Senators are reminded to bring their PSU ID cards to swipe in a card reader to record attendance.

In the event of severe weather conditions or other emergencies that would necessitate the cancellation of a Senate meeting, a communication will be posted on Penn State Live at http://live.psu.edu/.

A. MINUTES OF THE PRECEDING MEETING

Minutes of the April 19, 2016, Meeting in The Senate Record 49:6

B. COMMUNICATIONS TO THE SENATE

Senate Curriculum Report of August 23, 2016 Appendix A
Seating Chart for 2016-2017 Appendix B

C. REPORT OF SENATE COUNCIL – Meetings of June 28, 2016 and August 23, 2016

D. ANNOUNCEMENTS BY THE CHAIR
(Student group presentation)

E. COMMENTS BY THE PRESIDENT OF THE UNIVERSITY

F. COMMENTS BY THE EXECUTIVE VICE PRESIDENT AND PROVOST OF THE UNIVERSITY

G. FORENSIC BUSINESS

Educational Equity and Campus Environment - Student Diversity Panel Appendix C
[25 minutes allocated for presentation and discussion]

Faculty Benefits - Changes to the Smoking Policy: A Tobacco-Free University? Appendix D
H. UNFINISHED LEGISLATIVE BUSINESS

I. LEGISLATIVE REPORTS

Admissions, Records, Scheduling and Student Aid

Revisions to Senate Policy 54-10 and 54-20: Good Standing and Academic Warning

J. ADVISORY/CONSULTATIVE REPORTS

K. INFORMATIONAL REPORTS

Senate Council

Report on Spring 2016 College Visits

[5 minutes allocated for presentation and discussion]

University Planning

Faculty Senate - Construction Report

[10 minutes allocated for presentation and discussion]

L. NEW LEGISLATIVE BUSINESS

M. COMMENTS AND RECOMMENDATIONS FOR THE GOOD OF THE UNIVERSITY

The next meeting of the University Faculty Senate will be held on Tuesday, October 18, 2016, 1:30 p.m., Room 112 Kern Graduate Building.

All members of the University Faculty Senate are asked to sit in their assigned seats for each Senate meeting. The assignment of seats is made to enable the Senate Chair to distinguish members from visitors and to be able to recognize members appropriately. Senators are reminded to wait for the microphone and identify themselves and their voting unit before speaking on the floor. Members of the University community, who are not Senators, may not speak at a Senate meeting unless they request and are granted the privilege of the floor from the Senate Chair at least five days in advance of the meeting.
COMMUNICATION TO THE SENATE

DATE: August 24, 2016

TO: James A. Strauss, Chair, University Faculty Senate

FROM: Michelle Duffey, Chair, Senate Committee on Curricular Affairs

The Senate Curriculum Report dated August 23, 2016 has been circulated throughout the University. Objections to any of the items in the report must be submitted to Kadi Corter, Curriculum Coordinator, 101 Kern Graduate Building, 814-863-0996, kkw2@psu.edu, on or before September 22, 2016.

The Senate Curriculum Report is available on the web and may be found at: http://senate.psu.edu/curriculum/senate-curriculum-reports/
## Room 112 Left Section Front of Auditorium

### PRESENTERS

<table>
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<td>B-14</td>
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</table>

- Werner W.
- Whitehurst M.
- Wilburto J.
- Williams M.B.
- Wolfe D.
- Young R.
- Adewumi M.
- Yun J.
- Zomordi N.

- Toye E.
- Thomas D.
- Trauth E.
- Truex E.
- Verno K.
- Wagner E.
- Walker E.
- Wang M.
- Weber E.
- Weidemann C.
- Welsh N.

- Shurgal R.
- Sigurdsson S.
- Silvery P.
- Sims D.
- Singer R.
- Smith M.
- Smithwick E.
- Snyder S.
- Subramanian R.
- Sutton J.
- Szczepiel B.
- Twes M.

- Rowland N.
- Ruggiero F.
- Safian J.
- Saltz I.
- Schelp L.
- Schmiedekamp A.
- Schultz A.
- Scott G.
- Shannon R.
- Shaprio K.
- Sharkey N.
- Shama A.
- Shen S.
- Shockey A.

- Pierce M. B.
- Plummer J.
- Prole T.
- Posey L.
- Pottschny J.
- Pratnu V.
- Preciado F.
- Radhakrishna R.
- Radovic L.
- Ranbar A.
- Ricketts R.
- Robertson G.
- Robinett R.
- Robzen I.
- Rochrock L.

- Myers J.
- Naseddin M.
- Natarily S.
- Nelson K.
- Nevins R.
- Nosek J.
- Novak A.
- Novakos A.
- Olsufa A.
- Omert J.
- Palmer T.
- Pangborn R.
- Pannaman R.
- Pasimore D.
- Patzkowski M.
- Petru R.

- Mangel L.
- Manning K.
- Marsch J.
- Matsuekas T.
- Mazuccato A.
- McDell A.
- Hodgdon K.
- McMillan G. S.
- Melton R.
- Messor R.
- Meyers J.
- Miles C.
- Miles C.
- Miles C.
- Miette Nuzzo P.
- Moak M.

- Leavitt T.
- Le B.
- Levine M.
- Litiznik S.
- Linahan P.
- Linn S.
- Litiznik B.
- Lough M.
- Lobb R.
- Lopez H.
- Luke N.
- Mahan C.
- Makart S.
- Makar S.
- Malak A.

- Kaler P.
- Kalavir J.
- Kass L.
- Keller K.
- Kelly C.
- Kepner L.
- Kenyon W.
- King E.
- Kittl B.
- Knaus J.
- Knecht E.
- Knecht E.
- Kubat R.
- Kuric K.
- Kusikov J.
- Lackeunesse T.

- Hayford H.
- Healy M.
- Hickner M.
- High K.
- Hinckley K.
- Holt S.
- Hom M.
- Hosseini H.
- Hirataov P.
- Hufnagel J.
- Hughes J.
- Jablonski K.
- Jeff D.
- Jolly R.
- Jones R.
- Jurs P.
- Kaag M.

### Back of Auditorium
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<td>Garrett B.</td>
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<td>Geller A.</td>
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<td>Glantze E.</td>
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<td>Grimes G.</td>
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<td>Eggbein D.</td>
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<td>Fairley T.</td>
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<td>Eckhardt C.</td>
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<td>Enama J.</td>
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<td>1-12</td>
<td>Davis D.</td>
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<td>Desai M.</td>
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<td>Eggebeen D.</td>
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<td>C</td>
<td>1-15</td>
<td>Brunsden V.</td>
<td>E-9</td>
<td>Casper G.</td>
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<td>Castell M.</td>
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<td>Chan W. F.</td>
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<td>Clark M. B.</td>
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<td>Clements A.</td>
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<td>1-16</td>
<td>Bryan J.</td>
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<td>Bridges K. R.</td>
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<td>I</td>
<td>1-27</td>
<td>Abdalla C.</td>
<td>L-13</td>
<td>Adair J.</td>
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<td>Adair J.</td>
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**VISITOR SECTION**

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Appendix B
09/06/16

ALPHABETICAL ROSTER with Seat Number

• L-11 Abdalla, Charles
• L-10 Abel, Jonathan
• L-9 Adair, James
• B-12 Adewumi, Michael
• K-16 Aebli, Fred
• K-15 Ahr, Andrew
• K-14 Ambler, Gilbert
• K-13 Andelin, Steven
• K-12 Ansari, Mohamad
• K-11 Aurand, Harold
• K-10 Aynardi, Martha
• K-9 Azemi, Asad
• J-15 Backer, Larry Catá
• J-14 Banyaga, Augustin
• J-10 Barlow, Jesse
• J-13 Barney, Paul
• Presenters seat Barron, Eric J.
• J-12 Bartell, Paul
• J-11 Bartolacci, Michael
• J-9 Bascom, Rebecca
• J-8 Basso, Susan
• H-14 Baumer, Eric
• H-13 Beaver, Daniel
• H-12 Bechtel-Wherry, Lori
• H-11 Bérubé, Michael
• H-10 Blakney, Terry
• H-9 Blasko, Dawn
• H-8 Blockett, Kimberly
• G-13 Boehmer, John
• G-12 Borromeo, Renee
• G-11 Bowen, Blannie
• G-10 Boyle, James
• G-9 Brennan, Mark
• G-8 Brentner, Ken
• F-12 Bridges, Robert
• F-11 Brigger, Clark
• F-10 Brown, Claudia
• F-9 Brown, Raymonde
• F-8 Bruno, Michael
• E-13 Brunsden, Victor
• E-12 Bryan, Julia
• E-11 Butler, William
• E-10 Caldwell, Linda
• E-9 Casper, Gretchen
• E-8 Casteel, Mark
• E-7 Chen, Wei-fan
• E-6 Clark, Mary Beth
• E-5 Clements, Ann
• E-4 Cockroft, Kevin
• E-3 Connolly-Ahern, Colleen
• E-2 Conti, Delia
• E-1 Copeland, Ann
• D-12 Cusumano, Joseph
• D-11 Davis, Dwight
• D-10 Dendle, Peter
• D-9 Desai, Madhuri
• D-8 Dietz, Amy
• D-7 DiStaso, Marcia
• D-6 Douts, Anne
• D-5 Duffey, Michele
• D-4 Duschl, Richard
• D-2 Eberle, Peter
• D-1 Eckert, Jill
• C-11 Eckhardt, Caroline (Carey)
• C-10 Eggebeen, David
• C-9 Egolf, Roger
• C-8 Ellsworth, Maura
• C-7 Enama, Joseph
• C-6 Farley, Timothy
• C-5 Finke, Erinn
• C-4 Freiberg, Andrew
• C-3 Friedenberg, Marc
• C-2 Funk, Raymond
• C-1 Furfaro, Joyce
• B-9 Garrett, Brad
• B-8 Geisinger, Sammy
• B-7 Geller, Andrew
• B-6 Giebink, N. Christopher
• B-5 Glantz, Ed
• B-4 Goranson, Morgan
• B-3 Grimes, Galen
• B-2 Griswold, Anna
• B-1 Guay, Terrence
• A-2 Haigh, Michel
A-3 Han, David
A-4 Hanes, Madlyn
A-6 Harrison, Rachel
A-5 Harrison, Terry
A-7 Harte, Federico
A-8 Harwell, Kevin
L-36 Hayford, Harold
L-35 Healy, Michael
L-34 Hickner, Michael
L-33 High, Kane
L-32 Hinchey, Patricia
H-25 Hodgdon, Kathleen
L-31 Holt, Sharon
L-29 Horn, Mark
L-28 Hosseini, Hengameh
L-27 Hristov, Alex
L-26 Hufnagel, Pamela
L-25 Hughes, Janet
L-24 Jaap, James
L-23 Jablokow, Kathryn
L-22 Jett, Dennis
L-21 Jolly, Rosemary
Presenters seat Jones, Nicholas
L-19 Jones, Raymond
L-18 Jurs, Peter
L-17 Kaag, Matthew
K-35 Kalapos, Paul
K-34 Kalavar, Jyotsna
K-33 Kass, Lawrence
K-32 Keiler, Kenneth
K-31 Kelly, Claire
K-30 Kelly, William
K-29 Kennedy-Phillips, Lance
K-28 Kenyon, William
K-27 King, Beth
K-26 Kitko, Lisa
K-25 Knodt, Ellen
K-24 Korner, Barbara
K-23 Krajsa, Michael
K-22 Krasilnikov, Andrey
K-21 Kreager, Derek
K-20 Kubat, Robert
K-19 Kulikowich, Jonna
K-18 LaJeunesse, Todd
K-17 Lasher, William
J-32 Lawlor, Timothy
J-31 Le, Binh
J-30 Lee, Barrett
J-29 Levine, Martha
J-28 Lichvar, Shawn
J-27 Linehan, Peter
J-26 Linn, Suzanna
J-25 Litzky, Barrie
J-24 Lobaugh, Michael
J-23 Loeb, Robert
J-22 Lopez, Hector
J-21 Luke, Nancy
J-20 Mahan, Carolyn
J-19 Makoni, Sinfree
J-18 Malchow, John
J-17 Malek, Adam
H-32 Mangel, Lisa
H-31 Manning, Keefe
H-30 Marko, Frantisek
H-29 Marsh, John
H-28 Matsoukas, Themis
H-27 Mazzucato, Anna
H-26 McDill, Marc
H-24 McMillan, Steven
H-23 Melton, Robert
H-22 Messner, John
H-21 Meyer, Jennifer
H-20 Meyers, Craig
H-19 Miles, James
H-18 Miles, Mary
H-17 Milone-Nuzzo, Paula
H-16 Mookerjee, Rajen
H-15 Mott, Fynn
G-30 Myers, Jamie
G-29 Nasereddin, Mahdi
G-28 Nelatury, Sudarshan
G-27 Nelson, Kimberly
G-26 Neves, Rogerio
G-25 Nousek, John
G-23 Novikov, Alexei
G-22 Ofosu, Willie
G-21 Ozment, Judith
G-20 Palmer, Timothy
• G-19 Pangborn, Robert
• G-18 Pannaman, Joshua
• G-17 Passmore, David
• G-16 Patzkowsky, Mark
• G-15 Pauley, Laura
• G-14 Petrilla, Rosemarie
• F-28 Pierce, Mari
• F-27 Plummer, Julia
• F-26 Poole, Thomas
• F-25 Posey, Lisa
• F-24 Potochny, John
• F-23 Prabhu, Vansh
• F-22 Preciado, Felisa
• F-21 Radhakrishna, Rama
• F-20 Radovic, Ljubisa
• F-19 Ranjar, Azita
• F-18 Ricketts, Robert
• F-17 Robertson, Gavin
• F-16 Robinett, Richard
• F-15 Robzen, Jeff
• F-14 Ropson, Ira
• F-13 Rothrock, Ling
• E-30 Rowland, Nicholas
• E-29 Ruggiero, Francesca
• E-28 Safran, Janina
• E-27 Saltz, Ira
• E-26 Samuel, George
• E-25 Scheel, Lydia
• E-24 Schmiedekamp, Ann
• E-22 Schulz, Andrew
• E-21 Scott, Geoff
• Front Table Seymour, Elizabeth
• E-19 Shannon, Robert
• E-18 Shapiro, Keith
• E-17 Sharkey, Neil
• E-16 Sharma, Amit
• E-15 Shen, Shuang
• E-14 Shockley, Alex
• D-28 Shurgalla, Richard
• D-27 Sigurdsson, Steinn
• D-26 Silveyra, Patricia
• D-25 Sims, Damon
• D-24 Singer, Richard
• D-23 Sinha, Alok
• D-22 Smith, David
• D-21 Smithwick, Erica
• D-20 Snyder, Stephen
• D-19 Song, Jim
• Front Table Strauss, James
• D-18 Subramanian, Rajarajan
• D-17 Suliman, Samia
• D-16 Sutton, Jane
• D-15 Szczygiel, Bonj
• Front Table Taylor, Ann
• D-14 Tews, Michael
• C-25 Teye, Emmanuel
• C-24 Thomas, Darryl
• C-22 Trauth, Eileen
• C-21 Troester, Rodney
• C-20 Truica, Cristina
• C-19 Vrana, Kent
• C-18 Wagner, Johanna
• C-17 Walker, Eric
• C-16 Wang, Ming
• C-15 Webster, Nicole
• C-14 Weidemann, Craig
• C-12 Welsh, Nancy
• B-19 Wenner, William
• B-18 Whitehurst, Marcus
• B-17 Wilburne, Jane
• B-16 Williams, Mary Beth
• B-15 Wilson, Matthew
• Front Table Woessner, Matthew
• B-14 Wolfe, Douglas
• B-13 Young, Richard
• B-11 Yun, Jong
• B-10 Zomorodi, Naseem
Committee on Educational Equity and Campus Environment

