THE PENNSYLVANIA STATE UNIVERSITY

THE SENATE RECORD

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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.

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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. Typically the Senate meeting is webcast via MediaSite. However, due to the COVID-19 pandemic this meeting was held via Zoom Webinar. All Senate meetings are digitally audio recorded and on file in the Senate office. Transcriptions of portions of the Senate meeting are available upon request.

Individuals with questions may contact Dr. Dawn Blasko, Executive Director, Office of the University Faculty Senate.

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The next meeting of the University Faculty Senate will be held on Tuesday, December 1, 2020, 1:00 p.m., via ZOOM.
The University Faculty Senate met on Tuesday, October 20, 2020, at 1:00 p.m. via Zoom Webinar and in person at the Foster Auditorium, with Elizabeth Seymour, Chair, presiding.

**Chair Seymour, Penn State Altoona:** Hi everyone. It is 1pm, Tuesday, October 20, 2020 and the Senate is now in session. We are running a modified in-person meeting, with a group physically distancing in Foster auditorium at University Park, while the vast majority of the Senate is participating individually via Zoom. Let me go through the instructions for the meeting: Who can speak in a Senate meeting? Only those who are elected or appointed student, faculty, administrative or retired senators or past chairs have the privilege of the floor. The meetings are public, and others can join and listen, but please do not try to ask a question if you are not a senator. You can email Executive Director Dawn Blasko or me if you would like to request to speak at a future meeting. Our Zoom capacity is 500 people and if we reach capacity you may not be able to attend. We create a complete record of the meeting that will be available about 3 weeks after the meeting. This meeting, like all Senate plenary meetings, is being recorded. We have brought you in with your microphones muted and your video off.

If you are presenting a report, when it is time for your report, we will unmute you and put your video on. Please wait to speak until you are introduced by the chair. When you are finished, we will mute you and turn your camera off. For this meeting, we worked to create a format that is more interactive, and these are how we are using various zoom features. Chat will be turned on, for you to communicate with each other. But Chat will not be closely monitored. You may use it to post a comment, let us know you are having a technical problem, let us know you joined late or to tell us that you are joining by phone (and your phone number—for attendance). But do not use it to ask a question for a presenter or to be recognized to speak and have the floor. If you have an emergency, email Kadi Corter at kkw2@psu.edu. We will have Tech TAs monitoring the meeting with us Devanshi Agnihotri, Akash Damle Halina Dingo.

How do you ask a question? You have two ways to ask a question. You can raise your hand, using the raise hand function. Wait until the chair recognizes you. Like our in-person meetings you must begin by stating your last name and academic unit, for example, “Seymour, Altoona”. Please speak clearly and slowly, as the audio is not always clear on zoom calls.
You can also enter your question into the Zoom Q&A (with your name and unit). For those in Foster Auditorium, raise your hand and I will recognize you. Just like in a regular senate meeting, we will not be able to answer everyone’s questions. But we will capture the Q&A and pass along questions that haven’t been answered. How do you vote? In order to get an accurate vote, we will use Poll Everywhere for those attending remotely and in person. If you haven’t done so already, log-into poll everywhere.

Our first order of business is, as with every meeting, a vote on the minutes from the previous meeting. A final note: Please be patient, running a meeting like this has a lot of moving parts, so please give us time. I want to welcome everyone and thank you for being here. Your commitment to the Senate is more important than ever. I know that each of us is exhausted, and that staying focused and committed to shared governance is harder than ever. Know that I see you and value your time, commitment and efforts. I am also here to support you, so please don't hesitate to reach out to me. I want to thank our guests for attending and engaging in the work of the Senate.

And I want to thank the Senate Office for their hard work. Without their support, the Senate could not get its work accomplished. Our first order of business is, as with every meeting, a vote on the minutes from the previous meeting. A final note-- please be patient. Running a meeting like this has a lot of moving parts, so please give us some time. I want to welcome everyone and thank you for being here. Your commitment to the Senate is more important than ever. I know that each of us is exhausted and that staying focused and committed to shared governance is harder than ever. Know that I see you and value your time, commitment, and efforts. I'm also here to support you, so please don't hesitate to reach out to me.

I want to thank our guests for attending and engaging in the work of the Senate. And I want to thank the Senate office for their hard work. Without their support, the Senate could not get its work accomplished. So, let's move on to the agenda.

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**MINUTES OF THE PRECEDING MEETING**

**Chair Seymour:** Item A is Minutes of the Preceding Meeting. And this is when we get to use Poll Everywhere. So, the first thing we're going to do is take a present vote. So, pull up your Poll Everywhere. And we're going to do this before we vote on the minutes. This will allow us to easily know how many senators are present and also to make sure that you've got your Poll Everywhere working. So, let's get ready to take a present vote. And what you need to do is to acknowledge with A if you're present. Don't acknowledge if you're not present. Anna, when the votes are in, please let us know how many senators are present at this time.

**Anna F. Butler, Senate Office Staff:** I will do that. They are tallying right now, Beth.

**Chair Seymour:** Thank you, Anna.

**Anna F. Butler:** You're welcome. At the current time, we have 136 present.

**Chair Seymour:** Thank you, Anna. We can go on ahead and move ahead to the minutes. The September 15, 2020, record, providing a full transcription of the proceedings of the meeting, was sent to the University archives and is posted on the Faculty Senate website. If there are any corrections or additions to these minutes, please send them to Dawn Blasko at dgb6@psu.edu at your soonest convenience. May I hear a motion to tentatively accept the minutes.
Victor Brunsden, Altoona: So, moved.

Chair Seymour: Do I have a second?

Annie Taylor, EMS: Second.

Chair Seymour: All right. Please join us on Poll Everywhere to cast your vote. If you accept the motion to tentatively accept the minutes, select A. If you reject it, select B. Now we're going to let those tally, and we'll get those results later in the meeting. So, let's continue on with our meeting.

COMMUNICATIONS TO THE SENATE

Senate Curriculum Report

Chair Seymour: Communications to the Senate-- item B the Senate Curriculum Report of October 6, 2020, is posted on the University Faculty Senate website.

REPORT OF SENATE COUNCIL

Chair Seymour: Item C, Report of Senate Council. The minutes from the October 6, 2020, 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 October 6th meeting.

ANNOUNCEMENTS BY THE CHAIR

Chair Seymour: Announcements by the Chair, Item D. I have a few brief announcements I would like to make. Most of these have been included in email or the newsletter correspondence that's gone out before the agenda. The resolution that was passed at the special meeting of October 8 has been sent to the President's Office. The Faculty Salary Report is now accessible to all current senators on the Senate website. You will find a document listing social media and support and resources for Penn State faculty also on the Senate website. You will also find on the Senate website a link to access mental health resources for employees and their families via the Employee Assistance Program. Not as many people as, I think, we would like, know about that. So please make sure that you check that out.

And the League of Women Voters at PSU have created a website to assist Penn Staters with voting in the November 2020 election, which can be found at sites.psu.edu/pennstatevoting. I am ceding the remainder of my time for a special discussion on the recent executive order issued by President Trump in late September. There has already been much discussion in the last few weeks concerning this order at institutions across the United States, including Penn State. I have invited Stephen Dunham, Vice President and General Counsel, and Suzanne Adair, Associate Vice President for Affirmative Action, to briefly address this topic and the approach being taken at Penn State. They will then be happy to answer your questions. So, I'd like to turn it over to Vice President Dunham and Associate Vice President Adair.
Stephen Dunham, Vice President, General Counsel: OK, good afternoon. This is Steve Dunham. Suzanne and I have done this a couple of times before, so I'm going to presume to go first, because that's how we've organized it in the past, and just take a few minutes and describe what the order does and doesn't do and then transition to Suzanne, who will talk more specifically about how Penn State is reviewing and responding to it. Let me start first and just note for all of you, if you haven't seen it, that President Barron issued a letter to the community, a statement yesterday, on the executive order that states the University's position in opposition to the order and joins with statements that were issued by the Higher Ed Associations in Washington, particularly the American Council on Education.

In my brief description of what the order does, I am not going to comment on it for or against but try to limit myself to a description of what the actual effect of the order is, although of course happy to answer questions that are more specific. So first, it primarily says that in any federal contract entered into 60 days after the order-- that's November 21-- any federal contract entered into after November 21, there will be a series of requirements as to what diversity training programs cannot do. So, with respect to that requirement, it does not go into effect until after November 21 with whatever the first contract is that Penn State might enter into with the federal government.

When Penn State enters into a contract with the federal government after November 21, the order is then applicable to the entire University and to all workplace training programs at the University, not just those connected to that contract. So, this is an important concept. One contract in one part of the University has the effect of subjecting the University to the executive order across the board-- any kind of Federal Contract, unless specifically exempted by the federal government.

Second, with respect to grants as opposed to contracts, each granting agency is required to submit a report within 60 days-- again November 21-- as to its approach. It doesn't actually say that the grants will contain similar language to contracts or that the grants will implement the same prohibitions. The assumption, I think, is that they would with respect to grants that might have diversity training programs under them. But it doesn't specifically say how it would apply. In any event, it does not apply until after November 21 when the granting agencies will make decisions as to how each grant does or does not come within the scope of the order.

Third, theoretically and legally, the order has immediate effect on the University and other companies and universities. It applies to businesses as well as colleges and universities who contract with the federal government. Has immediate effect, like today, if the government believes that our current diversity training violate the law-- if they currently violate, for example, Title VII nondiscrimination law or if the Department of Labor believes they currently violates executive orders on non-discrimination that apply to federal contractors. Currently, apart from this order, they could take action now. Nobody particularly expects that, but that's possible. It's much more likely that the focus will be on grants and contracts entered into after November 21.

Second, there is immediate effect of the order in two other important ways. One is the Department of Labor is authorized to set up a hotline, and anybody can make a complaint. So that could happen today because the Department of Labor has already set up the hotline. And any person anonymously-- could be students, could be faculty, it could be staff, could be a member the community-- could file a complaint about a diversity training program today that they believe violates the order and the Department of Labor would look at it. I would just note that there wouldn't be a violation of one of these new contract provisions until after November 20. But nevertheless, a complaint could be filed today.
The second fairly immediate thing is within 30 days, which we're coming up on, the Department of Labor will put in the federal register a request to universities to provide copies of its diversity training programs. Suzanne will talk more about that because she has already reached out to units to begin to collect diversity training programs.

The next point I want to make has to do with classrooms. In theory, and in its terms-- and this is a very important point-- the executive order is limited to workplace training. It does not apply to research. It does not apply to classrooms. It might come into research or classrooms through the grants part of the order, although that is maybe unlikely. But nevertheless, classrooms are referred to in the order in one particular place where in one section it says, nothing prohibits discussing divisive concepts-- which is how the order describes what is prohibited with respect to diversity training, "divisive concepts"-- nothing prohibits discussing divisive concepts in the classroom as long as delivered objectively and without endorsement. So that's an area that we can maybe best deal with in questions and answers or further clarification. But the point now is, although it doesn't apply to classrooms, it does indirectly by saying, we're not applying this to classrooms as long as you are objective and don't endorse ideas. And that's obviously a controversial, difficult, ambiguous concept for faculty to comply with.

And finally, on the substance of it-- which I've left for last because it's the one that's the most vague and confusing-- what does it prohibit? What will it prohibit? And that's really hard to tell. It is vague. It is overbroad. It may be challenged in the courts. We'll have to wait and see. But essentially, and there have been a couple of interpretations from the Department of Labor already, they basically say, we don't want you to stereotype all members of a race or gender in a discriminatory way. It's OK to talk about concepts. It's OK to talk about white privilege. It's OK to talk about inherent racism. It's OK to talk about systemic racism. It's OK to talk about unconscious bias-- but not in a way that attributes to a particular race or gender racist or sexist views that would appear to violate the terms of the order. So that's an important concept we're going to have to try to understand better as we go forward, which is what kinds of workplace training might the order prohibit.

And the final point, and then I'll turn it over to Suzanne, is obviously if there's a change in administration all bets are off, because the order could be revoked by a new president. But it will be in effect on November 21, when this administration will continue no matter what for a couple of months. And so there will be a couple months' period at the very least where it will be effective. And we need to plan for that and begin to plan for that now and look forward to how we comply with that during that period after November 21 for at least a couple months and maybe longer. So, with that background, let me turn it over to Suzanne.

Suzanne Adair, Associate Vice President, Affirmative Action Great. Thanks, Steve. Hello, all. Good to be here to talk more about this. I know it's an important topic and one that's getting a lot of attention, as Steve has said. He and I have been on a roadshow of sorts, and we continue to get questions by individual departments and units as well, who have questions about their teaching or their scholarship. So, we will continue to answer and respond to those questions as needed and as they come in. And you can certainly contact the AAO with those kinds of questions, as you see on Dr. Barron's announcement today.

Just in terms of where we are with the Penn State response. So as Steve said, I have reached out to all of our HR strategic partners in our academic units, our non-academic units as well, to ask them to begin helping us gather all of the various diversity training information and materials that take place across Penn State's campuses, so all campuses. And what I've asked for is information from any workplace
diversity trainings that were conducted in 2019-20 academic year, so last year, including the summer, as well as any trainings that have already taken place or are being planned for this current year, 2021.

I have no interest and don't think we need to go back any farther than last year, but given that there is a hotline set up that folks could file reports, it's conceivable that someone could have participated in a training last year in the fall and may actually want to talk about that and report that as something they think violated the order. So I do want information on two years of work and training that we do. They are in the process of gathering all of that. I will work with Laura Weiss on the research side of the house to make sure that we get that information from faculty and other folks who are conducting research on grants, particularly if any of the grants have that kind of language in it that says we use grant funds to provide workplace diversity training, things of that nature. So, we'll still continue to follow up on that and makes some assessments about what we think the interpretation is as we get more information, as Steve has said.

Now, I have met with our Big Ten colleagues. Those folks who are in my role, we are all struggling with this. Only one of our Big Ten peers, which folks probably heard about, has hit the pause button on their diversity training efforts, and that's Iowa. The rest of us have continued to move forward. Steve and I have made it crystal clear that we are not asking folks at Penn State to pause or stop current diversity training programs or efforts. We will want to review all of that material when we start to get that in. And this is us coming from a place of support. As we review workplace trainings that folks have set up, if we find something in it that we think may create some difficulty under this new executive order, my office would simply be providing support and helping folks think about, is there a way that we need to communicate this message differently? Is there something in a PowerPoint we might need to revise? That's what we'd be doing.

