IC 20-12
ARTICLE 12. HIGHER EDUCATION

IC 20-12-0.5
Chapter 0.5. Commission for Higher Education

IC 20-12-0.5-1
Definitions
Sec. 1. As used in this chapter:
"Commission" refers to the commission for higher education.
"Committee" refers to the committee on statewide transfer and articulation established by the
commission under the transfer and articulation initiative, March 1, 2000.
"State educational institution" means any university, college, or other educational institution,
eexisting on or after March 29, 1971, in Indiana, for the purpose of providing programs of collegiate or
university education or other postsecondary education and which is supported in whole or in part by
appropriations made by the general assembly.
"Vocational education" means any postsecondary vocational, agricultural, occupational, manpower,
employment, or technical training or retraining of less than a baccalaureate level that:
(1) is offered by a state educational institution; and
(2) enhances an individual's career potential.

IC 20-12-0.5-2
Commission
Sec. 2. Commission. There is hereby created an instrumentality and an agency of the State of
Indiana, to be known as the "Commission for Higher Education of the State of Indiana."
(Formerly Acts 1971, P.L.326, SEC.1.)

IC 20-12-0.5-3
Purposes
Sec. 3. The general purposes of the commission are the following:
(1) Plan and coordinate Indiana's state supported system of postsecondary education.
(2) Review appropriation requests for postsecondary education.
(3) Make recommendations to the governor, budget agency, or the general assembly concerning
postsecondary education.
(4) Perform other functions assigned by the governor or the general assembly, except those
functions specifically assigned by law to the commission on vocational and technical education within
the department of workforce development.
(Formerly Acts 1971, P.L.326, SEC.1; Acts 1975, P.L.227, SEC.2.) As amended by P.L.217-1987,
IC 20-12-0.5-4
Status
Sec. 5. (a) The commission shall consist of fourteen (14) members, citizens of Indiana, appointed by the governor.
(b) Each congressional district shall be represented by at least one (1) member who resides in the congressional district. In addition, one (1) member must be a student and one (1) member must be a full-time faculty member from a higher education institution (as defined in IC 20-12-5.5-1) who shall be appointed by the governor under the procedures set forth in this section.
(c) Except for the one (1) full-time faculty member and the one (1) student member appointed under subsection (b), no member while serving a term may be an employee of or serve on the governing board of any state or private college or university in Indiana.
(d) The governor shall appoint the student member and the full-time faculty member of the commission from a list for each appointment that:
   (1) Contains at least three (3) names but not more than five (5) names; and
   (2) Is submitted by a nominating committee established under subsection (c).
(e) The chairman of the commission shall appoint ten (10) members of the nominating committee as follows:
   (1) Five (5) students from state educational institutions, with not more than one (1) student from any one (1) state educational institution.
   (2) Five (5) full-time faculty members from state educational institutions, with not more than one (1) full-time faculty member from any one (1) educational institution.

IC 20-12-0.5-5
Membership
Sec. 5. (a) The commission shall consist of fourteen (14) members, citizens of Indiana, appointed by the governor.
(b) Each congressional district shall be represented by at least one (1) member who resides in the congressional district. In addition, one (1) member must be a student and one (1) member must be a full-time faculty member from a higher education institution (as defined in IC 20-12-5.5-1) who shall be appointed by the governor under the procedures set forth in this section.
(c) Except for the one (1) full-time faculty member and the one (1) student member appointed under subsection (b), no member while serving a term may be an employee of or serve on the governing board of any state or private college or university in Indiana.
(d) The governor shall appoint the student member and the full-time faculty member of the commission from a list for each appointment that:
   (1) Contains at least three (3) names but not more than five (5) names; and
   (2) Is submitted by a nominating committee established under subsection (c).
(e) The chairman of the commission shall appoint ten (10) members of the nominating committee as follows:
   (1) Five (5) students from state educational institutions, with not more than one (1) student from any one (1) state educational institution.
   (2) Five (5) full-time faculty members from state educational institutions, with not more than one (1) full-time faculty member from any one (1) educational institution.

