

**AGENDA**  
**Friday, August 2, 2019, 10:30 a.m.**  
**Meeting of the Indiana State University Board of Trustees**  
**Stardust Foyer, Columbia Club, Indianapolis, Indiana**

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**1. Call Meeting to Order**

**2. New Business Items**

2a For Passage, Approval to request release of Dreiser Hall Project from CHE and State Budget Committee

(Mrs. McKee)

2b For Information, Proposed Modification to Policy 922 Policy Prohibiting Sexual Misconduct, Intimate Partner Violence, and Stalking (Ms. Butwin)

2c For Information, Proposed changes to Board of Trustees Bylaws (Ms. Butwin)

2d For Information, The Future of Lincoln Quad (Dr. Curtis)

**3. Adjournment**

**The next Meeting of the Board of Trustees will be on Friday, October 11, 2019.**

**AGENDA**  
**Friday, August 2, 2019, 10:30 a.m.**  
**Meeting of the Indiana State University Board of Trustees**  
**Board Room, Columbia Club, Indianapolis, Indiana**

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**1 Call to Order**

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**2 New Business Items**

**2a Academic Facility Renovation Phase II (Dreiser Hall)**

The 2019 Indiana General Assembly approved the expenditure and related bonding authority under IC 21-34 of \$18,400,000 for the renovation of Dreiser Hall. The project will provide for major upgrades in building mechanical and electrical systems thereby improving temperature control, indoor air quality, and lighting. The renovation will provide full ADA accessibility to all levels of the facility including the theatre and restrooms. Repair of the exterior building components is also included to increase weather resistance and energy efficiency.

Funding for the project will consist of \$18,400,000 of bonding authority eligible for fee-replacement after July 1, 2020.

**Recommendation:** Authorization for the Treasurer of the Board of Trustees to request from the Commission for Higher Education, the State Budget Committee, and the Governor of the State of Indiana authority to expend up to \$18,400,000 for the renovation Dreiser Hall. The Treasurer is further authorized to take the following action:

- a. To develop a plan of financing for the renovation Dreiser Hall and to obtain all necessary State approvals; and
- b. To enter contracts to design, construct, equip, and to finance the renovation of Dreiser Hall once State approval has been obtained.

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**2b Title IX – Proposed Modification to [Policy 922 Policy Prohibiting Sexual Misconduct, Intimate Partner Violence, and Stalking](#)**

**Rationale:** In 2015, the ISU Board of Trustees approved Policy 922 Policy Prohibiting Sexual Misconduct, Intimate Partner Violence, and Stalking. The policy was a significant overhaul of previous policies and positioned ISU to be in compliance with directives from the Department of Education and legislative requirements, such as the Amendments to the Violence Against Women Act (VAWA Amendments). Since that time, ISU has established a robust process for providing assistance to both victim/survivors and accused students and developed and implemented a fair and equitable process for adjudication of complaints. In November 2018, the Department of Education issued proposed rules to guide colleges and universities in the investigation and adjudication of allegations of sexual violence and sexual harassment on campus.

Recently, federal court decisions have addressed elements of due process related to sexual violence and sexual harassment. Thus, the legal environment is ever-changing. The significant modifications to the policy delegate the authority to implementation of the investigation and adjudication process for student sexual violence and sexual harassment complaints to the administration to allow for flexibility to meet legal requirements. In addition, the policy changes allow us to mirror, to the extent possible, the student conduct process and to ensure that complainants and respondents have equitable treatment through the process. The administration presents this item as information only, but will request action on the item at the October 2019 meeting of the Board of Trustees.

## **Proposed Language**

**(Proposed additions appear in red and deletions in strikethrough)**

### **922.1 General Statement of Policy and Notice of Non-Discrimination**

Indiana State University (ISU) is committed to fostering an educational environment free from discrimination, including sexual misconduct, intimate partner violence, and stalking. ISU does not tolerate any form of sexual misconduct, whether physical, mental, or emotional in nature. Unlawful sex discrimination can interfere with a student's ability to participate in or benefit from university academic and non-academic programs, an employee's ability to function in the workplace, or a campus visitor's ability to utilize university programs and services. The university recognizes its responsibility to increase awareness of sexual misconduct, intimate partner violence, and stalking, prevent its occurrence, support victims, promptly and equitably investigate reports of misconduct, and deal fairly and firmly with those who are found in violation of the policy. The University recognizes that Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in education programs or activities receiving Federal Financial Assistance. Sexual violence and sexual harassment constitute forms of discrimination and will not be tolerated within the ISU community.