We are not ready, nor thinking we need to be asking folks to stop conducting the kinds of diversity training that we have at Penn State. The majority of our training for employees around diversity, equity, inclusion, and belonging comes from two places-- either my office, so the Affirmative Action Office. Shakoor Ward, who is the professional development coordinator conducts the lion's share, no pun intended, of that training. And we've certainly got trainings around anti-bias training, other DED&I topics in the LRN through HR. We know what's in those trainings, and so we're not particularly concerned about the majority of training that happens at Penn State with our employees. We don't typically conduct trainings where we are making those kinds of broad-based stereotypical statements-- all men are inherently sexist. That's not the kind of training we conduct. So, I'm not overly concerned about that.

I will say that we certainly have units who will sometimes bring in an outside facilitator or diversity educator or somebody from across the University that's not in my office, for example. We don't always know the content of those sessions and what's being said. So I worry a little bit more about those and have asked the HR folks to make sure that they supply at least the names of folks who are doing those kinds of one-off trainings and materials if they have them, so that we can take a look at that. So that's where we are at this point. As Steve said, we could get a hotline complaint tomorrow. So, we need to be prepared to respond.

The message I'm hoping that we're sending to people is that we are not panicking, but we are preparing. We need to be prepared if OFCCP says, Penn State, we're ready to collect all of your diversity training materials and we need to review those with you. We are not sure what the response will be if they receive a hotline complaint. When we've had folks ask about it, I think there was a question just now in the Q&A about that. We're presuming right now that the response would be expected from Penn State much as it is
from other kinds of complaints filed with federal agencies. So, we have complaints that get filed in this space around Title IX and other forms of discrimination that go to the Office of Civil Rights through the Department of Ed. It goes to EEOC, Equal Employment Opportunity Commission.

When those complaints come in, those agencies send to the President's Office-- they send a formal notice of complaint that a report has been filed. That then is sent to my office and to general counsel. And we have a process in place that has been in place for years to respond to those kinds of formal complaints. We're making some assumptions that it may look like that process that we would be notified, and we would have to respond. And that may include us looking into the session if we don't know what it is, maybe speaking with the presenter or facilitator. If there is a name, speaking with the person who filed it. There may not be a name. Perhaps it's anonymous. We don't quite know what that will look like, and they have not outlined what those reports will look like and what our response will be. But we will be prepared and manage them accordingly.

Some of what we've heard from people is whether individuals who are conducting training at Penn State will be penalized or even identified. And so, the plan is not to submit for review to OFCCP our diversity training material with names attached if we don't need to. The plan would be to say, these are the kinds of trainings that Penn State conducts. They don't need to know it's by Joe Smith, for example, unless they ask for that information. Then we have to provide it. And it's not a punitive measure on the part of the University. We just may need to help folks revise some of the content, for instance, if we think that there's content that may be a violation or could be considered a violation of the executive order.

So, we continue to have a group working on this. We will continue to be analyzing and assessing the order and determining what the implications are for Penn State. It's really difficult given how ambiguous the order is, and it does not give a lot of details. So, it's hard for us to answer a lot of very specific questions. We will continue to communicate with the University community as time goes forward and as we learn more about how the feds expect us to apply and respond to these kinds of reports and to the order. So, I'll stop there. And I think there are probably a couple of questions right now.

Chair Seymour: All right, thank you. Just to remind everybody, to ask questions, either post them in Q&A or raise your hand. Victor Brunsden is helping me with the hand raise, and Bonj Szczygiel will be reading the Q&A. And as with the last meeting, we will alternate between the two. So, let's start with hand raise. Julie Gallagher, Q&A.

Bonj Szczygiel, Arts and Architecture: Yes. This is from Julie in Brandywine. What legal actions can be taken to tie this executive order up in the courts? Can the Big Ten, for example, bring a legal challenge or the Pac-10, et cetera? If there is no effort in this regard currently underway, what can Penn State do to take the lead?

Stephen Dunham: Well, typically when there are challenges to government regulations-- and there have been a lot over the last few years-- the associations in Washington take the lead. So, ACE or AAU or the land grant universities bring lawsuits in their own names. And sometimes they ask individual institutions to join them. Sometimes individual institutions file amicus briefs in support of those cases. So that's the most typical way to challenge a regulation like this.

In this case, there have been discussions, both at the association level in Washington and among the Big Ten general counsels who I have conversations with, as Suzanne does with her counterparts, there have been discussions about litigation as an alternative that ought to be looked at. And I think in general, and
President Barron's letter addresses this in part, we have historically found it is most effective to do both lawsuits and political statements as a group, to do them through the associations. It's the most effective way to act. And I think the associations have believed so far that because of the upcoming election and because of the fact that a new administration could reverse this executive order with the stroke of a pen that it would be best to wait and see how things develop before making any definitive choices about litigation. So, I have not heard of any specific plans for a lawsuit, although they have definitely been discussed.

And I would say one final thing. This isn’t the right forum to have a conversation about the merits in such a case. But I think it's interesting to note with all the conversation about free speech that's gone on in this country that this executive order appears to tell colleges and universities not to use "divisive concepts," that's the phrase, which in my world raises First Amendment-type problems. However, it is also true that when the government conditions funding on certain requirements, the First Amendment rules change. And so, any litigation that might be filed here would be complicated by the fact that the government seeks to go forward by attaching conditions to funding, which changes the traditional First Amendment analysis. I'm not predicting one way or the other on that, just to note that that would be one of the issues. So, I think that's the best I can do in answering that question. I think it has been discussed. It might be discussed more in the future. I don't know of any immediate plans for the reasons I gave.

Chair Seymour: Thank you. Bonj, I think we have another Q&A.

Bonj Szczygiel: We've got a follow-up from Chris Zorn of Liberal Arts related to the previous question. Why are we presuming that we should comply with this order at all? Doesn't this seem like a time to stand on principle?

Stephen Dunham: Well, let me answer that first, and then Suzanne can answer as well. So, the executive order itself is not law in the sense of, if you violate the executive order, there are no consequences. But what the executive order does do is condition federal grants and contracts on certain language. At that point, it does have legal effect. It doesn't turn it into a law, but it has legal effect on the University.

And the executive order provides a remedy. If the terms of the executive order become part of our grants and contracts on November 21 and we violate it, what's at risk is all of our federal funding. Just to state it that way should help put it in context for how somewhere between difficult and impossible it is to ignore federal law for a University that receives significant federal funding the way we do. So yes, the executive order raises serious, serious, serious concerns, as President Barron addressed in his statement, and as I tried to signal a little bit in the reference to First Amendment. But ignoring a provision in a federal contract has draconian consequences which would shut down federal funding, or potentially shut down federal funding, at the University, which is just really not an option.

Chair Seymour: Thank you. Do we have another Q&A?

Bonj Szczygiel: Yes. We've got a question from Rose Jolly, Liberal Arts. How does one do equity training on white privilege, when even the most anti-racist white still benefits from white privilege at the structural level? And she is talking without talking about a group particularly.

Suzanne Adair: It's a good question. And I would say, on some level, those are exactly the kinds of issues that this executive order is trying to get at around their perception, or the notion, of what we should be saying and what's accurate for us to say and what's appropriate. I think one of the first things we have
to note is given the parameters they have outlined; we are not saying that we cannot talk about white privilege. So, the mere mention of white privilege, for example, is not prohibited. What we are hearing, and the message we are taking, is that we have to be able to talk about some of these concepts in very neutral terms. And I think that can be difficult to do but I think not impossible. It is why we are asking folks that have some of these kinds of trainings and sessions-- it is why we're saying, send it to us so that we can review it and have some conversations about determining how to be strategic and how to figure out ways that we can have conversations about the issues that we think are important, are relevant, and need to be discussed, but in ways that are done with a neutral stance to the extent possible, certainly based in evidence and fact. We certainly want to make sure that we're doing that as well. And so, I think there are ways to do what we continue to say is important for us to do in terms of the work around DD&I and belonging.

**Chair Seymour:** Thank you. I think there's more Q&A. I don't think we have any hand raised, so could we go to the next Q&A, Bonj?

**Bonj Szczygiel:** Yeah. We've got-- I'm going to skip and possibly come back to Jacob Moore. Jennifer Nesbitt from York is asking, is this strategy a continuation of the investigation into Princeton University? And are there any indications that this appalling policy will have other prongs?

**Stephen Dunham:** Well, on the first part, yes, I think it is directly related to the action against Princeton because it takes some of the same terms-- systemic racism is what they focused on at Princeton-- and turned that into an allegation that Princeton had admitted discrimination when it addressed some of the issues in its history. Having gone to Princeton and gone to the no longer named Woodrow Wilson School, I can fully understand why Princeton made the statement it did. And I think the government's reaction is very consistent, and I think you're right to point that out. I didn't quite get the second part of your question. I just didn't hear it right.

**Bonj Szczygiel:** And what are the indications that this policy will have other prongs or effects on a student?

**Stephen Dunham:** Well, I don't know. I think one thing that could be said, and I think this is fair to say--the policy was issued when it was issued how it was issued as a lead up to an election. So, I think we're blind if we say it doesn't have a political context and wasn't done in a political context. And so, whether that would expand or go away after the election I guess people can speculate. But I do think it is somewhat limited to the circumstances in which it's issued, which is in the context of an election. I think the Princeton activity was as well. And I think this is, too. I don't know if Suzanne wants to add. I don't draw any conclusion from that except to say I don't think we can necessarily predict a series of similar acts in the future taken out of a political context.

**Suzanne Adair:** No, I would echo that.

**Chair Seymour:** Thank you both. I think we have one final Q&A.

**Bonj Szczygiel:** No, I think we have got that one answered.

**Chair Seymour:** Oh, so it's been answered?

**Bonj Szczygiel:** No. Could you read it, then? It's not on my screen.
Chair Seymour: Yeah. Sorry. Jacob Moore--

Bonj Szczygiel: You have to speak into the microphone.

Chair Seymour: Jacob Moore, Mont Alto. If funding is pulled, what is Penn State planning on doing to step in for those directly impacted, such as grad students that may rely on NSF funding? The first part of the question.

Stephen Dunham: Well, I would just say, I have no expectation whatsoever that funding will be pulled from Penn State for anything that I have seen or heard about. So, I don't think there's anything in our diversity training programs that I've seen that would justify or warrant that or even suggest that was a significant risk at this point. We are, as Suzanne said, trying to be prepared, and we're looking forward to do that. But I just think it is way premature and really speculative to think funding might be pulled.

Obviously, we would resist that in every way we reasonably could as an institution. Funding is always at risk in compliance with federal rules. We comply with hundreds of federal rules and regulations every day, from research misconduct to student financial aid. And our funding is always at risk. And so, we try to comply to avoid putting it at risk. And I just don't think anything that we've seen creates a serious risk of that. We want to be prepared. We want to be responsible. We want to be thorough. But I would not overreact and worry about funding at this point.

Suzanne Adair: Agreed. And that's why we want that message to be to folks that we're not panicking; we're preparing. And so part of that review is to give us an opportunity to take a look ahead of time at what folks are communicating with in training, so that we can tweak or make minor revisions and suggestions if we need to. Again, I doubt there's going to be a lot of that, but there may be an occasion for us to say, let's think about doing this or saying this a little bit differently.

And then secondly, I just want to point out, as Steve has noted, we have to work with federal agencies all the time who have the capacity to take away funding. Typically speaking, when a complaint comes through, which is why we're going to assume for now-- no reason not to-- that complaints will be managed the same way we manage any other complaint. We get a complaint, and the federal government says, this complaint has been filed, they ask for a response from us. And we generate a response, which is doing some investigation, doing a review of what happened, have we mitigated the issue or the concern, and what might we do if we find a concern? We typically come back to the federal government to say, here's what we found, here's how we will address the concern if we found a concern, here's how we would ensure that does not happen again.

So, there's a whole process that is put in place when the federal government, regardless of which arm of it, receives a complaint such as this. I would anticipate that same kind of process will be in play and be part of what they put in place for this executive order as well. So, I agree. I'm not concerned that that's an immediate concern. I should say, of losing funding. I think we'd have a chance to respond and say, here's how we will address the concern that was raised.

Chair Seymour: Thank you. There's two more in Q&A, and then I'm going to have to move on in our agenda. So, the first person up is--
Bonj Szczygiel: David Smith, from the Division of Undergraduate Studies. He asks, are public statements from units that speak to creating an inclusive environment or affirms the value of Black Lives Matter under review as well?

Stephen Dunham: I think broadly speaking, they're not by the executive order, which is limited to workplace training, not statements of commitments to diversity or anti-racism or, for example, the president's initiatives relating to racism. I don't think those are covered at all. But Suzanne can I add to that.

Suzanne Adair: No, I agree. And we are not asking to review all of those statements. I do think it's important to note, as we've noted in some other conversations, we're in the middle of a strategic planning process. This executive order does not impact our overall strategic planning process and our strategic planning around promoting and advancing social justice, racial justice, and so on. The only thing that we would want to pay attention to is we know that some units, as part of their strategic planning, are developing and making plans to have some of these kinds of employee trainings or workshops. So we will want to look at some of those. But other than that, we are not asking folks to not make statements about their commitment and our commitment to racial justice, racial equity, social justice, nor would we be feeling the need to review those kinds of statements.

The only other thing that I will add is, lots of folks are asking about staff meetings, for example, or departmental meetings or unit meetings where you all are having conversations about your vision and your goals and your plans around DED &I and belonging. We are not asking folks to stop those conversations either. We don't believe that meetings and conversations about planning and commitment to these issues are included in the executive order, and we would be arguing that. That does not mean there couldn't be a hotline complaint. So I think we're anticipating that someone could be in a staff meeting and report it and say, I was in the staff meeting and either not understanding it wasn't a workplace training or frankly thinking it violates the order, even though they know that's not what it is. So, we may have to respond to some of those complaints, even if they are not quite accurate. And we will do so.

Chair Seymour: So, I think we'll take one last question from Q&A, Bonj.

Bonj Szczygiel: This is an observation from Rose Jolly. She says, it's difficult not to see this as the thin edge of the wedge in view of the law upcoming against foreign students being limited to a four-year visa. But Thomas, from the School of Medicine, asks a question. Do you think that this process of reviewing our diversity training will actually make it better in the end?

