



THE PENNSYLVANIA STATE UNIVERSITY

The University Faculty Senate

AGENDA

**Tuesday, November 30, 2021**

**Via ZOOM at 1:30 p.m**

**ZOOM LINK** <https://psu.zoom.us/j/97759044937>

**Or iPhone one-tap (US Toll): +16468769923,97759044937# or +13017158592,97759044937#**

**Or Telephone:**

**Dial:**

**+1 646 876 9923 (US Toll)**

**+1 301 715 8592 (US Toll)**

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**+1 346 248 7799 (US Toll)**

**Meeting ID: 977 5904 4937**

**International numbers available:** <https://psu.zoom.us/j/97759044937>

We will use TallySpace to vote during this meeting. Senators who have voting rights should have their Penn State 9-digit ID number ready and follow the instructions found here:

<https://senate.psu.edu/senators/tallyspace-voting-instructions/>

**A. MINUTES OF THE PRECEDING MEETING**

Minutes of the October 19, 2021 Meeting in The Senate Record

**B. COMMUNICATIONS TO THE SENATE**

Senate Curriculum Report of November 9, 2021

Appendix A

2022-2023 Senate Calendar

Appendix B

**C. REPORT OF SENATE COUNCIL - Meeting of November 9, 2021**

**D. ANNOUNCEMENTS BY THE CHAIR**

## Senate Committee on Educational Equity and Campus Environment

Tracy Peterson, Director, Student Transitions and Pre-College Programs,  
will provide Introductory Comments

Aboriginal Acknowledgement  
[15 minutes allotted for presentation and discussion]

Appendix C

### E. COMMENTS BY THE PRESIDENT OF THE UNIVERSITY

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

### G. FORENSIC BUSINESS

#### Senate Committee on Curricular Affairs

Microcredentials and the Senate's Role

Appendix E

### H. UNFINISHED BUSINESS

#### Senate Council

Fall 2021 Return to Campus University Faculty Senate  
Survey Report (Ad Hoc Data & Policy Committee Penn State  
Abington)

Appendix G

*[10 minutes allotted for presentation and discussion]*

#### Senate Committee on Committees and Rules

Revisions to Senate Bylaws, Article II – Senate Council, Section 1(e) and  
Standing Rules, Article IV – Senate Committee Structure, Section 6(a)  
Committee on Committees and Rules (*proposal to move the oversight of  
the Unit Constitution Subcommittee to Committee on Committees and  
Rules*) [*presented at 10/19 Plenary (previously appendix C); on 11/30  
agenda for vote*]

Appendix H

### I. LEGISLATIVE REPORTS (*all are additions of DEI principles to Committee Standing Rules*)

#### Senate Committee on Committees and Rules and Global Programs

Revision to Standing Rules, Article II – Senate Committee Structure,  
Section 6 (h) Committee on Global Programs

Appendix I

#### Senate Committee on Committees and Rules and Intercollegiate Athletics

Revision to Standing Rules, Article II – Senate Committee Structure,

Section 6 (i), Committee on Intercollegiate Athletics	Appendix J
Senate Committees on Committees and Rules and Student Life	
Revision to Standing Rules, Article II- Senate Committee Structure, Section 6 (n) Committee on Student Life	Appendix K
Senate Committees on Committees and Rules and University Planning	
Revision to Standing Rules, Article II – Senate Committee Structure, Section 6 (o) University Planning Committee	Appendix L
 J. ADVISORY/CONSULTATIVE REPORTS	
Senate Committee on Faculty Affairs	
Revisions of AC23 – “Promotion and Tenure Procedures and Regulations” & AC21 – “Definition of Academic Ranks”	Appendix M
Senate Committee on Research, Scholarship, and Creative Activity and Faculty Affairs	
Revision of AC80 – “Outside Business Activities and Private Consulting”	Appendix N
 K. INFORMATIONAL REPORTS	
Senate Committee on Intercollegiate Athletics	
Annual Report of the Senate Committee on Intercollegiate Athletics Academic Year 2020-2021 and FAR Discussion [25 minutes allotted for presentation and discussion]	Appendix O
Senate Committee on Faculty Benefits and the Joint Committee on Insurance and Benefits	
2020 – 2021 Annual Report on the Status of Benefits Changes [15 minutes allotted for presentation and discussion]	Appendix P
Senate Committee on Faculty Rights & Responsibilities	
Annual Report for 2020-2021*	Appendix Q

\*Web-only reports.

L. NEW LEGISLATIVE BUSINESS

None

M. COMMENTS AND RECOMMENDATIONS FOR THE GOOD OF THE UNIVERSITY

The next regularly scheduled meeting of the University Faculty Senate will be held on Tuesday, January 25, 2022, 1:30 p.m.



**PennState**  
University Faculty Senate

101 Kern Graduate  
Building University Park,  
PA 16802 Phone:  
814-863-0221

*COMMUNICATION TO THE SENATE*

**DATE:** November 10, 2021

**TO:** Bonj Szczygiel, Chair, University Faculty Senate

**FROM:** Mary Beth Williams, Chair, Senate Committee on Curricular Affairs

The *Senate Curriculum Report* dated November 9, 2021 has been circulated throughout the University. Objections to any of the items in the report must be submitted to Kadi Corter, Curriculum Coordinator, 101 Kern Graduate Building, 814-863-0996, [kkw2@psu.edu](mailto:kkw2@psu.edu), on or before **December 9, 2021**.

The *Senate Curriculum Report* is available on the web and may be found at:  
<http://senate.psu.edu/curriculum/senate-curriculum-reports/>

## Proposed 2022-2023 Senate Calendar

<b>Curriculum Proposals Due</b>	<b>Council Reports Due</b>	<b>Senate Council, Curriculum Report Publication</b>	<b>Senate Meetings</b>
*June 3, 2022	*June 7, 2022	*June 21, 2022	*July 12, 2022
August 12, 2022	August 16, 2022	August 30, 2022	September 13, 2022
September 16, 2022	September 20, 2022	October 4, 2022	October 18, 2022
October 21, 2022	October 25, 2022	November 8, 2022	November 29, 2022
December 9, 2022	December 13, 2022	January 10, 2023	January 24, 2023
January 27, 2023	January 31, 2023	February 14, 2023	February 28, 2023
March 3, 2023	March 7, 2023	March 14, 2023	March 28, 2023
March 31, 2023	April 4, 2023	April 11, 2023	April 25, 2023
*June 2, 2023	*June 6, 2023	*June 20, 2023	*July 11, 2023
*Tentative			

## SENATE COMMITTEE ON EDUCATIONAL EQUITY AND CAMPUS ENVIRONMENT

### Aboriginal Acknowledgement

(Informational)

#### **Background/Introduction**

This is an informational report following Penn State's [Acknowledgment of Land](#) to assess the need for developing a process of truth and reconciliation related to Indigenous representation and equity on Pennsylvania State University lands and campuses.

#### **Plan moving forward**

In 2021 Pennsylvania State University's Office of Educational Equity in collaboration with Penn State Indigenous organizations including the Indigenous Peoples Student Association (IPSA) and the Indigenous Faculty and Staff Alliance (IFSA) adopted a formal Acknowledgment of Land (<http://equity.psu.edu/acknowledgement-of-land>). President Eric Barron informed the Penn State Board of Trustees that the Acknowledgement of Land was discussed at the President's Council and would go live on the Educational Equity website effective July 19, 2021. This was a first step in beginning of a process of truth and reconciliation that the Educational Equity and Campus Environment Committee (EECE) of the University Faculty Senate would like to support through a needs assessment process across the Penn State Community. The goal is to explore the needs and gaps in current operations, equity, representation, and inclusion regarding Indigenous Nations, organizations, faculty, staff, and students. Collaboration with a range of Penn State Indigenous organizations, colleagues, and students at all campuses is necessary as their considerations are diverse. The goal is not to burden Indigenous groups, Nations, colleagues, or students with more work, but to engage in a process of identifying how the University Faculty Senate may support ongoing Indigenous efforts related to truth and reconciliation. A vision of

what the process could be needs to come from the various Indigenous individuals, organizations, regional Nations, current researchers, and groups already working in this area. To start this needs assessment EECE has invited Mr. Tracy Peterson to address the Faculty Senate's Plenary Meeting of November 30, 2021. Mr. Peterson is the Director of Student Transitions and Pre-College Programs in the Penn State College of Engineering's Center for Engineering Outreach and Inclusion (CEOI). Mr. Peterson has played a critical role in organizing the Penn State Acknowledgement of Land.

## **SENATE COMMITTEE ON EDUCATIONAL EQUITY AND CAMPUS ENVIRONMENT**

- Douglas Bird, Chair
- Nathaniel Brown
- Alison Chetlen
- Felecia Davis
- Kaitlin Farnan
- Derek Fox
- Matt Lear
- Busi Makoni
- Christian Myers
- Margaret Signorella
- Jonte Taylor
- Arpan Yagnik, Vice Chair



## SENATE COMMITTEE ON CURRICULAR AFFAIRS

### *Microcredentials and Senate's Role*

#### (Forensic)

#### **Rationale/Background**

Efforts to respond to changing workforce and societal trends alongside advances in educational technology have led to the development of microcredentialing and badging efforts in colleges and universities. "Microcredentials" is an all-encompassing term for the formal recognition of learning at a level smaller than a degree or credit-unit. The Penn State Online Coordinating Council recently generated a [report](#) related to microcredentialing efforts at Penn State that included recommendations and considerations for further work. The [One Penn State 2025](#) Guiding Principle 3 [committee](#) ("Design Relevant & Responsive Programs") has reviewed this report and proposed further internal and external benchmarking be completed in order to determine next steps as an institution. In addition, the One Penn State Guiding Principle 4 [committee](#) ("Engage Learners Throughout Their Lifetimes") is examining policy aspects of non-credit offerings, including microcredentials.

Faculty Senate is a key stakeholder in this work. In 2016, University Faculty Senate revised policy 59-00 to include the new curricular category of certificates, which are smaller in size than majors and minors, and defined as:

"Certificates can reflect emerging academic areas, necessary professional development requirements, or groups of courses that do not constitute a degree program. A certificate is intended to foster incremental or targeted development in an area of specialty or competency within a discipline or field of study. Certificates are earned either in conjunction with a major or independently of associate or baccalaureate degrees, so they may be suitable for both degree-candidates and non-degree candidates."

**To inform the work going forward, in this forensic session we are seeking University Faculty Senate input on microcredentials and for Senate's role in these educational experiences, and to solicit interest in further involvement in this work. Our two questions for Senate discussion are:**

**Question 1:** What kinds of microcredentials does your unit offer or plan to offer, and how do these differ from certificates? What benefits and challenges do you see with microcredentials?

**Question 2:** What role should University Faculty Senate have in microcredentials/badges? How does the answer differ for credit-bearing vs noncredit microcredentials/badges?

Adams, Jeff  
Behler, Anne  
Belanger, Jonna  
Berish, Diane  
Callejo, David  
Chewning, Lisa  
Farrar, Katelyn  
Hamaty, Paula  
Hayford, Harold, Co-vice Chair  
Hemerly, Nathan  
Jordan, Matthew  
Kenyon, William, Co-vice Chair  
Linch, Amy  
Linn, Suzanna  
Mahoney, Joseph  
Mamerow, Geoff  
Marshall, Megan  
McCloskey, Andrea  
Melton, Robert  
Mistrick, Richard  
Purdy Drew, Kirstin  
Robinson, Brandi  
Schulenburg, Janet  
Slattery, Maggie  
Slot, Johanna  
Sprow Forte, Karin  
Thomas, Emily  
Warner, Alfred  
Williams, Mary Beth, Chair  
Yen, John

## SENATE COUNCIL AND AD HOC COMMITTEE ON DATA & POLICY (PENN STATE ABINGTON)

### Fall 2021 Return to Campus University Faculty Senate Survey Report (Informational)

#### **Background/Introduction**

This study assessed faculty perceptions and satisfaction with returning to in-person instruction at Penn State in Fall 2021. Participants (final  $N = 1,344$ ) completed a survey during the first two weeks of classes about faculty satisfaction with masking, testing, vaccination reporting and mandates, classroom experiences, and the university's overall plans. An open-ended question addressed current concerns with teaching. Quantitative results showed that faculty's return to in-person teaching has overall been generally positive, with satisfaction with student masking (which overall is generally positive) best predicting how satisfied faculty are with the in-classroom environment. Also, quantitative results showed that faculty are very dissatisfied with the University's overall COVID plans, with dissatisfaction with the (lack of a) vaccine mandate best predicting dissatisfaction with the University's COVID plans. Qualitative results both converged and diverged from quantitative results. There was convergence on dissatisfaction with the university's plans for a return to in-person teaching, specifically involving unclear guidance, loss of faith in leadership, and little flexibility in teaching modes. While concerns about offering more flexible teaching options did not predict satisfaction with in-classroom environment quantitatively, faculty expressed numerous health-related concerns with being back on campus, particularly around becoming infected, masking issues, vaccination status and mandates, and the lack of social distancing in open-ended responses. This divergence may be because the open-ended questions only addressed faculty concerns, without a parallel open-ended question addressing faculty satisfaction. Overall, this survey found that faculty were generally satisfied with being back in the classroom (as long as masking compliance was followed), but still reported relatively strong dissatisfaction with the University's COVID response (especially concerning the lack of a vaccine mandate).

#### **SENATE COMMITTEE ON DATA & POLICY (ABINGTON COLLEGE)**

- Dr. David Hutson, Associate Professor of Sociology (co-chair)
- Dr. Russ Webster, Associate Professor of Psychology (co-chair)

## INTRODUCTION

In March 2020, all Penn State classes moved to remote instruction because of the COVID-19 pandemic (<https://news.psu.edu/story/611757/2020/03/11/academics/all-penn-state-classes-take-place-remotely-beginning-march-16>). Until Fall 2021, the vast majority of courses continued to be offered remotely. In Fall 2021, the University returned to a more “normal” distribution of in-person and remote/hybrid courses (<https://news.psu.edu/story/665224/2021/08/04/administration/coronavirus-faqs-specifics-universitys-fall-2021-plans>). In response to return to in-person teaching, the University Faculty Senate decided to survey faculty from all campuses about their perceptions and satisfaction with their return to in-person work, as well as their experiences with work adjustments. After the survey was closed, University Faculty Senate reached out to the Ad-Hoc Data and Policy Committee at Penn State Abington to help analyze the data and write-up the findings in report form.

## METHOD

### Participants

We removed 2 respondents for completing the survey too quickly (< 2 seconds per item; Curran, 2016). We also removed 167 respondents for too much missing data (> 10%; Dong & Peng, 2013; Schafer, 1999). Thus, final sample included 1,344 faculty. Tables 1-5 below provide demographic information for these faculty.

Table 1

### **What is your gender? - Selected Choice**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Male	554	41.2	48.7	48.7
	Female	584	43.5	51.3	100.0
	Total	1138	84.7	100.0	
Missing	Non-binary, gender nonconforming, genderqueer	5	0.4		
	Other	6	0.4		
	I prefer not to disclose	174	12.9		
	System	21	1.6		
	Total	206	15.3		
Total		1344	100.0		

*Note on Table 1:* Because there were few to few non-binary or other responses, these individuals’ responses were coded as missing for any gender comparisons.

Table 2

**Race: White vs. Non-White**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Exclusively White	905	67.3	85.6	85.6
	Non-Exclusively White	152	11.3	14.4	100.0
	Total	1057	78.6	100.0	
Missing	System	287	21.4		
Total		1344	100.0		

*Note on Table 2:* Because there were very low numbers of faculty for certain non-White racial identities, we collapsed these individuals into one non-White category.

Table 3

**Appointment: Tenure Track vs. Non-Tenure Track**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Tenure Track	693	51.6	52.1	52.1
	Non-Tenure Track	636	47.3	47.9	100.0
	Total	1329	98.9	100.0	
Missing	System	15	1.1		
Total		1344	100.0		

*Note on Table 3:* Non-tenure appointments includes part-time appointments.

Table 4

**Have you earned tenure?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	511	38.0	74.0	74.0
	No	180	13.4	26.0	100.0
	Total	691	51.4	100.0	
Missing	System	653	48.6		
Total		1344	100.0		

Table 5

**Please indicate your primary campus location: - Selected Choice**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Penn State - Abington	61	4.5	4.6	4.6
	Penn State - Altoona	82	6.1	6.2	10.8
	Penn State - Beaver	18	1.3	1.4	12.1
	Penn State - Berks	51	3.8	3.8	16.0
	Penn State - Brandywine	41	3.1	3.1	19.0
	Penn State - Dickinson Law	3	0.2	0.2	19.3
	Penn State - DuBois	22	1.6	1.7	20.9
	Penn State - Erie, Behrend	103	7.7	7.8	28.7
	Penn State - Fayette, Eberly	30	2.2	2.3	30.9
	Penn State - Great Valley	6	0.4	0.5	31.4
	Penn State - Greater Allegheny	15	1.1	1.1	32.5
	Penn State - Harrisburg	6	0.4	0.5	33.0
	Penn State - Hazleton	2	0.1	0.2	33.1
	Penn State - Hershey	21	1.6	1.6	34.7
	Penn State - Lehigh Valley	18	1.3	1.4	36.0
	Penn State - Mont Alto	2	0.1	0.2	36.2
	Penn State - New Kensington	12	0.9	0.9	37.1
	Penn State - Schuylkill	11	0.8	0.8	37.9
	Penn State - Scranton	26	1.9	2.0	39.9
	Penn State - Shenango	10	0.7	0.8	40.6
	Penn State - Wilkes-Barre	9	0.7	0.7	41.3
	Penn State - University Park	754	56.1	56.7	98.0
	Penn State - York	11	0.8	0.8	98.9
	Penn State - World Campus	3	0.2	0.2	99.1
	Other	12	0.9	0.9	100.0
	Total	1329	98.9	100.0	
Missing	System	15	1.1		
Total		1344	100.0		

*Note on Table 5:* Ultimately, we created a dummy-coded variable representing whether faculty were from University Park vs. not.

## Materials and Procedure

Toward the end of Week 1 of Fall 2021, University Faculty Senate President Bonj Szczygiel publicized an anonymous link to a Qualtrics survey. Data collection started August 25 and ended September 2. Dr. Josh Wede (University Park) created the survey in Qualtrics.

The survey first contained two open-ended questions:

1. Based on your teaching experience during the pandemic, can you suggest any opportunities for the University to foster better teaching and learning experiences moving forward?
2. What are your current teaching concerns, if any?

Then, faculty completed seven forced-choice questions about return to work, including:

1. How difficult it would be to provide remote course accommodations for multiple students on a 1 = Extremely difficult to 5 = Extremely easy response scale
2. Satisfaction with the number of students masking in class on a 1 = Extremely dissatisfied to 5 = Extremely satisfied response scale (this scale was used for the remaining items)
3. Satisfaction with the COVID testing process for students
4. Satisfaction with the University's vaccine mandate stance
5. Satisfaction with the reporting of COVID vaccine status
6. Satisfaction with the overall in-person classroom experience
7. Satisfaction with the University's overall COVID-19 plans

Next, respondents completed items about work adjustment (see Figure 1 on p . 11). Finally, faculty completed demographic information, including campus location, gender identity, racial identity, type of appointment, and (for tenure-track faculty) tenured status.

A copy of survey can be found in Appendix A.

## QUANTITATIVE RESULTS

### Return to Campus: Perceptions and Satisfaction

**Descriptive statistics.** Descriptive statistics for the seven return to campus variables appear in Table 6. Frequency tables and histograms for these variables are in Appendix B.

Table 6

		Statistics						
		How easy or difficult would it be to provide remote course accommodations for multiple students?	How satisfied are you with the number of students who are properly masked in class?	How satisfied are you with the COVID-19 testing process for students coming to campus?	How satisfied are you with University's stance on mandating COVID-19 vaccinations?	How satisfied are you with the reporting of COVID-19 vaccination status?	How satisfied are you with your in-classroom experience?	How satisfied are you with the overall plan for COVID-19 during the Fall 2021 Semester?
N	Valid	1319	1334	1330	1335	1339	1322	1338
	Missing	25	10	14	9	5	22	6
Mean		2.52	4.08	2.99	1.98	2.56	3.49	2.19
Median		2.00	5.00	3.00	1.00	2.00	4.00	2.00
Std. Deviation		1.36	1.22	1.40	1.43	1.41	1.29	1.39
Skewness		0.58	-1.19	-0.06	1.16	0.38	-0.48	0.87
Std. Error of Skewness		0.07	0.07	0.07	0.07	0.07	0.07	0.07
Minimum		1	1	1	1	1	1	1
Maximum		5	5	5	5	5	5	5

*Note on Table 6:* For the first variable, higher scores indicate greater ease in providing accommodations. For the remainder, higher scores indicate higher levels of satisfaction.

- On average, faculty indicated that it would be somewhat to extremely difficult (61% of faculty endorsed one of these two options) to provide remote course accommodations for multiple students.
- Faculty indicated that they were somewhat to extremely satisfied with the number of students properly masked in class; indeed, this distribution exhibited moderate negative skewness, meaning that responses tended to bunch up in the upper end of the distribution; 75.6% of faculty reported being satisfied (extremely or somewhat).



- There was not much consensus on how satisfied faculty were with the COVID-19 testing process for students coming to campus, with relatively equal numbers of faculty endorsing each of the five response options.
- Faculty reported being extremely to somewhat dissatisfied with the University's stance on mandating vaccines, with this distribution exhibiting a moderate level of positive skewness (i.e., the responses bunched up more toward the bottom end of the distribution); indeed, 60% of faculty reported being extremely dissatisfied, and 14% being somewhat dissatisfied (for a total of 74%).
- On average, faculty tended to be more dissatisfied with the reporting of COVID vaccination status, with the mean and median falling below the midpoint of the response scale (and 52.7% faculty reporting to be extremely or somewhat dissatisfied).
- On average, faculty reported to be somewhat to extremely dissatisfied overall with the University's COVID plans, with 44.7% being extremely dissatisfied and 24.1% being somewhat dissatisfied (a total of 69%), while 22% reported being somewhat or extremely satisfied.
- Despite general dissatisfaction with University plans, in terms of the overall in-classroom experience, faculty on average tended to be somewhat satisfied, with 25.7% being extremely satisfied and 32.1% being somewhat satisfied (a total of 58.3%); only 26.4% reported being extremely or somewhat dissatisfied.

**What variables correlate with classroom and University plan satisfaction?** Table 7 shows what variables correlated with satisfaction with the in-classroom experience and the University's overall COVID plans.

First, as faculty were more satisfied with student masking, student testing process, the University's stance on vaccines, and reporting vaccination status, faculty were much more satisfied with the in-classroom experience. Exclusively white faculty, Non-UP faculty, and Non-Tenure-Track faculty were *slightly* more satisfied with their in-classroom experience.

A similar pattern emerged for satisfaction with University plans, however the magnitude of the correlations was much greater for satisfaction with the student testing process, University's stance on vaccines, and reporting vaccination status. And faculty racial identity did not significantly correlate with satisfaction with University plans.

Table 7

**Correlations**

	Pearson Correlation	
	How satisfied are you with your in-classroom experience?	How satisfied are you with the overall plan for COVID-19 during the Fall 2021 Semester?
How satisfied are you with your in-classroom experience?	1.00	.52**
How satisfied are you with the overall plan for COVID-19 during the Fall 2021 Semester?	.52**	1.00
How easy or difficult would it be to provide remote course accommodations for multiple students?	-0.03	-0.03
How satisfied are you with the number of students who are properly masked in class?	.55**	.35**
How satisfied are you with the COVID-19 testing process for students coming to campus?	.49**	.69**
How satisfied are you with University's stance on mandating COVID-19 vaccinations?	.39**	.82**
How satisfied are you with the reporting of COVID-19 vaccination status?	.43**	.73**
What is your gender? - Selected Choice	0.00	-0.03
Race: White vs. Non-White	-.10**	-0.02
Campus: University Park vs. Non-UP	.15**	.19**
Appointment: Tenure Track vs. Non-Tenure Track	.18**	.19**
Have you earned tenure?	0.00	0.00

\*\* . Correlation is significant at the 0.01 level (2-tailed).

\* . Correlation is significant at the 0.05 level (2-tailed).

*Note on Table 7:* Correlation values ( $r$ ) can range from -1.00 to +1.00. A significant correlation (when  $p \leq .05$ , denoted by the \* in the table) indicates that we are confident enough the value is different from 0 (zero indicating there is no relationship between the two variables). A significant, positive correlation indicates that as scores on one variable increase, the scores on the other variable also tend to increase; a significant, negative correlation indicates that as scores on one variable increase, the scores on the other variable tend to decrease. The absolute value of the correlation indicates how strongly related the two variables are; the larger the absolute value, the stronger the relationship. Generally, values below  $|.20|$  indicate a *weak* relationship; values in between  $|.20|$  and  $|.39|$  indicate a *moderate* relationship; and, values  $|.40|$  and above indicate a *strong* relationship.

**Uniquely predicting in-classroom satisfaction.** The correlations in Table 7 only represent relationships between two variables at a time. To find out which predictor variables (satisfaction

with students properly masking, student COVID testing process, vaccine mandate, reporting of vaccine status) *uniquely* related to satisfaction with in-classroom experience (i.e., after controlling for the shared relationships between variables), we conducted a multiple regression analysis. This regression analysis is akin to a “statistical cagematch” in which we enter all the predictor variables into one analysis to see which ones best, uniquely predicted satisfaction with the in-classroom experience.

Table 8 presents the results of this regression analysis. The only *non-significant* predictor was faculty race. Among all the significant predictors, the *best* predictor of in-classroom satisfaction was satisfaction with student masking based on the 95% confidence internals.

Table 8

Model	Standardized Coefficients	Sig.	95.0% Confidence Interval for B	
	Beta		Lower Bound	Upper Bound
1 (Constant)		0.00	0.45	0.92
How satisfied are you with the number of students who are properly masked in class?	0.39	0.00	0.36	0.47
How satisfied are you with the COVID-19 testing process for students coming to campus?	0.21	0.00	0.13	0.26
How satisfied are you with University's stance on mandating COVID-19 vaccinations?	0.08	0.01	0.02	0.14
How satisfied are you with the reporting of COVID-19 vaccination status?	0.09	0.01	0.02	0.15
Race: White vs. Non-White	-0.03	0.22	-0.28	0.06
Campus: University Park vs. Non-UP	0.06	0.01	0.03	0.29
Appointment: Tenure Track vs. Non-Tenure Track	0.09	0.00	0.10	0.35

a. Dependent Variable: How satisfied are you with your in-classroom experience?

*Note on Table 8:* Beta ( $\beta$ ) represents the unique relationship between the predictor variable and the outcome, and these values can be interpreted just like correlation coefficients (see note in Table 7); accordingly, the significance test (Sig.) is indicating whether the unique relationship (after controlling for the other predictors) is different than 0 (zero indicating there is no unique relationship between the two variables). Sig =  $p$ -value, and  $p$ -values again are significant if they are  $\leq .05$ . The 95% confidence intervals (CIs) tell us, among the significant predictors, if certain variables better predict the outcome (satisfaction with in-classroom advising). If you compare the absolute value of the CIs between two significant predictors, if the CIs overlap, then one variable does not better predict the outcome (e.g., mandating vaccines and tenure-track status); if the CIs do NOT overlap, the predictor with the larger absolute beta value better predicts the outcome

(e.g., student masking outperforms all other predictors). Total  $R^2 = .42$ , meaning all predictors together explained 42% of the differences/variability in satisfaction with the in-classroom experience, which is a large %.

**Uniquely predicting overall satisfaction with University COVID plan.** We conducted a parallel multiple regression analysis examining which variables uniquely predicted satisfaction with the University's COVID plans.

Table 9

Model	Standardized Coefficients	Sig.	95.0% Confidence Interval for B	
	Beta		Lower Bound	Upper Bound
1 (Constant)		0.00	-0.40	-0.13
How satisfied are you with the number of students who are properly masked in class?	0.04	0.00	0.01	0.08
How satisfied are you with the COVID-19 testing process for students coming to campus?	0.21	0.00	0.17	0.25
How satisfied are you with University's stance on mandating COVID-19 vaccinations?	0.54	0.00	0.49	0.56
How satisfied are you with the reporting of COVID-19 vaccination status?	0.22	0.00	0.17	0.25
Campus: University Park vs. Non-UP	0.04	0.00	0.04	0.19
Appointment: Tenure Track vs. Non-Tenure Track	0.02	0.20	-0.03	0.12

a. Dependent Variable: How satisfied are you with the overall plan for COVID-19 during the Fall 2021 Semester?

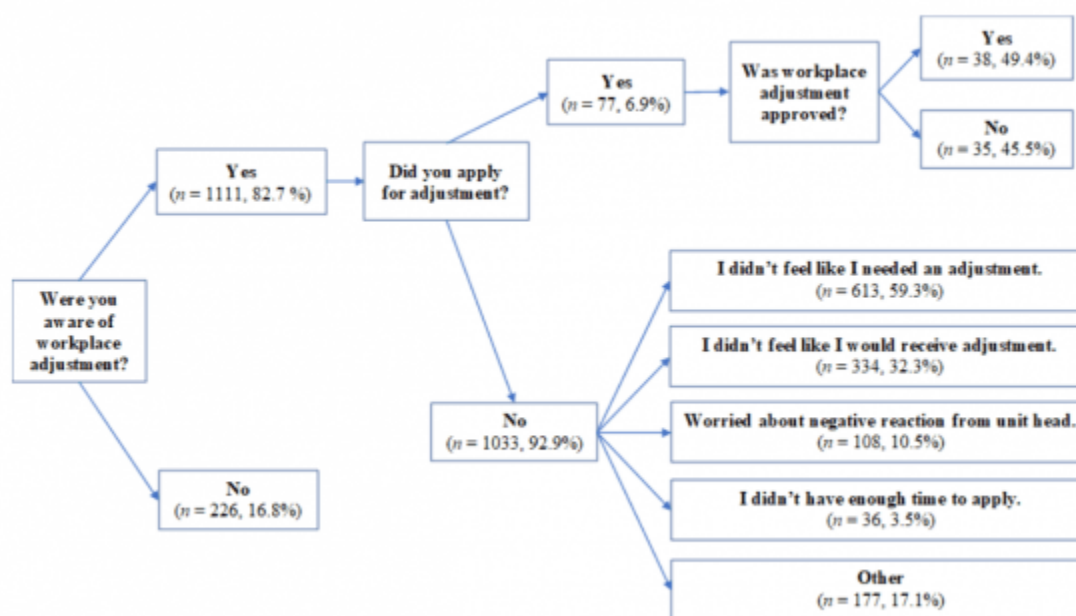
*Note on Table 9:* Beta ( $\beta$ ) represents the unique relationship between the predictor variable and the outcome, and these values can be interpreted just like correlation coefficients (see note in Table 7); accordingly, the significance test (Sig.) is indicating whether the unique relationship (after controlling for the other predictors) is different than 0 (zero indicating there is no unique relationship between the two variables). Sig =  $p$ -value, and  $p$ -values again are significant if they are  $\leq .05$ . The 95% confidence intervals (CIs) tell us, among the significant predictors, if certain variables better predict the outcome (satisfaction with University's COVID plans). If you compare the absolute value of the CIs between two significant predictors, if the CIs overlap, then one variable does not better predict the outcome (e.g., student COVID testing and reporting of COVID vaccine status); if the CIs do NOT overlap, the predictor with the larger absolute beta value better predicts the outcome (e.g., (dis)satisfaction with vaccine mandate outperforms all other predictors). Total  $R^2 = .77$ , meaning all predictors together explained 77% of the differences/variability in satisfaction with University COVID plans, which is a very large %.

The only *non-significant* predictor of satisfaction with University COVID plans was tenure-track status. The *best* predictor of satisfaction with University COVID plans, by far, was (dis)satisfaction with the vaccine mandate. That is, dissatisfaction with (not having) the vaccine mandate explained the most variability in dissatisfaction with University COVID plans.

### Return to Campus: Work Adjustments

Figure 1 presents a flowchart representing the results from the work adjustment questions. In sum, the vast majority of faculty (83%) reported knowing about work adjustment, but among these faculty only a handful of faculty (7%) actually applied for work adjustment; and, among the individuals who applied, roughly half were approved. Among those who did not apply, roughly 60% reported that they did not apply because they felt they did not need a work adjustment; meanwhile, roughly 1/3 reported that they did not apply because they did not think they would receive such an adjustment. One out of 10 faculty also reported not applying because they feared a negative reaction from their unit head.

Figure 1. Flowchart of responses to workplace adjustment questions.



*Note on Figure 1:* Percentages may not add up to 100% because of missing data and/or faculty could choose > 1 response.

## OPEN-ENDED (QUALITATIVE) RESULTS

The committee focused on analyzing responses to the second open-ended question: “What are your current teaching concerns, if any?” Out of the 1344 total survey respondents, 8.18% ( $n = 110$ ) said they had *no concerns* with returning to in-person instruction. Additionally, there were *blank* responses where nothing was written in ( $n = 260$ , 19.35%) as well as comments that were *unintelligible or irrelevant* ( $n = 25$ , 1.86%). Thus, 78.79% ( $n = 1059$ ) of the sample provided a response to the open-ended question.

Responses were analyzed through a process of inductive “Open Coding,” followed by a phase of deductive “Focused Coding” (Emerson, Fretz, & Shaw, 1995). The first phase of open coding utilizes a traditional “grounded theory” approach (Strauss & Glaser, 1967) where researchers read through the text and allow initial codes to emerge from the data. This often produces numerous codes that cover a range of responses and may be comprised of long phrases or whole sentences as identifiers. As inductive coding continues, those numerous codes may begin to overlap in purpose and scope, and researchers typically collapse some codes into each other as the meaning of responses becomes clearer. Code names become shortened and eventually a set of stable codes are developed for use during the next step of focused coding. In this phase, codes are deductively applied to the text in a uniform manner that requires a re-coding of the data set. It is important to note that one respondent’s entry might cover multiple codes at once (for example, if someone mentioned the lack of a vaccine mandate, masking compliance, and classroom issues in the same response). Therefore, total code counts do not necessarily add up to total participants.

After the coding process concludes, analysts begin making connections between codes and note prominent patterns that are developed into broader themes (typically by drawing together multiple codes under a thematic ‘umbrella’). Analysis of open-ended responses found three prominent themes surrounding faculty experiences with teaching during the beginning of Fall 2021: Health Concerns, Pedagogical Concerns, and Administration Concerns. One additional, albeit minor, theme encompassed faculty expressing frustration with COVID protection measures and what they perceived to be faculty complaints about Penn State’s response.

Presentation of the qualitative data includes exemplary quotes from within each code, as well as the frequencies and percentages of how many times the sentiments were expressed by respondents in the overall sample. As the frequency of responses increase, so too do the number of excerpts for each code (up to a maximum of eight excerpts for a code with high frequency). This provides a visual, as well as analytic, congruence between the space given to various concerns in the survey and their representation in the report (See Table 9 below). The respondent’s number appears in parentheses after each excerpt, and specific details have been removed (indicated by brackets or ellipses) to preserve the anonymity of participants.

**Table 10**

<b>Codes</b>	<b>Frequency (f) / %</b>
<i>Health Concerns</i>	
Infection	253 (18.82%)
Masking	248 (18.45%)
Vaccination	206 (15.33%)
Social Distance	196 (14.58%)
Student Health	93 (6.92%)
Mental Health	39 (2.90%)
Testing	25 (1.86%)
<i>Pedagogical Concerns</i>	
Pedagogical Burdens	277 (20.61%)
Classroom Environment	117 (8.71%)
Student Success	101 (7.52%)
Student Conduct	32 (2.38%)
<i>Administration Concerns</i>	
Unclear Guidance	79 (5.88%)
Public Image & Loss of Faith	66 (4.91%)
No Flexibility	51 (3.79%)
Inequality & Retaliation	11 (0.82%)
<i>Reactions and Responses</i>	
Don't Need Masks or Vaccines	17 (1.27%)
Complaining or Undermining System	9 (0.67%)

**Health Concerns.** By far, the largest set of concerns relayed by faculty involved their own personal health, as well as the health of their students, their communities, and families. Of the 1344 respondents, health concerns were mentioned 78.87% of the time ( $n = 1060$ ), specifically involving infection, masking, vaccination, social distancing, student health, mental health, and testing.

Faculty were most worried about *infection* ( $n = 253$ , 18.82%), both themselves becoming infected or transmitting the virus to family members:

My current teaching concerns revolve around the fact that I have two young children at home who are unable to be vaccinated and that I am putting at risk by being surrounded...with thousands of students a week and then also being face to face going to multiple classes to teach. (243)

Breakthrough infections causing death and lifelong illness, a campus-wide surge which threatens in-person classes, activities and our local community. (283)

It is known that vaccines do not prevent one from catching COVID but they drastically reduce the impact of infection. Therefore, even those of us who fully vaccinated can be vectors transmitting COVID. I am very concerned about this possibility. It is a grave danger for those of us who are living with small children and/or health compromised partners. (328)

Being exposed to COVID-19 and developing a breakthrough infection. Have had vaccine, but also have some concerns regarding immunocompromised situation. Unvaccinated students who contract COVID-19 will, at a minimum, miss a week or two of class. They are also at a high risk of dying. None of this helps their educational process. (436)

I'm vaccinated, but I'm still concerned about breakthrough illnesses and illnesses for my students. Even if not life-threatening, it will, at the very least, cause set-backs in the delivery of the courses. (630)

Chance of exposure. I'm vaccinated, but my children cannot yet be. I'm concerned that I could be exposed, infect my unvaccinated children, who then could infect their peers in school/daycare. (817)

Although I am vaccinated, I am aware that there is still a chance that I could get COVID from a student, particularly if they are not vaccinated. Masks are mandated indoors, but I have seen students walking around not wearing them appropriately (nose uncovered, for example), and there is not social distancing or proper ventilation in the classrooms...Apart from my own health, my daughter is too young to be vaccinated, and I'm very concerned that I could contract COVID and transmit it to her. The delta-variant is of greater concern for children than the previous variants. (1160)

I'm very concerned about being exposed to COVID and infecting my family, especially my [partner] who may not be fully immunocompromised, but is still at significant risk due to having undergone [medical] treatments over the past year. The University could have done more to mitigate this situation (e.g., at least mandate a vaccine) and I am rather upset that they didn't. (1311)

Of course, the primary reason they felt nervous about contracting the virus involved classroom interactions and university-level policies. Concerns about proper *masking* in class ( $n = 248$ , 18.45%) regularly appeared in responses and tended to take two forms: students not wearing masks correctly and difficulties breathing in masks.

