THE PENNSYLVANIA STATE UNIVERSITY

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The Senate Record is the official publication of the University Faculty Senate of The Pennsylvania State University, as provided for in Article I, Section 9 of the Standing Rules of the Senate, and contained in the Constitution, Bylaws, and Standing Rules of the University Faculty Senate, The Pennsylvania State University, 2011-2012.

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Except for items specified in the applicable Standing Rules, decisions on the responsibility for inclusion of matters in the publication are those of the Chair of the University Faculty Senate.

When existing communication channels seem insufficient, senators are encouraged to submit brief letters relevant to the Senate's function as a legislative, advisory and forensic body to the Chair for possible inclusion in The Senate Record.

Reports that have appeared in the Agenda for the meeting are not included in The Senate Record unless they have been changed substantially during the meeting, or are considered to be of major importance. Remarks and discussions are abbreviated in most instances. Every Senate meeting is webcast via Mediasite and may be viewed at http://senate.psu.edu/agendas-records.html. All Senate meetings are digitally audio taped and on file in the Senate office. Transcriptions of portions of the Senate meeting are available upon request.

Individuals with questions may contact Dr. Daniel R. Hagen, Executive Director, Office of the University Faculty Senate.

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The University Faculty Senate met on Tuesday, December 9, 2014, at 1:30 p.m. in room 112 Kern Graduate Building with Jonna Kulikowich, Chair, presiding.

MINUTES OF THE PRECEDING MEETING

Chair Kulikowich: The October 21 Senate Record, providing a full transcription of the proceedings, was sent to the University Archives and is posted on the Faculty Senate website. Are there any corrections or additions to this document?

Seeing none, may I hear a motion to accept?

Senator: Aye.

Chair Kulikowich: Second?

Senator: Second.

Chair Kulikowich: All in favor of accepting the minutes, please say aye.

Senators: Aye.

Chair Kulikowich: Opposed, say nay. The ayes have it. The motion carried. The minutes of the October 21 meeting have been approved.

COMMUNICATIONS TO THE SENATE

Chair Kulikowich: The Senate Curriculum Report of November 18, 2014, is posted on the University Faculty Senate website.

REPORT OF SENATE COUNCIL – MEETING OF NOVEMBER 18, 2014

Chair Kulikowich: Minutes from the November 18, 2014 Senate Council meeting can be found at the end of your agenda. Included in the minutes are topics that were discussed by the Faculty Advisory Committee to the President at the November 18 meeting.

ANNOUNCEMENTS BY THE CHAIR

Chair Kulikowich: Out of courtesy to our presenters and your fellow senators, please turn off your cell phones and pagers at this time.

If you are unable to attend a Senate meeting in person, you can join from your computer via Mediasite. Instructions for the use of Mediasite are posted on the Senate website, or call the Senate office for assistance. All senators using Mediasite, please use the “ask a question box” to send a message that you have successfully connected to the live feed so that we may add your name to the attendance list as being present.

As a reminder to senators joining today’s meeting by Mediasite, we are again using the voting system at polleverywhere.com/facultysenate. Instructions for using this voting system were emailed to all senators
and are posted on the Senate website. For those of you on Mediasite today, please log into polleverywhere.com now so that you are ready to use it when we vote.

As a reminder, parliamentary procedure states that any motion from the floor, including amendments, must come to the chair in writing.

The Senate officers have completed visits to Penn State Hershey, Altoona, Fayette, Schuylkill, Hazleton, Wilkes-Barre, Worthington Scranton, and Penn College. The officers will be conducting a debriefing meeting with Provost Nick Jones and Vice President Madlyn Hanes to be scheduled in January.

President Barron has approved the changes to AD 14-Academic Administrative Evaluation, that were recommended by the Senate at the September 9, 2014 meeting.

The Senate calendar for 2015-16 was approved by the Senate Council on November 18. The calendar appears as Appendix B in the Agenda and is posted on the Senate web site. Senators are urged to note the dates on their calendars.

At the November 18 Senate Council meeting, Council members voted to place the following report from Admissions, Records, Scheduling, and Student Aid on the Senate Agenda and website. It is entitled Faculty Senate Scholarships Awarded to Undergraduates. This report will not be discussed at today's meeting. If you have questions or comments about this Informational report, you can email senate@psu.edu. Your questions will be forwarded to the appropriate committee chair for response. The remaining Informational reports on the Senate Agenda will be discussed today.

Laurie Grobman, professor of English and women's studies at Penn State Berks, was recognized as Outstanding Baccalaureate College Professor of the Year at a luncheon and awards ceremony held on November 20 at the National Press Club in Washington, D.C. Laurie is one of four national winners of the 2014 U.S. Professors of the Year awards. We congratulate Laurie on this outstanding achievement and national recognition.

Nichole Schlegel joined the Senate office on December 1 as Senate office manager. Please join me in welcoming Nickie to the Senate.

Stop by the office to introduce yourself to Nickie when you have the opportunity

The 30th Annual Martin Luther King, Jr. Commemoration Planning Committee invites you to attend events scheduled to honor Dr. Martin Luther King, Jr. including the Day of Service, January 19, 2015, the National and University holiday.

At University Park, events are scheduled from 8:30 a.m. – 3:00 p.m. at Alumni Hall, HUB-Robeson Center and includes partnership with The Penn State Student Red Cross Club for a blood drive to be held in Heritage Hall, HUB-Robeson Center. On Tuesday, January 20, 2015, there is a Community Showcase at 6:00 p.m., West Cultural Lounge.

On Wednesday, January 21, 2015, Speak for Peace: Social Justice Reception & MLK Oratorical Contest is scheduled at 6:30 p.m., Heritage Hall, HUB-Robeson Center. This is a ticketed event. On Thursday, January 22, 2015, there is an Evening Celebration featuring Dr. Michael Eric Dyson’s presentation:
“Pharaoh and Moses: The Radical Legacy of Martin Luther King, Jr in the Age of Obama.” This lecture will address the continuities and conflicts between the prophetic legacy of Martin Luther King, Jr. and the presidential legacy of Barack Obama. Using his recent books and essays on Dr. King and President Obama as well as recent national events in Ferguson and beyond as a starting point, Dr. Dyson will address their similarities, differences, and the clashing and confused expectations of Obama in light of his identification with Dr. King’s life and rhetoric.

Doors open at 6:30 p.m.; event begins at 7:00 p.m., Schwab Auditorium. This is a ticketed event, and on Friday, January 23, 2015, a Peace Sit-in is scheduled at 5:30 p.m., West Cultural Lounge.

See the Schedule of Events posted at http://mlk.psu.edu/, the MLK website for University Park and similar schedules of events planned at our Commonwealth Campuses.

COMMENTS BY THE PRESIDENT OF THE UNIVERSITY

President Barron pointed out the addition of an Academic Trustee position to the Board of Trustees. He referenced the six topics he has been discussing and indicated he would be focusing on progress at the January Board of Trustees meeting. Pools of funds have been earmarked to address accessibility/affordability issues. Other funds have been earmarked to increase staffing to promote licensing of intellectual property and start-ups. He asked for input from the Faculty Senate on how to provide awards/rewards for those who foster an inclusive environment. He yielded the floor to Regis Becker, Chief Ethics and Compliance Officer, who reviewed recent Pennsylvania legislation requiring background checks for those who interact with minors (individuals under age 18).

Regis Becker, Chief Ethics and Compliance Officer: Thank you, President Barron.

I have a few slides to go through. By way of introduction, I think you are all aware that the Pennsylvania legislature passed over 20 child protection bills this season. They were all signed into law by the governor. The one I would like to talk about today is House Bill 485, signed into law on October 22 by the governor.

We did not have a lot of early warning on this. We are playing a little bit of catch up, and we are interpreting the black letter of the House bill, because the Act 153 has not been published yet, even though it takes effect on January 1. With that, let me go through some definitions.

I think it is useful first to go through the definitions here—I will move out of the way so that you can see them so we understand the context of the new rules. An adult is an individual over 18 years of age. A child is someone under 18 years of age. Direct contact with children—the care, supervision, guidance, or control of children or routine interaction with children. That will become important in a minute when we come back to talk about the act.

