



2. The new legislation that targets Indiana University and only Indiana University is clearly special legislation, and given that there is nothing unique about Indiana University that justifies application of the new statutory scheme to it and not to Indiana's other four-year universities, the statute violates the Indian Constitution, Article 4, section 23.

3. A declaratory judgment that the new legislation is unconstitutional must therefore be entered under Indiana Code § 34-14-1-2 and Indiana Trial Rule 57 and the new legislation must be enjoined.

#### **Parties**

4. Justin Vasel is an adult resident of Bloomington, Indiana.

5. Mike Braun is the duly elected Governor of the State of Indiana.

#### **Legal and factual background**

6. Under Indiana law, the boards of trustees of Indiana's public universities are the institutions' governing bodies and are charged with the control of the universities and their property.

#### ***The prior method of selection of members of Indiana University's Board of Trustees***

7. Prior to May 6, 2025, Indiana Code § 21-20-3-2 provided that the Board of Trustees of Indiana University consisted of nine members.

8. Indiana Code § 21-20-3-4 (repealed eff. May 6, 2025), provided that three members of the Board of Trustees were to be elected by alumni for three year terms beginning on the July 1 following their elections.

9. Allowing alumni to elect a number of the members of Indiana University's Board of Trustees has been a feature of Indiana law since 1891 when the General Assembly enacted a law providing that three members of the Board of Trustees "shall be elected by the Alumni of the University at the College Commencement of the year 1891." Acts 1891, Ch. 53, Sec. 1.

10. Prior to May 6, 2025, Indiana Code § 21-20-3-12 provided that the Governor was to appoint five members of the Board of Trustees for three year terms and Indiana Code § 21-20-3-13 provided that the Governor was also to appoint one member of the Board of Trustees who had to be a full-time student for a two year term.

*The selection of board of trustee members at Indiana's other public four-year institutions of higher learning*

11. Current Indiana law provides that although the Governor appoints the nine members of Ball State University's Board of Trustees, two of those must be alumni whose names are selected by the Ball State University Alumni Council and submitted to the Governor for the Governor's "immediate appointment." Ind. Code §§ 21-19-3-1, 6. All terms are for four years, with the exception of one Board member who must be a student and who is appointed for two years. Ind. Code § 21-19-3-8.

12. Similarly, under current Indiana law, the Governor appoints the nine members of Indiana State University's Board of Trustees, but two of them are nominated by the Indiana State University Alumni Council. Ind. Code §§ 21-21-3-2, 9. All terms are for four years, with the exception of one Board member who must be a student and who is appointed for two years. Ind. Code § 21-21-3-2, 3.

13. The Purdue University Board of Trustees consists of ten persons appointed by the Governor, although three are selected by members of the Purdue Alumni Association. Ind. Code §§ 21-23-3-1 through 3. All terms are for three years, with the exception of one Board member who must be a student and who serves for two years. Ind. Code § 21-23-3-7.

14. The Board of Trustees of the University of Southern Indiana consists of nine persons appointed by the Governor, although three of the members are selected by the Governor from names provided by the screening committee created by the executive body of the University's alumni association. Ind. Code §§ 21-24-3-2, 6. All terms are for four years, with the exception of one Board member who must be a student and who serves a two year term. Ind. Code § 21-24-3-2.

***The changes in the election of the Board of Trustees to Indiana University effected by HEA 1001***

15. Sections 253 through 266 of the recently enacted Budget Bill, HEA 1001, codified at Indiana Code §§ 21-20-3-2 to 21-20-3-13 (eff. May 6, 2025), significantly changes the selection of members of the Board of Trustees of Indiana University.

16. Effective May 6, 2025, Indiana law continues to provide that the Board of Trustees of Indiana University consists of nine persons, but the section has been expanded to provide that the Governor will now appoint all nine members. Ind. Code § 21-20-3-2 (eff. May 6, 2025).

17. The former provisions providing for the election of three members of the Board of Trustees by alumni and regulating the election process have been repealed. Ind. Code §§ 21-20-3-4 through 21-20-3-11 (eff. May 6, 2025).