Student Diversity Panel

(Forensic)

A panel of undergraduate students moderated by Rob Loeb, Chair of Educational Equity and Campus Environment, will respond to the following question:

“Can you briefly share some of your experiences with Penn State Faculty – and how Faculty might have a greater impact on your success as a Penn State student?”

The following students will participate:

Steffen Blanco
Jazmaine Brown
Brian Davis
John Gilbert
Rabiyatu Jalloh
Komala Madineedi
Cameron Spiller
Maria Walls
Jorge Zurita-Coronado

Committee on Educational Equity and Campus Environment

• Kimberly Blockett
• Julia Bryan, Vice Chair
• Dwight Davis
• Erin Finke
• Susan Fredricks
• Patreese Ingram
• Timothy Lawlor
• Robert Loeb, Chair
• John Malchow
• Adam Malek
• Eileen Traugh
• Marcus Whitehurst
Background

One of the guiding principles identified in the report in the Faculty Benefits Advisory/Consultative Report, “Principles for the Design of Penn State Health Care Plans” approved by the University Faculty Senate on March 15, 2016 reads:

6) A principle of fostering and promoting a culture of health, which is included as a thematic priority in the university’s 2016-2020 strategic plan, should guide the design of plan features and programs that promote healthy choices and activities, shared efforts to establish tobacco-free campuses, and support the consistent and effective management of health risks.

With this guiding principle in mind, the Senate Committee on Faculty Benefits Committee and the Student Life Committee have been jointly charged with reviewing the University’s smoking policy and facilitating discussion regarding this policy with the University Faculty Senate.

Present Policy (AD 32)

Smoking of any material is prohibited in all University facilities, at all locations, including University-owned vehicles. It also is prohibited in any outside area adjacent to a facility whose configuration and/or other physical circumstances allow smoke either to enter and affect the internal environment or to unduly affect the environment of those entering or exiting the facility. Exemptions to this policy may be made by the Smoking Policy Review Committee if the committee deems granting the exemption to be reasonable for business or research reasons as submitted by the unit that requests the exemption.

According to Policy AD 32, “smoking” may include but is not limited to, “the burning of any type of lighted pipe, cigar, cigarette, or any other smoking equipment, whether filled with tobacco or any other type of material.”

In the spring of 2016, the University Park Undergraduate Association (UPUA), The Pennsylvania State University’s undergraduate student government, compiled a report regarding the history of the smoking policy at Penn State and compared the PSU policy to the policy of other Big Ten institutions. The report also provided results from a survey of undergraduate students at the University Park campus regarding the present smoking policy. After completing the benchmarking and research for this report, the UPUA provided 16 recommendations to the University, ultimately stating that The Pennsylvania State University should become a smoke-free institution. The full report is included as an appendix to this report (Appendix 1).

Some of the important points presented in the report include:
1. The smoking policy has been reviewed in the past and has been amended to prohibit smoking inside University facilities, including University-owned vehicles, and areas outside buildings which allow smoke to enter buildings.
2. Most Big Ten Universities (9 of the 14 universities) have smoke-free or tobacco-free policies in place.
3. Forty-five percent of students surveyed in 2015 were in favor of a smoke-free University Park campus.
4. The UPUA recommends a revision to the University Park smoking policy, namely to ban smoking from university-owned property, both indoors and outdoors. In addition, the creation of a task force to oversee the alteration of the policy is also recommended.

The Faculty Benefits Committee researched published smoking or tobacco-use policies from Penn State’s various campuses, and found the following:

1. 9 campuses use Policy AD 32 (Abington, Beaver, Erie, Harrisburg, Hazleton, Greater Allegheny, Mont Alto, University Park, Worthington Scranton)
2. 10 campuses have implemented policies more restrictive than AD 32 (smoking permitted in designated areas only) (Altoona, Berks, Brandywine, Fayette, DuBois, Penn College, Schuylkill, Shenango, Wilkes Barre, York)
3. 2 campuses are tobacco-free (Hershey, Lehigh Valley)
4. 2 campuses specifically mention and prohibit vaping or e-cigarettes (DuBois, Shenango)
5. 1 campus specifically mentions and identifies guidelines for chewing tobacco (DuBois)
6. The committee was unable to locate smoking policies for 2 campuses (Carlisle, Great Valley)

Smoking and tobacco-use on Penn State campuses is an issue that is relevant to the health and well-being of all University employees, students, and visitors. Tobacco use remains the single largest preventable cause of disease and premature death in the US. As the number of schools increase that have considered stronger and/or more strictly enforced smoking and tobacco policies, The Pennsylvania State University has been asked to do the same. The University Faculty Senate should thoughtfully discuss the future of these policies regarding the use of tobacco products on all Penn State campuses.

We present 3 questions for the consideration and discussion of the Senate:

1. Does the Faculty Senate support Penn State moving towards tobacco-free campuses? This includes not only the items listed in AD 32, but also vaping, e-cigarettes and smokeless tobacco.
2. (What is the role of) or How should the Faculty Senate engage with student organizations and administration to overcome challenges resulting from implementing a tobacco-free policy?
3. What does the Faculty Senate recommend as “next steps”?
Faculty Benefits Committee

Kimberly Baran
Susan Basso
Renee Borromeo, Chair
Victor Brundsen
Mark Horn
Peter Jurs
Cassandra Kitko
James Miles
Jamie Myers
Willie Ofosu
Erica Smithwick, Vice-Chair
Gregory Stoner

Student Life Committee

Paul Barney
Mark Brennen
Kevin Harwell
Matthew Kaag
Barrett Lee
Martha Levine
Mary Miles, Chair
Michael Tews
Alex Shockley, Vice Chair
The University Park Undergraduate Association

presents a cumulative report on the

Campus Smoking Policy

An assessment of University Park’s smoking policy as well as those across the B1G

Authored by the UPUA’s 10th General Assembly of Student Representatives

Executive Summary
The University Park Undergraduate Association (UPUA) represents approximately 40,000 undergraduate students at University Park. Over the last several years, college campuses have re-evaluated their smoking policies at the request of students, faculty, and staff. At University Park, our own students, faculty, staff, administration, and various departments have expressed the need for the university to revisit our own policy.

The purpose of this report is to collect information on the university’s current policy, assess how we compare to our peers in the Big Ten, and gauge the opinion of students on the topic. With the completion of this report, the University Park Undergraduate Association will take an official stance on the best way to move forward with the smoking policy, and will advocate that stance to the university administration.

History
On April 3rd 1989, Policy AD32 “Smoking Policy and Guideline” was created. In 1992, Policy AD32 was edited to include “all living spaces” as smoke-free areas. From there in July of 2003, the policy was amended to include “any outside area adjacent to a facility whose configuration and/or other physical circumstances allow smoke either to enter and affect the internal environment or to unduly affect the environment of those entering or exiting the facility” as smoke-free areas. This revision became effective in order to improve the internal environment of all facilities by reducing the amount of smoke entering within. In addition, the Smoking Policy Review Committee’s jurisdiction was broadened to have the authority to make official revision recommendations to the policy. The membership of the Smoking Policy Review Committee consists of “representatives from the Office of Human Resources, the Department of Environmental Health and Safety, and up to seven additional members representing technical-service employees, staff, faculty, students and locations away from University Park”[1]. The most recent change in 2006 authorized the Smoking Policy Review Committee to handle any exemption requests to the policy.

On March 31, 2000, the Undergraduate Student Government (USG) created a student referendum to gauge the interest of the student body in the possibility of turning University Park into a smoke-free campus. With 3,225 responses, 54% of respondents voted against changing the policy, an idea that had been discussed by USG and Penn State’s Office of the Physical Plant (OPP)[2] as one possible way to limit the amount of cigarette related litter. After the response from the referendum, OPP took alternative measures to help reduce the cigarette-related trash on campus such as purchasing sweep machines as well as installing new cigarette receptacles.[3]

On April 12, 2007 campus officials considered whether or not to implement a smoking ban. The Commission for Substance Abuse Prevention (CSAP) and the chairman of the university
smoking policy committee discussed changing the policy to specify the distance from buildings where individuals could smoke or eliminate smoking on campus all together[^4]. These conversations occurred after a Penn State Pulse Survey conducted in the spring of 2007 revealed that 64.9% of the 1,574 students who participated in the survey supported a campus-wide ban on smoking[^5]. On October 15, 2015 the idea of a smoke free campus was brought to the 10th Assembly of the University Park Undergraduate Association (UPUA)[^6]. Although the University has designated smoking areas throughout campus, students have expressed concerns that smoking is often conducted in locations either banned by policy, or of high traffic and calls have been made to create a campus-wide ban.

**Current Policies Enforced**

The Pennsylvania State University smoking policy, Policy AD32, reads “the smoking of any material is prohibited in all University facilities, at all locations, including University-owned vehicles. It also is prohibited in any outside area adjacent to a facility whose configuration and/or other physical circumstances allow smoke either to enter and affect the internal environment or to unduly affect the environment of those entering or exiting the facility. Exemptions to this policy may be made by the Smoking Policy Review Committee if the committee deems granting the exemption to be reasonable for business or research reasons as submitted by the unit that requests the exemption.”[^7]

Defined in Policy AD32, “smoking” may include but is not limited to, “the burning of any type of lighted pipe, cigar, cigarette, or any other smoking equipment, whether filled with tobacco or any other type of material.”[^8]

Implementation of this policy is to be carried out under the jurisdiction of the assigned budget executives. These executives are responsible for the following as described in the policy:

1. Assuring that building entrances are posted with signs stating “This is a No-Smoking Building.”
2. Assuring that this policy is communicated to everyone within their jurisdiction, including new members of the University community.
3. Implementing the established policies.

Enforcement of the policy is dependent “upon obtaining and maintaining the willingness, understanding, and cooperation of all smokers and nonsmokers in all University facilities. It is the responsibility of all members of the Penn State community to observe this smoking policy. Each University member is responsible for monitoring compliance with this policy at his/her level of involvement in the University community.”[^9]

The policy outlines enforcement details as follows:

**Office/Administrative/General Work Area** -

The budget executive or designee, is responsible for enforcement of this policy for office, administrative, and all general work areas in facilities or portions of facilities under his/her jurisdiction. It shall be his/her responsibility to determine appropriate disciplinary sanctions, consistent with current personnel policies and practices, for violations of this policy. Disputes regarding the implementation of this policy shall first be referred to the employee's supervisor for resolution. Complaints, concerns, or requests for clarification regarding this policy, or disputes regarding its enforcement beyond the level of an employee's supervisor, shall be
referred to the Employee Relations Division of the Office of Human Resources for additional guidance and consultation.

**Openly Assigned: Classrooms, Laboratories, and Seminar/Meeting Rooms** -
The leader in charge of the user group in openly assigned classrooms, seminar/meeting rooms, laboratories, and other instructional or general usage facilities will be responsible for enforcement of this policy for those portions of the facility under his/her jurisdiction. It shall be his/her responsibility to determine if corrective or disciplinary action needs to be taken. Formal complaints, concerns, or requests for clarification regarding the policy, or disputes regarding this enforcement in such facilities, shall be referred to the Smoking Policy Review Committee, where a decision will be made regarding final disposition.

**Visitors** -
Visitors are expected to comply with this smoking policy. The budget executive or designee, or leader in charge of a specific "openly assigned" area will be ultimately responsible for adherence to this policy by visitors. It shall be his/her responsibility to determine if corrective action needs to be taken. Formal complaints, concerns, or requests for clarification regarding the policy, or disputes regarding its enforcement relative to visitors shall be referred to the Smoking Policy Review Committee, where a decision will be made regarding final disposition.[10]

**Students** -
Students are expected to comply with the guidelines provided to them through the Code of Conduct as well as residence life policies. If a student violates the university’s smoking policy they will be referred to the office of Residence Life, if they are an on campus resident and found in violation in a residence area, or the office of Student Conduct.