It's hard to teach in a mask, but I'd rather do that than catch covid from one of my students. It's hard to enforce a masking policy without confrontation. (78)

I teach in a [...] environment, where students work in the space independently at all hours. I have already come across students not obeying mask rules during non-class hours because they are eating or just not paying attention. The incentive to be lax about masking is huge in this environment, and we can't police masking effectively when and where it is most needed. Without mandatory vaccines, I fear our learning spaces will become hot spots for disease spread. (113)

Students are simply not obeying the masking mandates. Students are not masked (at all) in the hallways. There is no monitoring of this behavior...by anyone. This is less dangerous than not masking in classes but if waiting outside a room for a class to start, this could create dangerous exposure. Students are also not masking properly in the classroom. Approximately 20% of my students have masks under their chin or nose. Not sure what to do. (155)

I am concerned about the number of students in my classrooms and the number of slipping masks. A number of students are wearing their masks below their noses or they slip as the class goes along. I remind them and get no push back, but they slip nonetheless. (253)



Having to be "mask police" while I'm trying to teach. I feel a huge responsibility to keep the entire class safe. The University's suggestion that I cancel class and dismiss everyone because a student refuses to wear their mask is ludicrous. This "solution" punishes every student because of the reckless actions of one. (319)

There's simply not enough time to play mask police throughout the duration of a class. While almost all students have been cooperative in wearing their masks, I've lost track of the number of times masks have been removed for food or drink or to speak. The masks may be covering their mouth and nose when they enter the lab, but as time progresses I see more and more noses appear as masks drop. I am unable to keep 6 feet of distance because I need to help students troubleshoot on the Lab computers. I am terrified of bringing home a variant to my son who cannot be vaccinated yet, and have definitely noticed a decline in my mental health as a result of that stress.

I would guess that about 25% of my students are not wearing masks properly in class (e.g., nose is exposed), and I see plenty of students not wearing masks in the hallway in buildings. I couldn't possibly police mask usage myself to the extent to which it needs to be policed for it to be a fully effective way of preventing the spread of COVID. (861)

Students innocently allowing their masks to slip down and having to be told to raise their masks to keep them and the rest of the class safe. We are social beings, and friends in class really get close to one another and speak energetically even with their masks on. Other students sitting around them look a bit concerned that the social distancing limits has been breached. I, too, have to keep pulling up my masks, and it can be difficult to breathe in hot classrooms. (1108)

Where faculty concerns converged, however, was around *vaccination* ( $n = 206$ , 15.33%)—primarily with wanting more information about the vaccination status of students and/or a vaccine mandate:

Teaching during the current state of the pandemic without a vaccination mandate is a direct threat to the health, well-being, and lives of students, staff, and faculty. (81)

We need better mitigation of COVID risks, including but not limited to a vaccination mandate. I do not feel safe or comfortable being in the classroom in person but am forced to because of Penn State's policies. Undoubtedly, this impacts the experience that I can deliver. (207)

As an educator, I can't know if my students have been vaccinated and which ones have not. This makes teaching in-person problematic. The mantra of "freedom" has been used far too often. We don't defend drunk driving because drunkards ought to have the "freedom" to drive drunk because drunk drivers have the capacity to harm others. The same applies to not getting vaccinated. People who are much more likely to contract Covid have a significantly higher capacity to harm others. PSU is tolerating irresponsibility under the guise of "freedom" when it allows the unvaccinated to continue to be in PSU facilities. (260)

This summer, I had students that were infected with COVID-19, as I did the Spring semester before. I am concerned for the students, faculty, staff, community and my family. A fully vaccinated campus should be implemented. (335)

Students in my class being unvaccinated - with FDA approval, we need to mandate vaccines like the large majority of the other Big 10 universities. (474)

I fully support in-person learning, but it needs to be done safely. Without a vaccine mandate, 2021 does not differ from 2020. In fact, it's worse with COVID variants. I already have a positive case in my class. Even so, we are discouraged from going remote and must continue teaching in person so

long as we're asymptomatic. Again, I support in-person learning. But a vaccine needs to be mandatory for us to have a safe learning environment. (769)

With the delta variant, being in the same room, without windows, with significant unvaccinated individuals is an unnecessary risk. Require students to be vaccinated. (962)

It's simple. I am concerned about teaching in person without a vaccination mandate. Ridiculous to put myself and my students at risk. It is stressful for everyone and doesn't need to be that way. (1043)

As illustrated in some quotes above, the inability of students to social distance (n = 196, 14.58%) also surfaced as a concern during the first week of classes. This created, according to many respondents, unease for them as instructors and unease for students as well:

Social distancing is not being maintained. We are still in the throws of the pandemic, but are not being as cautious as we should be. (103)

Students appear uncomfortable and ill-at-ease in crowded classrooms. I am ill-at-ease knowing that anyone in the crowded room could be unvaccinated. (303)

I have a 40 seat class and a final enrollment [close to that limit], therefore students by no choice of their own have to sit next to others who will become contacts if one of them has COVID. This does not seem acceptable to me. I believe the University should provide options for social distancing so that students are not forced into quarantine because of what the University forced upon them. I spoke to a few students about how they feel about this issue and they expressed discomfort with how tightly packed many of their classrooms are. (372)

Having a relatively small classroom with many students elbow-to-elbow. On day 2 of class a student emailed me they had been in class the day before and now found out they had Covid (even though fully vaccinated). This makes me nervous for myself and the students that were near this person. (500)

Social distancing. I have [an] afternoon course and, so far, this week it has gone as well as possible. Everyone is wearing their masks. There is, however, absolutely NO socially distancing built into the classroom. My class of...students is squashed into an old classroom...and only one of the two air conditioners working. So far, I've been able to coax humor from this, and we've all kept our masks on. The social distancing should have been better prepared, despite this not being an essential concern of the administration for this term. (792)

I have a huge class with [hundreds of] students...IT IS PACKED. Not only me but students are telling me they feel uncomfortable and unsafe to be around with so many people without any distancing. I want to invite all the higher administrators to sit in my classroom for at least one session, and let them tell me how they feel about it. (1438)

Also, faculty expressed concern—not only for their own health, but for students' health (n = 93, 6.92%) with the return to in-person instruction:

My students not being safe outside the classroom and therefore getting sick. Most of my class work involves group projects so everyone needs to stay healthy to be successful. One of my classrooms is a little snug which I'm trying to get changed. (38)

My concerns relate mostly to my students--some are severely lacking in their preparation due to inconsistent school attendance over the past year and a half, social anxiety, and the still looming possibility of someone getting ill. (366)

Maintaining the health and safety of all in my classes and ensuring a respectful and engaging learning environment. Also, avoiding my own burnout from being completely overextended due to additional precarities, insecurities and risks brought on by the pandemic. (574)

Health. My own and my students. I am concerned that not providing them with a way to experience the class in their absence is encouraging them to show up when they feel ill. (1069)

Some faculty discussed how difficult they found coming back to the classroom during a pandemic, and the toll it has taken on their own *mental health* ( $n = 39$ , 2.90%):

Everyone has covid-fatigue and anxiety--faculty, staff, and students. This needs to be acknowledged and addressed for effective teaching and learning. It cannot be simply "business as usual" and "the show must go on." We need safe learning spaces for everyone--physically, emotionally, and mentally. (617)

I would feel less anxious about teaching in person in the midst of this Delta variant surge if the university mandated vaccines for ALL students, faculty, and staff. Worrying about potentially being infected and how it may impact my teaching abilities and my students' learning is negatively affecting my mental health. It's hard to be a consistently engaging teacher when so much of my energy is being devoted to trying to stay healthy and keeping my students safe. (951)

Lastly, faculty brought up *testing* ( $n = 25$ , 1.86%). And, while not a significant source of worry, some expressed frustration about the testing policies or availability on campus:

Students should have been tested BEFORE coming to campus. It is too late by the time they get here and are already spreading the virus. (561)

The lack of random testing for vaccinated people plus a definition of close contact that does not take the reality of the Delta variant into account means we will be in rough shape this fall. EVERYONE will be covid +. (1479)

As is evident from the above quotes, faculty expressed numerous concerns involving their own and others' health due to PSU policies for the Fall 2021 semester.

**Pedagogical Concerns.** Another theme that emerged from the open-ended responses revolved around teaching. Of the 1344 responses, 39.21% ( $n = 527$ ) involved comments about pedagogical burdens, the classroom environment, student conduct, and student success.

Faculty talked at length about the additional *pedagogical burdens* ( $n = 277$ , 20.61%) being placed on them in terms of teaching expectations:

Having large numbers of students in my courses be in quarantine and isolation. That will result in a lot of make ups and accommodations. It seems like the administration has put all the burden on faculty members. It is also results in a very bad learning experience for the student. (50)

I am concerned about the EXTREME additional hours I will have to spend helping students who enter quarantine because of poor decisions by University Administration. I do not ever get that time back. I will not get paid for that time. My research and grant work will suffer (again).

If we had been told that remote could be offered simultaneously with in-person instruction this semester, then it would have been easier because the time crunch would not be as bad. (150)

I teach a large course (for our campus)...It is located in a windowless classroom and we are jam packed. I don't have TAs or other assistants to help with technology and since I'm pretty much guaranteed to always have someone out in quarantine/isolation, I have to find ways to "catch those students up", which is NOT trivial. I've had constant technology issues so far (network going down during class killing my recordings and abilities to run online polling, etc.). And how exactly am I supposed to watch [all of the] students to make sure they stay properly masked, run all of my own IT, AND teach content? Please. And my small class of 20 is in a tiny room where again students are sitting shoulder to shoulder with each other. I've already resigned myself to the fact that I'm going to get Covid this Fall from being in these classroom conditions. I just hope being vaccinated is enough to keep me from dying. (157)

I am also concerned about how I will deal with a large number of quarantined students or students missing my class and whether or not I will be able to decide when/if my class moves to zoom. If a significant number of my students are missing class it would seem that even if the university does not move to distance learning that is what would benefit students. I am really concerned that I will not be able to provide adequate experiences for student who are absent for 2 weeks or more without basically teaching the class twice. (343)

My concerns are primarily related to how much of the semester will be impacted by absences related to sickness, quarantine, etc. This will be a challenge in consistency, participation grading, make-up workload, etc. (515)

The time all of the student exceptions will take in terms of classtime. Students are already in need of extra care after a year away from the in-person experience, and if the first week is any indicator there will be a ton of absences with students seeking to make up work. Professors are really at the breaking point and I think it will be impossible to accommodate all of these while also keeping the normal class going. (661)

It's extremely difficult to manage attendance and participation in classes when we're asked to be "flexible" about attendance for covid. You're asking faculty who are teaching in person (which requires its own forms of prep, engagement, and labor) to multiply their labor when you ask them to make teaching materials available to students in person AND online, at any given point. It's ridiculous. (751)

I already have students out (for weeks) due to positive Covid tests. Since they will need to make-up [assignments], this is a lot of work for me. The university's "just do whatever your usual make-up policy is" doesn't take into account that fact that there's likely to be MORE students out sick this semester than in pre-Covid times. For [some courses] this imposes additional burdens on faculty. (1403)

In addition, faculty were concerned about inadequacies within the *classroom environment* ( $n = 117$ , 8.71%) that might hinder effective teaching:

Classroom is WAY TOO SMALL. [It] is not suitable for a [large] class during a pandemic where students are shoulder to shoulder. The room is hot and stuffy and the masks make it almost impossible to teach and the students are squirming in seats because they are so uncomfortable. I am vaccinated and pro masking but someone should check out this environment. (105)

Many rooms have very low air quality...This produces rooms which are physically hot and humid that can distract from instruction. Also, this introduces additional COVID-19 risk. (402)

The wifi and internet access in [my classroom] is pathetic and inexcusable. Penn State is discontinuing clickers, so I am supposed to use Top Hat, but neither my laptop and my iPad can connect to Top Hat during class; either I log on and cannot load content, or the two factor authentication will not connect and times out time after time. There is no air conditioning in the room, and it is over 90 degrees; also unacceptable. There is no document camera in the room; also unacceptable. (440)

The room I am teaching in...is so hot that I literally almost fainted while teaching...I have no idea if that building has AC or not but if it does, it clearly was not working...Also, the wifi did not work at all any time for teaching this week. Which meant that I could not connect my laptop via solstice or could not record my lectures via zoom. This is a major problem. How can our network be so unprepared for this when we teach every term. (491)

If expected to teach in the classrooms with masks on, better technology needs to be provided for both voice projection and auditory information from students. Communication, and by extension the learning process, is going to be hindered in this masked climate. In the same breath, I continue to be concerned about compliance and reporting. (1057)

All of my classrooms are hot and lacking a proper post pandemic knowledge level of ventilation despite what we are told about the classrooms. I literally almost passed out after wearing a mask and talking loud for almost 3 hours (two back to back sections). All of my classrooms except 1 are full to capacity making them worse for temperature and ventilation. Try to record and broadcast for students who have not yet returned to PSU or are in isolation etc. continues to duplicate work and minimizes using various forms of teaching. (1502)

While many instructors were worried about their own success in teaching, they were also concerned about *student success* ( $n = 101$ , 7.52%):

Group work is even more challenging in rooms already crowded with students. It is fine in masks with one person speaking, but when groups of students are speaking? It is difficult to hear and understand each other with masks on. To be clear, I fully support mask wearing. (223)

That my classroom cannot be an inclusive space for some students under current plans because they may wish/need to social distance in addition to masking. (257)

Learners are getting less hands-on time with educators, patients, and other learners. Remote courses are being actively used, but most feel that this inhibits interactions. (267)

When a student falls ill, I feel as if that student will be at a distinct disadvantage. It is impossible for me to teach in the classroom, record lectures and upload them to Kaltura. (418)

As we move forward, it will be interesting to see how it goes. If significant numbers of students start having to attend remotely because of quarantine or illness... running classes in dual modes will be "interesting." My class is currently optimized for in-class active learning with a remote recording as a backup. I am not willing to degrade the experience for those in class if PSU is demanding "the full

in person experience" by trying to do both half-assed. I will make accommodations for those that cannot attend class but it will be no where near the quality of experience as when I had the classes in remote-only mode last year (and thus were optimized for remote learning). (530)

Keeping students on track who are having to quarantine and isolate due to COVID. I am also concerned with the current mental health of our students, faculty and staff. (1357)

Lastly, some faculty were apprehensive about *student conduct* ( $n = 32$ , 2.38%) and needing to manage classroom behavior:

Immediate issues with compliance - on the first day of classes - including a student tantrum about "their freedoms" and several faculty members continually "not noticing" their masks were falling well below their noses. (406)

I am concerned about the disrespect that my TAs and I are experiencing around masking. Students are asked to cover their noses and they cover them for the moment that the TA is looking and then pull it down again. In a large classroom...it is impossible to keep people safe. Yes, I could be reporting them to Student Conduct Office, but there are so many of them disregarding the rule that there is no way that I could track all of their names down to make this report. (894)

From the above data, it is clear that faculty understood the importance of their role as educators and felt that their ability to be successful in the classroom would be hindered by university policies and potential outbreaks of infection.

**Administration Concerns.** The third major theme from the open-ended responses involved concerns about the administration and university. Of the 1344 responses, 15.4% ( $n = 207$ ) relayed frustration over unclear guidance, the public image of the university and a resulting loss of faith in the administration, the lack of flexibility during a pandemic, and inequalities faced by faculty.

One of the sentiments faculty expressed repeatedly in the survey was the amount of *unclear guidance* ( $n = 79$ , 5.88%) being given by the university:

Before classes even started I had a student out b/c of the need to quarantine. I'm sure that the semester will be a revolving door of students needing to do so. Administration at my campus provided less than adequate guidance as to how to accommodate this student and other students moving forward. There needs to be a consistent message regarding faculty responsibility and expectations with respect to providing remote accommodations as well as an acknowledgement that this takes a significant amount of additional effort. (347)

There has been no clarity on the University's contact tracing policies. If a student tests positive in my [course], will the students around them be told to isolate or quarantine? I have no idea. What about lecture courses without assigned seating? Super unclear for everyone. (443)

The University has offered no reasonable assistance in what I am exactly supposed to do if any of my students are quarantined and/or isolated during the pandemic. Flipping the class into synchronous Zoom would be the most effective, but we are only allowed 24% online time? I need

to offer separate online opportunities to these students but be sure that they are not available to other students because we still want them to attend face to face? How, logistically, will this work? How could I do this without significantly increasing my class prep time? This consistent response from the administration of making decisions with little faculty consultation and then making the faculty responsible for solving the problems which result from these decisions is educationally irresponsible and directly interferes with my ability to provide ALL my students with the best educational experience possible. (713)

I have very little idea how to proceed when a student notifies me that they have a positive COVID-19 test or even a close contact. I have asked students to not come to class ill, but I do not take attendance or assign seating. How are close contacts within this context defined? Is it even within my right to ask the student to go remote if we feel that there were potential exposures in class? (1128)

Faculty were also worried about how various COVID policies would make Penn State look on both the national and global stage. This led many faculty—in the same breath—to talk about how they had lost faith in the university and administration. Thus, *public image and loss of faith in PSU* ( $n = 66$ , 4.91%) were connected concerns:

I am concerned with the message that we are sending to the world. I am concerned that we are an outlier among institutions, private and public who are mandating vaccines. I am concerned that we are teaching the students and the public that we will not speak out against untruth when it is staring us in the face for fear of reprisal. I am concerned with not putting out a narrative explaining that we are forced by a 250 million dollar ransom note to ignore public health of fear that a gerrymandered legislature will crater our budget. (25)

The lack of a vaccine mandate. I am enraged that the university has failed to follow suite with peer conference and national R1 institutions in mandating a policy that would protect the lives of many. The fact that our president and administration have essentially cowered to the will of politicians in Harrisburg (irrespective of their political views or affiliation) is heinous and deplorable. It speaks against the very foundation of what an R1 stands for and is, quite frankly, a tremendous mark of shame on them, and indirectly, on all of us. (30)

The university administration continues to double down on its cowardly and ill-advised position on a vaccination mandate. The Pfizer vaccine is now FDA approved, and with that approval Ohio State (arguably in a redder state than we are) instituted a vaccination mandate. Doing so would make everyone safer. Lives are at risk. (300)

I used to love my job. Before the pandemic this was the best job I ever had. My only concern with regards to teaching at this time is not breaking down crying during class because working [on campus] has become so toxic. Every day another colleague quits or takes early retirement and it is hard to put on a positive “we are” face on for students when you know your administration could care less about you as a faculty member. (1411)

This loss of faith in the university was compounded by faculty frustration with what they perceived as the administration allowing *no flexibility* ( $n = 51$ , 3.79%) for Fall 2021 teaching modes:

The process for requesting teaching accommodations is an all-or-nothing approach based on conditions at the start of the semester. There is no flexibility for changing conditions. Some faculty who are at higher risk might feel comfortable enough teaching under current conditions, but factors

could change enough that they are at higher risk but not enough to shut down the University. A poor swimmer might be comfortable swimming in green flag conditions but would get out of the water in red flag conditions even though most people would be able to stay in. The University has basically said, "The flag was green when you got in, so stay in." At least they've not provided any contingency plans. (46)

I am concerned that instructors don't have much flexibility to teach their courses remotely, should circumstances change over the semester. I think many of us are willing to teach in-person under many circumstances (e.g., if number of covid cases stays low, if instructors/their family members are healthy, etc.), but many instructors would prefer the option to switch to remote-instruction as circumstances change, without having to worry about restrictions on the % remote class periods allowed for a designated "in-person" course. (396)

If given the option, I would have listed (and designed) my courses as "hybrid" so that students who prefer the residential option could attend face-to-face and students who need accommodations...could complete the course remotely. However, I couldn't list the course as "hybrid" because I don't qualify for the health-related adjustments. The health-related adjustments only take into account the instructor and the instructor's family; they do not take into account the education and welfare of the student or the student's family. (651)

I am older, fully vaccinated, with a number of health conditions that place me at high risk of Covid infection. The university has not honored my request for a "work adjustment" despite my having disclosed these conditions. I have given over two decades of devoted service to this institution. To be treated as dispensable is horrific, and I am terrified both for myself and for my family. (668)

Lastly, a few faculty noted how *inequality and potential retaliation* ( $n = 11$ , 0.82%) from administration were shaping their experiences at the university. While this code only appeared a handful of times, the concerns that people voiced sometimes involved being a faculty member of color or un-tenured/non-tenure-track:

I am worried about getting COVID-19 from any of my students. Or having a student who is anti-masker attack me because I required them to wear masks. Also, I am worried about not receiving support from my supervisors if an incident occurs. The fact that I am a person of color makes it worse. I already had an incident with a White male student on the first day of classes who kept laughing when I asked him to fix his mask. I knew that I wouldn't have received that behavior from the student if I had been a White male professor. I mention this example because the administration is not thinking AT ALL about the inequity of their policies. And by inequity, I am not just talking about race. Think about people with children, chronic conditions (such as me), or just exhaustion and stress that has been exacerbated by the administration (provost, president, chancellor, DAA, etc.). (234)

Students in the back have a hard time hearing me, and I have a hard time hearing their questions. To help deal with this I have been maintaining a shared Google doc in which they can type questions, but some students seem to prefer to ask questions. It's not unusual for students to pull down their masks when they do this, despite my pointing out that this is against the rules, and (since I am not yet tenured) I have limited ability to enforce these rules without hurting my teaching evaluations. (299)

Given the above quotes, faculty expressed dissatisfaction with administrative decisions that they perceived to be motivated by external pressures and the general lack of clear communication about those decisions.



**Reactions and Responses.** Lastly, a minor theme emerged regarding respondents who disagreed with the need for masks and who generally felt faculty complaints were unwarranted. Of the 1344 respondents, 1.93% ( $n = 26$ ) made comments that might best be described as reactions to the question about concerns.

One reaction was from participants who felt they do not need masks ( $n = 17$ , 1.27%) on campus or in the classroom:

I dislike these masks!!! I can't hear my students, they can't hear me, and they interfere with my ability to read their expressions. If we are fully vaccinated then we should have a choice not to wear the masks! (310)

None, except wearing masks is problematic when lecturing in large classrooms with 40+ students. As a vaccinated individual, I see little point in the mask mandate. (346)

While the above comments focused on mask policies, other respondents spoke directly to faculty they perceived to be complaining or undermining the system ( $n = 9$ , 0.67%)

None, just get over it people! The whole world had to change, and we did too. This whining and complaining about everything is getting real old. Maybe if you spent more time getting your courses ready instead of complaining about vaccine status, maybe we could become a better institution. Instead, we look to the world like a bunch of cry babies who think they are special and don't need to make accommodations like everyone else does. (22)

My biggest concern is with the other faculty. I have never seen so much WHINING and COMPLAINING in my life. I teach in huge rooms (300+ students) and I was ready to get back. The students were very ready to get back. All this nonsense of a "Zoom in protest", or faculty just wanting to move their classes online because they wanted to - it is just selfish. They were all thinking of ME, ME, ME, and didn't once consider what students wanted - students who willingly signed up for in-person courses, and wanted in-person courses. Then, these faculty all publicly complain on social media or op-ed pieces. And in one case, a colleague from another department posts his letter of resignation on Twitter, just to get sympathy and attention. The persecution complex is astounding. If these people spent as much time working as they did on their little Twitter accounts, they could be Nobel Laureates by now. It's downright embarrassing that I have colleagues acting like this. (854)

Although only a small percent of the total sample, these sentiments surfaced among a few participants and coalesced around masking mandates and perceptions of faculty complaints.

## DISCUSSION & CONCLUSION

In response to return to in-person teaching, the University Faculty Senate decided to survey faculty from all campuses about their perceptions and satisfaction with their return to work, as well as their experiences with work adjustments.

The quantitative results showed that faculty's return to in-person teaching has overall been generally positive, with satisfaction with student masking (which overall is generally positive) the best predictor of how satisfied faculty are with the in-classroom environment. Nonetheless, around 18-25% of faculty expressed being somewhat or very dissatisfied with their in-classroom experience. Indeed, the faculty who responded to the open-ended question about teaching concerns relayed that they were most worried about becoming infected with COVID (18.82%), masking issues on campus (18.45%), the lack of a vaccine mandate (15.33%), and the inability to socially distance (14.58%).

The quantitative results showed that faculty's perceptions about how easy or difficult it would be to provide accommodations to students did not relate at all to faculty's satisfaction with in-classroom experience. However, for the faculty who responded to the open-ended question, the most frequently noted concern (20.61%) was the additional pedagogical burdens they faced in the classroom. This involved a recognition of extra labor, the expectation to shift modes of delivery if the pandemic worsens, and needing to accommodate students who are in quarantine/isolation. Faculty also relayed a dissatisfaction with what they saw as problems in the classroom environment itself (temperature, WiFi, etc.; 8.71%) and unclear guidance from the administration about how to prepare for the semester and what to do when students test positive (5.88%). There may be some disconnect between the quantitative and qualitative results because the open-ended questions only asked about faculty's concerns; there was no parallel question addressing positive reactions to in-person instruction.

Further, the quantitative results showed that faculty are very dissatisfied with the University's overall COVID plans, with dissatisfaction around the (lack of a) vaccine mandate the best predictor by far of their dissatisfaction with the University's COVID plans. This sentiment was echoed in the qualitative data when some faculty expressed concerns with the limited flexibility for teaching modes in Fall 2021 (3.79%) and about how the university looked on the national and global stage, which resulted in a loss of faith in the administration (4.91%).

Additionally, the vast majority of faculty knew about the workplace adjustment option, although the vast majority did not apply for an adjustment. In asking why faculty did not apply, the majority of faculty said that they did not feel like they needed an adjustment, but around 1/3 reported that they did not feel like they would have received an adjustment. One out of 10 faculty were also worried about negative reactions from their unit head.

Lastly, we note that demographic characteristics (faculty gender, race, appointment type, campus location) explained a very small portion of the differences in satisfaction with the in-class environment and with the University's COVID plans. Thus, faculty's perceptions were generally consistent across these demographic variables.

Overall, this survey found that faculty were generally satisfied with being back in the classroom (as long as masking compliance was followed), but still reported relatively strong dissatisfaction with the University's COVID response (particularly concerning the lack of a vaccine mandate).

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## APPENDIX A

### COPY OF FALL 2021 FACULTY RETURN TO WORK SURVEY

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#### Start of Block: Default Question Block

Q1 This survey and the resulting data are developed and managed by a small group of Faculty Senate leaders. Results are fully anonymous. If you have any difficulties or concerns regarding the survey, please contact [Kim Blockett](#) Senate Chair-Elect.

Please complete the survey by Monday, August 30 at 10AM.

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Q2 Based on your teaching experience during the pandemic, can you suggest any opportunities for the University to foster better teaching and learning experiences moving forward?

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Q3 What are your current teaching concerns, if any?

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Q4 How easy or difficult would it be to provide remote course accommodations for multiple students?

- ☐ Extremely difficult (9)
- ☐ Somewhat difficult (10)
- ☐ Neither easy nor difficult (11)
- ☐ Somewhat easy (12)
- ☐ Extremely easy (13)

Q5 Considering your experiences during the first week of classes - How satisfied are you with....

	Extremely dissatisfied (1)	Somewhat dissatisfied (2)	Neither satisfied nor dissatisfied (3)	Somewhat satisfied (4)	Extremely satisfied (5)
...the number of students who are properly masked in class. (1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...your in- classroom experience? (2)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q6 Considering the University's [Fall 2021 Health and Safety Plan](#) for COVID-19 - How satisfied are you with the....

	Extremely dissatisfied (1)	Somewhat dissatisfied (2)	Neither satisfied nor dissatisfied (3)	Somewhat satisfied (4)	Extremely satisfied (5)
... COVID-19 testing process for students coming to campus? (1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
... University's stance on mandating COVID-19 vaccinations? (2)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
... reporting of COVID-19 vaccination status? (3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
... University's overall plan for COVID-19 during the Fall 2021 Semester? (4)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q7 Were you aware of Penn State's process for faculty seeking a health-related workplace adjustment?

- ☐ Yes (1)
- ☐ No (2)

*Display This Question:*

*If Were you aware of Penn State's process for faculty seeking a health-related workplace adjustment? = Yes*

Q8 Did you apply for a health-related workplace adjustment for the Fall 2021 semester?

☐ Yes  
(1)

☐ No  
(2)

*Display This Question:*

*If Did you apply for a health-related workplace adjustment for the Fall 2021 semester? = Yes*

Q9 If you applied for a workplace adjustment, did you receive it?

☐ Yes  
(1)

☐ No  
(2)

*Display This Question:*

*If Did you apply for a health-related workplace adjustment for the Fall 2021 semester? = No*

Q10 If you didn't apply for a work-related adjustment, why didn't you apply? (select all that apply)

- ☐ I didn't feel I needed an adjustment. (1)
- ☐ I didn't think I would receive an adjustment. (2)
- ☐ I was worried about negative reaction from my unit head. (3)
- ☐ I didn't have enough time to apply. (4)
- ☐ Other (5)

Q11 Please indicate your primary campus location:

- ☐ Penn State - Abington (1)
  - ☐ Penn State - Altoona (2)
  - ☐ Penn State - Beaver (3)
  - ☐ Penn State - Berks (4)
  - ☐ Penn State - Brandywine (5)
  - ☐ Penn State - Dickinson Law (6)
  - ☐ Penn State - DuBois (7)
  - ☐ Penn State - Erie, Behrend (8)
  - ☐ Penn State - Fayette, Eberly (9)
  - ☐ Penn State - Great Valley (10)
  - ☐ Penn State - Greater Allegheny (11)
  - ☐ Penn State - Harrisburg (12)
  - ☐ Penn State - Hazleton (13)
  - ☐ Penn State - Hershey (14)
  - ☐ Penn State - Lehigh Valley (15)
  - ☐ Penn State - Mont Alto (16)
  - ☐ Penn State - New Kensington (17)
  - ☐ Penn State - Schuylkill (18)
  - ☐ Penn State - Scranton (19)
  - ☐ Penn State - Shenango (20)
  - ☐ Penn State - Wilkes-Barre (21)
  - ☐ Penn State - University Park (22)
  - ☐ Penn State - York (23)
  - ☐ Penn State - World Campus (24)
  - ☐ Other (25)
-



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Q12 What is your gender?

- ☐ Female (3)
- ☐ Male (1)
- ☐ Non-binary, gender nonconforming, genderqueer (2)
- ☐ Other (4) \_\_\_\_\_
- ☐ I prefer not to disclose (5)
- 

Q13 What is your racial/ethnic identity? (you can select more than one)

- ☐ African / African American / Black / Caribbean/West Indian (1)
- ☐ Alaska Native / Native American / American Indian / Native Hawaiian or other Pacific Islander (2)
- ☐ Asian / Asian American / South Asian / Southeast Asian (3)
- ☐ Hispanic or Latino/a / Latin American (4)
- ☐ Middle Eastern (5)
- ☐ White (8)
- ☐ Other race or ethnicity (6) \_\_\_\_\_
- ☐ I prefer not to disclose (9)
-

Q14 What type of appointment do you have with the university?

- ☐ Non Tenure-Track (1)
- ☐ Tenure-Line (2)
- ☐ Part-time, Non-Tenure Track (3)
- ☐ Other (4)

---

*Display This Question:*

*If What type of appointment do you have with the university? = Tenure-Line*

Q15 Have you earned tenure?

- ☐ Yes  
(1)
- ☐ No  
(2)

End of Block: Default Question Block

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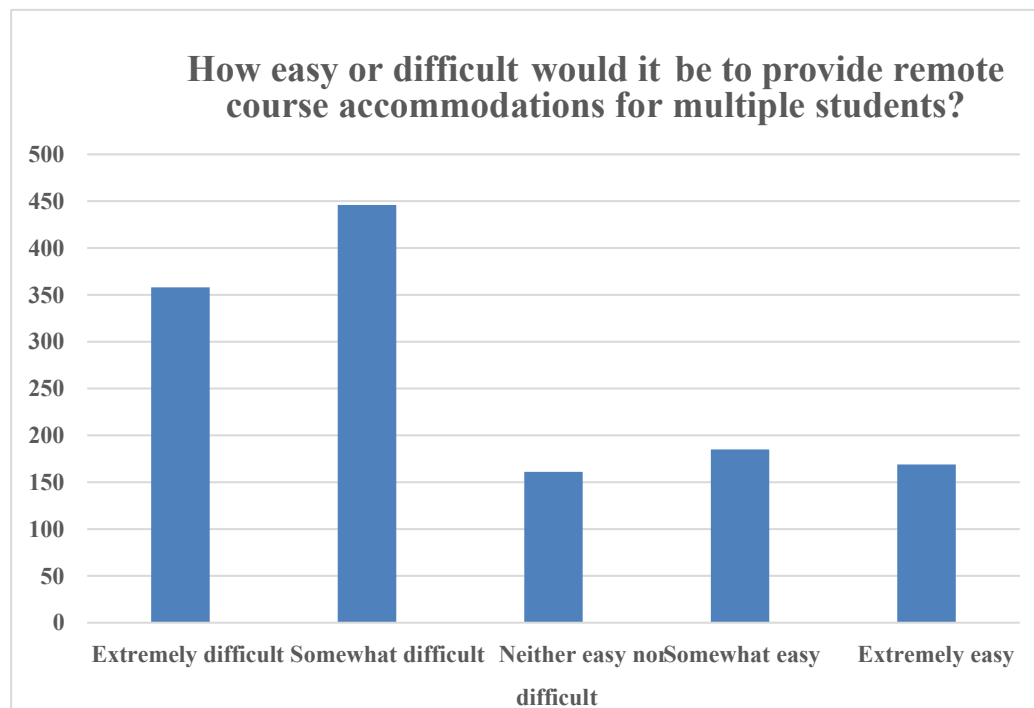
## APPENDIX B

### HISTOGRAMS AND FREQUENCIES FOR RETURN TO CAMPUS VARIABLES

#### B-1

**How easy or difficult would it be to provide remote  
course accommodations for multiple students?**

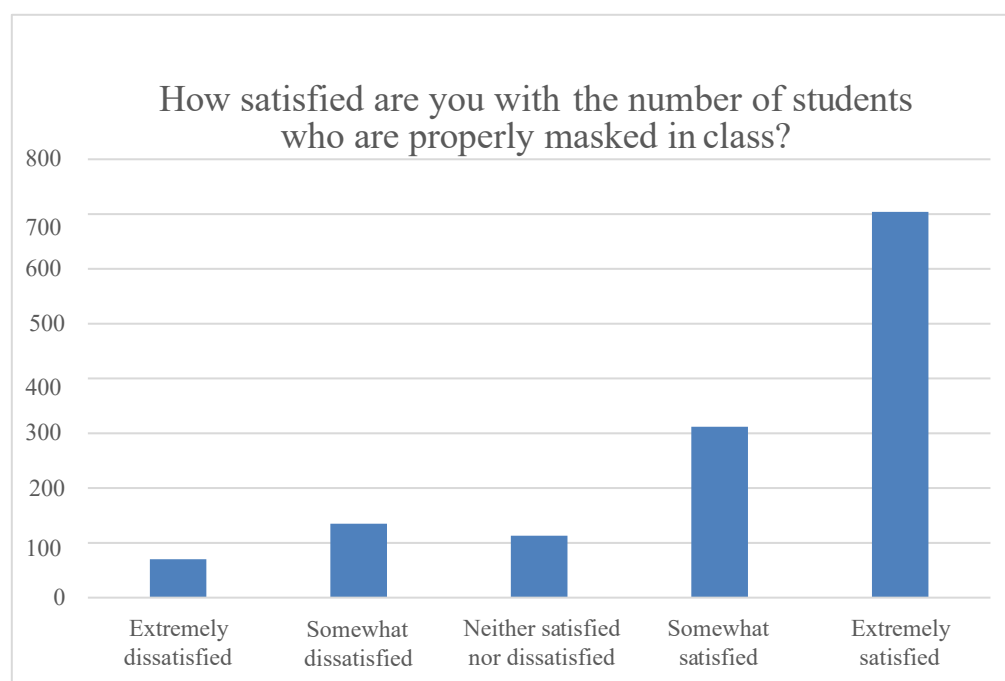
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Extremely difficult	358	26.6	27.1	27.1
	Somewhat difficult	446	33.2	33.8	61.0
	Neither easy nor difficult	161	12.0	12.2	73.2
	Somewhat easy	185	13.8	14.0	87.2
	Extremely easy	169	12.6	12.8	100.0
	Total	1319	98.1	100.0	
Missing	System	25	1.9		
Total		1344	100.0		