School—a facility providing elementary, secondary, or post-secondary educational services. The term includes the following, and number 13 in that list is a state-related university. We are clearly included in the bill. School employee—an individual who is employed by the school or provides a program, activity, or service sponsored by a school. The term excludes an individual who has no direct contact with children and, again, direct contact is a source of some confusion at this point, and we will talk a bit about that in a second.
The major part that is causing some alarm is that this bill amends the background check requirements for people under the Act. It now includes three-part checks. As I said earlier, it takes effect on January 1. It includes a three-part check. We, in the past, have done a simple Pennsylvania criminal check by a third-party vendor.

This includes not only the Pennsylvania State Police criminal background check, but the Pennsylvania Child Abuse History Clearance Form, and then a fingerprint criminal background check from the FBI, which is now an electronic process where you have to go to a police station, or I think some FedEx dealers have them, and get a fingerprint check. It is an onerous process--not a simple process. These are not all able to be accomplished at the same time. It is going to be a little bit of work for the folks included.

The routine interaction with children—we have been seeking guidance on this, and so far, they have just left us with the black letter of the law, which says that school employees having direct contact with children--defined again as the care, supervision, guidance, or control--have to obtain these clearances prior to having that contact.

We have been asking, what does it mean to have direct contact with a child? What we have been told so far is if, for instance, you have a 17-year-old--under the act, that is a child--on campus in a class in September of the fall semester, then before you teach a section having that child in it, you have to have the three-part background check.

You can start seeing the logistics involved here. With the number of people we have on campus--we did a check. I am not sure if it was this fall semester or last year. We had 1,600 17-year-olds on our various campuses, and they were taking classes in 6,200 sessions. You can imagine the number of faculty that this would encompass.

Now, it is a challenge, and we are trying to get some clarity from the state. We are not alone here. Our Government Affairs Office is working mightily with a coalition of other schools--Pitt, Temple, the Pennsylvania State System of Higher Education (PASSHE) schools--to get some clarity from the state.

We saw on their website this morning that they did say they were looking to further clarify what these rules mean. We have not given up hope yet. We certainly are not going to be able to implement this on January 1, 2015. We will get back you as we get more information to proceed.

Obviously this will be paid for by the University, and, in fact, some of us have to be covered by it. The entire Athletics Department has already gone through the process reasonably seamlessly. It was not too much trouble. We understand the Hershey Medical as well as the College of Medicine have cleared all their people at the same level.

We are working on not only interacting with the state to get further clarity, but also on the logistics to the extent we have to implement these rules. It will be as seamless as possible for the folks affected by that. With that, we can take any questions. I invite any questions from the audience, or if the Provost has any comments as well. We will be working together with Dr. Jones and his team as well as our Vice President Basso and the Human Resources team to implement this.

**David Smith, Executive Director of Division of Undergraduate Studies:** I guess I am just curious--when you say 1,600 students that are under 17, are you also looking at dually-enrolled students from local high schools? That could add even a larger--I mean, if they are not included there, there could be
potentially more students.

**Regis Becker:** I know we looked there. I am not sure that is in the number, though. As you know, I think we have some undergraduates as young as 14.

I know we had a request for a 14-year-old to reside in the dorms this year. I know we have very young people applying for admission. It was denied, by the way.

**Joseph Chletsos, Berks:** Being a Resident Assistant (RA) on campus, how is this going to interfere with the residents who are living with these underage residents? Are they going to have to get background checks then? I know I had residents who were under 18 until halfway through the semester, and the rest of their hall was well over 18. How is that going to interfere with them?

**Regis Becker:** If they are employed by the University, they will be subject to the law. They will have to have background checks. If they are employees, either part-time or full-time, and working with children as defined in the act, as we understand it right now, they would be subject to the same rules.

**Dawn Blasko, Erie:** I have a question about the cost of this--especially for our undergraduate students and many of our faculty--these add up to quite a bit of additional cost. Is the University going to help with that, or is this all going to be paid for by the individuals who need the checks?

**Regis Becker:** The current plan is the University will pay for all employees who are required to have the background check--it is about $47 per check. We have decisions to make yet on the volunteers, and whether units will--I think at this point we are going to leave the units to decide which volunteers will be paid for by the unit or not. Employees will be covered by the University. I think the preliminary view is that it will be an expense reimbursement. The employee will pay for the background check and then be reimbursed by the University.

**Mike Krajsa, Lehigh Valley:** How does this apply to our extensive network of vendors that we contract with to do a lot of services and things on our campuses?

**Regis Becker:** I think the vendors are not covered by the University. They may be covered by their own company. If they are not employees of the University, we would not be required to have them get a background check.

**Mike Krajsa:** Are we going to begin to write that into our contracts in the future, that they have something like that?

**Regis Becker:** I have not talked about that yet. I think we are going to wait to see how it shakes out and how they interpret the routine interaction. As you know, someone serving in a dining hall or serving coffee every morning to the same students-- if that is interpreted as routine interaction, then we will have to make that decision.

**Anna Butler, Senate Staff:** There is a Mediasite question from Andrew Freiberg, Medicine: Will the regulations cover students who are over the age of 18 who are in class with children?
Regis Becker: It only covers them in the scope of their employment. If they are students, it would not cover them. It would not require the background checks. If they are employed by the University and have direct and routine contact, then they would have to have a background check.

I saved this one for last. I was debating whether to show it. It should be explained that this is a series of circumstances that would have to be present before failure to get a background check would be a felony. It would have to be very deliberate, willful, disobedience of the law, and some abuse would have to be present. It is a full page to explain how you get to a felony.

Suffice to say, it will become law January 1. We will try to get further clarity. We certainly agree with the spirit of law. We have the highest commitment to protect all youth on our campuses, we are going to make sure this works. We want to do in a way that is the least intrusive and the most logistically feasible way to get it done.

Caroline Eckhardt, Liberal Arts: This mentions volunteers. We have been talking so far, I think, about employees. Are volunteers who participate in University activities then also expected to have the three clearances?

Regis Becker: They are, and that is the state law. It is not obviously restricted to Penn State. Volunteers who work with youth in University-sponsored activities will have to go through the same three background checks. We have been doing background checks on volunteers now for some time, but it has not been this three-part process. It is going to be logistically difficult, so as I say, we are trying to get some clarity.

Tramble Turner, Abington: You mentioned that all of athletics had already been cleared. I have a question. With our five colleges with Division III Athletics and then the 12 other campuses with PSUAC, does that mean that all in athletics have been cleared?

Regis Becker: No, I am sorry. I meant the Division I athletic program. For purposes of recruiting, et cetera, they obviously routinely deal-- and you will have the same issues at the D3, and perhaps some of the other Pennsylvania Athletic Conference Schools, as well.

The youth camps, obviously-- we have them. We are already beginning this process for youth camps starting in the first quarter. We are trying to get volunteers and coaches, et cetera, cleared for any of those camps that begin January 1. We have taken that step pretty aggressively because of timeline.

Thomas Brown, Abington: My concern is this. Can you explain the process that is involved? I do not mind anybody checking my background, but do I have to fill out a whole bunch of forms in addition to paying the $47 or whatever it is and then waiting to be reimbursed? The thing that is sort of cumbersome to me is the idea that we have to-- well, explain the process, first of all.

Regis Becker: It is an onerous process, and I cannot explain all of it. I do know there is substantial paperwork involved, involving a long personal history of addresses, previous addresses, and previous contacts. It is an onerous and difficult process. You have to really search your memory banks, going back a number of years for places where you have lived.

Margaret Molloy, Business: What is your expectation of the timeline for how long it is going to take every volunteer, employee, et cetera, to get through this process?
**Regis Becker:** Both Dr. Hillemeier and the folks in Athletics told me they did it reasonably quickly. By that, I mean--Athletics, they have a much smaller population--they did it within a few weeks. Hershey Medical--I do not know if anybody is here from Medicine. I think it took six weeks or so. They said they were able to batch some of it.

One of the issues we are looking at is how can we facilitate this process to make it easier on the individual and batch some of these applications to get them through? We will look to Hershey and others for advice on how we might manage that.

**Renee Borromeo, Mont Alto:** Does this have to be done every year for every employee? Does this last for a more than one-year check, or would we need to be going through this year after year?

**Regis Becker:** Every three years--if there is a smidgen of good news, it looks like if you do not have direct access with children--if you are not a child-care professional, et cetera, the Pennsylvania requirement is now going to be three hours of training every five years. The training that we have been chasing you for to do annually we will only chase you every three years. Every third year we will have the training. We are still looking to see how that is going to be implemented on the calendar for going forward.