Suzanne Adair: I would not say "better," because I don't know that it needs to be better in terms of every training that's conducted or every session that's conducted. So, I wouldn't say better. What I would say is, it does improve our ability to know what's out there and what's going on and what's being communicated. And it does improve our ability to respond to concerns if and when they are raised. So I don't know that I'd say better in terms of a qualitative sense about the content of our training, but it certainly allows us to take a look at it and make suggestions, if any are needed. So, I'd like to think that our diversity training efforts are good and use some best practices and that we wouldn't necessarily be making them better. But if there's a need to do so, certainly this gives us an opportunity to look into that.

Chair Seymour: Well, thank you, everyone, for your questions. And thank you, Suzanne and Steve, for being willing to join us at such short notice. So, thank everybody very much for that.
Chair Seymour: Item E in the agenda is Comments by the President of the University. It is my pleasure to recognize President Barron for his comments.

Eric Barron, President, Penn State University Well, thank you. This is certainly a unique experience here. Fortunately, I know there are a lot of other people that are listening. Well, it's easy for us to be consumed by COVID. And of course, in many ways, we don't have a lot of choice because it is so significant. But there are an awful lot of other critical issues that we can't allow to wait. This was a little bit of an introduction to one.

And in my mind, most significant on that list of things that can't wait, is bias, racism, and community safety. Now, the groups that I have charged-- that I did not form, just forming the chairs, and having volunteers and the chairs choose committees, but those groups that I charge-- have begun to put words on paper and are beginning to socialize what I believe could be a profound pivot point for Penn State in terms of bias, racism, and community safety. Now, it wouldn't in any way be appropriate for me to release what the groups are saying and beginning to socialize. But I hope that they will forgive me for taking this moment to act as a cheerleader.

And the reason why I want to do that is because in the next couple of weeks I think we're going to see more and more of the ideas and concepts to emerge. And I do not believe this is something we can pat ourselves on the back and say, look, we've got the reports that are sitting there. I think it's going to demand that we take action and take action expeditiously to move some of those ideas into an operational status.

So, if you'll forgive me for being just a cheerleader for a minute on some of the ideas, for example, in the select commission that Danielle Conway and Clarence Lang and your own Beth Seymour have created, I do think we have considerable potential that we can create an enterprise approach to diversity, equity, and inclusion. I think we can deliberately interrogate our history and our present in order to focus and do better for the future. I think we can create a focus on anti-racist scholarship for which our objective should be the best in the world. And this body, as we know, and as I've said before, has the opportunity that I hope you follow through on to make anti-racism a critical part of the Penn State education.

I think we have the opportunity to have a much deeper commitment to recruitment and retention and building a sense of community. And I think as we see more and more people call for a different level of accountability in this institution, an institution that has many different plans but has an opportunity to really promote true accountability. I'd also like to act, as a moment, as a cheerleader for the Student Code of Conduct group, led by student Nyla Holland and Shoba Wadhia, from Penn State Law. They have created a draft which I think will be ready in the next couple of weeks for a new student code of conduct. I think it provides a lot of clarity. It provides clarity on what is University interest in terms of student conduct, both on and off campus. It proposes to establish a mandatory module so that every student would, as part of coming to Penn State, understand what that student code of conduct is about and what its intent and purpose and how it operates. There seems to be a lot of mystery about that entire process.
It works to infuse Penn State values in inclusively through the document and provides a new focus on restorative justice. And in many ways, that focus of restorative justice is that group working to provide a balance between First Amendment rights and University's interest in becoming an inclusive and welcoming environment. And it adds a lot of visibility to the outcomes. We see many, many times-- we saw the same thing in sexual assault, and we see it in the student code of conduct in terms of things like hate speech, that we have a process and we follow that process. But because people don't share outcomes because they're personal for an individual, you have people say, why should I report that? Nobody does anything about it anyway. So, in a way in which collective data can be presented as opposed to individual data, we have the potential to change that at Penn State.

OK, the reports I think are-- certainly they're far more detailed and far more thoughtful than my moment of acting as a cheerleader. But the reason why I'm doing this is because this is emerging here now and in the next couple of weeks. And it is our turn to give those recommendations life and energy, because a considerable amount of thought has gone into them. I'm very proud of what's emerging from those teams, but that that pride is considerably muted if the University and you, all of us together, don't step up and take action on what is proposed. Because I do believe that if we take action, we will truly have the potential that this is a pivotal moment in Penn State history. So, I will stop there with those remarks. Happy to answer questions on any topic, but certainly on that one as well. And Beth, did I do all right?

Chair Seymour: You were fine. Thank you, President Barron. Which do we have? Just a Q&A?

Bonj Szczygiel: We have Jeff Scott-- and I've been holding this question for you, President Barron-- from Penn State Law on behalf of constituents. First, will there be a survey identification of students living off campus who intend to remain in State College University Park after the Thanksgiving departure? And then the second part, will Penn State continue to test students, faculty, staff after the November 20th departure?

President Barron: OK. So, we're going to have a whole presentation on COVID, a lot of the data, and a lot of things that are being suggested. So, I think for continuity purposes, if you don't mind, when Nick gets up here, he's going to present all of that information already planned.

Chair Seymour: That sounds good. I want to recognize Annie Taylor.

Ann H. Taylor, Earth and Mineral Sciences: Taylor, Earth and Mineral Sciences. I am so happy to hear about the work with the student code of conduct. I hadn't known that. I wonder if you have any idea-- we have run into more and more problems over the past several years with online conduct issues. And Penn State World Campus Student Affairs staff have been so helpful, also working with the University's Conduct Office. But I'm wondering if it's been an issue that a lot of that isn't really addressed in our student code of conduct, whether it's student to student or sometimes, I hate to say, it's been pretty cruel behavior to faculty. And we've turned to the student code of conduct and really haven't found the tools there to deal with that. So, I just wonder if that's on the radar.

President Barron: Yeah. So, first of all, what they're proposing does sort of broaden the University interest in this space, including that which is off campus, which is sort of interesting to think about what that word, campus, means. However, I will tell you, basically what the steps are is the draft is there. It's been presented to different groups, including the President's Council, and now essentially the folks in student affairs are testing it with, if this happens, how would this apply. And they're looking to see how
well it works or whether they see areas of ambiguity that need a little clarity. So, I think it'd be worthwhile passing that question on to them and see how they would react.

**Chair Seymour:** Thank you. I think we have someone on Q&A.

**Bonj Szczygiel:** Question from Rose Jolly, Liberal Arts. What is Penn State's response to the pending law, confining international student to four-year visas? This will be impossible for graduate students who will return to countries without this constraint.

**President Barron:** So, look, we have one mission, and that is to educate and to do it in a way that is the best for ensuring that, in partnership with the student, we're creating people that are ready for the world. And so, rules like this, in my mind, just don't make sense. And once again, I think what you discover, and just to reiterate what Steve Dunham has said, we have found particularly if there's political association or potential political association that to work in conjunction with the academic societies, of which 50, more than 50 were signed on about the one executive order, that this is the most powerful way for us to address and change these rules that really don't make sense if your objective is to educate students.

**Chair Seymour:** Thank you. I think we have another question on Q&A.

**Bonj Szczygiel:** This question is from Laurie Breakey from DuBois Campus. Is there a contingency plan for campuses in classrooms if there's civil unrest after the presidential election?

**President Barron:** So, we're having a lot of discussion on this point. We're sort of keeping our ears and eyes open. We're watching what's happening with other campuses. And so, we're working very hard to be thoughtful about how it is that we react to any of these changes and what we say and how we do. So, all I can say is that we're spending quite a bit of time thinking about this. So far things are very quiet, but we're spending a lot of time thinking about what's appropriate.

**Chair Seymour:** Thank you. Were there any other questions? Thank you, President Barron.

**President Barron:** My pleasure.

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**COMMENTS BY THE EXECUTIVE VICE PRESIDENT AND PROVOST**

**Chair Seymour:** So, Item F is Comments by the Executive Vice President and Provost. It is now my pleasure to recognize Provost Jones for his comments. Thank you, Provost Jones.

**Nicholas Jones, Executive Vice President and Provost:** Thank you very much for the intro and for the opportunity to speak. I have a lot of material to cover, but I'm considering it an investment. And hopefully it might head off some questions at the pass in advance. So I'd like to begin by talking about COVID, as the president indicated, just giving you an update of where we are and perhaps a little bit more insight into some numbers and data that could be helpful, if you wouldn't mind popping up my PowerPoint. Thank you.

I have a PowerPoint just to some summarize some of the data. The first slide that is up now is today's dashboard, that either has been released or is about to be-- oops, back. OK. So pretty soon you will see
today’s dashboard. Oh, there it is. And I don't need to dwell on this. I just want to use it to begin the
discussion. Obviously, each of you probably pays attention to different aspects of this dashboard, which
comes out on Fridays and Tuesdays.

The number I would draw your attention to is the second one in the top line, 193. That is the current
number of active cases. And that number is lower than it was on Friday and Friday’s was lower than the
Tuesday before and so on. Some of you may be taking screenshots of the dashboard, the current
dashboard, and comparing it to the one before. We try to save you from some of that work by providing
the bar charts, but they’re not as comprehensive as I’m sure many of you would like. So I'm not going to
dwell on this. But what I'd like to do is just share with you some data over a longer time period, just to
give you a sense of where we are and where we have been and where we hope we are headed. So if I
could have the next slide, please.

I'm just going to focus on the upper bar graph here, although some of you may be looking at the lower
one and find that interesting as well. I won't talk about that in the interest of time. So this is a longitudinal
presentation put together that shows the number of active cases at University Park as a function of time
going back until the beginning of September. And there are a number of observations that you can make.
First-- well, I make this observation first, probably because I’m an engineer, but there is a bit of a
periodicity in some of those earlier data. We obviously increased from a relatively low number up, and
then we would see the cyclic increase and then decrease. We believe that there is a correlation of that
periodicity with weekends and weekend activity of our students. And it stayed fairly stable for a while,
although the number of active cases, as you can see, was sort of between the 800 and 1,100 range.

We monitored that very closely. We continued our messaging about compliance with mask wearing and
social distancing and just general public hygiene behavior. And we were relieved-- we have been relieved
over the past several weeks, since about the 24th or thereabouts of September, where we have seen this
steady declining trend down to the number that is shown there. These are data as of 10-18, so the
dashboard is actually more updated. You can imagine one more bar at the end of this graph that is the 193
that we just discussed.

So certainly it appears that our number of active cases-- which, again, there's always people coming in
who test positive and people rolling out who have done their 10 days of isolation-- the number of active
cases seems to be on a steady decline. I think last time I stood in front of this group, I said that I had
humility in the face of COVID-19, and I still do. We are not taking anything for granted. We are not
becoming overconfident. We are keeping our eye on the ball and focusing on encouraging the good
behaviors that have contributed to this positive outcome.

There are some skeptics among you, I am sure, who may attribute some of this to students not showing
up for testing and just getting sick, not being tested, knowing that they have COVID, hanging out in their
apartments or residences, and we never know about them. Yes, that could be true that some of that is
happening. There is also some speculation that students are being tested off campus, both in State
College or in surrounding counties, so that we don't see the numbers and the numbers don't show up in
Center County. But we have checked those data, and we find no evidence or suggestion that that is
actually happening.

So, we are mindful of the fact that there could be a number of things that contribute to this trend. But by
and large, we think that the behaviors that we are seeing, among our students in particular but also faculty
and staff, are working, and they are helping us manage the spread of the virus through our community.
As of today, I think there are 13 cases at Mount Nittany, and none of them are students. Next slide, please.

Another insight that we get to these data comes from looking, again, at the top figure here, which shows the number of students at University Park who are in quarantine or in isolation. The quarantine data are the dark blue bars, and the isolation data are the light blue bars. Somewhat consistent with the previous data on the number of active cases, you can see that there is a periodicity. There's a bit of a lag, obviously, between the number of active cases and students in quarantine or isolation—yes, the number of active cases. But overall, we also see a fairly consistent over the past several weeks, downward trend in the number of students in isolation. So, these data combined with the data I just showed, again, give us confidence that these trends are heading in the right direction. Next slide.

Many of you I have shared with you before, and many of you have had questions about wastewater testing. And we do have a group. Two of our institute directors, Tom Richard and Andrew Read, are heavily involved in this project. And we have been monitoring wastewater effluent at a number of locations on campus and at a couple of aggregate sites looking for presence of the virus. I just wanted to give you a snapshot of what these data look like, again, over time. And you can see that the time scale begins on the left at August 15.

So, we started this project toward the end of the summer period. During September, you can see that there was an increase in activity about the time, by the way, that we were seeing those large numbers of active cases. And then in the last five to six weeks, we have seen a gradual decline. The top figure shows data that were collected or sampling that was done at the outflow from all of Penn State at the Penn State Wastewater Treatment Plant. And the data in the lower figure reflect sampling that was done at the borough or the municipality wastewater plant, because we were interested in seeing if there was presence of virus in the community as well. Both of those data show fairly consistent trends over the last several weeks—again, not consistent with some of our other observations.

These two are aggregate data. And we also have data taken, or samples taken, at some other locations, both on campus and off campus. And the next figure shows some of those locations. The first one is downtown, and you can see it includes the area of town that has Beaver Canyon, some of our fraternities, and so on. We started that testing in cooperation with the borough a little bit later. But things seem to be under reasonable control. They're starting a little bit on the high side but now fairly steady.

We are monitoring a catchment that includes 2/3 of the East Halls' residential facilities. And again, higher presence of the virus during September but a gradual and steady decline as we've moved into October. West Halls, there wasn't much going on. So, we actually moved our sample to another location. And then finally, Pollock and South Halls, the apartments, that's been fairly quiet all along. But again, nothing really disturbing there.

From day to day, there are some intraday variability and sometimes interday variabilities. Just it's a consequence of the process that is being used to sample and test the water. But all in all, the trends seem to be fairly consistent. So I did want to share these data with you, just so you get a sense of how things are progressing at University Park and where we think we are as we get ready for the last few weeks of the residential semester.

At our campuses, by and large things have been going reasonably well. We've seen a few instances where there have been many outbreaks— for example, Altoona, Scranton, Brandywine, there have been little
flare-ups. The teams have responded very quickly. This includes folks here at University Park who descend on the campus to provide support and the commonwealth campus and campus leadership as well working as our partners. In all of those cases, I believe that we have been able to manage those outbreaks and get things back to a stable footing fairly quickly.

There are questions, I know, and I'm happy to share with you our plan to return home safely, so-- thank you, next slide. We have been concerned from day one that when our students came that eventually, November 20 being the plan, they would return to their home communities. And we need to be very mindful from a public health perspective that we are not sending back COVID positive students to infect their families, their loved ones, and their communities. So, we've been working very hard on a return home safely plan.