B-2

**How satisfied are you with the number of students who are properly masked in class?**

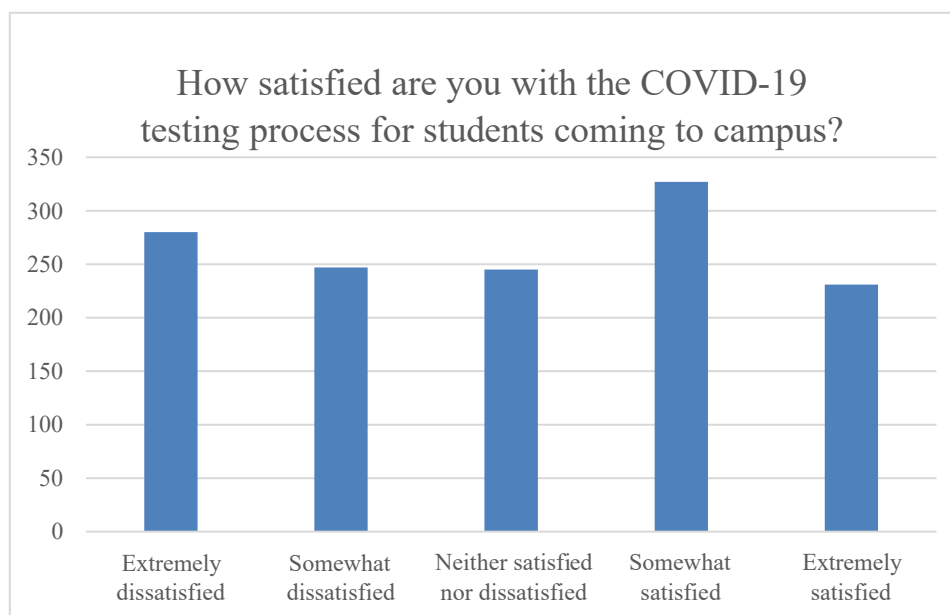
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Extremely dissatisfied	70	5.2	5.2	5.2
	Somewhat dissatisfied	135	10.0	10.1	15.4
	Neither satisfied nor dissatisfied	113	8.4	8.5	23.8
	Somewhat satisfied	312	23.2	23.4	47.2
	Extremely satisfied	704	52.4	52.8	100.0
	Total	1334	99.3	100.0	
Missing	System	10	0.7		
Total		1344	100.0		



B-3

**How satisfied are you with the COVID-19 testing process for students coming to campus?**

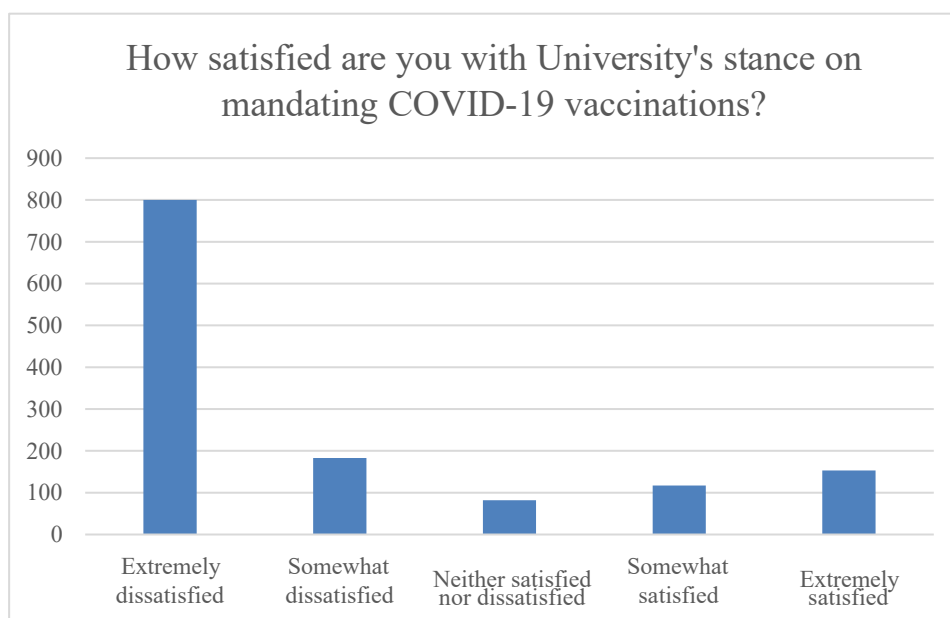
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Extremely dissatisfied	280	20.8	21.1	21.1
	Somewhat dissatisfied	247	18.4	18.6	39.6
	Neither satisfied nor dissatisfied	245	18.2	18.4	58.0
	Somewhat satisfied	327	24.3	24.6	82.6
	Extremely satisfied	231	17.2	17.4	100.0
	Total	1330	99.0	100.0	
Missing	System	14	1.0		
Total		1344	100.0		



B-4

**How satisfied are you with University's stance on mandating COVID-19 vaccinations?**

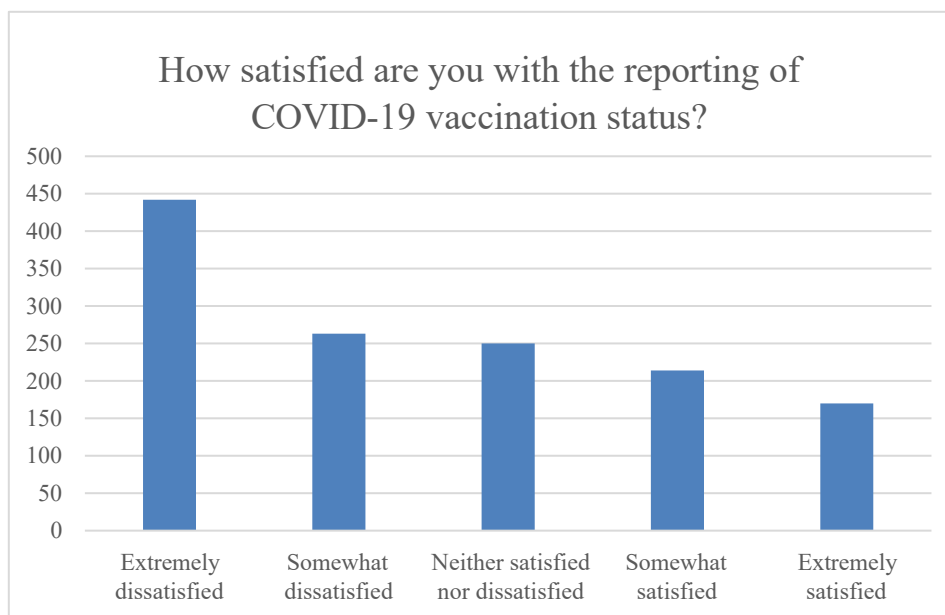
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Extremely dissatisfied	800	59.5	59.9	59.9
	Somewhat dissatisfied	183	13.6	13.7	73.6
	Neither satisfied nor dissatisfied	82	6.1	6.1	79.8
	Somewhat satisfied	117	8.7	8.8	88.5
	Extremely satisfied	153	11.4	11.5	100.0
	Total	1335	99.3	100.0	
Missing	System	9	0.7		
Total		1344	100.0		



B-5

**How satisfied are you with the reporting of COVID-19 vaccination status?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Extremely dissatisfied	442	32.9	33.0	33.0
	Somewhat dissatisfied	263	19.6	19.6	52.7
	Neither satisfied nor dissatisfied	250	18.6	18.7	71.3
	Somewhat satisfied	214	15.9	16.0	87.3
	Extremely satisfied	170	12.6	12.7	100.0
	Total	1339	99.6	100.0	
Missing	System	5	0.4		
Total		1344	100.0		



B-6

**How satisfied are you with your in-classroom experience?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Extremely dissatisfied	117	8.7	8.9	8.9
	Somewhat dissatisfied	232	17.3	17.5	26.4
	Neither satisfied nor dissatisfied	203	15.1	15.4	41.8
	Somewhat satisfied	424	31.5	32.1	73.8
	Extremely satisfied	346	25.7	26.2	100.0
	Total	1322	98.4	100.0	
Missing	System	22	1.6		
Total		1344	100.0		

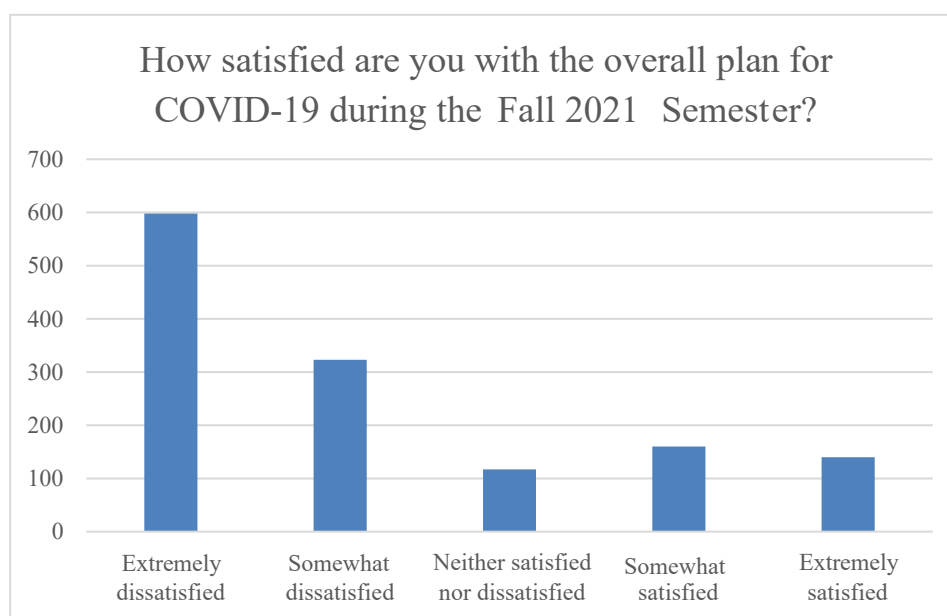




B-7

**How satisfied are you with the overall plan for COVID-19 during the Fall 2021 Semester?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Extremely dissatisfied	598	44.5	44.7	44.7
	Somewhat dissatisfied	323	24.0	24.1	68.8
	Neither satisfied nor dissatisfied	117	8.7	8.7	77.6
	Somewhat satisfied	160	11.9	12.0	89.5
	Extremely satisfied	140	10.4	10.5	100.0
	Total	1338	99.6	100.0	
Missing	System	6	0.4		
Total		1344	100.0		



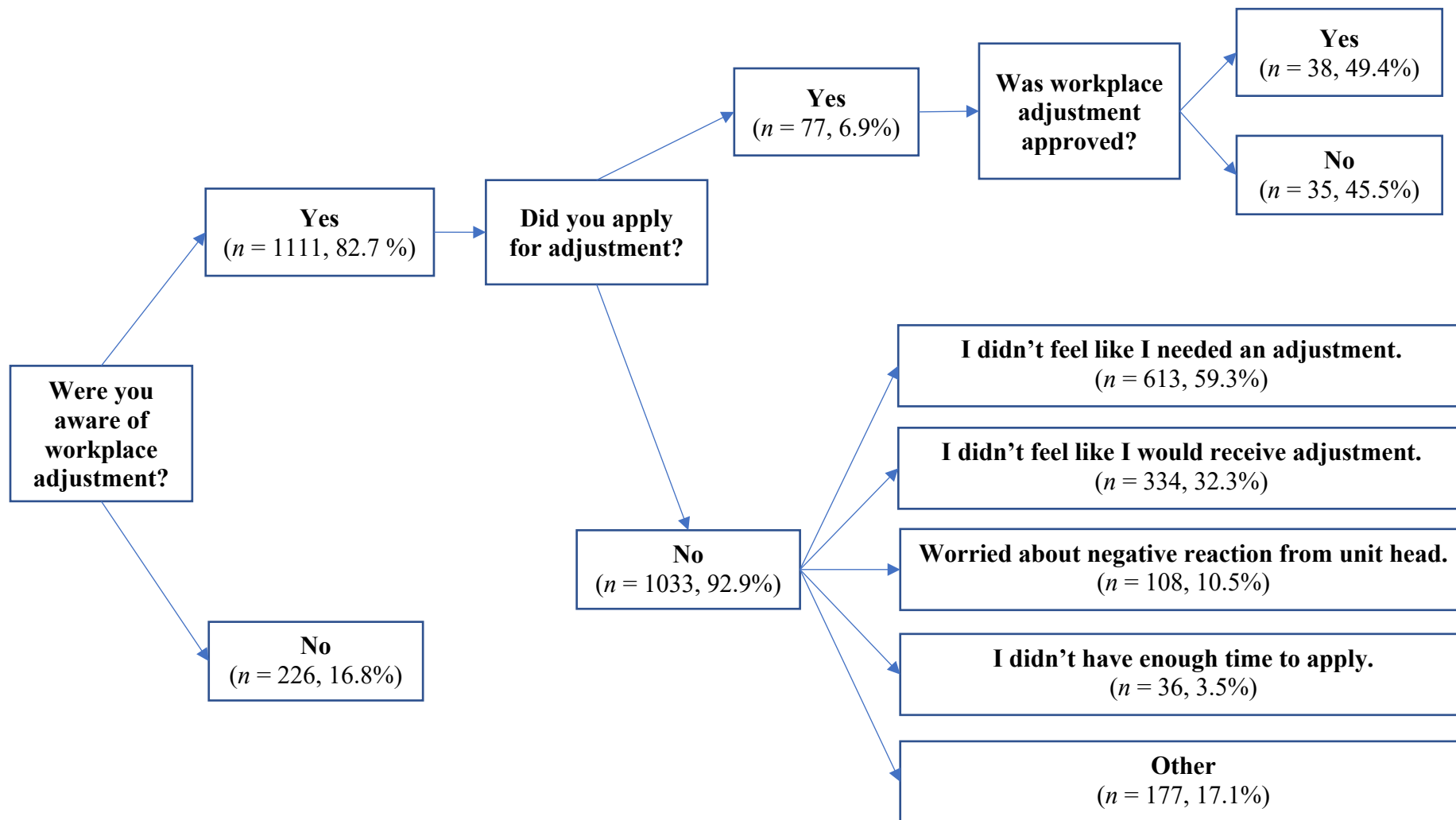


Figure 1. Flowchart of responses to workplace adjustment questions.

Note: Percentages may not add up to 100% because of missing data and/or faculty could choose > 1 respo

## SENATE COMMITTEE ON COMMITTEES AND RULES

Revisions to Senate Bylaws, Article II – Senate Council, Section 1(e) and Standing Rules,  
Article IV – Senate Committee Structure, Section 6(a) Committee on Committees and Rules

(Legislative)

Implementation: Upon approval by the Senate

### **Introduction and Rationale**

Faculty organizations serve as the voice of their faculty both within the academic unit and throughout the University. With the authority delegated to them by the University Faculty Senate, they function for their faculty as a whole within their academic unit regarding internal matters and submit matters concerning courses and programs under the jurisdiction of departments and colleges through the appropriate department and/or college.

For the purpose of performing legislative, advisory/ consultative, and forensic functions within their own academic units and for the purpose of requesting delegation of certain legislative functions of the University Faculty Senate, each academic unit has a single faculty governance organization that is recognized by the University Faculty Senate. Each faculty governance organization must submit for review by the University Faculty Senate a constitution, bylaws, and standing rules that specify how the faculty governance organization functions, which is distinct from the administrative organization of the unit into schools, departments, or other subdivisions. The Senate provides specific [Requirements and Recommendations for Faculty Governance Organizations](#) on its website.

New and revised faculty governance organization documents must be submitted to the University Faculty Senate for review and approval, a process facilitated by the Senate's Unit Constitution Subcommittee. The establishment and oversight of the Unit Constitution Subcommittee currently falls under Senate Council, per Article II – Committees, Section I (e) of the University Faculty Senate Bylaws, which states:

(e) It shall maintain a standing Constitution Subcommittee with authority and responsibility to carry out specific legislative, advisory and consultative functions relative to properly organized faculty organizations. These functions include review of Unit Constitutions, Bylaws and Standing Rules. The subcommittee will consist of two Council members appointed by the Senate Chair and the Senate Parliamentarian, and will be chaired by the Senate Secretary.

However, Article IV – Committees, Section 6 (a) of the Senate Bylaws states that it is the University Faculty Senate's Committee on Committees and Rules (CC&R) that is responsible for proposing changes to the Senate's own governance documents (i.e., its Constitution, Bylaws, and Standing Rules) and CC&R has the authority to interpret these documents (subject to review by

the Senate). Because of these responsibilities, CC&R is closely familiar with the structure and intent of such governance documents. As a result, the Chair of the Unit Constitution Subcommittee has worked closely with the leadership of CC&R when addressing difficult issues that can arise when helping academic units on their own governance documents.

Due to the nature of CC&R's oversight of the Senate's own governance documents and to strengthen the connection between the Senate's governance documents and those developed by academic units, this report proposes to move the oversight of the Unit Constitution Subcommittee to the Committee on Committees and Rules. This would be accomplished through revisions to both Article II, Section I (e) and Article IV, Section 6 (a) of the Bylaws of the University Faculty Senate as recommended below.

## Recommendations

**Recommendation 1:** We recommend that the Bylaws, Article II – Senate Council, Section 1(e) be revised as follows.

*Please note that the following contains **bold text for additions** and ~~strikeouts indicating deleted text~~. In addition, deleted text is delimited with [Delete] [End Delete] pairs while added text is delimited with [Add] [End Add] pairs.*

### Bylaws, Article II – Senate Council

#### Section 1

##### Duties:

(a) It shall ensure that the Senate addresses issues of major concern to the faculty voting units and the faculty as a whole.

(b) It may initiate Senate legislation in the same manner as a standing committee. In addition, it may charge a standing committee of the Senate to investigate matters deemed appropriate by the Council.

(c) It shall provide a mechanism for Council members' review of all legislative, forensic, advisory/consultative, and informational reports submitted for the Senate Agenda. If Council determines the report is adequately prepared, it will be submitted to the Senate Agenda with the following options:

1. Place an informational report, mandated or otherwise, on the Senate Agenda for presentation and discussion.
2. Place an informational report, mandated or otherwise, on the Senate Agenda only for the purposes of dissemination to the Senate and University community.
3. Place other informational reports, not otherwise sponsored by any Senate Committees, on the Senate Agenda for either presentation and discussion or for the purpose of dissemination to the Senate and University community.

Decision on whether an item is to be placed on the Agenda for full Senate discussion is to be based on whether a report is adequately prepared and documented.

(d) It shall advise, upon consultation with appropriate Senate committees, the President and Executive Vice President and Provost of the University on the establishment, reorganization, naming, or discontinuation of organizational units and areas of the University that involve two or more teaching, research, and continuing education functions (whether or not delegation of authority exists). Such advice should be given before official action is taken.

(e) ~~[Delete] It shall maintain a standing Constitution Subcommittee with authority and responsibility to carry out specific legislative, advisory and consultative functions relative to properly organized faculty organizations. These functions include review of Unit Constitutions, Bylaws and Standing Rules. The subcommittee will consist of two Council members appointed by the Senate Chair and the Senate Parliamentarian, and will be chaired by the Senate Secretary.~~  
**[End Delete][Add]It shall give a final vote of approval to unit governance documents forwarded to it by the Committee on Committees and Rules.[End Add]**

(f) In coordination with the University administration, it shall represent the Senate in seeking information from officials and agencies external to the University especially those who establish policies and control resources affecting University academic programs. It shall advise the University administration on external government legislation and other external issues that may have impact on the University. It shall advise the Senate on the preparation of statements on such matters. It shall be the Senate advisory body to the University on public and alumni relations, public information, general publications and private fundraising. The Chair shall be the spokesperson for the Council in these matters.

The External Matters Subcommittee is a standing subcommittee of Senate Council that will be charged to deal with issues external to the University. The subcommittee will consist of at least five Council members together with appropriate additional elected faculty senators and resource personnel and will be chaired by the Immediate Past Chair of the Senate. A majority of the subcommittee will be councilors with at least two members from locations other than University Park. The members of the External Matters Subcommittee will serve terms of two years, and

may complete the second year of the term even in cases where they are no longer a member of Senate Council.

(g) It shall serve as an advisory body to the Senate officers and the Senate as a whole.

(h) In the event that the Chair of the Senate declares existence of a situation of special Senate concern, the Senate Council shall be empowered to act for the Senate in all matters until this authority is terminated by actions of the Senate.

(i) Individual Senate Council members play a critical role in communicating Faculty Senate issues and legislative decisions back to their units of origin. To facilitate these important communications, best practices for Senate Councilors include organizing caucuses with their unit membership, creating regular electronic communications of Senate activities and sending these communications to their Academic Unit Faculty Leaders, Senators and Administrators, and speaking about Faculty Senate activities at unit governance meetings. It is expected that Senate Councilors will embrace their leadership role and actively serve as a communication conduit back to the academic unit they represent.

**Recommendation 2:** We recommend that the Standing Rules, Article II – Section 6(a) ~~Bylaws Article IV – Committees, Section 6(a)~~ be revised as follows.

*Please note that the following contains **bold text for additions** and ~~strikeouts indicating deleted text~~. In addition, deleted text is delimited with [Delete] [End Delete] pairs while added text is delimited with [Add] [End Add] pairs.*

## **Standing Rules, Article II – Senate Committee Structure**

### **Section 6**

Senate Committees:

(a) Committee on Committees and Rules

1. Membership:

- (i) Ten (10) elected faculty senators
- (ii) Chair-Elect of the Senate (non-voting)
- (iii) Immediate Past Chair of the Senate (non-voting)

(iv) Secretary of the Senate (non-voting)

2. Election: By the Senate Council for a term of two years. Elected members of the Committee may serve no more than four consecutive years nor more than three consecutive years as its chair. Elected members of Senate Council may not serve on the Committee on Committees and Rules.

Duties

3. Duties: The Committee on Committees and Rules shall review and make recommendations on the Senate's committee structure. It shall appoint the members of all Standing Committees. It shall be responsible for proposing changes in the Constitution, Bylaws, and Standing Rules of the University Faculty Senate for action by the Senate. This committee shall serve as a Nominating Committee to the administrative officers of the University in the selection of University faculty to serve on University-wide committees. In addition, this committee has the investigative function in determining the constitutionality of acts of the Senate, failures to implement Senate legislation, problems resulting from conflicting legislation, and errors in the implementation of legislation. The Committee on Committees and Rules shall have the authority to interpret the Senate Constitution, Bylaws, and Standing Rules subject to review by the Senate.

***[Add]* It shall maintain a standing Constitution Subcommittee which shall consult with faculty governance organizations to ensure that their governance documents conform with Senate rules. These functions include review of Unit Constitutions, Bylaws, and Standing Rules. The subcommittee will consist of the Senate Parliamentarian and at least two elected Senators appointed by the Senate Chair and will be chaired by the Senate Secretary. Final vote of approval of the unit governance documents shall be by Senate Council. [End Add]**

Each spring, the Committee on Committees and Rules shall select a pool of faculty members who will be available to serve as a member of all Division I Intercollegiate Head Coach athletics searches. The Committee on Committees and Rules will ask for nominations from faculty members who are currently participating in or have participated within the last four calendar years on the Senate Committee on Intercollegiate Athletics, the Athletics Integrity Council, and/or the Faculty Partners Program. The assignment of faculty members to serve on a head coach search committee will be the prerogative of the Senate Chair but under most circumstances, it is expected that the faculty member will be drawn from the pool of candidates identified each year by the Committee on Committees and Rules.

Each year the Committee on Committees and Rules shall ask returning and new senators to rank their preferences for committee assignments. The Committee on Committees and Rules will then select the senatorial members of each Standing Committee, taking into consideration the preferences of senators. Where a representative of an administrative office is to be an ex officio

member of a committee, this member will be selected by the Committee on Committees and Rules in consultation with the appropriate administrative officer. Appointments to all committees should reflect the variety of disciplines, functions, and geographic locations of University units. Annually, the Committee on Committees and Rules shall elect its own Chair and Vice Chair. In consultation with the Senate Chair, the Committee shall designate the leadership of all other Standing Committees of the Senate.

While the Senate officers are the primary faculty representatives to the Big Ten Academic Alliance, the Committee on Committees and Rules shall be informed and consulted on faculty governance issues that arise in the CIC. Such items will be periodically reported to the Senate.

4. Mandated reports: Nomination report. The Committee on Committees and Rules shall have the authority to approve its mandated Informational Reports for publication to the Senate Agenda. The committee shall send its Informational Reports to the Senate Council.

## **Revised Policies**

### **Bylaws, Article II – Senate Council**

#### **Section 1**

##### **Duties:**

(a) It shall ensure that the Senate addresses issues of major concern to the faculty voting units and the faculty as a whole.

(b) It may initiate Senate legislation in the same manner as a standing committee. In addition, it may charge a standing committee of the Senate to investigate matters deemed appropriate by the Council.

(c) It shall provide a mechanism for Council members' review of all legislative, forensic, advisory/consultative, and informational reports submitted for the Senate Agenda. If Council determines the report is adequately prepared, it will be submitted to the Senate Agenda with the following options:

1. Place an informational report, mandated or otherwise, on the Senate Agenda for presentation and discussion.



2. Place an informational report, mandated or otherwise, on the Senate Agenda only for the purposes of dissemination to the Senate and University community.
3. Place other informational reports, not otherwise sponsored by any Senate Committees, on the Senate Agenda for either presentation and discussion or for the purpose of dissemination to the Senate and University community.

Decision on whether an item is to be placed on the Agenda for full Senate discussion is to be based on whether a report is adequately prepared and documented.

(d) It shall advise, upon consultation with appropriate Senate committees, the President and Executive Vice President and Provost of the University on the establishment, reorganization, naming, or discontinuation of organizational units and areas of the University that involve two or more teaching, research, and continuing education functions (whether or not delegation of authority exists). Such advice should be given before official action is taken.

(e) It shall give a final vote of approval to unit governance documents forwarded to it by the Committee on Committees and Rules.

(f) In coordination with the University administration, it shall represent the Senate in seeking information from officials and agencies external to the University especially those who establish policies and control resources affecting University academic programs. It shall advise the University administration on external government legislation and other external issues that may have impact on the University. It shall advise the Senate on the preparation of statements on such matters. It shall be the Senate advisory body to the University on public and alumni relations, public information, general publications and private fundraising. The Chair shall be the spokesperson for the Council in these matters.

The External Matters Subcommittee is a standing subcommittee of Senate Council that will be charged to deal with issues external to the University. The subcommittee will consist of at least five Council members together with appropriate additional elected faculty senators and resource personnel and will be chaired by the Immediate Past Chair of the Senate. A majority of the subcommittee will be councilors with at least two members from locations other than University Park. The members of the External Matters Subcommittee will serve terms of two years, and may complete the second year of the term even in cases where they are no longer a member of Senate Council.

(g) It shall serve as an advisory body to the Senate officers and the Senate as a whole.

(h) In the event that the Chair of the Senate declares existence of a situation of special Senate concern, the Senate Council shall be empowered to act for the Senate in all matters until this authority is terminated by actions of the Senate.

(i) Individual Senate Council members play a critical role in communicating Faculty Senate issues and legislative decisions back to their units of origin. To facilitate these important communications, best practices for Senate Councilors include organizing caucuses with their unit membership, creating regular electronic communications of Senate activities and sending these communications to their Academic Unit Faculty Leaders, Senators and Administrators, and speaking about Faculty Senate activities at unit governance meetings. It is expected that Senate Councilors will embrace their leadership role and actively serve as a communication conduit back to the academic unit they represent.

## **Standing Rules, Article II – Senate Committee Structure**

### **Section 6**

#### **Senate Committees:**

#### **(a) Committee on Committees and Rules**

##### **1. Membership:**

- (i) Ten (10) elected faculty senators
- (ii) Chair-Elect of the Senate (non-voting)
- (iii) Immediate Past Chair of the Senate (non-voting)
- (iv) Secretary of the Senate (non-voting)

2. Election: By the Senate Council for a term of two years. Elected members of the Committee may serve no more than four consecutive years nor more than three consecutive years as its chair. Elected members of Senate Council may not serve on the Committee on Committees and Rules.

#### **Duties**

3. Duties: The Committee on Committees and Rules shall review and make recommendations on the Senate's committee structure. It shall appoint the members of all Standing Committees. It

shall be responsible for proposing changes in the Constitution, Bylaws, and Standing Rules of the University Faculty Senate for action by the Senate. This committee shall serve as a Nominating Committee to the administrative officers of the University in the selection of University faculty to serve on University-wide committees. In addition, this committee has the investigative function in determining the constitutionality of acts of the Senate, failures to implement Senate legislation, problems resulting from conflicting legislation, and errors in the implementation of legislation. The Committee on Committees and Rules shall have the authority to interpret the Senate Constitution, Bylaws, and Standing Rules subject to review by the Senate.

It shall maintain a standing Constitution Subcommittee which shall consult with faculty governance organizations to ensure that their governance documents conform with Senate rules. These functions include review of Unit Constitutions, Bylaws, and Standing Rules. The subcommittee will consist of the Senate Parliamentarian and at least two elected Senators appointed by the Senate Chair and will be chaired by the Senate Secretary. Final vote of approval of the unit governance documents shall be by Senate Council.

Each spring, the Committee on Committees and Rules shall select a pool of faculty members who will be available to serve as a member of all Division I Intercollegiate Head Coach athletics searches. The Committee on Committees and Rules will ask for nominations from faculty members who are currently participating in or have participated within the last four calendar years on the Senate Committee on Intercollegiate Athletics, the Athletics Integrity Council, and/or the Faculty Partners Program. The assignment of faculty members to serve on a head coach search committee will be the prerogative of the Senate Chair but under most circumstances, it is expected that the faculty member will be drawn from the pool of candidates identified each year by the Committee on Committees and Rules.

Each year the Committee on Committees and Rules shall ask returning and new senators to rank their preferences for committee assignments. The Committee on Committees and Rules will then select the senatorial members of each Standing Committee, taking into consideration the preferences of senators. Where a representative of an administrative office is to be an ex officio member of a committee, this member will be selected by the Committee on Committees and Rules in consultation with the appropriate administrative officer. Appointments to all committees should reflect the variety of disciplines, functions, and geographic locations of University units. Annually, the Committee on Committees and Rules shall elect its own Chair and Vice Chair. In consultation with the Senate Chair, the Committee shall designate the leadership of all other Standing Committees of the Senate.

While the Senate officers are the primary faculty representatives to the Big Ten Academic Alliance, the Committee on Committees and Rules shall be informed and consulted on faculty governance issues that arise in the CIC. Such items will be periodically reported to the Senate.

4. Mandated reports: Nomination report. The Committee on Committees and Rules shall have the authority to approve its mandated Informational Reports for publication to the Senate Agenda. The committee shall send its Informational Reports to the Senate Council.

#### **SENATE COMMITTEE ON COMMITTEES AND RULES**

- Renee Borromeo
- Victor Brunsden, Chair
- Jeffrey Laman
- Lisa Mangel
- Eric Novotny
- Nicholas Rowland
- Elizabeth Seymour
- Rob Shannon
- Keith Shapiro
- Amit Sharma
- Martin Skladany
- Bonj Szczygiel
- Ann Taylor, Vice Chair
- Kent Vrana

## SENATE COMMITTEES ON COMMITTEES AND RULES AND GLOBAL PROGRAMS

### Revision to Standing Rules, Article II – Senate Committee Structure, Section 6 (h) Committee on Global Programs

(Legislative)

Implementation: Upon approval by the Senate

#### Introduction and Rationale

To support all members of our Commonwealth and beyond, the University's values and mission are firmly laid on proactive efforts to ensure diversity, equity, and inclusion. To truly incorporate these values into our research, teaching, learning, outreach, assessment, operations, and decision making—at all levels of the University—we must ensure that the work of the entire University Faculty Senate considers diversity, equity, and inclusion (DEI) in a meaningful and actionable way in everything we do.

During the 2020-2021 academic year, each Senate standing committee was charged with examining how DEI could be better incorporated into its duties. This legislative report seeks to revise the standing rules for the Committee on Global Programs in a simple but important way to reflect the dedication this committee has to advancing DEI throughout our work.

#### Recommendation

We recommend that the Standing Rules, Article II–Senate Committee Structure, Section 6 (h) be revised as follows.

*Please note that the following contains **bold text for additions** and ~~strikeouts indicating deleted text~~. In addition, deleted text is delimited with [Delete] [End Delete] pairs while added text is delimited with [Add] [End Add] pairs.*

#### (h) Committee on Global Programs

##### 1. Membership:

- (i) At least seven elected faculty senators with at least two senators from locations other than University Park
- (ii) A representative of Graduate Council
- (iii) One undergraduate student senator
- (iv) One graduate student
- (v) The Vice Provost for Global Programs

##### 2. Selection: By the Committee on Committees and Rules

## Duties

3. Duties: The Committee on Global Programs shall provide advice and consultation to the Vice Provost for Global Programs about the implementation of activities, standards, and programs to enhance the [Add]**inclusive**[End Add] internationalization of Penn State's undergraduate and graduate education, research, campus environment, and student affairs. It shall be the Senate advisory body to the Vice Provost for Global Programs. The committee will provide guidelines and develop policies that are relevant to the academic integrity of content, delivery, and support of programs associated with the Office of Global Programs. It shall provide consultation on the affiliation and partnerships of the University with institutions and organizations outside the United States. [Delete]~~The committee shall provide advice and consultation for programs that support international and exchange students at Penn State.~~[End Delete] [Add]**The committee shall provide advice and consultation emphasizing diversity, equity, and inclusion to support international and exchange students at Penn State.**[End Add] It will also participate in tracking progress in achieving the strategic goals of the Office of Global Programs and the University for [Add]**inclusively**[End Add] internationalizing the students and academic programs. The committee shall also maintain liaisons with other Senate committees, where appropriate, as well as with students and faculty, University-wide through the Senate.

4. Mandated Reports: The committee shall report annually to the Senate on the participation of Penn State students in global programs, both on campus and abroad, and other University-wide global initiatives related to the University's strategic goals. [Add]**This report should disaggregate participation by some combination of race and ethnicity, gender identity, dis/ability status, sexual identity or orientation, and country of citizenship, at minimum. Additionally, this annual report should include retention and graduation statistics of international and domestic students (similarly disaggregated).**[End Add] The Committee on Global Programs shall have the authority to approve its mandated Informational Reports for publication to the Senate Agenda. The committee shall send its Informational Reports to the Senate Council.

## Revised Policy

### (h) Committee on Global Programs

#### 1. Membership:

- (i) At least seven elected faculty senators with at least two senators from locations other than University Park
- (ii) A representative of Graduate Council
- (iii) One undergraduate student senator
- (iv) One graduate student
- (v) The Vice Provost for Global Programs

#### 2. Selection: By the Committee on Committees and Rules

## Duties

3. Duties: The Committee on Global Programs shall provide advice and consultation to the Vice Provost for Global Programs about the implementation of activities, standards, and programs to enhance the inclusive internationalization of Penn State's undergraduate and graduate education, research, campus environment, and student affairs. It shall be the Senate advisory body to the Vice Provost for Global Programs. The committee will provide guidelines and develop policies that are relevant to the academic integrity of content, delivery, and support of programs associated with the Office of Global Programs. It shall provide consultation on the affiliation and partnerships of the University with institutions and organizations outside the United States. The committee shall provide advice and consultation emphasizing diversity, equity, and inclusion to support international and exchange students at Penn State. It will also participate in tracking progress in achieving the strategic goals of the Office of Global Programs and the University for inclusively internationalizing the students and academic programs. The committee shall also maintain liaisons with other Senate committees, where appropriate, as well as with students and faculty, University-wide through the Senate.

4. Mandated Reports: The committee shall report annually to the Senate on the participation of Penn State students in global programs, both on campus and abroad, and other University-wide global initiatives related to the University's strategic goals. This report should disaggregate participation by some combination of race and ethnicity, gender identity, dis/ability status, sexual identity or orientation, and country of citizenship, at minimum. Additionally, this annual report should include retention and graduation statistics of international and domestic students (similarly disaggregated). The Committee on Global Programs shall have the authority to approve its mandated Informational Reports for publication to the Senate Agenda. The committee shall send its Informational Reports to the Senate Council.

## 2021-22 SENATE COMMITTEE ON COMMITTEES AND RULES

- Catherine Abendroth
- Renee Borromeo
- Stephen Browne
- Lisa Mangel
- Eric Novotny
- Julio Palma (Vice Chair)
- Rose Petrilla
- Elizabeth Seymour
- Rob Shannon
- Keith Shapiro
- Amit Sharma
- Samia Suliman
- Ann Taylor (Chair)
- Bonj Szczygiel
- Kent Vrana

2021-22 SENATE COMMITTEE ON GLOBAL PROGRAMS

- Mathias Hanses (Chair)
- Susan Fredricks (Vice Chair)
- Roger Brindley
- Joshua Graham
- Michele Halsell
- Donald Impavido
- Dennis Jett
- Rosemary Jolly
- Alandra Kahl
- Dena Lang
- Savanna Ledford
- Siela Maximova
- Heather McCoy
- Berend Mets
- Irina Mocioiu
- Ernek Nurhaidarov
- Denise Potosky
- Amy Sanchez
- Jeffrey Wong
- Qiming Zhang



## SENATE COMMITTEES ON COMMITTEES AND RULES AND INTERCOLLEGIATE ATHLETICS

### Revision to Standing Rules, Article II – Senate Committee Structure, Section 6 (i) Committee on Intercollegiate Athletics

(Legislative)

Implementation: Upon approval by the Senate

#### **Introduction and Rationale**

To support all members of our Commonwealth and beyond, the University's values and mission are firmly laid on proactive efforts to ensure diversity, equity, and inclusion. To truly incorporate these values into our research, teaching, learning, outreach, assessment, operations, and decision making—at all levels of the University—we must ensure that the work of the entire University Faculty Senate considers diversity, equity, and inclusion (DEI) in a meaningful and actionable way in everything we do.

During the 2020-2021 academic year, each Senate standing committee was charged with examining how DEI could be better incorporated into its duties. This legislative report seeks to revise the standing rules for the Committee on Intercollegiate Athletics in a simple but important way to reflect the dedication this committee has to advancing DEI throughout our work.

#### **Recommendation**

We recommend that the Standing Rules, Article II–Senate Committee Structure, Section 6 (i) be revised as follows.