### **922.2 Scope of the Policy**

This Policy sets forth how the University defines and addresses sexual misconduct, intimate-partner violence, and stalking. It applies to all applicants, students, faculty, staff, independent contractors, guests, visitors, ISU departments and programs, and recognized student organizations. It applies to all incidents occurring on the ISU campus, at ISU events off campus, and to any incidents occurring off campus that affect the educational environment for students.

### **922.3 Options for Assistance**

Indiana State University has an obligation to address sexual misconduct, intimate-partner violence, and stalking when it knows or should have known about such instances. Any applicant, student, faculty member, staff member, independent contractor, guest or visitor is strongly encouraged to report a violation of this policy to the Title IX ~~Director~~ Coordinator. In addition, many ISU employees are considered Responsible Employees who are required to share information with the Title IX ~~Director~~ Coordinator. Any individual or group of individuals found to have violated this policy will be subject to disciplinary action, up to and including termination of employment or suspension from the University.

### **922.4 Title IX ~~Director~~ Coordinator**

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ISU has designated a Title IX ~~Director~~ Coordinator who has the authority to oversee compliance with all aspects of reports of investigate allegations of sex discrimination and misconduct, including violence and harassment, intimate partner violence, and stalking as prohibited by federal and state law. The Title IX ~~Director~~ Coordinator may appoint deputy Title IX investigators, as necessary, to fulfill the obligations of the Title IX ~~Director~~ Coordinator as required by this policy. The Title IX ~~Director~~ Coordinator is also responsible for providing annual training to members of the ISU community regarding the application and implementation of policies and procedures related to Title IX and the Campus SAVE Act. Further information about this policy and the procedures for reporting and investigation can be found on the Equal Opportunity and Title IX Office website: <https://www.indstate.edu/equalopportunity-titleix> ~~<https://cms.indstate.edu/equalopportunity-titleix>~~

The designated Title IX ~~Director~~ Coordinator is:

~~Assistant Vice President of Equal Opportunity and Title IX Director~~  
Director of Equal Opportunity/Title IX Coordinator  
Equal Opportunity and Title IX Office  
Rankin Hall, Room 426  
Indiana State University  
Terre Haute, Indiana 47809  
(812) 237-8954  
[equalopportunity-titleIX@indstate.edu](mailto:equalopportunity-titleIX@indstate.edu)

## 922.5 Prohibited Conduct and Definitions

As required by federal law, Indiana State University has developed the following definitions to provide guidance in the investigation and adjudication of cases reported under this policy.

**922.5.1 Sexual Misconduct. Sexual misconduct includes both sexual harassment and sexual violence, as defined below.**

**922.5.1.1 Sexual harassment** refers to the unwelcome imposition of sexual attention often in the context of a relationship of unequal power. The policy applies to men and women equally and encompasses both heterosexual and same sex harassment. Sexual harassment is any conduct, physical or verbal, that is sexual in nature and which has the effect of unreasonably interfering with an individual's or a group's educational or work performance, or which creates an intimidating, hostile, or abusive educational or work environment. It can include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature made by someone from or in the workplace or educational setting.

**922.5.1.2 Sexual Violence** is any sexual act that is perpetrated against someone's will. Sexual violence encompasses a range of offenses, including but not limited to a completed or attempted nonconsensual sex act (i.e., rape), abusive sexual contact (i.e., unwanted touching), and non-contact sexual abuse (e.g., threatened sexual violence, exhibitionism, verbal sexual harassment). All types involve victims who do not consent, or who are unable to consent or refuse to allow the act.

**922.5.3 Intimate Partner Violence.** Intimate partner violence – sometimes referred to as domestic battery or dating violence - describes physical, sexual, or psychological harm by a current or former partner or spouse. This type of violence can occur between individuals of heterosexual or same-sex couples and does not require sexual intimacy. Intimate partner violence can vary in frequency and severity. It occurs on a continuum, ranging from verbal abuse that may or may not impact the victim to chronic, severe battering. There are four main types of intimate partner violence including but not limited to:

**922.5.3.1 Physical Violence.** Physical violence is the intentional use of physical force with the potential for causing death, disability, or injury. Physical violence includes, but is not limited to, scratching; pushing; shoving; throwing; grabbing; biting; choking; shaking; slapping; punching; burning; use of a weapon; and use of restraints or one's body, size, or strength against another person.

