
HOUSE BILL No. 1666

DIGEST OF INTRODUCED BILL

Citations Affected: IC 21-19-3; IC 21-20; IC 21-21-3; IC 21-22-3; IC 21-23-3-1; IC 21-24-3; IC 21-25-3; IC 21-27-10.

Synopsis: Faculty member on university boards of trustees. Provides for a faculty member to serve as a nonvoting member of the board of trustees of each state educational institution.

Effective: July 1, 2009.

Bardon, Smith V

January 16, 2009, read first time and referred to Committee on Education.

C
O
P
Y



First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

C
O
P
Y

HOUSE BILL No. 1666



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

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

1 SECTION 1. IC 21-19-3-2, AS ADDED BY P.L.2-2007, SECTION
2 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]: Sec. 2. The board of trustees is composed of:
4 **(1) one (1) nonvoting faculty member elected to the board**
5 **under section 7.5 of this chapter; and**
6 **(2) nine (9) members appointed to the board** by the governor as
7 follows:
8 ~~(1)~~ **(A)** Six (6) members who must be at large.
9 ~~(2)~~ **(B)** Two (2) members who must be alumni of Ball State
10 University.
11 ~~(3)~~ **(C)** One (1) member who must be a Ball State University
12 student.
13 SECTION 2. IC 21-19-3-7.5 IS ADDED TO THE INDIANA CODE
14 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2009]: **Sec. 7.5. The member of the board of trustees referred to**
16 **in section 2(1) of this chapter:**
17 **(1) must be a member of the faculty of Ball State University**



- 1 **who holds the rank of assistant professor or higher;**
- 2 **(2) must be elected under IC 21-27-10 by secret ballot by Ball**
- 3 **State University employees who hold the rank of assistant**
- 4 **professor or higher;**
- 5 **(3) serves:**
 - 6 **(A) a three (3) year term beginning July 1 immediately**
 - 7 **following the election; or**
 - 8 **(B) the remainder of the unexpired term of a vacant**
 - 9 **position on the board of trustees to which the member has**
 - 10 **been elected under this section;**
 - 11 **(4) is eligible for reelection under this section if the person**
 - 12 **remains a member of the faculty of Ball State University**
 - 13 **holding the rank of assistant professor or higher; and**
 - 14 **(5) is not entitled to vote as a member of the board of trustees.**

15 SECTION 3. IC 21-19-3-8, AS ADDED BY P.L.2-2007, SECTION
 16 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 17 1, 2009]: Sec. 8. (a) ~~With the exception of the student member of the~~
 18 ~~board of trustees; Except as provided in subsections (c) and (d),~~ all
 19 appointments to the Ball State University board of trustees are for four
 20 (4) year terms. Each term of a nonstudent board member begins on
 21 January 1 of the appropriate year.

22 (b) The term of a member continues until the member's successor is
 23 appointed and qualified.

24 (c) The student member of the board of trustees is appointed for a
 25 two (2) year term. The student member's term begins on July 1 of the
 26 year in which the student member is appointed. The student member
 27 must be a full-time student at Ball State University throughout the
 28 student member's term.

29 **(d) The term of the nonvoting faculty member elected under**
 30 **section 7.5 of this chapter is three (3) years.**

31 SECTION 4. IC 21-19-3-9, AS ADDED BY P.L.2-2007, SECTION
 32 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 33 1, 2009]: Sec. 9. **Except as provided in section 7.5 of this chapter,** a
 34 vacancy occurring on the board of trustees from death, incapacitation,
 35 or resignation shall be filled by appointment of the governor for the
 36 unexpired term. Vacancies in offices held by alumni members shall be
 37 filled from nominees submitted by the Ball State University alumni
 38 council.

39 SECTION 5. IC 21-20-3-2, AS ADDED BY P.L.2-2007, SECTION
 40 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 41 1, 2009]: Sec. 2. The board of trustees has ~~nine (9)~~ **ten (10)** members.

42 SECTION 6. IC 21-20-3-3, AS ADDED BY P.L.2-2007, SECTION

C
o
p
y



1 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 2 1, 2009]: Sec. 3. This section does not apply to the student trustee
 3 appointed to the board of trustees **under section 13 of this chapter**
 4 **and the nonvoting faculty trustee elected under section 7.5 of this**
 5 **chapter.** Not more than:

- 6 (1) one (1) of the trustees elected to the board of trustees; and
 7 (2) two (2) of the trustees appointed to the board of trustees;
 8 may reside in the same county.