**Resources**
University Health Services offers programs to aid students in quitting smoking. The Freedom from Smoking Program is a seven-week program that encourages and fosters a support system for students as they move through the steps to quit smoking. Each module addresses a different aspect in the quitting process, such as stress management techniques, confronting cravings, as well as controlling weight loss.[11]

UHS also provides individual consultation with a health care provider during regular hours. Health professionals encourage setting a “quit date,” as well as possible assistance through the pharmacy if necessary. Additionally, UHS provides information on its site about the following outside resources:

- American Lung Association (F F S online program): www.ffsonline.org
- American Lung Association (Lung Helpline): 1.800.LUNG-USA
- Centre Volunteers in Medicine (F F S Program): 814.231.4043
- Centre County Drug and Alcohol: 814.355.6744
- Clinical Outcomes Group (Individualized phone or email services): 1.800.264.1290
- National Cancer Institute’s Quit line: 1.877.44U.QUIT
- National Quit line: 1.800.QUIT.NOW
- PA Quit line: 1.800.784.8669

**Survey**
In 2015, a survey sponsored by The University Park Undergraduate Association was sent to 5,000 students to gauge the student opinion on making University Park a smoke-free campus. Out of the 5,000 surveys sent out, 1,372 surveys were started, and 1,241 of them were completed, a response rate of 24.8%. The survey was distributed to students living on campus.

**Specific results from the survey are as follows:**

- 9% of respondents said they smoked
- 85% of respondents said they do not smoke
- 69% of respondents who said they smoke started before coming to Penn State and their usage of tobacco has remained the same
- 23% of respondents, who smoke, reported smoking 1-2 days out of the previous 30 days before completing the survey
- 19% of respondents who report they smoke claimed they smoked every day
- 734 respondents, which represented 59% of all respondents, claimed they were exposed to secondhand smoke as they walked through campus
- 67% of respondents expressed concern of the effect secondhand smoke had on their health
- 38% of students believed tobacco should be regulated on campus
- 45% of respondents agreed that Penn State should adopt a policy that enforced a smoke-free campus
- 41% of respondents believed if a smoke-free policy were to be adopted, e-cigarettes and chewing tobacco should not be banned

**The demographics of this survey can be described as follows:**

- 68% of respondents lived in East, South, or Pollock residence halls
- 21% of respondents lived in Eastview Terrace, Nittany Apartments, North Halls, West Halls, or White Course Apartments
- 57% of respondents were in their first year at Penn State
- 25% of respondents were in their second year at Penn State
- 12% of respondents were in their third year at Penn State
- 5% of respondents were in their fourth year at Penn State
- 1% of respondents were in their fifth year at Penn State

**Institutional Efforts at Peer Universities:**

**Indiana**

In 2007, Indiana University transitioned to become an entirely smoke-free campus in accordance with Indiana’s smoke-free air policy. In 2013, the policy was revised to include all tobacco products in the ban. The University’s reason for the policy states, “Indiana University is concerned about the toll that smoking and tobacco use has on the health and well-being of the university community. As a public institution of higher education with units that research and treat the effects of smoking and tobacco use, IU believes it has an obligation to exercise leadership by promoting a healthy, smoke-free environment for its students, employees, and visitors.”[12] The Indiana University policy states:
“The use or sale of tobacco, tobacco products, and smoking related products is prohibited on Indiana University property. The use or sale of tobacco, tobacco products, and smoking related products is prohibited in university-owned, university-operated, or university-leased vehicles. The use of tobacco, tobacco products, and smoking related products is permitted inside privately owned vehicles. Limited exceptions may be approved in writing by the campus chancellor or provost or relevant vice president and must be in accordance with state law. In accordance with Indiana state law, signs prohibiting smoking must be posted at all public entrances. In accordance with Indiana state law, managers or officials in charge of a public building must ask an individual who is smoking in the public building or within 8 feet of the entrance of a public building to refrain from smoking and to cause that individual to be removed if the individual then fails to refrain from smoking. In accordance with Indiana state law, ashtrays or other smoking receptacles are prohibited in public buildings or at the entrances to public buildings.”[13]

As stated in the policy, Indiana University managers or officials of certain buildings and areas are responsible for ensuring the policy is followed by asking a noncompliant to stop smoking or cause that individual to be removed if they do not comply.

The means of enforcing the policy are outlined below:
“Enforcement of this policy will depend on the cooperation of all faculty, staff, and students not only to comply with the policy, but also to encourage others to comply, in order to promote a healthy environment in which to work, study, and live. Civility and respect are expected by all members of the university community in regards to this policy.

Violations of the policy should be referred to the appropriate administrative office for review and action: for academic employees, the campus office of academic affairs; for staff, University Human Resources; and for students, the campus office of student life.

Violations may also result in a citation by law enforcement in accordance with state law.”[14]

In accordance with the policy, Indiana University also offers resources to assist students, faculty, and staff to quit smoking. The “Quit For Life” program is a tobacco treatment program available to full-time Academic and Staff employees and spouses who are enrolled in an IU-sponsored medical plan.[15] Additionally, Student resources vary by campus, however each campus has varying levels of cessation programs and clinics available for students to help quit smoking.[16]

Michigan

The University of Michigan implemented a smoke-free campus policy in July of 2011, citing its commitment to promote both health and healthy living. Michigan’s movement towards a smoke free campus cost approximately $240,805 over the course of three years. These costs included the advertisements associated with informing the public, the salary of a Program Coordinator to oversee the training, evaluation, data collection, enforcement strategies of the new policy, the removal of old smoking signs, and the addition of new “no smoking” signs.

The University of Michigan’s policy states:

“I. Policy

In recognition of environmental tobacco smoke health risks, the University intends to provide a smoke free environment for its faculty, staff, students, and visitors.

II. Regulations
A. Smoking is prohibited in all University buildings, facilities, grounds, and University-owned vehicles, as they are considered property of the University and under the authority of the Board of Regents of the University, except as indicated below.

B. Smoking in University facilities will be permitted for controlled research, educational, theatrical, or religious ceremonial purposes, with prior approval of the Dean or Director responsible for the facility.

C. Smoking in privately-owned vehicles and on sidewalks adjacent to public thoroughfares is not prohibited.

D. The sale of tobacco products is prohibited in all University buildings, facilities and grounds under the authority of the Board of Regents of the University.

E. Assistance with smoking cessation for faculty and staff is available through MHealthy at www.hr.umich.edu/mhealthy/programs/tobacco which includes information about the UM Tobacco Consultation Service, current health plan offerings and available on-line programs. Students can receive assistance through the University Health Service and the Tobacco Consultation Service.

F.

III. Procedures

The success of this policy depends upon the thoughtfulness, consideration, and cooperation of smokers and non-smokers. All faculty, staff, students, and visitors share the responsibility for adhering to and enforcing the policy. Any concern should be brought to the attention of the individuals responsible for the operation of the University facility in question and/or the Supervisor responsible for the work area. Any exceptions to this Standard Practice Guide must be approved by the appropriate executive officer or designated representative.¹⁷

Michigan’s enforcement plan is described below:

“We are an institution of higher education and education will be key to implementing this policy. We will make people aware of the smoke-free environment through posters, signage, notices in event programs and advertising and we will seek voluntary compliance. An explanation of the smoke-free campus will be included in the orientation program for new employees and in materials distributed to all outside groups that use university facilities.

For visitors, we believe reminders about the smoke-free campus will be important and we expect that will happen naturally. For students and employees we expect to deal with any repeat offenders in the same way that violation of any other policy of the university is handled. Repeated student smoking violations will be directed to the Office of Student Conflict Resolution. For staff, the Standard Practice Guide that references smoking will be updated to reflect the smoke-free campus.¹⁸

The University of Michigan offers smokers free one-on-one cessation counseling and free nicotine replacement products. Their respective Health Services Website also lists additional local resources for quitting including, the MHealthy Tobacco Consultation Service, Michigan Department of Community Health, National Cancer Institute, Nicotine Anonymous, The American Cancer Society, and the American Lung Association. Michigan's University Health Services building offers quit kits, free one-on-one cessation counseling, and free nicotine replacement products.

In order to effectively promote the smoke free campus policy, University of Michigan also has student SmokeFree Ambassadors that assist people in finding a place to smoke off of campus.
When the University first implemented the smoke-free initiative, they used ads in local newspapers, advertisements on televisions around campus, advertisements on bus signs, table tents, posters, and held a nicotine gum giveaway. Overall, the campus has seen a change in the smoking culture that has led to less smokers on campus since the implementation of the smoke-free policy. Even smokers not yet ready to quit are expected to comply with university policy. However, Michigan has noted that they still have issues with “hotspot areas”, such as areas surrounding their library. According to the University of Michigan Smoke-Free Environment Project Coordinator, the biggest drawback they have faced in their efforts is a lack of signage. They suggest to any university attempting to undergo a similar policy to ensure they have effective signage.

**Minnesota**

The University of Minnesota went tobacco free in 2014. The policy states:

“The University of Minnesota, Crookston, Duluth, Rochester, and Twin Cities are smoke- and tobacco-free campuses. All students, staff, faculty, and visitors are prohibited from smoking and using, selling, free distributing, and advertising tobacco products and electronic cigarettes in all facilities and on all University property.”[19]

Minnesota’s policy allows for the following exceptions:

“Tobacco use will be permitted on university property only in these situations:

A. Peer-reviewed, approved scientific studies that require participants to use tobacco, require advance approval (see procedure.)
B. Tobacco use as part of a traditional Native American spiritual or cultural ceremony is permitted without prior approval. To ensure that ceremonies held indoors do not inadvertently activate fire alarms or sprinkler systems, event organizers must follow the attached procedures.
C. Theatrical productions where actors and actresses are permitted to use tobacco as part of the theatrical performance, theatre staff must meet the notification requirements (see procedure.)
D. Enclosed, privately-owned vehicles, while driving on campus or parked in surface parking lots as defined by Parking and Transportation Services, provided users make a reasonable effort to contain smoke and tobacco materials inside the vehicle.”

Enforcement and disciplinary procedures of the policy state:

“The success of this policy will depend upon the thoughtfulness, consideration, and cooperation of everyone on campus, including tobacco-users and non-users. All members of the University community are responsible for enforcing this policy. Students, faculty, staff, and visitors who violate this policy should be reminded of the policy and asked to comply. Repeated violation of this policy may be cause for disciplinary action in accordance with applicable student or employee codes of conduct. Visitors who refuse to comply with this policy may be asked to vacate campus property.”[20]

According to UMN, the policy has significantly reduced smoking on their campus and their smoking rates continue to decline. In order to help members of the university community quit tobacco use, UMN implemented the Quit & Win! program, where faculty, staff, and students are incentivized to stay tobacco-free for
an extended period of time and were able to receive prizes if they completed the challenge.[21] Additionally, the University offers tobacco cessation counseling to help individuals put together personalized plans to quit tobacco use.[22]

Ohio State

The Ohio State University went tobacco free in April of 2013. Ohio State University administration felt such a policy was critical in assuring the overall well being of the campus. Ohio State’s statement detailing their reasoning for changing the policy states: “Ohio State strives to enhance the general health and wellbeing of its faculty, staff, students, and visitors, to become the world’s healthiest university. We desire to support individuals to be tobacco free, achieve their highest state of health, and to launch students into their careers at a high level of health and wellbeing. To support this commitment, we intend to provide a tobacco free environment”[23]

Ohio State’s policy is outlined as such:
“I. The university is strongly committed to supporting individuals to become tobacco free.
A. Tobacco cessation programs and support will be available to faculty, staff, and students as identified below.
B. Nicotine replacement therapy products for the purpose of cessation are permitted.
II. The success of this policy depends upon the thoughtfulness, consideration, and cooperation of tobacco users and non-tobacco users. Leaders and those to whom this policy applies share the responsibility for adhering to and enforcing the policy.
A. Concerns about tobacco use should be respectfully addressed in the moment whenever feasible.
B. Continued concerns should be referred to the appropriate unit for review and action. For faculty, staff, and student employees, issues should be referred to the employing unit head. For students in the non-employment setting, issues should be referred to Student Conduct. For volunteers and visitors, issues should be referred to the hosting unit head.
III. The university will not advertise tobacco on university owned, operated, or leased property or at any university sponsored event or university owned or sponsored media.
IV. Sale of tobacco is prohibited on university owned, operated, or leased property.
V. Exceptions
A. Research involving tobacco is an exception from this policy. Acceptance of tobacco industry funded research grants will be evaluated by the vice president for research and the appropriate dean/administrator prior to acceptance of the funds.
B. Tobacco use as well as any product intended to mimic tobacco products (e.g. sage, sweetgrass, or cedar) is permitted as part of an American Indian spiritual or cultural ceremony and must be approved by the Ohio State American Indian Studies Advisory Committee.”[24]
The enforcement plan is outlined in the above policy as well as their commitment to providing cessation programs for their faculty, staff, and students, but more detail regarding where cessation programs can be found and how the university spreads the message across campus is defined in their procedure:
I. Cessation
A. The university is committed to supporting all faculty, staff, and students who wish to stop using tobacco or nicotine products.
B. Assistance to faculty and staff to overcome tobacco or nicotine addiction is available through The Ohio State University Health Plan and the resources identified below.
C. Assistance to students to overcome tobacco or nicotine addiction is available through the Student Health Center, Student Wellness Center, student health insurance, and the resources identified below.
II. Communication
A. Leaders, managers, supervisors, and building coordinators are responsible for leading by example and respectfully communicating the policy to faculty, staff, students, volunteers, and visitors.
B. Faculty, staff, students, volunteers, and visitors who observe individuals using tobacco on university property are encouraged and empowered to respectfully explain that its use is prohibited.
III. Signage
A. Installation and maintenance of signage are the responsibility of Facilities Operations and Development (FOD), in consultation with the Office of Human Resources.
B. Signage must be placed appropriately on entrances to and exits from buildings, including parking garages, and on university owned and leased vehicles. C. Areas that experience difficulties with tobacco use may request supplemental signage from FOD.
Additionally, Ohio State’s policy specifically lays out the responsibility of each area of the university in ensuring compliance with the policy.
<table>
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<tr>
<th>Position or Office</th>
<th>Responsibilities</th>
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| University leaders, managers, and supervisors | 1. Communicate policy expectations to the university community.  
2. Hold individuals responsible for compliance with the policy.  
3. Communicate policy violations to leaders and managers in specific areas where problems occur.  
4. Forward complaints of violation of the Ohio Smoke Free Workplace Law to the appropriate unit within five days.  
5. Address and respond to complaints of violation of the Ohio Smoke Free Workplace Law and this policy. |
| Office of Human Resources          | 1. Communicate policy expectations to the university community.  
2. Consult with units on this policy.  
3. Forward complaints of violation of the Ohio Smoke Free Workplace Law to the appropriate unit within five days.  
4. Consult with & support units that receive complaints of violation of the Ohio Smoke Free Workplace Law. |
| OSU Health Plan                    | Offer tobacco cessation support through the health plans.                          |
| Office of Student Life             | 1. Communicate policy expectations to the university community.  
2. Address policy violations with students in the non-employment setting.  
3. Offer tobacco cessation support to students. |
| Employing or volunteer sponsoring unit | 1. Communicate policy expectations to individuals.  
2. Work with FOD to ensure that signage is appropriately placed on building entrances and exits.  
3. Provide information on tobacco cessation resources.  
4. Address policy violations with faculty, staff, and student employees.  
5. Forward complaints of violation of the Ohio Smoke Free Workplace Law to the appropriate unit within five days.  
6. Respond to complaints from a public health department about the Ohio Smoke Free Workplace Law and this policy. |
2. Install and maintain signage.  
3. Communicate policy violations to leaders and managers in specific areas where problems occur. |
| Individuals                        | 1. Comply with the policy.  
2. Inform others about the policy when possible.  
3. Use cessation resources as desired. |
The below chart outlines the smoking policies of our peers in the Big Ten.

