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Clerk
Marion County, Indiana

STATE OF INDIANA	)	IN THE MARION_____COURT
	) SS:	
COUNTY OF MARION	)	CAUSE NO.:_____

STATE OF INDIANA, by its Attorney General, THEODORE E. ROKITA,	)
Plaintiff,	)
v.	)
INDIANA HIGH SCHOOL ATHLETIC ASSOCIATION, INC.,	)
Defendant.	)

COMPLAINT FOR INJUNCTIVE RELIEF, DECLARATORY JUDGMENT, AND OTHER RELIEF

1. The Indiana High School Athletic Association, Inc. ("IHSAA") plays a critical role in the educational development of Hoosier students by acting as the primary governing body for high school athletics in Indiana. It is organized as a nonprofit under Indiana law—and thereby afforded by the State various tax and organizational benefits—in order to pursue that educational mission.

2. IHSAA's pursuit of its mission and its compliance with the terms of its nonprofit status under Indiana law are grievously compromised by the invidious racial discrimination IHSAA practices in how it selects its leadership.

3. IHSAA's By-Laws reserve two Board seats for "qualified minorities," which the By-Laws define as "an individual other than a white male or female." By-Laws, Art. IV § 3(a),

(c)(2).[1] This is an overt racial classification that treats individuals differently solely based on race for the purpose of allocating positions of institutional authority.

4. "Racially discriminatory educational institutions cannot be viewed as conferring a public benefit . . . ." *Bob Jones Univ. v. United States*, 461 U.S. 574, 595 (1983). IHSAA's racially discriminatory board quota is therefore fundamentally at odds with and irretrievably undermines the public purpose IHSAA is supposed to serve and for which IHSAA was formed under Indiana law. IHSAA's racial classification "is contrary to public policy," *id.*; *see also* Ind. Code § 22-9-1-2, and it also violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and Article I, Section 23 of the Indiana Constitution.

5. By creating and maintaining its discriminatory quota, IHSAA has acted contrary to the terms of its nonprofit status and, specifically, has "abuse[d] the authority conferred upon [IHSAA] by law," "misapplied or wasted" corporate assets, and is not "able to carry out" IHSAA's public purpose so long as the quota remains in place. Ind. Code § 23-17-24-1(a)(1).

6. As the "officer with authority to enforce" the "people's interest in the rectitude of entities created in the name of public good," *Zoeller v. E. Chicago Second Century, Inc.*, 904 N.E.2d 213, 218 (Ind. 2009); *see also* Ind. Code §§ 23-17-24-1 & 1.5, the Attorney General has on multiple occasions sought IHSAA's voluntary compliance with the terms of its nonprofit status and Indiana's deeply rooted policy against racial discrimination. Because IHSAA has refused to comply, the Attorney General now sues to enjoin IHSAA's continued use of an unlawful race-based quota in selecting members of its Board of Directors.

[1] IHSAA's 2026-2027 By-Laws are attached as **Exhibit 1.**

PARTIES

7. Plaintiff is the State of Indiana, appearing by and through its Attorney General, Theodore E. Rokita, whose office is located at 302 West Washington Street, Indianapolis, Indiana 46204.

8. Defendant Indiana High School Athletic Association, Inc. is a domestic nonprofit corporation organized under Indiana's Not-For-Profit Corporation Act of 1971, with its principal office located in Indianapolis, Indiana. IHSAA qualifies as a public benefit corporation under Indiana Code § 23-17-2-23(1).

9. IHSAA was founded in 1903 as an unincorporated association and incorporated in 1976 under the Indiana Not-For-Profit Corporation Act. IHSAA receives private grants and charitable contributions.

10. IHSAA regulates interscholastic athletics for its member high schools throughout the State of Indiana. As of 2026, there are 408 Full Member Schools within the IHSAA, accounting for the vast majority of public and private high schools in the State.

VENUE

11. "Venue for a proceeding brought by the attorney general against a corporation or its officers or directors" under Indiana's nonprofit statute "lies in Marion County." Ind. Code § 23-17-24-2(a).

FACTUAL ALLEGATIONS

A. IHSAA's Critical Role in the Education and Formation of Hoosier Students

12. High school athletics play an "integral role . . . in our state's constitutionally-mandated system of education . . . ." *Indiana High Sch. Athletic Ass'n, Inc. v. Carlberg by Carlberg*, 694 N.E.2d 222, 228 (Ind. 1997).

