STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

IN THE MONROE CIRCUIT COURT 6

CASE NO. 53C06-2505-PL-1288

JUSTIN VASEL,
Plaintiff,

VS.

MIKE BRAUN, in his official capacity as Governor of the State of Indiana; DIANE DALLIS-COMENTALE, in her official capacity as Dean of University Libraries for Indiana University,
Defendants.

FINDINGS OF FACT, CONCLUSIONS, AND SUMMARY JUDGMENT

This case came before the Court for hearing on April 24, 2026, on the Plaintiff Justin Vasel's Motion for Summary Judgment and the Defendant's Cross-Motion for Summary Judgment, and the Plaintiff Justin Vasel appeared in person and with counsel Kenneth J. Falk, and Defendant Mike Braun, in his official capacity as Governor of the State of Indiana, appeared by counsel John P. Lowrey and Lauren R. Labaumbard. Argument was presented and the parties have submitted their briefs, and the Court being duly advised now finds and orders as follows:

FINDINGS OF FACT

1. On May 7, 2025, Vasel initiated this lawsuit against the Governor, alleging that House Enrolled Act 1001 (HEA 1001) is unconstitutional special legislation in violation of Article 4, Section 23 of the Indiana Constitution. Compl. ¶ 33.

2. Vasel initially moved for a preliminary injunction, *see* Mot. Prelim. Inj. (May 7, 2025) but later withdrew that motion. He subsequently amended his complaint to add Indiana University's Dean of Libraries Diane Dallis-Comentale (the Dean) as a defendant. *See* Am. Compl. On August 5, 2025, the Dean moved to dismiss the claims against her. On December 5, 2025, this Court dismissed the Dean from this case.

3. Now pending before the Court are the Plaintiff's Motion for Summary Judgment filed on September 16, 2025, and Defendant's Cross-Motion for Summary Judgment filed on January 16, 2026.

4. "Summary judgment is appropriate 'if the designated evidentiary matter shows that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.'" *Pennington v. Mem'l Hosp. of S. Bend, Inc.*, 223 N.E.3d 1086, 1092 (Ind. 2024) (quoting Ind. Trial Rule 56(C)). Parties filing cross-motions for summary judgment neither alters this standard nor changes our analysis—we consider each motion separately to determine

whether the moving party is entitled to judgment as a matter of law. We resolve all questions and view all evidence in light most favorable to the non-moving party so as not to improperly deny him his day in court. *G&G Oil Co. of Indiana, Inc. v. Continental Western Ins. Co.*, 165 N.E.3d 82, 86 (Ind. 2021) (cleaned up).

5. Indiana has seven public universities, each of which is administered by a separate board of trustees. Among these, the Board of Trustees of Indiana University is the "body politic" of Indiana University. Ind. Code § 21-20-2-2.

6. The Indiana Code dictates and authorizes each university to select its trustees in a different manner. Each university then, where permitted, follows its own individual policies and procedures in addition to the statute.

7. Ball State University's nine-person board of trustees is entirely appointed by the Governor. § 21-19-3-2. Two of these must be alumni selected from alumni nominated by the "Ball State University alumni council" and submitted to the Governor for his "immediate appointment." §§ 21-19-3-2, 21-19-3-6. Pursuant to alumni council policies, candidates must submit an application, a personal statement, a statement of councilmember support, and other materials to Ball State's alumni council, which screens them and votes on the applicants. Def.'s Ex. 10 (Ball State University Alumni Association Alumni Board of Trustees Selection Process and Criteria) at 1. A list of the successful applicants is then presented to the Governor for consideration, selection, and appointment. *Id.* All members of the board of trustees must be citizens of the United States. I.C. 21-19-3-4.

8. Indiana State University's (ISU) nine-person board of trustees is entirely appointed by the Governor. § 21-21-3-2. Two of these must be alumni nominated by the "alumni council of Indiana State University." § 21-21-3-2. The board of ISU's Alumni Association serves as the alumni council. Def.'s Ex. 4 (Thompson Decl.) at 3, ¶ 12. Applicants are required by Alumni Association policy to submit a resume and biography to ISU's president and ISU's Alumni Association board for approval, which are then transmitted to the Governor for consideration, selection, and appointment. *Id.* ¶ 13. A member of the board of trustees must be a resident of Indiana and a citizen of the United States. I.C. 21-21-3-5.