9 SECTION 7. IC 21-20-3-7.5 IS ADDED TO THE INDIANA CODE
 10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 11 1, 2009]: Sec. 7.5. (a) **One (1) member of the board of trustees:**

12 **(1) must be a member of the faculty of Indiana University who**
 13 **holds the rank of assistant professor or higher;**

14 **(2) must be elected under IC 21-27-10 by secret ballot by**
 15 **Indiana University employees who hold the rank of assistant**
 16 **professor or higher;**

17 **(3) serves:**

18 **(A) a three (3) year term beginning July 1 immediately**
 19 **following the election; or**

20 **(B) the remainder of the unexpired term of a vacant**
 21 **position on the board of trustees to which the member has**
 22 **been elected under this section;**

23 **(4) is eligible for reelection under this section if the person**
 24 **remains a member of the faculty of Indiana University**
 25 **holding the rank of assistant professor or higher; and**

26 **(5) is not entitled to vote as a member of the board of trustees.**

27 **(b) The provisions of this chapter concerning the election of**
 28 **trustees by the alumni of Indiana University do not apply to the**
 29 **election of a trustee under this section.**

30 SECTION 8. IC 21-20-5-2, AS ADDED BY P.L.2-2007, SECTION
 31 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 32 1, 2009]: Sec. 2. ~~Five (5)~~ **Six (6)** members of the board of trustees
 33 constitute a quorum.

34 SECTION 9. IC 21-21-3-2, AS ADDED BY P.L.2-2007, SECTION
 35 262, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 36 1, 2009]: Sec. 2. The board of trustees is composed of:

37 **(1) one (1) nonvoting faculty member elected to the board**
 38 **under section 7.5 of this chapter; and**

39 **(2) nine (9) trustees appointed by the governor as follows:**

40 ~~(1)~~ **(A) Seven (7) competent individuals, one (1) of whom**
 41 **must be a student.**

42 ~~(2)~~ **(B) Two (2) competent individuals who are alumni of**

C
o
p
y



1 Indiana State University nominated by the alumni council of
2 Indiana State University.

3 SECTION 10. IC 21-21-3-3, AS ADDED BY P.L.2-2007,
4 SECTION 262, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) Subject to ~~subsection (b)~~;
6 **subsections (b) and (c)**, the term of a trustee is four (4) years.

7 (b) The term of a student trustee is two (2) years.

8 **(c) The term of a nonvoting faculty member elected under**
9 **section 7.5 of this chapter is three (3) years.**

10 SECTION 11. IC 21-21-3-7.5 IS ADDED TO THE INDIANA
11 CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2009]: **Sec. 7.5. The member of the board of**
13 **trustees referred to in section 2(1) of this chapter:**

14 **(1) must be a member of the faculty of Indiana State**
15 **University who holds the rank of assistant professor or**
16 **higher;**

17 **(2) must be elected under IC 21-27-10 by secret ballot by**
18 **Indiana State University employees who hold the rank of**
19 **assistant professor or higher;**

20 **(3) serves:**

21 **(A) a three (3) year term beginning July 1 immediately**
22 **following the election; or**

23 **(B) the remainder of the unexpired term of a vacant**
24 **position on the board of trustees to which the member has**
25 **been elected under this section;**

26 **(4) is eligible for reelection under this section if the person**
27 **remains a member of the faculty of Indiana State University**
28 **holding the rank of assistant professor or higher; and**

29 **(5) is not entitled to vote as a member of the board of trustees.**

30 SECTION 12. IC 21-22-3-1, AS ADDED BY P.L.2-2007,
31 SECTION 263, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2009]: Sec. 1. Ivy Tech Community College
33 shall be governed by a state board of trustees. **Except as provided in**
34 **section 3.5 of this chapter, appointed by the governor shall appoint**
35 **the members of the state board of trustees.**

36 SECTION 13. IC 21-22-3-3, AS ADDED BY P.L.2-2007,
37 SECTION 263, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The number of members of
39 the state board of trustees **appointed by the governor** must equal the
40 number of regions established by the state board of trustees. Each
41 member of the state board of trustees **appointed by the governor** must
42 have knowledge or experience in one (1) or more of the following

C
o
p
y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

areas:

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

One (1) member of the state board of trustees **appointed by the governor** must reside in each region established by the state board of trustees. Appointments shall be for three (3) year terms, on a staggered basis.

(b) An individual who holds an elective or appointed office of the state is not eligible to serve as a member of the state board of trustees. A member of a regional board may be appointed to the state board of trustees but must then resign from the regional board.

SECTION 14. IC 21-22-3-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2009]: **Sec. 3.5. One (1) nonvoting member of the state board of trustees:**

- (1) must be a member of the faculty of Ivy Tech Community College who holds the rank of assistant professor or higher;**
- (2) must be elected under IC 21-27-10 by secret ballot by Ivy Tech Community College employees who hold the rank of assistant professor or higher;**
- (3) serves:**
 - (A) a three (3) year term beginning July 1 immediately following the election; or**
 - (B) the remainder of the unexpired term of a vacant position on the state board of trustees to which the member has been elected under this section; and**
- (4) is eligible for reelection under this section if the person remains a member of the faculty of Ivy Tech Community College holding the rank of assistant professor or higher.**

SECTION 15. IC 21-22-3-4, AS ADDED BY P.L.2-2007, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) **Except as provided in section 3.5 of this chapter,** the governor shall fill all vacancies on the state board of trustees. Each trustee appointed to fill a vacancy shall represent the same region as the trustee's predecessor.