**922.5.3.2 Sexual Violence** is defined in Section 922.5.3.

**922.5.3.3 Threats of Physical or Sexual Violence.** The use of words, gestures, or weapons to communicate the intent to cause death, disability, or injury.

**922.5.3.4 Psychological/Emotional Violence** involves trauma to the victim caused by acts, threats of acts, or coercive tactics. Psychological/emotional abuse can include, but is not limited to, humiliating the victim, controlling what the victim can and cannot do, withholding information from the victim, deliberately doing something to make the victim feel diminished or embarrassed, isolating the victim from friends and family, and denying the victim access to money or other basic resources. It is also considered psychological/emotional violence when there has been prior physical or sexual violence or prior threat of physical or sexual violence.

**922.5.4 Stalking.** Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for the person's safety or the safety of others; or (B) suffer substantial emotional distress. For purposes of determining if stalking has occurred, the Title IX ~~Director~~ Coordinator will utilize the following definitions.

**922.5.4.1 Course of Conduct.** The term "course of conduct" means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

**922.5.4.2 Reasonable Person.** The term "reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.

**922.5.4.3 Substantial Emotional Distress.** The term "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**922.5.5 Consent.** Consent is a knowing, voluntary, and clear mutual agreement to engage in sexual activity. Consent must be freely and actively given, and communicated by clearly and mutually understandable words or actions to participate in each form of sexual activity. Consent may be withdrawn at any time. Consent to some sexual contact cannot be presumed to be consent for other sexual activity including previous consent or the existence of a current or previous relationship. Silence or the absence of resistance is not the same as consent.

**922.5.5.1 Lack of Consent.** Lack of Consent means:

- a. The person has not given consent; or
- b. The person is incapable of giving consent because of mental, developmental, or physical disability; or
- c. Force is used or threatened; or
- d. The person is incapable of giving consent as a result judgment-inhibiting intoxication without regard to the intoxicant; or
- e. The person is not sufficiently conscious to provide consent.
- f. The person is not old enough to give consent. In Indiana, any person who has reason to believe that a child is a victim of child abuse or neglect has a duty to make a report to Child Protective Services or to the police.

**922.5.6 Responsible Employee.** A Responsible Employee is defined as any employee who has the authority to take action to address sexual misconduct, intimate-partner violence, or stalking; an employee who has been asked to report incidents of sexual misconduct, intimate-partner violence, or stalking; or any employee whom a student believes has the authority or duty to report sexual misconduct, intimate-partner violence, or stalking. University officers, directors, faculty, advisors, and resident assistants will generally be considered Responsible Employees. The Title IX ~~Director~~ Coordinator will annually notify those who are considered Responsible Employees under this policy. All Responsible Employees receiving reports of a potential violation of this policy must promptly contact the Title IX ~~Director~~ Coordinator.

**922.5.7 Retaliation.** Retaliation is defined as any adverse employment or educational action or creation of a hostile environment for individuals who report or participate in the investigation of violations of this policy.

## 922.6 Confidential Reporting

**922.6.1 Confidential Reporting for Students.** If a student would like the details of an incident to be kept confidential, the student may speak with on-campus counselors, campus health service providers, a victim advocate, off-campus local rape crisis counselors, domestic violence resources, or members of the clergy/chaplains who will maintain confidentiality except in extreme cases of immediacy of threat or danger, abuse of a minor, or as otherwise required by law. Students may access a Victim Advocate and/or campus counselors in the ISU Student Counseling Center, the Psychology Clinic, or the Grosjean Counseling Clinic. Contact information for confidential resources may be found at <https://www.indstate.edu/equalopportunity-titleix>. ~~<https://cms.indstate.edu/equalopportunity-titleix>~~

**922.6.2 Confidential Reporting for Employees.** If an employee would like the details of an incident to be kept confidential, the employee may discuss the matter confidentially with the Employee Assistance Program, the Psychology Clinic, the Grosjean Counseling Clinic, off-campus local rape crisis counselors, domestic violence resources, or members of the clergy / chaplains who will maintain confidentiality except in extreme cases of immediate threat or danger, abuse of a minor, or as otherwise required by law. Employees may also access the Employee Assistance Program. Contact information for confidential resources may be found at <https://www.indstate.edu/equalopportunity-titleix>. ~~<https://cms.indstate.edu/equalopportunity-titleix>~~.