**Steinn Sigurdsson, Science:** What constitutes failing the background check, and what do we do with employees who fail? Are they prohibited from carrying out their work?

**Regis Becker:** I think my understanding of what they are looking for is child abuse--not just convictions, but child abuse. I forget the term the state uses, but it is beyond convictions. It does have to do with child abuse. Other crimes--that is another question. We were just talking about that yesterday.

I think your suitability for employment is going to be an HR issue. If it turns out there are other crimes on there, I do not think we have discussed fully what that means as we go through the process. For purposes of the act, it's just related to child abuse.

**Steinn Sigurdsson:** Will there be guidance from the administration on how to handle that within the units?

**Regis Becker:** Yes.

**Steinn Sigurdsson:** Where does that information go and where is that action handled?

**Regis Becker:** We will be working with Human Resources--the Human Resource representatives have all the information.

**Matthew Wilson, Harrisburg:** If I am teaching a 17-year-old when the next semester starts and I have not gone through this background check, technically I am breaking the law?

**Regis Becker:** According to the black letter of the law--which we are trying to clarify right now. You understand why we are trying to get some clarity.

**Joseph Enama, Hershey:** Can you put up the slide that has the three different checks on it? What are the differences between--can you just briefly summarize?
Regis Becker: The Pennsylvania State background criminal check is what we would consider, in the old
days, a background check. You go to the Pennsylvania State Police criminal repository, and you check the
person for convictions that are reported by local departments to the Pennsylvania State Police.

The second one is a child abuse history with the Department of Public Welfare that keeps records on not
just convictions, but also issues and reported incidents of child abuse. Then the third one is an FBI criminal
check, background check. They run your fingerprints against the National Criminal Information System
maintained by the FBI. In our case specifically, in Pennsylvania, they would be looking for child abuse-
related criminal activity.

Galen Grimes, Greater Allegheny: I have a question. How will I know if I have a 17-year-old in my
class? I mean, at the beginning of a semester, I do not routinely ask my students, how old are you? Is there
some mechanism on our campuses to alert us when we come in contact with a 17-year-old?

Regis Becker: Not currently, and that is one of the major issues we have. The treatment we would like to
see is for purposes--Bob Kubat is here, so you can correct me if I am wrong. I think for FERPA purposes,
under the federal act, they treat 17-year-olds enrolled in college as adults. That is the treatment that we
would like to see for the enrolled 17-year-olds in our classes.

Robert Kubat: Right, FERPA will not affect this, because FERPA deals with educational records. The
other thing--I am sitting here thinking, we will have to do this every day, because students can drop and
add in two courses randomly.

Regis Becker: Exactly.

Galen Grimes: How is a faculty member going to know from day one they may not have a student that is
under 17, but, they might.

Regis Becker: Right. Not to mention that the bulk of 17-year-olds become 18-year-olds by mid-semester.

Peter Butler, College of Engineering: I was wondering if there is any concern about how this might be a
disincentive for faculty to include such activities in outreach and those types of things, and whether this
includes activities that are in local schools--not on campus, but by faculty employees.

Regis Becker: Yeah. I think we are concerned that it is a disincentive for our volunteers as well as faculty
and staff. We understand in local schools if it is not a University-sponsored activity, if it is a school-
sponsored activity, they will be responsible for complying with the act. If it is a Penn State sponsored
activity and some kind of outreach, we will have to make sure the people involved, volunteer or staff, have
gone through the three-part process.

We are concerned because it is logistically difficult, expensive, et cetera, that it will be a disincentive. In
some of our volunteer organizations, like 4-H, we are very concerned that we have literally thousands and
thousands of volunteers that work statewide in that area, and this would be difficult to enforce.

Anna Butler, Senate Staff: There is a Mediasite question from Bonj Szczygiel, Arts and
Architecture: Has consideration been given to the effect this might have on recruitment efforts undertaken
by the University and/or to ongoing community outreach activities?
Regis Becker: Yes. As I said, we have learned about this fairly recently. We are very concerned about the ability to recruit employees, staff, and faculty. We are concerned about the outreach that our Admissions Department does with students, minors, and children under the Act. It is going to have an impact in a broad area, and that is why we are working so hard to get clarity and work with a coalition of other higher educational institutions to get the state to understand what we think might have been some unintended consequences as a result of this bill.

Christian Brady, Dean, Schreyer Honors College: Working for clarity is important and will be helped by providing all of these examples that the faculty have been providing. These are all examples that the administration is considering.

Regis Becker: The state and the Department of Welfare. I am not directly involved, Dean Brady, but it includes, I know, Pitt's been very active, and Temple. We are talking some of the smaller schools have been personally involved as well as representatives from PASSHE. They are all concerned as well about how they are going to implement this. Some of them have processes that have already started with new hires having the three-part background check, to sort of get ahead of it a little bit. But a lot of them are mostly in the same boat we are in, and they have recommended various stances to take with the state. We are going to individually send letters to the state on behalf of our institutions.

Caroline Eckhardt, Liberal Arts: If you are collecting examples, some of our international faculty and international graduate students who are teaching may not have background records, where even the legal terminology might be the same or not be the same in the countries that they are coming from, and that we need to be able to assign them to classes, sometimes on short notice, with the same questions about do they or do they not have somebody who is 17 or 16, for that matter, whatever the boundary is.

Regis Becker: I see no mention in the law or any of the verbiage around the law about checking outside of the jurisdiction of Pennsylvania, other than the FBI background check. We will not be, for instance, required to check someone from London, someone from England, Germany, France, India, wherever else they would come from.

Stephen Ross, Medicine: Just so you know, there is some redundancy as well. I had to do this for our local school district to volunteer, and then had to do it again for the Penn State Hershey Campus. So there is no cross-communication right now.

Regis Becker: Thank you. That is an excellent point. One of the things we have been urging the state is, can we recognize clearances from high schools and other institutions that have to go through the same process? As of right now, we do not think, as you found out, that we can. We are strongly urging that they accept those so we have reciprocity.

Mahdi Nasereddin, Berks: What about teaching online courses? Would that be considered contact?

Regis Becker: I think it will. Electronic communications are considered, so I think people teaching online courses will be covered by the Pennsylvania law.

Rosemary Jolly, Liberal Arts: Distinct in inequity and potential problems, issuing from the fact that there would be differential checks on somebody who is teaching who is from this country, from somebody who is teaching who is not from this country?
Regis Becker: I do not know that they have considered that. I think it is an excellent point, though, and one we can also point out—that there will be some inequities depending on the nature of faculty.

Roger Neves, Medicine: That is exactly what happened with our foreign students or post-grad. They have to check. However, the system is made that they have to pay specific places only in the US. When they are outside, they cannot do anything. When they get here to get the check, they are already here—create like a confusion on how they are going to start. They do not know what to do.

The interpretation is that they have to be checked again, at least at a medical center. This is creating a problem, because we hold the visits for some people that want just to visit or interact academically. Just to make people feel a little more calm, it is not that bad. What is bad is for you to be fingerprinted. You will feel really bad.

They put you in a room. I do not know why deemed—looks like an interrogatory or something. Then you go like FBI, put your fingers, but after that, nothing changed. We still kept doing exactly the same thing that we have done before in Hershey, and this is good. There was not a big problem. It takes 10 minutes to each one to go through this process, but nothing absolutely changed.

Regis Becker: Thank you. That's good to hear.

Victor Brunsden, Altoona: If I understand correctly, and this is going to be applied to employees that teach courses online, there are some units that have adopted the practice of hiring not faculty, but people on contractor status. If my understanding is correct, they would not be subject to this background check? Or would they?

Regis Becker: I think they would be subject to the background check, yes.

Victor Brunsden: They would be, Ok. Unlike the other contractors that they deal with.

Regis Becker: They would be like a volunteer. You would have to treat them the same as a volunteer and do the three-part background check.

Chair Kulikowich: I am sure if there are more questions, we can send them to you. We appreciate it. President Barron and Regis, thank you very much.

