HOUSE BILL No. 1339

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-12; IC 23-13-18-4.

Synopsis: Faculty member on public university and college boards. Requires that a member of the faculty be appointed by the governor to board of trustees of Indiana University, Purdue University, Ball State University, Indiana State University, Ivy Tech State College, Vincennes University, and the University of Southern Indiana. Specifies that the faculty member of each board is appointed to a two year term by the governor from a list of names submitted to the governor by a faculty search and screen committee.

Effective: July 1, 1998.

T. Adams

January 13, 1998, read first time and referred to Committee on Ways and Means.

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

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HOUSE BILL No. 1339

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-12-23-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. The board of trustees of the state university shall be ~~nine (9)~~ **ten (10)** in number, of whom not more than two (2), excluding the student trustee appointed pursuant to IC 20-12-24-3.5 **and the faculty trustee appointed under IC 20-12-24-3.6**, shall reside in the same county; and they and their successors shall be a body politic, with the style of "The Trustees of Indiana University"; in that name to sue and be sued; to elect one (1) of their number president; to elect a treasurer, secretary, and such other officers as they may deem necessary, to prescribe the duties and fix the compensation of such officers; to possess all the real and personal property of such university for its benefit; to take and hold, in their corporate name any real or personal property for the benefit of such institution; to expend the income of the university for its benefit; to declare vacant the seat of any trustee who shall absent himself from two (2) successive meetings of the board, or be guilty of any gross immorality or breach of the bylaws of the institution; to elect a

president, such professors and other officers for such university as shall be necessary, and prescribe their duties and salaries; to employ other persons as necessary; to establish programs of fringe benefits and retirement benefits for the university's officers, faculty, and other employees that may be supplemental to or in lieu of state retirement programs established by statute for public employees; to prescribe the course of study and discipline and price of tuition in such university; and to make all bylaws necessary to carry into effect the powers hereby conferred.

SECTION 2. IC 20-12-23-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. ~~Five (5)~~ **Six (6)** of such trustees shall constitute a quorum; and, in case an emergency is declared by the faculty, after there shall have been a called session, at which the other members failed to attend, the three trustees residing in the county of Monroe may fill vacancies in the faculty of the university and the board of trustees; and, in case there should not be three (3) trustees in attendance upon such emergency, then those that are in attendance, together with such members of the faculty as may be in attendance, shall fill such vacancies; but appointments thus made shall expire at the next meeting of the board.

SECTION 3. IC 20-12-24-3.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 3.6. (a) The governor shall appoint to the board of trustees a member of the faculty of Indiana University. The member appointed under this section shall serve a two (2) year term that begins on July 1 of the year in which the faculty member is appointed. When a vacancy occurs the vacancy shall be filled by the process under subsection (b) for the unexpired term.**

(b) To aid the governor in the selection of the faculty member, a search and screen committee is created. The committee consists of one (1) representative of the governor and at least four (4) faculty members elected by the faculty of the university. The committee shall establish the method and criteria to be used in the selection of faculty nominees to serve on the board of trustees. The committee shall submit a list of at least three (3) names to the governor for the governor's consideration. The governor shall select one (1) of the individuals named for appointment as a trustee of the university under this chapter.

SECTION 4. IC 20-12-37-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. The board of trustees of Purdue University shall consist of ~~ten (10)~~ **eleven (11)** members, to

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be appointed for such term of service and in such manner as is herein provided, and that the terms of all trustees shall terminate on the first day of July of the year in which their terms of office expire.

SECTION 5. IC 20-12-37-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. The governor of the state of Indiana shall appoint ~~ten (10)~~ **eleven (11)** trustees for Purdue University for the term beginning on the first day of July, which trustees and their successors shall be appointed as hereinafter provided.