The next slide talks about some of our goals and assumptions. And I should say that I'm sharing with you now, but about right now we are actually releasing a formal announcement about this program. And so, I'm not going to go over all of the details here but wanted to share it with you just in advance of that going out. We will offer voluntary on-demand or walk-up testing to any student prior to leaving campus. So, any student who wants a test can get a test. We will coordinate the testing flow, because we might see large numbers of students wanting to be tested over a relatively short time period. So, we're going to change the way that we conduct the testing and probably location as well in order to affect this.

Campus and UP procedures will be a little bit different. Obviously, we have a large number of students here who potentially will want to be tested at the campuses. It's a little different, but we will make sure that each unique location is accommodated appropriately. We will continue to provide quarantine and isolation support for students who are identified during the testing process as being positive. And we will ensure that we have the courier services in place to get all sample tests back to the vault laboratory in New Jersey for prompt testing.

Next slide shows the rough timeline for this process. And again, more details are provided in the news release that is going out today. You'll notice that it starts on November 4. We felt that we probably should wait till at least the day after the election because a lot of people will be focused on the election. So right after the election, we will begin this process. Communications will go out on November 4.

There is a window for students to make reservations or appointments to get their test kits. Mass testing areas will be prepared. More details coming on that. And then on November 12, we'll begin the testing process. Commonwealth campuses begin soon after. End of testing at UP on November 19-- and, of course, the 20th is the last day of in-person classes. Actually, I guess, I think the 19th is probably the end for both commonwealth campuses and UP. Last day in the residence halls, November 22. And then November 30 we will make the announcement about what we are doing for the spring return.

We're waiting as long as we can on that because I think, as many of you are aware, the available testing protocols are evolving very rapidly. And so, we've got folks who are looking hard at learning from and building upon everything we learned in the fall to make it better. And we've got a good foundation to work from. But we will certainly be willing to make adjustments in order to improve that process.

So that is the gist of the return home and return to campus protocol. Got a few other things that I'll just mention quickly, if that's OK, Beth. First is SRTEs-- certainly COVID related, but a little different. And I think everybody remembers that back in the spring we made adjustments to the SRTE process to reflect the realities that COVID brought to us. As we moved into the fall, we put together a small committee--
Kathy Bieschke drove this process—comprised of administrators, faculty senators, representatives from UPUA, and charged them to consider how we should do this. Their focus was narrow, but the group drew on ongoing efforts considering how to best assess teaching effectiveness, which is very important.

So, I just want to jump to those recommendations and share them with you. And I know that Kathy, I think, shared it this morning in committee. But all of you would be interested in this outcome. The committee recommended that a shortened SRTE form be utilized for all remaining courses in fall of 2020, with modifications to the two overall items. Four University mandatory items will be administered—one, are you taking this course as an elective; two, what grade do you expect to earn from this course; three, rate how well this course increased your understanding of the course topics; four, rate how well the instructor promoted a meaningful learning experience for you.

There are no items from the academic unit or instructor section to be administered, and there are two revised open-ended questions—one, what aspects of this course helped you learn; two, what changes to this course could improve your learning. The committee also recommended that the means for the two items not be reported in any SRTE report. I think most of you are aware that the mean as an effective descriptor of a highly non-normal distribution is poor, and I have a mathematician in front of me agreeing, so thank you. So, we're trying to get away from this sort of simplistic characterization of what is really a complex underlying distribution.

In reporting—so the distribution of scores, count, and percent across the seven-point scale will be provided. And the mean will be replaced with two different measures of central tendency that are more appropriate for skewed distributions, the median and the mode. Now, a question you all probably have is, how will these revised SRTEs be used to assess teaching effectiveness in the annual reports? So first, faculty members will be asked to describe how they made a good faith effort to teach their courses. SRTE results will be made available only to an individual faculty member and will not be included in activity insight reports. Second, the use of SRTEs is optional and at the faculty member's discretion. Both the median and the mode would be referenced, and both the median and the mode must be discussed in the context of the distribution in any summaries of performance. And third, one of the alternative assessments outlined in Appendix M of the 2021 Promotion and Tenure Guidelines, or another form of self-assessment recommended by the Faculty Senate can be used.

More guidance forthcoming in the coming weeks. But I think that my sense is that this has received pretty positive reviews from most who have seen it, including the Senate. And so, we're happy to get that information out to you as soon as possible so you know how to plan accordingly for the end of the semester. I think I better stop there, because I know you've got a lot to cover, so let me stop. And I'm happy to take any questions.

**Chair Seymour:** And that gives people a lot to chew on, Provost.

**Provost Jones:** It does, yes.

**Chair Seymour:** So, I think Rose Jolly's in Q&A.

**Bonj Szczygiel:** Liberal Arts. In view of concerns over vote-in ballots, will students return to their homes to vote, then come back with an associated increased risk of COVID? And how will we deal with that?
Provost Jones: That's a great question, Rose. I think we are counting on the existing guidance that we have had in place for the semester to apply even around Election Day, and that is, we are generally discouraging students to travel away from campus, risk exposure that they then bring back to their campus locations. We hope that students who are voting in their home districts will avail themselves of mail-in ballots. But that's a very good question and something we probably need to scratch our heads over a little bit and make sure in the discussions that we'll be having over the next 10 days or so, make sure that we have appropriate support and advice in place.

Chair Seymour: So, we have the next one in Q&A.

Bonj Szczygiel: I'm going to go back to Jeff Scott's question that was asked earlier, because there are some parts that weren't responded to, if we could. So, will there be a survey identification of students living off campus who intend to remain in State College U Park?

Provost Jones: Yes. I actually checked with-- given that that question came to the president, I used the time I had to check with Damon Sims, Vice President for Student Affairs. We are going to be doing a broad survey of students. And that will be one of the things that we're going to do our best to assess.

Bonj Szczygiel: Second part of that question-- will Penn State continue to test students, faculty, staff before and after the November 20 departure?

Provost Jones: Yes, we will. There'll be a period during the Thanksgiving break when we'll continue to do symptomatic testing but not walk-up testing or surveillance testing, just during Thanksgiving week. But then testing will resume after that.

Bonj Szczygiel: The last portion of the question-- as Penn State has invited individuals to the community, students, et cetera, what responsibility will it accept to sustain care for these people after November 20? Or will that responsibility be thrust upon the community?

Provost Jones: Penn State-- I mean, it would not be responsible for us to maintain a student population here and then walk away from our obligations to provide them with health support. So, we will continue to provide support for any students, as we do in a typical year, I would point out. This year it's a little bit more intense, of course, and we'll continue to do that.

Bonj Szczygiel: Another question from Mary Beth Williams in Science. Thank you, Nick, for sharing this data about the COVID cases at University Park. They're very encouraging. I hope the University will make these new active case daily longitudinal progress bar charts available on the public facing dashboard, and that analogous data for all of our campuses can be made available. Information transparency is a critical part of assuring all individuals in our communities about the current state of our COVID plans and status.

Provost Jones: Yeah, thanks, Mary Beth. We're certainly looking to make more data available in a more timely basis in a manner that doesn't overwhelm either the viewer or us, because every release of data of course elicits many, many questions. But your comment is well taken.

Bonj Szczygiel: We have one last question so far, Ray Najjar from Earth and Mineral Sciences. Since September 28, we've had four COVID deaths in the county, which came after no deaths since August 11.
Is it possible that one or more of the four recent deaths were a result of community spread resulting from the several thousand student cases since the semester started?

Provost Jones: Thanks, Ray. Important question. We pay very close attention to spread-- spread among our students, spread from our students, potential spread from students to faculty or staff, and of course potential spread from the Penn State community to the broader State College community. We have not seen any indication at this point that there has been any significant level of spread outside of the Penn State community or, for that matter, even from our student population to our faculty and staff population. I don't know the details, Ray, of the four specific cases that you mentioned. But I do not think that they are a result based on any information we have of our student positives.

Chair Seymour: Thank you. I believe we have a hands raised. Sarah Townsend. Could you unmute her to speak?

Sarah Townsend, Liberal Arts: Sure, thank you. I'm obviously very happy to see the number of cases go down. But just to point out that some scientific experts, including one scientist that the CDT has been quoting, state that it's not surprising to see cases go down, simply because so many students have already had the virus, particularly ones that were at the highest risk of being exposed. And I also wanted to point out that other universities that have done more testing lowered their positivity rate and the number of cases far more quickly. So, Cornell, I believe, had zero positive cases last week. I think Maryland had something like 12. And they've been in the double digits for a long time. The University of Illinois, I think, still has fewer cases than we do, even though they're doing more than 10,000 tests per day. So, they're obviously catching many more.

But my question has to do with whether or not you considered the long-term effects of COVID that many scientists are concerned about. Many scientists are saying that it seems likely that COVID-19 will have significant long-term health effects, even on young people who have not displayed any obvious symptoms. And so, I wanted to ask if the University is taking that into consideration in its planning for the spring in particular in terms of testing.

Provost Jones: Yes. So, we're particularly concerned, of course, about immediate effects on vulnerable populations that are very serious. So that has always been a very high priority. But we're well aware of the fact that there's risk to everybody who gets sick. And so we're doing our very best to minimize the spread, to contain the spread, and make sure that we don't overwhelm the health care facilities that are available in State College or at any of our campus locations has always been a priority. And yes, we are concerned about any and all impacts that COVID-19 could have on any individual.

Chair Seymour: Is it a hand raised? It looks like Renee Borromeo has a hand raised.

Renee L. Borromeo, Mont Alto: Hello. This is Renee Borromeo from the Mont Alto campus, and I work with students in Allied Health, specifically physical therapist assistant programs. These students are exposed to each other through laboratory experiences when they're much greater than 10 minutes-- more like probably an hour or so for a lab session. We're not getting information from the University regarding our students who have been tested. The only information we are getting by and large is the students telling us, I'm in quarantine for 14 days. I'm allowed to come back to class on November 1. We aren't getting the letters.
And it's risky. We had one last week that made me particularly concerned, as the lab partner—the one partner is out in quarantine, or that's what he told us. And his partner is pregnant. And we're kind of in a position where they were together for more than an hour. And anyway, it's very disconcerting that we can't get information from the University, only the student who says now I did test negative, and I'm OK to come back. And he's given us a date. And we have no official word.

I compare this to maybe like the D-I athletes, that we're in a high-risk situation. It would be nice if there were some way for students who are in these high-risk academic situations to be put on a list or something where information could be communicated on a more timely basis, or at all. I guess that's my question. Is there any way to get a specific group of students to have a little bit more attention, or to identify people who are in a high-risk kind of a classroom setting or a laboratory? Thanks.

**Provost Jones:** Thanks, Renee. It's a good question. Let me respond to it in a number of ways. First, if you had specific concerns about your program and potential exposure of students because of unique circumstances, you should elevate that to us, because we've had a number of situations, unique programs that involve interactions of our students with outside community members, for example, where we've moved very quickly to put in what I would say are enhanced testing protocols because of the responsibility that we have to the communities we serve.

Ordinarily, in the case that you describe, Renee, if a student has tested positive, they should immediately be part of the contact tracing process, and the student's lab partner should have been one of the persons who was identified and then contacted by the University as part of that contact tracing process. If that is not happening or did not happen in this case, we need to know about that, because there's obviously a hole that needs to be plugged.

And I will just say again, and I've said it in other settings, we do need to be careful about us distributing personal health information about individuals, because there are privacy laws that we have to navigate. That is why the contact tracing process and its robustness are so important, because it enables us to reach out to people in a confidential manner and talk about the fact that they may have been exposed without revealing any medical information about an individual.

**Chair Seymour:** Are there any other hands raised or questions in Q&A? Thank you, Provost Jones.

**Provost Jones:** OK. Thank you all very much.

**Chair Seymour:** Oh, wait, wait. Wait, we may have one. It takes them a little bit sometimes.

**Bonj Szczygiel:** We have one from Sydney Gibbard. I do not know campus or location. How are you planning on providing resources for students who are struggling academically due to the negative impact COVID-19 has had on their mental and physical health this semester, such as falling behind in academics once a student gets the virus or losing a parent due to the virus? Have you considered the re-implementation of alternative grading? Sorry, Sydney is a Student Senator at University Park.

**Provost Jones:** Well, certainly we're aware of the, I think at least for all of us, chronic impact and for many acute impacts that COVID has had on the way we operate. We have fully engaged the services of CAPS across the Commonwealth, and I know that they are ready and able to help students in any way that they can. There was a question earlier, I think, for the president from David Smith, who is responsible for advising University wide. And I know David and his team of advisors have really stepped
up during the COVID crisis to provide what I would characterize only as enhanced support for any student who has concerns or needs.

In the spring of 2020, because we flipped from residential to remote learning over the course of a 7 to 10 day period during spring break, we realized that a lot of students and instructors, for that matter, were challenged in the delivery of their courses, and in some cases in meeting their learning outcomes in the way that they had originally planned to do so. So, there was a lot of challenge both on the delivery end and the receiving end during the spring. So, we introduced the alternate grading scheme to provide some flexibility sort of as a one-time thing for the spring semester.

When we went into the summer, we reverted to the normal grading protocols that we traditionally used. That seemed to go very well. Everybody seemed quite OK with that. And then that, of course, continued into the fall. So, at this point, we are steaming ahead with the regular grading system. That is the current plan, although I understand that there has been some interest and concern about this issue emerging over the course of the last week.

Bonj Szczygiel: And one last, again, question-- Simmons from the College of Communications. Is participation in contact tracing compulsory?

Provost Jones: It is our expectation, and it's in the student compact, that participation in both surveillance testing and contact tracing is expected. Sometimes people do not answer their phones or respond to their emails, and we follow up as aggressively as we can. But yes, participation and contract tracing is expected. And it's the only way we can make it work in an effective manner.

Chair Seymour: I think there's also a hand raised, Julio Palma.

Julio Palma, Fayette: Thank you. Yeah, Julio Palma, Penn State Fayette. So, I hear that-- and I'm happy to hear that Penn State is committed not to send any student that is positive back to their communities after we go all remote. Nonetheless, the football season is about to start, and I feel-- I think there is a good chance that the number of cases may raise again. And that is just testing 1% of the student population per day. So I just don't see how Penn State can deliver not sending back any positive cases back to their communities, unless it was just meant to say that no, that the positive cases are the ones that are being tested. But there are people that are positive who are not being tested.