<table>
<thead>
<tr>
<th>Big 10 school</th>
<th>Tobacco Free</th>
<th>Smoke Free</th>
<th>No Smoke/Tobacco Ban</th>
<th>Transitioning to smoke or tobacco free</th>
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<td>Illinois</td>
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**Recommendations:**
The UPUA recommends the University revise the University Park smoking policy to ban smoking from university owned property. Additionally, the UPUA recommends the university create a taskforce to oversee the altering of the policy and the necessary changes that will come with it. In order to create a smooth and effective transition it is imperative a committee of relative parties including representatives from the three student governments, UPUA, CCSG, and GPSA, to oversee the altering of the policy and the necessary changes that will come with it. This taskforce will create a plan for implementation and make official recommendations to the university to be adopted. Below are a list of recommendations from the UPUA.

**Recommendation 1:**
All University Park facilities, buildings and grounds, including athletic properties, should be smoke free.

**Recommendation 2:**
In general, smoking should not be prohibited on sidewalks adjacent to public thoroughfares on the University Park campus.

**Recommendation 3:**
All parking structures and surface lots should be smoke free. This does not include smoking in privately owned vehicles within these locations.

Recommendation 4:
There should be no installation of new smoking shelters.

Recommendation 5:
Cigarette butt containers and waste receptacles should be removed from building areas and should be located next to public thoroughfares. The impact on surrounding areas should be monitored.

Recommendation 6:
Supervisor oversight, voluntary compliance, and peer support should be relied upon to lead to behavioral changes over time. Smokers refusing to extinguish the product or repeat offenders of the policy should be addressed through disciplinary processes crafted to deter individuals from violating the policy.

Recommendation 7:
University Park should provide resources to support managers, supervisors, students, faculty, and staff with methods to address violations in a respectful manner.

Recommendation 9:
University Health Services should continue to support faculty, staff and students in their efforts to assist individuals to stop smoking. UHS should re-evaluate the services they offer to ensure there will be adequate resources to assist the campus with the transition.

Recommendation 10:
The smoke-free policy should be communicated and continually reinforced to all members and guests of the University community in a simple and respectful manner.

Recommendation 11:
Signage should be located on the periphery of campus in areas of major public gathering including visitor parking. The signage should communicate that all University facilities, buildings and grounds are smoke-free zones.

Recommendation 12:
A Tobacco Consultation Service should be created or appointed within an already existing university department and serve as the group responsible for managing ongoing operations, periodic evaluation, response to issues raised by members of the community, education and training, expert consultation to the University, and collaboration with relevant parties.

Recommendation 13:
The University should provide resources adequate to initiate and sustain the recommendations of this report.

Recommendation 14:
The three tour groups on campus: Lion Scouts, Lion Ambassadors, and SMART, introduce Penn State to thousands of potential students and parents every year. These groups should be utilized to assist in informing prospective students that University Park is a smoke free campus.

Recommendation 15:

Both New Student Orientation (NSO) and International Student Orientation (ISO) reach a large number of incoming students. The office of Student Orientation & Transition Programs (SOTP) should include information in regards to the smoke free policy to students during their
orientations and should educate orientation leaders on the policy so they can inform their orientation groups.

**Recommendation 16:**

The Office of Residence Life should educate and equip Residence Assistants with the training and information on the policy in order to provide students with the proper knowledge of the Smoke free policy and the resources available for students to quit. In addition, Residence Assistants should have the proper training to be able to enforce the policy through the enforcement procedure.

[19] https://policy.umn.edu/operations/smoketobacco
[20] https://policy.umn.edu/operations/smoketobacco
COMMITTEE ON UNDERGRADUATE EDUCATION

Starfish Demonstration
(Forensic)

David Smith, Executive Director, Division of Undergraduate Studies, will demonstrate useful features of Starfish.

COMMITTEE ON UNDERGRADUATE EDUCATION

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- Matthew Wilson, Vice Chair
- Richard Young
CHANGES TO HR80

Submitted by Senator Larry Catá Backer

(Forensic)

This appendix contains questions to be addressed during the forensic session and background information on the subject, accompanied by an Executive Summary.
Date: September 6, 2016  
To: University Faculty Senate  
Re: Forensic and Comments to Draft HR 80

Executive Summary:
I was grateful for the opportunity to review and provide brief comments to the proposed changes to HR 80, Outside Business Activities and Private Consulting (which follow). I appreciate the work that has gone into these revisions, as well as the good intentions it reflects with respect to the core set of issues, important to the university, to which it appears to be targeted. The comments reflect a fundamental notion of regulatory governance recently underlined by Chief Justice Roberts: “we cannot construe a criminal statute on the assumption that the Government will “use it responsibly.” *(McDonnell v. U.S.*, slip op. June 27, 2016). The comments highlight textual and policy challenges in four broad categories.

- The first are the ambiguities of definition and substantive application that provide little guidance even to those faculty determined to comply. Alternatively, those ambiguities will produce traps for the unwary over-reporting and under compliance.
  - Outside Business Activities  
  - General Area of expertise
• Three category system potentially constrains outside expressive activity even beyond contract period (definition of Category III activities)

• Traps: (“Category II activities do not require prior approval unless, alone or in aggregate with other Category I and II activities, the time commitment will exceed the monthly time limits”)

• Effective blanket prohibition of Category I activity (and Category II as well) (OBA ¶5)

• The second are the substantial delegations of authority to administrators under this provision. That discretion is not subject to any accountability nor does it provide a mechanism for uniform application of interpretation of the policy as these develop over time, especially where the policy itself reveals tension. No process for appeal.

• Administrators exercise full control over application and interpretation of the provisions.

• No standards to constrain discretion; no “reasonableness” provisions

• No mechanism to hold accountable for abuse of discretion

• No procedures for explanation for denial of requests

• The third touches on data gathering and use. The university should consider being more transparent about both the extent of its data harvesting, and its intended use.

• One way street

• This double objective in HR 80 creates reporting burdens

• The fourth touches on policy choices. HR 80 appears to assert a broad power in the university to control faculty’s creative work with a power, in its discretion, to create a waiver.
August 8th email questions follow:

Hi Folks

I hope your respective summers have been going well. I write only to provide the notice necessary under our Standing Rules (art. I § 7(b)) of my intention to conduct a forensic session relating to the recent proposed changes to HR 80 at the first meeting of the Senate scheduled for September 6, 2016. I will ask the following questions as the framework for that discussion:

1. The problems of administration--unchecked administrative discretion, traps for the unwary, scope of coverage?

2. Proposed necessary changes: including a review process; limiting the scope of HR 80; more robust consultation?

The concept and comment paper from which these questions are drawn is also attached.

I look forward to seeing you all again in due course.

All the best

Larry
Memorandum

Date: July 18, 2016

To: Clint Schmidt, Assistant Director, Office for Research Protections
    Jim Strauss, Chair University Faculty Senate

Re: Comments to Draft HR 80

I am grateful for the opportunity to review and provide brief comments to the proposed changes to HR 80, Outside Business Activities and Private Consulting. I appreciate the work that has gone into these revisions, as well as the good intentions it reflects with respect to the core set of issues, important to the university, to which it appears to be targeted.

I take as my starting point the statements most usefully provided through the PowerPoint presentation made to the University Faculty Senate Council on June 28, 2016. That presentation suggests the quite narrow focus of the scope of revision communicated to ORP by the Provost—namely (1) to enhance the ease of disclosure and approval by the objects of this policy, (2) to augment the data harvesting that such disclosure and approvals might generate for University administrators (who, as I understand it, would be the only individuals with access to the data); and (3) to enhance administrative coordination with respect to the subject of HR80 by centralizing its administration in ORP. For that purpose, ORP relied—to an extent that remains unclear—on the practices of a benchmarked group of 24 unidentified peer institutions. In addition, ORP sought input from virtually every sector of university administration, and those faculty that it appears were...
identified as a target group (“faculty members involved in consulting”)—and now, having advanced this project to what appears to be its final stages, when substantial changes are unlikely to be considered, it has come to the institutional representatives of the (rest) of the faculty to seek its input as well.

This commentary is based on the assumption that it is far too late in the day to engage in substantial discussion of either the policies underlying HR 80 and its related provisions, and that the purpose of this call for commentary is, beyond the pro forma observation of shared governance, is to double check against inconsistency or error in light of the choices that have already been made as to substance and implementation. In that light my comments are divided into four broad categories: (1) issues of process in consultation and the regrettable approach to consultations of this kind at Penn State; (2) the related issues of ambiguity and unfettered and unconstrained administrative discretion that in my view are a fatal weakness of this entire project whatever the value of part of its underlying rationale; (3) the few inconsistencies and contradictions in the written body of this HR80 and its Policy section; and (4) data collection and access.

Lastly, I note, with continued regret, the continuing failures of this administration, following the course of the last one, to provide a set of guidance to the application of this HR80 that is fair and reasonable. I urge, if nothing else is done, to work toward the development of such a binding set of guidance in partnership with the faculty on whom such policies will be applied—and that such development include faculty from the point of conception rather that at the tail end of a prolonged process of development when there is very little of substance that faculty can contribute.

1. Process and Consultation Generally.

And from that structure emerges the first observation of this memo—it is a matter of some concern that the institutional representative of the faculty was not consulted until this very late stage in the development of even this quite limited effort at revision. It does not speak well for effective shared governance. Indeed, it suggests that while administrators and others especially selected may be more robustly engaged in the construction and thrust of the revisions, the faculty as a whole, is provided something that appears to be a more pro forma role. My initial response, as a result, was to ignore what would be only a drain of my time—for whatever substantive comments I might make would be noted, at best, and viewed as inappropriate, untimely or irrelevant to the purpose of permitting this late in the process review. But it is worth reminding that such efforts make a lamentably bad use of a substantial resource at the university. I am well aware that neither person to whom this memo is directed had much authority in this matter. But it is my hope that this sentiment might be reported to those individuals who have exercised such authority, and chosen to exercise it in this regrettable manner.

It follows, then, that the mandate for these revisions does not extend to a consideration of fundamental policies underlying the HR 80 policy. Nor was ORP to consider issues of ethics, shared governance, or substantive choices reflected in HR80. HR80, and its related provisions, creates a regime that, in essence, starts from the proposition that by reason of its employment relationship with faculty and staff, it can control the entirety of the lives of these employees to the
extent it might be connected to work. It is grounded on the basic premise that individual employees may engage in activities only to the extent that the university permits it, and that the university may reserve to itself the right to manage its employee’s time—whether during the time they are working or not—and to its advantage, as it sees it. From this starting point—everything is forbidden unless it is permitted—HR80, along with its related provisions, carves out a small area that it concedes to employees. HR 80 represents, in my mind, an effort to kill a cockroach with a bomb. The effort will affect everything, except perhaps the cockroach itself. And so HR 80 affects everyone at the university—faculty and staff especially—but might well effect least those who most likely were the objects of this effort, individuals who are likely to have been able to secure whatever negotiated arrangement that suits them and this institution. For the rest, there is an enhanced obligation to serve as sources of data—to what ends is unclear. The provisions themselves continue to produce some substantial ambiguity. And lastly, the resolution of those ambiguities is left to a middle level bureaucracy, one with substantial discretion that, in the worst cases, might allow individuals to operate with impunity. In this country, this is permitted as a matter of law. But is this level of control, undertaken in this way, right? That question appears beyond the scope of these revisions. This is also lamentable.