9. Ivy Tech Community College's board of trustees consists of fifteen trustees, all of which are appointed by the Governor. § 21-22-3-1, 21-22-3-3. None of these fifteen trustees is required to be an alumnus of Ivy Tech; they are instead appointed to represent individual regions and must have knowledge of specific substantive areas. § 21-22-3-1, 21-22-3-3.

10. Purdue University's board of trustees consists of ten trustees that are appointed by the Governor. §§ 21-23-3-1, 21-23-3-2. Three of these trustees must be alumni, including at least one "graduate of the school of agriculture," that are "selected by the members of the Purdue alumni association, in the manner that the Purdue alumni association prescribes" and presented to the Governor for appointment. § 21-23-3-3. Pursuant to its internal policies, the Purdue Alumni Association's board solicits, receives, and screens trustee applicants based on "education, experience, integrity, availability to serve as a trustee, volunteer service, experience with other boards, and potential conflicts of interest" before presenting successful candidates to the Alumni

Association's paid membership for a vote. Def.'s Ex. 7 (Rodibaugh Decl.) at 2–3, ¶¶ 7, 9–10. As an alternative to the screening process, an applicant could stand for a vote by collecting 500 signatures from the membership, but this procedure has not been used in recent memory. *Id.* ¶ 8. Two members of the board of trustees appointed by the Governor must be involved in agricultural pursuits. I.C. 21-23-3-5. There does not appear to be a statutory residency or citizenship requirement.

11. The University of Southern Indiana's (USI) nine-person board of trustees is wholly appointed by the Governor. §§ 21-24-3-2, 21-24-3-5. One of these trustees must be an alumnus, selected by the Governor from a list of three or more names generated by a statutory screening committee. §§ 21-24-3-4, 21-24-3-6. Pursuant to its own internal policies, USI's screening committee solicits nominations annually, interviews the nominees, and then sends a ranked list to the Governor, who "makes the final selection." Def.s Ex. 13 (Carnahan Decl.) at 2–3, ¶¶ 9, 12, 14; Def.'s Ex. 13-D (USI Alumni Council Board Nominees (Mar. 20, 2008)). If the Governor does not timely receive a list of at least 3 alumni to fill a vacancy, then the Governor may appoint any individual otherwise eligible to serve as the alumni member of the board of trustees. I.C. 21-24-3-6. A member of the board of trustees must be a resident of Indiana and a citizen of the United States. I.C. 21-24-3-3.

12. Vincennes University's board of trustees consists of ten Governor-appointed trustees, and one must be an alumnus and one must be a student, plus four *ex officio* members. §§ 21-25-3-1, 21-25-3-2, 21-25-3-7. A search and screen committee is created (I.C. 21-25-3-3) to provide a list of five names of students for the Governor to select one of. There is no provision for an alumni council or other entity to assist in or provide a list of names for the selection of the alumni member. The *ex officio* members are made up of superintendents of three school systems in Knox County and the Vincennes University President, and at least one member of the board of trustees must be a resident of Knox County. I.C. 21-25-3-2, 21-25-3-7.

13. Indiana University has a nine-person board of trustees. § 21-20-3-2 (2024). Beginning in 1891 and continuing until the enactment of HEA 1001 on May 6, 2025, the Indiana Code required three of these trustees to be alumni directly elected by Indiana University's other alumni in elections conducted by Indiana University's librarian. *See* §§ 21-20-3-4, 21-20-3-9 (2024); Act of Mar. 3, 1891, ch. 53, §§ 1–2, 5–7, 1891 Ind. Acts 65, 65–67. Indiana University was unique among Indiana's seven public universities in this statutory requirement that three of its trustees be directly elected by its alumni. One member of the board of trustees still must be a full-time student, and a search and screen committee must provide a list of at least 10 names of students for the governor to select one of. I.C. 21-20-3-13, 21-20-3-14. The remaining five trustees were appointed by the Governor. Ind. Code § 21-20-3-12 (2024).

14. Following the passage of HEA 1001, five of Indiana University's trustees must be alumni of Indiana University, and all must be appointed by the Governor. § 21-20-3-2.

15. Before HEA 1001, with the lone exception of Indiana University's three elected alumni trustees, the common factor in the selection of trustees for Indiana's public universities across all of Indiana's public universities was that those trustees were appointed by the Governor, with some degree of varying processes. *See* §§ 21-19-3-2 (Ball State University); 21-20-3-12(a)

(2024) (Indiana University); 21-21-3-2 (Indiana State University); 21-22-3-1 (Ivy Tech Community College); 21-23-3-2 (Purdue University); 21-24-3-5 (University of Southern Indiana); 21-25-3-2 (Vincennes University). Today, all trustees for Indiana public universities that do not hold their role *ex officio* are appointed by the Governor.