*Please note that the following contains **bold text for additions** and ~~strikeouts indicating deleted text~~. In addition, deleted text is delimited with [Delete] [End Delete] pairs while added text is delimited with [Add] [End Add] pairs.*

#### (a) Committee on Intercollegiate Athletics

##### 1. Membership:

- (i) At least eight elected faculty senators with the following qualifications:
  - (a) Senator appointments on the committee will be a minimum of two years, unless impractical due to a need to balance committee membership or a senator being unable to fulfill the duties of their elected term, and
  - (b) the committee chair will be required to have at least one year of prior experience on the committee, and will be appointed to a two-year term, as applicable given the remaining length of the senator's term.
- (ii) At least two of the eight elected faculty senators must be from a location other than University Park. One of these two elected faculty senators must be from a campus with a

varsity athletic program participating in NCAA Division III or PSUAC and will also serve as the chair of the extra-senatorial Committee on Campus Athletics.

(iii) Two undergraduate student senators, one from University Park and one from a location other than University Park. The student from a location other than University Park will also serve on the extra-senatorial Committee on Campus Athletics.

(iv) The University Park, Division I, Faculty Athletics Representative to the National Collegiate Athletic Association

(v) Director of Intercollegiate Athletics at University Park\*

(vi) Senior Women's Administrator for Intercollegiate Athletics at University Park\*

(vii) Two members of the University Faculty Senate selected by the President of the University.

## 2. Selection: By the Committee on Committees and Rules unless otherwise specified

### Duties

3. Jurisdiction: The Committee on Intercollegiate Athletics is responsible to the Senate for all intercollegiate athletic programs at the University as they relate to the University's academic and educational objectives. **[Add] In this role, the committee shall strive to enhance diversity, equity, inclusion, and belonging in all its activities. [End add]** Intercollegiate athletics shall include all teams and individuals representing the University with significant off-University activity.

- (a) Scope: Without limiting the jurisdiction of the Committee, it shall, specifically (1) consider policies on eligibility of students for intercollegiate athletics, (2) certify the academic eligibility of students for athletic grants-in-aid, (3) approve intercollegiate athletic schedules as they affect academic standards, (4) review and approve matters from the Committee on Campus Athletics as required, and (5) help promote a sound academic climate for the intercollegiate athletic programs at all University locations.
- (b) Consultation: The Committee shall meet with responsible administrators and others concerning the intercollegiate athletic programs at University Park and other University locations that offer intercollegiate competition. It shall make a particular effort to seek the views of students participating in these intercollegiate athletic programs.
- (c) Advisory role: Subject to the Constitution and rules of the Senate, and in consultation with the Senate Chair, the committee may also serve as the representative of the Senate to advise the President of the University on the operation of the intercollegiate programs at University Park and other University locations that offer intercollegiate competition. Subject to the general authority of the President of the University, as delegated by the University Board of Trustees and to the delegated authority of the Senate under its constitution to manage its own governance where matters considered touch on Senate jurisdiction, it shall initiate new policies, or review existing policies, which govern these intercollegiate athletic programs. These policies shall guide the Department of Intercollegiate Athletics and administrators at other University locations that offer intercollegiate competition in administering their respective programs when approved in accordance with applicable rules. With appropriate consultation, it shall develop recommendations to the President of the University on matters affecting the Penn State University Athletic Conference (PSUAC), the Big Ten Conference, the NCAA, and other

national athletic governance bodies in which the University holds membership and shall work closely with the faculty representatives in establishing the University's formal vote to these organizations. Without otherwise limiting the Senate's general forensic and related authority, and at the request of the President of the University to the Senate Chair, the committee may consider other issues affecting the various athletic programs under the President's jurisdiction.

4. Mandated reports: The Committee shall report on its activities to the Senate at least annually. The Committee on Intercollegiate Athletics shall have the authority to approve its mandated Informational Reports for publication to the Senate Agenda. **[Add] Where possible, this data should be disaggregated by gender identity, race, ethnicity, and other categories of concern. [End add]** The committee shall send its Informational Reports to the Senate Council.

\*nonvoting unless Article IV, Section 2 of the Bylaws applies

5. Meetings: At the discretion of the committee chair, committee meetings or votes – in person or remotely – may be announced over the summer as necessary to respond to time-sensitive Intercollegiate Athletics issues requiring the full attention of the committee. With the understanding that many senators are on nine-month appointments, participation in such meetings is voluntary and the chair shall use discretion to limit such meetings to those that require time sensitive decisions/input.

\*nonvoting unless Article IV, Section 2 of the Bylaws applies

## Revised Policy

### (a) Committee on Intercollegiate Athletics

#### 1. Membership:

- (i) At least eight elected faculty senators with the following qualifications:
  - (a) Senator appointments on the committee will be a minimum of two years, unless impractical due to a need to balance committee membership or a senator being unable to fulfill the duties of their elected term, and
  - (b) the committee chair will be required to have at least one year of prior experience on the committee, and will be appointed to a two-year term, as applicable given the remaining length of the senator's term.
- (ii) At least two of the eight elected faculty senators must be from a location other than University Park. One of these two elected faculty senators must be from a campus with a varsity athletic program participating in NCAA Division III or PSUAC and will also serve as the chair of the extra-senatorial Committee on Campus Athletics.
- (iii) Two undergraduate student senators, one from University Park and one from a location other than University Park. The student from a location other than University Park will also serve on the extra-senatorial Committee on Campus Athletics.
- (iv) The University Park, Division I, Faculty Athletics Representative to the National Collegiate Athletic Association
- (v) Director of Intercollegiate Athletics at University Park\*
- (vi) Senior Women's Administrator for Intercollegiate Athletics at University Park\*

(vii) Two members of the University Faculty Senate selected by the President of the University.

2. Selection: By the Committee on Committees and Rules unless otherwise specified

### **Duties**

3. Jurisdiction: The Committee on Intercollegiate Athletics is responsible to the Senate for all intercollegiate athletic programs at the University as they relate to the University's academic and educational objectives. In this role, the committee shall strive to enhance diversity, equity, inclusion, and belonging in all its activities. Intercollegiate athletics shall include all teams and individuals representing the University with significant off-University activity.

- (a) Scope: Without limiting the jurisdiction of the Committee, it shall, specifically (1) consider policies on eligibility of students for intercollegiate athletics, (2) certify the academic eligibility of students for athletic grants-in-aid, (3) approve intercollegiate athletic schedules as they affect academic standards, (4) review and approve matters from the Committee on Campus Athletics as required, and (5) help promote a sound academic climate for the intercollegiate athletic programs at all University locations.
- (b) Consultation: The Committee shall meet with responsible administrators and others concerning the intercollegiate athletic programs at University Park and other University locations that offer intercollegiate competition. It shall make a particular effort to seek the views of students participating in these intercollegiate athletic programs.
- (c) Advisory role: Subject to the Constitution and rules of the Senate, and in consultation with the Senate Chair, the committee may also serve as the representative of the Senate to advise the President of the University on the operation of the intercollegiate programs at University Park and other University locations that offer intercollegiate competition. Subject to the general authority of the President of the University, as delegated by the University Board of Trustees and to the delegated authority of the Senate under its constitution to manage its own governance where matters considered touch on Senate jurisdiction, it shall initiate new policies, or review existing policies, which govern these intercollegiate athletic programs. These policies shall guide the Department of Intercollegiate Athletics and administrators at other University locations that offer intercollegiate competition in administering their respective programs when approved in accordance with applicable rules. With appropriate consultation, it shall develop recommendations to the President of the University on matters affecting the Penn State University Athletic Conference (PSUAC), the Big Ten Conference, the NCAA, and other national athletic governance bodies in which the University holds membership and shall work closely with the faculty representatives in establishing the University's formal vote to these organizations. Without otherwise limiting the Senate's general forensic and related authority, and at the request of the President of the University to the Senate Chair, the committee may consider other issues affecting the various athletic programs under the President's jurisdiction.

4. Mandated reports: The Committee shall report on its activities to the Senate at least annually. The Committee on Intercollegiate Athletics shall have the authority to approve its mandated Informational Reports for publication to the Senate Agenda. Where possible, this data should be disaggregated by gender identity, race, ethnicity, and other categories of concern. The committee

shall send its Informational Reports to the Senate Council.

\*nonvoting unless Article IV, Section 2 of the Bylaws applies

5. Meetings: At the discretion of the committee chair, committee meetings or votes – in person or remotely – may be announced over the summer as necessary to respond to time-sensitive Intercollegiate Athletics issues requiring the full attention of the committee. With the understanding that many senators are on nine-month appointments, participation in such meetings is voluntary and the chair shall use discretion to limit such meetings to those that require time sensitive decisions/input.

\*nonvoting unless Article IV, Section 2 of the Bylaws applies

## **2021-22 SENATE COMMITTEE ON COMMITTEES AND RULES**

Catherine Abendroth  
Renee Borromeo  
Stephen Browne  
Lisa Mangel  
Eric Novotny  
Julio Palma (VICE CHAIR)  
Rose Petrilla  
Elizabeth Seymour  
Rob Shannon  
Keith Shapiro  
Amit Sharma  
Samia Suliman  
Ann Taylor (CHAIR)  
Bonj Szczygiel  
Kent Vrana

## **2021-22 SENATE COMMITTEE ON INTERCOLLEGIATE ATHLETICS**

Jennifer Weld  
Terry Blakney (VICE CHAIR)  
Binh Le  
Dwight Davis  
Meg Handley  
Lauren Kramer  
Vikash Gayah  
Daniel Perkins (CHAIR)  
Richard Shurgalla  
Julie Fan Burg-Smith

## SENATE COMMITTEES ON COMMITTEES AND RULES AND STUDENT LIFE

### Revision to Standing Rules, Article II- Senate Committee Structure, Section 6 (n) Committee on Student Life

(Legislative)

Implementation: Upon Approval by the Senate

#### Introduction and Rationale

To support all members of our Commonwealth and beyond, the University's values and mission are firmly laid on proactive efforts to ensure diversity, equity, and inclusion. To truly incorporate these values into our research, teaching, learning, outreach, assessment, operations, and decision making—at all levels of the University—we must ensure that the work of the entire University Faculty Senate considers diversity, equity, and inclusion (DEI) in a meaningful and actionable way in everything we do.

During the 2020-2021 academic year, each Senate standing committee was charged with examining how DEI could be better incorporated into its duties. This legislative report seeks to revise the standing rules for the Committee on Intercollegiate Athletics in a simple but important way to reflect the dedication this committee has to advancing DEI throughout our work.

#### Recommendation

We recommend that the Standing Rules, Article II–Senate Committee Structure, Section 6 (n) be revised as follows.

*Please note that the following contains **bold text for additions** and ~~strikeouts indicating deleted text~~. In addition, deleted text is delimited with [Delete] [End Delete] pairs while added text is delimited with [Add] [End Add] pairs.*

#### (n) Committee on Student Life

##### 1. Membership:

- (i) At least seven elected faculty senators
- (ii) Two graduate students, at least one a senator
- (iii) One undergraduate student senator from a location other than University Park
- (iv) President of the University Park Undergraduate Association
- (v) Vice President of the University Park Undergraduate Association
- (vi) Vice President for Student Affairs
- (vii) The Executive Director or another student representative from the Council of Sustainable Leaders

2. Selection: By the Committee on Committees and Rules

3. Duties: The Committee on Student Life shall be concerned with policies involving those aspects of student life on the University campuses that are of concern to students, both graduate and undergraduate, and that are not specifically covered in other committees. **[Add] In this role, the committee shall strive to enhance diversity, equity, inclusion, and belonging in all its activities. [End add]** The purview of the Committee shall include but not be limited to student housing, health, conduct, organizations, extracurricular activities, sustainability, and career development and placement. The committee shall be a principal agency to the Senate for representation of student opinion on academic matters in the Senate, and to this end it shall be a point of entry for student proposals. It shall maintain liaison with the elected officers of the students as appropriately organized and with the appropriate University offices. It shall be the Senate advisory body to the Vice President for Student Affairs. It shall maintain awareness of current trends and long-range studies in student life. It shall maintain liaison with all student organization committees and boards as appropriate.

4. Mandated reports: none. The Council of Sustainable Leaders may send an annual summary of student sustainability efforts to the Student Life Committee. The Student Life Committee shall share this report with the Senate via either a presentation or as supplemental material.

## **Revised Policy**

(n) Committee on Student Life

1. Membership:

- (i) At least seven elected faculty senators
- (ii) Two graduate students, at least one a senator
- (iii) One undergraduate student senator from a location other than University Park
- (iv) President of the University Park Undergraduate Association
- (v) Vice President of the University Park Undergraduate Association
- (vi) Vice President for Student Affairs
- (vii) The Executive Director or another student representative from the Council of Sustainable Leaders

2. Selection: By the Committee on Committees and Rules

3. Duties: The Committee on Student Life shall be concerned with policies involving those aspects of student life on the University campuses that are of concern to students, both graduate and undergraduate, and that are not specifically covered in other committees. In this role, the committee shall strive to enhance diversity, equity, inclusion, and belonging in all its activities. The purview of the Committee shall include but not be limited to student housing, health, conduct, organizations, extracurricular activities, sustainability, and career development and placement. The committee shall be a principal agency to the Senate for representation of student opinion on academic matters in the Senate, and to this end it shall be a point of entry for student proposals. It shall maintain liaison with the elected officers of the students as appropriately

organized and with the appropriate University offices. It shall be the Senate advisory body to the Vice President for Student Affairs. It shall maintain awareness of current trends and long-range studies in student life. It shall maintain liaison with all student organization committees and boards as appropriate.

4. Mandated reports: none. The Council of Sustainable Leaders may send an annual summary of student sustainability efforts to the Student Life Committee. The Student Life Committee shall share this report with the Senate via either a presentation or as supplemental material.

#### **2021-22 SENATE COMMITTEE ON COMMITTEES AND RULES**

Catherine Abendroth  
Renee Borromeo  
Stephen Browne  
Lisa Mangel  
Eric Novotny  
Julio Palma, Vice Chair  
Rose Petrilla  
Elizabeth Seymour  
Rob Shannon  
Keith Shapiro  
Amit Sharma  
Samia Suliman  
Ann Taylor, Chair  
Bonj Szczygiel  
Kent Vrana

#### **2021-2022 SENATE COMMITTEE ON STUDENT LIFE**

Timothy Palmer (Chair)  
Erin Boas (Vice-Chair)  
Steven R Allen  
Campbell Goin  
Peyton Keleher  
Rebecca Klug  
Jennelle Lamcos  
Rishu Miteshkumar Ghandi  
Heather Parizek  
Timothy Robicheaux  
Damon Sims  
Noel Sloboda  
Ping Wang  
Thomas Zacharia



## SENATE COMMITTEES ON COMMITTEES AND RULES AND UNIVERSITY PLANNING

### Revision to Standing Rules, Article II – Senate Committee Structure, Section 6 (o) University Planning Committee

(Legislative)

Implementation: Upon approval by the Senate

#### Introduction and Rationale

Diversity, equity, and inclusion are fundamental to the University's values and mission to support all members of our Commonwealth and beyond. But ensuring diversity, equity, and inclusion is not the responsibility of any one individual or any one unit, task force, or committee. To truly incorporate these values into our research, teaching, learning, outreach, assessment, operations, and decision making—at all levels of the University—we must ensure that the work of the entire University Faculty Senate considers diversity, equity, and inclusion (DEI) in a meaningful and actionable way in everything we do.

During the 2020-2021 academic year, each Senate standing committee was charged with examining how DEI could be better incorporated into its duties. This legislative report seeks to revise the standing rules for the University Planning committee in a simple but important way to reflect the dedication this committee has to advancing DEI throughout our work.

#### Recommendation

We recommend that the Standing Rules, Article II–Senate Committee Structure, Section 6 (o) be revised as follows.

*Please note that the following contains **bold text for additions** and ~~strikeouts indicating deleted text~~. In addition, deleted text is delimited with [Delete] [End Delete] pairs while added text is delimited with [Add] [End Add] pairs.*

(o) Committee on University Planning

1. Membership:

(i) At least twelve elected faculty senators

(ii) One undergraduate student senator

(ii) One graduate student senator

(iv) Executive Vice President/Provost of the University or representative

(v) Senior Vice President for Finance and Business/Treasurer\*

(vi) Senior Vice President for Development and Alumni Relations\*

(vii) Chief Sustainability Officer or designee from the Sustainability Institute\*

2. Selection: By the Committee on Committees and Rules

### Duties

3. Duties: The Committee on University Planning solely and in consultation with other committees, shall report on and/or propose action on matters of University planning that affect development and alumni relations, physical plant resources, and the academic and financial policies of the University. In accordance with the Constitutional advisory and consultative roles of the Senate, specific areas of responsibilities include but are not limited to: the allocation of resources among units and functions as they relate to educational policy; academic planning, strategic planning, development planning, and campus and physical planning including sustainability, safety and security of persons, buildings, and other facilities. The committee shall be the primary Senate body advisory to the Office of the President, including the Senior Vice President for Finance and Business/Treasurer, Senior Vice President for Development and Alumni Relations, and the Executive Vice President/Provost, for all planning functions; and shall review those functions of the University that contribute to the planning processes. The committee shall participate in the development and review of the master plans for each of the University's campuses and be consulted regularly regarding proposed changes to those plans. **The Committee will ensure that within all these activities, the promotion and advancement of diversity, equity, and inclusion is prioritized.** In addition, this committee shall assist in creating an understanding of the University's planning functions among all units within the University. The committee shall have access to all information necessary to perform their charge.

4. Mandated reports:

- a. Annual Construction Report
- b. Biennial Space Allocation and Utilization Report
- c. Annual University Budget and Planning Report
- d. Biennial Development and Alumni Relations Report
- e. Triennial Sustainability Tracking, Assessment and Rating System Report

The Committee on University Planning shall have the authority to approve its mandated Informational Reports for publication to the Senate Agenda. The committee shall send its Informational Reports to the Senate Council.

\*nonvoting unless Article IV, Section 2 of the Bylaws applies

### 2021-22 SENATE COMMITTEE ON COMMITTEES AND RULES

- Catherine Abendroth
- Renee Borromeo
- Stephen Browne
- Lisa Mangel

- Eric Novotny
- Julio Palma, Vice Chair
- Rose Petrilla
- Elizabeth Seymour
- Rob Shannon
- Keith Shapiro
- Amit Sharma
- Samia Suliman
- Ann Taylor, Chair
- Bonj Szczygiel
- Kent Vrana

#### 2021-22 SENATE COMMITTEE ON UNIVERSITY PLANNING

- JAMES STRAUSS, ECOS, UPC Chair
- Frank Marko, HN, Vice Chair
- Bryan Anderson, MED
- Randy Hauck, MED
- Elizabeth Kadetsky, LA
- Agnes Kim, SCR
- Kathleen Mulder, MED
- Raymond Najjar, EMS
- Brian Saunders, MED
- Alok Sinha, ENG
- Fariborz Tavangarian, HSB
- Gary Thomas, MED
- Eric Walker, MED
- Michael de Botton, BCCOM, Undergraduate Student Senator
- Nicholas Jones, Executive VP, Provost
- Meghan Hoskins, Sustainability Representative
- David Leib, Development and Alumni relations
- Sara Thorndike, Senior VP for Finance and Business
- Richard Bundy, III, Senior VP for Development and Alumni Relations
- Paul Shrivastava, Chief Sustainability Officer

## SENATE COMMITTEE ON FACULTY AFFAIRS

### Revisions of AC23 – “Promotion and Tenure Procedures and Regulations” & AC21 – “Definition of Academic Ranks”

(Advisory/Consultative)

Implementation: Upon Approval by the President

#### **Rationale**

Given that the revision of AC-21 (Definition of Academic Ranks) in 2017 provides guidance for promotion of all full-time non-tenure-line faculty members, the language in AC-23 (Promotion and Tenure Procedures and Regulations) specifying promotion procedures for non-tenure-line faculty members in interdisciplinary and defense-related research units is no longer relevant and should be removed.

#### **Description**

The revision of AC-21 (Definition of Academic Ranks) in 2015-2016 was intended to reflect a change in the titles and ranks for non-tenure-line faculty. Academic units were first asked to create a promotion process consistent with AC-21 in 2016-2017 and the policy was fully implemented in all units in 2018-2019, with the exception of interdisciplinary and defense-related research units. AC-23 (Promotion and Tenure Procedures and Regulations) stipulates that promotion dossiers for non-tenure-line faculty members (no term) in interdisciplinary and defense-related research units be reviewed by the University Promotion and Tenure Committee. Concurrent with the removal of this language from AC-23, language adding the Office of the Senior Vice President for Research to the list of academic units making decisions about promotions for non-tenure-line faculty members, and naming the Senior Vice President for Research as the final decision-maker for non-tenure-line faculty members in interdisciplinary and defense-related units, will be added to AC-21.

Given the removal of the paragraph in AC-23 (Promotion and Tenure Procedures and Regulations) in section III of that policy pertaining to the promotion review of faculty members in interdisciplinary and defense-related research units, details about how these faculty members will be reviewed must be embedded within AC21 (Definition of Academic Ranks).

Dr. Lora Weiss, Senior Vice President for Research, and Dr. Kathy Bieschke, Vice Provost for Faculty Affairs held a meeting with ARL leadership and a townhall with faculty members in ARL about this proposed change. All parties were supportive of making this change.

#### **Recommendation**

Recommend removing paragraph 13 from AC-23, found in section III. Review Procedures.

2. Revise AC-21 to explicitly include faculty members in interdisciplinary and defense-related research units (see accompanying Advisory/Consultative report that outlines these changes).
3. The Office of the Senior Vice President for Research will be added to the list of academic units making decisions about promotions for non-tenure-line faculty members in AC-21.
4. The Senior Vice President for Research will be explicitly named as the final decision-maker for non-tenure-line faculty members in interdisciplinary and defense-related units in AC-21.

#### INTERDISCIPLINARY AND DEFENSE-RELATED RESEARCH UNITS:

Faculty members in the University's interdisciplinary and defense-related research units who do not hold a co-funded or joint appointment in an academic department and college shall be reviewed for promotion by review committees established by their respective research units, and by the director of the research unit. Membership on these review committees need not be limited to faculty members within the research unit, or to faculty members covered by this provision. The director of the research unit shall forward the committee's recommendations, together with the director's own, to the Senior Vice President for Research. Promotion to assistant research professor of researchers who do not hold a co-funded or joint appointment in an academic college may be made by the directors of interdisciplinary or defense-related research units; for promotion to associate research professor or research professor, the Senior Vice President for Research shall determine which candidates shall be recommended for promotion, and their names forwarded to the Executive Vice President and Provost for transmittal to the University Promotion and Tenure Review Committee. These provisions do not apply to faculty members in interdisciplinary and defense-related research units on noncontinuing appointments.

#### [SHOWING REVISIONS]

### AC23 Promotion and Tenure Procedures and Regulations (Formerly HR23)

Policy Status:

Active

Policy Steward:

Vice Provost for Faculty Affairs

POLICY'S INITIAL DATE: July 1, 1952

THIS VERSION EFFECTIVE: September 7, 2018

Contents:

- ☐ Purpose
- ☐ I. Preamble
- ☐ ....Academic Principles
- ☐ II. Criteria for Promotion and Tenure
- ☐ ....Relationship of Mission and Structure to Criteria
- ☐ ....Academic Excellence
- ☐ ....Expectations and Standards of Each Unit
- ☐ ....Changing Needs and Priorities
- ☐ ....General Criteria
- ☐ III. Review Procedures

- ☐ ....General Procedures
- ☐ ....Frequency of Reviews
- ☐ ....Results of Evaluations
- ☐ ....Composition of Review Committees
- ☐ ....Composition of University Promotion and Tenure Review Committee
- ☐ ....Levels of Review
- ☐ ....Department, Campus or Program Review Level
- ☐ ....College and University Libraries Review Level
- ☐ ....Interdisciplinary and Defense-Related Research Units
- ☐ ....University Review Level
- ☐ IV. General Provisions
- ☐ ....To Whom Tenure Provisions Apply
- ☐ ....Academic Appointments not Subject to Tenure
- ☐ ....Tenure Status and Notification
- ☐ ....Provisional or Pre-Tenure Period
- ☐ ....Equivalence of Rank and Positions
- ☐ ....Computing Year of Credit Toward Tenure
- ☐ ....Notice of Non-Reappointment and Termination
- ☐ ....Standing Joint Committee on Tenure
- ☐ ....Financial Exigency and Program Elimination or Revision
- ☐ ....Definition of Adequate Cause
- ☐ ....Administrative Personnel
- ☐ ....General Policy and Procedures
- ☐ ....Effective Date of Policy
- ☐ ....Policy Review and Amendment
- ☐ Cross References

#### PURPOSE:

To determine the criteria, procedures, and conditions of the review of University academic personnel and for the awarding of promotion and tenure.

#### I. PREAMBLE

##### ACADEMIC PRINCIPLES:

The promotion and tenure policies of the University should contribute to academic excellence. An equitable and widely-understood promotion and tenure system ensures that considerations of academic quality will be the basis for academic personnel decisions.

Tenure is the keystone for academic freedom; safeguarding the right of free expression and risk-taking inquiry is the basis for tenure. Both tenure and academic freedom are bound to an implicit social compact which recognizes that their maintenance serves important public purposes and provides great benefits to society; the ultimate justification for tenure rests on the bedrock of its social utility. Additionally, a well-designed tenure and promotion system attracts capable and highly qualified individuals as faculty members, strengthens institutional stability by enhancing

faculty members' institutional loyalty, and encourages academic excellence by retaining and rewarding the most able people. Tenure and promotion imply selectivity and choice; they are awarded for academic and professional merit, not for seniority.

A formal statement of criteria for tenure and promotion is necessary but not sufficient for the task. The wide variety of academic and professional fields, and the broad range of programs within the University, make the development of detailed criteria, equally applicable to all fields, an unrewarding effort. Rather, general and broad guidelines will permit the exercise of skilled professional and academic judgment in their interpretation and application.

For promotion and tenure procedures to be legitimized, they must be open, within considerations of individual privacy, and equitable. The general policies and procedures to be used should be made widely known within departments, campuses, colleges\* and the University Libraries. Regular review of faculty members will help to ensure openness of the tenure and promotion process and will provide feedback crucial to faculty development and growth.

Faculty members have a primary responsibility in providing the evaluations of merit which normally determine the academic personnel decision-making process, including appointment, promotion, and tenure. This responsibility involves the application of academic and professional judgment, in a framework of shared authority, among various levels of review and between faculty and administrative bodies.

Within the procedures for granting or denying tenure and promotion, the presumption is that recommendations based on the professional expertise and competence of the faculty will usually be heeded. Where the findings of the various groups differ, there is an implicit responsibility to explore the reasons for divergence. In this way administrators and faculty can sustain vigorous and responsible participation, and standards of excellence and quality can be maintained.

The promotion and tenure procedures consist of several levels of judgment and review: the department (or comparable academic unit); the campus; the college or University Libraries; and the University. The initial review will usually take place at the level of the department (or campus as appropriate) and will focus on professional and scholarly judgments of the quality of the individual's academic work. Subsequent levels will bring broader faculty and administrative judgment to bear and will also monitor general standards of quality, equity and adequacy of the procedure used. At each level, the review process will reflect the competence and perspective of the review body.

\*For the purpose of this policy, "colleges" are those academic units which have responsibility for developing, obtaining approval, and conducting the University's academic degree programs, as authorized by the University Board of Trustees and the University Faculty Senate.

## II. CRITERIA FOR PROMOTION AND TENURE

### RELATIONSHIP OF MISSION AND STRUCTURE TO CRITERIA:

Promotion and tenure decisions are based on the academic judgments of faculty and academic administrators. The general criteria or principles outlined here must be applied to promotion and tenure decisions in light of a detailed knowledge of the specific goals of an academic program or organizational unit (e.g., department, college, and the University Libraries) and the specific qualities and competencies of the individual. The University's complex organization and multiple missions make these academic judgments vital, since no one set of criteria can apply equally to all faculty members in all programs. Likewise, such diversity within the University entails promotion and tenure arrangements specifically tailored to the mission and organizational structure of its various academic units (e.g., department, college, and University Libraries).

#### ACADEMIC EXCELLENCE:

Recognizing the University's manifold responsibilities, however, should not diminish the central importance of teaching and scholarly activity, both understood in their broadest sense, in the academic decision-making process. In tenure and promotion decisions, as in other areas of choice, the University best serves itself and society by affirming the primacy of academic excellence in all of its functions.

#### EXPECTATIONS AND STANDARDS OF EACH UNIT:

An important part of the whole tenure and review process for faculty members is that all parties to the process share common expectations and understandings. Since general statements of principles will be broad and inclusive, each academic unit may develop its own specific expectations and standards as the operational basis for tenure and promotion recommendations. Knowledge concerning these expectations and standards should be generally available, especially to newly appointed faculty members.

Candidates may include either a narrative statement at the front of the dossier that indicates their sense of their scholarship of teaching and learning, scholarship of research and creative accomplishments, and service and the scholarship of service to the University, society, and the profession, or separate statements in the relevant sections of the dossier describing the same items.

The review process for tenure and promotion is concerned with the academic and professional merits of particular candidates, judged in reference to all alternative candidates, including prospective faculty members. Tenure and promotion standards, therefore, cannot be fixed and absolute, but will reflect to some extent the varying competitive positions of the University in attracting faculty. Accordingly, evaluations will be influenced by such considerations of relative standing. Likewise, progressively more exacting scrutiny will take place as the faculty member advances in academic rank.

#### CHANGING NEEDS AND PRIORITIES:

Although the tenure and promotion process is geared, narrowly and properly, to evaluating individual performance, the changing needs and priorities of the institution may also affect the decision to grant tenure or award promotion. Both equity and the long-range interests of the



institution, however, require directing primary attention to University needs and priorities at the time of appointment and careful intermediate and longer range academic personnel planning.

#### GENERAL CRITERIA:

The *raison d'être* of the University is the discovery, synthesis, transmission, and application of knowledge. In light of these several goals, scholarship of research and creative accomplishments, scholarship of teaching and learning and service and the scholarship of service are the central criteria for the evaluation of faculty.

Promotion and tenure decisions shall be based on these three criteria, which must be applied in light of the mission of the academic unit and the professional responsibilities carried by the faculty member. The criteria have purposely been made general in the expectation of further definition and elaboration by each academic unit.

1. The Scholarship of Teaching and Learning - ability to convey subject matter to students; demonstrated competence in teaching and capacity for growth and improvement; ability to maintain academic standards, and to stimulate the interests of students in the field; effectiveness of counseling, advising and service to students.
2. The Scholarship of Research and Creative Accomplishments - competence, usually demonstrated through publication, exhibition, performance, or presentation of scholarly papers, to carry out research or creative work of high quality and scholarly significance and the ability to train students in research methods and practice; evidence of thorough understanding of the field; maintenance of high levels of academic performance; recognized reputation in the subject matter field; evidence of continued professional growth and active contribution to professional organizations.
3. Service and the Scholarship of Service to the University, Society, and the Profession - participation in the University, college, departmental, and unit affairs; competence in extending specialized knowledge to the University and to the public.

Promotion and tenure decisions shall be based on recognized performance and achievement in each of the several areas, as appropriate to the particular responsibilities assigned to the faculty member. The presumption is that a positive tenure decision for an assistant professor is sufficient to warrant promotion to associate professor. In an exceptional case, a decision can be made to tenure but not to promote; however, the burden would be on the committee(s) or administrator(s) who wish to separate promotion from a positive tenure decision to show why promotion is not warranted.

### III. REVIEW PROCEDURES

#### GENERAL PROCEDURES:

Primary responsibility for evaluation of the academic qualification of candidates for promotion and tenure rests with the faculty. There are three sequential levels in this review: peer review by the department (or comparable academic unit) including campus review as appropriate; review by the college or the University Libraries; and review by the University. The Administrative Guidelines can be found at <https://www.vpfa.psu.edu>.

All levels of review shall be concerned in some measure with both scholarly substance and quality and procedural adequacy and equity. It is incumbent upon each level of review to exercise careful professional judgment of the accomplishments, productivity, and potential of each candidate. Initial peer review (e.g., at the campus or departmental level) will focus on professional and scholarly judgments of the individual's academic work within their discipline. Reviews at the college or University Libraries level will bring broader faculty and administrative judgments to bear, and will also monitor general standards of quality, equity, and adequacy of procedures used. Review at the University level will involve similar but less detailed evaluations and, in addition, will provide an essential all-University perspective. Consultation among review levels, by committees and academic administrators, should take place when there is a need to clarify differences that arise during the review process.

Each academic unit (e.g., department, college, and University Libraries) of the University should take responsibility for developing detailed review procedures, supplemental to and consonant with general University procedures, as guidelines for promotion and tenure. These procedures should be made known to prospective and current faculty members, as well as the general University community, and should reflect the organizational arrangements of each academic unit.

The evaluation of teaching effectiveness shall be based on both peer and student input. Specific procedures shall conform to the Statement of Practices for the Evaluation of Teaching Effectiveness for Promotion and Tenure.

#### FREQUENCY OF REVIEWS:

Prior to formal consideration of a faculty member for tenure and promotion, evaluations should be conducted by the initial review committees. In the case of tenure, these reviews shall be conducted in the second year and no less often than biennially thereafter. Normally, tenure reviews will be conducted in the second and fourth years of the provisional appointment period. For second and fourth year reviews, the college dean shall be required to write evaluative letters that are shared with candidates and may be addressed directly to them. The dean's letter will then be included in the dossiers submitted for subsequent tenure reviews. The department head or other appropriate administrative officer should discuss the results of the second and fourth year reviews, including the dean's letter, directly with the candidate. In cases where a faculty member receives a negative fourth year review, but without notice of termination, and in other cases where it is deemed advisable, a special fifth year tenure review may be requested by the faculty member, the department head or the unit's equivalent administrative officer, campus chancellor, or dean of the college or University Libraries. A tenure review shall take place in every instance during the sixth-year period. All reviews of faculty whose tenure is with a college at a location different from the college of residence should include consultation with the department head.

The Vice President for Commonwealth Campuses has the overall responsibility to coordinate the procedural aspects of the review process for the campuses.

#### RESULTS OF EVALUATIONS:

The general results of the evaluation should be made known to the faculty member by the appropriate academic officer, and should indicate the extent to which colleagues judge that the faculty member's performance, in comparison with others in the profession, meets high academic standards. The evaluation should include guidance to the faculty member in ways to improve performance. A record of the general nature of the review and the date of transmission to the faculty member shall be retained by the department head, dean, or appropriate campus academic officer.

#### COMPOSITION OF UNIT REVIEW COMMITTEES:

Only tenured faculty should be eligible to serve on peer tenure and promotion committees, and only faculty of higher rank than the candidate should make recommendations about promotion. In unusual circumstances, e.g., insufficient numbers of tenured and higher-ranked faculty, exceptions to this provision may be permitted by the Executive Vice President and Provost on request by the academic unit.

Promotion and tenure committees shall consist of members of the faculty selected by procedures approved by the unit's faculty, the campus chancellor (if applicable), and the dean. Only tenured and tenure-line faculty are eligible to vote for members of all promotion and tenure committees. The faculty of the unit concerned should determine the size of the review committee, but in no case should a review committee consist of fewer than three members.

In order to ensure continuity in the review process, the procedures shall provide that some members of the review committee at each level shall, where possible, serve for at least two years. When terms of specified length are used, the terms of committee members should be staggered.

#### COMPOSITION OF UNIVERSITY PROMOTION AND TENURE REVIEW COMMITTEE:

The University Promotion and Tenure Review Committee shall consist of eleven members. Seven of these members shall be elected by the Senate from a slate of nominees prepared by the Committee on Committees and Rules with provisions for nominations from the Senate floor. The election procedures as devised by the Senate shall be such that at least two members of the committee shall be from colleges other than University Park. The remaining four members of the committee shall be appointed by the President of the University. All tenured professors, librarians, and other faculty of equivalent rank holding full-time standing appointments are eligible for election by the Senate or for appointment by the President with the following exclusions: the President's immediate staff, the Executive Vice President and Provost's immediate staff, persons holding affiliate academic appointments, and deans.

The President shall appoint the chair of the committee from among the seven elected and the four appointed committee members. All members of the committee shall serve for two-year terms,

staggered to provide continuity to the committee's deliberations. No person may serve more than two successive terms, and, after serving two successive terms, no person may be appointed or elected to the committee for the following two year (one-term) period.

No member of the committee may serve concurrently on the Standing Joint Committee on Tenure and/or the Senate Committee on Faculty Rights and Responsibilities.

#### LEVELS OF REVIEW:

Faculty members from the former Commonwealth Educational System who retain tenure in a University Park college will have four levels of review. Other faculty members will have three levels of review. All levels of review shall be serial.

##### I - University Park Colleges, Single Campus Colleges, and the University College:

There will be three levels of review. The first-level faculty review for faculty in University Park Colleges and Single Campus Colleges shall be conducted by a committee of tenured faculty members in the candidate's department, division, or equivalent academic unit whenever possible. The first-level faculty review for faculty in the University College shall be conducted by a committee of tenured faculty members at the candidate's campus whenever possible. This committee shall include at least two tenured faculty members from the candidate's department, division, or discipline. If too few appropriate faculty members exist at a particular campus, faculty members in the candidate's discipline from other campuses shall serve, or, if necessary, faculty members from closely related disciplines shall serve. For faculty in University Park Colleges and Single Campus Colleges, the first-level administrative review shall be conducted by the candidate's department, division, or equivalent academic unit head. For faculty at University College campuses, the first-level administrative review shall be conducted by the candidate's campus chancellor. The second-level faculty review shall be conducted by tenured faculty in the candidate's college, and the corresponding administrative review by the dean of the candidate's college.