13. The IHSAA was founded in 1903 and is one of the oldest high school athletic associations in the United States. From its formation, IHSAA's core purpose has been to promote and facilitate the beneficial role athletics play in the education and formation of Indiana's youth. As IHSAA's original 1903 constitution declared, IHSAA "gives recognition to athletics as an essential factor in the activities of the pupil . . . ."[2] As a membership organization comprised of Indiana schools, IHSAA's work is inseparable from the educational mission of the schools it serves.

14. Today, IHSAA describes its purpose as being "to ensure athletics remain subservient to academics, and to maximize the opportunity for students to engage in transformative relationships with coaches and teammates in which their character and emotional maturity is developed to empower them to be effective in life."[3]

15. Similarly, IHSAA's Articles of Incorporation state IHSAA's purpose as being to "encourage, regulate, and give direction to wholesome amateur interschool athletic competition," and to ensure that athletic competition is "complementary to the academic or curricular functions of the member schools which are their primary purposes." Ex. 1 at 14.

16. Thus, IHSAA exists to cultivate character, support and complement students' academic activities, and prepare students for productive citizenship—purposes that are fundamentally educational in nature.

17. IHSAA regulates interscholastic athletics for its member high schools throughout the State of Indiana. Its membership includes the vast majority of public and private high schools

[2] *History: The Founding of the IHSAA*, IHSAA, https://www.ihsaa.org/about-us/history (last visited Sept. 22, 2026).

[3] *About Us*, IHSAA, https://www.ihsaa.org/about-us (last visited Sept. 22, 2026).

in the State. IHSAA establishes eligibility rules, organizes tournaments and championships, and sets standards of conduct for student-athletes, coaches, and administrators. Its decisions affect hundreds of thousands of Indiana students each year.[4]

18. IHSAA's work is inextricably intertwined with that of public schools. IHSAA's member schools are overwhelmingly public institutions funded by taxpayers. IHSAA effectively serves as the regulatory arm for high school athletics in Indiana's public education system. Thus, IHSAA's "very existence is entirely dependent upon the absolute cooperation and support of the public school systems of the State of Indiana." *Haas v. S. Bend Cmty. Sch. Corp.*, 289 N.E.2d 495, 498 (Ind. 1972), *abrogated on other grounds by Collins v. Day*, 644 N.E.2d 72 (Ind. 1994).

B. IHSAA's Racially Discriminatory Board Quota

19. IHSAA's By-Laws govern the composition, selection, and authority of IHSAA's Board of Directors. Under the By-Laws, the IHSAA Board is comprised of nineteen members. *See* By-Laws, Art. IV § 3(a).

20. The Board acts as the primary governing body for IHSAA that establishes the By-Laws and policies under which the organization operates. The Board also organizes IHSAA's Executive Committee, which exercises a variety of managerial functions over the Association. The Executive Committee must, pursuant to the By-Laws, be "comprised of the members of the Board of Directors." *Id.* § 3(f).

21. The Board holds an annual meeting that typically occurs in May. However, the By-Laws also authorize the Board to call special meetings throughout the year "as needed" to conduct

[4] *See generally IHSAA Membership History 1903-Present*, IHSAA, https://www.ihsaa.org/sites/default/files/documents/Membership%20History.pdf (last updated Sept. 8, 2026).

IHSAA's affairs, and Board members may attend and vote at special meetings remotely. *Id.* § 3(i), (j).

22. Elections for a portion of the seats that comprise the Board are held each year, with the board members serving staggered, three-year terms. *Id.* § 3(b).

23. Since 1993, IHSAA's By-Laws have mandated that a certain number of seats on the organization's Board of Directors be filled by persons who are members of racial minorities.

24. Over time, the exact nature of IHSAA's minority quota for its Board has evolved. Initially, the quota provision of IHSAA's By-Laws mandated that three director positions be reserved for a "minority director," which was defined as an "individual other than a white male." In its 2000-2001 By-Laws, IHSAA modified the quota so that, in addition to three minority directors, IHSAA's Board would also include three seats reserved for "urban school representatives," at least one of which had to be filled by "someone other than a white male or female."

25. In its 2001-2002 By-Laws, IHSAA again modified its racial quota, eliminating the rule that white men and women were prohibited from filling one of the urban representative seats while keeping the prohibition in place for the minority director seats; reducing the number of minority director seats from three to two; and clarifying that a "minority director must be someone other than a white male *or female*."