NEW BUSINESS – NONE

FORENSIC BUSINESS – NONE

UNFINISHED BUSINESS – NONE
LEGISLATIVE REPORTS

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

Updated revisions to Senate Policy 54-00 and All Related Senate Policies Academic Warning, Drop Action, and Reinstatement

Committee Vice Chair Richard Robinett

Chair Kulikowich: We have two Legislative reports from Admissions, Records, Scheduling, and Student Aid today. The first report appears as Appendix C in the Agenda and is called: Updated revisions to Senate Policy 54-00 and All Related Senate Policies Academic Warning, Drop Action, and Reinstatement. Committee Vice Chair Rick Robinett will respond to questions.

Richard Robinett, Science: I do want to make two quick comments about both of them in order. The first one is something that I am not used to seeing, which is updated revisions. If it seems like deja vu all over again; that the thing you are seeing now on December 9 dealing with 17 different sets of policies looking a lot like the thing that you voted on almost unanimously on September 9, they are very similar.

The reason that you are voting on it slightly differently is that long ago, April 29, 2014--that is long ago for many of us, there was a long series--even more than 17 changes--in Senate policy related to provisional students, updated to reflect real honest-to-God current practice, to make it consist with federal law. These were sort of minor changes. They went across many policies, and consistent, for the most part, of crossing out the word provisional in some places and replacing it by a better, more current word.

So when ARSSA, last year, worked on this much more substantial legislation about the drop policy, getting rid of the deficiency points and getting rid of the provisional status, we were doing these two--sorry for the visual aids--in parallel. This one came to the Senate first--the provisional one--unanimously accepted. This one came only this year. There were some small little bits of text in here that still reflected the old provisional language that had to be updated.

This is putting these two together and making them internally consistent. That is, from my point of view, all it is. If you look through it, you will see some additional words of provisional crossed out and replaced by the appropriate language. That is why it is an updated revision. It is very minor, I agree.

Chair Kulikowich: The report is brought to the floor by committee and needs no second. Are we ready to vote? Senators joining the meeting by Mediasite, you may cast your vote on polleverywhere.com. To accept the motion, press A. To reject the motion, press B.

With the Mediasite votes, the vote is 151 in favor and 2 opposed. The motion carries.

Chair Kulikowich: The second Legislative report from Admissions, Records, Scheduling, and Student Aid appears as Appendix D in the Agenda. The title of this report is New Senate Policy 34-30 (Academic Registration Hold). Committee Vice Chair Rick Robinett will respond to questions.
Richard Robinett, Science: Again, just by way of background--since I am not used to actually putting forth a new policy, I wanted to let you know where this came from. The rationale, do note two important things--that there are already well-defined academic AAPPM procedures on academic holds, who should be applying them, and what kind of organizations. There is no set policy to sort of back that up.

This is also noted in two task forces--a major that collected lots of data about who is actually applying academic holds: which departments, how many, what about, and then they had recommendations for putting it into legislation. A second, smaller task force worked with ARSSA to put forward the recommendations you see here.

The background and rationale is much longer. It has more detail about things like recommended best practices that we think are useful. The legislation itself is very short and reflects pretty much exactly the current AAPPM policy about what academic holds are, what the logic is, who should be applying them.

The only difference between what we submitted at the last ARSSA meeting and the version you see in front on the screen and in the handout was Senate Council suggested some minor changes in language. For example, “intervention” instead of “intrusion.” That is probably a little bit nicer.

Some different examples under academic college, and removing the last phrase, which seemed sort of redundant, which I agree. Some people suggested we actually include the eight best practices that we identified in the actual legislation. We thought that was sort of mandating too much. We do not have the right to tell people that academic advisers must notify of holds, if a hold is put on. That does not happen now with things like late drop, but it is a good practice.

This is reflected in the long appendices from the two previous task forces and they are a good background and rationale about why this came to be. The legislation itself is straightforward and reflects the current procedures, the real thing that happens on the ground, the AAPPM policy.

Thomas Beebee, Liberal Arts: I want to ask about the sentence. In addition to not allowing students to use the registration system--that is on page three--an academic registration hold also prevents any request for an official transcript to be processed by the Office of the Registrar. A couple of questions. Is this indeed what is currently happening, and you have just embodied it?

Richard Robinett: Yes.

Thomas Beebee: The second question is, what is the rationale for that? The third question is, does that mean if the student decides to give up that they can never get an official transcript from Penn State?

Richard Robinett: I believe that if there is a hold on their record-- if they are not a student anymore, the hold may not exist.

Robert Kubat, Registrar: Generally, a hold is put on. With your first question, for example, it could involve where a student has an academic dishonesty issue that is going through the process. We want to put on a hold so we know that the student can be here and address it through the faculty or through the academic department.

Can a hold never be removed? No. There are cases where I think if a student would show an extreme hardship case, something such as that, that we would consider. I know that, for example, if they have had a
financial hold and for them to relieve the financial hold, they may need a copy of their academic record to get employment or something such as that, we will do the one-time release of the transcript to help the student. The hold will still be on there, so they cannot come back all the time. Does that make sense? Does that help?

**Chair Kulikowich:** Any other questions? This report is brought to the floor by committee and needs no second. Are we ready to vote? Senators joining the meeting by Mediasite, you may cast your vote on polleverywhere.com. Again, to accept the motion, press A. To reject the motion, press B.

With the Mediasite votes, the vote is 151 in favor and 8 opposed. The motion carries.

**SENATE COMMITTEE ON COMMITTEES AND RULES**

Revisions to the Constitution, Article II, Sections 3 and 5 (Membership)

Committee Chair Mark Casteel

**Chair Kulikowich:** We have four Legislative reports from Committees and Rules to vote on today. The first three reports were presented and discussed at the October 21, 2014 Senate meeting. One of them is a revision of the Constitution; the other two are revisions to the Bylaws.

The first Legislative report from Committees and Rules appears as Appendix E. It is called Revisions to the Constitution, Article II, Sections 3 and 5 (Membership). Committee Chair Mark Casteel will respond to any questions.

Are we ready to vote? Senators joining the meeting by Mediasite, you may cast your vote on polleverywhere.com. To accept the motion, press A. To reject the motion, press B.

With the Mediasite votes, the vote is 153 in favor and 4 opposed. The motion carries.

**SENATE COMMITTEE ON COMMITTEES AND RULES**

Revisions to the Bylaws, Article II, Section 2 (Senate Council) and Article VII, Section 4 (Delegation of Authority)

Committee Chair Mark Casteel

**Chair Kulikowich:** The second report from Committees and Rules appears as Appendix F. It is called Revisions to the Bylaws, Article II, Section 2 (Senate Council) and Article VII, Section 4 (Delegation of Authority). Mark will respond to any questions.

Are we ready to vote? Senators joining the meeting by Mediasite, you may cast your vote on polleverywhere.com. To accept the motion, press A. To reject the motion, press B.

With the Mediasite votes, the vote is 149 in favor and 1 opposed. The motion carries.
SENATE COMMITTEE ON COMMITTEES AND RULES
Revisions to the Bylaws, Article III, Section 3 (Election to the Senate) Procedures for Retiree Senators
Committee Chair Mark Casteel

Chair Kulikowich: The third report from Committees and Rules, as amended at the October 21 meeting, appears as Appendix G. This report is entitled Revisions to the Bylaws, Article III, Section 3 (Election to the Senate) Procedures for Retiree Senators. Mark will respond to any questions.

Are we ready to vote? Senators joining the meeting by Mediasite, you may cast your vote on polleverywhere.com. To accept the motion, press A. To reject the motion, press B.

With the Mediasite votes, the vote is 152 in favor and 4 opposed. The motion carries.

SENATE COMMITTEE ON COMMITTEES AND RULES
Revisions to the Senate Standing Rules, Article III, Other Functions of the Senate
Committee Chair Mark Casteel

Chair Kulikowich: The final report from Committees and Rules is a change to the Senate Standing Rules. It describes the procedure for nominating the Academic Trustee on the Board of Trustees. The seat was added to the Board at the November 14 meeting of the Board of Trustees, as part of its restructuring. The report appears as Appendix H in the Agenda. Mark will respond to questions.

Mark Casteel, York: As this report went its way through First Senate Council and then again this morning in CCR, it became very apparent there were many questions and many misunderstandings many of my faculty colleagues had about the way the procedures work.

We decided at CCR this morning that it would be very helpful to frame this particular piece of legislation by reading to you Standing Order V, procedures for the election of the academic trustee that were voted on and ratified by the Board of Trustees November 18, 2014.