##### II - Former Commonwealth Educational System Faculty Retaining Tenure at a University Park College:

There will be four levels of review. The first-level faculty review shall be conducted by tenured faculty members at the candidate's campus. The first-level administrative review shall be conducted by the appropriate administrator at the candidate's campus. The second-level faculty review shall be conducted by tenured faculty members, including non-University Park faculty members, in the candidate's department or equivalent academic unit within the candidate's University Park college. The second-level administrative review shall be conducted by the candidate's corresponding academic unit head. The third-level faculty review shall be conducted by tenured faculty members in the candidate's college, including at least one non-University Park faculty member, and the corresponding administrative review by the dean of the candidate's college.

#### DEPARTMENT, CAMPUS OR PROGRAM REVIEW LEVEL:

The department committee will normally provide the first level of evaluation for tenure and promotion using criteria appropriate to the faculty member's responsibilities. The department head, after consultation, shall forward the committee's recommendation, together with the department head's own, to the appropriate dean. If either the department committee or department head (or both) has (have) a positive recommendation for tenure or promotion, the dean shall forward all such recommendations to the college or University Libraries review committee for further consideration. If both recommendations are negative and are upheld by the dean, the negative decision shall be final.

If the negative recommendations on tenure from both the department head and the department committee are upheld, the college or University Libraries dean shall notify the faculty member in writing (see Section IV.4); negative promotion decisions do not require such formal notification. In all cases where a candidate has professional responsibilities in more than one unit, the responsibility for the departmental level review will lie with the unit representing the candidate's home administrative area. Each unit shall provide evaluations to be included in the dossier. Specially constituted committees are not necessary to accomplish these reviews.

In evaluating a candidate for promotion or tenure, the department committee should seek the views of senior members of the candidate's academic unit. Furthermore, evaluations of teaching faculty for promotion and tenure shall be accompanied by documentation of student views. In many cases, evaluations by expert peers in other institutions may provide essential, helpful information.

#### COLLEGE AND UNIVERSITY LIBRARIES REVIEW LEVEL:

The college or University Libraries review committee shall review departmental and/or campus recommendations for promotion and tenure in light of college and University Libraries criteria, as well as the quality of documentation, equity, and procedural fairness, and shall forward its recommendations to the dean. The recommendations of the college or University Libraries review committee, together with those from the department or comparable unit and campus, shall be forwarded to the dean of the college or University Libraries. If the dean recommends tenure and/or promotion, or if all reviews are positive prior to the dean's review, the dossier with accompanying documentation will be forwarded to the Office of the President for transmittal to the University Promotion and Tenure Review Committee. If the decision is not to award tenure, the dean shall notify the faculty member in writing (see Section IV.4). All candidates for tenure and/or promotion will be informed by the dean whether or not their dossiers have been forwarded to the University Promotion and Tenure Review Committee. If the dean intends to make a tenure or promotion decision or recommendation different from that of the college committee's recommendation, then the dean shall meet with the college committee for consultation. The intent is to require full and candid discussion when such divergent recommendations occur.

#### ~~[Delete] INTERDISCIPLINARY AND DEFENSE-RELATED RESEARCH UNITS:~~

~~Faculty members in the University's interdisciplinary and defense-related research units who do not hold a co-funded or joint appointment in an academic department and college shall be~~

~~reviewed for promotion by review committees established by their respective research units, and by the director of the research unit. Membership on these review committees need not be limited to faculty members within the research unit, or to faculty members covered by this provision. The director of the research unit shall forward the committee's recommendations, together with the director's own, to the Senior Vice President for Research. Promotion to assistant research professor of researchers who do not hold a co-funded or joint appointment in an academic college may be made by the directors of interdisciplinary or defense-related research units; for promotion to associate research professor or research professor, the Senior Vice President for Research shall determine which candidates shall be recommended for promotion, and their names forwarded to the Executive Vice President and Provost for transmittal to the University Promotion and Tenure Review Committee. These provisions do not apply to faculty members in interdisciplinary and defense-related research units on noncontinuing appointments. [End Delete]~~

#### UNIVERSITY REVIEW LEVEL:

The University Promotion and Tenure Review Committee shall review those recommendations for promotion and tenure that have been received from the deans. The Committee shall consider peer review evaluations at the department, campus, college, and University Libraries levels, in light of University criteria, as well as the quality of documentation, equity, and procedural fairness. It shall forward its recommendations to the Executive Vice President and Provost.

On recommendation of the Executive Vice President and Provost, the President of the University may authorize the award of tenure or promotion in rank on behalf of the University, except that promotion to the rank of assistant professor may be made by the dean without review at the University level. Faculty members shall be notified in writing of tenure and positive promotion decisions by the President (see Section IV.13 C).

Each dean shall also forward through the Executive Vice President and Provost to the University Promotion and Tenure Review Committee a summary of the general processes followed, the number of recommendations reviewed, and a summary of instances of differences in judgment. The University Promotion and Tenure Review Committee may also request from a dean such other information about particular cases that is deemed necessary to perform its function.

#### IV. GENERAL PROVISIONS

##### TO WHOM TENURE PROVISIONS APPLY:

1. Provisions for holding academic tenure apply, subject to the exceptions specified in Section IV.2, to all faculty members of The Pennsylvania State University holding full-time, regular appointments to the rank of professor, associate professor, assistant professor, librarian, associate librarian, and assistant librarian. Academic tenure applies only to the above ranks, and tenure shall be granted only in a college or in the University Libraries.

##### ACADEMIC APPOINTMENTS NOT SUBJECT TO TENURE:

2. The tenure provisions defined herein do not apply to the following academic appointments:

A. Appointments designated as non-tenure-line.

B. Appointments without remuneration ("adjunct" and "clinical" academic ranks and "faculty associates").

C. Affiliate academic ranks.

D. Academic appointments in areas other than a college or the University Libraries.

E. Academic appointments to the ranks of lecturer, instructor, assistant teaching professor, associate teaching professor, teaching professor, affiliate librarian, researcher, assistant research professor, associate research professor, and research professor.

These appointments are governed by the provisions of the appropriate University policies and by the terms specified in the Memorandum of Personal Service signed by each employee.

Letters of offer for all term faculty should clearly outline responsibilities and expectations. Unit heads should not renew any term contract without determining first whether those expectations have been met.

Non-tenure-line faculty may not be promoted to a tenure-line position, although such faculty may apply for such positions when openings occur and national searches to fill them are announced.

3. Provisions of this policy relating to academic promotions apply to all faculty members of The Pennsylvania State University, except for those academic appointments specified in Section IV.2A and

B. Definitions of the respective academic ranks are provided in AC21.

#### TENURE STATUS AND NOTIFICATION:

4. Each standing appointment of an eligible person to the full-time regular rank of professor, associate professor, assistant professor, librarian, associate librarian and assistant librarian shall be provisional, as defined in Section IV.5, until notification in writing of change of status is sent to the appointee by the appropriate academic officer of the University.

For a faculty member on a standing appointment who is serving on a provisional basis, such notification shall be made prior to the expiration of the sixth year, and shall indicate that the faculty member will have permanent tenure at the expiration of the sixth year or will be

terminated at the expiration of the seventh year provisional period. When continuing faculty are awarded tenure, tenure status should be effective July 1 immediately following the decision. Those who are not awarded tenure in their sixth year will be given written notice that University employment will terminate at the end of their seventh year. In the extraordinary circumstance that a faculty member is, through inadvertence, not notified of their status prior to the end of the sixth year, such notice shall be given at the end of the seventh year, in accordance with the standards of notice specified in Section IV.8A (3).

Failure to notify the faculty member of their status prior to the end of the seventh year shall result in an automatic grant of tenure.

A faculty member who is awarded tenure shall thereafter be terminated only for adequate cause or under circumstances described in Section IV.10. The traditional privilege of academic freedom applies equally to all faculty members regardless of tenure status.

#### PROVISIONAL OR PRE-TENURE PERIOD:

5. The provisional appointment period in the University shall be seven years. However, up to and including the equivalent of three years of professional service at other accredited institutions of higher learning, or in an earlier appointment at The Pennsylvania State University, may be applied toward this seven year provisional period. (See also [HRG17](#))

Credit toward tenure for previous service at another university should be granted only after careful consideration and should not exceed three years. More years of credit toward tenure may be granted in extraordinary cases.

A faculty member who is promoted to the rank of assistant professor or assistant librarian (or above) may, with their concurrence, and at the discretion of the appropriate administrative officer, be given up to four years maximum provisional status credit for time spent as an instructor or assistant librarian at this University.

With regard to promotion, decisions to promote should be based on performance and scholarly achievement in the light of the general criteria (see Section II) rather than by time in rank.

An initial appointment at the rank of associate professor or professor may be made with grant of tenure, with the approval of the Executive Vice President and Provost and the President of the University in accord with University guidelines that prescribe immediate tenure reviews.

Under exceptional circumstances, the provisional period of a faculty member may be less than seven years, subject to the concurrence of the Executive Vice President and Provost and the President. University guidelines are in place that describe procedures for nominating candidates for review for early tenure.

#### EQUIVALENCE OF RANK AND POSITIONS:



6. Librarian, Associate Librarian, and Assistant Librarian: appointments to these positions correspond to other faculty appointments concerning promotion and grant of tenure as follows - the rank of librarian corresponds to professor, associate librarian to associate professor, assistant librarian to the rank of assistant professor, and affiliate librarian to the rank of instructor.

Research Professor, Associate Research Professor, Assistant Research Professor, and Researcher: appointments to these positions correspond to faculty appointments concerning promotion as follows - the rank of research professor corresponds to professor, the rank of associate research professor corresponds to associate professor, the rank of assistant research professor corresponds to assistant professor, the rank of researcher corresponds to lecturer and instructor.

#### COMPUTING YEAR OF CREDIT TOWARD TENURE:

7. In order to facilitate the administration of tenure review procedures, the following apply:

##### A. Anniversary Date

There shall be a common tenure anniversary date of July 1 for all tenure eligible academic appointments. This tenure anniversary date will not necessarily coincide with the faculty member's date of initial appointment. A year of credit toward tenure is earned in any year in which a tenure-eligible faculty member has full-time active employment status for more than six months between July 1 and June 30. Since the purpose of the provisional period is to provide an opportunity for observing the faculty member, the time spent on leave of absence will not be considered as part of the provisional period.

##### B. Staying of the Provisional Tenure Period

Upon the written request of a faculty member, the Executive Vice President and Provost may grant a temporary staying of the tenure provisional period, if in their judgment, the academic performance of the provisional faculty member would be adversely affected by: the responsibility as primary care giver after the birth or adoption of a child, the placement of a foster child in the home, a serious personal illness, the provision of care for a seriously ill family member, or any similar situation.

Faculty are eligible to stop the tenure clock for one year for each occurrence during the period leading up to tenure, for a maximum total of two years. During this period the faculty member would not be evaluated according to the tenure guidelines, and the year would not be counted toward the provisional period.

When promotion and tenure committees are being charged, the statement below should be included as part of the charge. Also, the dean must include this statement in their letter when soliciting evaluations from external reviewers.

“The time period for achieving tenure and promotion to associate professor can vary, including one or more extensions of the tenure clock. A faculty member who stops the tenure clock must be evaluated according to the number of years on the tenure clock, not the number of years since being hired. The faculty member should not be held to a standard higher than the one he/she would have had to meet if the tenure decision had been made in the year it was originally scheduled.”

This staying of the tenure provisional period is not necessarily linked to a leave of absence with or without salary.

At the end of the stayed year the faculty member would continue on the tenure track.

#### NOTICE OF NON-REAPPOINTMENT AND TERMINATION:

8. Standards for notice of non-reappointment for tenure-eligible positions are as follows:

##### A. Dates

Faculty members who will not be continued in tenure-eligible positions shall be notified in writing. Notification must come no later than March 1 of the first academic year of tenure eligibility if termination is to occur by June 30 of that year. Thereafter, notification must come at least 12 months before June 30 of the following academic year.

##### B. Transmittal of Notice

In case of negative decisions at the University level, the Executive Vice President and Provost shall inform the appropriate dean or deans informally regarding the reasons for the negative judgment. These reasons shall, if requested by the faculty member, be conveyed to the faculty member informally by the appropriate dean or department chairman.

In cases of negative recommendations at the college level, the dean, department head, or campus executive officer shall convey the reasons to the faculty member informally, if requested to do so by the faculty member. The objective for both of these procedures is to assure that ultimately the faculty member may be informed in private by their dean and/or department head as to why tenure was denied and at what stage of the review process. Likewise, the relevant college, department, and campus review committees shall be informed in private, if they so request, by the appropriate administrator as to the reasons for tenure denial and the level of tenure denial.

#### STANDING JOINT COMMITTEE ON TENURE:

9. In the event that a tenured faculty member may be dismissed for adequate cause, or if a tenure-eligible faculty member is released during the provisional appointment period with less advance notice than that specified in Section IV.8 ("out of time" dismissal), the faculty member shall be afforded due process, as required by applicable law, and an opportunity for a hearing before the Standing Joint Committee on Tenure, prior to termination. Cases of substantive dispute involving the termination of a tenured appointment for reasons of financial exigency or program

elimination or revision as specified in Section IV.10, also shall be considered at a hearing by the Committee. The operating procedures for all cases considered by the Standing Joint Committee on Tenure are set forth in AC-70.

The Standing Joint Committee on Tenure will act in an advisory capacity to the President, who shall be the final decision-maker in all cases considered by the Standing Joint Committee on Tenure.

#### FINANCIAL EXIGENCY AND PROGRAM ELIMINATION OR REVISION:

10. A tenured or tenure eligible appointment may be terminated for demonstrated financial exigency and the affected faculty member may seek review of this termination by the Standing Joint Committee on Tenure under the "Committee Procedural Rules" described in AC-70. Termination of a continuous appointment because of financial exigency should be demonstrably bona fide. If a tenured appointment is terminated because of financial exigency, the released faculty member's place shall not be filled by a new appointee within a period of three years from the date of actual termination unless the released faculty member first has been offered and has not accepted the reappointment.

A tenured or tenure eligible appointment may also be terminated on the basis of program elimination or revision. Elimination on this ground may be effected only in the most extreme cases where the University demonstrates that for compelling reasons and after due academic consideration, including consultation with an appropriate Faculty Senate body, elimination or substantial revision of the program in which the faculty member's normal range of duties falls is necessary. Careful advance program and academic personnel planning, with phased adjustments over time, should operate to limit the necessity of terminating a tenured appointment. In the case of program elimination or substantial revision affecting a tenured faculty member's appointment, a good faith effort shall be made to continue the faculty member concerned in a comparable capacity with the University in any of its campuses based upon the individual's competencies and the capabilities of the University.

A tenured faculty member terminated for reasons of program elimination or revision shall receive one year's notification prior to the date of the impending termination and may seek review of this termination by the Standing Joint Committee on Tenure under the "Committee Procedural Rules" described in AC-70. If a tenured appointment is terminated because of elimination or substantial revision, the released faculty member's position shall not be filled by a new appointee within a period of three years from the date of actual termination unless the released faculty member first has been offered and has not accepted reappointment.

#### ADEQUATE CAUSE:

11. A tenured faculty member may be dismissed for adequate cause (see Section IV.9). Similarly, when adequate cause exists, a tenure-eligible faculty member may be terminated without adherence to the standards of notice specified in Section IV.8. Adequate cause shall mean lack of competence or failure to perform in relation to the functions required by the appointment, excessive absenteeism, moral turpitude, or grave misconduct. Dismissal will not be

used to restrain or otherwise affect faculty members in the exercise of their individual or collective academic freedom or in contravention of other legal rights. Standards of notice as specified in Section IV.8 are not required in cases of dismissal for adequate cause.

#### ADMINISTRATIVE PERSONNEL:

12. Administrative personnel who hold academic rank may qualify for academic promotion and tenure by virtue of their academic merit and promise, according to the criteria of the University and the appropriate academic unit. Tenure applies only to the faculty appointment and not to the administrative position. Appointment to affiliate academic ranks outside of the tenure system may also be appropriate (see Section IV.2).

#### GENERAL POLICY AND PROCEDURES:

13. A. The precise terms and conditions of every appointment shall be stated in the contract and be in the possession of both the University officer making the appointment and the faculty member being appointed before the appointment is consummated. Prior to appointment, all faculty members should be informed by the appropriate officer of the University's policies and the procedures concerning promotion and tenure and, at least annually, as to the faculty member's responsibility to teaching, research and/or scholarly activity.

B. All tenured or tenure-eligible appointments are made in an academic college or the University Libraries. With the mutual consent of the individual and the appropriate academic officer, and subject to the concurrence of the Executive Vice President and Provost and the provisions of Section IV.10, tenured faculty members may retain their tenure upon transfer among academic units of the University. In addition, tenured appointments may be held at two or more of the academic units if the tenure conditions and procedures applicable to each are fulfilled.

C. Promotions to the rank of assistant professor, or the equivalent, are made by the appropriate dean of the college or University Libraries. The award of tenure and promotions to the ranks of associate professor and professor, or the equivalents, are authorized by the President of the University. Faculty members shall be notified in writing by the appropriate dean in cases of promotion to assistant professor or the equivalent, and by the President of the University in cases awarding tenure and of promotion to associate professor or professor.

D. At the time of appointment of a faculty member to a tenured position in the University, the appointment must be covered in the total General Fund Budget of the college or campus in which the appointment is held. In the case of an appointment to a tenure-eligible position, the appointment must be capable of being covered in the existing total General Fund Budget of the college or campus in which the appointment is held by the time the appointed faculty member is to receive tenure. Exceptions to this provision may be made by the Executive Vice President and Provost when it has been adequately demonstrated that other funding sources exist which indicate full continuing coverage of costs associated with tenure.

#### EFFECTIVE DATE OF POLICY:

14. The effective date of this policy shall be July 1, 2005. This policy shall apply in its entirety to all full-time regular academic personnel.

#### POLICY REVIEW AND AMENDMENT:

15. The provisions of this policy shall be reviewed periodically by the University administration and the University Faculty Senate.

#### CROSS REFERENCES:

<https://www.vpfa.psu.edu/>

AC-70 Dismissal of Tenured or Tenure-Eligible Faculty Members

#### REVISIONS:

April 30, 2021

Changed "Fixed-Term Multi-Year, Fixed-Term I, Fixed-Term II, or Visiting" to "non-tenure line." Made editorial changes to include gender-inclusive language.

February 4, 2021

Changed link under Cross References

September 19, 2019

Changed Vice President for Research to Senior Vice President for Research

May 17, 2017

Change to Composition of Review Committees section title to Composition of Unit Review Committees and clarify language added regarding eligibility to vote.

July 1, 2016

Computing Year of Credit Toward Tenure, Section B. Staying of the Provisional Tenure Period revised to include maximum of two years of stay, placement of a foster child in the home, and language for inclusion in promotion and tenure committee charge as well as deans' letters to solicit evaluations from external reviewers.

January 1, 2010

The title Senior Vice President for Research was changed to Vice President for Research.

July 1, 2002

Promotion and Tenure Procedures and Regulations - Revised (Incorporated the UniSCOPE Model in the "Expectations and Standards of Each Unit" and "General Criteria" sections.)

September 6, 2018

Computing Year of Credit Toward Tenure, Section 7A - modified anniversary date to "more than six months."

Date Approved:  
September 6, 2018  
Effective Date:  
September 7, 2018

**[REVISIONS INCORPORATED]**

**AC23 Promotion and Tenure Procedures and Regulations (Formerly HR23)**

Policy Status:

Active

Policy Steward:

Vice Provost for Faculty Affairs

POLICY'S INITIAL DATE: July 1, 1952

THIS VERSION EFFECTIVE: September 7, 2018

Contents:

- ☐ Purpose
- ☐ I. Preamble
- ☐ ....Academic Principles
- ☐ II. Criteria for Promotion and Tenure
- ☐ ....Relationship of Mission and Structure to Criteria
- ☐ ....Academic Excellence
- ☐ ....Expectations and Standards of Each Unit
- ☐ ....Changing Needs and Priorities
- ☐ ....General Criteria
- ☐ III. Review Procedures
- ☐ ....General Procedures
- ☐ ....Frequency of Reviews
- ☐ ....Results of Evaluations
- ☐ ....Composition of Review Committees
- ☐ ....Composition of University Promotion and Tenure Review Committee
- ☐ ....Levels of Review
- ☐ ....Department, Campus or Program Review Level
- ☐ ....College and University Libraries Review Level
- ☐ ....Interdisciplinary and Defense-Related Research Units
- ☐ ....University Review Level
- ☐ IV. General Provisions
- ☐ ....To Whom Tenure Provisions Apply
- ☐ ....Academic Appointments not Subject to Tenure
- ☐ ....Tenure Status and Notification
- ☐ ....Provisional or Pre-Tenure Period
- ☐ ....Equivalence of Rank and Positions
- ☐ ....Computing Year of Credit Toward Tenure
- ☐ ....Notice of Non-Reappointment and Termination
- ☐ ....Standing Joint Committee on Tenure
- ☐ ....Financial Exigency and Program Elimination or Revision
- ☐ ....Definition of Adequate Cause

- ☐ ....Administrative Personnel
- ☐ ....General Policy and Procedures
- ☐ ....Effective Date of Policy
- ☐ ....Policy Review and Amendment
- ☐ Cross References

## PURPOSE:

To determine the criteria, procedures, and conditions of the review of University academic personnel and for the awarding of promotion and tenure.

## I. PREAMBLE

### ACADEMIC PRINCIPLES:

The promotion and tenure policies of the University should contribute to academic excellence. An equitable and widely-understood promotion and tenure system ensures that considerations of academic quality will be the basis for academic personnel decisions.

Tenure is the keystone for academic freedom; safeguarding the right of free expression and risk-taking inquiry is the basis for tenure. Both tenure and academic freedom are bound to an implicit social compact which recognizes that their maintenance serves important public purposes and provides great benefits to society; the ultimate justification for tenure rests on the bedrock of its social utility. Additionally, a well-designed tenure and promotion system attracts capable and highly qualified individuals as faculty members, strengthens institutional stability by enhancing faculty members' institutional loyalty, and encourages academic excellence by retaining and rewarding the most able people. Tenure and promotion imply selectivity and choice; they are awarded for academic and professional merit, not for seniority.

A formal statement of criteria for tenure and promotion is necessary but not sufficient for the task. The wide variety of academic and professional fields, and the broad range of programs within the University, make the development of detailed criteria, equally applicable to all fields, an unrewarding effort. Rather, general and broad guidelines will permit the exercise of skilled professional and academic judgment in their interpretation and application.

For promotion and tenure procedures to be legitimized, they must be open, within considerations of individual privacy, and equitable. The general policies and procedures to be used should be made widely known within departments, campuses, colleges\* and the University Libraries. Regular review of faculty members will help to ensure openness of the tenure and promotion process and will provide feedback crucial to faculty development and growth.

Faculty members have a primary responsibility in providing the evaluations of merit which normally determine the academic personnel decision-making process, including appointment, promotion, and tenure. This responsibility involves the application of academic and professional judgment, in a framework of shared authority, among various levels of review and between faculty and administrative bodies.



Within the procedures for granting or denying tenure and promotion, the presumption is that recommendations based on the professional expertise and competence of the faculty will usually be heeded. Where the findings of the various groups differ, there is an implicit responsibility to explore the reasons for divergence. In this way administrators and faculty can sustain vigorous and responsible participation, and standards of excellence and quality can be maintained.

The promotion and tenure procedures consist of several levels of judgment and review: the department (or comparable academic unit); the campus; the college or University Libraries; and the University. The initial review will usually take place at the level of the department (or campus as appropriate) and will focus on professional and scholarly judgments of the quality of the individual's academic work. Subsequent levels will bring broader faculty and administrative judgment to bear and will also monitor general standards of quality, equity and adequacy of the procedure used. At each level, the review process will reflect the competence and perspective of the review body.

\*For the purpose of this policy, "colleges" are those academic units which have responsibility for developing, obtaining approval, and conducting the University's academic degree programs, as authorized by the University Board of Trustees and the University Faculty Senate.

## II. CRITERIA FOR PROMOTION AND TENURE

### RELATIONSHIP OF MISSION AND STRUCTURE TO CRITERIA:

Promotion and tenure decisions are based on the academic judgments of faculty and academic administrators. The general criteria or principles outlined here must be applied to promotion and tenure decisions in light of a detailed knowledge of the specific goals of an academic program or organizational unit (e.g., department, college, and the University Libraries) and the specific qualities and competencies of the individual. The University's complex organization and multiple missions make these academic judgments vital, since no one set of criteria can apply equally to all faculty members in all programs. Likewise, such diversity within the University entails promotion and tenure arrangements specifically tailored to the mission and organizational structure of its various academic units (e.g., department, college, and University Libraries).

### ACADEMIC EXCELLENCE:

Recognizing the University's manifold responsibilities, however, should not diminish the central importance of teaching and scholarly activity, both understood in their broadest sense, in the academic decision-making process. In tenure and promotion decisions, as in other areas of choice, the University best serves itself and society by affirming the primacy of academic excellence in all of its functions.

### EXPECTATIONS AND STANDARDS OF EACH UNIT:

An important part of the whole tenure and review process for faculty members is that all parties to the process share common expectations and understandings. Since general statements of principles will be broad and inclusive, each academic unit may develop its own specific

expectations and standards as the operational basis for tenure and promotion recommendations. Knowledge concerning these expectations and standards should be generally available, especially to newly appointed faculty members.

Candidates may include either a narrative statement at the front of the dossier that indicates their sense of their scholarship of teaching and learning, scholarship of research and creative accomplishments, and service and the scholarship of service to the University, society, and the profession, or separate statements in the relevant sections of the dossier describing the same items.

The review process for tenure and promotion is concerned with the academic and professional merits of particular candidates, judged in reference to all alternative candidates, including prospective faculty members. Tenure and promotion standards, therefore, cannot be fixed and absolute, but will reflect to some extent the varying competitive positions of the University in attracting faculty. Accordingly, evaluations will be influenced by such considerations of relative standing. Likewise, progressively more exacting scrutiny will take place as the faculty member advances in academic rank.

#### CHANGING NEEDS AND PRIORITIES:

Although the tenure and promotion process is geared, narrowly and properly, to evaluating individual performance, the changing needs and priorities of the institution may also affect the decision to grant tenure or award promotion. Both equity and the long-range interests of the institution, however, require directing primary attention to University needs and priorities at the time of appointment and careful intermediate and longer range academic personnel planning.

#### GENERAL CRITERIA:

The *raison d'être* of the University is the discovery, synthesis, transmission, and application of knowledge. In light of these several goals, scholarship of research and creative accomplishments, scholarship of teaching and learning and service and the scholarship of service are the central criteria for the evaluation of faculty.

Promotion and tenure decisions shall be based on these three criteria, which must be applied in light of the mission of the academic unit and the professional responsibilities carried by the faculty member. The criteria have purposely been made general in the expectation of further definition and elaboration by each academic unit.

1. The Scholarship of Teaching and Learning - ability to convey subject matter to students; demonstrated competence in teaching and capacity for growth and improvement; ability to maintain academic standards, and to stimulate the interests of students in the field; effectiveness of counseling, advising and service to students.
2. The Scholarship of Research and Creative Accomplishments - competence, usually demonstrated through publication, exhibition, performance, or presentation of scholarly

papers, to carry out research or creative work of high quality and scholarly significance and the ability to train students in research methods and practice; evidence of thorough understanding of the field; maintenance of high levels of academic performance; recognized reputation in the subject matter field; evidence of continued professional growth and active contribution to professional organizations.

3. Service and the Scholarship of Service to the University, Society, and the Profession - participation in the University, college, departmental, and unit affairs; competence in extending specialized knowledge to the University and to the public.

Promotion and tenure decisions shall be based on recognized performance and achievement in each of the several areas, as appropriate to the particular responsibilities assigned to the faculty member. The presumption is that a positive tenure decision for an assistant professor is sufficient to warrant promotion to associate professor. In an exceptional case, a decision can be made to tenure but not to promote; however, the burden would be on the committee(s) or administrator(s) who wish to separate promotion from a positive tenure decision to show why promotion is not warranted.

### III. REVIEW PROCEDURES

#### GENERAL PROCEDURES:

Primary responsibility for evaluation of the academic qualification of candidates for promotion and tenure rests with the faculty. There are three sequential levels in this review: peer review by the department (or comparable academic unit) including campus review as appropriate; review by the college or the University Libraries; and review by the University. The Administrative Guidelines can be found at <https://www.vpfa.psu.edu>.

All levels of review shall be concerned in some measure with both scholarly substance and quality and procedural adequacy and equity. It is incumbent upon each level of review to exercise careful professional judgment of the accomplishments, productivity, and potential of each candidate. Initial peer review (e.g., at the campus or departmental level) will focus on professional and scholarly judgments of the individual's academic work within their discipline. Reviews at the college or University Libraries level will bring broader faculty and administrative judgments to bear, and will also monitor general standards of quality, equity, and adequacy of procedures used. Review at the University level will involve similar but less detailed evaluations and, in addition, will provide an essential all-University perspective. Consultation among review levels, by committees and academic administrators, should take place when there is a need to clarify differences that arise during the review process.

Each academic unit (e.g., department, college, and University Libraries) of the University should take responsibility for developing detailed review procedures, supplemental to and consonant with general University procedures, as guidelines for promotion and tenure. These procedures should be made known to prospective and current faculty members, as well as the general

University community, and should reflect the organizational arrangements of each academic unit.

The evaluation of teaching effectiveness shall be based on both peer and student input. Specific procedures shall conform to the Statement of Practices for the Evaluation of Teaching Effectiveness for Promotion and Tenure.

#### FREQUENCY OF REVIEWS:

Prior to formal consideration of a faculty member for tenure and promotion, evaluations should be conducted by the initial review committees. In the case of tenure, these reviews shall be conducted in the second year and no less often than biennially thereafter. Normally, tenure reviews will be conducted in the second and fourth years of the provisional appointment period. For second and fourth year reviews, the college dean shall be required to write evaluative letters that are shared with candidates and may be addressed directly to them. The dean's letter will then be included in the dossiers submitted for subsequent tenure reviews. The department head or other appropriate administrative officer should discuss the results of the second and fourth year reviews, including the dean's letter, directly with the candidate. In cases where a faculty member receives a negative fourth year review, but without notice of termination, and in other cases where it is deemed advisable, a special fifth year tenure review may be requested by the faculty member, the department head or the unit's equivalent administrative officer, campus chancellor, or dean of the college or University Libraries. A tenure review shall take place in every instance during the sixth-year period. All reviews of faculty whose tenure is with a college at a location different from the college of residence should include consultation with the department head. The Vice President for Commonwealth Campuses has the overall responsibility to coordinate the procedural aspects of the review process for the campuses.

#### RESULTS OF EVALUATIONS:

The general results of the evaluation should be made known to the faculty member by the appropriate academic officer, and should indicate the extent to which colleagues judge that the faculty member's performance, in comparison with others in the profession, meets high academic standards. The evaluation should include guidance to the faculty member in ways to improve performance. A record of the general nature of the review and the date of transmission to the faculty member shall be retained by the department head, dean, or appropriate campus academic officer.

#### COMPOSITION OF UNIT REVIEW COMMITTEES:

Only tenured faculty should be eligible to serve on peer tenure and promotion committees, and only faculty of higher rank than the candidate should make recommendations about promotion. In unusual circumstances, e.g., insufficient numbers of tenured and higher-ranked faculty, exceptions to this provision may be permitted by the Executive Vice President and Provost on request by the academic unit.

Promotion and tenure committees shall consist of members of the faculty selected by procedures approved by the unit's faculty, the campus chancellor (if applicable), and the dean. Only tenured and tenure-line faculty are eligible to vote for members of all promotion and tenure committees. The faculty of the unit concerned should determine the size of the review committee, but in no case should a review committee consist of fewer than three members.

In order to ensure continuity in the review process, the procedures shall provide that some members of the review committee at each level shall, where possible, serve for at least two years. When terms of specified length are used, the terms of committee members should be staggered.

#### COMPOSITION OF UNIVERSITY PROMOTION AND TENURE REVIEW COMMITTEE:

The University Promotion and Tenure Review Committee shall consist of eleven members. Seven of these members shall be elected by the Senate from a slate of nominees prepared by the Committee on Committees and Rules with provisions for nominations from the Senate floor. The election procedures as devised by the Senate shall be such that at least two members of the committee shall be from colleges other than University Park. The remaining four members of the committee shall be appointed by the President of the University. All tenured professors, librarians, and other faculty of equivalent rank holding full-time standing appointments are eligible for election by the Senate or for appointment by the President with the following exclusions: the President's immediate staff, the Executive Vice President and Provost's immediate staff, persons holding affiliate academic appointments, and deans.

The President shall appoint the chair of the committee from among the seven elected and the four appointed committee members. All members of the committee shall serve for two-year terms, staggered to provide continuity to the committee's deliberations. No person may serve more than two successive terms, and, after serving two successive terms, no person may be appointed or elected to the committee for the following two year (one-term) period.

No member of the committee may serve concurrently on the Standing Joint Committee on Tenure and/or the Senate Committee on Faculty Rights and Responsibilities.

#### LEVELS OF REVIEW:

Faculty members from the former Commonwealth Educational System who retain tenure in a University Park college will have four levels of review. Other faculty members will have three levels of review. All levels of review shall be serial.

##### I - University Park Colleges, Single Campus Colleges, and the University College:

There will be three levels of review. The first-level faculty review for faculty in University Park Colleges and Single Campus Colleges shall be conducted by a committee of tenured faculty members in the candidate's department, division, or equivalent academic unit whenever possible. The first-level faculty review for faculty in the University College shall be conducted by a committee of tenured faculty members at the candidate's campus whenever possible. This committee shall include at least two tenured faculty members from the candidate's department,

division, or discipline. If too few appropriate faculty members exist at a particular campus, faculty members in the candidate's discipline from other campuses shall serve, or, if necessary, faculty members from closely related disciplines shall serve. For faculty in University Park Colleges and Single Campus Colleges, the first-level administrative review shall be conducted by the candidate's department, division, or equivalent academic unit head. For faculty at University College campuses, the first-level administrative review shall be conducted by the candidate's campus chancellor. The second-level faculty review shall be conducted by tenured faculty in the candidate's college, and the corresponding administrative review by the dean of the candidate's college.

## II - Former Commonwealth Educational System Faculty Retaining Tenure at a University Park College:

There will be four levels of review. The first-level faculty review shall be conducted by tenured faculty members at the candidate's campus. The first-level administrative review shall be conducted by the appropriate administrator at the candidate's campus. The second-level faculty review shall be conducted by tenured faculty members, including non-University Park faculty members, in the candidate's department or equivalent academic unit within the candidate's University Park college. The second-level administrative review shall be conducted by the candidate's corresponding academic unit head. The third-level faculty review shall be conducted by tenured faculty members in the candidate's college, including at least one non-University Park faculty member, and the corresponding administrative review by the dean of the candidate's college.

### DEPARTMENT, CAMPUS OR PROGRAM REVIEW LEVEL:

The department committee will normally provide the first level of evaluation for tenure and promotion using criteria appropriate to the faculty member's responsibilities. The department head, after consultation, shall forward the committee's recommendation, together with the department head's own, to the appropriate dean. If either the department committee or department head (or both) has (have) a positive recommendation for tenure or promotion, the dean shall forward all such recommendations to the college or University Libraries review committee for further consideration. If both recommendations are negative and are upheld by the dean, the negative decision shall be final.

If the negative recommendations on tenure from both the department head and the department committee are upheld, the college or University Libraries dean shall notify the faculty member in writing (see Section IV.4); negative promotion decisions do not require such formal notification. In all cases where a candidate has professional responsibilities in more than one unit, the responsibility for the departmental level review will lie with the unit representing the candidate's home administrative area. Each unit shall provide evaluations to be included in the dossier. Specially constituted committees are not necessary to accomplish these reviews.

In evaluating a candidate for promotion or tenure, the department committee should seek the views of senior members of the candidate's academic unit. Furthermore, evaluations of teaching faculty for promotion and tenure shall be accompanied by documentation of student views. In

many cases, evaluations by expert peers in other institutions may provide essential, helpful information.

#### COLLEGE AND UNIVERSITY LIBRARIES REVIEW LEVEL:

The college or University Libraries review committee shall review departmental and/or campus recommendations for promotion and tenure in light of college and University Libraries criteria, as well as the quality of documentation, equity, and procedural fairness, and shall forward its recommendations to the dean. The recommendations of the college or University Libraries review committee, together with those from the department or comparable unit and campus, shall be forwarded to the dean of the college or University Libraries. If the dean recommends tenure and/or promotion, or if all reviews are positive prior to the dean's review, the dossier with accompanying documentation will be forwarded to the Office of the President for transmittal to the University Promotion and Tenure Review Committee. If the decision is not to award tenure, the dean shall notify the faculty member in writing (see Section IV.4). All candidates for tenure and/or promotion will be informed by the dean whether or not their dossiers have been forwarded to the University Promotion and Tenure Review Committee. If the dean intends to make a tenure or promotion decision or recommendation different from that of the college committee's recommendation, then the dean shall meet with the college committee for consultation. The intent is to require full and candid discussion when such divergent recommendations occur.

#### UNIVERSITY REVIEW LEVEL:

The University Promotion and Tenure Review Committee shall review those recommendations for promotion and tenure that have been received from the deans. The Committee shall consider peer review evaluations at the department, campus, college, and University Libraries levels, in light of University criteria, as well as the quality of documentation, equity, and procedural fairness. It shall forward its recommendations to the Executive Vice President and Provost.

On recommendation of the Executive Vice President and Provost, the President of the University may authorize the award of tenure or promotion in rank on behalf of the University, except that promotion to the rank of assistant professor may be made by the dean without review at the University level. Faculty members shall be notified in writing of tenure and positive promotion decisions by the President (see Section IV.13 C).