SECTION 6. IC 20-12-37-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 4.5. (a) The governor shall appoint to the board of trustees a member of the faculty of Purdue University. The member appointed under this section shall serve a two (2) year term that begins on July 1 of the year in which the faculty member is appointed. When a vacancy occurs the vacancy shall be filled by the process under subsection (b) for the unexpired term.**

(b) To aid the governor in the selection of the faculty member, a search and screen committee is created. The committee consists of one (1) representative of the governor and at least four (4) faculty members elected by the faculty of the university. The committee shall establish the method and criteria to be used in the selection of faculty nominees to serve on the board of trustees. The committee shall submit a list of at least three (3) names to the governor for the governor's consideration. The governor shall select one (1) of the individuals named for appointment as a trustee of the university under this chapter.

SECTION 7. IC 20-12-56-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) The Indiana State University board of trustees shall be composed of ~~nine (9)~~ **ten (10)** trustees. The governor shall appoint to the board ~~seven (7)~~ **eight (8)** competent persons, one (1) of whom must be a student, **one (1) of whom must be a member of the faculty,** and two (2) additional competent persons, alumni of the university, nominated by the alumni council of the university, shall be appointed by the governor. There shall be one (1) or more women on the duly constituted board.

(b) All trustees and their successors shall be appointed for terms of four (4) years, except:

(1) the student member, who shall be appointed for two (2) years during which time he must be a full-time student of Indiana State University;

(2) the faculty member, who shall be appointed for two (2)

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years during which time the board member must be a member of the faculty of Indiana State University.

(c) To aid the governor in the selection of the student member, a search and screen committee is created consisting of one (1) representative of the governor and at least four (4) students chosen by the elected student government representatives of the student body. The committee shall establish the mode and criteria to be used in the selection of student nominees to serve on the board of trustees. The committee shall submit a list of at least ten (10) names to the governor for ~~his~~ **the governor's** consideration. The governor shall select one (1) of these names for appointment as a trustee of the university in accordance with the provisions of this chapter.

(d) To aid the governor in the selection of the faculty member, a search and screen committee is created. The committee consists of one (1) representative of the governor and at least four (4) faculty members elected by the faculty of the university. The committee shall establish the method and criteria to be used in the selection of faculty nominees to serve on the board of trustees. The committee shall submit a list of at least three (3) names to the governor for the governor's consideration. The governor shall select one (1) of the individuals named for appointment as a trustee of the university under this chapter.

~~(d)~~ **(e)** All members appointed to the board shall be residents of the state of Indiana and citizens of the United States of America. The alumni members appointed to the board shall have completed a prescribed course of study by Indiana State University or its predecessors, Indiana State Normal School, Indiana State Teachers College, or Indiana State College.

~~(e)~~ **(f)** All vacancies occurring in the board from death, resignation, or removal from the state shall be filled by appointment by the governor for the unexpired term of the retiring member, subject to the provision that the alumni council of the university shall nominate the appointee to fill a vacancy caused by the loss of an alumni member. **The process specified in subsection (d) shall be used to nominate the appointee to fill a vacancy caused by the loss of the faculty member trustee. The replacement appointee shall serve for the unexpired term of the original appointee.**

SECTION 8. IC 20-12-57.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. ~~(Board of Trustees: Membership)~~ **(a)** The Ball State University board of trustees shall be composed of ~~nine (9)~~ **ten (10)** members appointed by the governor ~~pursuant to the provisions of~~ **under** this chapter, six (6) of whom shall

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be appointed at large, two (2) of whom shall be appointed as alumni of Ball State University, ~~and~~ one (1) of whom shall be appointed as a Ball State University student, **and one (1) of whom shall be appointed as a Ball State University faculty member.**

(b) Within the nonstudent board membership, not more than six (6) shall be of the same sex, and not less than one (1) shall be a resident of and reside in Delaware County, Indiana.

(c) To aid the governor in the selection of the student member, a search and screen committee is created consisting of one (1) representative of the governor and at least four (4) students chosen by the elected student government representatives of the student body. The committee shall establish the mode and criteria to be used in the selection of student nominees to serve on the board of trustees. The committee shall submit a list of at least ten (10) names to the governor for ~~his~~ **the governor's** consideration. The governor shall select one **(1)** of these names for appointment as a trustee of the university ~~in accordance with the provisions of~~ **under** this chapter.

