

**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, existing 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.

*(Formerly: Acts 1971, P.L.326, SEC.1.) As amended by P.L.217-1987, SEC.15; P.L.24-2003, SEC.1.*

**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, SEC.16; P.L.21-1995, SEC.57.*

#### **IC 20-12-0.5-4**

##### **Status**

Sec. 4. The commission shall be treated as a public institution for the purposes of IC 5-11-1 and subject to the jurisdiction of the state board of accounts as provided in that chapter. IC 4-13-1, IC 4-13-2, and IC 4-13.6 apply to the commission only to the same extent as these provisions apply to state educational institutions.

*(Formerly: Acts 1971, P.L.326, SEC.1.) As amended by P.L.24-1985, SEC.20.*

#### **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 of 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 (e).

(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.

*(Formerly: Acts 1971, P.L.326, SEC.1.) As amended by P.L.127-1990, SEC.1; P.L.206-1995, SEC.1; P.L.136-1999, SEC.1.*

#### **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 commission member is not required to take and file an oath of office before serving as a commission member.

(c) Except as provided in this chapter, a commission member:

- (1) is not disqualified from holding a public office or position

by reason of appointment to or membership on the commission; or

(2) does not forfeit an office, a position, or an employment by reason of an appointment to the commission.

*As added by P.L.136-1999, SEC.2.*

#### **IC 20-12-0.5-6**

##### **Appointments**

Sec. 6. (a) All appointments to the commission shall be for four (4) year terms, except:

- (1) the student member who has a term of two (2) years; and
- (2) the full-time faculty member who has a term of two (2) years.

(b) The governor shall promptly make appointments to fill vacancies for the duration of unexpired terms in the same manner as the original appointments.

(c) The term of a member begins on July 1 of the year of appointment and continues until a successor has been appointed.

*(Formerly: Acts 1971, P.L.326, SEC.1.) As amended by P.L.127-1990, SEC.2; P.L.206-1995, SEC.2.*

#### **IC 20-12-0.5-7**

##### **Organization**

Sec. 7. Organization. The commission shall elect from its membership a chairman and vice-chairman, and other necessary officers. Members shall receive per diem, lodging, and mileage for attendance at regular or special meetings and shall be reimbursed for necessary expenses incurred on other official duties.

*(Formerly: Acts 1971, P.L.326, SEC.1.) As amended by P.L.136-1999, SEC.3.*

#### **IC 20-12-0.5-8**

##### **Powers and duties**

Sec. 8. The commission shall have the following powers and duties:

(1) To develop, continually keep current, and implement a long range plan for postsecondary education. In developing this plan, the commission shall take into account the plans and interests of the state private institutions, anticipated enrollments in state postsecondary institutions, financial needs of students and other factors pertinent to the quality of educational opportunity available to the citizens of Indiana. The plan shall define the educational missions and the projected enrollments of the various state educational institutions.

(2) To consult with and make recommendations to the commission on vocational and technical education within the department of workforce development on all postsecondary vocational education programs. The commission shall biennially prepare a plan for implementing postsecondary vocational education programming after considering the long range state plan developed under IC 20-1-18.3-10. The commission shall submit this plan to the commission on vocational and technical education within the department of workforce development for its review and recommendations, and shall specifically report on how the plan addresses preparation for employment.

(3) To make recommendations to the general assembly and the governor concerning the long range plan, and prepare to submit drafts and proposed legislation needed to implement the plan. The commission may also make recommendations to the general assembly concerning the plan for postsecondary vocational education under subdivision (2).

(4) To review the legislative request budgets of all state educational institutions preceding each session of the general assembly and to make recommendations concerning appropriations and bonding authorizations to state educational institutions including public funds for financial aid to students by any state agency. The commission may review all programs of any state educational institution, regardless of the source of funding, and may make recommendations to the governing board of the institution, the governor, and the general assembly concerning the funding and the disposition of the programs. In making this review, the commission may request and shall receive, in such form as may

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.

*(Formerly: Acts 1971, P.L.326, SEC.1; Acts 1975, P.L.242, SEC.1.) As amended by P.L.217-1987, SEC.17; P.L.21-1995, SEC.58; P.L.24-2003, SEC.2.*

#### **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 30-4-1-1(a)) must identify each:

(1) beneficiary of the trust; and

(2) settlor empowered to revoke or modify the trust.

*As added by P.L.336-1989(ss), SEC.34.*

#### **IC 20-12-0.5-9**

##### **Repealed**

*(Repealed by P.L.136-1999, 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.