One should note that these issues have been raised on numerous occasions to senior administrators and for a number of years. The response has included assurances that the intent of these provisions is not as draconian as the words of HR80 might suggest. Likewise, some of us have been assured from time to time that one ought not to worry about maladministration, or misuse of the authority vested in officials through HR 80 and its related provisions—to do otherwise would be either impolite or insulting to the administrators who devote themselves to the university’s work. And thus the discussion of bad behavior appears beyond the scope of discussion. Lastly, it has sometimes been suggested that the administration, through some office or other, might produce a FAQ or commentary, with examples, to serve as a constraint on discretion. These have never materialized. That leaves faculty exactly in the same position as they found themselves before these efficiency and data gathering revisions were delegated to ORP. I will suggest that it might be useful for ORP, under the guidance of those with authority and consultation with affected stakeholders—undertake the task of providing such guidance, especially in connection with the following two substantial areas that do fall within the scope of ORP’s limited mandate: resolving ambiguity, and thus constraining abuse of discretion by administrators. I take these up next.

2. Ambiguity and Administrative Discretion.

Like administrative agencies and other governmental organs, large complex universities are discovering—as they become more rule centered—that the drafting and implementation of regulatory schemes can pose certain challenges. The principle one, for which the government of the United States has developed its own complex but useful set of consultation and review procedures, involves the drafting of rules. Generally, rules are best drafted when they are tightly correlated to the issue that makes their drafting necessary. Regrettably, rule drafters sometimes seek to reach far beyond the immediate problem in drafting rules. That poses two distinct problems. The first is that of ambush and procedural deficiencies mentioned earlier—those
affected by the now expanded drafting may have no idea that they have been targeted and no effective means of engaging in the rule drafting process to protect their own interests (and those of the rule making institution). Worse, those drafting the rules have no real way of knowing just how far and to what extent the expansion of rules will affect stakeholders or the operation of the institution itself. The result, in administrative rule making, is rules that tend to work less well than they should and that create a host of problems that then take substantial amounts of remedial rulemaking to repair. The second is that such rules create two additional problems that are harder to solve. The first is that of ambiguity—broadly drafted rules sometimes collapse within their own flawed logics when one seeks to apply them precisely. The second is the problem of implementation itself. The standard approach to ambiguity is to “solve” it, not by better drafting, but by delegating “interpretation” to those assigned to apply it. The result is a vast expansion of authority to both “judge” and “prosecute” rules that by their nature in the form of HR80 are incapable of either without discretionary decision making beyond the literal words of the rule itself. In advanced administrative states, like the United States, the second problem has been constrained by the construction of a vast and complex jurisprudence of administrative constraints administered through the courts. Penn State commits both errors in HR80 without either the benefits of rules protecting process or of an advanced system of review of administrative decision making for abuse.

Given the nature of this review, I understand it is far too late in the day to “fix” this problem, at least with respect to HR80. I also understand that the approach that institutions like ours use to “solve” problems has been situational (we wait until something blows up) and ad hoc (the university tackles care of specific instances rather than deal with the systemic issues that cause them). But it is still necessary, I believe, that the broader issues of administration be raised as the university transitions from a traditional and conventional institution of higher learning to take on the characteristics of a small governance institution with a complex rule system. I provide a few examples.

1. **Purpose.** The purpose section describes HR80 as outlining expectations. That is not quite correct. HR80 sets out mandatory rules through which it manages the ability of employees to engage in economic and other activities beyond their work for the university in all respects unless otherwise exempted in the rule. Its justification—to ensure that all such activities are reasonable and appropriate in light of faculty appointment and the university’s mission provides little limitation other than to reaffirm that faculty appointment somehow constitutes a substantial waiver of rights to control non university activities beyond service to the university itself. More troubling, it provides no substantial basis for understanding the objectives against which the standards that follow are to be tested.

At its broadest, the “purpose” section signals that its objective is to assert a substantial measure of control over the lives of its employees to the extent the university chooses to treat any employee activity any time and any place as even the most remotely linked to what it may, from time to time, declare to be its interest and the meaning of its mission. This *carte blanche* declaration of objective is not particularly useful other than as a statement of power under law. But that something may be lawful does not make it right. That, in essence, is at the core of the University’s own ethics rules which it has taken great pains to develop, and which appear to assert no influence here. It
might be useful, then, for the university to take the opportunity of the “purpose” section not to use it as a brief introduction to a diktat, that follows, but as a space within which it clearly articulates the objectives—specific—against which the rules and standards are to be measured, interpreted and applied. There is nothing here that aids in that critical function.

2. Definitions.

a. Outside Business Activities (OBA). This term is first defined generally and then also further refined within the sub definitions of “private consulting” and “teaching for a third party.” Each of these three definitions suffer from ambiguity.

First it is not clear what entrepreneurial and professional service means. It clearly means private consulting. But it covers substantially more activities than that. That ambiguity is compounded by the term “general area of expertise for which the faculty member is employed by the university. Moreover, the exception to the “general area of expertise” rule is made more difficult in light of the waiver for such activity where it is “beyond the scope of the individual’s university employment responsibilities.” For example: my tenure home is in the School of Law. Is “law” my general area of expertise? If so, what is law to which that expertise refers—I work in an area of emerging structures of governance beyond formal conventional law, does that mean that my expertise is not law, or more than law? I teach in very specific areas of law—is my general area of expertise to be defined by my teaching? Or by my writing? Or by my writing for the university for which I receive compensation? Putting that together with the first part of the definition—entrepreneurial service—then compounds the problem: do I engage in entrepreneurial activity when I write a novel about lawyers and then seek to negotiate movie rights?

Second, these ambiguities are meant to be resolved in a substantially troubling way—by administrative fiat. The rule continues to provide that the determination of the area of expertise is to be defined by a designated administrator—without any requirement of justification, without any requirement that unit specific rules are established, and without the participation of the faculty in that unit. The possibilities of abuse, or even of the mere correction of mistake, becomes either a matter of administrative discretion or otherwise impossible. HR80 in this, as in other areas, appears to be indifferent to the possibility of administrative abuse of discretion.

Third, HR80 appears to impose the greatest restrictions on the provision of teaching services outside the university—even when the faculty member has already discharged her teaching responsibilities and is otherwise unengaged. It suggests that the university owns not just the teaching services for which it pays, but also the potential teaching services or outputs for which it has no interest in hiring. The university effectively takes the position that it has the authority to prevent an individual from exploiting her own labor, even after that individual has discharged her obligations to the university for which the university has provided compensation. That this is permitted by law does not make it right—and to the extent it produces hardship—by effectively constraining the ability of an individual to sell her services, substantially reduces her utility. The university has the right to get full value for its money, and its interest is strongest during the faculty appointment period. But such a restriction might be more narrowly drawn, especially when it
 touches on activities beyond the appointment period and during such time as the faculty member is not otherwise engaged or expected to be engaged in university activity.

At its broadest, and taken together, it is possible to read “outside business activity” as any activity touching on or related to a general area of expertise. That would be broad indeed. I suspect that was deliberate—and an effort to pick up all activity of even the slightest connection to expertise. The object appears to be to ensure that all activities engaged in by faculty outside of the university must be capable of categorization as a Category I, II, or III activity. That means that first, the university asserts the right to control all such activity, and that all such activity must serve, at a minimum, as a source of data gathering, subject to a limited exemption that is otherwise picked up in HR 40 Reports. But this is conjecture because it is not clear that the words of the definition mean this.

More importantly, ambiguity serves as an instrument of administrative discretion. In effect, since it is the administrator that determines whether any activity constitutes OBA, and since such determination is not subject to review, the definition of OBA in an individual case will be exactly what a middle level administrator says it is—nothing more and nothing less. Yet that produces an absurd result—the meaning and application of the rules may vary substantially among units. More importantly, such a broad discretion, with no accountability and review mechanism, can serve to veil abuse and protect it from any challenge. This represents a substantial and troubling lack of fairness and process protection. At a minimum, some process for challenging administrative determinations ought to be built into HR80.

b. Category Activities. This term is meant to divide the range of OBA into three distinct categories that together, I imagine, would include all possible OBA. There are several ambiguities and lacunae worth mentioning if only briefly. As a general matter three concerns touch on each of the categories:

1. The university appears free, in its sole discretion, to change or eliminate these categories. There are no procedures for the establishment of standards to guide those changes or to ensure substantial engagement with stakeholders before that is done.

2. There are no constraints on administrative discretion in the event an administrator deems the reporting and approval rules violated.

3. There are no procedures for appeals from exercises of administrative discretion.

More specifically, the drafting of the provisions relating to the Categories might also raise a number of issues as follows:

First, Category I clearly appears to be the operational heart of HR80. Were it to be reduced to its essence, HR 80 might read simply that “the following activities require university approval because they are deemed to have a substantial potential to adversely affect the employment relationship with the affected employee, they might adversely affect the university’s mission, or conflict with its operations.” But, of course, the rule in which this simple objective is embedded is far more baroque. It raises the following specific issues:
1. The university ought to be required to articulate the reasons for denial of approval. And the University ought to held to its reasons thereafter.

2. Denial of approval ought to be subject to appeal—from a reviewing body outside the department in which the decision maker exercises authority. That reviewing body ought to include members of the faculty and administrative personal, neither from within the college from which appeal is taken.

3. Approval should be constrained by a reasonableness provision—that is approvals will not be unreasonably withheld. The university has no reason to withhold approval unless its interests are actually and substantially affected. To impose any other standard would be an arbitrary exercise of power without any ethically sustainable purpose.

4. There are no standards against which to exercise discretion in approval. This is especially troubling when dealing with membership on boards of directors of non profit organizations—is it enough that the administrator despises the mission of a non profit organization, or should it be limited to organizations that are engaged in criminal activities. As it stands, the university may, without reason, disapprove my appointment to the board of the NAACP, NRA or Amnesty International—all internationally recognized but sometimes controversial organizations, without reason and without a basis for divining the standard used to make that determination. That the university would assert such authority itself might raise constitutional issues connected to the right of citizen participation and the right of association. The issues become more complex when, as under the rule as currently formulated, a faculty member must apply and could be denied membership on the board of a local church or religious organization. Standards, with appropriate and well thought out carve outs are a necessity, unless the university is inclined to the sort of situational and ad hoc regulatory clean up that is both inefficient and which can have significant negative effects on the university’s reputation with outside stakeholders.

5. The last item for Category I “teaching for a third party during a faculty appointment period” is both overbroad and quite capable of arbitrary application and administrative abuse. My guess (and that I have to guess speaks ill of the effectiveness of the drafting) is that it is meant to prohibit dual teaching situations—that is where a faculty member engages in full time teaching or its substantial equivalent at more than one institution simultaneously. I can further surmise (again that I have to surmise speaks ill of the drafting) that the university—without data or other evidence—has concluded that such action adversely affects the quality of its “investment” in the faculty employee, that is, that it diminishes the productivity expectations for which it pays the employee. That may well be reasonable. What is not reasonable is that the equivalent of the consulting monthly time limits do not apply (and without any justification for the difference). No explanation for the different treatment is provided. That produces some curious results, though also technically bound up in this category, including: (1) teaching in religious institutions (e.g., Sunday School classes); (2) volunteering with others to teach disadvantaged students, for example; (3) preparing and engaging in brief short courses with colleagues or alone for individuals who are not registered students at the university, either live or otherwise.
Second, Category II appears to serve the data harvesting mission of HR80, though that is
not made clear. It appears to require disclosure of all activities that an administrator, in her
discretion, determines to be part of a faculty member’s OBA. There are some issues that might be
considered in relation to this requirement.

1. Little thought appears to have been given to the administrative burden of thus reporting.
It costs an administrator nothing to demand reporting and disclosure compliance. But the faculty
member receives no credit for the time and effort required to its production—and the effect it might
have on teaching, service and research productivity. Were this standing alone the issue might be
de minimus. But added to the substantial amount of reporting now down streamed to faculty, the
cumulative effect on productivity may be substantial. And it is unexplored.

2. As a technical matter the categories appear redundant. Given the breadth of the OBA
definition, it is not clear what the other three items add (expert witness, licensed profession and
teaching). These are already included in the OBA definition. Are they meant to be highlighted?
Or as is more likely, are these categories separated for the convenience of data harvesting. If that
is the case, then the better approach might be to work up a more useful reporting form that captures
more efficiently the data collection objectives that are meant to be served by this Category II
reporting requirement.

3. It is not clear what the extent of the authority of administrators may be to sanction
violation of these rules. It might be useful to specify, if only to constrain and better manage
administrative discretion and to reduce the likelihood of otherwise unaccountable administrative
abuse. As it stands, HR80 provides for administrative consultation—without any process
protections—for the determination of appropriate sanction for violation (Noncompliance”). It may
include consultation with the “Faculty Consulting Program” though that may be of limited value
where the violation touches on matters other than consultation. But these are focused on
administrative convenience rather than due process protection for employees. But where, as here,
the authority is embedded in administrative operations within a rules based governance framework
that is much more governmental in character, it should follow that the constraints on abuse wisely
imposed on governments also apply. In this case, and at a minimum, that ought to require greater
protection against the conflicts of interests between those who control enforcement and
interpretation and those who have no recourse against the potentially self-interested application of
either. The reference to “in accordance with all other applicable University policies and
procedures” provides neither guidance nor constraint—and it leaves to the interpretation of the
administrator the extent to which this applies at all.

4. There is a trap for the unwary, and from my perspective a bit of overreaching, embedded
within the actual articulation of the HR80 policy. While it appears that Category II activities do
not require approval—buried near the end of HR80 is a provision which is not highlighted:
“Category II activities do not require prior approval unless, alone or in aggregate with other
Category I and II activities, the time commitment will exceed the monthly time limits” set forth
for consulting—which now appears transformed into an overall limit of time spent on any activity
that does not benefit the university. This effectively transforms Category II activities into Category
I activity with respect to the consulting time limits. It is not clear, then, whether Category II exists
at all, from a functional perspective. Moreover, it suggests an overreaching and intrusion into employee private life that while in its extreme form may be legal, may not be morally justified. No explanation is offered for this imposition. No warning is given about the way in which the limits on consultation is now transformed into a categorical cap on life activities that do not serve the interests of the university. And no justification is given for the devolution of the authority to control employee life to this extent delegated to university administrators who may operate without constraint, with impunity and whose abuse—as rarely as that might be deemed to occur—offers little effective redress. Most likely, once aware of this constraint, the HR80 policy itself provides a perverse incentive to underreport. Unless the university is prepared to devote substantial resources to policing, the provision will do more harm than good—starting with the encouragement of cultures of disrespect for the rules and the administrators who deploy them to suit their interests (at least in the eyes of the faculty burdened by their application). It might have been useful to better tailor this to the specific sorts of abuse the drafters had in mind rather than produce these baroque institutional control mechanisms that appear far removed (and abstracted from) the no doubt important problems that gave them life.