(d) To aid the governor in the selection of the faculty member, a search and screen committee is created. The committee consists of one (1) representative of the governor and at least four (4) faculty members elected by the faculty of the university. The committee shall establish the method and criteria to be used in the selection of faculty nominees to serve on the board of trustees. The committee shall submit a list of at least three (3) names to the governor for the governor's consideration. The governor shall select one (1) of the individuals named for appointment as a trustee of the university under this chapter.

SECTION 9. IC 20-12-57.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8. (a) ~~With the exception of the student member of the board,~~ **Except as provided in subsections (b) and (c),** all appointments to the board of trustees are for four (4) year terms. Each term of a nonstudent board member begins on January 1 of the appropriate year. Each member shall serve until ~~his~~ **the member's** successor is appointed and qualified.

(b) The student member of the board of trustees who is appointed under section 2 of this chapter is appointed for a two (2) year term. ~~His~~ **The student member's** term begins on July 1 of the year in which ~~he~~ **the student** is appointed. The student member of the board must be a full-time student at Ball State University throughout ~~his~~ **the student member's** term.

(c) The faculty member of the board of trustees appointed under section 2 of this chapter serves a two (2) year term, beginning July

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1 of the year in which the faculty member is appointed. The process specified in section 2(d) of this chapter shall be used to nominate the appointee to fill a vacancy caused by the loss of the faculty member trustee. The replacement appointee shall serve for the unexpired term of the original faculty member appointee.

SECTION 10. IC 20-12-61-4, AS AMENDED BY P.L.5-1995, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) Ivy Tech **State College** shall be governed by a board of trustees, composed of ~~thirteen (13)~~ **fourteen (14)** members, appointed by the governor. Each member of the state board must have knowledge or experience in one (1) or more of the following areas:

(1) Manufacturing.
(2) Commerce.
(3) Labor.
(4) Agriculture.
(5) State and regional economic development needs.
(6) Indiana's educational delivery system.

At least one (1) trustee must reside in each region established under section 9(4) of this chapter. Appointments shall be for three (3) year terms, on a staggered basis. **The governor shall appoint to the board of trustees a member of the faculty of Ivy Tech State College. The faculty member appointed under this section shall serve a two (2) year term that begins on July 1 of the year in which the faculty member is appointed. When a vacancy occurs the vacancy shall be filled by the process under subsection (b) for the unexpired term.**

(b) To aid the governor in the selection of the faculty member, a search and screen committee is created. The committee consists of one (1) representative of the governor and at least four (4) faculty members elected by the faculty of Ivy Tech State College. The committee shall establish the method and criteria to be used in the selection of faculty nominees to serve on the board of trustees. The committee shall submit a list of at least three (3) names to the governor for the governor's consideration. The governor shall select one (1) of the individuals named for appointment as a trustee of Ivy Tech State College under this section.

~~(b)~~ **(c)** No one who holds an elective or appointed office of the state is eligible to serve as a member of the state board. A member of a regional board may be appointed to the state board, but must then resign from the regional board.

SECTION 11. IC 20-12-64-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 7. (a) The board

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consists of ~~nine (9)~~ **ten (10)** members who shall serve staggered terms of four (4) years. However, the student member required by subsection (c) **and the faculty member required by section 10.5 of this chapter** shall serve ~~a term~~ **terms** of two (2) years.

(b) Each member of the board must be a citizen of the United States and a resident of Indiana.

(c) The board must include at least the following:

(1) One (1) member who is an alumnus of the university or an alumnus of the regional campus.

(2) One (1) member who is a full-time student in good standing enrolled in the university.

(3) One (1) member who is a resident of Vanderburgh County.

(4) One (1) member who is a member of the faculty of the university.

SECTION 12. IC 20-12-64-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 10.5. (a) The governor shall appoint to the board of trustees a member of the faculty of the University of Southern Indiana. The member appointed under this section shall serve a two (2) year term that begins on July 1 of the year in which the faculty member is appointed. When a vacancy occurs the vacancy shall be filled by the process under subsection (b) for the unexpired term.**

(b) To aid the governor in the selection of the faculty member, a search and screen committee is created. The committee consists of one (1) representative of the governor and at least four (4) faculty members elected by the faculty of the university. The committee shall establish the method and criteria to be used in the selection of faculty nominees to serve on the board of trustees. The committee shall submit a list of at least three (3) names to the governor for the governor's consideration. The governor shall select one (1) of the individuals named for appointment as a trustee of the university under this chapter.