*(Formerly: Acts 1971, P.L.326, SEC.1.) As amended by P.L.5-1995, SEC.11.*

#### **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.

*(Formerly: Acts 1971, P.L.339, SEC.1; Acts 1975, P.L.245, SEC.7.) As amended by Acts 1982, P.L.131, SEC.1.*

**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.

*(Formerly: Acts 1971, P.L.339, SEC.1.) As amended by P.L.2-1988, SEC.631.*

**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.

*(Formerly: Acts 1971, P.L.339, SEC.1.) As amended by P.L.2-1988, SEC.632.*

**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.

*(Formerly: Acts 1971, P.L.339, SEC.1; Acts 1975, P.L.245, SEC.8.) As amended by Acts 1982, P.L.131, SEC.2.*

**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 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.)



RECEIVED

JUL 5 1974

BSU  
Controller's Office

District Director  
Internal Revenue Service

Date: JUN 28 1974 In reply refer to: 442:39:WOM

> Ball State University  
c/o Gordon W. Sleeper  
Office of the Vice President  
for Business Affairs and Treasurer  
Muncie, Indiana 47306

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)(3) 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.

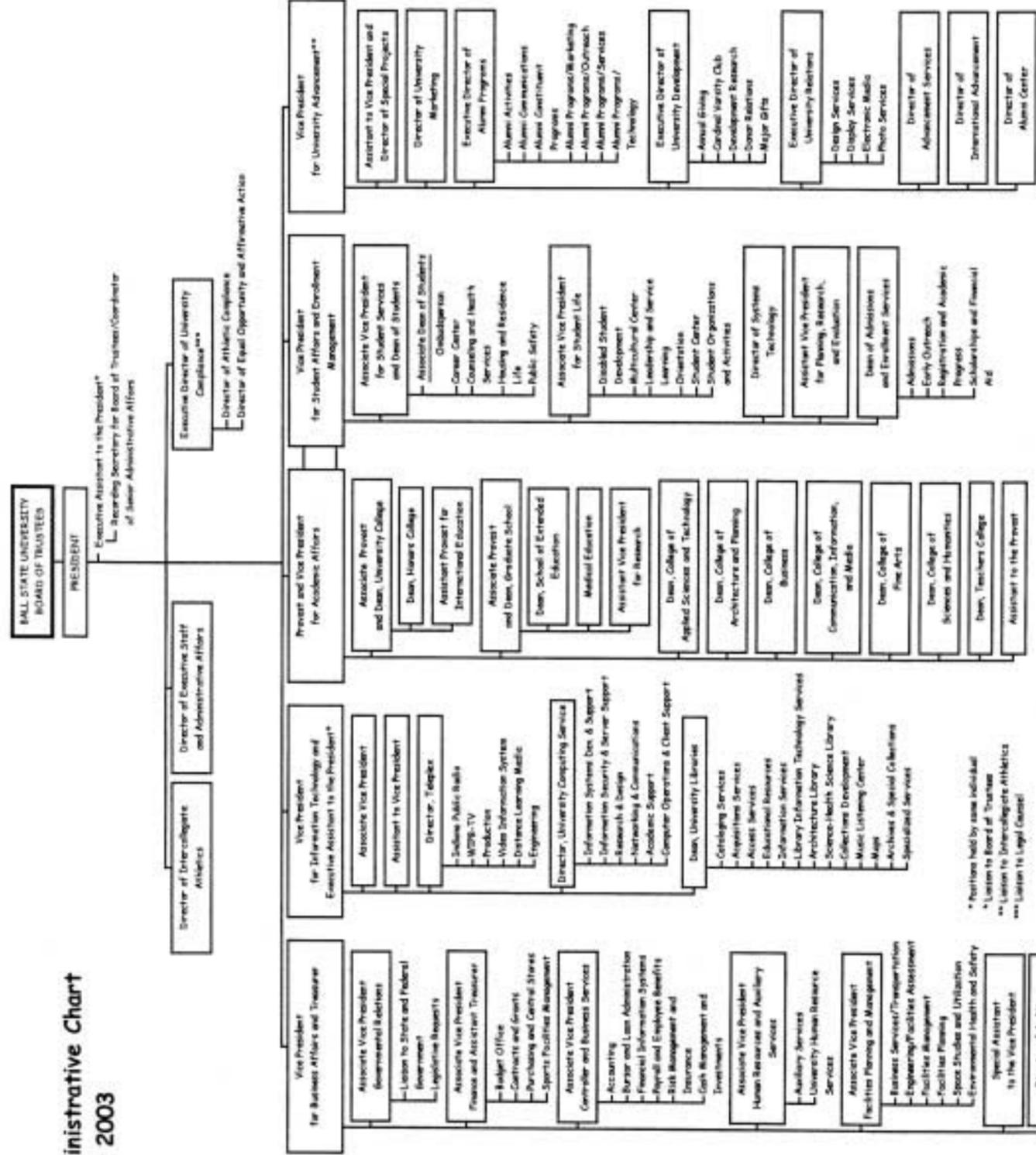
Very truly yours,

A handwritten signature in cursive script that reads "Paul A. Schuster".