Third, Category III appears to include what the drafters conceive of as the core of what a “model” faculty member ought to be doing on her own time, to enhance the value and reputation of the university (and for which the university appears to take the position of free rider). That is certainly within the university’s prerogative—in deep consultation with faculty since these matters touch both on academic freedom and shared governance with respect to which the university is also constrained by other policy and rules.

1. There is little guidance to avoid administrative recharacterization of the items described in category III. An administrator, for example, might choose to treat an event as falling outside the “presentations at professional meetings or other similar gatherings” where the faculty member takes a different view. There is no mechanism to resolve the interpretative disagreements or their application in context.

2. The category “unpaid scholarly collaboration” appears both too narrow and subject to abuse. For example, if a sister institution pays the travel and accommodations of a Penn State faculty member to collaborate, does that change the character of the collaboration for characterization as a Category II event? Does it make a difference if the collaboration touches on teaching, research or service? Does it make a difference if there is no immediate “product” that emerges from the collaboration? Clearly the drafters had something in mind when they used this phrase—but they wrote broadly and their specific meaning is lost. The same issue applies throughout the section. For example, it is not clear why “conducting workshops” is limited to professional societies. Perhaps that reflects the experience of the drafters and those they choose to consult. But it does not explain why such workshops may only be offered to professional societies. And it leaves to the determination of the administrator whether, indeed, the organization constitutes a professional society within the meaning of the rules. There appears to be no sound reason, for example, that such workshops ought not be offered to international organizations, to civil society organizations, to religious schools, and the like. Yet this over narrow provision would by its terms appear to reclassify those workshops into Category I events for which approval is
required, for which approval may be denied without reason and without cause, and with respect to which the approval mandatory time constraints might apply even if such involvement occurs outside the contract period.

3. The Policy of HR80.

HR80 appears to concede ambiguity in interpretation and application. Its solution to that problem is to vest unconstrained discretion in administrators. It is not clear why that offers the best or fairest solution to an interpretation issue. Indeed, one might posit that such an administrator is in an inherently conflicted position when asked to provide such guidance. She serves, in effect, as both executive and as the judge of her executive decision making. That conflation of rules is inherently suspect and might indeed be troublesome under our ethics rules.

A better solution would be to place the function of interpretation beyond the power of those who must apply the provisions. That would require creation of a mechanism whereby any administrative determination may be reviewed. Beyond fairness for faculty, these would enhance institutional operation by imposing the discipline of policy coordination throughout the institution—permitting decentralization of implementation while retaining a centralized control of policy. It would be odd, indeed, to centralize the data function in ORP, while tolerating policy anarchy for the development of substantive application of the rules. It must be underlined that this is necessary where, as here, the university has determined that it will now function as a complex rules based institution. That invitation to policy and implementation incoherence ought to be reconsidered. And, given the choice implied in HR 80’s constitution, it will have to adjust its internal administrative cultures to conform to the legitimacy enhancing rules that apply to large, complex, rule based institutions.

There is an ambiguity between the approval rules of Category I with respect to consulting, and the second paragraph of the Policy section that purports to set time limits on consulting during a faculty appointment period. Category I appears to require approval ONLY for consulting in excess of the monthly time limits in the Policy section. That suggests that consultation WITHIN the time limits constitutes a Category II event. Yet the Policy section implies that all consultation, whether Category I or II, requires approval. That may require a simple change in language, or a more inclusive and honest policy discussion.

The constraints on the quality of OBA, whether or not subject to university approval, presents a set of more troubling issues. First it presumes that the university ought to have the power to control lives in OBA related activities (now quite broadly construed) in ways that may substantially exercise a control of virtually all of the lives of its faculty. At its extreme this suggests forms of indenture that ought to trouble a university with a public mission, even if it may be within the legal right of an employer to assert such substantial reaching into the lives and activities of its faculty. Yet this is precisely the conversation that the university has not had with its faculty. And that may well affect the legitimacy of its actions—expressed through efforts to evade or the lowering of morale (and through that the reduction of productivity).

Beyond that, the constraining categories are so broadly worded and porous, that it permits an administrator almost unlimited discretion to transform any activity into an OBA activity, and
any OBA activity into a non-conforming event. And the administrator may do this with impunity. For example—in the hands of an administrator of little experience or poor judgement, the standard “should enhance his/her professional stature or academic proficiency” can be used to substantially control academic choices, and in the most extreme cases interfere with academic freedom. What, after all, does “enhance” means? And in whose interest? These are issues that ought not to be left to ad hoc decision making of administrators without substantial guidance and review. And at a minimum it ought to require some substantial and written justification for decisions on the basis of a well-reasoned application of standards.

And then there is OBA standard (5) which requires Provost approval of consulting in excess of the maximum hours set forth in the Policy Section. At a minimum this sets up a trap for the unwary. Category I implies that it is possible to set approval of consulting in excess of the time constraints set up in the Policy Section. The Time constraints of the Policy section do not suggest that these are inflexible. And it requires reading the “fine print” well into the OBA standards to discern the possibility that the university effectively will always disapprove consulting in excess of the Policy time limits. It would have been kinder, and might have avoided misunderstanding to make the policy clear—and then to be prepared to debate its value to the university. Instead, the actual operating provision with respect to consulting—that only the Provost can approve exceptions under Category I and that the policy invites him to disapprove in ordinary course—now appears buried in a section that might be missed.

The time issue becomes more complicated when one also considers that the university extended its monitoring into non university activity beyond the appointment period with respect to any teaching (“any third party teaching in the months following a nine month appointment”). The effect appears to turn all teaching outside of the university, no matter how insignificant, into a Category II event, whether or not it occurs within the appointment period. Beyond definitional issues (e.g., does this include workshops for post grad students that last a few days, etc.), the justification for this provision is unstated. One can surmise that the university seeks information about teaching whenever undertaken as part of its data generating objectives. The university might also be interested in seeking to determine the extent to which such activity might be recharacterized as something that ought to be managed or constrained. Transparency might suggest that the university would obtain greater cooperation should it be more transparent about its motives. And, indeed, the faculty would be happy to work with administration to ensure coordination of appoint period and non-appointment period teaching. It might even be willing to consider a right of first refusal for non-appointment period teaching—assuming the terms were equal to those offered elsewhere. But in this case secrecy breeds inefficiency, and reducing any potential for shared governance cooperation that might make these policy determinations better for everyone. It might have been useful for the university to be more forthcoming, especially since such activity does not appear to be forbidden or require permission.

Lastly, the invitation to align the conflict of interest rules and the HR80 rules is awkward at best. The conflict of interest and of commitment rules are troublesome in their own ways—and for many of the reasons of unfettered discretion and ambiguity suggested in this analysis. Financial conflicts of interests rules are straightforward. And necessary. Beyond a well defined and tightly
drafted conflict of financial interest, broader reaching can quickly devolve into overreaching. The problem, of course, is the fundamental one—what does the university buy when it employs a faculty member? The university, naturally would tend toward an indenture model. The employee would tend toward a purchase of services model. The law permits something close to indenture—as unpalatable as that might be as a matter of ethics, policy and political culture in the United States today. But again, this basic conversation—and the disclosure of its effects, is one the university has failed to have with its stakeholders on whom it will impose its sense of rules for its best interest without substantial engagement by those who are crucial to the realization of that interest in the long run. And that is a pity.

4. Data.

Beyond control, the stated purpose of HR 80 is to generate data. It might have been useful to have generated data sufficient to justify the breadth of these provisions before enacting. But that is water under the bridge. Now the university will use its faculty to generate data that the university will use for its own purposes. Fair enough, and no doubt potentially useful. But it raises the issue of availability. HR870, like most provisions of this sort, restrict the availability of data to those administrators who have enforcement and interpretation authority. Faculty have no access rights to data. Clearly, there are legal limits. And ironically, given the intrusive nature of HR80 into the lives of faculty, privacy issues with respect to data generation, reporting and review. Yet it is not clear the extent to which useful data may be provided in a lawful manner. The issue just doesn’t materialize.

The resulting asymmetry of access will have substantial effects. It produces a situation in which it is difficult to discuss policy on terms that approach equal positions. It places faculty in the position of having to ask for and be content with the receipt of whatever data administrators are moved to provide—all the while facing a situation in which policy is justified on the basis of data that is unseen, untested and unverifiable. It its extreme, it makes a mockery of shared governance in an age in which governance itself is a function of data, its generation, management, and interpretation. Under these circumstances I can only urge the institutional representatives of the Senate to use their own resources to develop their own autonomous data generation mechanics. The absence of that capacity will substantially inhibit robust participation in governance. This, of course, is well beyond the scope of the consultation, but is a necessary conclusion that flows from a reading of the text and its broader implications.

To summarize. Without interrogating the underlying policy, and without reference to shared governance concerns, the revisions to HR 80 suggest three significant areas of concern. The first are the ambiguities of definition and substantive application that provide little guidance even to those faculty determined to comply. Alternatively, those ambiguities will produce both over-reporting and under compliance, as faculty seek to avoid reporting events. The second are the substantial delegations of authority to administrators under this provision. That discretion is not subject to any accountability nor does it provide a mechanism for uniform application of interpretation of the policy as these develop over time, especially where the policy itself reveals
tension. This unaccountable administrative discretion to prosecute, judge and interpret the provisions of this policy ought to trouble its drafters. The third touches on data gathering and use. The university should consider being more transparent about both the extent of its data harvesting, and its intended use. It might also consider sharing data with its shared governance partners. Taken together, these concerns, apart from the fundamental issue of policy itself and the use of shared governance in its development, suggest the need to revisit important portions of the revised policy.

Yet, for all that, and taken as a whole, ORP has complied with its mandate. It has produced a reworking of HR80 that streamlines and consolidates the reporting and approval process for human activity undertaken outside the university. It has also provided a sound basis for data generation, data harvesting and one presumes data interpretation in furtherance of additional policy. I appreciate the work undertaken and commend ORP for the product of their efforts. As one notes, though, the underlying principles, and their effectuation through the provisions of HR80 in its new, modified, form, retain its substantial failures as policy and as an expression of university culture and operations given our mission and the reflection of the sort of institution we wish to hold out as a model to the Commonwealth and this Republic. As to those matters, ORP has been given no discretion. But it may be worth considering by those who vested ORP with its mandate, and to those officials who now direct the work of the institutional representative of the faculty. Moreover, as it is based on a benchmarking with a large number of influential peer institutions, the consideration elaborated here are meant to provide a basis for discussion not just at Penn State but also among those per institutions—and their faculty representative institutions—within which this is meant to be embedded as an unproblematic set of conditions not just for the working conditions of employment but of virtually the entire lives of those employed by the modern research university in the early 21st century. I thank you for the opportunity to share these observations.
SENATE COMMITTEE ON ADMISSIONS, RECORDS, SCHEDULING, AND STUDENT AID

Revisions to Senate Policy 54-10 and 54-20: Good Standing and Academic Warning

(Legislative)

Implementation: Upon approval by the Senate and development of procedures when applicable.

Introduction
On September 9, 2014, the University Faculty Senate approved changes to Faculty Senate Policy 54-00 and related policies to streamline and clarify processes governing students’ academic progress. Following their adoption, implementation of the new/revised Senate Policies 54-00, 54-10, and 54-20 was contingent on development of relevant Academic Administrative Policies and Procedures Manual (AAPPM) policies and is now awaiting integration into the new LionPATH student information system. During that time, it has become apparent that the way in which the policies are worded could have the unintended consequence of rendering a small number of student athletes ineligible for competition, even though those students would be eligible under Faculty Senate Policy 67-00, the Big Ten, and the NCAA requirements. Several modest changes are proposed to address this conflict between Senate policy 54-10, 54-20, and 67-00 Policies while preserving the constructive intent of the changes made in 2014.

Discussion and Rationale
The problem with the current wording is that it implies a student must always have a cumulative grade-point average of at least 2.00 to be in “Good Standing.” “Good Standing” is defined by the institution, and required by the NCAA for athletic eligibility. Senate Policy 67-00 states a student athlete in the first year can be at or above 1.80 as of the second semester and be eligible to compete, and at or above 1.90 in the third and fourth semesters to be eligible. Beginning the fifth semester, student athletes must have at least a 2.00 cumulative GPA to be eligible.

To bring the two policies into alignment, a change in wording is proposed to state a minimum cumulative GPA of 2.00 is needed during entrance to major and at graduation. Thus, during semesters two through four, student athletes can fall slightly below 2.00 and still be eligible to compete. This change then supports Senate Policy 67-00. In Senate Policy 54-20, a similar objective is met through a change in wording that stipulates improvement of the cumulative GPA to 2.00 or above as the requirement to remove the warning status rather than to “return to good standing.”

Recommendations
The Senate Committee on Admissions, Records, Scheduling and Student Aid proposes that the following revisions be made to Senate Policies 54-10 and 54-20.
Revised Policies

54-10 Good Standing
A student is considered to be in good academic standing if the student’s cumulative grade-point average is 2.00 or higher. Delete
A student must have a cumulative grade-point average of 2.00 or higher to be considered in good standing to declare a major and to graduate from the University.