SECTION 13. IC 23-13-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) The board of trustees of Vincennes University shall consist of ~~ten (10)~~ **eleven (11)** trustees. ~~Nine (9)~~ **Ten (10)** shall be appointed by the governor, one (1) of whom must be a resident of Knox County and one (1) must be an alumnus of Vincennes. In addition, the governor shall appoint one (1) trustee who is a full-time student of the university during ~~his~~ **the student's** term, **and one (1) trustee under subsection (d) who is a member of the faculty of Vincennes University.**

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(b) To aid the governor in the selection of the student member, a search and screen committee is created consisting of one (1) representative of the governor and at least four (4) students chosen by the elected student government representatives of the student body. The committee shall establish the mode and criteria to be used in the selection of student nominees to serve on the board of trustees. The committee shall submit a list of at least five (5) names to the governor for ~~his~~ **the governor's** consideration. The governor shall select one (1) of these names for appointment as a trustee of the university in accordance with the provisions of this chapter.

(c) There shall be four (4) ex officio members of the board: the president of the university, the superintendent of the Vincennes Community School Corporation, the superintendent of the South Knox School Corporation, and the superintendent of the North Knox School Corporation.

(d) The governor shall appoint to the board of trustees a member of the faculty of Vincennes University. The member appointed under this section shall serve a two (2) year term that begins on July 1 of the year in which the faculty member is appointed. When a vacancy occurs the vacancy shall be filled by the process under subsection (e) for the unexpired term.

(e) To aid the governor in the selection of the faculty member, a search and screen committee is created. The committee consists of one (1) representative of the governor and at least four (4) faculty members elected by the faculty of the university. The committee shall establish the method and criteria to be used in the selection of faculty nominees to serve on the board of trustees. The committee shall submit a list of at least three (3) names to the governor for the governor's consideration. The governor shall select one (1) of the individuals named for appointment as a trustee of the university under this chapter.

~~(d)~~ **(f)** The term of each appointed trustee shall be for three (3) years, except that of the student appointee, who shall serve a one (1) year term, **and that of the faculty member who shall serve a two (2) year term.** When a vacancy occurs in the membership of the board of trustees, such vacancy shall be filled by the board for the unexpired term, **except a vacancy of a faculty member which shall be filled under subsection (d).** The appropriate number of appointive trustees shall be appointed prior to the first Monday of October of each year, and that first Monday shall be the first day of their terms, **except that the term of the faculty member of the board shall begin on July 1 of the year in which the faculty member is appointed.**

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~~(e)~~ **(g)** The annual meeting of the board shall be held on the first Monday of October of each year. Special meetings may be called by the president of the board or by any ~~four (4)~~ **five (5)** trustees.

~~(f)~~ **(h)** Six (6) trustees shall constitute a quorum at any regular or special meeting of the board.

~~(g)~~ **(i)** The trustees shall serve without compensation, except that each member is entitled to the salary per diem as provided by IC 4-10-11-2.1 and to reimbursement for travel, lodging, meals, and other expenses as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

SECTION 14. [EFFECTIVE JULY 1, 1998] **(a) As used in this SECTION, "universities and college" refers to Indiana University, Purdue University, Ball State University, Indiana State University, Ivy Tech State College, Vincennes University, and the University of Southern Indiana.**

(b) The faculties of the universities and college shall elect the faculty members of the search and screen committees established by this act for their respective institutions not later than October 1, 1998.

(c) The search and screen committees established by this act for the universities and college shall make their initial recommendations for their respective institutions to the governor not later than February 1, 1999.

(d) The governor shall make the initial appointment of faculty members to the universities and college board of trustees under this act after January 31, 1998, but not later than June 1, 1999.

(e) Notwithstanding any provision of this act, the terms of each of the faculty members appointed to the boards of trustees of the universities and college under this act begin July 1, 1999.

(f) This SECTION expires July 1, 1999.

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