith, to ask those newspapers who were selling photos of IHSA contests to cease the practice while discussions continued. None did. On November 19, our legal counsel informed the Illinois Press Association that unless those newspapers stopped selling photographs of IHSA events immediately, the IHSA would enforce its rights under the media policy. We have since learned that the Illinois Press Association chose not to communicate this warning to the newspapers in question, inconveniencing many editors who might have made other plans for photography coverage.

At this point, it is likely that this issue will only be resolved through litigation. Despite the fact that our policy was being violated for some time by several newspapers, the IHSA was willing to work through the issues through dialogue with the Illinois Press Association. Compromise is a two-way street, however, and Illinois Press Association has so far offered nothing in return.

We have no idea how much money the newspapers make from the sale of IHSA photos. The newspapers claim it is an insignificant amount (or even a loss), which raises the question of why they want to sell them in the first place. But whether they make money or not, their continued abuse of the media policy has the potential to undo IHSA's relationship with VIP. That's a fact we can no longer ignore, now that the court has gotten involved.

In conclusion, I want to stress two things about this dispute:

1. This is not a First Amendment issue. The IHSA policy in no way restricts any newspaper from reporting on news — the traditional function of the press.
2. Like many organizations, the IHSA has the legal authority to sell commercial rights to its events. If we do not protect those rights, we will lose them.

The days and weeks ahead promise new twists and turns. I will continue to keep you posted, either in letters such as this or through announcements on our Web site, as the IHSA Board of Directors and staff continue their work on this important case.

Sincerely,



Marty Hickman, Ed.D.
Executive Director



The future plays here.™

Porter's Pen ...

Defeat

For the first time in a long period
 The bitter rival had won.
 Fans who had made their brags
 And lost their bets
 Would be loud in condemnation
 And ridicule would greet the team.
 Could they ever lift their heads again
 To face the friends back home?
 Did the future hold anything in store
 After such a disaster?
 The veteran Coach, who bore the scars
 Of many triumphs and defeats,
 Understood, and quelled the rising tumult
 With a bit of hard-earned wisdom:
 "Defeat seems to bring the sunset of hopes
 And makes the future seem forever dark
 But I guess, boys, the sun back home
 Will rise in the east in the morning."



One-Minute Manager

IHSA Legislative Commission: The IHSA Legislative Commission held its second and final meeting on November 26th to determine which of this year's [14 by-law amendment proposals](#) will be placed on the ballot for the membership to vote on. There were four proposals approved by the Commission for inclusion on this year's ballot. The ballots will be available on-line in the IHSA Schools Center from November 28-December 27, 2007. At the same time, schools will be surveyed on the topics presented at the Principals' Rules Meetings this fall around the state. Among the topics on which schools will be surveyed include: drug testing, state tournament structures in wrestling and boys' soccer, and three class track and field.

FOXHILITES Winner Announced: Congratulations to Barrington High School on winning the FOXHILITESChicago.com "High School Challenge". BHS students prepared an [online segment](#) profiling their school's football team in winning this award. FOXHILITES.com is a free service provided by FOX Chicago and features student-produced coverage of high school athletics, arts, and academic events.

Partnerships with Spectrum Electronics and Runs Deep Announced: The IHSA is pleased to announce two new partnerships. The first is with Spectrum Electronics, who is the manufacturer of the Thunderbolt, a portable, hand-sized lightning detector. IHSA member schools can access more information about this new product and purchase a unit(s) through the [Spectrum Electronics](#) website. The second partnership is with Runs Deep. Runs Deep is an on-line scheduling service available at no cost to member schools. Additional information on Runs Deep can be found at the following [announcement](#).

Congratulations to the following schools for earning a "Do What's Right" Sportsmanship Banner from this fall's IHSA State Championships.

Class A Soccer

Earlville – Leland (Coop)
 Teutopolis

Class AA Soccer

Collinsville
 Lemont
 Winnetka (New Trier)

Volleyball

1A – Mackinaw (Deer Creek – M.)
 2A – Breese (Central)
 2A – Maroa (M.-Forsyth)
 4A – Chicago (Mother McAuley)

Football

1A – Tuscola
 3A – Columbia
 6A – Lemont
 6A – Joliet (Catholic Academy)
 7A – Lake Zurich

Schools with questions about the ["Do What's Right" Sportsmanship Program](#) can contact Beth Sauser at the IHSA Office.

Did You Know.....that former IHSA Administrator H.V. Porter was the first executive secretary of the National Federation of State High School Associations, serving in that capacity from 1940-1958?