## 922.7 Non-Confidential Reporting

Individuals who experience sexual misconduct, intimate-partner violence or stalking are encouraged to report to Title IX ~~Director~~ Coordinator and/or University Police. Complainants have the right, and can expect, to have complaints taken seriously by the University when reported and to have those incidents investigated and properly resolved with as much privacy as possible under the circumstances of each individual situation. The ISU Chief of Police, with cooperation from the Title IX ~~Director~~ Coordinator, will make the decision about notification to the campus about health and safety emergencies that might arise as a result of a report.

**922.7.1 Obligation to report by Responsible Employees.** Responsible Employees, as defined in 922.5.6, have an obligation to promptly report sexual misconduct, intimate partner violence, and stalking to the Title IX ~~Director~~ Coordinator.

**922.7.2 Relationship between University Police and Title IX ~~Director~~ Coordinator.** ISU Police will promptly report allegations of sexual misconduct, intimate partner violence, and stalking to the Title IX ~~Director~~ Coordinator. The Title IX ~~Director~~ Coordinator will comply with law enforcement requests for cooperation. Such cooperation may require the Title IX ~~Director~~ Coordinator to temporarily suspend the fact-finding aspect of an investigation while the law enforcement agency is in the process of gathering evidence. If so, the Title IX ~~Director~~ Coordinator will promptly provide notice of the suspension of the investigation to the parties involved. The Title IX ~~Director~~ Coordinator will promptly resume investigation as soon as it is notified by the law enforcement agency that it has completed the evidence gathering process.

**922.7.3 Privacy and Confidentiality.** All initial contacts between the Title IX ~~Director~~ Coordinator and the complainant will be treated with the maximum possible privacy. In all cases, the University will give consideration to the complainant with respect to how the complaint is pursued, but reserves the right, when necessary to protect the community, to investigate and pursue a resolution when an alleged victim chooses not to initiate or participate in a formal complaint.

**922.7.4 Reports of Crimes in Progress.** All university community members should contact University Police to report all crimes-in-progress.

**922.7.5 Reports Involving Minors.** In Indiana, any person who has reason to believe that a child is a victim of child abuse or neglect has a duty to make a report to Child Protective Services or to the police.

## 922.8 Investigation

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~~The Title IX Director will conduct a prompt, adequate, reliable, and impartial investigation of all complaints, except in cases where a complainant has requested that the investigation not proceed and the Title IX Director has agreed. During the investigation phase, both the complainant and respondent will have the opportunity to give a statement, present witnesses and provide evidence. The Title IX Director will publish investigative procedures, approved by the President, on the Equal Opportunity Website, which will guide investigations. Investigation procedures may differ based on the role of the respondent as a student, employee, or visitor to campus.~~

### **922.8 Assessment and Investigation**

The Title IX Coordinator is responsible for assessment of reports of sexual misconduct, intimate partner violence or stalking. If the Title IX Coordinator determines that an investigation is warranted, the Title IX Coordinator will conduct or assign an investigator to conduct an adequate, reliable, and impartial investigation of the complaint. During the investigation phase, both the complainant and respondent will have the opportunity to give a statement, present witnesses, and provide evidence. The Title IX Coordinator will publish investigation and hearing procedures, approved by the President. Investigation procedures may differ based on the role of the respondent as student, employee, or visitor to campus.

**922.8.1 Interim Measures.** Following a report of sexual misconduct, intimate partner violence, or stalking involving students, ~~ISU~~ the Title IX Coordinator will implement appropriate interim measures during the investigation period to provide for the safety of ~~complainant~~ the parties and the campus community and the avoidance of retaliation. ~~In some cases the University will initiate the interim measures without request. The Title IX Director will work with appropriate officials in Residential Life, Academic Affairs, Human Resources, or others to ensure the implementation of appropriate interim measures. If appropriate interim measures are not provided, in the Title IX Director's reasoned opinion, the Title IX Director will report this information to the President or Provost for a further determination.~~

**922.8.1.1 Interim Measures for Students ~~Complainants~~.** Interim measures for students may be imposed regardless of whether formal disciplinary action is sought by ~~the complainant or~~ the University in order to ensure the preservation of the complainant's educational experience and the overall university environment. Interim measures for students may consist of counseling, housing assistance, academic assistance, no contact orders, or other assistance that the Title IX ~~Director~~ Coordinator deems appropriate.

**922.8.1.2 Interim Measures for Employee Complainants.** The Title IX ~~Director~~ Coordinator may implement interim support measures for employees, ~~complainants,~~ which may include referrals for counseling, development of safety plans, or other assistance that the Title IX Coordinator ~~Director~~ deems appropriate.