26. That version of the quota has persisted to the present. Article IV, Section 3(a) of the current 2026-2027 By-Laws provides that the Board of Directors must include two "qualified minorities." *Id.* § 3(a). Article IV, Section 3(c)(2) defines a "minority director" as "an individual other than a white male or female." *Id.* § 3(c)(2).

27. In order for an individual to be nominated to fill a seat reserved for a minority director, the petition nominating the individual "must contain verification that the nominee is an eligible candidate for the seat." *Id.* § 3(c)(3).

28. In all its iterations over the 33 years it has been maintained, IHSAA's minority quota has operated as an express, discriminatory racial classification. It categorizes all individuals into two groups—those who are "white" and those who are not—for the sole purpose of allocating seats on IHSAA's governing Board. It excludes white males and white females from eligibility for the reserved minority seats solely because of their race.

29. IHSAA's quota is an overt, textbook example of invidious racial discrimination.

C. Racial Discrimination Is Incompatible with IHSAA's Public Purpose and the Terms of Its Nonprofit Status

30. "Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality." *Rice v. Cayetano*, 528 U.S. 495, 517 (2000) (quoting *Hirabayashi v. United States*, 320 U.S. 81, 100 (1943)).

31. Indiana law reflects in various ways a longstanding, deeply rooted, and singularly important public policy against racial discrimination in all its forms. *See* Ind. Code § 22-9-1-2.

32. A nonprofit corporation—particularly one formed to advance an educational mission—that engages in racial discrimination violates the fundamental public policy of the State of Indiana and acts inconsistently with the terms of its nonprofit status. *See Bob Jones Univ.*, 461 U.S. at 592 ("[T]here can no longer be any doubt that racial discrimination in education violates deeply and widely accepted views of elementary justice."). Racial discrimination practiced by an educational institution is inherently harmful and has a corrupting effect on the educational

enterprise. *See Norwood v. Harrison*, 413 U.S. 455, 469 (1973) ("[D]iscriminatory treatment exerts a pervasive influence on the entire educational process.").

33. IHSAA is organized as a public benefit corporation under Indiana Code § 23-17-2-23(1). Its mission is to serve Indiana's student-athletes and foster their education and formation. By maintaining a race-based quota that dictates how it selects its leadership, IHSAA irremediably compromises its public and charitable purpose. An organization like IHSAA that classifies members of its own governing board by race teaches a wrong and dangerous lesson—that the color of one's skin, rather than one's character, qualifications, or merit, is a proper basis for allocating positions of authority—to the students it purports to serve, and it suffuses the entirety of its operations with the stain of racial discrimination.

34. Simply put, the benefits to the public that IHSAA is supposed to provide by promoting athletics for students—benefits that IHSAA must provide if it is to fulfill its nonprofit mission under Indiana law—cannot be realized by an organization that engages in race-based discrimination. Invidious discrimination of any kind is antithetical to IHSAA's public purpose.

D. The Attorney General's Efforts To Obtain IHSAA's Voluntary Compliance with State Law and IHSAA's Refusal To Comply

35. On April 23, 2026, the Attorney General sent IHSAA a letter explaining why the race-based quota in IHSAA's By-Laws is unlawful and directing IHSAA to eliminate the quota or face legal action under Indiana Code chapter 23-17-24. The Attorney General initially asked that IHSAA respond within 28 days but later provided additional time for a response at IHSAA's request.

36. IHSAA's 2026 annual Board meeting was scheduled to occur during the week of May 4, 2026.

37. On June 4, 2026, IHSAA responded through its General Counsel, Katie Williams-Briles. In its response, IHSAA stated that it disagreed that its racially discriminatory quota is unlawful and declined to eliminate it. Instead, IHSAA said only that it would "commit to considering the views set forth in [the Attorney General's] letter as a part of the next set of bylaw amendments to occur in May 2027."

38. On July 10, 2026, the Office of the Attorney General responded by email correspondence to reiterate the reasons why the quota is illegal and to provide IHSAA notice that "Office of the Attorney General will file suit to compel the Association's compliance with Indiana law in the coming weeks if the Association does not take immediate action to eliminate the racial quota in its bylaws."

39. On July 28, 2026, IHSAA's counsel replied, stating that the "IHSAA Executive Committee's next scheduled meeting is August 25, 2026" and that she "anticipate[d] providing a response on behalf of the IHSAA sometime after that meeting." The Attorney General's Office agreed to wait until after the Executive Committee's August 25 meeting before taking any action.

