

## **IC 21-28-5**

### **Chapter 5. Indiana Higher Education Telecommunications System**

#### **IC 21-28-5-1**

##### **Applicability of chapter**

Sec. 1. This chapter applies to the following:

- (1) A state educational institution.
- (2) A private postsecondary educational institution.

*As added by P.L.2-2007, SEC.269.*

#### **IC 21-28-5-2**

##### **Authority to use multipurpose, multimedia, closed circuit statewide telecommunications system**

Sec. 2. The board of trustees of any combination of state educational institutions and the board of directors of any combination of private postsecondary educational institutions may, if they find the need exists for a broad dissemination of a wide variety of educational communications for the improvements and the advancement of higher educational opportunity, jointly arrange, for a period not exceeding ten (10) years, for:

- (1) services provided by the office of technology; and
- (2) the use of a multipurpose, multimedia, closed circuit, statewide telecommunications system furnished by communications common carriers subject to the jurisdiction of the Indiana utility regulatory commission;

to interconnect the main campuses and the regional campuses of the participating educational institutions and centers of medical education and service.

*As added by P.L.2-2007, SEC.269.*

#### **IC 21-28-5-3**

##### **Administration and supervision of system and programs in electronic format**

Sec. 3. In addition to the closed circuit statewide telecommunications system, the participating educational institutions shall establish, in accordance with federal copyright law, programs in an electronic format to provide for the advancement of higher education opportunity and individualized access to higher education programs. The program may make available a wide variety of higher education courses in electronic format. The participating educational institutions shall make information in an electronic format available to the public by any means of public or private distribution that they determine to be appropriate, including sale or lease. The participating educational institutions may determine policy and establish procedures to administer this program. The participating educational institutions shall maintain and keep current, in an electronic format, a listing of all information.

*As added by P.L.2-2007, SEC.269.*

#### **IC 21-28-5-4**

##### **Use of system or programs in electronic format by other entities**

Sec. 4. A transmission system must be for the exclusive use of the participating educational institutions. However, the participating educational institutions may permit the use of the transmission system, or any part of the transmission system, by others under section 10 of this chapter.

*As added by P.L.2-2007, SEC.269.*

#### **IC 21-28-5-5**

##### **Designation of transmission system; criteria**

Sec. 5. A transmission system must be designed to permit the installation of additional capacity and coverage as accumulating communication needs of higher education may require. The system must:

- (1) be capable of transmitting high fidelity television signals, high fidelity sound signals, data signals for computer communications, and voice traffic; and
- (2) include control circuits.

*As added by P.L.2-2007, SEC.269.*

#### **IC 21-28-5-6**

##### **Transmission system; terms and conditions of use**

Sec. 6. The arrangements for the use of the transmission system may be upon terms and conditions as the participating educational institutions determine are necessary, proper, or desirable.

*As added by P.L.2-2007, SEC.269.*

#### **IC 21-28-5-7**

##### **Approval of coordinating unit**

Sec. 7. Plans or arrangements for the use of the transmission system may not be adopted or entered into under this chapter without the specific approval of the coordinating unit.

*As added by P.L.2-2007, SEC.269.*

#### **IC 21-28-5-8**

##### **Coordinating committee or unit; establishment**

Sec. 8. The participating educational institutions shall establish a coordinating committee or other body composed of persons that the participating educational institutions select. The chief information officer or the chief information officer's designee shall be a member of any coordinating unit. The coordinating unit may administer and supervise the use of the transmission system and the information in designated electronic format as may be delegated to it by the participating educational institutions. The participating educational institutions shall have equal representation on the coordinating unit.

*As added by P.L.2-2007, SEC.269.*

#### **IC 21-28-5-9**

##### **Advisory council; establishment**

Sec. 9. The participating educational institutions must establish an advisory council of representatives of users of the transmission system.