Provost Jones: Yeah. That's a good question. We recognize that there is risk particularly associated with people coming into the State College community for games. We are going to ramp up our testing capability in the week-- actually, in the weeks following games, starting this Saturday. We're aware of the fact that there will be probably people gathering to watch the Indiana game with their friends. And so, we're anticipating that there will be additional walk-up cases. There could be additional symptomatic cases. Certainly, this is probably more true after the home game with Ohio State. So, we are concerned about that also, and are provisioning for a large number of students who do walk-ups.

We can't force people to test. We can have an expectation that they test and an expectation that they fulfill their obligations as laid out in the compact. And we're going to do our very best to ensure that everybody has an opportunity to be tested who feels they need to be tested before they return to their home communities. We're going to support people on that. But at the end of the day, we are going to need people to be willing to come forward and be tested. That's really the way that this is going to have to work. We'll continue to monitor the population prevalence through surveillance testing, which is the
purpose of surveillance testing. But at the end of the day, we are going to need people to take the responsibility to come and be tested if they have any concern about exposure.

**Chair Seymour:** I think we have a couple of more in Q&A, Bonj.

**Provost Jones:** A couple of last questions.

**Bonj Szczygiel:** You're just popular. You're a popular guy. This is from Nathan Tallman, Libraries. Will students have to agree to the COVID compact again when you're registering for spring? In other words, how long does the original compact apply?

**Provost Jones:** That's a good question. I'm not sure that we put dates on it. But yes, the compact will still be alive and well in the spring semester. The expectations we have of our students will obviously continue as long as there is COVID.

**Bonj Szczygiel:** From Amador at New Kensington. What about on demand testing for faculty and staff? The campuses have been left behind when it comes to testing for in-person faculty. I understand the vast number of employees at U Park and the need for the drive-through testing. But the campuses would like the opportunity for drive-through testing or something like it. I know we have the opportunity now in October to get a free test from Vault, but COVID is not only present in October.

**Provost Jones:** Right. So we have set up. I think as everybody is aware, we have provisioned-- I don't want to call it walk-up, because obviously in some instances it's drive-up, testing, but on demand testing for faculty and staff at all campus locations. At University Park, it is done by physically being able to walk up. And we saw a big uptake in the first week we offered that. It dropped off very, very quickly after that. And so, the numbers that we have seen at University Park for faculty and staff walk-up have been pretty minimal. In fact, at the campuses, where the populations are smaller, it's just not feasible to have walk-up on demand testing, as it is at University Park. And so that's why we work with those faculty and staff to provision their testing through Vault, which we think is an efficient and relatively easy way for them to get that without having to have a booth or a location to which they go.

**Chair Seymour:** Are you OK for a few more questions?

**Provost Jones:** Yeah, of course. Yes.

**Chair Seymour:** OK. I think Bonj, yours is next.

**Bonj Szczygiel:** We may have a point of levity. I'm not sure. This is from Thomas, again, at College of Medicine. I think that we should quarantine the Ohio State football starters for a full 14 days before the game, just a suggestion.

**Provost Jones:** Starting today.

**Bonj Szczygiel:** Just a suggestion.

**Provost Jones:** Thank you. Appreciate that. I'll pass it on to the athletic director.
Bonj Szczygiel: We have another question from Josh Wede, Liberal Arts. Does the University have an accurate count of the number of students at U Park and possibly other campuses that are being tested outside of Penn State? If they're tested outside of Penn State, are they a part of the contact tracing process?

Provost Jones: So that is a complicated-- no, it's a simple question, but it has a complicated answer. Certainly, at University Park we have been paying pretty close attention as best we can to students being tested outside of the Penn State infrastructure. Fortunately, there are a limited number of places where that can happen, and we have a good working relationship with those entities, which include Mount Nittany Medical Center and MedExpress up on Atherton Street.

We're not seeing large numbers. There was a period earlier in the semester, I think, where students seemed to be-- a number of students seemed to be going to MedExpress. They were never big numbers, but they were numbers. That seems to have dropped off, and the folks at MedExpress and Mount Nittany certainly give us a heads up if they see any changes that they think we should be concerned about.

Because any positive test in Center County, wherever it is done, gets reported to the Pennsylvania Department of Health, there is an expectation that contact tracing will be done. And it is done either by the Department of Health or by Penn State. And the Department of Health, who is also a very good partner with us, is looking to us to do the contact tracing for students. And so, we help them out in their contact tracing processes. So, I think it's probably fair to say that students who test positive in the area but outside of the Penn State system will be contact traced. It's a little bit more complex at the campuses. And I just don't have a good answer at my fingertips for what is happening there. But others probably are aware of what's happening at those locations.

Bonj Szczygiel: Another question from Julio Palma, Penn State, Fayette. We know since April or May that the pandemic has affected unprivileged populations, Black and Latino people. Do we have the demographics of the tests and positive cases in the Penn State community?

Provost Jones: That's a great question, Julio. We are looking really across the board at disproportionate impacts on populations and sub-populations, and so this is something we're very interested in. I actually don't have that information with me, but I can tell you as soon as I stop answering questions I'm going to reach out to my team and try to find out if we have any insight on that, because I think it is a very good question. I don't think it has been something that has emerged in conversations as a particular concern, but it is a question to be asked, nonetheless. Across the University, we have been very sensitive to the fact that different populations have been impacted differently by COVID and have worked very hard to try to make sure that appropriate resources are available as needed to every population. Great question. Thank you.

Chair Seymour: I think it might be it, and you might-- yeah, thank you, Provost Jones.

Provost Jones: Really?

Chair Seymour: Yeah.

Provost Jones: You're kidding.

Chair Seymour: If you wait, I'm sure it'll change.
Bonj Szczygiel: Yes, unless you-- I would run.

FORENSIC BUSINESS

Chair Seymour: All right. Thank you, everybody, and thank you, Provost Jones, again. Item G, Forensic Business. I'm happy to report there is none

UNFINISHED BUSINESS

Chair Seymour: Item H, Unfinished Business, there is none.

LEGISLATIVE REPORTS

Revisions to Senate Standing Rules, Article II-- Senate Committee Structure, Section 6k, Committee on Libraries, Information Systems, and Technology

Chair Seymour: Item I, Legislative Reports. The Senate Committee on Committees and Rules has one report today, as a revision to the standing rules that will also be voted on today. The report is titled, "Revisions to Senate Standing Rules, Article II-- Senate Committee Structure, Section 6k, Committee on Libraries, Information Systems, and Technology." It can be seen in Appendix B of your agenda. The report is brought to the floor by committee and needs no second. CC&R chair, Victor Brunsden, will present the report. And I would remind everyone to get their Poll Everywhere ready.

Victor Brunsden, Altoona: Thank you. This is, I am happy to say, a fairly dull piece of housekeeping. We are not discussing matters of national import. This is simply taking care of business. The origin of the proposed changes was last year with then Chair Nicholas Roland's charge to the committee. The committee examined their charges, realized that in addition to adding sustainability and a focus on sustainability to their charges, insofar as it applies to libraries, information systems, and technology, they also needed to add a representative of the Penn State University Press, that that was appropriate, and that there were a couple of mandated reports that had become entirely obsolete. In fact, one of these reports had been prepared by a committee that at that point was no longer in existence.

So, what you see before you is the result of that. I should add, thank you for the online comment. I appreciate the concern of the commenter who worried that adding yet another resource member to a committee might add too many non-senators. I don't think that this is a problem in this particular case. This is something that the committee-- in fact, the Libraries, Information Systems, and Technology Committee, in fact, themselves requested. So, this is essentially a piece of housekeeping, and I hope you will support it.

If I might add, on a personal note, I enjoy meetings as much as the next person, especially these plenary meetings. However, if I could beg my fellow senators, might we have not quite as many impromptu plenaries? Thank you.
**Chair Seymour:** Are there any questions for Chair Brunsden? Anything in Q&A or any raised hands? Are we sure there’s no questions? OK. It is now time to vote. Senators, you may cast your vote on Poll Everywhere. To accept, select A. To reject, select B. We’ll give this a little bit of time, just about a minute, and then we’ll move on. Because we’ll look at the tallies for this and the minutes towards the end of the agenda. Thank you, Victor.

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**ADVISORY/CONSULTATIVE REPORTS**

**Chair Seymour:** All right. Let's move on. Item J, Advisor and Consultative Reports. There are none.

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**INFORMATIONAL REPORTS**

**Chair Seymour:** Item K, Informational Reports. And we have three very-- really, not that we ever have bad informational reports. I don't want that inference to be there. But we have three very important informational reports today.

The first is from the Senate Committee on Faculty Benefits and is titled "Review of Principles for the Design of Penn State Health Care Plans." I might say that I must thank again Chair Saltz for being willing to move this one from the September 15 meeting, as we were running late, and it's very timely. It can be found in Appendix C of your agenda, and we've allocated 20 minutes for presentation and discussion. Chair Saltz, the floor is yours.

**Review of Principles for the Design of Penn State Health Care Plans**

**Ira S. Saltz, Shenango:** OK. I can't share my screen. Is someone going to allow me to do that?

**Chair Seymour:** Just hold on a second. We're seeing what we can do.

**Ira S. Saltz:** OK. Can people hear me?

**Chair Seymour:** Yes, Ira. We can hear you.

**Ira S. Saltz:** OK, thank you. All right. I'll try and be brief with this, but this is a review of the guiding principles in the design of Penn State health insurance plans. And the purpose of this report was to sort of take a look at how we were doing with these principles that were established back in a report presented to the University Faculty Senate in March of 2016 and based on recommendations from the University Health Care Task Force that was created in 2011.

We began having premiums be a percentage of salary beginning in 2012. Choice of plans was introduced in 2014. And we switched from Highmark Express Scripts to Aetna Caremark in 2018. Just some additional background information. That's one thing I don't like doing this remotely is I didn't hear all that uproarious laughter.
I did some benchmarking of the peer institutions. And 17 of the 25 other schools also offer their employees a choice of plan. So, Penn State started offering employees the choice of the traditional PPO plan and a high deductible plan, or an HDHP, with a health savings account effect, where the University would contribute money to those in the HDHP. That is not done by many of our peers but is more common perhaps outside of academia. The migration into the PPO savings plan, which is our HDHP plan, has been slow. The first year it was offered, 15% of the people enrolled in it. We're now up to, I think, 32% is the latest figure.

The theory behind these high deductible health plans was that because consumers are being charged a price that's only a fraction of the cost that there would be quite a bit of overspending in health care, and that if people had to pay the full price for their health services, they'd be more discriminating-- you know, do I really need to do this, go see the doctor for this-- or that they would shop around, that they would become more price conscious. So, there was the hope that this would reduce overspending, discourage use of unnecessary health services, encourage members to shop around, and that there would be generally fewer claims.

The problem-- some of the arguments against these plans is that it's not always clear what services people may forego. If people are foregoing primary care, then they may actually not get diagnosed with a chronic condition they have that could become more serious and actually lead to greater expenses in the long run. Another problem is something that we call adverse selection, where those who know they're going to have lower claims choose the cheaper plan, causing those with higher claims to then be stuck in the higher costs plan and having to pay more of their own costs, versus a system where there was just one plan.

The other thing is that the theory behind high deductible health plans assumes that we are informed consumers, that we can make the correct judgment as to whether or not we need recommended health services. Also, the high deductible health plan puts the employee at a little bit of a greater financial risk should they suddenly have a major health care expense arise. One of the co-founders of these high deductible plans admits that he created or suggested these plans to circumvent laws prohibiting health insurance companies from charging higher premiums to those who have a history of higher claims. If that's the case, then this would mean that there most certainly is probably adverse selection going on, and people with higher health claims are now paying a higher percentage of their costs.

Many of the research suggests that the success of these high deductible plans depends on members actually shopping around. Many studies show that people are perhaps foregoing the wrong health services, in that there are now cases where many employers are actually abandoning the high deductible health plans. And here are my citations for those studies that I talked about that.

What I think comes out of this is perhaps investigating whether or not adverse selection is occurring at Penn State. Are members in the PPO savings plan utilizing the pricing tools, the lower cost labs, and engaging in other methods of shopping around? Are members in the PPO savings plan perhaps under-utilizing primary health care? I think those are all questions we'll have to continue to look at.

Who's been choosing the savings plan-- looking at the data, we see much more so younger workers who are more likely to be low claims individuals. So again, some evidence that there could be this adverse selection. Other data suggests also that higher salaried employees are choosing the PPO savings plan, which is consistent with the notion that higher income people are less risk averse. Also, maybe because premiums are increasing with income and higher premiums for those in the PPO plan. OK.
The second principle was this notion of a 75-25 cost share, where the University is paying on average 75% of the cost and 25% by the employee. And again, it should be noted that this is on average. And in general, with the theory of insurance, we would expect that people who have lower claims would pay a higher share of their costs out of pocket. And that is happening in our plans. And this target applies to both plans. Based on a very small sample of Big Ten universities, the 75-25 share appears to be competitive, as most of our peer institutions have roughly the same target. So that puts Penn State at least about average there.

Continuing with principle three, which is where I think we'll see a lot more of the discussion, I suspect, is the affordability inequity. The concern was arising that with the increasing cost of health care that even the University paying 75%, that the 25% was still a significant amount of money for many of the lower salary people. So that was why the University then went to a system of basing premiums on income in other parts of the plan, too.

Now, of the 25 peer institutions I benchmarked, only five had a structure where not everyone was paying the same premium. Just an example, but again, it's a different situation. They have their own medical facilities. Ohio State had a lower cost plan for those below a certain income threshold based on household size. And employees in that income threshold would submit a copy of their federal tax return to verify their income and could qualify for that. The Penn State plan premiums are proportional to salary, deductibles and HSA contributions based on salary band as well.

Currently, though, those earning over $140,000 do not pay any additional premiums on their salary above 140,000. Now, why? Well, this is to remain competitive for high salary talent, and also the risk is if we start charging too high a premium for high salaried employees that if they have a significant other that they could get health insurance through that they would leave the Penn State health plan for that other plan, leaving the burden to subsidize the lower salaried employees on more of the middle income employees.

All right. So, in this data that I'm going to present, this is based on 2018 claims data, unless otherwise stated. So, we looked at what would the alternatives be? So, supposing we return to a flat premium structure-- and you can look through these charts. This would show the difference. Those on the PPO plan in single coverage who have an income of, let's say, 90,000 would pay $275 a year less than under the current plan, for example. So, what it's showing is that those in the salary band here that's in green would pay less under the flat structure than under the current structure.