You will see then that what we are trying to do is create a set of guidelines that fit within the guidelines provided to us by the Board of Trustees. There was a door handout. I am well aware that some of you read this handout really carefully, others of you do not. If you will indulge me, I would like to read this. There are a couple places I am going to stop and make a couple of comments, and then I am going to introduce the legislation.

ORDER V. PROCEDURES FOR THE ELECTION OF THE ACADEMIC TRUSTEE
(see also the Charter and the Bylaws)

(1) The University Faculty Senate shall recommend, in accordance with procedures and guidelines established by the Faculty Senate and approved by the Committee on Governance and Long Range Planning of the Board of Trustees from time to time, a preferred candidate for membership on the Board of Trustees representing the faculty of the University.

(2) Three trustees to be appointed by the Chair of the Board of Trustees shall interview the preferred candidate (and, if necessary, the alternate candidates) and shall forward the recommended candidate’s name to the Committee on Governance and
Long Range Planning of the Board of Trustees, which shall make a recommendation to the Board of Trustees (The Guidelines to be adopted will provide that the Faculty Senate would identify a preferred candidate and two ranked candidates.

(3) The name and qualifications of the candidate recommended by the Committee on Governance and Long Range Planning shall be submitted for confirmation by the Board of Trustees (for approval or rejection of the recommended candidate only). It is expected that the Committee on Governance and Long Range Planning would recommend, and the Board of Trustees would approve, the candidate recommended by the Faculty Senate unless issues with the recommended candidate’s background check or other issues arise or exist that in the opinion of the Board of Trustees would make the preferred candidate unsuitable for service on the Board of Trustees. The Faculty Senate shall treat as confidential the identities of all candidates.

(4) The election of the Academic Trustee shall be held at the May meeting of the Board of Trustees.

Now, as an aside, you might wonder how that need for confidentiality plays out against our recent change to the Constitution to publicly talk about the vote-getting votes for chair, vice chair, and secretary. We looked into the Constitution this morning, and that change to policy is only for the chair, the vice chair, and the secretary. That has nothing to say about the confidentially of this vote. Finally, point number four: "The election of the academic trustee shall be held at the May meeting of the Board of Trustees."

At the committee meeting this morning, we tweaked this just a bit, and you will notice the change that we made in red. You will see there at about sentence number three-- "According to the election results, the name of the recipient of the highest number of votes shall be forwarded to the Board of Trustees as the preferred candidate for Academic Trustee. In accordance with the Board's charter, bylaws, and standing orders"--that is, Standing Order V-- "the Board of Trustees may then appoint the Academic Trustee."

Now, prior to this meeting, you may have seen us pow-wow. We have one final change--very minor. If you look, it is on the first page--Roman numeral number four, under B. It is an exclusion. As currently read, it states, "those holding affiliate academic appointments." It was pointed out to us we have many faculty at Penn State whose primary faculty appointment is Penn State, but they are an affiliate at another institution. The way it is written here, that would seem to exclude them. That was not our intent.

What we all agreed upon is this minor change--B, IV, will now read, "those holding an affiliate appointment at Penn State and a primary faculty appointment at another institution."

It specifically notes the only exclusion is for an affiliate whose a primary faculty member somewhere else, but an affiliate of Penn State. That is our amended statement.

Chair Kulikowich: Since that was voted on at Committee on Committees and Rules, we do not need a second from the floor of this Senate. But the Senate body must vote on this changed document. Do you want to put that in red?

Roger Egolf, Lehigh Valley: Just to be clear, what about a person who is primarily a staff member at Penn State who holds an affiliate academic appointment at Penn State? There are several staff people who are not faculty primarily, but have an affiliate appointment. I just wondered how that fits in.
Mark Casteel: My reading would be, since this is a faculty appointment, staff would simply not be eligible.

Roger Egolf: If they hold an affiliate academic appointment at Penn State, and they do not have a primary faculty appointment at another institution, their primary appointment is as a staff member at Penn State. In other words, they are not a full-time faculty member, but they have an affiliate appointment as faculty. I do not want to muddy the waters, but that popped into my mind.

Mark Casteel: I am thinking--did we talk about the need to be a full-time faculty member earlier?

Unidentified Senator: It is in B. It is right there. Among the University's full-time faculty.

Mark Casteel: I knew it had to be there, I just could not find it.

Adam Muchmore, Law: To address Roger's concern, I think--and I did not realize this when we spoke earlier, I think what Roger is referring to is an affiliate appointment under HR 85. That could have been part of what is going on in IV. If you wanted to make clear that staff members with an affiliate academic appointment were not included, one thing that you could do is to say, those holding an affiliate appointment under HR 85.

Mark Casteel: I am at a loss as to whether or not that would satisfy Roger. I do not know HR 85.

Roger Egolf: I cannot remember what the policy is, but I know item B seems to satisfy me. If full-time faculty indeed means that their primary appointment at the University must be as faculty.

Mark Casteel: I would point out that since the nominees are being vetted by Senate Council, I am hard-pressed to imagine Senate Council putting forward a nominee that does not meet the criteria that we are putting forth here.

Caroline Eckhardt, Liberal Arts: Do we have situations where we have the University's full-time faculty who have a primary faculty appointment at another institution? Are we not supposed to not be doing that?

Mark Casteel: I was not aware of such a situation, because it was pointed out to us that such a situation exists.

Caroline Eckhardt: We are allowed to have two--be a full-time faculty here and have a primary faculty appointment elsewhere?

Mark Casteel: My colleague in the back is raising a hand. Do you want to let him answer?

Caroline Eckhardt: We want to be careful what we imply here.

Adam Muchmore: I think I should take responsibility rather than Mark for the awkward language there. The concern I expressed to him at the beginning of the meeting is, at the Law School, we have a number of individuals whose primary appointment is in another department and who are affiliate faculty of the law school.
What I was trying to do is suggest, in a brief period of time, language that would keep from excluding people who have an affiliate appointment with one department and a primary appointment with the other one. You may remember the original language was, "those holding an affiliate appointment."

After my conversation with Mark, I was researching something else and came upon HR 85. I think that perhaps the original intent of Part IV was to exclude those with affiliate appointments under HR 85. I would be fine either with the language Mark has there, which would avoid excluding people with an affiliation with another department, or simply with substituting that "those holding an affiliate appointment under HR 85."

Either of those would be fine. I simply think we do not want to exclude people who have a primary affiliation with one Penn State department, and because of their interdisciplinary interests, which we want to encourage, have an affiliate appointment with another department. The awkward language is most certainly my fault rather than Mark's.

**Rosemary Jolly, Liberal Arts:** I am not speaking to this particular issue. I am speaking to the election of Senate. I did not know if the chair wanted to finish that issue first and then move back to the issue of how a Faculty Senator gets appointed, because I just need direction on whether this is the appropriate time for me to speak or not.

**Chair Kulikowich:** I think it is best to work with this amendment first, and we will see how the vote goes.

**Rosemary Jolly:** This issue just—right, because it is all in H.

**Chair Kulikowich:** Let me confer with Muhammad, who is serving as parliamentarian today, but I think that is the best recommendation I can give to you.

The parliamentarian just informed me that maybe the easiest way for us to address the concern by my colleague from Law is to simply--and if I can get all members of CCR who are here to agree to this--to replace what is currently number IV to read "those holding an affiliate academic appointment as defined by HR 85." Does that satisfy everyone? CCR--is there a dissenting vote from CCR? If there is not a dissenting vote, we can simply replace it by our committee.

**Rosemary Jolly:** May I speak to the other issue then?

**Chair Kulikowich:** We will vote on this amendment and then we will come back to you.

**Matthew Wilson, Harrisburg:** A little hesitant about doing this. How many people in the room know HR 85?

**Christian Brady, Schreyer Honors College:** I do not think you need sub-bullet four. You say "nominees for the position of Academic Trustee shall be selected by the Senate Council Nominating Committee from among the University's full-time faculty, with the following exclusions." Then it is presidents, immediate staff, et cetera. If you are an affiliate academic appointment, you are not a full-time faculty member. You simply do not need that final sub-bullet--just strike it entirely, and you should be good to go.
Mark Casteel: Again, I will poll my members of CCR. If there are no objections, we do not have to worry about a motion. CCR, any objections to simply striking roman numeral four? Dean Brady, your wish is our command.