IC 20-12-0.5-5.5
Membership not public office
Sec. 5.5. (a) Membership on the commission does not constitute holding a public office.
(b) A commissioned member is not required to take and file an oath of office before serving as a commissioned member.
(c) Except as provided in this chapter, a commissioned member:
   (1) Is not disqualified from holding a public office or position
   (2) Does not forfeit an office, a position, or an employment by reason of an appointment to the commission.
reasonably be required, from all state educational institutions, complete information concerning all
receipts and all expenditures.
(5) To submit to the commission on vocational and technical education within the department of
workforce development for its review under IC 20-1-18.3-15 the legislative budget requests prepared
by state educational institutions for state and federal funds for vocational education. These budget
requests shall be prepared upon request of the budget director, shall cover the period determined by
the budget director, and shall be made available to the commission within the department of workforce
development before review by the budget committee.
(6) To make, or cause to be made, studies of the needs for various types of postsecondary
education and to make recommendations to the general assembly and the governor concerning the
organization of these programs. The commission shall make or cause to be made studies of the needs
for various types of postsecondary vocational education and shall submit to the commission on
vocational and technical education within the department of workforce development its findings in this
regard.
(7) To approve or disapprove the establishment of any new branches, regional or other campuses,
or extension centers or of any new college or school, or the offering on any campus of any additional
associate, baccalaureate, or graduate degree, or of any additional program of two (2) semesters, or their
equivalent in duration, leading to a certificate or other indication of accomplishment. After March 29,
1971, no state educational institution shall establish any new branch, regional campus, or extension
center or any new or additional academic college, or school, or offer any new degree or certificate as
defined in this subdivision without the approval of the commission or without specific authorization by
the general assembly. Any state educational institution may enter into contractual agreements with
governmental units or with business and industry for specific programs to be wholly supported by the
governmental unit or business and industry without the approval of the commission.
(8) If so designated by the governor or the general assembly, to serve as the agency for the
purposes of receiving or administering funds available for postsecondary education programs, projects,
and facilities for any of the acts of the United States Congress where the acts of Congress require the
state to designate such an agency or commission. However, this subdivision does not provide for the
designation of the commission by the governor as the recipient of funds which may be provided by
acts of the United States Congress, received by an agency, a board, or a commission designated by the
general assembly.
(9) To designate and employ an executive officer and necessary employees, to designate their
titles, and to fix the compensation in terms of the employment.
(10) To appoint appropriate advisory committees composed of representatives of state educational
institutions, representatives of private colleges and universities, students, faculty, and other qualified
persons.
(11) To employ all powers properly incident to or connected with any of the foregoing purposes,
powers, or duties, including the power to adopt rules.
(12) To develop a definition for and report biennially to the:
(A) general assembly;
(B) governor; and
(C) commission on vocational and technical education within the department of workforce
development;
on attrition and persistence rates by students enrolled in state vocational education.
(13) To submit a report to the legislative council not later than August 30 of each year on the
status of the transfer of courses and programs between state educational institutions. The report must
include any changes made during the immediately preceding academic year.
(14) To direct the activities of the committee, including the activities set forth in subdivisions (15)
and (16).
(15) To develop through the committee statewide transfer of credit agreements for courses that are
most frequently taken by undergraduates.
(16) To develop through the committee statewide agreements under which associate of arts and
associate of science programs articulate fully with related baccalaureate degree programs.
(17) To publicize by all appropriate means, including an Internet web site, a master list of course
transfer of credit agreements and program articulation agreements.
IC 20-12-0.5-8.5
Application of section; procurement contracts; trust bid, proposal, or quotation
Sec. 8.5. (a) This section applies whenever a contract for the procurement of property for the
commission is awarded under this chapter by acceptance of bids, proposals, or quotations
(b) A bid, proposal, or quotation submitted by a trust (as defined in IC 20-4-1-1(a)) must identify
each of:
(1) beneficiary of the trust; and
(2) settlor empowered to revoke or modify the trust.
As added by P.L.336-1989(rr), SEC.34.
IC 20-12-0.5-9
Repealed
(Repealed by P.L.116-1999, SEC.5.)
IC 20-12-0.5-10
Restrictions: appropriations
Sec. 10. Restrictions: appropriations. The commission shall not have the authority to obligate any tax funds or
other funds of the state except such as shall have been appropriated to the commission by the General Assembly.
(Formerly: Acts 1971, P.L.326, SEC.1.)
IC 20-12-0.5-11
Management of state educational institutions
Sec. 11. The commission shall have no powers or authority relating to the management, operation,
or financing of Ball State University, Indiana University, Indiana State University, Purdue University,
Vincennes University, Ivy Tech State College, the University of Southern Indiana, or any other state
educational institution except as expressly set forth in this chapter. All of the particulars, management,
operations, and financing of all state educational institutions shall remain exclusively vested in the
trustees or other governing boards or bodies of these institutions.
IC 20-12-0.5-12
Repealed
(Repealed by P.L.232-1987, SEC.1.)
IC 20-12-57.5
Chapter 57.5. Ball State University: Board of Trustees