18. Unlike the gubernatorial selection process for board of trustee members in the other public four-year Indiana universities, there is no longer any mechanism for alumni or their associations to select members to be appointed by the Governor.

19. The amended law, currently in effect, allows the Governor to remove at any time the current Indiana University Board of Trustees members who had been elected by the alumni and whose terms have not yet expired. Ind. Code § 21-20-3-2.5 (eff. May 6, 2025).

20. The current law continues to provide that members of the Indiana University Board of Trustees will serve three-year terms, but the one trustee who must be a student now will only serve one year. Ind. Code § 21-20-3-12, 13 (eff. May 6, 2025).

21. The method of selection of members of the board of trustees of Indiana's other public four-year institutions of higher learning remain unchanged so that as of May 6, 2025, Indiana University is the only institution where alumni have absolutely no say in the selection of any of the members of the Board of Trustees.

*Plaintiff Vasel and the election that was scheduled to begin June 1, 2025*

22. At the current time the term of one of the members of the Indiana University Board of Trustees who had been elected by the alumni is set to expire July 1, 2025.
23. Prior to the passage of the new statute concerning the Board of Trustees there were six persons running to replace the retiring member.
24. One of those candidates was plaintiff Justin Vasel who received a PhD in physics from Indiana University.
25. Under the procedure that existed prior to the amended statutes referred to above, voting for the trustee position would take place from June 1, 2025 through June 30, 2025 at 10:00 a.m. with the winning candidate to be announced shortly after the close of the election.
26. The University would issue paper ballots to alumni so they could vote. Paper ballots would be issued to any alumni who voted in the prior three elections or who requested a ballot.
27. Indiana University has one of the largest alumni bodies in the world, totaling more than 790,000 persons. Indiana University-Alumni Association, *Alumni by the numbers*, <https://alumni.iu.edu/about/alumni-census/index.html> (last visited May 4, 2025).
28. The winning candidate would assume their position on the Board of Trustees on July 1, 2025.

29. Plaintiff Vasel has spent a considerable amount of effort, time, and expense in campaigning for the position. *See* Vasel for IU Board of Trustees, <https://vaselforIU.com/> (last visited May 4, 2025).

30. Plaintiff Vasel obviously has an interest in the election as a candidate. However, even if he were not a candidate he would vote in this election as he desires that alumni, even those not favored by the Governor, should have a role in shaping the future of Indiana University.

31. The change to the manner in which Indiana University's Board of Trustees is selected did not follow the normal legislative process: no hearings were held concerning the proposal but instead the change was inserted at the eleventh hour deep within a lengthy budget bill that otherwise would have nothing to do with the election of members of the boards of trustees of Indiana's higher education institutions.

32. The plaintiff is being caused irreparable harm for which there is no adequate remedy at law.

### **Claim for relief**

33. The changes enacted by Sections 253 through 266 of HEA 1001, Indiana Code §§ 21-20-3-2 through 21-20-2-13 (eff. May 6, 2025) represent special legislation that violate the Indiana Constitution, Article 4, Section 23, as they uniquely apply to Indiana University and there is no justification for excluding the voice of alumni in the selection process of boards of trustees when alumni have a voice in every other four-year public

university in Indiana. That is, there is nothing unique about Indiana University and its alumni justifying the special legislation. The legislation is therefore void as unconstitutional special legislation.

WHEREFORE, plaintiff requests that this Court:

1. Declare that Sections 253 through 266 of HEA 1001, Indiana Code §§ 21-20-3-2 through 21-20-2-13 (eff. May 6, 2025) are unconstitutional and void as special legislation violating Article 4, Section 23 of the Indiana Constitution.
2. Enter a preliminary injunction, later to be made permanent, preventing the unconstitutional special legislation from taking effect and allowing the planned election for the alumni-elected position on the Indiana University Board of Trustees to continue as planned or, if necessary, at the earliest practical opportunity.
3. Award all other proper relief.

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### Verification

I affirm, under the penalties for perjury, that the foregoing representations that concern me are true.

5/6/2025 | 1:32 PM EDT

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Date

Signed by:



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Justin Vasei