(b) If a ~~vacancy occurs on~~ **member of the state board of trustees appointed by the governor vacates the member's position on the board,** the regional board for the region in which the former member

C
O
P
Y



1 resided may recommend to the governor one (1) or more qualified
2 persons to fill the vacancy.

3 SECTION 16. IC 21-23-3-1, AS ADDED BY P.L.2-2007,
4 SECTION 264, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2009]: Sec. 1. **(a)** The board of trustees consists
6 of ~~ten (10)~~ **eleven (11)** members, ~~to be ten (10) of whom are~~ appointed
7 for the term of service and in the manner provided by **sections 2**
8 **through 9** of this chapter. **One (1) nonvoting faculty member of the**
9 **board of trustees shall be elected under subsection (b).** The terms of
10 all trustees terminate on July 1 of the year in which their terms of office
11 expire.

12 **(b) One (1) member of the board of trustees:**

13 **(1) must be a member of the faculty of Purdue University who**
14 **holds the rank of assistant professor or higher;**

15 **(2) must be elected under IC 21-27-10 by secret ballot by the**
16 **Purdue University faculty senate;**

17 **(3) serves:**

18 **(A) a three (3) year term beginning July 1 immediately**
19 **following the election; or**

20 **(B) the remainder of the unexpired term of a vacant**
21 **position on the board of trustees to which the member has**
22 **been elected under this section;**

23 **(4) is eligible for reelection under this subsection if the person**
24 **remains a member of the faculty of Purdue University holding**
25 **the rank of assistant professor or higher; and**

26 **(5) is not entitled to vote as a member of the board of trustees.**

27 SECTION 17. IC 21-24-3-2, AS ADDED BY P.L.2-2007,
28 SECTION 265, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2009]: Sec. 2. The board of trustees consists of
30 ~~nine (9)~~ **ten (10)** members who shall serve terms of four (4) years.
31 However:

32 **(1) the term of a student member of the board of trustees is two**
33 **(2) years; and**

34 **(2) the term of the nonvoting faculty member of the board of**
35 **trustees elected under section 4(b) of this chapter is three (3)**
36 **years.**

37 SECTION 18. IC 21-24-3-4, AS ADDED BY P.L.2-2007,
38 SECTION 265, IS AMENDED TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2009]: Sec. 4. **(a)** The board of trustees must
40 include at least the following:

41 **(1) One (1) member who is an alumnus of the University of**
42 **Southern Indiana or an alumnus of the regional campus.**

C
o
p
y



- 1 (2) One (1) member who is a full-time student in good standing
- 2 enrolled in the University of Southern Indiana.
- 3 (3) One (1) member who is a resident of Vanderburgh County.
- 4 **(4) One (1) member who is a member of the faculty of the**
- 5 **University of Southern Indiana as provided by subsection (b).**
- 6 **(b) One (1) member of the board:**
 - 7 **(1) must be a member of the faculty of the University of**
 - 8 **Southern Indiana who holds the rank of assistant professor or**
 - 9 **higher;**
 - 10 **(2) must be elected under IC 21-27-10 by secret ballot by**
 - 11 **employees of the University of Southern Indiana who hold the**
 - 12 **rank of assistant professor or higher;**
 - 13 **(3) serves:**
 - 14 **(A) a three (3) year term beginning July 1 immediately**
 - 15 **following the election; or**
 - 16 **(B) the remainder of the unexpired term of a vacant**
 - 17 **position on the board of trustees to which the member has**
 - 18 **been elected under this section;**
 - 19 **(4) is eligible for reelection under this subsection if the person**
 - 20 **remains a member of the faculty of the University of Southern**
 - 21 **Indiana holding the rank of assistant professor or higher; and**
 - 22 **(5) is not entitled to vote as a member of the board.**

23 SECTION 19. IC 21-24-3-5, AS ADDED BY P.L.2-2007,
 24 SECTION 265, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) **Except as provided by**
 26 **section 4(b) of this chapter**, the governor shall appoint the members
 27 of the board of trustees.

28 (b) If a vacancy occurs during the term of any member of the board
 29 of trustees appointed by the governor vacates the member's
 30 position on the board, the governor shall appoint an individual to
 31 serve the unexpired term of the vacating member.

32 SECTION 20. IC 21-25-3-1, AS ADDED BY P.L.2-2007,
 33 SECTION 266, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2009]: Sec. 1. The board of trustees consists of
 35 ~~ten (10)~~ **eleven (11)** trustees.