Each dean shall also forward through the Executive Vice President and Provost to the University Promotion and Tenure Review Committee a summary of the general processes followed, the number of recommendations reviewed, and a summary of instances of differences in judgment. The University Promotion and Tenure Review Committee may also request from a dean such other information about particular cases that is deemed necessary to perform its function.

#### IV. GENERAL PROVISIONS

##### TO WHOM TENURE PROVISIONS APPLY:

1. Provisions for holding academic tenure apply, subject to the exceptions specified in Section IV.2, to all faculty members of The Pennsylvania State University holding full-time, regular appointments to the rank of professor, associate professor, assistant professor, librarian, associate librarian, and assistant librarian. Academic tenure applies only to the above ranks, and tenure shall be granted only in a college or in the University Libraries.

ACADEMIC APPOINTMENTS NOT SUBJECT TO TENURE:

2. The tenure provisions defined herein do not apply to the following academic appointments:

A. Appointments designated as non-tenure-line.

B. Appointments without remuneration ("adjunct" and "clinical" academic ranks and "faculty associates").

C. Affiliate academic ranks.

D. Academic appointments in areas other than a college or the University Libraries.

E. Academic appointments to the ranks of lecturer, instructor, assistant teaching professor, associate teaching professor, teaching professor, affiliate librarian, researcher, assistant research professor, associate research professor, and research professor.

These appointments are governed by the provisions of the appropriate University policies and by the terms specified in the Memorandum of Personal Service signed by each employee.

Letters of offer for all term faculty should clearly outline responsibilities and expectations. Unit heads should not renew any term contract without determining first whether those expectations have been met.

Non-tenure-line faculty may not be promoted to a tenure-line position, although such faculty may apply for such positions when openings occur and national searches to fill them are announced.

3. Provisions of this policy relating to academic promotions apply to all faculty members of The Pennsylvania State University, except for those academic appointments specified in Section IV.2A and

B. Definitions of the respective academic ranks are provided in AC21.

TENURE STATUS AND NOTIFICATION:



4. Each standing appointment of an eligible person to the full-time regular rank of professor, associate professor, assistant professor, librarian, associate librarian and assistant librarian shall be provisional, as defined in Section IV.5, until notification in writing of change of status is sent to the appointee by the appropriate academic officer of the University.

For a faculty member on a standing appointment who is serving on a provisional basis, such notification shall be made prior to the expiration of the sixth year, and shall indicate that the faculty member will have permanent tenure at the expiration of the sixth year or will be terminated at the expiration of the seventh year provisional period. When continuing faculty are awarded tenure, tenure status should be effective July 1 immediately following the decision. Those who are not awarded tenure in their sixth year will be given written notice that University employment will terminate at the end of their seventh year. In the extraordinary circumstance that a faculty member is, through inadvertence, not notified of their status prior to the end of the sixth year, such notice shall be given at the end of the seventh year, in accordance with the standards of notice specified in Section IV.8A (3).

Failure to notify the faculty member of their status prior to the end of the seventh year shall result in an automatic grant of tenure.

A faculty member who is awarded tenure shall thereafter be terminated only for adequate cause or under circumstances described in Section IV.10. The traditional privilege of academic freedom applies equally to all faculty members regardless of tenure status.

#### PROVISIONAL OR PRE-TENURE PERIOD:

5. The provisional appointment period in the University shall be seven years. However, up to and including the equivalent of three years of professional service at other accredited institutions of higher learning, or in an earlier appointment at The Pennsylvania State University, may be applied toward this seven year provisional period. (See also [HRG17](#))

Credit toward tenure for previous service at another university should be granted only after careful consideration and should not exceed three years. More years of credit toward tenure may be granted in extraordinary cases.

A faculty member who is promoted to the rank of assistant professor or assistant librarian (or above) may, with their concurrence, and at the discretion of the appropriate administrative officer, be given up to four years maximum provisional status credit for time spent as an instructor or assistant librarian at this University.

With regard to promotion, decisions to promote should be based on performance and scholarly achievement in the light of the general criteria (see Section II) rather than by time in rank.

An initial appointment at the rank of associate professor or professor may be made with grant of tenure, with the approval of the Executive Vice President and Provost and the President of the University in accord with University guidelines that prescribe immediate tenure reviews.

Under exceptional circumstances, the provisional period of a faculty member may be less than seven years, subject to the concurrence of the Executive Vice President and Provost and the President. University guidelines are in place that describe procedures for nominating candidates for review for early tenure.

#### EQUIVALENCE OF RANK AND POSITIONS:

6. Librarian, Associate Librarian, and Assistant Librarian: appointments to these positions correspond to other faculty appointments concerning promotion and grant of tenure as follows - the rank of librarian corresponds to professor, associate librarian to associate professor, assistant librarian to the rank of assistant professor, and affiliate librarian to the rank of instructor.

Research Professor, Associate Research Professor, Assistant Research Professor, and Researcher: appointments to these positions correspond to faculty appointments concerning promotion as follows - the rank of research professor corresponds to professor, the rank of associate research professor corresponds to associate professor, the rank of assistant research professor corresponds to assistant professor, the rank of researcher corresponds to lecturer and instructor.

#### COMPUTING YEAR OF CREDIT TOWARD TENURE:

7. In order to facilitate the administration of tenure review procedures, the following apply:

##### A. Anniversary Date

There shall be a common tenure anniversary date of July 1 for all tenure eligible academic appointments. This tenure anniversary date will not necessarily coincide with the faculty member's date of initial appointment. A year of credit toward tenure is earned in any year in which a tenure-eligible faculty member has full-time active employment status for more than six months between July 1 and June 30. Since the purpose of the provisional period is to provide an opportunity for observing the faculty member, the time spent on leave of absence will not be considered as part of the provisional period.

##### B. Staying of the Provisional Tenure Period

Upon the written request of a faculty member, the Executive Vice President and Provost may grant a temporary staying of the tenure provisional period, if in their judgment, the academic performance of the provisional faculty member would be adversely affected by: the responsibility as primary care giver after the birth or adoption of a child, the placement of a foster child in the home, a serious personal illness, the provision of care for a seriously ill family member, or any similar situation.

Faculty are eligible to stop the tenure clock for one year for each occurrence during the period leading up to tenure, for a maximum total of two years. During this period the

faculty member would not be evaluated according to the tenure guidelines, and the year would not be counted toward the provisional period.

When promotion and tenure committees are being charged, the statement below should be included as part of the charge. Also, the dean must include this statement in their letter when soliciting evaluations from external reviewers.

“The time period for achieving tenure and promotion to associate professor can vary, including one or more extensions of the tenure clock. A faculty member who stops the tenure clock must be evaluated according to the number of years on the tenure clock, not the number of years since being hired. The faculty member should not be held to a standard higher than the one he/she would have had to meet if the tenure decision had been made in the year it was originally scheduled.”

This staying of the tenure provisional period is not necessarily linked to a leave of absence with or without salary.

At the end of the stayed year the faculty member would continue on the tenure track.

#### NOTICE OF NON-REAPPOINTMENT AND TERMINATION:

8. Standards for notice of non-reappointment for tenure-eligible positions are as follows:

##### A. Dates

Faculty members who will not be continued in tenure-eligible positions shall be notified in writing. Notification must come no later than March 1 of the first academic year of tenure eligibility if termination is to occur by June 30 of that year. Thereafter, notification must come at least 12 months before June 30 of the following academic year.

##### B. Transmittal of Notice

In case of negative decisions at the University level, the Executive Vice President and Provost shall inform the appropriate dean or deans informally regarding the reasons for the negative judgment. These reasons shall, if requested by the faculty member, be conveyed to the faculty member informally by the appropriate dean or department chairman.

In cases of negative recommendations at the college level, the dean, department head, or campus executive officer shall convey the reasons to the faculty member informally, if requested to do so by the faculty member. The objective for both of these procedures is to assure that ultimately the faculty member may be informed in private by their dean and/or department head as to why tenure was denied and at what stage of the review process. Likewise, the relevant college, department, and campus review committees shall be informed in private, if they so request, by the appropriate administrator as to the reasons for tenure denial and the level of tenure denial.

#### STANDING JOINT COMMITTEE ON TENURE:

9. In the event that a tenured faculty member may be dismissed for adequate cause, or if a tenure-eligible faculty member is released during the provisional appointment period with less advance notice than that specified in Section IV.8 ("out of time" dismissal), the faculty member shall be afforded due process, as required by applicable law, and an opportunity for a hearing before the Standing Joint Committee on Tenure, prior to termination. Cases of substantive dispute involving the termination of a tenured appointment for reasons of financial exigency or program elimination or revision as specified in Section IV.10, also shall be considered at a hearing by the Committee. The operating procedures for all cases considered by the Standing Joint Committee on Tenure are set forth in AC-70.

The Standing Joint Committee on Tenure will act in an advisory capacity to the President, who shall be the final decision-maker in all cases considered by the Standing Joint Committee on Tenure.

#### FINANCIAL EXIGENCY AND PROGRAM ELIMINATION OR REVISION:

10. A tenured or tenure eligible appointment may be terminated for demonstrated financial exigency and the affected faculty member may seek review of this termination by the Standing Joint Committee on Tenure under the "Committee Procedural Rules" described in AC-70. Termination of a continuous appointment because of financial exigency should be demonstrably bona fide. If a tenured appointment is terminated because of financial exigency, the released faculty member's place shall not be filled by a new appointee within a period of three years from the date of actual termination unless the released faculty member first has been offered and has not accepted the reappointment.

A tenured or tenure eligible appointment may also be terminated on the basis of program elimination or revision. Elimination on this ground may be effected only in the most extreme cases where the University demonstrates that for compelling reasons and after due academic consideration, including consultation with an appropriate Faculty Senate body, elimination or substantial revision of the program in which the faculty member's normal range of duties falls is necessary. Careful advance program and academic personnel planning, with phased adjustments over time, should operate to limit the necessity of terminating a tenured appointment. In the case of program elimination or substantial revision affecting a tenured faculty member's appointment, a good faith effort shall be made to continue the faculty member concerned in a comparable capacity with the University in any of its campuses based upon the individual's competencies and the capabilities of the University.

A tenured faculty member terminated for reasons of program elimination or revision shall receive one year's notification prior to the date of the impending termination and may seek review of this termination by the Standing Joint Committee on Tenure under the "Committee Procedural Rules" described in AC-70. If a tenured appointment is terminated because of elimination or substantial revision, the released faculty member's position shall not be filled by a new appointee within a period of three years from the date of actual termination unless the released faculty member first has been offered and has not accepted reappointment.

#### ADEQUATE CAUSE:

11. A tenured faculty member may be dismissed for adequate cause (see Section IV.9). Similarly, when adequate cause exists, a tenure-eligible faculty member may be terminated without adherence to the standards of notice specified in Section IV.8. Adequate cause shall mean lack of competence or failure to perform in relation to the functions required by the appointment, excessive absenteeism, moral turpitude, or grave misconduct. Dismissal will not be used to restrain or otherwise affect faculty members in the exercise of their individual or collective academic freedom or in contravention of other legal rights. Standards of notice as specified in Section IV.8 are not required in cases of dismissal for adequate cause.

#### ADMINISTRATIVE PERSONNEL:

12. Administrative personnel who hold academic rank may qualify for academic promotion and tenure by virtue of their academic merit and promise, according to the criteria of the University and the appropriate academic unit. Tenure applies only to the faculty appointment and not to the administrative position. Appointment to affiliate academic ranks outside of the tenure system may also be appropriate (see Section IV.2).

#### GENERAL POLICY AND PROCEDURES:

13. A. The precise terms and conditions of every appointment shall be stated in the contract and be in the possession of both the University officer making the appointment and the faculty member being appointed before the appointment is consummated. Prior to appointment, all faculty members should be informed by the appropriate officer of the University's policies and the procedures concerning promotion and tenure and, at least annually, as to the faculty member's responsibility to teaching, research and/or scholarly activity.

B. All tenured or tenure-eligible appointments are made in an academic college or the University Libraries. With the mutual consent of the individual and the appropriate academic officer, and subject to the concurrence of the Executive Vice President and Provost and the provisions of Section IV.10, tenured faculty members may retain their tenure upon transfer among academic units of the University. In addition, tenured appointments may be held at two or more of the academic units if the tenure conditions and procedures applicable to each are fulfilled.

C. Promotions to the rank of assistant professor, or the equivalent, are made by the appropriate dean of the college or University Libraries. The award of tenure and promotions to the ranks of associate professor and professor, or the equivalents, are authorized by the President of the University. Faculty members shall be notified in writing by the appropriate dean in cases of promotion to assistant professor or the equivalent, and by the President of the University in cases awarding tenure and of promotion to associate professor or professor.

D. At the time of appointment of a faculty member to a tenured position in the University, the appointment must be covered in the total General Fund Budget of the college or campus in which the appointment is held. In the case of an appointment to a tenure-eligible position, the appointment must be capable of being covered in the existing total General Fund Budget of the college or campus in which the appointment is held by the time the appointed faculty member is to receive tenure. Exceptions to this provision may be made by the Executive Vice President and

Provost when it has been adequately demonstrated that other funding sources exist which indicate full continuing coverage of costs associated with tenure.

EFFECTIVE DATE OF POLICY:

14. The effective date of this policy shall be July 1, 2005. This policy shall apply in its entirety to all full-time regular academic personnel.

POLICY REVIEW AND AMENDMENT:

15. The provisions of this policy shall be reviewed periodically by the University administration and the University Faculty Senate.

CROSS REFERENCES:

<https://www.vpfa.psu.edu/>

AC-70 Dismissal of Tenured or Tenure-Eligible Faculty Members

REVISIONS:

April 30, 2021

Changed "Fixed-Term Multi-Year, Fixed-Term I, Fixed-Term II, or Visiting" to "non-tenure line." Made editorial changes to include gender-inclusive language.

February 4, 2021

Changed link under Cross References

September 19, 2019

Changed Vice President for Research to Senior Vice President for Research

May 17, 2017

Change to Composition of Review Committees section title to Composition of Unit Review Committees and clarify language added regarding eligibility to vote.

July 1, 2016

Computing Year of Credit Toward Tenure, Section B. Staying of the Provisional Tenure Period revised to include maximum of two years of stay, placement of a foster child in the home, and language for inclusion in promotion and tenure committee charge as well as deans' letters to solicit evaluations from external reviewers.

January 1, 2010

The title Senior Vice President for Research was changed to Vice President for Research.

July 1, 2002

Promotion and Tenure Procedures and Regulations - Revised (Incorporated the UniSCOPE Model in the "Expectations and Standards of Each Unit" and "General Criteria" sections.)

September 6, 2018

Computing Year of Credit Toward Tenure, Section 7A - modified anniversary date to "more than six months."

Date Approved:  
September 6, 2018  
Effective Date:  
September 7, 2018

Recommended changes to AC21 are as follows.

### **[SHOWING REVISIONS]**

#### **AC21 Definition of Academic Ranks (Formerly HR21)**

Policy Status:  
Active  
Policy Steward:  
Vice Provost for Faculty Affairs

- Purpose
- Earned Degrees
- Academic Rank
- Ranks for Tenure-Line Faculty
- Ranks for Non-Tenure-Line Teaching Faculty
- Ranks for Non-Tenure-Line Research Faculty
- Ranks for Clinical Faculty with Terminal Degrees
- Ranks for Clinical Faculty without Terminal Degrees
- Ranks for Faculty in the University Libraries
- Professor of Practice
- Non-Tenure-Line Ranks and Promotion Procedures

PURPOSE:

This policy provides guidance on the qualifications necessary for appointment or promotion to the various academic ranks.

#### EARNED DEGREES:

In assessing candidates for appointment, tenure, promotion, sabbatical leave, etc., the University will accept only those degrees earned at institutions in the United States that have been accredited by regional higher education accrediting associations (such as Middle States) and professional accrediting associations (such as AACSB in Business) in disciplines in which such accrediting takes place, or foreign degrees that have been earned at institutions recognized by their respective governments. Degrees from qualified institutions (per above) are the only ones that the University will acknowledge for appointment, determination of rank, or subsequent personnel decisions. Further, misrepresentation of such information by an individual can be cause for denial or termination of employment.

#### ACADEMIC RANK:

##### A. Ranks for tenure-line faculty

1. **Assistant Professor** - The assistant professor should possess a terminal degree or its equivalent in organized research or professional practice; must have demonstrated ability as a teacher or research worker; and must have shown definite evidence of growth in scholarly, artistic, or professional achievement.
2. **Associate Professor** - The associate professor should possess the same qualifications as the assistant professor, but must also provide evidence of an established reputation in scholarly, artistic, or professional achievement.
3. **Professor** - The professor should possess the same qualifications as the associate professor, but must also provide evidence of a substantial record of advanced research and/or creative work, and of leadership in their field of specialization. This rank should be reserved for persons of proven stature in teaching and/or research.

##### B. Ranks for non-tenure-line teaching faculty

1. **Lecturer or Instructor** - A lecturer or instructor should possess at least a master's degree or its equivalent, or be an active candidate for a terminal degree, in an academic field related to their teaching specialization.
2. **Assistant Teaching Professor** - The assistant teaching professor should possess a terminal degree or its equivalent in an academic field related to his/her teaching specialization; alternatively, the assistant teaching professor without a terminal degree should possess at least a master's degree or its equivalent in an academic field related to their teaching specialization; must have demonstrated ability as a teacher and adviser; and must have shown evidence of professional growth, scholarship, and/or mastery of subject



matter.

3. **Associate Teaching Professor** - The associate teaching professor should possess a terminal degree in an academic field related to their teaching specialization; must have demonstrated ability as a teacher and adviser; and must have shown evidence of professional growth, scholarship, and/or mastery of subject matter. Alternatively, the associate teaching professor without a terminal degree should possess at least a master's degree or its equivalent in an academic field related to their teaching specialization; must have demonstrated exceptional ability as a teacher and adviser while in the rank of senior lecturer or instructor; and must have shown evidence of professional growth, scholarship, and/or mastery of subject matter at a level of distinction beyond that of the assistant teaching professor.
4. **Teaching Professor** - The teaching professor should possess a terminal degree in an academic field related to their teaching specialization; must have demonstrated exceptional ability as a teacher and adviser while in the rank of associate teaching professor; and must have shown evidence of professional growth, scholarship, and/or mastery of subject matter at a level of distinction beyond that of the associate teaching professor.

#### C. Ranks for non-tenure-line research faculty

1. **Researcher** - The researcher should possess a master's degree or its equivalent, or be an active candidate for a terminal degree, in an academic field related to their research.
2. **Assistant Research Professor** - The assistant research professor should possess a terminal degree or its equivalent in an academic field related to their research. Alternatively, the assistant research professor without a terminal degree should possess at least a master's degree or its equivalent in an academic field related to his/her teaching specialization; must have demonstrated ability as a researcher; and must have shown evidence of professional growth and scholarship in their discipline.
3. **Associate Research Professor** - An associate research professor should possess a terminal degree or its equivalent in an academic field related to their research; must have demonstrated ability as a researcher; and must have shown evidence of professional growth and scholarship in their discipline. Alternatively, the associate research professor should possess at least a master's degree or its equivalent in an academic field related to their research; must have demonstrated exceptional ability as a researcher; and must have shown evidence of professional growth and scholarship in their discipline at a level of distinction beyond that of the assistant research professor.
4. **Research Professor** - A research professor should possess a terminal degree or its equivalent in an academic field related to their research; must have demonstrated exceptional ability as a researcher; and must have shown evidence of professional growth

and scholarship in their discipline at a level of distinction beyond that of associate research professor.

#### **D. Ranks for clinical faculty with terminal degrees**

Units that designate faculty as "clinical" should establish, for faculty with terminal degrees, qualifications for each rank that track closely to the qualifications for research and teaching faculty with terminal degrees.

1. Assistant Clinical Professor
2. Associate Clinical Professor
3. Clinical Professor

#### **E. Ranks for clinical faculty without terminal degrees**

Units that designate faculty as "clinical" should establish, for faculty without terminal degrees, qualifications for each rank that track closely to the qualifications for research and teaching faculty without terminal degrees.

1. Clinical Lecturer
2. Assistant Clinical Professor
3. Associate Clinical Professor

#### **F. Ranks for faculty in the University Libraries, College of Medicine, Dickinson Law, and Penn State Law**

Ranks for non-tenure-line faculty in the University Libraries, College of Medicine, Dickinson Law, and Penn State Law are defined in policies internal to the units. Ranks for tenure-line faculty in the University Libraries are defined in policies internal to the unit.

#### **PROFESSOR OF PRACTICE:**

The professor of practice title is limited to those individuals who are non-tenure track faculty who may not have had the traditional academic background that is typical of faculty as they move through the professorial ranks. The title of professor of practice should be reserved for persons who have accumulated a decade or more of high level and leadership experience in the private or public sectors outside the academy that would provide a unique background and wealth of knowledge that is of particular value as it is shared with the University's students and other faculty. Prior to an offer being extended to an individual being considered for the professor of practice title, the appropriate dean or academic administrator shall consult with, and receive approval from, the Vice Provost for Faculty Affairs.

#### **NON-TENURE-LINE RANKS and PROMOTION PROCEDURES:**

Non-tenure-line ranks and titles should follow the guidelines set forth above for teaching, research, and clinical faculty, as well as non-tenure-line faculty in University Libraries, College

of Medicine, Dickinson Law, *[Delete]* ~~and~~ *[End Delete]* Penn State Law *[Add]* , **and the Office of the Senior Vice President for Research** *[End Add]*. Units should have clear rationales for the different ranks and titles they choose to use and their expectations for faculty to achieve these various ranks.

Rather than use the titles "lecturer" and "instructor" interchangeably for non-tenure-line appointments, each college should determine for itself which of the two titles it chooses to use, and then use that title consistently for such appointments.

Colleges *[Add]* **and the Office of the Senior Vice President for Research** *[End Add]* should have their own guidelines for distinguishing between lecturer/instructor, assistant/associate/full professor positions for designating a third rank beyond that of lecturer or for promoting from one rank to the other, but all units should operate under the following University assumptions:

1. Although there can be exceptions, positions above the first rank are designed to be promotion opportunities, with a recommended period of at least five years in rank as an instructor or lecturer (or, for faculty without tenure who hold terminal degrees, assistant teaching/research/clinical professors) before consideration for promotion. Non-tenure-line faculty should become eligible for promotion to the second rank after five years in rank, and would be permitted to compile their promotion dossiers in their fifth year. There should be no fixed time period for promotion to the third rank. Reviews for promotions should be conducted solely with regard to the merit of the candidate.
2. Reviews for promotion of the full-time non-tenure-line faculty shall be conducted by Non-Tenure-Line Promotion Review Committees. Non-Tenure-Line Promotion Review Committees shall be constituted as follows: each of the colleges at University Park shall establish a committee for that college; *[Add]* **the Office of the Senior Vice President for Research shall establish a committee for all units within that office;** *[End Add]* each of the five stand-alone campuses (Abington, Altoona, Behrend, Berks, Harrisburg) shall establish a committee for that campus; each of the Special Mission Campuses (Great Valley, College of Medicine, and Dickinson Law) shall establish a committee for that campus; and the University College shall establish one committee composed of full-time non-tenure-line faculty from the campuses within the University College, with no more than one member from any campus. If a unit shall have fewer than seven full-time non-tenure-line faculty members, at least two members of that unit's Non-Tenure-Line Promotion Review Committee shall be drawn from another unit's Non-Tenure-Line Promotion Review Committee. Only full-time non-tenure-line faculty members in each unit are eligible to serve on and to vote for the members of the review committee in their unit. Only faculty of higher rank than the candidate should make recommendations about promotions. This implies, for example, where unit-level guidelines permit, faculty who do not have a terminal degree but who have been promoted to Associate (Teaching, Research or Clinical) Professor (i.e., the highest rank available to them) may serve on committees to consider promotion to (Teaching, Research or Clinical) Professor for candidates who do have a terminal degree. If there should be insufficient numbers of higher-ranked non-tenure-line faculty, exceptions to this provision may be permitted by

the Executive Vice President and Provost at the request of the academic unit.

3. The promotion procedure itself should include recommendations by both a campus/department faculty committee, (b) the DAA or department/division head, and (c) the approval of the campus chancellor *[Add]* , *[End Add]* ~~[Delete]~~ *and/or* *[End Delete]* dean of the college *[Add]* , **or senior vice president for research** *[End Add]*.
4. All promotions should be accompanied by a promotion raise, in addition to a merit raise, to be determined and funded by the college.
5. Faculty members who are promoted shall be considered for a multi-year contract. Those promoted to the third rank shall be considered for the longest length of contract available to non-tenure-line faculty. If a multi-year contract is not granted, then factors that shaped this decision shall be communicated to the faculty member at the time when a new contract is offered.

#### CROSS REFERENCES:

[AC23](#), Promotion and Tenure Procedures and Regulations

#### Most recent changes:

- April 29, 2021 - Editorial updates - removed all references to 'fixed-term and standing' and replaced 'his/her' with gender inclusive language.
- May 30, 2018 - Editorial updates to section Fixed-Term Ranks and Promotion Procedures.
- June 13, 2018 - Editorial updates to guide administrative actions related to the provision of multi-year contracts.
- November 29, 2018 - Editorial updates to add Non-Tenure-Line (Fixed-Term or Standing) Ranks and Promotion Procedures.
- July 31, 2019 - Updates to section Non-Tenure-Line (Fixed-Term or Standing) Ranks and Promotion Procedures. Added non-tenure-line faculty in University Libraries, College of Medicine, Dickinson Law, and Penn State Law. Deleted #6 (The exceptions of this policy).
- July 31, 2019 - Updated section "F. (Ranks for Faculty in the University Libraries)". Added "College of Medicine, Dickinson Law and Penn State Law."

#### Revision History (and effective dates):

- July 1, 2017 - Editorial updates to titles for fixed-term and standing non-tenure-line faculty.
- April 20, 2007 - Editorial change to add title of Professor of Practice.
- November 2, 2006 - Editorial update to change Intercollege Research Programs to Interdisciplinary Programs.
- June 6, 1958 - New Policy.

- June 27, 2018 - Removal of Professorial Titles for Research Faculty due to the retirement of AC-24 "Professional Dual Titles for Research Rank Faculty."
- November 29, 2018 - Removal of Fixed-Term Ranks and Promotion Procedures and added Non-Tenure-Line (Fixed-Term or Standing) Ranks and Promotion Procedures

**[REVISIONS INCORPORATED]**

**AC21 Definition of Academic Ranks (Formerly HR21)**

Policy Status:

Active

Policy Steward:

Vice Provost for Faculty Affairs

- Purpose
- Earned Degrees
- Academic Rank
- Ranks for Tenure-Line Faculty
- Ranks for Non-Tenure-Line Teaching Faculty
- Ranks for Non-Tenure-Line Research Faculty
- Ranks for Clinical Faculty with Terminal Degrees
- Ranks for Clinical Faculty without Terminal Degrees
- Ranks for Faculty in the University Libraries
- Professor of Practice
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**PURPOSE:**

This policy provides guidance on the qualifications necessary for appointment or promotion to the various academic ranks.

**EARNED DEGREES:**

In assessing candidates for appointment, tenure, promotion, sabbatical leave, etc., the University will accept only those degrees earned at institutions in the United States that have been accredited by regional higher education accrediting associations (such as Middle States) and professional accrediting associations (such as AACSB in Business) in disciplines in which such accrediting takes place, or foreign degrees that have been earned at institutions recognized by their respective governments. Degrees from qualified institutions (per above) are the only ones that the University will acknowledge for appointment, determination of rank, or subsequent personnel decisions. Further, misrepresentation of such information by an individual can be cause for denial or termination of employment.

**ACADEMIC RANK:**

**A. Ranks for tenure-line faculty**

4. **Assistant Professor** - The assistant professor should possess a terminal degree or its equivalent in organized research or professional practice; must have demonstrated ability as a teacher or research worker; and must have shown definite evidence of growth in

scholarly, artistic, or professional achievement.

5. **Associate Professor** - The associate professor should possess the same qualifications as the assistant professor, but must also provide evidence of an established reputation in scholarly, artistic, or professional achievement.
6. **Professor** - The professor should possess the same qualifications as the associate professor, but must also provide evidence of a substantial record of advanced research and/or creative work, and of leadership in their field of specialization. This rank should be reserved for persons of proven stature in teaching and/or research.

#### **B. Ranks for non-tenure-line teaching faculty**

5. **Lecturer or Instructor** - A lecturer or instructor should possess at least a master's degree or its equivalent, or be an active candidate for a terminal degree, in an academic field related to their teaching specialization.
6. **Assistant Teaching Professor** - The assistant teaching professor should possess a terminal degree or its equivalent in an academic field related to his/her teaching specialization; alternatively, the assistant teaching professor without a terminal degree should possess at least a master's degree or its equivalent in an academic field related to their teaching specialization; must have demonstrated ability as a teacher and adviser; and must have shown evidence of professional growth, scholarship, and/or mastery of subject matter.
7. **Associate Teaching Professor** - The associate teaching professor should possess a terminal degree in an academic field related to their teaching specialization; must have demonstrated ability as a teacher and adviser; and must have shown evidence of professional growth, scholarship, and/or mastery of subject matter. Alternatively, the associate teaching professor without a terminal degree should possess at least a master's degree or its equivalent in an academic field related to their teaching specialization; must have demonstrated exceptional ability as a teacher and adviser while in the rank of senior lecturer or instructor; and must have shown evidence of professional growth, scholarship, and/or mastery of subject matter at a level of distinction beyond that of the assistant teaching professor.
8. **Teaching Professor** - The teaching professor should possess a terminal degree in an academic field related to their teaching specialization; must have demonstrated exceptional ability as a teacher and adviser while in the rank of associate teaching professor; and must have shown evidence of professional growth, scholarship, and/or mastery of subject matter at a level of distinction beyond that of the associate teaching professor.

#### **C. Ranks for non-tenure-line research faculty**

5. **Researcher** - The researcher should possess a master's degree or its equivalent, or be an active candidate for a terminal degree, in an academic field related to their research.
6. **Assistant Research Professor** - The assistant research professor should possess a terminal degree or its equivalent in an academic field related to their research. Alternatively, the assistant research professor without a terminal degree should possess at least a master's degree or its equivalent in an academic field related to his/her teaching specialization; must have demonstrated ability as a researcher; and must have shown evidence of professional growth and scholarship in their discipline.
7. **Associate Research Professor** - An associate research professor should possess a terminal degree or its equivalent in an academic field related to their research; must have demonstrated ability as a researcher; and must have shown evidence of professional growth and scholarship in their discipline. Alternatively, the associate research professor should possess at least a master's degree or its equivalent in an academic field related to their research; must have demonstrated exceptional ability as a researcher; and must have shown evidence of professional growth and scholarship in their discipline at a level of distinction beyond that of the assistant research professor.
8. **Research Professor** - A research professor should possess a terminal degree or its equivalent in an academic field related to their research; must have demonstrated exceptional ability as a researcher; and must have shown evidence of professional growth and scholarship in their discipline at a level of distinction beyond that of associate research professor.

#### **D. Ranks for clinical faculty with terminal degrees**

Units that designate faculty as "clinical" should establish, for faculty with terminal degrees, qualifications for each rank that track closely to the qualifications for research and teaching faculty with terminal degrees.

4. Assistant Clinical Professor
5. Associate Clinical Professor
6. Clinical Professor

#### **E. Ranks for clinical faculty without terminal degrees**

Units that designate faculty as "clinical" should establish, for faculty without terminal degrees, qualifications for each rank that track closely to the qualifications for research and teaching faculty without terminal degrees.

4. Clinical Lecturer
5. Assistant Clinical Professor
6. Associate Clinical Professor



## **F. Ranks for faculty in the University Libraries, College of Medicine, Dickinson Law, and Penn State Law**

Ranks for non-tenure-line faculty in the University Libraries, College of Medicine, Dickinson Law, and Penn State Law are defined in policies internal to the units. Ranks for tenure-line faculty in the University Libraries are defined in policies internal to the unit.

### **PROFESSOR OF PRACTICE:**

The professor of practice title is limited to those individuals who are non-tenure track faculty who may not have had the traditional academic background that is typical of faculty as they move through the professorial ranks. The title of professor of practice should be reserved for persons who have accumulated a decade or more of high level and leadership experience in the private or public sectors outside the academy that would provide a unique background and wealth of knowledge that is of particular value as it is shared with the University's students and other faculty. Prior to an offer being extended to an individual being considered for the professor of practice title, the appropriate dean or academic administrator shall consult with, and receive approval from, the Vice Provost for Faculty Affairs.

### **NON-TENURE-LINE RANKS and PROMOTION PROCEDURES:**

Non-tenure-line ranks and titles should follow the guidelines set forth above for teaching, research, and clinical faculty, as well as non-tenure-line faculty in University Libraries, College of Medicine, Dickinson Law, Penn State Law, and the Office of the Senior Vice President for Research. Units should have clear rationales for the different ranks and titles they choose to use and their expectations for faculty to achieve these various ranks.

Rather than use the titles "lecturer" and "instructor" interchangeably for non-tenure-line appointments, each college should determine for itself which of the two titles it chooses to use, and then use that title consistently for such appointments.

Colleges and the Office of the Senior Vice President for Research should have their own guidelines for distinguishing between lecturer/instructor, assistant/associate/full professor positions for designating a third rank beyond that of lecturer or for promoting from one rank to the other, but all units should operate under the following University assumptions:

6. Although there can be exceptions, positions above the first rank are designed to be promotion opportunities, with a recommended period of at least five years in rank as an instructor or lecturer (or, for faculty without tenure who hold terminal degrees, assistant teaching/research/clinical professors) before consideration for promotion. Non-tenure-line faculty should become eligible for promotion to the second rank after five years in rank, and would be permitted to compile their promotion dossiers in their fifth year. There should be no fixed time period for promotion to the third rank. Reviews for promotions should be conducted solely with regard to the merit of the candidate.

7. Reviews for promotion of the full-time non-tenure-line faculty shall be conducted by Non-Tenure-Line Promotion Review Committees. Non-Tenure-Line Promotion Review Committees shall be constituted as follows: each of the colleges at University Park shall establish a committee for that college; the Office of the Senior Vice President for Research shall establish a committee for all units within that office; each of the five stand-alone campuses (Abington, Altoona, Behrend, Berks, Harrisburg) shall establish a committee for that campus; each of the Special Mission Campuses (Great Valley, College of Medicine, and Dickinson Law) shall establish a committee for that campus; and the University College shall establish one committee composed of full-time non-tenure-line faculty from the campuses within the University College, with no more than one member from any campus. If a unit shall have fewer than seven full-time non-tenure-line faculty members, at least two members of that unit's Non-Tenure-Line Promotion Review Committee shall be drawn from another unit's Non-Tenure-Line Promotion Review Committee. Only full-time non-tenure-line faculty members in each unit are eligible to serve on and to vote for the members of the review committee in their unit. Only faculty of higher rank than the candidate should make recommendations about promotions. This implies, for example, where unit-level guidelines permit, faculty who do not have a terminal degree but who have been promoted to Associate (Teaching, Research or Clinical) Professor (i.e., the highest rank available to them) may serve on committees to consider promotion to (Teaching, Research or Clinical) Professor for candidates who do have a terminal degree. If there should be insufficient numbers of higher-ranked non-tenure-line faculty, exceptions to this provision may be permitted by the Executive Vice President and Provost at the request of the academic unit.
8. The promotion procedure itself should include recommendations by both a campus/department faculty committee, (b) the DAA or department/division head, and (c) the approval of the campus chancellor, dean of the college, or senior vice president for research.
9. All promotions should be accompanied by a promotion raise, in addition to a merit raise, to be determined and funded by the college.
10. Faculty members who are promoted shall be considered for a multi-year contract. Those promoted to the third rank shall be considered for the longest length of contract available to non-tenure-line faculty. If a multi-year contract is not granted, then factors that shaped this decision shall be communicated to the faculty member at the time when a new contract is offered.

#### CROSS REFERENCES:

[AC23](#), Promotion and Tenure Procedures and Regulations

Most recent changes:

- April 29, 2021 - Editorial updates - removed all references to 'fixed-term and standing' and replaced 'his/her' with gender inclusive language.
- May 30, 2018 - Editorial updates to section Fixed-Term Ranks and Promotion Procedures.
- June 13, 2018 - Editorial updates to guide administrative actions related to the provision of multi-year contracts.
- November 29, 2018 - Editorial updates to add Non-Tenure-Line (Fixed-Term or Standing) Ranks and Promotion Procedures.
- July 31, 2019 - Updates to section Non-Tenure-Line (Fixed-Term or Standing) Ranks and Promotion Procedures. Added non-tenure-line faculty in University Libraries, College of Medicine, Dickinson Law, and Penn State Law. Deleted #6 (The exceptions of this policy).
- July 31, 2019 - Updated section "F. (Ranks for Faculty in the University Libraries)". Added "College of Medicine, Dickinson Law and Penn State Law."