**922.8.2 Support During the Investigation.** Complainants and Respondents will have the opportunity to have a support person present during the investigation and appeal process. Student Complainants and Respondents may utilize a University Process Advisor during the investigation and appeal. ~~the ISU Victim Advocate as support during the investigation and appeal. Student Respondents may utilize the Associate Dean of Students during the investigation and appeal.~~ The Title IX ~~Director~~ Coordinator will issue annual guidance on the appropriate role of the support person.



**922.8.3 Investigative Report.** The Title IX ~~Director~~ Coordinator will prepare an investigative report. The complainant and respondent will have the opportunity to review and provide a written response to the report before a determination is made.

**922.8.4 Equal Rights During Investigation and Appeal.** Complainants and respondents shall be given the same opportunities for notice and support during the investigation and appeal.

## **922.9 Determinations and Disciplinary Outcomes for Students**

A three-member Title IX panel will determine if a student respondent has violated the policy and will ~~impose~~ recommend disciplinary outcomes, if appropriate ~~necessary~~. The members of the panel will be chosen from a Title IX Committee, consisting of twelve (12) regular faculty or full-time employees. The Title IX ~~Director~~ Coordinator will coordinate an open, campus-wide nomination process for members of the Title IX Committee and the President will make the final decision on its composition. Members will serve rolling three-year terms and may be removed at the will of the President.

**922.9.1 Standard of Review.** The standard of review for determination of a violation of this policy shall be a preponderance of the evidence or whether the respondent more likely than not violated the policy.

~~**922.9.2 Review and Determination.** Upon completion of the investigation, the Title IX Director will present the investigative report to the Panel. The Panel will review the investigative report of the Title IX Director and will have the opportunity to request additional information from the Title IX Director, if necessary. The Panel will then make a determination about whether or not it is more likely than not that the respondent violated the policy.~~

**922.9.2 Review and Determination.** The Title IX Panel will receive the investigation report and conduct a hearing in accordance with procedures approved by the President and guided by standards of due process. The Panel will make the determination about whether or not it is more likely than not that the respondent violated the policy. If the panel finds a violation of the policy, the Panel will make a recommendation to the Title IX Coordinator about the type and severity of the disciplinary outcome.

~~**922.9.2.1 Outcome for Policy Violation.** The Panel has discretion in the type and severity of the disciplinary outcome, which may include~~ The Title IX Coordinator will make the final determination about disciplinary outcomes, which may differ from the Panel's recommendation. The disciplinary outcome may include a conduct warning, conduct probation, mandated assessments, educational requirements, and/or temporary or permanent separation from Indiana State University in accordance with the Code of Student Conduct.

**922.9.3 Notification to Complainant and Respondent.** Both the complainant and the respondent will be notified in writing of the determination and, if appropriate, the disciplinary outcome. ~~made by the Panel.~~

**922.9.4 Appeal.** In cases involving student respondents, both the complainant and the respondent will have the opportunity to appeal the determination ~~decision~~ of the Panel or the disciplinary outcome to

the Vice President for Student Affairs, or designee, within ten (10) calendar days of notification of the determination. ~~Panel's decision. The only basis for an~~ Appeals of the determination of the policy violation may only be based on a ~~is the~~ lack of procedural due process, which is defined as a notice of the investigation and the right to be heard. Students may also appeal the disciplinary outcome in accordance with appeal procedures as approved by the president.

## **922.10 Determinations and Disciplinary Outcomes for Faculty, Staff, and Other Respondents**

The determination about whether it is more likely than not that a faculty, staff, or visitor committed a violation of this policy will be made by the Title IX ~~Director~~ Coordinator, or designee, in accordance with the published procedures. ~~The Title IX Director will recommend sanctions to the Vice President to whom the respondent reports.~~ The Vice President to whom the respondent reports shall make determinations regarding disciplinary outcomes.

**922.10.1 Standard of Review.** The standard of review for determination of a violation of this policy shall be a preponderance of the evidence or whether the respondent more likely than not violated the policy.

**922.10.2 Appeal.** ISU faculty, staff, and visitors will have the opportunity to appeal the Title IX ~~Director's~~ Coordinator's decision within 20 working days. The appeals process will follow ~~the published procedures.~~ available on the Equal Opportunity website.

## **922.11 No Retaliation**

Retaliation against an individual for reporting a violation of this policy, supporting a complainant or respondent, or participating in an investigation is a serious violation of this policy and will be treated as another possible instance of harassment or discrimination.