A student will receive notification at the end of each semester when his/her semester grade-point average drops below a 2.00.

54-20 Academic Warning
Academic warning serves as official notification that a student has failed to earn a 2.00 cumulative grade-point average. A student placed on academic warning will have a hold placed on his/her registration and will be required to meet with an academic adviser in order for the registration hold to be removed.

A student in academic warning status may continue to enroll for classes as long as the semester grade-point average continues at a 2.00 or higher. To return to good standing from remove a notification of academic warning, the cumulative grade-point average must be 2.00 or higher. A student in academic warning who fails to maintain a semester grade-point average of 2.00 or higher will be academically suspended (54-40).

Effective Date
Upon corresponding changes to AAPPM policy and incorporation into LionPATH.

SENATE COMMITTEE ON ADMISSIONS, RECORDS, SCHEDULING, AND STUDENT AID

- Charles Abdalla
- Steven Andelin
- Martha Aynardi
- Daniel Beaver
- Clark Brigger
- Wei-Fan Chen
- Madhuri Desai
- Maura Ellsworth
- Galen Grimes
- Anna Griswold
- Michel M. Haigh, Chair
- Harold Hayford, Vice Chair
- Robert Kubat
- George Samuel
- Douglas Wolfe
SENATE COUNCIL

Report on Spring 2016 College Visits

(Informational)

The Senate Officers visited five colleges during Spring 2016 including: Liberal Arts (1/27/16), Nursing (January 28), Health and Human Development (February 1), Science (February 8), and Communications (February 12).

Scope of Senate Officer College Visits:

The Senate Officers were proactive with our meetings and made conscious efforts to convey the issues we heard from student, staff, and faculty discussions with the College Administration representatives. We presented a comprehensive, 21-page report that encompassed our college-specific observations and discussions during a meeting on March 24, 2016 with Executive Vice President and Provost Nicholas Jones. At this meeting, the Senate Officers had a productive exchange with the Provost and Vice President and thought our observations, impressions, and recommendations were appreciated and addressed by our administration colleagues.

Detailed, college-specific discussions and recommendations from Senate Officer visits are not presented in this public report due to confidentiality. There were some common topics that were voiced in many college meetings. The Senate Officers offer the following general discussions and recommendations from the college visits.

1. General Education Changes

- There is concern about the new General Education requirements, including linked courses and Integrative Studies courses. How will a linked course be approved? Will only particular sections be linked or any section of both courses? There is concern about the other courses that will remain the same; will these need to be submitted again with new Gen Ed learning objectives included in the course proposals? What will be required to “recertify” the course? What is the additional faculty effort to prepare these proposals? Will there be enough courses available for the linked and integrated studies courses?
  
  Senate Officer response: This will probably be done when the course is next reviewed in the periodic review. There may be a shortened process to accomplish this. Also, Curricular Affairs Committee may need to meet during the summer.

- It would help to have guidance on what includes appropriate consultation in curricular review. It’s not always clear what is considered appropriate consultation. Do suggestions or concerns raised in the consultation process need to be implemented in the proposal or only rebutted? Can there be some general guidance on what consultation should be conducted?

- What is the role of World Campus in the consultation process? The World Campus sometimes becomes involved in course development, such as how to title a course or form a program of study. World Campus has come back and not supported it because
they think that there should be different courses in the program or the program title should be changed. Are these curricular suggestions or marketing suggestions?

- Funding for General Education changes by the Administration. Budget model for Gen Ed courses? How are departments encouraged to teach more Gen Ed courses? How are they compensated for teaching Gen Ed courses?

2. General Education Assessment, Program Assessment

- Some FYS courses do not include FYS objectives.
- When the Commonwealth Campuses were given more autonomy, the UP home departments have lost control over the quality and uniformity of the programs. There is a loss of quality control.
- Campuses can still make degree substitutions even if the degree is housed at UP. There should be restrictions on the type of substitutions that campuses can make.
- UP controls only the course description but not the syllabus or textbooks for the courses. Some courses offered at other campuses include significantly different content, even if nominally fitting the same course description. The problem with consistency of course content involves many different programs. Senate Officers response: There is new Senate Legislation that will require 80% similarity between all sections of a course.
- Middle States Assessment is mandated and will impact the workload in the departments.
- Some faculty members are concerned with instruction of General Education courses. Some colleges have faculty teach the Gen Ed courses; other colleges use graduate student TA’s to teach the General Education courses. The online resident courses can have thousands enrolled and taught by one adjunct instructor.
- The online courses are sometimes not well taught and do not give students personal contact with instructor. Where should the college put resources and faculty time? Are the objectives of General Education courses (such as active learning and writing) being met by these online courses?

3. Student Advising

- Email addresses discontinue one year after graduation. This makes it difficult for companies and other contacts to reach graduated students. Other universities, such as Michigan, have alumni email addresses with the same address name but @alumni.mich.edu
- The Academic Plan is not connected to the LionPath degree audit. The recommended Academic Plan is helpful for students to know what classes to take each semester in order to graduate on time.
- Mental health for students is a concern. There is much demand for CAPS counseling.
- There is a lack of consistency in advising. Not all advisers are good. Some give poor advice or do not have needed information. It is awkward to request a new adviser if you are assigned an adviser that is not as good. It can be difficult to schedule a meeting with a good adviser because they are booked. An advising book with information about the
programs might be helpful. The Advising Portal is not always up to date. The students did not find the Portal information to be helpful.

- Advising is also a problem for students starting at a Commonwealth Campus. Some advisers do not know the degree requirements for UP majors.
- Allowing students to schedule an overload without speaking with an adviser has caused problems. Some students are taking too many credits. This has negatively impacted students.
- There is no adviser approval for students to take World Campus courses on top of their regular course load. There is no system of checks.
- How can the staff work more closely with the Faculty Senate to be informed of student policy changes? How can students be informed of policy changes?
- Students in some colleges have limited Career Fair opportunities.
- Students in different majors want to learn what career opportunities are available. Opportunities to learn about internships may exist in some departments but are not well announced. Also information about graduate school opportunities, how to prepare for graduate studies, how to transition to graduate school, health care considerations, learn from current graduate students about their experience.
- There is a lack of communication between advisers if a student has concurrent majors in two different colleges. This makes it difficult to plan concurrent majors.

4. Fixed Term Faculty Concerns, Teaching Loads

- How are Extended Leave cases handled for Fixed Term faculty? Senate Officer response: Central HR is now addressing this issue.
- There are inconsistencies in the evaluation of promotion to Senior Lecturer across campuses and UP.
- Paid maternity leave for staff and fixed term faculty should be considered. Currently staff need to use their sick days and vacation days for maternity.
- How should fixed term appointments be described in an opening announcement? Should they be advertised as a one-year position with the promise of renewal? Advertising as a multi-year contract will attract better candidates but the candidate may not be a good match with the department and could not be released.

5. Faculty Support

- What incentives are in place to encourage faculty to use new technology? Senate Officer response: Schreyer Institute, Tanya Furman in Undergrad Ed for assessment.
- Students in some colleges commented that there is no accountability of professors to encourage a quality learning experience. Some faculty members are not passionate about their teaching. Some faculty members consider the introductory class to not be as important but these classes can be very important when students are deciding their major. One instructor came into class 15 minutes late every day, not passionate, “worn down”. A midterm feedback would encourage professor to improve course before the end of the semester. The SRTE evaluation is at the end of the semester and does not improve the
current course. It is difficult for students to fill out SRTE’s during the last week of the semester since the last week is very busy.

- The Five-Year Faculty Review process is a concern. The P&T process is clear and there are protections. HR 23 clearly describes the process. But the 5-Year Review is not well defined in HR 40. Senate policy is very short for this process. But the 5-Year Review can be very important, moving a faculty from research to teaching faculty, teaching loads can be increased. The 5-Year Review does not have a sign-off process. Some of the information is visible to faculty, other portions are not, such as the grade point averages that are reviewed with the SRTE’s. What dates should the review cover? When are the deadlines for the steps of the process? Can additional information be added about activities not in job description? There is much grey area and judgement and this process is very important. Faculty did not feel protected by the process. There are also inconsistencies in how the five-year review is implemented in different colleges.

- Decisions are being made (class scheduling, IT decisions, health decision) without faculty being involved. Faculty members do not know if their concerns were taken into account when decisions are made.

- Some faculty questioned the appropriateness of using SRTE’s for faculty promotion and tenure. Is the SRTE an objective measure that should be given that importance? Peer reviews are done every year for tenure-track faculty and this is a better indication of teaching quality.

- The Faculty Senate should tell Deans the importance of being on the Faculty Senate.

- Need clarity from administration about hiring of faculty, including hiring of spouses who are hired on fixed term but have an interest in being considered for a tenure-track position. What is the policy and process for these situations? For example, if a faculty member is planning to leave and has a spouse who is in a postdoc position, can the university offer the spouse a tenure-track position? How do we retain and recruit the very best?

- Some colleges do not have faculty meetings, as required by all unit constitutions.

- Will the Health Care costs be increasing? Most staff prefer to have the PPO Blue Plan. There is concern about the proposed doubling of deductibles as reported by David Gray in January Senate meeting.

- What is the University doing for the security of personal information? For example, to get insurance for family, employees needed to upload Social Security cards for every family member, marriage license. Is Highmark keeping our information secure? The Highmark security password is not very secure.

- It is difficult to get information to determine which health plan will be better. Staff member filled out the analysis spreadsheet for health care options but was not certain if the information was accurate. The online spreadsheet did not have enough information. The staff member then needed to talk with HR person to get assistance and this took much time (several hours) to determine which plan would be better.

- Are there health care data that can be shared to compare plans. For example, what was the average out of pocket expenses for each plan?
6. Common Schedule, Class Scheduling

- Faculty in several colleges voiced concerns about changing of conference rooms to General Purpose Classrooms. Colleges need these conference rooms to be available for meetings. No one listened to the request to be able to input information about other needs for the room. Departments were not involved in the process.
- There are concerns about the Optimizer and classroom scheduling. STAT courses were not scheduled in classrooms with computers. MATH courses have not been scheduled yet. Science department colloquium is scheduled in a room across campus and the location will not be feasible.
- There are major issues regarding research and teaching facilities. There are not large spaces available for new classes. Classroom need to be modified for active learning activities. The Optimizer process and relabeling some rooms as General Purpose Classrooms will not solve the scheduling problems due to delayed classroom building construction.

7. Academic Integrity

- Students commented that there is a need for a more comprehensive University Academic Integrity Policy. There needs to be a better awareness of what is appropriate, especially for international students. There should be continued discussions with students and faculty, not only at the beginning of the semester or one seminar.

Prepared by:
Laura L. Pauley, Faculty Senate Secretary, in consultation with Faculty Senate Chair Mohamad A. Ansari and Chair-Elect James A. Strauss.
SENATE COMMITTEE ON UNIVERSITY PLANNING

Faculty Senate – Construction Report

(Informational)

Ford Stryker will present an informational report on the status of University construction.
Construction Progress Report
The Pennsylvania State University Faculty Senate
September 6, 2016

Kostos Building Renovation, Penn State Hazleton - Rendering
Exterior Rendering

Program:
 Update and reconfigure science labs (8) and classrooms (9), ground floor auditorium, offices (16)
 Replace windows, building system renewal, ADA upgrades, new entrance and exterior enhancements

Schedule:
Complete October 2017

Cost: $15.5M
Funding:
DGS (FY 13/14)/RCI/Facility Resources Cmte./Campus funds

Agricultural Engineering Building Renovation - Rendering

Program:
 New labs and classrooms
 Admin, office and conference rooms
 Renovation shared use lab
 Consolidate faculty into one building
 Replace aging infrastructure/HVAC

Schedule:
Complete January 2018

Cost Estimate: $44.5M
Funding:
EGB/RCI

Student Enrichment Center, Penn State Harrisburg - Rendering
Exterior Rendering

Program:
 70,000 SF new building with a 390-seat auditorium
 Student life facilities include: food service, lounge areas, convenience store, offices and support spaces

Schedule:
Complete August 2016

Cost: $30M
Funding:
Internal loan/RCI/OVPCC/Campus/SFF

Appendix I
09/06/16
**Ruhl Student Center Addition/Reno, Penn State York - Rendering**

Program:
- 20,000 SF renovation of existing building
- 28,000 SF addition
- New multi-purpose activity court for kinesiology, intramural and athletic space, and HVAC upgrades of existing building systems

Schedule:
Complete September 2016

Cost: $13.5M

Funding:
RCI/SFF/Campus gifts

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**Adler Athletic Complex Renovation, Penn State Altoona - Rendering**

Program:
- 46,000 SF renovation of existing building
- 53,000 SF addition
- New tennis courts and gymnasium

Schedule:
Complete December 2017

Cost: $24.5M

Funding:
DGS/SFF/RCI/Campus funds

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**Recreation Facility Access Modifications - Phase II**

**Phase I Modifications (2013)**
- Perimeter security controls and cameras for public space and perimeter monitoring. In Rec Hall alone, seventy-two doors in the facility were outfitted with alarms, or card reader systems.