Doing it for the family coverage-- yeah, this is for the savings plan. Here's for the single coverage and the family coverage. I want to try and go through these quickly here. Here's what I have. Savings for those above making more than $140,000 in salary, what they're saving as a result of the salary cap. And we can see that certainly somebody earning $400,000 is paying $12,194 less in premiums than if this cap didn't exist. And then this is the subsidy where I'm comparing what the premium would be if we had a flat premium versus the current structure as a percentage of their income. So interesting, if we went to a flat structure and somebody had a $20,000 salary, they would actually have to pay 12.1% more of their income for premiums.

All right. Then we looked at a second alternative-- keeping our current structure but raising the cap to $285,000. And so, we redid those tables just for the PPO plan single coverage and family coverage. In this case, those numbers in green would be the reduction in premium as a result of raising the salary cap. So, people earning less than 140,000 would see some decrease in their premium, while those with a
salary of more than 140,000 would see some rise in their premium. Those earning 285,000 in the family plan would have to pay an additional, like, $6,045 a year in premiums. And then this is for the PPO savings plan. And again, we're doing the subsidy as a percentage of income.

And this data here represents saying, OK, supposing there was no cap. And we know what premium they would be charged. And then what I have in the second column is I take their premium plus the average out-of-pocket expense for the people on that plan. So, for example, the PPO plan, those in the individual plan. And then what their premium plus out-of-pocket expenses would be expected to be as a percentage of-- what did I-- average share. I've got all these controls in my way here. Oh, average of their claims, of the average claims.

So, for example, somebody earning $400,000 in the PPO family plan, they would end up with paying premiums of $18,760, and the average out-of-pocket expenses, that comes to 21,341. Well, that would represent 106% of the average claims. So that's what I did in this chart. And then below this saying, well, what if we made the cap based on a percentage? So, let's say we're going to cap it so that that number came to only 50% of their average claims. Then for a person in the PPO plan, family plan, that cap would then be at a salary of $159,400. And then you can see the other tables. This is for the PPO savings plan.

And then here, just under the current plan, this is the relative costs employee is paying based on their age. Those who are in 18 to 29 age in the PPO plan are paying approximately 30% of the average claims of the people in that age range. As we get into the older individuals-- so those who are 60 and older-- they're paying an average of 18%. In the PPO plan, they're paying 40%-- the young people are paying about 40% of their total claims, whereas those 60 and older are paying about 29%. So instead of the 75-25 rule, it really is age dependent as well as which plan. It's also going to depend on obviously whether you're a low user or a high user of, did one for average cost share by salary. And again, as expected, the higher your salary the more you likely paid as a percentage of your total claims out-of-pocket.

Principle number four is informed utilization. Are people using the pricing tools and shopping around? Number five, cost transparency. There are pricing tools if people go to CVS, Kmart, the website, which allows you to compare prescription prices at various pharmacies. Aetna has a pricing tool for certain common medical services. We have the IBM benefits mentor, which uses your own claims to determine which plan would be the lower cost plan for you. And we also put out information, the JCIB annual report, and other reports.

Principle number six, promoting wellness. Obviously, there were some missteps-- for example, the smoking surcharge. Turns out that, what, there was only 35 people who were smoking at Penn State. And then other missteps which didn't exactly bring very favorable press for the University. So actually, I haven't spoken a lot about those last three principles, because the report was becoming long enough. But I thought that principles one through three would probably be of most interest at this point.

Next steps is perhaps a forensic session in December and then for the spring potentially an advisory and consultative report, based on feedback from this presentation and the forensic session. Happy to take any questions. And I think Greg Stone is also standing by.

**Chair Seymour:** All right. It looks like we have a couple of questions for you, Ira. Bonj.

**Bonj Szczygiel:** First, just a general comment, Ira, from Jonathan Matthews. It says, this was an extensive report. Many thanks to the authors. And we would all in this room also heartily thank you for
all that effort and work you put into it. There is a question from Thomas, College of Medicine. Tying premiums to salary is an effort to make the insurance seem fairer. But two faculty members doing the same job and earning the same salary sometimes pay a much different premium based on their spouse's employment insurance options. There is no perfectly fair solution. There are pros and cons to each. In our world, at Penn State Health, if a surgeon is married to a nurse even within our own system, they get their family's insurance through their spouse.

**Ira S. Saltz:** Yeah, that's absolutely true. You know we have no idea what the household's income is. We only know their Penn State salary. So yes, that is certainly an imperfect system. And this was also a good illustration of what I'm talking about. If we try and increase the premium too much, took away this income cap, that's right, that we would have a lot of the high salaried employees switch to their significant other's health plan, and that would mean that our efforts to try to subsidize the lowest salaried employees would fall more on middle and upper middle income salaried employees.

**Bonj Szczygiel:** Another comment from Nick Rowland, Immediate Past Chair, Altoona. Thank you, Ira, for this outstanding report. It's a testament to your good work and diligence as a committee chair. No question. Just my thanks. Irene Jones gives a hearty "agreed." We do have a question from Rose Jolly, if we have time, Beth. OK. Liberal Arts. I have concerns about the merger between Aetna and CVS. How has this affected cost? Greg, you want to take this one?

**Greg Stone, Human Resource Department:** All right. I appreciate it and appreciate being part of the plenary session today. Great question. So as many of you may know, Aetna and CVS Caremark--Aetna is the medical third party administrator, and CVS Caremark is the pharmacy third party administrator or pharmacy benefits manager-- they have merged and have become part of the overarching CVS Health parent company. That being said, Aetna and CVS Caremark do remain operationally separate. So, in terms of impacting costs, given that the University is self-funded, the actions of an Aetna or CVS Caremark wouldn't impact the University's cost per se. And understanding that on the medical side, Aetna negotiates those contracts with the providers, and CVS Caremark separately negotiates the cost of the pharmacy or the medications with those manufacturers. So overall there isn't any impact on cost to the University as a result of that merger.

**Chair Seymour:** I think there may be a hand raised. Nathan Tallman has his hand raised.

**Nathan Tallman, University Libraries:** Thank you. This comment is related to but not directly of this report. It is based on my own personal health care and a constituent who shared a story with me. And I make this comment to raise visibility for other senators. But since the ACA was instituted and this sort of idea that preventative care should be part of your insurance plan, many providers have started to be very sneaky with their medical billing practices. I and others have seen providers try to bill for preventative care when they shouldn't. It requires close monitoring of our medical bills and the explanation of benefits and for us to push back on the providers. I have actually left two medical providers due to unethical billing and complained to the State Insurance Commission and Attorney General. But because this is between patient and provider, I don't know if there is much of a place for the Senate to do as a collective action. But just to raise awareness and to-- you know, folks, check your bills. Don't just pay them mindlessly, because we are sometimes getting charged inappropriately. Thank you.

**Ira S. Saltz:** Great comment. Great comment.

**Chair Seymour:** Thank you, Nathan. I just wanted to say he's University Libraries, for the record.
Ira S. Saltz: Great comment. You know, as chair of Faculty Benefits, I get emails from faculty quite often. And a lot of it often has to do with being overbilled and all of that. Yeah, right. Number one recommendation don't pay any bills until you've looked at your explanation of benefits. And you only owe what—there should be a line on the explanation of benefits that says the amount you owe, and that's the amount you owe. If you're having a problem with a certain provider who you think is overbilling, get in touch with Health Advocate, through the employee assistance program. Just go to Penn State's website, put in Health Advocate, it'll come up, and you can contact them.

Chair Seymour: We have a couple more questions, Ira. I think they're in Q&A.

Bonj Szczygiel: We've got Rose Jolly, Liberal Arts, commenting on the removal of income cap will differentially affect single parent families. We have another question from Matt Jordan, Communications, and it was heartily seconded by Maureen Jones, Health and Human Development. Is the medical school still using Highmark instead of Aetna? And if so, why?

Ira S. Saltz: Greg?

Greg Stone: I think you may be referring to Penn State Health. The College of Medicine are University employees, so they would be covered under Aetna and CVS Caremark.

Bonj Szczygiel: I guess the follow up to that is, if so, why?

Greg Stone: If so, it why are College of Medicine employees covered under Aetna and CVS Caremark?

Bonj Szczygiel: I believe that is it, yes.

Greg Stone: Because they are employees of the University, and the University is contracted with Aetna and CVS Caremark.

Chair Seymour: Do we have any other questions?

Bonj Szczygiel: Folks from York. HDHPs assume that it's possible to shop around for health care. Health care costs in the US continue to be opaque to the consumer. Further, it assumes that one provider is equivalent to another, and thus price shopping is appropriate. That is not the case. Health care costs are often grossly inflated beyond the actual cost. As an example, my insurance was charged $650 for an item available for less than $50 on Amazon. HDHPs make the consumer responsible for these charges, and neither the organization nor the provider has incentive to keep costs down. Finally, HSAs can only be used when the funds are already in the HSA. A low-income employee who incurs a large charge in January will not have access to all funds that will ultimately be deposited. This is unlike flex dollars. This may make an employee less likely to incur the cost. In short, has anyone assessed who accrues the largest benefit from HDHPs—employers or employees?

Ira S. Saltz: A bunch of great points there. The first part of that, I guess, certainly goes to the design of the US health care system. So that's not something we'll get into here. But that certainly is true, the price is highly inflated. And it's not very transparent. And I think that was one of the points that I brought in the presentation, that the assumption that HDHPs would be beneficial is that it would provide incentive for employees to shop around. The question of how well can you shop around is another issue. What was the second point again?
Greg Stone: Ira, maybe I can take on a couple of the additional things that had pointed out. In the case of the University's PPO savings plan, the health savings account, the seed money is actually put in in a lump sum at the beginning of the year. So that entire amount is accessible to each and every employee who participates in the PPO savings plan. And the IRS does permit additional contributions of the employee, which can be made at any time in the year, if individuals want to plan out when they may need a particular service, or if it's an elective type of surgery. So, I did want to point that out.

And then in terms of the costs, the provider costs, understanding that what are submitted by providers as billed charges are not necessarily what is actually paid. And that's up to Aetna on the medical side to negotiate with their in-network providers what an allowed charge will be. So, to the points earlier around check your EOBs, what you're going to see their billed charges is never what you're going to pay. It's going to be based on those discounted fees. So, plan design, whether it's the PPO plan or the PPO savings plan, those plan designs don't impact the cost of services. Those are based on the negotiated rates between the insurance company and the provider. So, I just want to clarify that.

Chair Seymour: Well, thank you both. We need to move on. But thank you, Greg, and thank you, Ira. Brilliant report, so thank you both.

Greg Stone: Thank you.

Chair Seymour: Let's move on to the next item. Our next report is the Senate Committee on Educational Equity and Campus Environment, "2020 Penn State Community Survey," and you can find it in Appendix D. At least 15 minutes has been allocated for presentation and discussion. Chair Blockett and Associate Vice Provost for Educational Equity Dr. Sonia DeLuca Fernández will take the floor. So, thank you.

2020 Penn State Community Survey

Sonia DeLuca Fernández, Associate Vice Provost: Good afternoon. Thank you very much. Will I be able to share my screen?

Chair Seymour: Yes, you should be able to.

Sonia DeLuca Fernández: Thank you. Disabled screen sharing. I can just keep talking. The University Climate Study Working Group was formed in September of 2018. Lance Kennedy Phillips and Marcus Whitehurst charged the group on behalf of Nick Jones. And that group had been meeting for about 18 months, and then the survey, the first ever all-University climate survey addressing issues of diversity, equity, inclusion— we called it "The Penn State Community Survey" was administered earlier this year. It was open for five weeks, February through March. And that was based on work that the Climate Study Working Group did, a group of 19 to 21 people, including participation from Faculty Senate, that vetted instruments, collected community feedback, and ultimately chose an instrument that we would be able to customize with supplementary items— the working group also wrote supplementary items— from HEDS, the Higher Education Data Sharing consortium.

So, what I'm sharing now is the landing page. These links are located in Appendix D of the agenda. But this is the landing page for the community survey. You can see that there are options for the dashboard as well as the report. We encourage you to peruse the entire report. This is what you land on when you look at the dashboard. We start here with the first of six topics titled "Belonging and Inclusion." These six
topics influenced the administration and creation of the survey. And this is where we land. We look at all of the responses, over 20,000 of them, throughout the University, students and employees. And we just want to let you know that a lot of your questions are going to be “it depends,” unless we get specific with context and some inquiry.

So, I'm just going to use one example here, looking at Belonging and Inclusion. We can see the overall campus climate satisfaction. If I choose gender identity at top with the toggle slicer, we can see that the results differ by whether or not someone is man identified, non-binary gender queer, or woman identified. The same holds true if I check now on the sexual orientation toggle button. And you can see that the results then vary by some of those values. We can also look at a completely different picture if we select for respondents who identify as having a temporary or permanent disability. So, we encourage you to spend time and to poke around on these dashboards that are publicly available. And Karen will be walking us through some results we thought were particularly interesting for this group today.

Karen Vance, Associate Vice Provost: Thank you, Sonia, for that introduction to the survey. And thank you, Senate, for having us here today. And so, I hope you can see my screen and see the dashboard in front of you. So as Sonia mentioned, this is the dashboard that we have. One of the things we wanted to show was some of the responses from faculty members.

So here you see overall campus climate ratings of satisfaction for faculty members across the University. If we click across the top, we can see the various options. If we wanted to compare a group or unit within a campus to the total University results, we could do that. I want to skip over to race and ethnicity for a minute. So right here, these are the responses by self-identified race and ethnicity for overall campus climate. And as with sexual orientation, gender role, we do see some differences across race and ethnicity.

One of the things we would like to look at is intersectionality. So, we can go over to gender, for example, and see the results by gender. But we can also look at the results by race, by gender. So over here under the race and ethnicity filter, we can select African and African American, Black and Caribbean, West Indian, and we can see what some of the differences are here in terms of intersectionality. And that was very important to the working group. And as a result, we designed the dashboard to be able to look at the results in different ways.

And here again you see quite a bit of difference between man identified and woman identified respondents in terms of satisfaction with overall campus climate. One of the other results we may want to look at as a faculty member is "I feel included in our research community at Penn State." And because we can select by campus, group, and unit, we can select by University Park here and see what differences we may see across gender and across race and ethnicity. I can clear this race and ethnicity filter out so that we can see the differences here across race and ethnicity for faculty members at University Park.