## **922.12 Prevention, Education, and Training**

**922.12.1 Training for Individuals Involved in Investigation.** The Title IX ~~Director~~ Coordinator will provide or coordinate periodic, comprehensive training to ISU employees who will be directly involved in processing, investigating and/or resolving complaints related to this policy.

**922.12.2 Training and Prevention for Students.** The Title IX ~~Director~~ Coordinator, in collaboration with the Division of Student Affairs, will direct a mandatory training and prevention program for students.

**922.12.3 Training for Employees.** The Title IX ~~Director~~ Coordinator, in conjunction with the Division of Student Affairs, Academic Affairs, and Human Resources will direct mandatory training to university employees. Employees will be expected to complete training every two years.

**Item is provided for information only and will be presented for action at the October 2019 Meeting of the Board of Trustees.**

## 2c Proposed Modification to [Policy 125 Bylaws of the ISU Board of Trustees](#)

**Rationale:** The administration proposes modification to Policy 125 Bylaws of the ISU Board of Trustees to address inconsistencies with current meeting schedules, references to the Chair of the Board instead of President of the Board, to make clear the Board's authority to appoint, evaluate, and terminate the University President, and to ensure appointment of the nominating committee is included in the bylaws. The specific clarification about the Board's authority to appoint, evaluate and terminate the University President is a modification requested in preparation for the 2020 Higher Learning Commission visit.

### Proposed Language

(Proposed additions appear in red and deletions in strikethrough.)

#### 125.1 Article I

**125.1.1 Name.** The name of the Board of Trustees is fixed by the statute of the State of Indiana as INDIANA STATE UNIVERSITY BOARD OF TRUSTEES.

**125.1.2 Name of University.** The name of the University under the control of this Board of Trustees is fixed by statute of the State of Indiana as INDIANA STATE UNIVERSITY.

**125.1.3 Seal.** The seal of the Board of Trustees shall be a circular disc with the words "INDIANA STATE UNIVERSITY" "SEAL" around the outer edge and words "BOARD OF TRUSTEES" in the center.

#### 125.2 Article II

**125.2.1 Membership.** The membership of this Board of Trustees shall conform with the statutes of the State of Indiana governing the membership of the INDIANA STATE UNIVERSITY BOARD OF TRUSTEES.

**125.2.2 Committees.** There shall be a standing Finance Committee of this Board of Trustees.

**125.2.2.1 Charge.** The Finance Committee shall be responsible for safeguarding and monitoring the University's financial stability and long-term economic health. The Committee serves as the Board's principal forum for the consideration of matters relating to the University's business operations, budgeting, financing, financial reporting, and financial reserves.

**125.2.2.2 Membership and Appointment.** The Finance Committee shall consist of three (3) members who shall be appointed by the ~~Chair~~**President**-elect of the Board of Trustees at the meeting of the Trustees at which officers for the coming year are elected.

**125.2.2.2.1 Appointment of Chair.** At the same meeting at which the members of the Finance Committee are appointed by the ~~Chair~~**President**-elect, the ~~Chair~~**President**-elect shall also appoint the chair of the Finance Committee.

**125.2.2.3 Joint Service Allowed.** Members of the Board of Trustees who hold offices may also serve on the Finance Committee.

**125.2.2.4 Term of Service.** The term of service of each member of the Finance Committee shall run from the first meeting following the meeting at which officers of the Board are elected to the next such meeting.

**125.2.2.5 Meetings.** The Chair of the Finance Committee shall call meetings of the Finance Committee when needed, with the same notice provisions applying to the Finance Committee that apply to the Board of Trustees.

**125.2.2.6 No Action, Only Recommendations.** The Finance Committee shall itself have no authority to take action on behalf of the Board of Trustees; the Finance Committee shall make recommendations to the Board of Trustees for Board action on matters that come before it and shall report on its activities at each meeting of the Board of Trustees.

## **125.3 Article III**

### **125.3.1 Powers of Board of Trustees.**

**125.3.1 Statutory Powers.** In addition to the powers specifically granted by statutes of the State of Indiana, the Board has and may exercise all other implied powers reasonably required for the conduct of the affairs of Indiana State University.

**125.3.1.2 University President.** The Board will appoint and regularly evaluate the University President and, when the Board deems it necessary, may terminate the President.