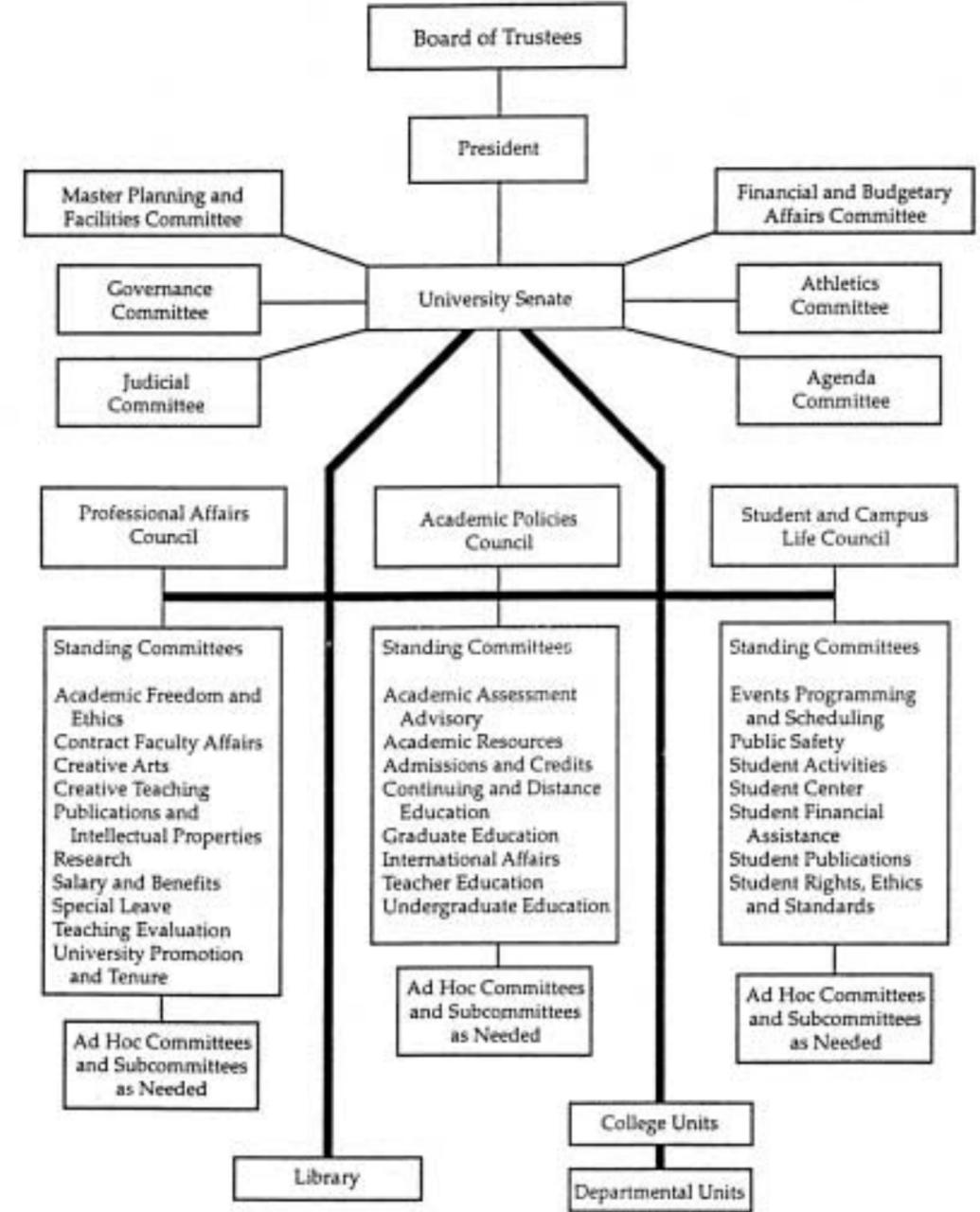
Paul A. Schuster  
District Director

Inquiries may be directed to:  
William O. Mark  
1-513-684-2826

**Administrative Chart**  
July 2003



**Ball State University Governance System**  
**Policy Formulation Flow Chart**



## 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.
  - 4.1. 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 in effect at the time of the vote.**

7. To Board of Trustees for approval.

Accepted by University Senate 11/9/00  
Amended by University Senate 12/7/00  
Amended by University Senate 3/22/01

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 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.