Chair Kulikowich: Just the amendment in terms of what CCR has prepared. Senators joining the meeting by Mediasite, you may cast your vote at polleverywhere.com.

Not on the final form, on this new form. We are not voting on policy. To accept, press A. To reject, press B.

Anna Butler, Senate Office Staff Member: Chair Kulikowich, could you repeat what we are voting on for the Mediasite people?

Chair Kulikowich: What we are voting on, and I will, again, confirm with Mohammed, who is serving as parliamentarian, are the amendments that are being made to the document by CCR's approval--the amendments that CCR is making to the document as you would have originally received it.

Are we ready to vote? Senators joining the meeting by Mediasite, you may cast your vote on polleverywhere.com. To accept the motion, press A. To reject the motion, press B.

With the Mediasite votes, the vote is 121 in favor and 5 opposed. The motion carries.

Now we are going to go to the main motion--the main motion, as amended.

Rosemary Jolly, Liberal Arts: I just wanted to raise two issues here. First of all, for those of you who were not in on some of the deliberations that we had prior to this meeting, Michael Bérubé and myself were planning to put forth a motion that would change some of the language in Appendix H, Section C, over how the Faculty Senator would be appointed.

I think what you have attempted to do in giving us an understanding of what is coming through from the Board of Trustees is to allay concerns. My problem--and the allaying of concerns is around the ways and the choice of the faculty senator. All of that is fine, except that there are two issues I would bring to our attention. The first issue is I see no reason why the Board of Trustees would want to interview the candidate once the candidate has been elected by faculty if the point is to have the representative elected by the faculty. In other words, why would the Board of Trustees member need to be interviewed when it is the only one that would be interviewed in this manner? I think this is extremely important, because best practices on University Governance--I am speaking from my experience as well sitting on the Board of Trustees at my last university as that faculty senator.

In other words, why would the Board of Trustees member need to be interviewed when it is the only one that would be interviewed in this manner? I think this is extremely important, because best practices on University Governance--I am speaking from my experience as well sitting on the Board of Trustees at my last university as that faculty senator.

Say that if the Board of Trustees is going to be able to claim that they are using that trustee to represent faculty, then that trustee needs to be chosen in the first instance by the faculty, and not vetted by the Board of Trustees. I just do not understand why they would need to interview the final candidate.

Then my second strong recommendation would be to change the language. I do not know if I should make this motion now or just leave this question with you first. My second one would be to make the motion to change the language in C from "the Board of Trustees may then appoint" to "the Board of Trustees will
then appoint the academic trustee."

**Mark Casteel:** We are sympathetic to the points that you are making. We are very conscious, though, of not wanting to be adversarial. We do not have the authority to elect the Academic Board of Trustee—we simply do not. We can elect a nominee. It is the Board of Trustees who has the authority to truly elect the academic trustee.

Although I understand what you are saying, we thought since we have been pushing for an academic trustee for a very long time and now we have one, we were not sure what was to gain by being viewed somewhat adversarial. When we cannot change how the Board of Trustees chooses to adopt this person, we thought this is the approach that was most agreeable to everyone.

You may or may not agree, and that is fine. Now, you said you wanted to put forward a motion. That is certainly up to you.

**Rosemary Jolly:** I would still put forth the motion that the language, for performativity reasons, that is—the first part of my issue standing aside, the motion would still, in fact, bring our language more into line with the Board of Trustees' language if it were changed from "may" to "will."

**Mark Casteel:** Exactly where do you want to put that insertion so that we can make the change?

**Rosemary Jolly:** This is in C through E. "According to the election results, the name of the recipient of the highest number of votes shall be forwarded to the Board of Trustees. The Board of Trustees will," instead of “may, then appoint the academic trustee."

It is not contradictory to the Board, because it then goes on to say, "the Board of Trustees"—I am suggesting will, what stands as may-- "then appoint the academic trustee in accordance with the Board's charter, bylaws, and standing orders. It is not an aggressive change in that instance, but it is performativity more in line not only with what I would hope is our approach, but it brings it into line actually with the Board of Trustees language that you were suggesting.

**Chair Kulikowich:** Rosemary, the motion rests on the word "will?"

**Rosemary Jolly:** Yes.

**Chair Kulikowich:** Is there a second? Is there a discussion?

**Christian Brady:** Largely in sympathy and support. I would say, first of all, if I am not mistaken, I believe for the Agriculture and Business Board of Trustees members, they do a similar process, including a vetting and interviewing with them. Then I would point out in support of your motion that Standing Order 5.3 says--and perhaps to allay some fears--"it is expected that the Committee on Governance and Long-Range Planning would recommend, and the Board of Trustees would approve the candidate recommended by the Faculty Senate, unless issues with the recommended candidate's background check"—now it does say or other issues arise. It does not seem to suggest—they are trying to say quite strongly they will take our nominee. I think your amendment of language falls in line with the Board's.

**Roger Egolf:** Personally, I do not think that fits in with the Board's policy. The Board definitely holds the final say whether that person will or will not be elected to the Board. They have made it clear that they
want to go along with whomever the Senate picks, but they reserve the right to not go with that person and to fall to an alternate suggestion.

We cannot tell the Board of Trustees whether or not they should interview the candidates. The Board wants to have a committee, and, in fact, it is in their standard standing order that they will interview the candidate. We cannot tell them that they do not need to interview the candidate, that who we picked is the person that they are going to get. It just does not follow.

I think we have gone a long way with working a good relationship with the Board, and I think our policy needs to be nothing more than an implementation of what their standing order calls for.

Matthew Wilson, Harrisburg: I do not have a problem with this, because the previous word “may” was wrong. The Board of Trustees will appoint, right? All this says is that they are going to appoint an academic trustee. It does not say, the sentence as written, that it is going to appoint the academic trustee whose name we bring forward as ranked first. There is no problem with this, as far as I am concerned.

Peter Dendale, Mont Alto: Another possibility here would be to remove the sentence entirely--to leave out the sentence "the Board of Trustees may then appoint," et cetera, as that is not under the Senate's purview one way or the other.

Rosemary Jolly: Now I am really confused, because if we do that, we are also not falling into line with--one of the arguments that is going on is we do not have the power to contest Board of Trustees procedures. What the sentence does is align our procedures with the Board of Trustees procedures, right?

If you take it out, you are actually not aligning with Board of Trustees procedures. I am confused at the idea that we would--it is pretty radical to take it out, that is all.

Mark Casteel: Yeah. My preference would be to vote on either will or may and let it stand as it.

Rosemary Jolly: Yes.

Chair Kulikowich: All in favor?

Senators: Aye.

Chair Kulikowich: We are now voting on the amendment with the word "will," which has been seconded. Are we ready to vote? Senators joining the meeting by Mediasite, you may cast your vote on polleverywhere.com. To accept the motion, press A. To reject the motion, press B.

With the Mediasite votes, the vote is 98 in favor and 33 opposed. The motion carries.

Now we are going to the full document--the full amended document. Are we ready to vote?

James Ruiz, Harrisburg: President Barron, in his opening remarks, mentioned the background check. The background check was brought up again. In my previous life, background check meant you were digging for something negative. When we as the police department put out advertisements for personnel, we listed what we were looking for so the people that came knew, from the jump, that if you failed in any of these areas, do not bother applying.
We do not know what they are looking for. Are they looking for someone who has not been controversial in the Senate? Or are they looking for someone who they can maneuver? Just to be blunt about it. What do we know? Can we ask for some guidance as far as what these background qualifications for this position should be?

**Mark Casteel:** I think my response to that would be we do not do that when we are looking at Senate chairs. We do not do that when we are looking at nominees for Senate chair. Since the Senate Council is the nominating committee, we are essentially putting our trust in that body's ability to put forward candidates amongst ourselves who we think fit the criteria of representing Penn State University as a faculty member very well.

Personally, I am not bothered by that. I mean, I understand your sentiment and the concern, well, what is it that they are looking for? Again, as Roger points out, we cannot tell them what to do or what not to do. We can put forward our best candidate--defined by whom?--by us. That is how I would answer your question.

**Rosemary Jolly:** I am going to be very brief and say I do not think that asking about some of these questions is necessarily adversarial, in the sense that it is of benefit to the Board of Trustees to be able to say that they are representing the faculty. Do you see what I am saying?