Program: Phase II Modifications (2016)
- Access control facilities
- ADA accessibility modifications
- Entrance enhancements

Schedule: Complete December 2016

Phase II Cost: $7.5M

Funding: DGS/RCI

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**White Building East Entrance - Rendering**

Program:
- 46,000 SF renovation of existing building
- New tennis courts and gymnasium

Schedule: Complete December 2017

Cost: $24.5M

Funding: DGS/SFF/WCU/Campus funds
McCoy Natatorium North Entrance Access Modifications

Recreation Hall Access Modifications

Intramural Building Expansion - Phase III

Program:
- 36,400 SF addition with indoor turf field and other athletic facilities
- 17,400 SF of shell space fit out

Schedule: Complete August 2017

Cost Estimate: $29.3M

Funding: SFF/Student Affairs

Intramural Building Expansion - Phase III - Rendering

Tower Road Data Center

Program:
- 55,400 SF facility supports business continuity and disaster recovery for Hershey Medical Center
- Serves an initial 1.75 megawatt load and is designed for significant expansion

Schedule: Complete June 2016

Cost: $58M

Funding: E&G Borrowing/Reserves, HMC/COM/Operating Funds
Tower Road Data Center

Steidle Building Addition & Renovation

Program:
- 86,000 SF renovation of existing 1931 building
- 40,000 SF infill after demolition of 1939 building
- Design facilitates teaching / research

Schedule:
- Complete July 2016

Cost: $52M

Funding: RCI

Steidle Building Addition & Renovation

Whitmore Laboratory Renovation

Program:
- 10 undergraduate chemistry labs
- Large organic chemistry teaching lab and a dedicated advanced organic chemistry lab

Schedule:
- Complete August 2016

Cost: $31.7M

Funding: RCI
Whitmore Laboratory Renovation

Program:
- Consolidates the Morgan Academic Support Center from four locations
- Project includes a large classroom, multi-media interview room, student lounge and a learning skills lab

Schedule: Complete May 2016

Cost: $7.2M
Funding: ICA (SSB)/Fundraising

Morgan Academic Center for Student Athletes

Program:
- Southeast Pennsylvania
- Abington
- Brandywine

Schedule: Complete May 2016

Cost: $7.2M
Funding: ICA (SSB)/Fundraising

Southeast Pennsylvania Map

Appendix I
09/06/16
New Residence Hall, Penn State Brandywine - Rendering

Program:
- 256 beds in double rooms
- "Wet Core" shared private bathrooms

Schedule:
- Complete July 2017

Cost: $31.5M
Funding: SSB/H&FS Reserves

New Student Union & Dining, Penn State Brandywine

Program:
- 31,000 SF building
- Student services include: bookstore, post office, meeting rooms, space for student organizations, and offices

Schedule:
- Complete July 2017

Cost: $19.6M
Funding: RCI/VPCC Reserves/SSB/SFF

New Student Union & Dining, Penn State Brandywine

Program:
- Student services include: bookstore, post office, meeting rooms, space for student organizations, and offices

Schedule:
- Complete July 2017

Cost: $19.6M
Funding: RCI/VPCC Reserves/SSB/SFF
Program:
- 402-bed apartment-style complex equipped with a kitchen, common spaces and study lounges

Schedule:
Complete July 2017

Cost: $50.6M

Funding:
SSB/H&FS Reserves

New Student Apartment Building, Penn State Abington

Program:
- 310 beds in double bedrooms
- “Wet Core” shared private bathrooms

Schedule:
Complete July 2017

Cost Estimate: $33.5M

Funding:
H&FS Reserves/SSB

Robinson Hall, North Halls

East & Pollock Halls Renewal, University Park

Robinson Hall, North Halls - Rendering

Appendix I
09/06/16
Program:
- 55,000 SF renovation, about 45% of the building
- Reconfigured dining spaces with a variety of seating options
- New coffee shop and lounge area

Schedule:
Complete December 2016

Cost: $25M
Funding: H&FS Reserves/SSB

Findlay Dining Commons Renovation - Rendering
Program:
- 336 beds in double rooms
Schedule:
Complete July 2017

Cost Estimate: $35.1M
Funding: SSB/H&FS Reserves

Earle Hall, East Halls - Rendering
Program:
- 273 Beds in Double Rooms
Schedule:
On-Hold Until January 2017

Cost Estimate: $21.8M

Earle Hall, East Halls
MINUTES OF SENATE COUNCIL
Tuesday, June 28, 2016 – 1:30 p.m.
102 Kern Graduate Building


CALL TO ORDER

Chair Strauss called the meeting to order at 1:30 p.m. on Tuesday, June 28, 2016, in 102 Kern Graduate Building.

MINUTES OF THE MEETING OF APRIL 5, 2016

The minutes of the April 5, 2016, meeting will be considered at the August 23 meeting

ANNOUNCEMENTS AND REMARKS

Chair Strauss welcomed all new and continuing members and special guests. He announced Beth Seymour has been appointed Senate Parliamentarian, and Steinn Sigurdsson is the Graduate Council liaison. Due to calendar constraints of the Provost and Vice President Basso, the posted agenda was reorganized.

Executive Vice President and Provost Jones expressed optimism that the Commonwealth’s budget would be passed by the end of the week, and that Penn State would receive its appropriation. Implementation of General Education is moving forward. A director will be recruited. The search for the Dean of Penn State Law will be re-opened. An offer has been extended for the Chief Information Security Officer and the search for the Vice Provost for Information Technology will be launched with the aid of a search firm. The search for Dean of the Schreyer Honors College will commence in the fall. The strategic plan is being pursued and linkage to the capital campaign is being emphasized.
Vice President Madlyn Hanes reported successful completion of searches for chancellor of the Beaver campus and Abington College.

Vice Provost Whitehurst had no comments.

**ACTION ITEMS**

Consideration of revisions of constitutions of the College of Information Sciences and Technology, Penn State Lehigh Valley, and Penn State Beaver was deferred to the August 23 meeting.

**DISCUSSION ITEMS**

Susan Basso, Vice President and Chief Human Resources Officer provided introductory comments and introduced Greg Stoner, Senior Director of Compensation and Benefits, who gave a presentation on health care and recommendations for changes in the plans for the 2017 year. The information presented is considered privileged; not for distribution beyond Senate Council. The information will be presented at the October 18 Senate meeting. Councilors provided some suggestions on the slides.

David Smith, Executive Director of the Division of Undergraduate Studies, and Janet Schulenberg, Academic Advising Manager, gave a presentation of Starfish, the new advising software. The program is intended for use by both undergraduate and graduate advisors, and should improve the availability of advising records for all students to all advisors.

Clint Schmidt from the Office of Research Protections discussed proposed revisions to HR80. The slide presentation will be provided to Senate Councilors.

Chair Strauss discussed the proposal by UPUA that the University Park campus should become smoke-free. At this point, he is considering scheduling a forensic session on the subject at the September 6 Senate plenary meeting.

**NEW BUSINESS**

There was no new business.

**ADJOURNMENT**

Chair Strauss thanked Council members for their attendance and participation and apologized for the length of the meeting. The meeting was adjourned at 3:58 p.m.

Daniel R. Hagen
Executive Director
MINUTES OF SENATE COUNCIL  
Tuesday, August 23, 2016 – 1:30 p.m.  
102 Kern Graduate Building


Absent: R. Bascom, K. Jablokow, E. Knodt, R. Jolly

CALL TO ORDER

Chair Strauss called the meeting to order at 1:34 p.m. on Tuesday, August 23, 2016, in 102 Kern Graduate Building.

MINUTES OF THE MEETING OF April 5 and June 28, 2016

The minutes of the April 5, 2016 and June 28, 2016, meetings were approved.

ANNOUNCEMENTS AND REMARKS

Chair Strauss welcomed all continuing members and special guests. He discussed the opportunities and duties of Senate Councilors and encouraged them to communicate with their units and caucus members regarding Senate Council actions and discussions.

He introduced the three Administrative Fellows for 2016-17. Zaryab Iqbal, Associate professor of political science, College of the Liberal Arts, is being mentored by Nick Jones, Clarabelle Lin, Marketing director, Penn State World Campus, is being mentored by Craig Weidemann, and Felisa Preciado, Clinical associate professor of supply chain management in the Smeal College of Business, is being mentored by Madlyn Hanes. Felisa is a member of the Senate.
The Faculty Advisory Committee to the President met. The Auditor General Audit of Penn State, McQueary Whistleblowers Trial Date Set, Impact of latest Paterno allegations and who (PSU or Insurance) pays victim claims, PSU Budget Update, Implementation of New Commonwealth Campus Budget Model, Enrollment Update and implications for dorms, classes, and space, International Student tuition rates and scheduling issues, Upcoming 5 year Health Insurance Contract, Potential impact of Smoke-Free Penn State, Gender Neutral Bathroom Policy; short and long-term plans, Morgan Center move from MBNA to Greenberg Bldg., Update Searches - Dean, Penn State Law, Dean, Dickinson Law, CISO, Vice President for Information Technology, Updates on Canvas, Admissions and LionPath, WorkLion, Strategic Plan

Executive Vice President and Provost Jones discussed the recently announced audit of the university by the Pennsylvania Auditor General, the university budget and General Salary Increase program for this year, the student convocation held on Saturday August 20, and the status of searches for the Chief Information Security Officer, the Chief Information Officer, deans of Penn State Law and Dickinson Law, He pointed out the difficulties encountered with LionPath, and the recent problems with Web Access and the telephone system. He responded to questions from Councilors regarding rollout of IT systems, and the new Data Center as well as issues with the LionPATH user interface and access to student records.

Vice President Rob Pangborn discussed the status of enrollment. Over 133,000 applications were received for fall admission; 3,000 more than for 2015. Baccalaureate accepts at University Park are 8,843, about 250 higher than for 2015. For Commonwealth Campuses, accepts are 8,735, u 473 compared to 2015. Graduate applications are 9.5% higher than in 2015.

Vice Provost Blannie Bowen reported 125 new faculty attended the new faculty orientation session held recently.

Vice Provost Marcus Whitehurst pointed out President Barron’s Year of Inclusion and a panel discussion by legal scholars on First Amendment rights and diversity/inclusivity. The session will be held in late October. He will look into providing the session on Mediasite.

Vice Provost/Vice President Craig Weidemann introduced Jennifer Sparrow and Terry O’Heron from Information Technology Services, who provided a chronology of the events that arose on August 22, affecting access to Canvas and ANGEL.

Vice President Madlyn Hanes welcomed her Fellow, Felicia Preciado.

The Senate officers and Executive Director had no comments.

There were no Councilor comments.

**ACTION ITEMS**
The P-4 proposal from Penn State Erie, the Behrend College, to close the Bachelor of Arts in Science was approved on an Eckhardt/Wilson motion. Vice President Pangborn will be notified of Senate Council’s action;

**DISCUSSION ITEMS**

Chair Strauss introduced Regis Becker, Chief Ethics and Compliance Officer, who provided an update on compliance training. The ultimate intent is to have a single training module that covers all or nearly all of the general (non-research) compliance trainings.

**REPORT OF GRADUATE COUNCIL FOR MARCH 16, APRIL 13, AND MAY 4**

Senate Council Liaison Sigurdsson had no comments.

**SENATE AGENDA ITEMS FOR SEPTEMBER 6, 2016**

**FORENSIC BUSINESS**

Educational Equity and Campus Environment: Student Diversity Panel. This report was placed on the Agenda on a Grimes/Wolfe motion. Twenty-five minutes was allocated for presentation and discussion.

Faculty Benefits and Student Life--Changes to smoking policy. This report was placed on the Agenda on a Szczygiel/Smithwick motion. Fifteen minutes was allocated for presentation and discussion

Undergraduate Education--Starfish Demonstration. This report was placed on the Agenda on a Grimes/Wilson motion. Ten minutes was allocated for presentation and discussion

Senator Larry Backer--Changes to HR-80. Fifteen minutes was allocated for presentation and discussion on a Nousek/Brunsden motion. On a Szczygiel/Wilson motion, Council voted to request a 2-page Executive Summary of the background document and that two questions be submitted for the forensic.

**UNFINISHED BUSINESS**

**LEGISLATIVE REPORTS**

ARSSA--Changes to 54-10 and 54-20. This report was placed on the Agenda on a Wilson/Szczygiel motion.
ADVISORY/CONSULTATIVE REPORTS

INFORMATIONAL REPORTS

Senate Council--Spring Visits. This report was placed on the Agenda on an Eckhardt/Brunsden motion. Five minutes was allocated for questions.

University Planning-- Construction Report This report was placed on the Agenda on an Eckhardt/Rowland motion. Ten minutes was allocated for presentation and discussion.

NEW BUSINESS: None

ADJOURNMENT

Chair Strauss thanked Council members for their attendance and participation. The meeting was adjourned at 4:05 p.m.

Daniel R. Hagen
Executive Director
Date: August 30, 2016

To: All Senators and Committee Members

From: Daniel R. Hagen, Executive Director

Following is the time and location of all Senate meetings from August 30 to September 6. Please notify the Senate office and committee chair if you are unable to attend.

TUESDAY, AUGUST 30, 2016

3:00 p.m. New Faculty Senators Workshop - 102 Kern Graduate Building

THURSDAY, SEPTEMBER 1, 2016

2:00 p.m. Officers and Chairs Meeting - 102 Kern Graduate Building

MONDAY, SEPTEMBER 5*

*Commonwealth Caucus Meeting - Cancelled due to the Labor Day Holiday

TUESDAY, SEPTEMBER 6, 2016

8:00 a.m.

Intercollegiate Athletics - 502 Keller Building

8:30 a.m.

Admissions, Records, Scheduling, and Student Aid - 203 Shields Building

Committees and Rules - 201 Kern Graduate Building

Curricular Affairs - 102 Kern Graduate Building

Educational Equity and Campus Environment - 213 Business Building

Faculty Affairs - 202 Hammond Building
Faculty Benefits - 509 Rider Building
Global Programs - 412 Boucke Building
Intra-University Relations - 504 Agricultural Sciences and Industries Building
Outreach - 216 Business Building
Research - 214 Business Building
University Planning - 324 Agricultural Sciences and Industries Building

9:00 a.m.
Libraries, Information Systems and Technology - 510A Paterno Library
Undergraduate Education - 110C Chandlee Lab

9:30 a.m.
Student Life - 409H Keller Building

11:00 a.m.
Student Senators Caucus and Orientation - 114 Kern Graduate Building

11:30 a.m.
Commonwealth Caucus Meeting - 102 Kern Graduate Building

1:30 p.m.
University Faculty Senate - 112 Kern Graduate Building