IC 20-12-57.5-1
Ball State University: continuance
Sec. 1. (Ball State University: Continuance) The state university located and established at Muncie, Indiana is perpetuated under the name of "Ball State University" together with its board of trustees hereafter designated as the "Ball State University Board of Trustees" or Board of Trustees, subject to the provisions of this chapter and all other laws governing the affairs of their predecessors.
(Formerly: Acts 1971, P.L.339, Sec.1.)

IC 20-12-57.5-2
Board of trustees; membership
Sec. 2. (Board of Trustees: Membership) The Ball State University Board of Trustees shall be composed of nine (9) members, appointed by the Governor pursuant to the provisions of this chapter, six (6) of whom shall 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. 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. 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 consideration. The governor shall select one of these names for appointment as a trustee of the university in accordance with the provisions of this chapter.

IC 20-12-57.5-3
Board: membership qualifications
Sec. 3. (Board: Membership Qualifications) All members of the board shall be residents of the State of Indiana and citizens of the United States of America.
(Formerly: Acts 1971, P.L.339, Sec.1.)

IC 20-12-57.5-4
Board: transition
Sec. 4. The incumbent trustees on April 8, 1971, shall continue as members of the board until the expiration of their respective terms.

IC 20-12-57.5-5
Board; appointment; alumni
Sec. 5. (After April 8, 1971, the Ball State University alumni council shall designate the term and nominate a person for each of the two (2) alumni memberships on the board of trustees. On or before June 30, 1971, the Ball State University alumni council, through the president of the university, shall submit the names of the nominees to the governor for his immediate appointment to the board of trustees.

IC 20-12-57.5-6
Board; alumni nomination
Sec. 6. (Board: Alumni Nomination) At least thirty (30) days prior to the expiration of the term of any alumni member, the Ball State University Alumni Council, or its successor, shall submit, through the president of the university, the name of the nominee who shall be appointed by the Governor as an alumni member who shall serve during the next term.
(Formerly: Acts 1971, P.L.339, Sec.1.)

IC 20-12-57.5-7
Repealed
(Repealed by P.L.1-2001, Sec.51.)

IC 20-12-57.5-8
Board; terms
Sec. 8. (a) With the exception of the student member of the board, 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 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 term begins on July 1 of the year in which he is appointed. The student member of the board must be a full-time student at Ball State University throughout his term.

IC 20-12-57.5-9
Board; vacancies
Sec. 9. (Board: Vacancies) All vacancies occurring on the board of trustees from death, incapacitation or resignation shall be filled by appointment of the Governor for the unexpired term. Vacancies in offices held by alumni members shall be filled from nominees submitted by the alumni council.
(Formerly: Acts 1971, P.L.339, Sec.1.)

IC 20-12-57.5-10
Board; organization
Sec. 10. (Board: Organization) The board shall meet at Ball State University in January of even numbered years and organize by electing from their membership a president, vice-president, secretary and an assistant secretary, and appoint a qualified person, not a member of the board, to serve as treasurer, who shall be responsible for the receipt, custody, accounting and proper protection of all
funds due and accruing to Ball State University and the Ball State University Board of Trustees from any and all sources and for whatever purposes the funds and receipts are designated, and who, before \( \text{i.e.} \) commencing his duties, shall give bond in an amount prescribed by the board.