16. Prior to May 2025, the Indiana University Librarian "conduct[ed] the elections to select the three (3) alumni members of [Indiana University's] board of trustees." § 21-20-3-9 (2024). The librarian allowed any alumnus to stand as a candidate who could collect the required number of signatures of fellow IU alumni before April 1 of the election year. Def.'s Ex. 17 (Dallis-Comentale Decl.) at 2, ¶ 8. The election then took place during the month of June, with paper ballots sent only to alumni who requested a ballot. *Id.* at 1–2, ¶¶ 6–7; *id.* at 4, ¶ 15. It was the responsibility of the University Librarian to prepare, receive, verify, and safeguard the ballots and to declare the winner of the election. Ind. Code § 21-20-3-7(b) (repealed), Ind. Code § 21-20-3-10 (repealed); (Dallis-Comentale Dec. 1-16-26 Ex. 17 at 3-4 ¶ 12).

17. Alumni participation in Indiana University's alumni trustee elections was limited, and typically encompassed between 1% and 3% of Indiana University alumni. Def.'s Ex. 17 at 3, ¶ 11; Def.'s Ex. 20 (Dallis-Comentale Resp. to Req. for Produc., Jan. 15, 2026) at 1; Def.'s Ex. 21 (Dallis-Comentale Resp. to Req. for Produc., Dec. 5, 2025) at 1–3. At the beginning of 2024, there were 790,033 living Indiana University graduates and that year 20,101 persons voted in the election, although some votes were not deemed to be valid. (Dallis-Comentale Dec. 1-16-26 Ex. 17 at 3 ¶ 10; Ex. 20 to Defendant's Submission of Evidentiary Materials of Jan. 16, 2026). The number of ballots cast in the previous 4 elections were: 2019—14,3225; 2021—20,380; 2022—16,302, and 2023—10,455. (Ex. 20 to Defendant's Submission of Evidentiary Materials of Jan. 16, 2026).

18. On May 6, 2025, the General Assembly enacted House Enrolled Act 1001 (HEA 1001), which modified the selection of Indiana University's alumni trustees. Relevant to this case, HEA 1001 repealed the Indiana Code sections providing for the direct election of those trustees by the Indiana University's alumni. Pub. L. No. 213, §§ 253–266, 2025 Ind. Acts 3175, 3175–78. Instead, HEA 1001 provided for all nine trustees to be "appointed by the governor," and required that "[a]t least five (5) of the members appointed to the board of trustees must be alumni of Indiana University." *Id.* § 253.

19. On May 7, 2025, following HEA 1001's enactment, Indiana University's Dean of Libraries cancelled the upcoming alumni trustee election. Def.'s Ex. 22 (E-mail from Dean Diane Dallis-Comentale to Justin Vasel) at 1.

20. On June 2, 2025, the Governor announced that he had appointed four members of the Indiana University Board of Trustees pursuant to HEA 1001. Def.'s Ex. 23 (Press Release, Gov. Mike Braun, Governor Braun Makes Appointments to IU Board of Trustees, Various Boards and Commissions (June 2, 2025)).

21. At the time of the passage of HEA 1001, one of the terms of the elected trustee was set to expire on July 1, 2025, and she was not seeking reelection. (Plaintiff's Verified Amended Complaint, filed on June 9, 2025 ["Ver. Am. Comp. 6-9-25"] at 8 ¶ 31).

22. Justin Vasel, Ph.D., was one of six candidates verified by the University Librarian as an eligible nominee for the soon-to-be vacant position on the board of trustees. (Dallis-Comentale Dec. 1-16-26 Ex. 17 at 4 ¶¶ 17-18). Dr. Vasel received a doctorate in physics from Indiana University. (Ver. Am. Comp. 6-9-25 at 9 ¶ 34). Even if Dr. Vasel had not been a candidate for the 2025 election, he would have voted in the election as he desires that alumni have a role in shaping the university's future. (Ver. Am. Comp. 6-9-25 at 10 ¶ 40). The 2025 election was scheduled to occur from June 1 to June 30, 2025. (Dallis-Comentale Dec. 1-16-26 Ex. 17 at 4 ¶ 16).