We can also go up here and look at experiences with stereotyping and microaggressions. When we go there, we'll notice that the role resets. So, we'll want to go back and select faculty as the role. And that's the role of the respondent from the survey. We can start here again with race and ethnicity and look at some differences across race and ethnicity. What you may see here is that-- let's go down here and look at-- oh, I think I moved off of the-- sorry. So, if we go back to Belonging and Inclusion and we go back to faculty, we see both "I feel included in our research community" and "I have access to a research community." So, these are some of the various survey items within the factor of Belonging and Inclusion that we can look at.
If we go down to Institutional Commitment, I want to show you one more. If we go down to Institutional Commitment and again we choose employee and we choose faculty to get our colleagues as faculty senators, we may look to see recruitment of historically marginalized students, faculty, and staff as an institutional power. Here we see that about 21% of the respondents strongly disagree or disagree with that statement. If we go and look at race ethnicity, we see that the differences are quite evident between African and African American, Black faculty members and some of the other groups.

We can go and look at gender if we would like. We can look at only woman identified respondents, or we can look at man identified respondents. Again, it was terribly important for the working group, understandably so, because of best practices in this area, to be able to look at intersectionality. So as such, we've set this dashboard up for users to be able to do that. Also in this dashboard we have response counts, we have survey questions, and we have a user guide that will allow people to see what all the various questions are in one spot, and then look to see what the response counts are for various filters within the dashboard.

Chair Seymour: Thanks, Karen. Do we have time for some questions?

Karen Vance: Yes, I think we do. So, there was a question about-- oh, I'm sorry. Do I need to read these?

Chair Seymour: No, sorry. I have to manage the questions. I'm sorry about that. It's just our protocol.

Karen Vance: I understand.

Chair Seymour: But thank you very much for being willing to stand for questions. Could we go to Q&A? It looks like we have a couple of questions.

Bonj Szczygiel: We do. We have Bryan Anderson from Penn State Hershey, full tenured professor. He makes the observation that we were excluded from taking the survey.

Karen Vance: That is correct. So, we looked at Penn State employees. So, College of Medicine faculty were included in the original distribution based on if a person was a Penn State employee or not.

Bonj Szczygiel: Another question from Strickland in Harrisburg. Thank you for this important work. We would like to engage with these data but have encountered a serious limitation as presently we are given just percentages for our campus with no sample size. Without sample size, the percentages are not helpful. Is there a way to get the sample size for these numbers?

Karen Vance: So, one of the things we looked at is making sure that we ensure confidentiality of the results, especially in this space where people want to feel safe providing the responses. So, we did ensure that no results would be reported for fewer than 20 responses within a cell. So, we do know that there are at least 20 respondents in each cell.

Bonj Szczygiel: We have another question from Nathan Tallman in Libraries. Are there any plans to benchmark the community survey data against our peers?

Karen Vance: So, one of the things the working group looked at was to identify a survey where we could benchmark against our peers. And what we found was that there wasn't one survey that was out
there that addressed all the priorities that were brought forward by the community, by the working group and such. So, the survey, given that we had to add some items to meet people's needs, we don't have another institution right now from our peers who is administering this particular survey. It would be fortunate if we could bring on other peers that we could benchmark against. But we are also planning administering this in three years so that we will be able to benchmark against ourselves.

**Bonj Szczygiel:** Another question from Williams, Science. Thank you so much for these data. I especially appreciate the ability to interact with the data on the dashboard. It's very helpful. What are the next steps, your main takeaways, or action items? And specifically, are there areas that you identified that are most important for immediate action?

**Karen Vance:** That's a great question. Staff from the Office of Educational Equity have been engaging every single strategic planning unit to support the expectation that every planning unit will use the results of the Penn State Community Survey to create action plans. All of our strategic planning units right now are in the middle of finalizing their own unit's strategic plans. And so, we are offering any support by way of resources, reviewing, and summarizing or interpreting some of those results for units and how they might want to use it.

So the short answer to that is, it depends on what your unit has flagged as significant or actionable or important to existing priorities and in forwarding the foundation of the strategic plan, advancing inclusion, equity, and diversity. So, one is an immediate tangible action plan creation by the unit. There are others that we hope that these results will be used for all sorts of engagement with existing commissions' and committees' task forces. But I can also share that it's being used in the community. These results are public. So even in the State College area, there are community groups who are using some of the results that engage off-campus contexts to plan their work as well. So, we think there is a lot of application for how the results can be used.

**Bonj Szczygiel:** Got another question from Greg Shearer, HHD. Is there a reason religious affiliation is not included?

**Karen:** So, we are still developing these dashboards. There were a number of demographic items in the survey, and religious affiliation is one that will be rolled out as part of this dashboard. There are others as well from the survey that will be included as well. So please look for more. We will continue to work with this data and update the dashboard.

**Bonj Szczygiel:** Another question from Allen Larson, Science. So, what happens with the data next? Whose job is it to analyze it and make recommendations and propose action items?

**Karen Vance:** So right now, that is a unit-by-unit sort of answer. So, it depends on your unit. Some deans and chancellors are involving really community-wide groups to get feedback, to process, to figure out what the community thinks is important. Others have folks who have been particularly engaged in strategic planning, and they're providing leadership in this area. So unfortunately, that depends on the unit, college, or campus.

**Bonj Szczygiel:** Huang from Lehigh Valley makes a comment that the response rate is quite low, 17%. The survey results might be misleading or give an incomplete picture of the real climate.
Karen Vance: So, in this work, particularly for climate surveys, the overall rate could be seen as low. The overall student response rate was 13%, 14%, which we were quite pleased with, particularly as we compare it to student participation in the Values and Culture Survey. Our employee participation rates were very robust, and we feel really good about this first attempt, obviously learning lessons along the way, and we're going to have increased efforts to boost student response rates in particular. But our employees, particularly staff, faculty, administrators, and executives, with participation proportions over 30%.

Bonj Szczygiel: Strickland, Harrisburg, is submitting a follow-up question. We respect your desire for confidentiality for less than 20. How can we as a campus, wanting to be responsive to these data, get the sample size for those over 20.

Karen Vance: So that's a really good question. And I think that's something we can consider and go back and talk to the team and certainly follow up on.

Bonj Szczygiel: Another response from Rogerio Neves indicating that the question from Dr. Anderson was not answered. We are Penn State faculty, but we were excluded.

Karen Vance: Right, and we'll need to look into that. All the employees who are in workday were included in the distribution list, in the email distribution list. And so, we'll definitely look into that more and be able to better answer that question.

Chair Seymour: Thank you. Are there any other questions?

Bonj Szczygiel: Just a follow up from the same individual observing why, behind the scenes, not being treated as Penn State Faculty anymore. Now we've become Penn State Health and not considered part of Penn State, as we were before this new rebrand, PS Health. We were not even allowed to answer this important survey. Less a question, just a comment.

Chair Seymour: Are there any other questions?

Bonj Szczygiel: One just popped up. Williams, Medicine also. Many faculty members do not answer these surveys if they are the only African American faculty member in a unit, for example, because this will not really be anonymous.

Chair Seymour: I think that's mostly a question. Do you all want to respond to that at all, or--

Karen Vance: So, I don't disagree with that statement in terms of individuals feeling as if they won't really be anonymous. And I hope that as we build trust in these data and in making sure that we do use that sample size of 20 or more that we can build some sense of trust among faculty so that all voices can be heard and not be silenced.

Chair Seymour: Well, thank you very much. Thank you for presenting to us but also taking these questions and I think building a really robust system moving forward. So, thank you both. Thank you, [? Karen. Thank you, Sonia. Thank you, Educational Equity and Campus Environment, for bringing it. And Chair Blockett, thank you so much. Our final report is the Senate Committee on Intercollegiate Athletics, "Annual Report of the Senate Committee on Intercollegiate Athletics Academic Year, 2019-2020,
Division 1 Athletics and University Park.” It can be found in Appendix E. We've allotted 10 minutes for presentation and discussion. Chair Stephens, the floor is yours.

**Annual Report of the Senate Committee on Intercollegiate Athletics Academic Year, 2019-2020**  
(Division 1 Athletics and University Park)

**Mark Stephens, College of Medicine:** Chair Seymour, thank you very, very much. I'm also with the College of Medicine, and I would be remiss in not commenting that sitting on the Senate Council for the College of Medicine, we all are very diligent about coding. So, I'm not here to talk about coding. But I just want to reassure you, your Penn State Health colleagues do our best.

Thank you for the opportunity to discuss the Annual Report on Intercollegiate Athletics. I would just draw your attention to the materials provided. I'm not going to screen share. I'll just go through some highlights. I want to highlight also Dennis Scanlon is on the call. Dennis is our Faculty Academic Representative, and this work is largely his. So, I want to acknowledge Dennis and the hard work he puts into this report as part of his duties as the FAR. I also want to acknowledge Lynn Holleran, who's on the call from Athletics. And both Dennis and Lynn are standing by for questions.

Just a few high points, if you would-- I think it's important that less than 1% of all of our student athletes, who number around 800 or slightly higher, are ineligible due to academic reasons. I think Penn State does an extraordinary job in supporting students in general and the student athletes for sure. Last year, 74% of our student athletes who graduated did so with a GPA of 3.0 or higher.

Just a few items from our work last year-- the previous year we submitted a report on options and the tools, resources available for student athletes subject to a toxic or abusive coaching environment. We looked into the Varsity Blues, and if you're following the news, that is still just now wrapping up. So we dug into Varsity Blues from a Penn State perspective. Again, thanks to our Athletic Integrity Officer, Bob Boland, for helping with that.

We decided as a community that we would no longer engage with the Coalition on Intercollegiate Athletics. A little bit of the history of that is provided in the document for you. We didn't see it advantageous to the institution to continue with that partnership. We continue to go through the 67-00, which is both University Park and Commonwealth Campus Athletics. It's actually split out into a 67-10, 67-30 now, in particular looking at missed class time, ensuring that our student athletes are engaged in their academic endeavors as much as possible.

Thanks to Rob Pangborn for his help looking at reserved spaces. There's a few numbers there for your review about the reserved space utilization. At the very bottom, it's under H or Hotel, there's a little bit of talk about graduation success rates, academic progress rates, and federal graduation rates. There's actually three ways of looking at the academic success and progress of students. And I confess personally to annually being a little bit confused by this and thank the committee for looking into what does all of that mean on a granular level, but also on an institutional level. And I would highlight for this group that the graduate success rate is at 91%, and that's outstanding and it continues actually to increase.

Over the past year, we revisited the missed class time policy, and that stands at eight. For our institution, Dennis has done a nice job comparing with other Big Ten institutions. And I think we fall right about in the middle in that regard. We also had a group look into legalized sports wagering. If you follow sports on television, it's hard not to notice that legalized sports is a thing. And Pennsylvania is part of that
landscape. And so, a subcommittee in the memo is in Appendix A for your review there as well. Thanks to Vice Chair Terry Blakney, who's been very great helping with commonwealth’s campus activities. That's the 67-30 part of the document. And so non-conference competition update. This year we'll be looking at name, image, and likeness. Again, if you're following the NCAA and intercollegiate athletics across the national landscape, this is becoming more and more of a thing, so we have a subgroup looking at that this year. We'll be engaging with Tim Robicheaux and Student Life, looking at behavioral health this year as well.

I wanted to highlight that under Section F is a description of our Faculty Athletics Representative activity. But again, kudos to Dennis for really the yeoman's share of the work putting this committee together. I think those are the highlights that I wanted to make. If there are questions, very happy to entertain them. And Dennis and Lynn are standing by for you as well. So, thank you for your time, everyone.

Chair Seymour: Thank you, Mark. Are there any questions for Mark or Dennis or Lynn?

Bonj Szczygiel: None here, Beth.

Chair Seymour: I don't think we have any questions, Mark. Thank you. And thank you, Lynn and Dennis, for being available. We had a little feedback. Thank you so much.

All right. Now let's look at the results of our earlier votes. Anna, please share your screen and read out each report's name and the results of the vote for the record.

Anna F. Butler: OK. So, the attendance vote, there was 170 presents. The vote to accept the September 15, 2020, minutes, there was 158 accept and 0 reject, so it passed. Revisions to the standing rules--libraries, information systems, and technology, there was 153 accept and 4 reject. So, it passed.

Chair Seymour: Thank you very much, Anna, for keeping track of that for us. And thank you, everybody. And I've got to say, thank you, Senators, you have some staying power. Because the vote totals didn't drop there over that period of time. So, thank you.

NEW LEGISLATIVE BUSINESS

Chair Seymour: Let's move on in the agenda. Item L is New Legislative Business. Is there any new business?

Erin Boas, Liberal Arts: Yes, I have a motion for new business.

Chair Seymour: OK. What's the motion?

Erin Boas: Thank you. This is Erin Boas, UPUA Student Senator of the College of Liberal Arts. In an effort to contribute to our University's commitment to our students and more generally persevere in these trying times, I move to consider the following item--a resolution entitled COVID-19 Resolution on Reenacting the Satisfactory- Unsatisfactory Grading System for the Fall 2020 Semester. This resolution encourages AQ to reconsider item 14 regarding violations of academic integrity in their G-11 procedure
developed this spring to implement the Senate's alternative grading policy 49-70. Additionally, we also ask the Senate to consider the current situation for students in the fall 2020 semester to be a matter of special Senate concern and reenact for one semester's time Senate Policy 49-70, Supplemental Satisfactory Grade, Passing Grade, No Grade, grading system for bachelor and associate degree candidates. Finally, we ask the Chair of Faculty Senate to conduct a Special Senate Session on October 27, 2020, regarding this resolution. Thank you.

Keith Shapiro, Parliamentarian: Once the motion is made on the floor during this period, it needs to remain on the table until the next meeting. So that last point, because we're talking about a date that happens before the next meeting, we won't be able to discuss it until we have another Senate meeting.

Chair Seymour: But first I need to ask, do we have a second for the motion-- for the resolution about alternative grading, if I can summarize. OK, we have a second. At this point, it sits as new business, which is what Keith, the parliamentarian, Keith Shapiro, was explaining. It sits as new business until the next plenary, which is December 1. And then it will come in as unfinished business.

Keith Shapiro: Yes, that's correct. That's correct.

Chair Seymour: All right. Is there any other new business? Hearing none, and I think my eyes are seeing none-- or at least the eyes working for me, because I don't have a screen-- Item N are Comments and Recommendations for the Good of the University. Are there any additional comments for the good of the University?