(Formerly: Acts 1971, P.L.339, SEC.1.)

IC 20-12-57.5-11
Board; body corporate; powers
Sec. 11. (Board: Body Corporate: Powers) The board of trustees shall constitute a perpetual body corporate with power to:
(a) manage, control and operate Ball State University;
(b) sue and be sued;
(c) let contracts;
(d) borrow money and issue bonds as authorized by the Indiana General Assembly;
(e) prescribe conditions for admission;
(f) grant degrees and issue diplomas or certificates;
(g) fix laboratory, contingent and other fees and charges;
(h) set fines and penalties;
(i) define the duties and provide compensation for faculty and staff of the university including authority to establish fringe benefit programs including retirement benefits which may be supplemental to, or in lieu of, state retirement programs for teachers or other public employees as authorized by law;
(j) receive and administer all donations, bequests, grants, funds and property which are given to or provided for the university;
(k) promulgate rules and regulations pursuant to this chapter;
(l) exercise all powers, rights, privileges and duties conferred upon the board by other laws of the General Assembly; and
(m) to possess all other power in order to efficiently operate the affairs of Ball State University.
(Formerly: Acts 1971, P.L.339, SEC.1.)

Dear Mr. Sleeper:

This is in response to your letter of April 4, 1974, in which you requested information in obtaining tax exemption under section 501(c)(2) of the 1954 Internal Revenue Code.

As Ball State University is an instrumentality of the state of Indiana its income is exempt from Federal income tax under section 115 of the Code.

Therefore, contributions to Ball State University for exclusively public purposes are deductible by donors under section 170(c)(1) of the Internal Revenue Code.

However, if you desire to apply for exemption under section 501(c)(3) it will be necessary for you to submit a completed application on Form 1023, a copy of which is enclosed.

Very truly yours,

Paul A. Schuster
District Director

Inquiries may be directed to:
William O. Mark
1-913-684-2828
MEANS BY WHICH SEPARATE SENATES COULD BE ESTABLISHED FOR FACULTY, PROFESSIONAL PERSONNEL, AND STUDENTS

Steps:

1. The Senate Governance Committee will convene a task force composed of representatives from the student body, professional personnel, and faculty to explore modifications to the governance system. The Governance Committee will oversee any process that may ensue.

2. The task force of faculty, students, and professional personnel will meet under the Governance Committee to explore modifications to the current Constitution and will present its findings to the Senate.

3. The task force may bring a selected alternative to the Senate for a first reading.

4. Second reading and debate.
   
   1. A formal vote of all three constituency groups would be held, and the results would be communicated to the Senate.

5. Vote of University Senate, simple majority needed to approve.

6. Vote of faculty as an amendment to the Constitution, requiring a two-thirds vote.

   Vote on an amendment to the Constitution according to the policies and procedures in the Faculty and Professional Personnel Handbook is effective at the time of the vote.

7. To Board of Trustees for approval.

Notes for each step:

1. It is desirable for the Governance Committee to allow each of the constituent groups (student, faculty, professional personnel) to meet and discuss issues surrounding the creation of new governance bodies. It may be desirable for each group to have input into appointing the task force.

   Several members of the current committee have expressed concern that the Senate debate the need for governance modification prior to establishing the task force. The committee decided that a motion from the Senate floor would be needed to set the identified process into effect, and, at that time, some debate would ensue.

   The Governance Committee would determine the size and specific composition of the task force.

2. The task force may develop modifications to the current Senate Constitution. It is desirable to present multiple alternatives to the Senate.

3. This step is mandated under the current constitution. No debate ensues at this time.

4. As in step three, this step is prescribed under the current system.

   4.1. The current constitution requires a faculty vote on changes to the constitution, and requires a two-thirds vote. However, it doesn't make sense for the faculty to unilaterally ratify changes that would affect students and professional personnel; thus, their vote is necessary as well.

5. A simple majority seems reasonable here as higher consensus is needed in steps that follow.

6. None

7. The Trustees must approve of constitutional changes.