23. However, with the enactment of the changes in HEA 1001 (2025), effective on May 6, 2025, the election was canceled. (Ex. 28 to defendant's Submission of Evidentiary Material of June 2, 2025; Exhibit to Vasel Dec. 9-16-25).

24. If he prevails, Dr. Vasel intends to be a candidate for election to the trustees, no matter when the election occurs. (Vasel Dec. 9-16-25 at 3 ¶ 11). He will also vote in all trustee elections. (*Id.*).

25. There are no contested issues of material fact in this case.

26. Any finding of fact shall be deemed a conclusion to the extent necessary and appropriate.

CONCLUSIONS OF LAW

27. Summary judgment is proper where "there is no genuine issue as to any material fact" and "the moving party is entitled to judgment as a matter of law." Ind. Trial Rule 56(C). The "initial burden" is on the "movant to 'demonstrate[] the absence of any genuine issue of fact as to a determinative issue,' at which point the burden shifts to the non-movant to 'come forward with contrary evidence' showing an issue for the trier of fact." *Hoosier Contractors, LLC v. Gardner*, 212 N.E.3d 1234, 1239 (Ind. 2023) (quoting *Hughley v. State,* 15 N.E.3d 1000, 1003 (Ind. 2014)). "The non-movant cannot 'rest upon the mere allegations or denials of his pleading' but must 'set forth' by affidavit or other evidence 'specific facts' that for summary-judgment purposes will be taken as true." *Id.* (quoting Ind. T.R. 56(E)). This standard of review does not change in the event of cross-motions for summary judgment. *Denson v. Est. of Dillard*, 116 N.E.3d 535, 539 (Ind. Ct. App. 2018).

STANDING

28. "Standing is a threshold issue" in every case; "if it is lacking, the court cannot consider the merits." *Solarize Ind., Inc. v. S. Ind. Gas & Elec. Co.*, 182 N.E.3d 212, 215 (Ind. 2022).

29. "Indiana courts have recognized four types of standing: (1) common-law standing, sometimes referred to as judicial standing or constitutional standing; (2) public standing; (3) the related concept of taxpayer standing; and (4) statutorily defined standing." *Lockerbie Glove Co.*

Town Home Owner's Ass'n, Inc. v. Indianapolis Historic Pres. Comm'n, 194 N.E.3d 1175, 1181 (Ind. Ct. App. 2022) (citation omitted).

30. "Common law standing . . . derives from our state constitution's separation-of-powers clause." *Solarize Indiana, Inc. v. Southern Indiana Gas and Electric Co.*, 182 N.E.3d 212, 216 (Ind. 2022) (footnote and citation omitted). Common-law standing requires that a plaintiff must "demonstrate 'a personal stake in the outcome of the litigation and . . . show that they have suffered or were in immediate danger of suffering a direct injury as the result of the complained-of conduct.'" *Solarize*, 182 N.E.3d at 217 (citation omitted).

31. The public standing doctrine removes the requirement that the injury suffered by the plaintiff be different than that suffered by the general public, although there must still be some injury. *Serbon v. City of East Chicago*, 194 N.E.3d 84, 94 (Ind. Ct. App. 2022).

32. The Indiana Supreme Court has made it clear that if a governor executes an unconstitutional law that causes harm the governor can be sued. In *Holcomb v. City of Bloomington*, 158 N.E.3d 1250 (Ind. 2020), the Court stated that "[a] state official's role in implementing or enforcing a statute can arise from the statute itself or the general law," thus creating a justiciable controversy. *Id.* at 1259. In support, the Indiana Supreme Court quoted the United States Supreme Court's statement in *Ex parte Young* that "[t]he fact that the state officer by virtue of his office has some connection with the enforcement of the act, is the important and material fact, and whether it arises out of the general law, or is specifically created by the act itself, is not material so long as it exists." 209 U.S. 123, 157 (1908) (as quoted in *City of Bloomington*, 158 N.E.3d at 1260). In *City of Bloomington*, the Supreme Court held that due to the Governor's enforcement authority and executive authority he was the appropriate defendant against whom declaratory relief could be sought. 158 N.E.3d at 1260-61.

33. The Governor has more than "some connection" with the challenged statute here as he has enforced it by removing the elected trustees and appointing in their place three non-elected members of the board. There are no longer any vacancies on the board of trustees because of the actions of the Governor and this injury is "a direct result" of the actions of the Governor. *Solarize*, 182 N.E.3d at 219. This is sufficient to bestow standing.