Revision History (and effective dates):

- July 1, 2017 - Editorial updates to titles for fixed-term and standing non-tenure-line faculty.
- April 20, 2007 - Editorial change to add title of Professor of Practice.
- November 2, 2006 - Editorial update to change Intercollege Research Programs to Interdisciplinary Programs.
- June 6, 1958 - New Policy.
- June 27, 2018 - Removal of Professorial Titles for Research Faculty due to the retirement of AC-24 "Professional Dual Titles for Research Rank Faculty."
- November 29, 2018 - Removal of Fixed-Term Ranks and Promotion Procedures and added Non-Tenure-Line (Fixed-Term or Standing) Ranks and Promotion Procedures

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## SENATE COMMITTEES ON FACULTY AFFAIRS AND RESEARCH, SCHOLARSHIP, AND CREATIVE ACTIVITY

### Revision of AC80 – “Outside Business Activities and Private Consulting”

(Advisory/Consultative)

Implementation: Upon Approval by the President

#### **Rationale**

Like our peer institutions, the University has conflict of interest and conflict of commitment policies in place. The federal government has recently issued a number of new recommendations and directives for institutions and agencies requiring disclosure and review of conflicts of interest and conflicts of commitment. Federal agencies are required to have conflict of interest and conflict of commitment policies by January 2022 (see the [National Security Presidential Memorandum 33](#), Section 4), while only a few agencies have them currently. Agency policies or regulations will require universities to gather more information about outside activities than what were previously required; some, such as the National Institutes of Health and National Science Foundation, are already requiring expanded disclosure of outside interests and activities. Federal documents requiring revisions to this policy include the Office of Science and Technology Policy [Joint Committee on the Research Environment Recommendations](#), Jan. 13, 2021; the above-referenced [National Security Presidential Memorandum 33](#), Jan. 13, 2021; National Defense Authorization Act FY2021; and individual agency rules, regulations, and guidance, e.g., NIH, NSF. Several types of activities have been added to the list requiring prior approval in order to comply with these federal requirements.

While undertaking this review of Policy AC80, the Office for Research Protections (ORP) recognized additional opportunities to eliminate redundant reporting and prior approval requirements. Faculty are subject to duplicative reporting requirements between Policy RP06 – “Disclosure and Management of Significant Financial Interests” and Policy AC80. The faculty are also subject to duplicative and inconsistent prior approval requirements between Policy AD77 – “Engaging in Outside Professional Activities (Conflict of Commitment)” and Policy AC80. In particular, certain activities require prior approval under both policies which is redundant. In other instances, faculty from some colleges are required to receive prior approval under AD77 for teaching during the non-Appointment Period while others can teach without restriction. It was deemed desirable for the University to have a single reporting and prior approval process for faculty to disclose time spent on activities external to the University, and to create consistency in the requirements across the colleges and units. The proposed revisions accomplish the goal of reducing and/or eliminating redundant reporting by (1) aligning the reporting schedules under RP06 and AC80 to allow for a single report in a single system, and (2) expanding the list of activities that require prior approval under AC80 to include those that require prior approval under AD77, thus eliminating the need to get prior approval under two separate policies.

#### **Process**

A committee comprised mainly of faculty worked over summer and fall 2021 to draft the policy revisions. Committee members included: Roger Egolf, Associate Professor of Chemistry, Penn State Lehigh Valley (Faculty Senator, Committee chair); Chris Zorn, Professor of Political Science (Faculty Senator, Committee vice chair); Kent Vrana, Professor and Chair of Pharmacology, College of Medicine (Faculty Senator); Greg Shearer, Professor of Nutrition Sciences (Faculty Senator); Donna Quadri-Felitti, Associate Professor and Director of the School of Hospitality Management; Tim Simpson, Professor of Engineering Design and Manufacturing and Interim Department Head of SEDTAPP; Clint Schmidt, Director, Conflict of Interest, Office for Research Protections; and Morgan Rhinehart, Outside Activities Analyst, Office for Research Protections.

The revision process included a thorough review of existing policies along with new federal regulatory developments (see Rationale section, above) related to Conflict of Interest and Conflict of Commitment by the Vice Provost for Faculty Affairs and staff in the Office of the Senior Vice President for Research. Plans to form the ad hoc committee (members noted above) were discussed with the Faculty Senate leadership, and the committee was charged with making revisions during the summer. Plans for the policy revisions were shared as an Informational Report for Senate plenary in spring 2021. The Standing Committees on Research, Scholarship, and Creative Activity and Faculty Affairs both reviewed and approved the revisions at their September 2021 meetings for submission as an Advisory/Consultative report.

Following the Senate Plenary vote of October 19, 2021, to send the report back to committee to make amendments, RSCA Chair Egolf held office hours on October 21 and 22, where faculty senators could ask more detailed questions and voice concerns about the policy revisions. Clint Schmidt and Morgan Rhinehart also attended and answered questions. Additionally, Chairs Egolf and Wede both took comments individually through email and other means. These listening sessions led to the identification of the following changes to address some faculty concerns:

1. The language describing supplemental salary in the Appointment Period definition was reverted to the language in current Policy AC80.
2. The word “exhibitions” was returned to the section describing how musical and creative performances would be treated under the Policy. In addition, the entire section on musical and creative performances and exhibitions was returned to the list of Scholarly Activities as it is in current Policy AC80. These activities will continue to be excluded from this Policy’s purview.
3. It was made clear that appointments at other universities solely for the purpose of teaching outside of the Appointment Period do not require prior approval. The addition of this prior approval requirement as previously written created the unintended situation in which a faculty member was not required to seek prior approval to teach outside the Appointment Period but was required to seek prior approval for the academic appointment. This inconsistency has been eliminated to ensure that teaching and academic appointments for teaching outside the Appointment are not subject to any prior approval requirements.

## Description

In current form, AC80 does not achieve the new federal requirements and conflicts in part with both RP06 and AD77. Following is a summary of the changes proposed to the policy:

1. The proposed revisions rename the policy to “Faculty Outside Professional Activities and Conflict of Commitment” to best reflect its purpose and scope. Going forward AD77 will become a staff conflict of commitment policy, and faculty will have just one policy on the subject.
2. The proposed revisions add definitions for “Conflict of Commitment,” “In-Kind,” and “Research.”
3. Current AD77 charges colleges and units with developing guidelines for faculty participation in Outside Teaching and other external activities. The proposed revisions maintain the requirement for colleges and units to have their own guidelines; however, make clear that these guidelines cannot conflict with Policy AC80 and will undergo annual review to ensure they are consistent. The revisions ensure that faculty in all units will have consistent standards for Outside Teaching, and prior approval will not be required for teaching outside of the Appointment Period.
4. Current AC80 requires faculty to obtain prior approval for five activities. This list was expanded to eliminate redundancy from AD77 and to comply with federal requirements. Current Guidelines to Policy AD77 require faculty to obtain prior approval for additional activities; however, these Guidelines are inconsistent among colleges and units. The proposed revisions incorporate into AC80 the activities that require prior approval under AD77. While this expands the list of activities requiring prior approval under AC80, it ensures the requirements are consistent across all colleges and units, and it eliminates the need for faculty to comply with AD77 separately. Some of the new activities requiring prior approval are those that the federal government has indicated must be disclosed and reviewed by institutions in a timely manner.
5. The proposed revisions clarify that, while department heads have primary responsibility for approval of outside activities, other offices may also need to approve certain activities. Current AC80 implies that Department Head review is the only approval necessary for outside activities. However, in practice other levels of review are necessary when, for example, conflict of interest or technology transfer issues are present. The proposed revisions reflect the actual process and ensure the sole responsibility for prior approval does not fall on Department Heads.
6. Faculty are currently required to report under both Policies RP06 and AC80 in separate forms (with the exception of teaching faculty who are not required to report under RP06). The proposed revisions align AC80 reporting with RP06 reporting in order to simplify the disclosure process by allowing for a single disclosure to cover both policies (and still excepting teaching faculty from the RP06 requirements). The proposed revisions will also help faculty comply with federal expectations by requiring disclosure of reportable activities at least annually, within 30 days of beginning the activity, and prior to an application for sponsored funding.

7. Proposed revisions identify certain activities that must be reported, but that do not count toward the monthly or annual time limits. Under current AC80, outside activities that are necessary to maintain a license or certification count toward the monthly and annual time limits. The proposed revisions exempt these activities from the monthly and annual time limits.
8. Current AC80 includes a section titled, “Activities Not Subject To This Policy”. Proposed revisions retain this classification of activities but rename it “Scholarly Activities” and move it to the Definitions section.
9. Proposed revisions add a section on required training as will be required by federal policies or regulations. The training requirement is set for at least once every four years to be consistent with the training requirements of RP06, i.e., so that training on both policies can be combined into one.
10. Current AC80 includes a section on noncompliance; however, the proposed revisions add a sentence to make clear that when required by government agencies, the University will share instances of noncompliance. This aligns with federal agency requirements.
11. The proposed revisions include additional language regarding the transfer of intellectual property that is consistent with other University policies.

## Recommendation

Recommended changes to AC80 are as follows.

*Please note that the following contains bold text for additions and strikeouts indicating deleted text. Text that was moved to a different section is not noted if the text did not change.*

AC80 **FACULTY** OUTSIDE ~~BUSINESS~~ **PROFESSIONAL** ACTIVITIES and **CONFLICT OF COMMITMENT** ~~PRIVATE CONSULTING (Formerly HR80)~~

Policy Status:

Active

Policy Steward:

Vice Provost for Faculty Affairs

AC80 **FACULTY** OUTSIDE ~~BUSINESS~~ **PROFESSIONAL** ACTIVITIES and **CONFLICT OF COMMITMENT** ~~PRIVATE CONSULTING (formerly Private Consulting Practice)~~

POLICY'S INITIAL DATE: June 27, 1974

THIS VERSION EFFECTIVE:

Contents:

- Purpose
- **Applicability**
- Definitions
- Policy



- **Time Limits**
- Required Prior Approval
- Required **Disclosure** ~~Annual Reporting~~
- **Required Training**
- Responsibility for Outside **Professional Business** Activities
- Use of University Facilities and Resources
- Involvement of Students and Staff
- Management and Oversight
- Noncompliance
- Compensation, Tax Consequences, and Legal Advice
- Internal Consulting and Contracting
- Intellectual Property
- Cross References

## PURPOSE

This Policy has two principal purposes. The first is to **set forth policies and principles that permit University faculty to engage in activities outside the University** ~~outline the rules under which~~ (“Outside **Professional Business** Activities”) **while preserving their primary professional duties and responsibilities to the University and remaining consistent with federal regulations and guidelines.** ~~such as Private Consulting, can be engaged by University faculty during their respective Appointment Periods.~~ The second is to provide a basis for reporting Outside **Professional Business** Activities of faculty to the University.

**University faculty are encouraged to engage in outside activities when such activities enhance the mission of the University and do not compete with the University. Faculty members’ primary professional duties and responsibilities are to the University, and such primary obligations require that faculty be available and accessible to fulfill the requirements of their appointment.** This Policy is not intended to discourage Outside ~~Business~~ **Professional** Activities but aspires to ensure that all such activities do not conflict or materially interfere with any faculty member’s appointment with the University, with reference to the University’s mission. The University affirms its commitment to academic freedom as set forth in [Policy AC64, Academic Freedom](#) and to its mission of creating new knowledge and of effectively communicating accumulated knowledge and understanding to students and to the community at large. ~~The University recognizes that faculty members are citizens, members of learned professions, and representatives of the University. The University encourages its employees to engage in outside activities when such activities enhance the mission of the University and do not compete with the University.~~

## APPLICABILITY

This Policy **applies to all full-time faculty.** The Policy does not apply to Part-time Academic faculty (see Policy [HR06, Types of Appointments](#)), staff, ~~or~~ graduate students, **or postdoctoral scholars.** University staff are expected to follow all University Human Resource policies

concerning time worked and time reporting applicable to staff **including Policy AD77 – Staff Outside Professional Activities (Conflict of Commitment)**. Permission to engage in **outside activities** ~~Outside Business Activities~~ by staff and how those hours are accounted for is at the discretion of ~~his/her~~ **their** supervisor and not subject to this Policy. Engaging in **outside activities** ~~Outside Business Activities~~ by students and postdoctoral scholars or fellows is at the discretion of ~~his/her~~ **their** supervisor or academic program and must comply with all applicable University policies related to ~~his/her~~ **their** University appointment, employment, or contractual agreement.

## DEFINITIONS

**Appointment Period:** A faculty member's academic appointment period (usually either 36 weeks or 48 weeks), including sabbaticals, paid leave from the University, and periods covered by supplemental University appointments (e.g., twelve-week summer appointment) constitute the Appointment Period.

**Conflict of Commitment:** A situation in which a faculty member accepts or incurs external obligations, either paid or unpaid, that conflict or appear to conflict with their primary obligation and commitment to the University. Conflict of Commitment includes but is not limited to situations that involve conflicting commitments of time and effort, obligations to improperly share information with an entity outside the University, or obligations to withhold information from the University or a funding agency.

**In-Kind:** Payment or support in goods or services instead of money. Examples of In-Kind compensation include but are not limited to equipment, office/laboratory space, sponsored travel, and services of employees or students.

**Outside Business Professional Activities:** ~~Outside Business Professional Activities are defined as entrepreneurial or professional services, paid or unpaid, that are in the general area of expertise for which the faculty member is employed by the University, but are beyond the scope of the individual's University employment responsibilities. A faculty member's area of expertise shall be as defined by his/her their department or unit head and/or Dean or cognizant Administrative Officer. Common Outside Business Activities include, but are not limited to, the activities defined below:~~

- ~~• **Private Consulting:** One type of Outside Business Activity that is intended to further the interests of a third party entity or person.~~

**Outside Teaching for an Entity other than the University:** ~~This instruction is defined as A type form of Outside Business Professional Activity which includes teaching engagements for all semester- or equivalent length or equivalent teaching engagements, both within and outside of a faculty member's general area of expertise, courses at a post-secondary institution of higher education other than The Pennsylvania State University.~~

**Research:** Systematic investigation, study or experiment designed to develop or contribute to generalizable knowledge. The term encompasses basic and applied research that may or

may not be published in an article, book or book chapter and product development (e.g., a diagnostic test or drug). As used in this Policy, the term includes, but is not limited to, any such activity for which sponsored funding is available from a federal, state or local government agency, or a public or private entity, through a grant, contract or cooperative agreement (e.g., a research grant, career development award, center grant, individual fellowship award, infrastructure award, institutional training grant, program project, research resources award, training grant, or outreach award), or gift. As used in this Policy, Research also includes research activities that are not funded or sponsored.

**Scholarly Activities:** Activities that are generally expected of a faculty member as part of their professional portfolio, whether compensated or uncompensated. These activities are not Outside Professional Activities as defined by this policy and do not require disclosure or prior approval. The following are examples of Scholarly Activities:

- Peer review of articles and grant proposals;
- Presentations **and workshops** at professional meetings or other similar gatherings;
- Leadership positions in professional societies;
- Preparation of scholarly publications;
- Unpaid (i.e., neither cash nor ~~in-kind~~ **In-Kind** compensation) scholarly collaboration ~~at another~~ **with an** institution of higher education **for which there is no agreement or required time commitment** (Note: for faculty receiving federal funding, be sure to comply with policy RA20, Proposal Submission);
- Editorial services for educational or professional organizations;
- Service on advisory committees or evaluation panels for governmental funding agencies, nonprofit foundations, or educational organizations;
- **Serving on, but not chairing, masters or doctoral thesis committees at another university;**
- Service with accreditation agencies;
- ~~Conducting workshops for professional societies; or~~
- Musical and other creative performances and exhibitions, if there is an expectation in the faculty member's discipline that ~~he/she~~ **they** will engage in such performances or exhibitions.

**Starting a Company:** ~~Starting a company~~ **A type of Outside Professional Activity that** is defined as filing or having filed the appropriate articles of organization or articles of incorporation with a government authority or otherwise forming or founding a legal entity as a business concern, **including investing in an existing business with the intent to be involved in its operations.** The company does not have to be active, ~~or~~ operational, **or profitable** to fall under this policy. The company may be a for-profit or a not-for-profit organization. A company includes any corporation, LLC, LP, LLP, LLLP, or GP.

#### ~~Activities Not Subject to this Policy~~

~~Certain activities are expected of a faculty member as part of his or her normal scholarly activities and are not considered Outside Business Activities, as defined by this Policy (it does not matter whether a faculty member is paid to do them by a person or entity other than the~~

University). The following are examples of activities that do not count toward the hourly limitations for Outside Business Activities and do not require disclosure by faculty:—

- Peer review of articles;
- Peer review of grant proposals;
- Presentations at professional meetings or other similar gatherings;
- Leadership positions in professional societies;
- Preparation of scholarly publications;
- Unpaid (i.e. neither cash nor in-kind compensation) scholarly collaboration at another institution of higher education (Note: for faculty receiving federal funding, be sure to comply with policy RA20, Proposal Submission);
- Editorial services for educational or professional organizations;
- Service on advisory committees or evaluation panels for governmental funding agencies, nonprofit foundations, or educational organizations;
- Service with accreditation agencies;
- Conducting workshops for professional societies; or
- Musical and other creative performances and exhibitions, if there is an expectation in the faculty member's discipline that he/she will engage in such performances or exhibitions.

\*Note that related policies, in particular [Policy RP06, Disclosure and Management of Significant Financial Interests](#), may still require disclosure of these activities if the compensation received is \$5,000 or more in a twelve-month period.

## POLICY

Any Outside **Professional Business** Activities engaged in by faculty:

1. Shall not interfere with the performance of his/her **their** University duties or other contractual obligations to the University **or to Research sponsors** (including non-classroom and non-**Research research** responsibilities expected of all faculty members);
2. Should strive to be consistent with his/her **their** professional stature or academic proficiency;
3. Shall not adversely affect the University's interests or mission or violate this Policy or any other University policies or regulations including, but not limited to, policies or regulations related to intellectual property;; conflict of interest;; use of University's name, logo, letterhead, or other resources;; etc.;
4. Shall require prior approval **as in the instances** outlined below ("Required Prior Approval") ~~if it exceeds the monthly time limits;~~
5. Shall not involve routing remuneration for such services to the University or any University account (e.g., a gift account), unless it is considered to be within the scope of employment, e.g., College of Medicine faculty who are asked to serve as expert or fact witnesses in their role as Hershey Medical Center physicians (Policy L-24HAM).

**All outside activities conducted by faculty members, including Scholarly Activities, shall not:**

1. Adversely affect the University's interests or mission;
2. Require a significant commitment or an excessive amount of time that interferes with a faculty member's primary University responsibilities; or
3. Compete with coursework or services provided by the University.

Colleges and campuses shall maintain their own guidance under this Policy; however, such guidance must not contradict this Policy. All guidance and changes to guidance are subject to the approval of the Vice Provost of Faculty Affairs before implementation and will be reviewed annually to ensure consistency with the intent and purpose of this Policy. The Policy Steward for AC80 should maintain a single website displaying each College's and Campus' current guidance under this policy.

The time limits in this policy apply to Outside ~~Business~~ **Professional** Activities that occur during the Appointment Period. All other provisions of this policy, **including but not limited to Required Prior Approval and Required Disclosure**, as well as related policies, apply **at all times, regardless of the Appointment Period (except as specifically noted)**. ~~regardless of the appointment period, e.g., Use of Facilities and Resources, Involvement of Students (see [Policy RP06, Disclosure and Management of Significant Financial Interests](#) and [Policy HR91, Conflict of Interest](#)).~~ This Policy does not otherwise limit or constrain the application of other University rules and policies.

#### Related Policies-

Outside ~~Business~~ **Professional** Activities may create the potential for or perceptions of a conflict of interest between the faculty member's individual financial interests created by the Outside ~~Business~~ **Professional** Activity and ~~his/her~~ **their** related University ~~Research research~~. In addition to any prior approval required by this Policy, such potential or perceived conflicts may need to be disclosed and properly managed or eliminated prior to engaging in the Outside ~~Professional Business~~ **Professional** Activity, in accordance with [Policy RP06, Disclosure and Management of Significant Financial Interests](#).

Outside ~~Business~~ **Professional** Activities, regardless of whether such activities occur during or outside a faculty member's Appointment Period, may also need to be disclosed as per the requirements of policy RA20, Proposal Submission.

~~Additionally, a~~ **A** faculty member may not provide special service to the Commonwealth for additional compensation without prior written approval of the President of the University. Please see [Policy HR42 Payment of Personal Compensation by a State Agency or Department of the Commonwealth](#) for more information on this topic.

**For other policies relevant to the conduct of all outside activities, see the cross-referenced policies at the end of this Policy.**

#### TIME LIMITS

~~As outlined below,~~ A faculty member may engage in Outside **Professional Business** Activities up to ~~an equivalent of~~ forty (40) hours per month throughout the duration of ~~his/her~~ **their Appointment Period (“Monthly Time Limit”)** ~~appointment period~~. Thus, faculty with a thirty-six (36) week appointment may engage in Outside **Professional Business** Activities for a maximum of forty (40) hours per month for the 36 weeks of ~~his/her~~ **their** academic appointment ~~period~~, but no more than 360 hours total during that 36 week period; and, faculty with a forty-eight (48) week appointment may consult for a maximum of forty (40) hours per month for the 48 weeks of ~~his/her~~ **their** academic appointment ~~period~~, but no more than 480 hours total during that 48 week period (**“Annual Time Limit”**). **Full time faculty on a temporarily reduced appointment or partial supplemental salary should contact the Office for Research Protections to determine how time limits apply.**

## REQUIRED PRIOR APPROVAL

**In addition to disclosing Outside Professional Activities as required in the Required Disclosures section below, a faculty member must request and obtain prior written approval from ~~his/her~~ **their** department head or unit head prior to engaging in the following Outside Professional Business Activities, regardless of whether these activities take place during or outside of the Appointment Period (except as specifically) noted:**

- Exceeding the ~~monthly~~ **Monthly** or ~~annual~~ **Annual** time limits defined above **during the Appointment Period;**
- Involving undergraduate or graduate students, or University staff, in Outside **Business Professional** Activities;
- Starting a Company;
- **Outside Teaching for an Entity other than the University** during the Appointment Period;
- **Outside Professional Activities that involve the conveyance of intellectual property rights to another entity;**
- **Compensated (money or In-Kind) Research from all foreign and domestic entities that is not subject to approval by the Office for Sponsored Programs;**
- **Research at other entities for which there is a required time commitment or an agreement/contract between the faculty member and the other entity;**
- **Chairing a doctoral or graduate committee at another university;**
- **Holding a foreign or domestic position or professional appointment, including honorary, adjunct, and visiting positions or appointments, at another university (this includes titled academic, professional, or institutional appointments whether full-time, part-time, or voluntary) whether or not remuneration is received, other than those solely for the purpose of teaching a course outside of the Appointment Period;**
- **Running or having fiduciary responsibility for a Research endeavor at another entity (e.g., a lab, institute, program);**
- **Participation in programs sponsored by foreign governments, instrumentalities, or entities, including foreign government-sponsored talent recruitment programs;**

- **Becoming an employee of or assuming an executive or management position for a third party entity (e.g., as President, Chief Scientific Officer, etc.) including serving on advisory board positions that have fiduciary responsibilities on behalf of the third-party entity.**

Such requests are made by submitting an [Outside Professional Business Activities Request](#) form. Department heads and unit heads shall review all Outside **Professional Business** Activities Requests for approval to ensure the proposed Outside **Professional Business** Activities do not violate this Policy and are appropriate in relation to the performance of the faculty member's regular University duties. **Based on the nature of the activity and following department/unit head approval, the Office for Research Protections may determine that other approvals—including but limited to approvals from the Office for Research Protections, Risk Management, the Office of Technology Management, or others as relevant—are required before the activity may begin.** Department heads, ~~and~~ unit heads, **and other relevant offices providing approval** may request and require additional information or clarification from the faculty member regarding the proposed Outside **Professional Business** Activities if such information or clarification is deemed necessary ~~in order~~ to make a decision to approve or disapprove the request.

In extraordinary circumstances, with an articulated University need, the Dean may request permission from the Provost for a faculty member to exceed the **Annual Time Limit** ~~annual hours limit set forth in this policy~~. Outside commitments requiring extensive time may require a leave of absence pursuant to [Policy HR16, Leave of Absence without Salary](#), and should be discussed and decided upon with the faculty member's department/unit head or another cognizant University administrator. Leaves of absence are not governed by this policy.

The Office for Research Protections will serve as a policy guidance resource to faculty, department heads, and Colleges **to** ~~and will help to~~ promote consistency in the prior approval and annual reporting process across the University.

Approval for Outside **Professional Business** Activities shall not be unreasonably withheld. Where a department or unit head declines to approve a request, the faculty member may request a written explanation, outlining 1) the reason for denying the request, 2) the specific provision(s) of this policy potentially violated by the activity, **and** 3) a description for how the Outside **Professional Business** Activity will have an adverse impact on the faculty member's teaching, **Research** ~~research~~, or service responsibilities to the University.

Appeals Process. Any faculty member may appeal any action or decision taken under this policy to the University Faculty Senate Faculty Rights and Responsibility Committee.

## **REQUIRED DISCLOSURE ~~ANNUAL REPORTING~~**

All faculty are required to ~~disclose report annually~~ all Outside **Professional Business** Activities, **including those for which Prior Approval was required and obtained, at least annually; within 30 days of starting a new Outside Professional Activity; prior to an application for sponsored funding; or in certain instances as identified below, prior to starting the activity.**

**Disclosures shall be made** according to the procedures developed by the Office for Research Protections.

~~Reports on Outside Business Activities shall be available annually to department heads, chancellors, deans, and the Provost. Reports may be shared, as needed, with other University offices or officials, and as required by applicable federal, state, or local rules, laws or regulations.~~

Examples of Outside **Professional Business** Activities ~~which that~~ require annual disclosure ~~in an electronic compliance system, but do not require prior approval from a department or unit head when practiced within the monthly or annual time limits defined above,~~ include (but are not limited to) the following:

- Private Consulting **that does not involve Research;**
- Serving as an expert witness;
- Practicing a licensed profession, (e.g., veterinarian, architect, nurse, attorney) **beyond what is required to maintain licensure or certification;**
- ~~Teaching for an Entity other than the University outside of the Appointment Period;~~
- ~~Outside Business Activities for a third party entity in which the faculty member holds non-public equity;~~
- **Conducting short course offerings not for academic credit, including professional courses for licensing;**
- ~~Becoming an employee of a company or other third party entity;~~
- Serving on a board of directors outside of the University;
- **Activities for which a faculty member received prior approval;**
- **Other activities as required by a government agency, when applicable.**

**Activities that must be disclosed but that do not count toward the Monthly or Annual Time Limit are:**

- **All Outside Professional Activities that are conducted outside the Appointment Period;**
- **Practice of a licensed profession to the extent that the hours are required to maintain licensure or certifications that are required for the faculty member's University role and responsibilities.**
- **Outside Teaching that takes place outside the Appointment Period should be disclosed within 30 days of accepting the Outside Teaching role or prior to starting that activity, whichever is earlier.**

\*Note: The above may require prior approval or further review under another policy **or under college-specific guidelines.** See e.g., AD77, RP06.

## **REQUIRED TRAINING**

**The University shall identify appropriate training regarding this Policy that shall be completed by all faculty at least once every four (4) years or immediately upon the occurrence of one of the circumstances listed below. Training shall enhance understanding of various factors that are included in the concept of Conflict of Commitment, as well as**



increase awareness of circumstances that may indicate an increased risk to research security and integrity. Immediate training shall be required under the following circumstances:

- When the University makes revisions to this Policy that impact a faculty member's responsibilities under this Policy;
- When a faculty member is new to the University;
- When the University finds that a faculty member is not in compliance with this Policy.

## RESPONSIBILITY FOR OUTSIDE **PROFESSIONAL BUSINESS** ACTIVITIES

A faculty member is solely responsible for ~~his or her~~ **their** Outside **Professional Business** Activities. The University assumes no responsibility for Outside **Professional Business** Activities performed by members of its faculty. The name of the University is not in any way to be connected with the service rendered or the results obtained. The faculty member must make it clear that ~~his or her~~ **their** Outside **Professional Business** Activities are a personal matter. A faculty member shall not accept or retain employment which would bring ~~him or her~~ **them** as an expert or in any other capacity, into material conflict or in competition with the interests and purposes of the University (See [Policy AD07 Use of University name, Symbols and/or Graphic Devices](#)).

## USE OF UNIVERSITY FACILITIES AND RESOURCES

[Policy FN14 Use of University Tangible Assets, Equipment, Supplies and Services](#) prohibits the use of University facilities and resources, including but not limited to specialized equipment, specialized software, supplies and services for Outside **Professional Business** Activities. Faculty may access University facilities for Outside **Professional Business** Activities in the same manner available to non-University personnel, with a written agreement executed through the appropriate channels. Faculty may not use the University's name, logo, letterhead, or email in their Outside **Professional Business** Activities.

## INVOLVEMENT OF STUDENTS AND STAFF

Decisions about whether to involve students and staff in a faculty member's Outside **Professional Business** Activities should be guided by determining whether the proposed activities best serve the interests of the students and staff. Faculty cannot require students or staff to become involved in Outside **Professional Business** Activities. Faculty may hire students or staff to assist with faculty Outside **Professional Business** Activities outside the scope of the student's or staff member's University duties with appropriate approval. Such arrangements require the full knowledge and prior approval of 1) the faculty's department head or unit head, and 2) the student's faculty advisor or dean of undergraduate or graduate education, and/or 3) the staff member's direct supervisor. Staff participation in Outside **Professional Business** Activities may not take place during University work hours. There is a section on the [Outside Professional Business Activities Request](#) form to request and document the required approval related to staff and students. Safeguards must be instituted on a case-by-case basis to ensure that the

performance of University duties and the scholarly mission of the University are not compromised. ~~In particular,~~ Faculty must avoid even the appearance of directing students **and staff** into ~~research~~ **Research** activities or Outside **Professional Business** Activities that primarily serve their own personal interests ~~at the expense of the students' educational or scholarly interests and needs~~. Such arrangements with students may also require review and approval by the University's Individual Conflict of Interest Committee pursuant to the requirements outlined in [Policy RP06, Disclosure and Management of Significant Financial Interests](#).

## MANAGEMENT AND OVERSIGHT

In some situations, a plan for managing a faculty member's Outside **Professional Business** Activities, insofar as they interact with, or relate to, the faculty member's University duties, may be developed by the relevant department head, dean, and/or Office for Research Protections, in collaboration with the faculty member.

## NONCOMPLIANCE

Any non-compliance with this Policy, including but not limited to a faculty member's failure to obtain prior approval when required, or exceeding the time limits outlined above, shall be referred to the relevant department/unit head, dean or next highest level of authority, and the Provost, by the Office for Research Protections. ~~Said University~~ **Those** Administrators may consult with the Office for Research Protections to best determine any corrective or disciplinary actions to implement due to non-compliance with this Policy and shall be managed in accordance with all other applicable University policies and procedures. It is understood that de minimis failures of compliance shall in ordinary course be subject to correction but not discipline. Intentional or significant noncompliance, however, shall be treated as a serious matter meriting discipline appropriate to the circumstances. **The goals of corrective and/or disciplinary actions include, but are not limited to, reinforcing education, mitigating risks caused by noncompliance, and deterring further noncompliance. When applicable, the University shall share information about instances of noncompliance with this Policy as required by government agencies**

## COMPENSATION, TAX CONSEQUENCES, AND LEGAL ~~ADVICE~~ **ADVICE**

The University cannot comment on or offer input regarding the rate of compensation or the tax consequences associated with Outside **Professional Business** Activities. The University will not provide legal advice on the terms of any Outside **Professional Business** Activities or any disputes arising therefrom.

## INTERNAL CONSULTING AND CONTRACTING

University faculty cannot serve as paid consultants and/or contractors for University activities, either directly as private consultants, or through a third-party (for guidance, see [Policy BS17, Use and Procurement of External Consultants](#)). In situations where extra services are required from current employees, compensation must be as an employee, whether within the scope of their appointment or through supplemental compensation.

## INTELLECTUAL PROPERTY

All faculty are required to sign the Penn State Intellectual Property Agreement, which states that all faculty agree as a condition of employment by the University to abide by the University's Intellectual Property Policies and Procedures. ~~It is possible, in certain circumstances, to assign Intellectual Property to outside entities, with advance written agreement through the Office of Technology Management.~~ **Any personal or outside activity that University faculty and/or personnel wish to undertake in deviation of their Intellectual Property Agreement or the University's Intellectual Property Policies and Procedures, including but not limited to any conveyance of intellectual property rights assigned to the University and/or Penn State Research Foundation, must be approved by the Office of Technology Management, and approval is at the University's sole discretion. Faculty should not enter into any agreement that violates Penn State Intellectual Property policies or conveys rights in intellectual property rights already assigned to Penn State.**

## CROSS REFERENCES

### [AC21](#)- Definition of Academic Ranks (formerly HR21)

[AC64](#)- Academic Freedom;

[AD07](#)- Use of University Name, Symbols, and/or Graphic Devices;

[AD77](#) - Engaging in Outside Professional Activities (Conflict of Commitment);

[BS17](#) – Use and Procurement of External Consultants;

[FN14](#) - Use of University Tangible Assets, Equipment, Supplies and Services;

[HR42](#) - Payment of Personal Compensation by a State Agency or Department of the Commonwealth;

[HR91](#) - Conflict of Interest;

[HR06](#) – Types of Appointments;

[RA20](#) – Proposal Submission;

[RP06](#) – Disclosure and Management of Significant Financial Interests;

Date Approved:

September 4, 2018

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Effective Date:

September 4, 2018

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## **AC80 Faculty Outside Professional Activities and Conflict of Commitment**

Policy Status:

Active

Policy Steward:

Vice Provost for Faculty Affairs

## **AC80 FACULTY OUTSIDE PROFESSIONAL ACTIVITIES and CONFLICT OF COMMITMENT**

POLICY'S INITIAL DATE: June 27, 1974

THIS VERSION EFFECTIVE:

### **Contents:**

- Purpose
- Applicability
- Definitions
- Policy
- Time Limits
- Required Prior Approval
- Required Disclosure
- Required Training
- Responsibility for Outside Professional Activities
- Use of University Facilities and Resources
- Involvement of Students and Staff
- Management and Oversight
- Noncompliance
- Compensation, Tax Consequences, and Legal Advice
- Internal Consulting and Contracting
- Intellectual Property
- Cross References

### **PURPOSE**

This Policy has two principal purposes. The first is to set forth policies and principles that permit University faculty to engage in activities outside the University (“Outside Professional Activities”) while preserving their primary professional duties and responsibilities to the University and remaining consistent with federal regulations and guidelines. The second is to provide a basis for reporting Outside Professional Activities of faculty to the University.

University faculty are encouraged to engage in outside activities when such activities enhance the mission of the University and do not compete with the University. Faculty members’ primary

professional duties and responsibilities are to the University, and such primary obligations require that faculty be available and accessible to fulfill the requirements of their appointment. This Policy is not intended to discourage Outside Professional Activities but aspires to ensure that all such activities do not conflict or materially interfere with any faculty member's appointment with the University, with reference to the University's mission. The University affirms its commitment to academic freedom as set forth in [Policy AC64, Academic Freedom](#) and to its mission of creating new knowledge and of effectively communicating accumulated knowledge and understanding to students and to the community at large.

## APPLICABILITY

This Policy applies to all full-time faculty. The Policy does not apply to Part-time Academic faculty (see Policy [HR06, Types of Appointments](#)), staff, graduate students, or postdoctoral scholars. University staff are expected to follow all University Human Resource policies concerning time worked and time reporting applicable to staff including Policy AD77 – Staff Outside Professional Activities (Conflict of Commitment). Permission to engage in outside activities by staff and how those hours are accounted for is at the discretion of their supervisor and not subject to this Policy. Engaging in outside activities by postdoctoral scholars or fellows is at the discretion of their supervisor or academic program and must comply with all applicable University policies related to their University appointment, employment, or contractual agreement.

## DEFINITIONS

**Appointment Period:** A faculty member's academic appointment period (usually either 36 weeks or 48 weeks), **including** sabbaticals, paid leave from the University, and periods covered by supplemental University appointments (e.g., twelve-week summer appointment) constitute the Appointment Period.

**Conflict of Commitment:** A situation in which a faculty member accepts or incurs external obligations, either paid or unpaid, that conflict or appear to conflict with their primary obligation and commitment to the University. Conflict of Commitment includes but is not limited to situations that involve conflicting commitments of time and effort, obligations to improperly share information with an entity outside the University, or obligations to withhold information from the University or a funding agency.

**In-Kind:** Payment or support in goods or services instead of money. Examples of In-Kind compensation include but are not limited to equipment, office/laboratory space, sponsored travel, and services of employees or students.

**Outside Professional Activities:** Outside Professional Activities are entrepreneurial or professional services, paid or unpaid, that are in the **general area of expertise** for which the faculty member is employed by the University, but are beyond the scope of the individual's University employment responsibilities. A faculty member's area of expertise shall be as defined by their department or unit head and/or Dean or cognizant Administrative Officer.

**Outside Teaching:** A type of Outside Professional Activity which includes all semester-length or equivalent teaching engagements, both within and outside of a faculty member's general area of expertise, at a post-secondary institution of higher education other than The Pennsylvania State University.

**Research:** Systematic investigation, study or experiment designed to develop or contribute to generalizable knowledge. The term encompasses basic and applied research that may or may not be published in an article, book or book chapter and product development (e.g., a diagnostic test or drug). As used in this Policy, the term includes, but is not limited to, any such activity for which sponsored funding is available from a federal, state or local government agency, or a public or private entity, through a grant, contract or cooperative agreement (e.g., a research grant, career development award, center grant, individual fellowship award, infrastructure award, institutional training grant, program project, research resources award, training grant, or outreach award), or gift. As used in this Policy, Research also includes research activities that are not funded or sponsored.

**Scholarly Activities:** Activities that are generally expected of a faculty member as part of their professional portfolio, whether compensated or uncompensated. These activities are not Outside Professional Activities as defined by this policy and do not require disclosure or prior approval. The following are examples of Scholarly Activities:

- Peer review of articles and grant proposals;
- Presentations and workshops at professional meetings or other similar gatherings;
- Leadership in professional societies;
- Preparation of scholarly publications;
- Unpaid (i.e., neither cash nor In-Kind compensation) scholarly collaboration with an institution of higher education for which there is no agreement or required time commitment;
- Editorial services for educational or professional organizations;
- Service on advisory committees or evaluation panels for governmental funding agencies, nonprofit foundations, or educational organizations;
- Serving on, but not chairing, masters or doctoral thesis committees at another university;
- Service with accreditation agencies;
- Musical and other creative performances and exhibitions, if there is an expectation in the faculty member's discipline that they will engage in such performances or exhibitions.