*As added by P.L.2-2007, SEC.269.*

#### **IC 21-28-5-10**

##### **Transmission system; use**

Sec. 10. (a) Any arrangements for the use of the transmission system or information in the designated electronic format must provide that the participating educational institutions (or any committee or other body established under this chapter, if power is delegated to them) may permit any of the following entities to use the transmission system or the information in the designated electronic format for educational purposes:

- (1) Postsecondary educational institutions.
- (2) Governmental or public corporations or bodies.
- (3) Other corporations.
- (4) Partnerships.
- (5) Associations.
- (6) Trusts.
- (7) Limited liability companies.
- (8) Other persons.

(b) Any use permitted under this section is subject to the rules, regulations, fees, and charges as the participating educational institutions or coordinating unit may prescribe.

(c) Each entity that uses the transmission system is responsible for the origination of the program to be transmitted by that entity and for the reception and use of the program at the destination.

(d) The payment of all costs that exceed the cost of the use of the transmission system facilities and the information in electronic format shall be borne by the parties using the system as agreed upon.

*As added by P.L.2-2007, SEC.269.*

#### **IC 21-28-5-11**

##### **Power to accept gifts and federal aid**

Sec. 11. In connection with the use of the telecommunications system, the information in the designated electronic format, or any other related matter, the participating educational institutions may accept gifts or contributions from individuals, corporations, limited liability companies, partnerships, associations, trusts, or foundations and may accept funds from any federal agency under terms and conditions that the participating educational institutions determine are necessary or desirable.

*As added by P.L.2-2007, SEC.269.*

### **IC 21-28-5-12**

#### **Power to enter into contracts**

Sec. 12. The participating educational institutions may enter into and carry out contracts and agreements in connection with this chapter. All contracts and agreements entered into must be approved by the coordinating unit.

*As added by P.L.2-2007, SEC.269.*

### **IC 21-28-5-13**

#### **Higher education statewide telecommunications fund; establishment**

Sec. 13. (a) The higher education statewide telecommunications fund is established as a special and distinct fund. Expenditures from the fund may be made only for the following:

(1) Payments by the participating educational institutions for the use of a transmission system or the lease, purchase, rental, or production of information in a designated electronic format.

(2) Studies regarding the possibilities of extending the use of the transmission system:

(A) to state educational institutions or private postsecondary educational institutions in Indiana that are not participating educational institutions; and

(B) for post-high school and other educational uses.

(3) The expenses of coordinating, planning, and supervising the use of the transmission system and the information in the designated electronic format.

(4) Equipment for the originating and receiving of instructional communication and educational information by means of the transmission system and the information in the designated electronic format.

(b) The state auditor shall pay, as needed, from the fund amounts to the board of trustees of Indiana University as agent for the participating educational institutions.

(c) The board of trustees of Indiana University, as agent, shall apply the funds to the payment of items as payment becomes due from the fund.

*As added by P.L.2-2007, SEC.269.*

### **IC 21-28-5-14**

#### **Additional members of and connections to I-Light prohibited**

Sec. 14. (a) This section does not apply to a person that:

(1) is not a state educational institution or a private postsecondary educational institution; and

(2) is a member of I-Light or is connected to or uses the I-Light network or services made available through I-Light;

before April 1, 2012.

(b) As used in this section, "I-Light" refers to the high speed communications network that connects state educational institutions

and private postsecondary educational institutions throughout Indiana. The term includes the networks, and any successor networks, known at any time as I-Light or I-Light 2.

(c) As used in this section, "person" means any individual, corporation, limited liability company, partnership, firm, association, public or private agency, or other organization.

(d) Notwithstanding section 10 of this chapter, and except as provided in subsection (a) and IC 8-1-32.7-5(b)(2), after March 31, 2012, a person that is not:

(1) a state educational institution; or

(2) a private postsecondary educational institution;

may not become a member of I-Light or otherwise connect to or use the I-Light network or any services made available through I-Light.

*As added by P.L. 79-2012, SEC.2.*