36 SECTION 21. IC 21-25-3-2, AS ADDED BY P.L.2-2007,
 37 SECTION 266, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) **Nine (9)** members of the
 39 board of trustees shall be appointed by the governor, one (1) of whom
 40 must be a resident of Knox County and one (1) must be an alumnus of
 41 Vincennes University. In addition, the governor shall appoint one (1)
 42 trustee who is a full-time student of Vincennes University during the

COPY



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

student's term.

(b) One (1) member of the board of trustees:

(1) must be a member of the faculty of Vincennes University who holds the rank of assistant professor or higher;

(2) must be elected under IC 21-27-10 by secret ballot by employees of Vincennes University who hold the rank of assistant professor or higher;

(3) serves:

(A) a three (3) year term beginning July 1 immediately following the election; or

(B) the remainder of the unexpired term of a vacant position on the board of trustees to which the member has been elected under this section;

(4) is eligible for reelection under this subsection if the person remains a member of the faculty of Vincennes University holding the rank of assistant professor or higher; and

(5) is not entitled to vote as a member of the board of trustees.

SECTION 22. IC 21-25-3-5, AS ADDED BY P.L.2-2007, SECTION 266, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. If a vacancy occurs in the membership of the board of trustees, the vacancy shall be filled by the board of trustees for the unexpired term, **except a vacancy in the position of a nonvoting faculty member, which shall be filled under section 2(b) of this chapter.**

SECTION 23. IC 21-27-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 10. Election of Faculty Trustee Members at State Educational Institutions

Sec. 1. As used in this chapter, "committee" refers to a trustee election committee designated or established under section 4 of this chapter.

Sec. 2. As used in this chapter, "faculty organization" refers to an organization in the governance structure of a state educational institution that:

(1) is composed of faculty members; and

(2) may include other university personnel who are not faculty members.

Sec. 3. As used in this chapter, "faculty trustee" refers to the member of the faculty who is elected to the board of trustees or similarly named governing body of a state educational institution.

Sec. 4. (a) The faculty organization at each state educational

**C
o
p
y**



1 institution shall either:

2 (1) designate a committee of the faculty organization to act as

3 the trustee election committee under this chapter; or

4 (2) establish a separate trustee election committee under

5 subsection (b).

6 (b) If subsection (a)(2) applies, the faculty organization shall

7 establish a trustee election committee and determine the following:

8 (1) The number of members of the committee, which must be

9 at least five (5).

10 (2) The qualifications required for members of the committee.

11 However, each member of the committee must be a faculty

12 member at the state educational institution who holds the

13 rank of assistant professor or higher.

14 (3) The manner of selection and appointment of the following:

15 (A) Members of the committee.

16 (B) A chairperson of the committee.

17 (C) A vice chairperson of the committee.

18 (4) The length of a member's term of service on the

19 committee.

20 (5) A method for removing a member from the committee.

21 (6) A method for filling a vacancy on the committee.

22 (7) Other matters the faculty organization considers necessary

23 and relevant.

24 Sec. 5. (a) This section applies only to actions of a committee

25 taken under this chapter.

26 (b) A committee shall meet at the call of:

27 (1) the chairperson; or

28 (2) a majority of the members of the committee.

29 (c) A quorum for a committee to do business is a majority of the

30 total membership of the committee.

31 (d) The affirmative vote of a majority of the members of a

32 committee is required for the committee to take action.

33 Sec. 6. A committee shall do the following:

34 (1) Establish procedures for the election of the faculty trustee.

35 However, the procedures that the committee establishes must

36 meet the requirements of section 7 of this chapter.

37 (2) Personally conduct the election or make other

38 arrangements for the conduct of the election under the

39 direction of the committee.

40 (3) Perform other duties related to the election as directed by

41 the faculty organization.

42 Sec. 7. The following procedures must be observed in the

C
O
P
Y



- 1 **election of a faculty trustee:**
2 **(1) The election must be conducted under the direction of the**
3 **committee.**
4 **(2) The election must be conducted in a manner that ensures**
5 **that the person who is elected as a faculty trustee meets the**
6 **statutory requirements for the position.**
7 **(3) The election must be conducted in a manner that ensures**
8 **that the faculty trustee is elected by employees of the state**
9 **educational institution who hold the rank of assistant**
10 **professor or higher.**
11 **(4) The election must be conducted by means of a written**
12 **ballot designed by the committee.**
13 **(5) The election must take place by secret ballot.**
14 **(6) The committee must provide for the impartial tabulation**
15 **of ballots and the reporting of results of the election.**
16 **(7) The committee must provide for the safekeeping of the**
17 **ballots for four (4) years after the election.**

C
O
P
Y