**125.3.1.3 Contracts.** The Board may from time to time, by resolution, prescribe the manner in which contracts shall be executed on behalf of the Board. In the absence of such provision, all contracts shall be executed by the Chair or Vice Chair and attested by the Secretary or Assistant Secretary.

## **125.43 Article IV**

### **125.4.13.1 Meetings and Powers of the Board of Trustees**

**125.4.1.13.1.1 Annual Meeting.** An annual meeting of the Board of Trustees shall be held each year for the purpose of electing officers and the transaction of such other business as may be brought before the meeting.

**125.4.1.1.13.1.1.1 Place and Time.** Such meeting shall generally, but not necessarily, be held on the Friday preceding May commencement each year, at the hour and place specified in the notice of the meeting.

**125.4.1.1.23.1.1.2 Notice.** The Secretary shall give five (5) days' notice of such annual meeting in person or by mail, telephone, or telegraph.

**125.4.1.1.33.1.1.3 Delayed Annual Meeting.** In the event of failure to hold an annual meeting, a delayed annual meeting may be held on a later date upon being called by any two (2) members of the Board or by the ~~Chair~~ **President** of the Board. **Five (5) days' notice of such delayed annual meeting shall be given by the Secretary in the same manner specified for the annual meeting.**

~~**125.3.1.1.3.1 Notice for Delayed Annual Meeting.** Five (5) days' notice of such delayed annual meeting shall be given by the Secretary in the same manner specified for the annual meeting.~~

**125.4.1.2.3-1.2 Regular Meetings.** The Board of Trustees shall hold ~~five~~ **four** regular meetings each year, in addition to the annual meeting. However, any regular meeting may be canceled with the consent of at least a majority of the members of the Board.

**125.4.1.2.13-1.2.1 Dates.** Generally, but not necessarily, a regular meeting of the Board shall be held at the hour and place specified in the notice of meeting, as follows:

~~a. The first Thursday and Friday following Labor Day~~

~~ab.~~ The Friday of Homecoming weekend

~~bc.~~ The Friday preceding December commencement

~~cd.~~ The third Thursday and Friday of February

**d. The Friday preceding May commencement (annual meeting)**

~~e. A date to be determined each year for the Board of Trustees to conduct an annual retreat, and conduct a performance review of the President of the University.~~

**125.4.1.2.2 Additional Meeting.** In odd years, the Board of Trustees may schedule an additional meeting to meet its legal obligation to set tuition and fees.

**125.4.1.2.33-1.2.2 Notice.** The Secretary shall give five (5) days' notice of each regular meeting in person or by mail, telephone, or telegraph.

**125.4.1.33-1.3 Special Meetings.** A special meeting of the Board may be called on any date by the ~~Chair~~ **President** of the Board or by a majority of the members of the Board, and may be held at such hour and at such place within the State of Indiana as shall be fixed in the notice of such meeting.

**125.4.1.3.13-1.3.1 Notice.** Notice of a special meeting shall be mailed or given personally or by telephone or telegraph by the Secretary to each member not less than five (5) days in advance of such meeting.

**125.4.1.43-1.4 Participation by Electronic Communication.** A trustee not physically present at a meeting of the Board of Trustees for which there is only one agenda item (for example, the annual organizational meeting where the only item of business is the election of officers or an emergency meeting called for the purpose of disposing of one issue) may participate by electronic communication, in accordance with Indiana law.

**125.4.1.4.13-1.4.1** The minimum number of Trustees who must be physically present at the place where the meeting is conducted is the greater of two (2) or one-third (1/3) of the members.

**125.4.1.4.23-1.4.2** All votes of the Board of Trustees during any electronic meeting must be taken by roll call.

**125.4.1.53-1.5 Quorum for Meeting.** At all meetings of the Board there shall be present at least a majority of all of the members in order to constitute a quorum. If at any meeting there shall be less than a quorum present, such meeting may be adjourned from time to time until a quorum is present.

**125.3.1.5.1 Quorum for Vote.** All action taken by the Board at any meeting shall be approved by vote of at least a majority of the members of the Board at the time holding office.

**125.4.1.63-1.6 Waiver of Notice.** Notice of any meeting may be waived in writing by any member of the Board, and the presence in person of a member at a meeting shall be deemed to be a waiver of notice of such meeting by such member.