40. On August 26, 2026, IHSAA sent another letter to the Office of the Attorney General in which IHSAA again declined to change the By-Laws and repeated that it may consider changes at its next annual Board meeting in May 2027, the same response it had provided to the Attorney General's original correspondence. The minutes of the August 25, 2026 Executive Committee meeting do not contain any reference to a discussion of the Attorney General's correspondence or IHSAA's racial quota.

CAUSES OF ACTION

COUNT I – ABUSE OF AUTHORITY

(Indiana Code § 23-17-24-1(a)(1)(B))

41. The State realleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

42. IHSAA is a nonprofit corporation organized under the laws of the State of Indiana and subject to the requirements of the Indiana Nonprofit Corporation Act, Indiana Code Article 23-17.

43. Article IV, Section 3(a) of IHSAA's By-Laws reserves two Board of Directors seats for "qualified minorities." Article IV, Section 3(c)(2) defines a "minority director" as "an individual other than a white male or female."

44. This explicit racial classification is contrary to the fundamental public policy of Indiana and therefore constitutes an abuse of the authority conferred on IHSAA by state law that violates the Indiana Nonprofit Corporation Act.

COUNT II – MISAPPLICATION AND WASTE OF CORPORATE ASSETS

(Indiana Code § 23-17-24-1(a)(1)(C))

45. The State realleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

46. IHSAA is a nonprofit corporation organized under the laws of the State of Indiana and subject to the requirements of the Indiana Nonprofit Corporation Act, Indiana Code Article 23-17.

47. Article IV, Section 3(a) of IHSAA's By-Laws reserves two Board of Directors seats for "qualified minorities." Article IV, Section 3(c)(2) defines a "minority director" as "an individual other than a white male or female."

48. This explicit racial classification and the expenditure of resources IHSAA has made in maintaining and implementing it are contrary to the fundamental public policy of Indiana and therefore constitute a misapplication and waste of corporate assets that violates the Indiana Nonprofit Corporation Act.

COUNT III – INABILITY TO CARRY OUT PUBLIC OR CHARITABLE PURPOSE

(Indiana Code § 23-17-24-1(a)(1)(D))

49. The State realleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

50. IHSAA is a nonprofit corporation organized under the laws of the State of Indiana and subject to the requirements of the Indiana Nonprofit Corporation Act, Indiana Code Article 23-17.

51. Article IV, Section 3(a) of IHSAA's By-Laws reserves two Board of Directors seats for "qualified minorities." Article IV, Section 3(c)(2) defines a "minority director" as "an individual other than a white male or female."

52. This explicit racial classification is contrary to the fundamental public policy of Indiana and therefore renders IHSAA incapable of carrying out its public and charitable purposes as a public benefit corporation in violation of the Indiana Nonprofit Corporation Act.

COUNT IV – VIOLATION OF PUBLIC INTEREST

(Indiana Common Law)

53. The State realleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

54. IHSAA is a public benefit corporation operating in Indiana and organized for a charitable and public purpose.

55. An organization that engages in racial discrimination acts contrary to established public policy and cannot serve a public or charitable purpose. *See Bob Jones Univ.*, 461 U.S. at 592, 595; *Norwood*, 413 U.S. at 469.

56. By maintaining a racial quota in its governing By-Laws, IHSAA is engaging in conduct antithetical to its stated mission, is no longer able to carry out its public and charitable purpose, and is acting contrary to the public interest, in violation of Indiana common law.

RELIEF REQUESTED

WHEREFORE, the State of Indiana, by its Attorney General, Theodore E. Rokita, respectfully requests that this Court enter judgment against Defendant Indiana High School Athletic Association, Inc. and grant the following relief:

1. A permanent injunction requiring IHSAA to immediately eliminate from its By-Laws the race-based quota reserving Board seats for "qualified minorities" (as defined in Article IV, Section 3(c)(2) as "an individual other than a white male or female") and enjoining IHSAA from adopting any by-law or other policy in the future that has the purpose of directly or indirectly allocating seats on IHSAA's Board of Directors based on race;

2. A declaratory judgment that IHSAA's By-Law provisions reserving Board seats for "qualified minorities" violate Indiana's nonprofit statute, Indiana Code § 23-17-24-1, and Indiana common law;

3. Such other and further relief as this Court deems just and appropriate.

Respectfully submitted,

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Date: September 23, 2026

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