When I was suggesting that, I was not suggesting we go for some kind of adversarial mode with the Board of Trustees. I was suggesting that we are beginning a new era in our relationship with the Board of Trustees in which we are, to some degree, empowering them by putting a Faculty Senator on there. I do not see that power as being only one way, which is top down in the traditional sense. I just want to point out.

**Mark Casteel:** As you were talking, it reminded me of something else I would like to say to Jim. I do not think there is anything that prevents us--because you are talking about procedure now, in terms of how do we identify folks. I do not think there is anything that prevents us from having Roger ask the Board for some clarification of the kinds of qualities of a candidate they think would be very helpful. There is nothing here that precludes that.

**Chair Kulikowich:** If there are no further questions, are we ready to vote on the fully amended document? Senators joining the meeting by Mediasite, you may cast your vote on polleverywhere.com. To accept the motion, press A. To reject the motion, press B.

With the Mediasite votes, the vote is 139 in favor and 10 opposed. The motion carries.

**ADVISORY/CONSULTATIVE REPORTS**

**SENATE COMMITTEE ON FACULTY BENEFITS**

Revisions to Policy HR 37: Grant-in-aid for Dependents of Faculty, Staff and Retirees

Committee Vice Chair Matthew Woessner

**Chair Kulikowich:** We have one Advisory/Consultative report today. It appears as Appendix I in the Agenda and is called: Revisions to Policy HR 37: Grant-in-aid for Dependents of Faculty, Staff, and Retirees. Committee Vice Chair Matthew Woessner and committee member Jamie Myers will respond to any questions.
Victor Brunsden, Altoona: I am reading this statement on behalf of Faculty Senator Esther Prins, Associate Professor of Adult Education, College of Education. She sends her regrets that she could not attend today’s meeting. Her statement is as follows:

One of the proposed changes to HR 37 would eliminate the tuition benefit for dependents who are aged 35 or older when they begin their undergraduate studies at Penn State. If this policy is implemented, approximately 30 to 40 current undergraduate students would no longer qualify for the tuition reduction. The rationale for this change is that it would, “balance University resources in providing tuition benefits to employees.”

The University budget should not be balanced on the backs of older adult learners--one of the most marginalized student populations at Penn State and nationally. Eliminating the tuition benefit for this group means that they will be unlikely ever to start or finish a Bachelor's Degree, and this for several reasons.

First, if these students are only now pursuing their undergraduate degree past age 35, it means that they have already faced myriad economic, social, and academic obstacles to enrolling in higher education. Their pursuit of lifelong learning and dedication to obtaining an undergraduate degree as older adults should be encouraged and rewarded, not penalized.

Second, adult learners face far more economic hardship than their traditional-aged peers. My research on 611,000 Pennsylvania post-secondary students who applied for federal financial aid in 2010 to 2011 showed that about 60% of students aged 24 or older were in poverty or near-poverty. This compared to about 30% of traditional-aged students.

In rural counties like Center County, these adult learners had much lower incomes than traditional-aged students. On average, rural adult learners had an adjusted gross family income of only $30,000 compared to more than $66,000 for rural traditional-aged students. As rural adult learners, it is exceedingly unlikely that dependents over age 35 would be able to afford a Penn State education without the tuition benefit.

Third, there are a few other public colleges or universities in the Center region and other rural counties. This leaves Penn State as one of the only viable options for adults who want to pursue a Bachelor's Degree.

Goal four of Penn State's strategic plan is to maintain access, affordability, and enhance diversity. This goal states that student success must be envisioned, evaluated, and supported for all of our students-- that is not only for the traditional student base, but for segments that have been historically under-represented and undeserved in higher education but are now increasing. Adult learners are explicitly identified as one of these student groups.

Indeed, adult learners are the fastest growing undergraduate student population in the United States and at Penn State. To deprive older dependents of the tuition benefit is a short-sighted, unjust, and mean-spirited approach to balancing the budget. Age discrimination has no place at any institution of higher education, much less at a land grant university whose mission it is to serve the public good.

We can become a national role model of support for lifelong learning by providing a tuition benefit that does not penalize older dependents of Penn State employees. I strongly urge the Committee on Faculty Benefits not to impose an age limit on this benefit.
Dawn Blasko, Erie: Thank you for that very compelling data. I would like to add one more little piece of data to that, and that is that women are much more likely to enter higher education at older ages because they often interrupt those years with childbearing and childrearing. As their children then get off to school, they get a chance to go back to school. I think there is also an issue of equity here that we really need to consider.

The second thing I just want to mention is the faculty who have been here for many years and are very loyal employees came in knowing that they had this benefit, and therefore could guarantee to their children that even if you take some time off to travel or to get your life together or to have your family, that this would be here for you. I think pulling that out from under current employees is a tough thing to do. Thank you.

Matthew Woessner: Just to give a little background--I want to thank you both for your heart-felt remarks. This is something the committee was very much concerned about. HR brought to us a series of recommended changes, most of which are listed here-- most of them good, a few of them not so useful. The committee looked at the last recommendation. It originally was to cap benefits at age 26 or 27-- to align it with the Affordable Care Act. That was justification HR offered.

The committee engaged in a very serious and sober debate. What is the best response? I believe that the committee as a whole was very concerned about age 26. There are a dozen good reasons why a person might not finish their education by 26. It even has the effect, potentially, of cutting people off at age 24 or 25 if they are getting a late start.

The committee then had to decide what is the appropriate response. Is it better to simply reject an age-cap outright on the principle, and risk that HR will simply ignore the recommendation and impose a 26 age-cap by itself? Or, is it better to propose a higher limit in the hopes that it will compel HR to be more reasonable and to preserve the core of the benefit for most of the individuals who are currently receiving it?

It is an important debate. I think the points you have all raised are excellent. This was the committee's judgment as the best way to hold back the sea, as it were, but it is the judgment of the Senate as to whether this provision should remain.

Jamie Myers: I would just like to speak to that, too. The administration can take an Advisory Consultative Report and then implement it as they so desire. If this Senate, as a whole, feels that there should not be an age cap at all, then it is very important that somebody moves and seconds and you have a vote of the Senate as a whole in terms of shared governance. The committee was split. It was one vote that made the difference. That is what I invite you to do.

Roger Egolf, Lehigh Valley: I will make that motion to amend the report to remove that age cap.

Chair Kulikowich: Yes, it was seconded. Roger, again, I know what the intent is of your motion. Can you specifically go to the Advisory Consultative Report itself and state what the amendment would be?

Roger Egolf: Yes, I think what you just did exactly does what I would like to see--remove that line there that says that "the dependent child must enroll in the academic program prior to his or her 31st birthday"--that line. I think that what you just did is exactly what I am calling for.

Chair Kulikowich: That has been seconded. I think there were some questions.
Dwight Davis, Medicine: One of the issues that comes up here is--and I do not know the data, I am just raising this. If this number of removing that age cap altogether for the group that is stated here--if that number's small, it really adds a rationale to human resources about the fact that there are some significant issues for us not having it. Do we know what impact this number would have, and is it a big impact?

Matthew Woessner: If you turn to the report on the rationale, that is my second page. It says age enrollment and it has a list of brackets--18 to 25: 3,157 persons; age 26 to 29: 82; age 30 to 39: 60 persons; age 40 to 59: 11; age 35—i am not sure, because this is split an odd way. You would have about 40 individuals who would be affected by this policy change.

Dwight Davis: Ok, so it is relatively small.

Provost Jones: Can I get that clarification on that, Matthew? Those numbers that you reported are for employee dependents?

Matthew Woessner: Yes.

Provost Jones: This applies to dependent children. Can you break those numbers in the table down between dependents and dependent children, because that is really the numbers that we are interested in, right?

Matthew Woessner: The numbers we have here are not spouses. These are only children.

Provost Jones: Dependent, as defined later in the document, defines a spouse as a dependent.

Matthew Woessner: In talking to HR, when we clarified this with HR--these were the numbers provided by HR. I believe they indicated that these numbers are, in fact, children, not spouses, that is a separate category.

Robin Haas, Director of Employee Benefits: What you are pointing out correctly is that the policy covers both children and spouses, but the part of the policy that these numbers refer to here are only dependent children.

Chair Kulikowich: Ok, we are still working with the amendment that relates to the age limitation, the motion made by Senator Egolf. Additional questions?