~~**125.3.1.7 Powers of Board of Trustees.** In addition to the powers specifically granted by statutes of the State of Indiana, the Board has and may exercise all other implied powers reasonably required for the conduct of the affairs of Indiana State University. The Board may from time to time, by resolution, prescribe the manner in which contracts shall be executed on behalf of the Board. In the absence of such provision, all contracts shall be executed by the President or Vice President and attested by the Secretary or Assistant Secretary.~~

**125.4.1.73-1.8 Attendance.** Any Trustee not in attendance for two (2) or more meetings, whether regular, special, or annual, during any year shall be subject to the Board conveying notice of such absences to the Governor of the State of Indiana.

~~**125.4.1.7.13-1.8.1**~~ For these purposes, any meeting attended by electronic means counts as regular attendance.

## **125.54 Article V**

~~**125.5.14.1 Election of Officers.** The Chair shall appoint a nominating committee to present a slate of officers at the annual meeting.~~ At its annual meeting the Board of Trustees shall elect from among its membership a President, a Vice President, a Secretary, and an Assistant Secretary. The working titles of the President and the Vice President shall be "Chairperson" and "Vice Chairperson," and the same shall be used throughout this Article IV.

~~**125.5.1.14.1.1 Term.**~~ Each officer shall be elected for a term of one (1) year or until a successor shall be elected and qualified.

~~**125.5.1.24.1.2 Succession to Office.**~~ Unless an individual is no longer a member of the Board, it shall be the normal practice of the Board to elect each officer to two (2) one-year terms, with the Vice ~~Chair~~President then moving to the office of ~~Chair~~President and the Secretary then moving to the office of Vice ~~Chair~~President. Notwithstanding this, a nominating committee shall meet each year to develop and recommend a slate of officers to the Board.

~~**125.5.24.2 Vacancies of Office.**~~ Whenever any vacancy shall occur in any office by death, resignation or otherwise, the same shall be filled by the Board of Trustees and the officer so elected or appointed shall hold office for the balance of the term of said office or until a successor is chosen and qualified.

~~**125.5.34.3 Chairperson.**~~ The Chairperson shall preside at all meetings of the Board of Trustees, discharge all the duties which devolve upon a presiding officer, and perform such other duties as the bylaws provide or the Board of Trustees may prescribe.

~~**125.5.44.4 Vice Chairperson.**~~ The Vice Chairperson shall perform all duties incumbent upon the Chairperson during the absence of or disability of the Chairperson, and perform any such other duties as the bylaws may require or the Board of Trustees may prescribe.

**125.5.54.5 Secretary.** The Secretary shall keep a record of the proceedings of all meetings and shall notify the members of all regular and special meetings and shall further be responsible for carrying on all correspondence as directed by the Board of Trustees. S/he shall also perform and discharge such other duties as the bylaws provide or the Board of Trustees may prescribe.

**125.5.64.6 Assistant Secretary.** The Assistant Secretary shall perform all duties incumbent upon the Secretary during the absence of or disability of the Secretary, and perform such other duties as the bylaws may require or the Board of Trustees may prescribe. The Board of Trustees may, from year to year, determine to leave this position vacant.

**125.5.74.7 Treasurer.** The Treasurer shall be the Treasurer of the University, shall not be a member of the Board of Trustees, and shall have custody of all funds and securities of the University which may come into his/her hands. S/he shall deposit the same to the credit of the University in such banks or depositories as the Board of Trustees shall direct. S/he shall keep an accurate account of all funds and securities, disburse and dispose of the same under the direction of the Board of Trustees and perform all acts incident to the position of Treasurer subject to order of the Board of Trustees and such other duties as the Board of Trustees may prescribe.

## 125.5 Article VI

**125.5.1 Amendments.** The power to make, alter, amend or repeal these bylaws is vested in the Board of Trustees, but the affirmative vote of a majority of the members of the Board of Trustees for the time being shall be necessary to effect any alteration, amendment or repeal.

**Item is provided for information only and will be presented for action at the October 2019 Meeting of the Board of Trustees.**

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## 2d The Future of Lincoln Quad

During the past 10 years, Indiana State has renovated the majority of its student housing to upgrade the facilities and better meet the expectations of today's students. Constructed in 1969, Lincoln Quad is the only on-campus residence hall which has not undergone a major renovation. At the same time, multiple apartment housing projects have been developed adjacent to campus by third parties. In order to prepare a recommendation for the Board of Trustees, President Curtis has asked Senior Vice President Diann McKee to lead a review committee to assess the future of Lincoln Quad. The administration will provide its recommendation for the Board of Trustees' consideration at the October 11, 2019 meeting.

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## 3 Adjournment