34. Dr. Vasel, who would have been a candidate for a trustee position and would have voted in the election but for the challenged law, has suffered a direct injury as the result of the statute, and thus satisfies the requirements for common-law standing.

SPECIAL LEGISLATION CLAIM

35. Vasel seeks injunctive and declaratory relief. A permanent injunction is an "extraordinary equitable remedy" which should only be "granted with caution." *Schlehuser v. City of Seymour*, 674 N.E.2d 1009, 1012 (Ind. Ct. App. 1996). Among other requirements, a permanent injunction requires Vasel's claim to succeed "on the merits." *Centennial Park, LLC v. Highland Park Estates, LLC*, 117 N.E.3d 565, 572 (Ind. Ct. App. 2018).

36. Article 4, Section 23 requires that in all cases "where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State." Ind. Const. art. IV, § 23. "The purpose of this provision is to prevent the legislature from providing a benefit to or imposing a burden on one locality and not others, as allowing such practices would encourage logrolling and result in an irregular system of laws." *State v. Buncich*, 51 N.E.3d 136, 144 (Ind. 2016). This provision effectively prohibits laws "which grant privileges to a few people that are not available to others" who are similarly situated. *Alpha Psi Chapter of Pi Kappa Phi Fraternity, Inc. v. Auditor of Monroe Cnty.*, 849 N.E.2d 1131, 1133 (Ind. 2006).

37. A law is constitutional under Article 4, Section 23 under two circumstances: First, the law can be "general," which means it applies "to all persons or places of a specified class throughout the state." *Mun. City of South Bend v. Kimsey*, 781 N.E.2d 683, 689 (Ind. 2003). Second, the law could be "special," meaning it applies to a subset of a previously identified class, but is justified due to the subject's unique characteristics. *City of Hammond v. Herman & Kittle Props., Inc.*, 119 N.E.3d 70, 84 (Ind. 2019). There must be "something about the class that makes it unique" and "that uniqueness justifies the differential treatment." *Alpha Psi*, 849 N.E.2d at 1138. This requirement is a "low bar." *City of Hammond*, 119 N.E.3d at 84. If there is a "link between the class's unique characteristics and the legislative fix," the law must stand. *Id.*; *see Buncich*, 51 N.E.3d at 142 (collecting examples of such links).

38. A party challenging a special law "must negate 'every conceivable basis which might have supported the classification.'" *Kimsey*, 781 N.E.2d at 694 (quoting *Am. Legion Post #113 v. State*, 656 N.E.2d 1190, 1192 (Ind. 1995)).

39. "All doubts" concerning the statute's constitutionality "must be resolved in favor of the Legislature." *Buncich*, 51 N.E.3d at 141. Our Supreme Court has further cautioned that Article 4, Section 23 is not a license to "second-guess the legislature's decision" regarding the proper legislative solution to an issue. *Id.* at 143. "[B]ecause a special-legislation challenge is a type of constitutional challenge, there is an overarching presumption that the statute is constitutional." *City of Hammond v. Herman & Kittle Props., Inc.*, 119 N.E.3d 70, 84 (Ind. 2019). This means that "in close cases, the special law will be upheld." *Id.* (citation omitted). On the other hand, if there are no unique circumstances that justify the differential treatment, the special legislation will be found unconstitutional. *Id.* at 85.

40. The Court concludes the "link between the class's unique characteristics and the legislative fix" is permissible. *City of Hammond*, 119 N.E.3d at 84. Thus, even if HEA 1001 is special, it is justified by a unique characteristic of Indiana University's Board of Trustees.

41. First, prior to 2025, Indiana University was unique among Indiana's public universities in being the only public university required by law to have its alumni trustees directly elected by other alumni. *See* Ind. Code §§ 21-20-3-4 through 21-20-3-11 (2024). HEA 1001's primary effect is to repeal this electoral process in favor of gubernatorial appointment. Pub. L. No. 213, §§ 253–266, 2025 Ind. Acts 2791, 3175–78. These elections are a trait "distinctive such that the law's application elsewhere has no effect," which is sufficient to justify a special law to repeal them. *Kimsey*, 781 N.E.2d at 692.

42. This conclusion is bolstered by Indiana University's creation as a unique entity. *See* Act of Jan. 20, 1820, ch. 48, § 1, 1820 Ind. Laws 82, 82. Its board of trustees remains a separate and individual "body politic." Ind. Code § 21-20-2-2.

