



and, indeed, the Governor now has the power to summarily remove trustees whose terms have not expired but who were elected by alumni pursuant to the prior statutory system. He has already exercised that power to appoint three new trustees to the positions previously held by those who had been elected.

2. Under the now-repealed laws that regulated the election of trustees at Indiana University the Librarian of the University was charged with the responsibility of conducting and administering trustee elections, the most recent of which was to have taken place beginning on June 1 and ending on June 30, 2025. The librarian, defendant Dallis-Comentale, was scheduled to do so beginning June 1, 2025, but cancelled the election with the passage of Indiana Code § 21-20-3-2, *et seq.* (eff. May 6, 2025).

3. 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 public universities that predominantly offer baccalaureate and graduate degrees, the statute violates the Indiana Constitution, Article 4, section 23.

4. 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 appropriate injunctive relief should be issued requiring that all steps be taken so that the alumni elections that previously were allowed can occur promptly in the future.

## **Parties**

5. Justin Vasel is an adult resident of Bloomington, Indiana.
6. Mike Braun is the duly elected Governor of the State of Indiana. He is sued in his official capacity.
7. Diane Dallis-Comentale is the Ruth Lilly Dean of University Libraries at Indiana University.

### **Legal and factual background**

8. 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*

9. Prior to May 6, 2025, Indiana Code § 21-20-3-2 provided that the Board of Trustees of Indiana University consisted of nine members.
10. Indiana Code § 21-20-3-4 (repealed eff.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.
11. Indiana Code § 21-20-3-7(a) (repealed eff. May 6, 2025), provided that "[a]ny one hundred (100) of more alumni of Indiana University may file with the librarian of Indiana University on or before April 1 in each year a written nomination for a trustee to be elected by the alumni at the next election."
12. The statute formerly provided that if a vacancy occurred in one of the trustees

elected by the alumni, the vacancy was to be filled by selection by the Indiana University alumni association executive counsel to finish the unexpired term. Ind. Code § 21-20-3-4(b) (repealed eff. May 6, 2025).

13. Indiana Code §§ 21-20-3-9, 10 (repealed eff. May 6, 2025), stated that the Librarian of Indiana University would conduct the election, with the person receiving the most votes declared the elected trustee.

14. 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.

15. Prior to May 6, 2025, Indiana Code § 21-20-3-12 (repealed eff. May 6, 2025) 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 (repealed eff. May 6, 2025) 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 institutions of higher learning that predominantly offer baccalaureate and offer graduate degrees*

16. There are currently five public institutions of higher learning in Indiana that predominantly offer four-year baccalaureate degrees and also offer graduate degrees: Indiana University, Ball State University, Indiana State University, Purdue University,

and the University of Southern Indiana.

17. Although Vincennes University, previously offered only two-year degrees, it began to offer some baccalaureate degrees in 2005. However, it offers no graduate degrees and most of its programs are not four-year baccalaureate programs but award an associate's degree.

18. 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. There is no provision in the law allowing the Governor to remove the trustees and vacancies in trustee positions held by the alumni members are to be filled by nominees submitted by the Ball State University alumni council. Ind. Code § 21-19-3-9.

19. 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. There is no provision in the law allowing the Governor to remove the trustees and vacancies in trustee positions held by

the alumni members are to be filled by nominees of the alumni council of Indiana State University. Ind. Code § 21-21-3-9.

20. 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. There is no provision in the law allowing the Governor to remove the trustees and vacancies in trustee positions held by the alumni members are to be filled immediately by appointment by the president of the Purdue alumni association until the next annual meeting of the alumni association when a successor will be chosen. Ind. Code § 21-23-3(c).

21. 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. There is no provision in the law allowing the Governor to remove the trustees and vacancies in trustee positions held by an alumnus, the position is filled from a list of at least three names submitted by a screening committee appointed by the executive body of the university alumni association. Ind.

Code § 21-24-3-6.

22. Recognizing that Vincennes University is primarily a school that awards associate degrees and does not have graduate programs, the membership requirements for its Board of Trustees focuses on representation by persons associated with local school corporations and the county in which the school is located. Ind. Code § 21-25-3-2 (one member must be a resident of Knox County); Ind. Code § 21-5-3-7 (the superintendents of the Vincennes Community, South Knox, and North Knox School Corporations are *ex officio* members of the Board of Trustees).

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

23. 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 change the selection of members of the Board of Trustees of Indiana University.