Matthew Wilson: I will remember this time. Could we scroll down to the other bit that we cut out? In parentheses, "see also limitation section below." Does that need to go with that previous sentence being struck?

Chair Kulikowich: Parliamentarian Mohamad says that we are only discussing at this point in time the amendment that is related to all language pertaining to the age limit.

Mary Vollero, DuBois: I am just a little--the dependent children. I am looking at B--is that any child under those--or does it have to be a dependent? That word dependent child, is it the same as children?

Matthew Woessner: It is children or adopted children. It does not include wards.
Mary Vollero: Ok, it is not like dependent tax-wise or financially.

Matthew Woessner: No, not tax-wise. Perhaps it is a term of art, but in this case, it is any person, your offspring or adopted persons. Obviously when they are age 34, they are not technically children, it is offspring or adopted offspring. In this case, it would put a limit on age 35.

Rosemary Jolly, Liberal Arts: Just to say that if we do vote on this and it goes through, it would make sense to add some of the rationale as part of our communication back to HR. In other words, for the document to be effective, it would make sense to add some of the rationale that we have been provided in order to make that decision.

Matthew Woessner: I think to avoid trying to add that to this document, that is in the record now as being read on the Senate record, and so it is there, that rationale.

Chair Kulikowich: The amendment is there related to the age limit. There has been a second to it. Are we ready to vote? OK. Senators joining the meeting by Mediasite, you may cast your vote on polleverywhere.com. To accept the motion, press A. To reject the motion, press B.

This is the amendment related to Senator Egolf's motion in reference to the age limit at 35 that has now been eliminated in this amendment.

With the Mediasite votes, the vote is 99 in favor and 27 opposed. The motion carries.

Now are we ready to vote on the amended Advisory Consultative Report. In terms of the full Advisory Consultative Report, the Senators joining the meeting by Mediasite may cast your vote on polleverywhere.com. To accept the motion, press A. To reject the motion, press B.

With the Mediasite votes, the vote is 102 in favor and 16 opposed. The motion carries, and the report will be forwarded to President Barron for his action. Thank you, Matthew and Jamie.

INFORMATIONAL REPORTS

SENATE COMMITTEE ON ADMISSIONS, RECORDS, SCHEDULING, AND STUDENT AID
Faculty Senate Scholarships Awarded to Undergraduates, Appendix J.
http://senate.psu.edu/senators/agendas-records/december-9-2014-agenda/appendix-j/

SENATE COMMITTEES ON OUTREACH, RESEARCH, STUDENT LIFE, AND UNDERGRADUATE EDUCATION
Update on Engaged Scholarship, Appendix K. This report is presented to the Senate as an update to the ongoing work of the Council on Engaged Scholarship, and a follow up to the Advisory and Consultative report presented at the Senate plenary meeting of April 28, 2014. This report was presented by Committee Members Careen Yarnal, Nicole Webster, Brent Yarnal, and Andrea Adolph.
http://senate.psu.edu/senators/agendas-records/december-9-2014-agenda/appendix-k/

SENATE COMMITTEE ON RESEARCH
The State of PSU Research, Appendix L. This informational presentation provided an update on the research activities at Penn State University of the past year, and the anticipated future direction of these research activities.
http://senate.psu.edu/senators/agendas-records/december-9-2014-agenda/appendix-l/
SENATE COMMITTEE ON UNIVERSITY PLANNING

*University Budget Report*, Appendix M. Dr. Nicholas P. Jones, Executive Vice President and Provost, provided a summary of the University’s 2014-2015 Operating Budget and the priorities that guided development of the budget as well as a summary of the preliminary 2015-16 budget plan and State Appropriation Request.

NEW LEGISLATIVE BUSINESS -NONE

COMMENTS AND RECOMMENDATIONS FOR THE GOOD OF THE UNIVERSITY

**Chair Kulikowich:** Are there any additional comments for the good of the University?

**Tramble Turner, Abington:** Given your comments, Chair, on the significance of the last two reports, I would urge the officers of the Senate and the Senate Council to take up again the discussion of planning the agenda and noticing that we have significantly less than half the Senate here. Perhaps there could be quick bullet points sent out from the last two reports.

Some of us have a four-hour drive ahead. Every year of course this last meeting is scheduled during the busiest week of the semester, and of course the calendar's already set for next year. I invite Council to take up those items.

**Chair Kulikowich:** Thank you, Senator Turner. Are there any additional comments for the Good of the University? I will just say on behalf of my fellow Senate officers, I wish everyone successful completion of the semester and a wonderful holiday season.

ADJOURNMENT

**Chair Kulikowich:** Is there a motion to adjourn? All in favor, please say aye. The motion carries. The Senate is adjourned until January 27, 2015.

The meeting was adjourned at 5:13 p.m.
The following Senators were noted as having attended the December 9, 2014 Senate Meeting.

Aboul-Hosn, Sydney
Adewumi, Michael
Andelin, Steven
Ansari, Mohamad
Asbury, John
Aurand, Harold
Aynardi, Martha
Azemi, Asad
Babb, David
Bagby, John
Baker, Rose
Barney, Paul
Barsom, Paul
Bartolacci, Michael
Bascom, Rebecca
Basso, Susan McGarry
Beebee, Thomas
Belz, Ryan
Bérubé, Michael
Blasko, Dawn
Blockett, Kimberly
Borromeo, Renee
Bowen, Blannie
Bower, Robin
Brady, Christian
Brennan, Mark
Bridges, K. Robert
Brown, Raymonde
Brown, Thomas
Browne, Stephen
Brunsden, Victor
Butler, Peter
Butler, William
Carlsen, William
Castañeda, Enica
Casteel, Mark
Chletos, Joseph
Coleman-Kelly, Mary Dean
Connolly-Ahern, Colleen
Copeland, Ann
Craven, Rebecca
Crawford, Gregory
Crawford, James
Davis, Dwight
Demirel, Melik
Dendle, Peter
Dessel, Andy
Dietz, Amy
Duffey, Michele
Ebken, Calvin
Eckert, Jill
Eckhardt, Caroline
Egolf, Roger
Enama, Joseph
Fernández-Jiménez, Juan
Fore, Rachel
Forest, Chris
Freiberg, Andrew
Friedenberg, Marc
Funk, Raymond
Gilchrist, Ian
Gouran, Dennis
Grimes, Galen
Griswold, Anna
Haigh, Michel
Han, David
Hanes, Madlyn
Haque, M. Amanul
Harnish, Richard
Harrison, Terry
Harwell, Kevin
Hayford, Harold
Hickerson, Benjamin
High, Kane
Hinchey, Patricia
Horn, Joseph
Hudson, Benjamin
Hufnagel, Pamela
Jaap, James
Jablokow, Kathryn
Jett, Dennis
Jolly, Rosemary
Jones, Nicholas
Ozment, Judith
Palmer, Timothy
Pangborn, Robert
Pauley, Laura
Petrilla, Rosemarie
Pettitt, Angela
Poole, Thomas
Posey, Lisa
Potochny, John
Pyatt, Timothy
Radovic, Ljubisa
Ray, Chester
Regan, John
Rinehart, Timothy
Robinett, Richard
Robinson, Cynthia
Ropson, Ira
Rose, Anne
Ross, Stephen
Roth, Gregory
Ruiz, James
Saltz, Ira
Samuel, Bennett
Schulz, Andrew
Seymour, Elizabeth
Shannon, Robert
Shapiro, Keith
Sharkey, Neil
Sharma, Amit
Shea, Maura
Sherwood, Lisa
Shupp, David
Sigurdsson, Steinn
Singer, Richard
Slattery, Margaret
Smith, David
Smith, Taylor
Steiner, Kim
Strauss, James
Subramanian, Rajarajan
Sutton, Jane
Swope, Ezra
Szczygiel, Bonj
Taylor, Ann
Trauth, Eileen
Troester, Rodney
Tschakert, Petra
Turner, Tramble
Van Hook, Stephen
Vollero, Mary
Vrana, Kent
Walker, Eric
Weber, Fredric
Webster, Nicole
Weidemann, Craig
Whitehurst, Marcus
Wilburne, Jane
Wilson, Matthew
Wilson, Ronald
Winch, Samuel
Woessner, Matthew
Wolfe, Douglas
Woods, Victoria
Yarnal, Brenton
Yarnal, Careen

Elected  161
Students  16
Ex Officio  5
Appointed  10
Total    192