43. Over the course of the two-hundred years since, the Legislature has consistently given effect to this unique establishment by enacting laws modifying the selection and composition of Indiana University's Board of Trustees—and only Indiana University's Board of Trustees—eleven times. *See* Pub. L. No. 29, § 4, 2012 Ind. Acts 614, 614–15; Pub. L. No. 20, § 200, 1984 Ind. Acts 264, 412; Act of Mar. 3, 1931, ch. 51, § 2, 1931 Ind. Acts 118, 119; Act of Mar. 3, 1891, ch. 53, §§ 1–2, 1891 Ind. Gen. Laws 65, 65–66; Act of Mar. 3, 1855, ch. 99, §§ 1, 4, 1855 Ind. Gen. Laws 201, 201–03; Act of June 17, 1852, ch. 114, § 2, 1852 Ind. Rev. Stat. 504, 504–05; Act of Feb. 5, 1841, ch. 27, § 1, 1841 Ind. Gen. Laws 110, 110–11; Act of Feb. 15, 1838, ch. 102, § 3, 1838 Local Laws 294, 294; Act of Jan. 24, 1828, ch. 82, § 3, 1827 Ind. Laws 115, 115; Act of Jan. 20, 1820, ch. 48, § 1, 1820 Ind. Laws 82, 82. This unique pattern of individualized legislation supports allowing individualized legislation here. *See State ex rel. Att'y Gen. v. Lake Super. Ct.*, 820 N.E.2d 1240, 1250–51 (Ind. 2005) (Lake County reassessment justified by "the long history of systematic underassessment").

44. Vasel has not negated "every conceivable basis" for HEA 1001. *Kimsey*, 781 N.E.2d at 694 (quoting *Am. Legion Post #113 v. State*, 656 N.E.2d 1190, 1192 (Ind. 1995)).

45. As an initial matter, Indiana University was unique in being required by statute to select its alumni trustees through direct election by alumni.

46. Vasel's assertion that HEA 1001 has "uniquely disenfranchised" Indiana University's alumni by not replacing Indiana University's unique elections with some other form of alumni-centric selection is not accurate. Pl's Summ. J. Br. 20. Before HEA 1001, the only trustees for any of Indiana's public universities *not* appointed by the Governor were the three elected by Indiana University's alumni.

47. After HEA 1001, all members of each of Indiana's public university's boards of trustees are governor appointed, and none are now uniquely alumni elected. *See* Ind. Code §§ 21-19-3-2 (Ball State University); 21-20-3-2 (Indiana University); 21-21-3-2 (Indiana State University), 21-22-3-1 (Ivy Tech Community College); 21-23-3-2 (Purdue University); 21-24-3-5 (University of Southern Indiana); 21-25-3-2 (Vincennes University). The nature and extent of alumni involvement in each board's member selection differs by process to varying degrees.

48. Moreover, Article 4, Section 23 does not mandate that the Legislature select a particular policy solution in legislating to address Indiana University's unique elections. This Court may not second-guess the Legislature's policy determination as to how Indiana University's board of trustees should be structured and selected. *See Buncich*, 51 N.E.3d at 143.

49. It is not accurate that HEA 1001 removes "any mechanism to have an alumni voice on the board of trustees." Pl.'s Summ. J. Br. 22. Prior to HEA 1001, the Indiana Code mandated only three alumni members on Indiana University's board of trustees. § 21-20-3-9 (2024). HEA 1001 has increased that representation from three members to five. § 21-20-3-2.

50. Vasel's other arguments concerning the need for accountability among public universities in general and at Indiana University in particular invite this Court to second-guess the General Assembly's policy determinations. This Court may not do so. *Buncich*, 51 N.E.3d at 143.

51. The Court rejects Vasel's argument that only Indiana public universities that award baccalaureate and graduate degrees are the proper class to consider and specifically concludes that such distinction has no connection to or impact on the legislative authority to determine how boards of trustees are established for all of Indiana's public universities. HEA 1001 does not create a substantially different process for Indiana University than the statutory process created for Vincennes University, which does not include alumni participation in selection of its alumni member that is appointed by the Governor.

52. HEA 1001 does not violate Article 4, Section 23 of the Indiana Constitution.

53. Any conclusion of law is deemed to be a finding of fact to the extend necessary.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that HEA 1001 is constitutional, and Plaintiff's Motion for Summary Judgment is hereby denied in total and Defendant's Cross-Motion for Summary Judgment is hereby granted in total.

SO ORDERED this 10th day of July, 2026.

Erik C. Allen, Special Judge
Monroe Circuit Court 6

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