Erin Boas: I also have a comment, if that's OK. This is Erin Boas again from the-- sorry, Student Senator of the College of Liberal Arts. In light of the previous resolution under New Legislative Business, I would like to provide some brief timely context. Over the past few months, myself and fellow representatives of the University Park Undergraduate Association have listened to an overwhelming majority of students advocate for the re-implementation of the alternative grading system under Senate policy 49-70 for the fall 2020 semester. After discussions in multiple committees of the Faculty Senate, the UPUA decided to launch a University-wide survey of students.

The survey has received 5,270 responses as of October 19, 2020, at 9:06 AM Eastern time and has signaled an overwhelming need for the re-implementation of the alternative grading system. We have compiled a report of our findings, which many senators have already been able to review, but will probably be emailed out to the entirety of the Senate following this meeting. The qualitative and quantitative data recorded in our findings implores the Faculty Senate to recognize this semester as a situation of special Senate concern. Of the survey respondents, 68.75% responded yes to their intent to utilize the alternative grading system for the fall 2020 semester, should it be enacted, while 27.62 responded maybe, and only 3.63 responded no.

Contrary to widely circulated rhetoric, the data indicates that students that did not utilize the alternative grading system for the spring 2020 semester did so because of general satisfaction with their grades rather than lack of awareness or understanding of the alternative grading system. The survey also allowed us to gather valuable student testimonies on the realities of the fall 2020 semester has provided, including but not limited to financial burdens, impact on international students, mental health, and overall academic success. These testimonies that are attached to the survey report further signal why this discussion is necessary. One student expressed, quote, "I am staying at home working around 40 hours a week. These just aren't enough hours in the day for me to adequately study to succeed in some of the classes."
Regarding mental health, one student replied, "The idea of failing or doing poorly due to the immense increase in possible detrimental outside influences that affect state of mental health, studies available, and availability of academic help is troubling. I think having a back-door option there just in case would be very beneficial, because every student's academic and personal life is affected differently," end quote.

And these are just two testimonials among over 120 responses that all clearly point towards an overwhelming need for the re-implementation of the alternative grading system. We ask that you review the report and join the Penn State student body in advocating for the re-implementation of the alternative grading system. Thank you very much for your time, and I appreciate how carefully the Senate will consider this resolution and complementary reports. Thank you.

Chair Seymour: Thank you, Erin. I think we have a couple of more maybe comments for the good of the order.

Bonj Szczygiel: We have a comment from Foley-DeFiore. Is it possible to suspend the rules considering discussing this motion? If it were considered by December, it would be far too late. And then a follow-up from David Smith, DUS, asking is that possible, to suspend the rules?

Chair Seymour: It is possible to suspend the rules. I ask if this is a motion to suspend the rules.

Bonj Szczygiel: So, moved from Foley-DeFiore.

Chair Seymour: Do I have a second?

Bonj Szczygiel: You have several, a plethora.

Chair Seymour: Just find one for the record. Anyway, so we now have a motion on the floor to suspend the rules. I will remind everyone if you were at our last plenary of September 15 that to suspend the rules we need a 3/4 vote. And what does suspend the rules mean? It means we change the order-- basically we can now take up that resolution and vote on it today if we suspend the rules. If we don't suspend the rules, then it is automatically on the December 1 agenda. Any discussion on suspending the rules? Now it's a motion on the floor. We're open for discussion.

Bonj Szczygiel: Just to identify a second was Lisa Chewning.

Chair Seymour: It looks like we've got a hand up by Foley DeFiore. I think you're unmuted.

Ranier Foley DeFiore, Smeal College of Business: Yes, ma'am. Thank you. This is Ranier Foley DeFiore, Academic Representative of the Smeal College of Business, senior at Penn State University, member of the University Park Undergraduate Association. The reason I move to suspend the rules is that I believe this is a pressing matter not only for students but also for advisors, faculty and staff alike. Moving this resolution to December 1 would mean that even if this resolution did pass, far too much pressure would be put on the advisors, faculty, and registrar to then execute the resolution in a timely manner. If we consider this resolution now and decide whether or not we should apply alternative grading for the students this semester, a comprehensive and thorough plan can be set in motion to effectively inform and educate all students across the University so that we can equally share the workload of implementing an alternative grading plan. That is why I believe we should be considering this resolution today as opposed to waiting until December 1, when the workload will then be pushed around to different
members to make sure that everything gets executed in a timely manner. Thank you for considering this motion.

**Chair Seymour:** Thank you. Does anyone else want to speak to the motion? Anyone else have a question? Hearing none. Can someone help fix the feedback? So anyway, we're trying to fix the feedback in the room.

**Chair Seymour:** All right. I'm going to try again. Oh, it sounds like we're cleared up. Good. Sorry about that. A little bit of technical difficulty with so many computers in the room accessing things. It got a little feedback-y. Anyway, did we have any questions? Or anyone ready to speak to the motion?

**Bonj Szczygiel:** Yeah, we do have a question. OK. Kenyon, Arts and Architecture. As a faculty member and primary academic advisor for my area, I feel that it is essential that we take up this motion in a special session so that it can be resolved before it's too late to be effective or useful.

**Chair Seymour:** OK. The motion on the floor is to suspend the rules to vote on the motion now, so that's what suspending the rules would do. It would then make that resolution live for us to vote on it now. It sounds like you are calling for maybe calling a special session, which is a slightly different item. That can happen, but that's a different movement than suspending the rules today.

All right. Let's go ahead and vote. What we're going to do first, though, I think, if we can ask Anna to set one up is we unfortunately, because of our rules, need to know how many voters we have. So, we're going to need to have a present vote again established. So, it's a little clunky, sorry, but that's just our rules. Anna, let me know when you have that set up.

**Anna F. Butler:** I have that setup, Beth, and people are voting now.

**Chair Seymour:** Thank you, Anna. Just to remind everybody, you have one option-- to vote present, if you're a Senator. If you don't vote, then you don't count, basically. It takes us a little bit of time because we want to gather all your votes.

**Anna F. Butler:** There are currently 133 present.

**Chair Seymour:** Good. OK, it was good that we took that vote because our earlier present vote was 170. And to be able to pass the vote, it needs a 3/4 of those voting basically, of those present, which we've just established. So now, since we've in essence called the question, so let's move on. So, let's vote on suspending the rules. If you agree to suspend the rules, then we take up the resolution to debate and vote on today. If you don't want to suspend the rules, then the debate of that resolution is placed on unfinished business on December 1, unless there's a special meeting called before then. So, who's got their hand raised? OK, Deirdre.

**Deirdre Folkers, York:** Hi. I'm hoping you can give some clarification here before we proceed. We've heard this resolution verbally. We haven't had a chance to actually view or read the resolution. And I am also concerned that at our earlier meetings today in ARSSA, we expressed some concern regarding some of the elements of the resolution that we were hoping to have resolved before moving forward. I am assuming if we vote at this time, we are accepting the resolution in its entirety. Am I correct in that assumption?
Chair Seymour: Well, what we are doing is we would then be debating that resolution in its entirety, then be amended as any resolution can.

Deirdre Folkers: OK. So, if this opens to discussion at this time, there can be amendments to this resolution. But there will ultimately be a vote on the resolution today.

Chair Seymour: Exactly.

Deirdre Folkers: Thank you.

Chair Seymour: Do I have anyone else that's confused about what we're doing? So basically, the vote is to suspend the rules so that we can take up the resolution today as a motion on the floor. It would then be amendable on the floor, but it would be resolved today. Are we ready to vote now? OK, let's go on ahead and vote. All those in favor of suspending the rules so that we can debate the resolution today as a motion on the floor, select A. If you're not in favor of doing this today, select B.

Anna F. Butler: The votes are tallying.

Chair Seymour: Oh, we didn't quite hear you, Anna.

Anna F. Butler: I'm sorry the votes are tallying.

Chair Seymour: OK, thank you.

Anna F. Butler: And I have 89 accept and 49 reject.

Keith Shapiro: You actually have more people voted than voted in the roll call.

Chair Seymour: Yeah, so we have more people that voted than voted in the roll call, which is OK. And we're calculating what we need.

Keith Shapiro: You need 104 votes to pass.

Chair Seymour: So, we needed 104 votes to suspend the rules, so the motion--

Keith Shapiro: Out of 138 who voted.

Chair Seymour: And 138 voted. So, the motion fails. So, we'll move on with business. If anyone is confused, please feel free to contact me. And I can also talk to you about special meetings if you want to talk about that.

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COMMENTS AND RECOMMENDATIONS FOR THE GOOD OF THE UNIVERSITY

Chair Seymour: Are there any other additional comments for the good of the University?
ADJOURNMENT

Chair Seymour: May I have a motion to adjourn?

Senator: So, moved.

Bonj Szczygiel: Second.

Chair Seymour: Thank you, everybody. All in favor gives a thumbs up on your computer. We'll assume the motion carries. Thank you. And the Senate is adjourned until December 1, 2020
The following Senators were noted as having participated in the October 20, 2020 Senate Meeting via Zoom.

- Abendroth, Catherine
- Acharya, Vinita
- Alexander, Chandran
- Allen, Steven
- Amador Medina, Melba
- Aurand, Harold
- Babcock, Ed
- Baka, Jennifer
- Bansal, Saurabh
- Barron, Eric
- Bartolacci, Michael
- Bérubé, Michael
- Bieschke, Kathleen
- Bird, Douglas
- Birungi, Patricia
- Bishop-Pierce, Renee
- Blakney, Terry
- Blockett, Kimberly
- Blood, Ingrid
- Boas, Erin
- Borromeo, Renee
- Breakey, Laurie
- Brown, Rachael
- Browne, Stephen
- Brunsden, Victor
- Byrd, Amanda
- Byrne, Christopher
- Calore, Gary
- Castillo, Melanie
- Chen, Wei-Fan
- Clements, Ann
- Coduti, Wendy
- Costanzo, Denise
- Czymoniewicz-Klippel, Melina
• Dare, Tyler
• D’Artenary, Tamrya
•Davis, Dwight
• Davis, Felecia
• Demirici, Ali
• Dube, Sibusiwe
• Eckhardt, Caroline
• Eden, Timothy
• Egolf, Roger
• Evans, Edward
• Fairbank, James
• Farnan, Kaitlin
• Fausnight, Tracy
• Fliegel, Cara
• Foley-DeFiore, Rainier
• Folkers, Deirdre
• Ford, Karly
• Fredricks, Susan
• Freiberg, Andrew
• Frisch, Paul
• Fusco, David
• Gallagher, Julie
• Garrette, Imoona
• Garry, Amy
• Gayah, Vikash
• Gibbard, Sydney
• Glantz, Edward
• Grimes, Galen
• Groome, Dermot
• Gross, Charlene
• Handley, Meredith
• Han, David
• Hanes, Madlyn
• Hardy, Melissa
• Hardyk, Andrew
• Harte, Federico
• Hauck, Randy
• Hayford, Harold
• Hodgdon, Kathleen
• Hoffman, Robert
• Holden, Lisa
• Hoxha, Indrit
• Hu, Margaret
• Huang, Tai-Yin
• Husnagel, Pamela
• Iyer Anush
• Jaap, James
• Jolly, Rosemary
• Jones, Maureen
• Jones, Nicholas
• Jordan, Matthew
• Kadetsky, Elizabeth
• Kahl, David
• Karpa, Kelly
• Kass, Lawrence
• Kass, Rena
• Keiler, Kenneth
• Kenyon, William
• King, Brian
• King, Elizabeth
• Kirby, Joshua
• Kitko, Lisa
• Kramer, Lauren
• Kubat, Robert
• Kunes, Melissa
• Lang, Dena
• Larson, Allen
• Larson, Daniel
• Libby, C
• Linn, Suzanna
• Liu, Dajiang
• Liu, Zin
• Mahoney, Joseph
• Mangel, Lisa
• Marko, Frantisek
• Marshall, Megan
• Masters, Katherine
• Mathews, Jonathan
• Maximova, Siela
• McKinney Marvasti, Karyn
• Meeder, Lakyn
• Melton, Robert
• Michels, Margaret
• Mocioiu, Irina
• Mookerjee, Rajen
• Moore, Jacob
• Mulder, Kathleen
• Najjar, Raymond
• Nesbitt, Jennifer
• Neves, Rogerio
• Noce, Kathleen
• Nousek, John
• Nousek, Kathleen
• Najjar, Raymond
• Ozment, Judith
• Page, B. Richard
• Palma, Julio
• Palmer, Timothy
• Pangborn, Robert
• Pauley, Laura
• Peng, Xuwen
• Perkins, Daniel
• Petrilla, Rosemarie
• Phillips, Kathleen
• Pierce, Mari Beth
• Posey, Lisa
• Precht, Jay
• Pyeatt, Nicholas
• Reid-Walsh, Jacqueline
• Rhen, Linda
• Riccomini, Paul
• Robicheaux, Timothy
• Robinett, Richard
• Robinson, Brandi
• Ropson, Ira
• Rowland, Nicholas
• Ruggiero, Francesca
• Rutherford Siegel, Susan
• Saltz, Ira
• Sangwan, Raghu
• Saunders, Brian
• Scarfo, Emily
• Schultz, Brian
• Scott, Geoffrey
• Seymour, Elizabeth
• Shannon, Robert
• Shapiro, Keith
• Sharma, Amit
• Shea, Maura
• Shearer, Gregory
• Shen, Wen
• Shriver, Mark
• Sigurdsson, Steinn
• Sillner, Andrea
• Simmons, Cynthia
• Sinha, Alok
• Skladany, Martin
• Smith, David
• Snyder, Stephen
• Specht, Charles
• Speer, Stephen
• Sprow Forté, Karin
• Stephens, Mark
• Stine, Michele
• Strauss, James
• Strickland, Martha
• Swinarski, Matthew
• Szczygiel, Bonj
• Tallman, Nathan
• Tavangarian, Fariborz
• Taylor, Ann
• Thomas, Gary
• Townsend, Sarah
• Troester, Rodney
• Tyworth, Michael
• Van Hook, Stephen
• Vasilatos-Younken, Regina
• Volk Chewning, Lisa
• Vollero, Mary
• Vrana, Kent
• Wagner Lawlor, Jennifer
• Wall, Wayne
• Warner, Alfred
• Webster, Isabella
• Wede, Joshua
• Weld, Jennifer
• Whitcomb, Tiffany
• Williams, Mary Beth
• Williams, Nicole
• Williams, Tealine
• Wolfe, Douglas
• Wong, Jeffreyw
• Yagnik, Arpan
• Yen, John
• Zambanini, Robert
• Zhang, Qiming
• Zilleruelo, Arturo
• Zorn, Christopher
Elected 182
Students 18
Ex Officio 5
Appointed 3
Total 208