24. 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).

25. 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).

26. Unlike the gubernatorial selection process for board of trustee members in the

other public institutions of higher learning in Indiana that predominantly offer four-year baccalaureate degrees and offer graduate degrees, there is no longer any mechanism for alumni of Indiana University to select members to be appointed by the Governor.

27. 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).

28. 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).

29. The methods of selection of members of the board of trustees of Indiana's other public four-year institutions of higher learning noted above remain unchanged so that as of May 6, 2025, Indiana University is the only one of Indiana's public institutions of higher learning that predominantly offer four-year baccalaureate degrees and offer graduate degrees 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*

30. At the time of the passage of the recently enacted Budget Bill, HEA 1001, there were three alumni-elected members of the Indiana University Board of Trustees—Vivian Winston, Jill Maurer Burnett, and Donna Spears.

31. Ms. Winston's term was set to expire effective July 1, 2025, and she was not seeking

reelection.

32. The terms of Ms. Burnett and Ms. Spears were set to expire in years subsequent to 2025.

33. Prior to the passage of HEA 1001 there were six persons running to replace Ms. Winston.

34. One of those candidates was plaintiff Justin Vasel, who received a PhD in physics from Indiana University.

35. Under the procedure that existed prior to passage and enactment of HEA 1001, voting for the trustee position was to 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.

36. Defendant Dallis-Comentale, as University Librarian, was set to issue paper ballots to alumni so they could vote in the election. Paper ballots would be issued to any alumni who voted in the prior three elections or who requested a ballot.

37. 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).

38. The winning candidate would have assumed their position on the Board of Trustees on July 1, 2025.

39. 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 June 7, 2025).

40. Plaintiff Vasel obviously has an interest in the election as a candidate. However, even if he were not a candidate he would have voted 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.

41. 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 last-minute 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.

42. After the passage of HEA 1001, defendant Dallis-Comentale notified the candidates, including plaintiff Vasel, that due to the newly enacted statutory provisions removing the alumni-elected trustee positions, the election that was to have commenced on June 1, 2025, had been cancelled.

43. In the event that the challenged provisions of HEA 1001 are enjoined, Ms. Dallis-Comentale, in her official capacity, has the authority to conduct and administer an election for the seats on the Board of Trustees, even if that happens after the original election was to have concluded on June 30, 2025.

*The replacement of the Board of Trustee members elected by alumni*

44. On June 2, 2025, Governor Braun announced that he had replaced the three alumni-elected Indiana University Board of Trustee members.

45. The new trustees appointed, and the expiration dates of their terms, are Brian Eagle (June 30, 2027), Sage Steele (June 20, 2028), and James Bopp, Jr. (June 30, 2028).

46. Additionally, the Governor reappointed W. Quinn Buckner to a term ending on June 30, 2026.

### *Concluding allegation*

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

### **Claim for relief**

48. The statutory changes that remove the ability of Indiana University alumni to elect members of the Board of Trustees, Sections 253-263 and Section 265 of HEA 1001, codified at Indiana Code §§ 21-20-3-2 through 21-20-3-11; 21-20-3-12 (all 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 institution in Indiana that predominantly offers baccalaureate and offers graduate degrees. 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 253-263 and Section 265 of HEA 1001, codified at Indiana Code §§ 21-20-3-2 through 21-20-3- 11; 21-20-3-12 (all eff. May 6, 2025), are unconstitutional and void as special legislation violating Article 4, Section 23 of the Indiana Constitution and that defendant Braun's actions to enforce the unconstitutional sections by replacing the elected members of the Board of Trustee are void.
2. Enter a permanent injunction enjoining the defendants to take all steps necessary so that the election for the alumni-elected position on the Indiana University Board of Trustees that should have occurred prior to July 1, 2025 can occur at the earliest practical opportunity and so that elections for the other alumni-elected positions can occur in the future as provided in Indiana law prior to the enactment of HEA 1001.
3. Award all other proper relief.

/s/ Kenneth J. Falk

Kenneth J. Falk

No. 6777-49

/s/ Gavin M. Rose

Gavin M. Rose

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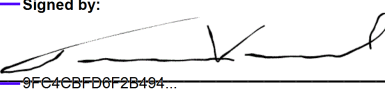
## Verification

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

6/8/2025 | 2:39 PM EDT

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Date

Signed by:



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Justin Vassel