**Starting a Company:** A type of Outside Professional Activity that is defined as filing or having filed the appropriate articles of organization or articles of incorporation with a government authority or otherwise forming or founding a legal entity as a business concern, including investing in an existing business with the intent to be involved in its operations. The company does not have to be active, operational, or profitable to fall under this policy. The company may be a for-profit or a not-for-profit organization. A company includes any corporation, LLC, LP, LLP, LLLP, or GP.

## **POLICY**

Any Outside Professional Activities engaged in by faculty:

1. Shall not interfere with the performance of their University duties or other contractual obligations to the University or to Research sponsors (including non-classroom and non-Research responsibilities expected of all faculty members);
2. Should strive to be consistent with their professional stature or academic proficiency;
3. Shall not adversely affect the University's interests or mission or violate this Policy or any other University policies or regulations including, but not limited to, policies or regulations related to intellectual property; conflict of interest; use of University's name, logo, letterhead, or other resources; etc.;
4. Shall require prior approval in the instances outlined below ("Required Prior Approval");
5. Shall not involve routing remuneration for such services to the University or any University account (e.g., a gift account), unless it is considered to be within the scope of employment, e.g., College of Medicine faculty who are asked to serve as expert or fact witnesses in their role as Hershey Medical Center physicians (Policy L-24HAM).

All outside activities conducted by faculty members, including Scholarly Activities, shall not:

1. Adversely affect the University's interests or mission;
2. Require a significant commitment or an excessive amount of time that interferes with a faculty member's primary University responsibilities; or
3. Compete with coursework or services provided by the University.

Colleges and campuses shall maintain their own guidance under this Policy; however, such guidance must not contradict this Policy. All guidance and changes to guidance are subject to the approval of the Vice Provost of Faculty Affairs before implementation and will be reviewed annually to ensure consistency with the intent and purpose of this Policy. The Policy Steward for AC80 should maintain a single website displaying each College's and Campus' current guidance under this policy.

The time limits in this policy apply to Outside Professional Activities that occur during the Appointment Period. All other provisions of this policy, including but not limited to Required Prior Approval and Required Disclosure, apply at all times, regardless of the Appointment Period (except as specifically noted). This Policy does not otherwise limit or constrain the application of other University rules and procedures.

### **Related Policies.**

Outside Professional Activities may create the potential for or perceptions of a conflict of interest between the faculty member's individual financial interests created by the Outside Professional Activity and their related University Research. **In addition to any prior approval required by this Policy, such potential or perceived conflicts may need to be disclosed and properly managed or eliminated prior to engaging in the Outside Professional Activity** in accordance with [Policy RP06, Disclosure and Management of Significant Financial Interests](#).

Outside Professional Activities, regardless of whether such activities occur during or outside a faculty member's Appointment Period, may also need to be disclosed as per the requirements of policy RA20, Proposal Submission.

A faculty member may not provide special service to the Commonwealth for additional compensation without prior written approval of the President of the University. Please see [Policy HR42 Payment of Personal Compensation by a State Agency or Department of the Commonwealth](#) for more information on this topic.

For other policies relevant to the conduct of all outside activities, see the cross-referenced policies at the end of this Policy.

## **TIME LIMITS**

A faculty member may engage in Outside Professional Activities up to forty (40) hours per month throughout the duration of their Appointment Period ("Monthly Time Limit"). Thus, faculty with a thirty-six (36) week appointment may engage in Outside Professional Activities for a maximum of forty (40) hours per month for the 36 weeks of their academic appointment, but no more than 360 hours total during that 36 week period; and, faculty with a forty-eight (48) week appointment may engage in Outside Professional Activities for a maximum of forty (40) hours per month for the 48 weeks of their academic appointment, but no more than 480 hours total during that 48 week period ("Annual Time Limit"). Full-time faculty on a temporarily reduced appointment or partial supplemental salary should contact the Office for Research Protections to determine how time limits apply.

## **REQUIRED PRIOR APPROVAL**

In addition to disclosing Outside Professional Activities as required in the Required Disclosures section below, a faculty member must request and obtain prior written approval from their department head or unit head prior to engaging in the following Outside Professional Activities, regardless of whether these activities take place during or outside of the Appointment Period (except as specifically noted):

- Exceeding the Monthly or Annual Time Limits (defined above) during the Appointment Period;
- Involving undergraduate or graduate students, or University staff, in Outside Professional Activities;
- Starting a Company;
- Outside Teaching during the Appointment Period;
- Outside Professional Activities that involve the conveyance of intellectual property rights to another entity;
- Compensated (money or In-Kind) Research from all foreign and domestic entities that is not subject to approval by the Office for Sponsored Programs;
- Research at other entities for which there is a required time commitment or an agreement/contract between the faculty member and the other entity;
- Chairing a doctoral or graduate committee at another university;



- Holding a foreign or domestic position or professional appointment, including honorary, adjunct, and visiting positions or appointments, at another university (this includes titled academic, professional, or institutional appointments whether full-time, part-time, or voluntary) whether or not remuneration is received, other than those solely for the purpose of teaching a course outside of the Appointment Period;
- Running or having fiduciary responsibility for a Research endeavor at another entity (e.g., a lab, institute, program);
- Participation in programs sponsored by foreign governments, instrumentalities, or entities, including foreign government-sponsored talent recruitment programs;
- Becoming an employee of or assuming an executive or management position for a third-party entity (e.g., as President, Chief Scientific Officer, etc.) including serving on advisory board positions that have fiduciary responsibilities on behalf of the third-party entity.

Such requests are made by submitting an [Outside Professional Activities Request](#) form. Department heads and unit heads shall review all Outside Professional Activities Requests for approval to ensure the proposed Outside Professional Activities do not violate this Policy and are appropriate in relation to the performance of the faculty member's regular University duties. Based on the nature of the activity and following department/unit head approval, the Office for Research Protections may determine that other approvals—including but not limited to approvals from the Office for Research Protections, Risk Management, the Office of Technology Management, or others as relevant—are required before the activity may begin. Department heads, unit heads, and other relevant offices providing approval may request and require additional information or clarification from the faculty member regarding the proposed Outside Professional Activities if such information or clarification is deemed necessary to make a decision to approve or disapprove the request.

In extraordinary circumstances, with an articulated University need, the Dean may request permission from the Provost for a faculty member to exceed the Annual Time Limit. Outside commitments requiring extensive time may require a leave of absence pursuant to [Policy HR16, Leave of Absence without Salary](#), and should be discussed and decided upon with the faculty member's department/unit head or another cognizant University administrator. Leaves of absence are not governed by this policy.

The Office for Research Protections will serve as a policy guidance resource to faculty, department heads, and Colleges to help promote consistency in the prior approval and annual reporting process across the University.

Approval for Outside Professional Activities shall not be unreasonably withheld. Where a department or unit head declines to approve a request, the faculty member may request a written explanation, outlining 1) the reason for denying the request, 2) the specific provision(s) of this policy potentially violated by the activity, and 3) a description for how the Outside Professional Activity will have an adverse impact on the faculty member's teaching, Research, or service responsibilities to the University.

**Appeals Process.** Any faculty member may appeal any action or decision taken under this policy to the University Faculty Senate Faculty Rights and Responsibility Committee.

## **REQUIRED DISCLOSURE**

All faculty are required to disclose all Outside Professional Activities, including those for which Prior Approval was required and obtained, at least annually; within 30 days of starting a new Outside Professional Activity; prior to an application for sponsored funding; or in certain instances as identified below, prior to starting the activity. Disclosures shall be made according to the procedures developed by the Office for Research Protections.

Examples of Outside Professional Activities that require disclosure include (but are not limited to) the following:

- Private Consulting that does not involve Research;
- Serving as an expert witness;
- Practicing a licensed profession (e.g., veterinarian, architect, nurse, attorney) beyond what is required to maintain licensure or certification;
- Conducting short course offerings not for academic credit, including professional courses for licensing;
- Serving on a board of directors outside of the University;
- Activities for which a faculty member received prior approval;
- Other activities as required by a government agency, when applicable.

Activities that must be disclosed but that do not count toward the Monthly or Annual Time Limit are:

- All Outside Professional Activities that are conducted outside the Appointment Period;
- Practice of a licensed profession to the extent that the hours are required to maintain licensure or certifications that are required for the faculty member's University role and responsibilities.
- Outside Teaching that takes place outside the Appointment Period should be disclosed within 30 days of accepting the Outside Teaching role or prior to starting that activity, whichever is earlier.

Note: The above may require prior approval or further review under another policy or under college-specific guidelines. See e.g., RP06.

## **REQUIRED TRAINING**

The University shall identify appropriate training regarding this Policy that shall be completed by all faculty at least once every four (4) years or immediately upon the occurrence of one of the circumstances listed below. Training shall enhance understanding of various factors that are included in the concept of Conflict of Commitment, as well as increase awareness of circumstances that may indicate an increased risk to research security and integrity. Immediate training shall be required under the following circumstances:

- When the University makes revisions to this Policy that impact a faculty member's responsibilities under this Policy;
- When a faculty member is new to the University;
- When the University finds that a faculty member is not in compliance with this Policy.

## **RESPONSIBILITY FOR OUTSIDE PROFESSIONAL ACTIVITIES**

A faculty member is solely responsible for their Outside Professional Activities. The University assumes no responsibility for Outside Professional Activities performed by members of its faculty. The name of the University is not in any way to be connected with the service rendered or the results obtained. The faculty member must make it clear that their Outside Professional Activities are a personal matter. A faculty member shall not accept or retain employment which would bring them as an expert or in any other capacity, into material conflict or in competition with the interests and purposes of the University (See [Policy AD07 Use of University name, Symbols and/or Graphic Devices](#)).

## **USE OF UNIVERSITY FACILITIES AND RESOURCES**

[Policy FN14 Use of University Tangible Assets, Equipment, Supplies and Services](#) prohibits the use of University facilities and resources including, but not limited to specialized equipment, specialized software, supplies and services for Outside Professional Activities. Faculty may access University facilities for Outside Professional Activities in the same manner available to non-University personnel, with a written agreement executed through the appropriate channels. Faculty may not use the University's name, logo, letterhead, or email in their Outside Professional Activities.

## **INVOLVEMENT OF STUDENTS AND STAFF**

Decisions about whether to involve students and staff in a faculty member's Outside Professional Activities should be guided by determining whether the proposed activities best serve the interests of the students and staff. Faculty cannot require students or staff to become involved in Outside Professional Activities. Faculty may hire students or staff to assist with faculty Outside Professional Activities outside the scope of the student's or staff member's University duties with appropriate approval. Such arrangements require the full knowledge and prior approval of 1) the faculty's department head or unit head, and 2) the student's faculty advisor or dean of undergraduate or graduate education, and/or 3) the staff member's direct supervisor. Staff participation in Outside Professional Activities may not take place during University work hours. There is a section on the [Outside Professional Activities Request](#) form to request and document the required approval related to staff and students. Safeguards must be instituted on a case-by-case basis to ensure that the performance of University duties and the scholarly mission of the University are not compromised. Faculty must avoid even the appearance of directing students and staff into Research activities or Outside Professional Activities that primarily serve their own personal interests. Such arrangements with students may also require review and approval by the University's Individual Conflict of Interest Committee pursuant to the requirements outlined in [Policy RP06, Disclosure and Management of Significant Financial Interests](#).

## **MANAGEMENT AND OVERSIGHT**

In some situations, a plan for managing a faculty member's Outside Professional Activities, insofar as they interact with, or relate to, the faculty member's University duties, may be developed by the relevant department head, dean, and/or Office for Research Protections, in collaboration with the faculty member.

## **NONCOMPLIANCE**

Any non-compliance with this Policy, including but not limited to a faculty member's failure to obtain prior approval when required, or exceeding the time limits outlined above, shall be referred to the relevant department/unit head, dean or next highest level of authority, and the Provost, by the Office for Research Protections. Those administrators may consult with the Office for Research Protections to best determine any corrective or disciplinary actions to implement due to non-compliance with this Policy and shall be managed in accordance with all other applicable University policies and procedures. It is understood that de minimis failures of compliance shall in ordinary course be subject to correction but not discipline. Intentional or significant noncompliance, however, shall be treated as a serious matter meriting discipline appropriate to the circumstances. The goals of corrective and/or disciplinary actions include, but are not limited to, reinforcing education, mitigating risks caused by noncompliance, and deterring further noncompliance. When applicable, the University shall share information about instances of noncompliance with this Policy as required by government agencies.

## **COMPENSATION, TAX CONSEQUENCES, AND LEGAL ADVICE**

The University cannot comment on or offer input regarding the rate of compensation or the tax consequences associated with Outside Professional Activities. The University will not provide legal advice on the terms of any Outside Professional Activities or any disputes arising therefrom.

## **INTERNAL CONSULTING AND CONTRACTING**

University faculty cannot serve as paid consultants and/or contractors for University activities, either directly as private consultants, or through a third-party (for guidance, see [Policy BS17, Use and Procurement of External Consultants](#)). In situations where extra services are required from current employees, compensation must be as an employee, whether within the scope of their appointment or through supplemental compensation.

## **INTELLECTUAL PROPERTY**

All faculty are required to sign the Penn State Intellectual Property Agreement, which states that all faculty agree as a condition of employment by the University to abide by the University's Intellectual Property Policies and Procedures. Any personal or outside activity that University faculty and/or personnel wish to undertake in deviation of their Intellectual Property Agreement or the University's Intellectual Property Policies and Procedures, including but not limited to any conveyance of intellectual property rights assigned to the University and/or Penn State Research

Foundation, must be approved by the Office of Technology Management, and approval is at the University's sole discretion. Faculty should not enter into any agreement that violates Penn State Intellectual Property policies or conveys rights in intellectual property rights already assigned to Penn State.

## **CROSS REFERENCES**

[AC21](#)- Definition of Academic Ranks (formerly HR21)

[AC64](#)- Academic Freedom;

[AD07](#)- Use of University Name, Symbols, and/or Graphic Devices;

[AD77](#) - Engaging in Outside Professional Activities (Conflict of Commitment);

[BS17](#) – Use and Procurement of External Consultants;

[FN14](#) - Use of University Tangible Assets, Equipment, Supplies and Services;

[HR42](#) - Payment of Personal Compensation by a State Agency or Department of the Commonwealth;

[HR91](#) - Conflict of Interest;

[HR06](#) – Types of Appointments;

[RA20](#) – Proposal Submission;

[RP06](#) – Disclosure and Management of Significant Financial Interests;

Date Approved:

September 4, 2018

Date Published:

September 4, 2018

Effective Date:

September 4, 2018

# Policy AC80 Revisions Background and Proposed Changes

*Office for Research Protections*

November, 2021

Clinton Schmidt, Director of the Conflict of Interest Program



PennState

## Current University Policies and Processes: Rationale for Change

Current policies:

- RPO6 – Financial Conflicts of Interest
- AC80 – Outside Business Activities
- AD77 – Conflict of Commitment with a focus on teaching

Confusion about disclosure requirements among the three policies

Redundant reporting of similar information

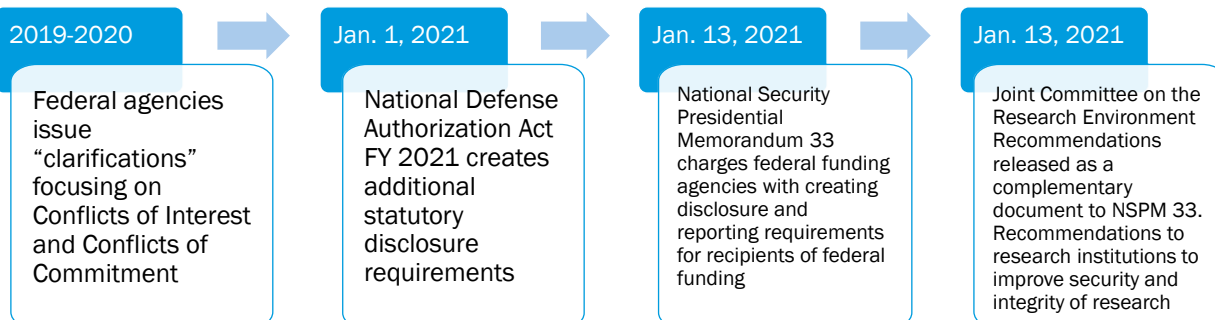
Goal = Make the disclosure requirements simpler

- Fewer policies (AD77 becomes a staff policy)
- One consolidated disclosure process (instead of 2 or 3)



PennState

## Current Environment: Federal Disclosure Requirements



- **University Policies related to Conflict of Interest and Conflict of Commitment needed to be revised to conform to new statutory and agency requirements which will be implemented in January 2022**
- **JCORE Recommendation 6: disclosures required from organizational employees and affiliates engaged in the research enterprise, regardless of whether those individuals are supported by Federal funding**



## AC80 Policy Revision Committee

- **Roger Egolf**, **Senator**, **Chair of RSCA Committee**, Associate Professor of Chemistry, Lehigh Valley
- **Donna Quadri-Felitti**, Marvin Ashner Endowed Director and Associate Professor, School of Hospitality Management
- **Morgan Rhinehart**, Outside Business Activities Analyst
- **Clint Schmidt**, Director of the Conflict of Interest Program
- **Gregory Shearer**, **Senator**, Professor of Nutritional Sciences
- **Timothy Simpson**, Interim Department Head, School of Engineering Design, Technology, and Professional Programs; Paul Morrow Professor in Engineering Design and Manufacturing
- **Kent Vrana**, **Senator**, Elliot S. Vesell Professor and Chair of Pharmacology
- **Chris Zorn**, **Senator**, **Vice Chair RSCA Committee**, Liberal Arts Professor of Political Science & Affiliate Professor of Law

### Others who provided input:

Josh Wede, **Senator**, **Chair FA Committee**, Teaching Professor

Kathy Bieschke, Vice Provost for Faculty Affairs

Abby Diehl, Assistant Vice Provost for Faculty Affairs

Candy Yekel, Associate Vice President for Research; Director, Research Protections

Debra Thurley, Assistant Vice President for Research

Katherine Allen, Associate General Counsel

David Giannantonio, Associate General Counsel



## Policy Revision Process

2020-2021	Evaluated the need for changes to Policy AC80 and drafted initial proposed revisions
March/April 2021	Met with Senate leadership. Presented an informational report to Faculty Senate about upcoming policy changes. A policy revision working group was recommended
Summer 2021	Working group consisting of faculty members, senators, subject matter experts and administrators to revise the Policy
September 2021	ORP and members of the working group presented the proposed changes to Faculty Affairs and RSCA committees. Committees voted to recommend making the proposed changes
October 2021	Faculty Senate voted to send the policy back to Committees. Office hours were held to receive feedback on the Policy change. Deep proof-reading was completed. Revisions were made to certain provisions and passed again through Committees



## Primary Revisions to Policy AC80

- Consolidating AD77 with AC80 (AD77 will become a staff policy)
- Prior approval Requirements
  - 7 activities already require prior approval under current AC80 and AD77
  - 6 new activities added with a narrow focus:
    - 4 focused on affiliations and formal research engagements
    - 1 on conveyance of IP rights
    - 1 on becoming an employee outside of PSU
- Addition of a training requirement – consolidate with existing COI training
- Revision of reporting period to align with RP06 and federal requirements
  - Allows for single disclosure process to cover both policies (AC80 and RP06)
- Reorganizes sections and text for clarity
- Ensure consistent treatment of summer teaching across colleges/units





## FACULTY SENATE COMMITTEE ON INTERCOLLEGIATE ATHLETICS

### Annual Report of the Senate Committee on Intercollegiate Athletics, Academic Year, 2020-2021 (Division 1 Athletics at University Park)

(Informational)

#### **Introduction**

The NCAA Faculty Athletics Representative (FAR) at University Park, in conjunction with the Senate Committee on Intercollegiate Athletics (IAC) provides an annual report about Penn State intercollegiate athletics to the University Faculty Senate. This report is drafted by the FAR at the University Park campus and is reviewed by the IAC, with the committee taking action at its October 2021 meeting to formally approve and submit the report to the Faculty Senate. The report is subsequently placed on a Senate meeting agenda as an informational report, and the FAR/IAC Chair are available to present and stand for questions at the invitation of the Senate. The focus of this report is on Division 1 Athletics at University Park. A separate report, submitted by the Committee on Campus Athletics (CCA) focuses on intercollegiate athletics at the non-University Park campuses, including competition at the Division 3 level and competition in the Penn State University Athletic Conference (PSUAC). The report is organized into the following sections:

- A.** Descriptive information about the Division I student athlete population at the University Park Campus
- B.** Items carried over from prior (academic year 2019-2020) committee work
- C.** Routine committee business, academic year 2020-2021
- D.** New business for the 2020-2021 academic year
- E.** Description of Faculty Athletics Representative's Activities
- F.** Student athlete academic awards
- G.** Data and measures used to monitor the academic performance of Penn State's Division I student athletes.
- H.** Committee Tasks for Academic Year 2021-2022
- I.** Roster of IAC Committee Members for Academic Year 2020-2021
- J.** **Appendix A:** IAC Name, Image and Likeness Report
- K.** **Appendix B:** Detailed Academic Performance Data

## **A. Descriptive Information About Division 1 Student Athletes at the University Park Campus (31 Varsity Teams)**

1. The Equity in Athletics Disclosure Act (EADA) and the NCAA require that Penn State's Department of Intercollegiate Athletics report annually on student athlete participation as well as financial data including details about revenues and expenditures. These reports are made available to the public and can be found at <https://gopsusports.com/sports/2018/8/8/ot-financial-reports-html.aspx>. The most recent report reflects activity during Penn State's fiscal year beginning July 1, 2019 and ending June 30, 2020.
2. Penn State sponsors 16 men's and 15 women's varsity sports. Data from the most recent EADA report indicates that in fiscal year 2019-2020 Penn State had 486 male student athletes (56.6% of total) and 372 female student athletes (43.4% of total) for a total of 858 unique student athlete participants. Per the EADA report instructions, the count of female student athletes includes 28 male student athletes participating as practice players for five women's teams (basketball, fencing, soccer, volleyball and field hockey). For fiscal year 2019-2020, Penn State awarded \$21,673,848 in athletically related student aid, with 57% of this amount awarded to male student athletes and 43% of the total awarded to female student athletes.
3. Financial aid in the form of scholarships for tuition, room, and board are provided by each team at the maximum full-time equivalent level allowed by the NCAA, which varies by sport. While some sports are required to award full scholarship amounts (called 'head count' sports), many sports are 'equivalency sports' which means that total available athletic aid dollars can be used to offer partial aid, providing awards to more student athletes than would be possible based on the head count approach (e.g., athletic aid awards in the amount of 0.2, or 0.3, etc.).
4. For academic year 2020-2021 there were 893 student athletes [528 (59%) male and 365 (41%) female]. Male sports were allowed 208 FTE scholarships, per NCAA sport maximums, with 367 male student athletes receiving some athletic scholarship aid. For the same academic year, female sports were allowed 159 FTE scholarships per NCAA sport maximums with 267 female athletics receiving some athletic scholarship aid.
5. Entering the Fall 2020 semester, the total number of student athletes who were ineligible due to academic reasons was five (less than one percent of all student athletes). For the Spring 2021 semester seventeen student athletes were ineligible due to academic reasons (about 1.9% percent of all student athletes). The increase in the number of academically ineligible student athletes in the spring 2021 semester reflects a historic high and is believed to be directly related to academic challenges related to the Covid-19 pandemic and remote class instruction and less in person academic support, lack of competition for most sports in the fall season, the impact of national and local social justice and hate/racism issues, and personal and family challenges experienced by student athletes during the pandemic.

6. 176 student athletes graduated during the 2020-2021 academic year which includes the December 2020, May 2021 and August 2021 commencement ceremonies. Of these graduates, 81% finished with a cumulative GPA of 3.00 or higher.

## **B. Items Carried Over from Prior (2019-2020 Academic Year) Committee Work**

1. **The 2019-2020 FAR/IAC report** was approved by the IAC at its September 15, 2020 committee meeting and subsequently submitted to the Senate where it was accepted as an informational report for its October 20, 2020 meeting, with the report included in the Senate record.
2. **Sub-Committee on the Current Landscape of Legalized Sports Wagering. 2018-2019** Senate Chair Nicholas Rowland charged the 2018-2019 IAC with reviewing the landscape and environment pertaining to state laws on legalized gambling. A sub-committee was formed to study the current environment. The work of this committee culminated in a detailed memorandum presented to the IAC at its August 2020 meeting. After approval of the IAC, the report was sent to the Faculty Senate and included as an informational report (Appendix O) on the agenda of the Senate's September 15, 2020 meeting.

## **C. Routine Committee Business – Academic Year 2020-2021**

1. **IAC Review and Approval of Competition Schedules for Compliance with Faculty Senate 67-00 Missed Class Time Policies.** In accordance with Faculty Senate 67-00 policy, each semester an IAC committee member from Penn State's Department of Intercollegiate Athletics presents the next semester's planned competition schedule for each of our 31 Varsity teams, including proposed missed class time due to athletic competition and necessary travel required for away competition. Faculty Senate guidelines require that no team miss more than eight class days per semester and that any request for deviation from this policy be requested of the entire IAC with approval requiring the vote of the full committee. Because of the pandemic, athletic schedules for the fall 2020 semester were not available for discussion following the usual schedule of presentation to the IAC at the April 2020 meeting. Instead, ICA's Lynn Holleran continued to keep the committee updated with evolving Big Ten, NCAA and PSU plans related to Division 1 competition planned for academic year 2020-2021. Ultimately, the Big Ten Conference approved a plan where a limited number of teams would compete during the fall 2020 semester, including the sports of Football, Men's and Women's basketball, and Men's Ice Hockey. These schedules were approved by the IAC as they were presented to the committee by Lynn Holleran. The spring 2021 semester schedules were also in flux due to the pandemic and as the Big Ten Conference developed a plan to have fall sports compete in the spring (along with spring sports) due to the pandemic. Lynn Holleran continued to update the committee regarding the status

of planned schedules as details became available. Importantly, regular season schedules generally included only Big Ten Conference opponents in order to guarantee that all competing schools were following the same Covid testing and safety protocols. Thus, overall competition schedules were generally reduced compared to normal non-pandemic times. In some cases (e.g., Men's Golf) due to travel logistics as well as Covid safety protocols, the IAC Chair, the FAR, and the IAC committee reviewed and approved requested deviations from Faculty Senate 67-00 policy related to athletic competition missed class time or allowed practice time (e.g., Women's Soccer). The approvals related to allowed practice times were granted due to the facilities strain associated with having fall sports competing during the spring semester along with winter and spring sports.

2. **Report on Athletics Reserved Spaces Program.** At the April 27, 2021 IAC committee meeting, Dr. Jeff Adams, Associate Vice President and Associate Dean for Undergraduate Education distributed the University's 2020 Annual Report on the 'Reserved Spaces' Program. This report is prepared by the Senate Committee on Admissions, Records, Scheduling, and Student Aid. The reserved spaces program allows for students meeting the admissions requirements for any Penn State campus other than University Park to receive a 'change of assignment' and thus be re-assigned to the University Park campus if the student qualifies for one of several Senate-designated programs or possesses a specified talent, in this case athletic talent, for which University Park is the only campus that meets the student's needs. The athletic portion of the reserved spaces program has been capped at a maximum of 140 students. Since 2013 the range of reserved spaces used for athletics (labeled in the report as 'Full Year Actual') has been 107-143, with the 2020 value being 109. Since 2016 the range has been 107-123, indicating that the recent five year trend has been to use fewer than the number of spaces allotted for athletic purposes. The report also monitors the academic qualifications of student athletes for whom a change of assignment is used under the reserve spaces program. Specifically, the predicted GPA used by the admissions office was examined for the 109 student athletes utilizing the reserved spaces program for reassignment to University Park in calendar year 2020. The predicted GPA is based on a statistical regression model that predict a science and non-science GPA based on academic indicators and standardized testing data provided from the admissions process. Predicted GPA values are assigned to one of ten categories based on increments of 0.5. For 2020, the 109 reserved spaces student athletes fell into the following predicted GPA ranges (23 predicted to have a GPA above a 3.00, 40 predicted to have a GPA between 2.75-2.99, 22 predicted to have a GPA between 2.50 and 2.74, 11 predicted to have a GPA between 2.25-2.49, 5 predicted to have a GPA between 2.00-2.24, and 8 for whom a predicted GPA was not computed, typically international students due to incomplete data). Based on his review and discussion with the IAC, Dr. Adams concluded that there are no significant indicators for concern regarding the use of reserved spaces to assign admitted student athletes who would not

normally qualify for their first choice of campus assignment to the University Park campus.

- 3. Review of Academic Performance Metrics Tracked and Reported by the NCAA, the Big Ten Conference and the Federal Government.** At the December 1, 2020 IAC meeting, Russ Mushinsky, Director of the Morgan Academic Center, provided the IAC with information on academic data for the Penn State student athlete population. The NCAA's published 'Graduation Success Rate (GSR)' was presented along with the Federal Graduation Rate (FGR). The GSR and FGR are measures tracked and reported by the NCAA to benchmark, compare, and assess institutional results on the academic progress of student athletes receiving athletic related aid. These detailed statistics are included in **Appendix B**. Overall, Penn State's progress on these metrics is very good, including the ten year history, with the most recent GSR standing at 92%, representing a one percentage point improvement from 2019-2020, and tying the all-time institutional high. Questions from committee members generated discussion regarding the reasons for the difference in four-year FGR rates between all PSU students (85%) and Penn State student athletes (78%). The four-year FGR for all Penn State African American students was 70% and was 68% for Penn State African American student athletes. The discussion also included questions about the relatively low comparison to Big Ten benchmarks for African American student athletes, particularly male African American student athletes. For example, the reported four-year average for all African American students at Penn State is 70% (tied for 8/14 in the Big Ten), while the same rate for all Penn State African American male students is 62% (10/14 in the Big Ten) and the rate for African American male student athletes is 61% (6/14 in the Big Ten). The similar four year rate for African American female student athletes is 81% (4/14 in the Big Ten) which compares favorably to Penn State's four-year rate for all African American female students of 76% (8/14 in the Big Ten). The four year rate for all Penn State female students is 88% (tied for 5/14 in the Big Ten). Mr. Mushinsky explained the difference between the GSR and the FGR calculation, particularly how transfer student athletes are handled in the calculation, which is more punitive in the FGR computation. Because the overall university rates are relatively low for African American male students and student athletes, the suggestion was made that University academic leaders should be focusing on these measures with any eye to 'root cause' as well as options for improvement. A brief synopsis of the methodology used to compute these measures is provided in Section H of this report.
- 4. Report on Academic Results from the Fall 2020 Semester.** At the March 16, 2021 IAC meeting, Russ Mushinsky, Director of the Morgan Academic Center, shared information regarding the academic performance of Penn State's student athletes during the Fall 2020 semester. Before presenting the overall and team specific results, Mr. Mushinsky reminded the committee that the implementation of the Covid grading system by the Faculty Senate in the Fall of 2020 had an impact on the ability to directly

compare performance to prior years. In particular, Penn State's Covid grading process allowed students to elect to take a Covid grade of SAT or V, which is considered a passing grade but would not be used towards the semester or cumulative GPA calculation. The SAT grade would apply to 'C-required' and entrance to major courses, while the V grade could not be used for those purposes. An additional option was to elect a Z grade, which could replace an F grade and would not count towards the semester or cumulative GPA, essentially allowing for a late drop after completion of the course. Mr. Mushinsky also discussed the impact of the Covid grading system on Spring semester eligibility calculations as well as Penn State's academic warning and suspension policies. For all ICA student athletes, the Fall 2020 average semester GPA was 3.51 which compared to 3.17 during the Fall 2019 semester. Additionally, the Spring 2021 average semester GPA was 3.49 and in both the fall and spring semesters all 31 teams achieved a 3.00 or higher semester team GPA average. Per above, this increased average semester GPA appears to have been positively impacted by the university's implementation of alternate grading, allowing for students to use the SAT/V/Z alternate grade options in order to prevent lower grades from counting towards the cumulative GPA calculation.

- 5. Review of Class Grades Assigned to Student Athletes in Classes with Significant Student Athlete Enrollment** – Dr. Robert Pangborn, Dean and Vice President for Undergraduate Education, discussed the result of a routine analysis of final class grades to confirm that there is no evidence of preferential grading for student athletes in classes with significant student athlete enrollment. The process involved Dr. Pangborn requesting a report from the Registrar's office for the Summer 2018 through Spring 2020 academic semesters for all University Park classes with at least twenty percent student athlete enrollment. The report contains the distribution of grades assigned (i.e., A, A-, B+, B, etc.) to all enrolled student athletes compared to grades assigned to all other students not identified as student athletes. Dr. Pangborn circulated the report to the Director of the Morgan Academic Center (Mr. Russ Mushinsky), the NCAA Faculty Athletics Representative (Dr. Dennis Scanlon) and the University Registrar (Mr. Robert Kubat) and scheduled a meeting to discuss the results. The conclusion from the meeting was that there is no evidence to suggest reason for concern in faculty grading practices pertaining to courses with significant student athlete enrollment.
- 6. Review of Student Athlete Selected Academic Majors in Aggregate and by Specific Sport** – Another analysis that is conducted every other year is a review of majors selected by student athletes to ensure that there is no 'major clustering' among student athletes. Penn State's intercollegiate athletics programs has had a rich history of its student athletes choosing their preferred program of academic study, and the analysis presented by Mr. Mushinsky at the April 27, 2021 meeting confirms that this is still the case. Mr. Mushinsky shared information on Fall 2020 college enrollments for Penn State's 817 student athletes compared to all 39,535 University Park students. The

comparison indicated that student athletes select majors in 12 colleges, while a significant number of first and second year students are enrolled in the Division of Undergraduate Studies (DUS). Enrollments of student athletes as of the Fall 2020 semester reflected 26.81% enrollment in the Division of Undergraduate Studies, 16.65% in the College of Liberal Arts, 16.03% in the College of Health and Human Development, 9.55% in the Smeal College of Business, 8.81% in the Bellasario College of Communications, 6.85% in the College of Engineering, 4.41% in the College of Education, 4.04% in the Eberly College of Science, 2.33 in the College of Information Sciences and Technology, 2.20% in the College of Agricultural Science, 1.22% in the College of Earth & Mineral Sciences, 0.86 in the College of Arts & Architecture and 0.24% in the College of Nursing. The report also included a breakdown of selected major departments within each college and the distribution of majors for each of Penn State's 31 teams. The conclusion from the analysis is that that Penn State student athletes choose a diverse set of academic majors across a broad array of colleges. The data suggests there is no evidence for concern regarding academic major clustering among the Division 1 student athlete population and within individual teams.

#### **D. New Business for the 2020-2021 Academic Year**

- 1. Updates from Vice President for Intercollegiate Athletics** – At each of the 2020-2021 IAC meetings, Vice President Sandy Barbour provided updates and stood for questions from committee members. The 2020-2021 academic year was particularly active due to Covid as well as other significant issues impacting intercollegiate athletics such as Name, Image and Likeness (NIL), ongoing legal challenges faced by the NCAA, social justice concerns generally and among student athletes, and other news specific to Penn State such as the decision to make a change in the Head Coach of the Men's Basketball program in October 2020. In addition to discussions regarding Covid-19 testing protocols, VP Barbour addressed topics related to the Big Ten Conference's decision to postpone the start of the 2020 football season, the decision to move fall sport competition to the spring, the decision to compete against Big Ten conference opponents only in most sports, the budgetary implications for ICA due to Covid-19, and emerging vaccination policies for student athletes and ICA personnel. The minutes from each IAC meeting highlight the specific details discussed during VP Barbour's committee updates.
- 2. Report on Name, Image and Likeness** – Faculty Senate Chair, Dr. Elizabeth Seymour, requested that the IAC review and write a report on the topic of allowing student athletes to be entrepreneurial in the use of their own Name, Image and Likeness (NIL). The topic of NIL has received quite a bit of attention in recent years due to NCAA restrictions on what student athletes are allowed to do in this area. Chair Stephens appointed a sub-committee to survey the landscape and produce a report to be submitted to the IAC and ultimately the Senate. This committee was chaired by member Dr.

Daniel Perkins and the committee produced a report that was submitted to the IAC for its April 27, 2021 meeting (see Appendix A for this report) where it was approved to forward to the Faculty Senate. The Faculty Senate included this document as an informational report on the agenda of its September 14, 2021 meeting.

3. **Report on Behavioral Health Resource Availability for Penn State Students and Student Athletes** – Faculty Senate Chair Elizabeth Seymour requested that the IAC work jointly with the Behavioral Health subcommittee formed by the Senate Student Life committee, to examine behavioral health needs and resources available for Penn State students more generally. Chair Seymour requested that the IAC contribute to this work with an eye to needs and resources from the student athlete perspective. Chair Stephens appointed a sub-committee of the IAC to lead this work which was chaired by committee member Dr. Lauren Kramer. At the April 27, 2021 IAC meeting Dr. Kramer reported that the focus of the work to date has been on the general Penn State student population, with a report forthcoming from the Student Life committee. Dr. Kramer indicated that a next step will be to specifically consider the student athlete component, likely in the 2021-2022 academic year, and that her committee's assessment is that student athletes have numerous resources available to them for assistance in the area of behavioral health.

#### **E. Description of Faculty Athletics Representative's Activities-**

The National Collegiate Athletics Association (NCAA) requires each member institution to appoint a Faculty Athletics Representative (FAR) "to provide oversight of the academic integrity of the athletics program, and to serve as an advocate for student athlete well-being" ([https://www.ncaa.org/sites/default/files/FAR\\_STUDY\\_Report\\_final.pdf](https://www.ncaa.org/sites/default/files/FAR_STUDY_Report_final.pdf)). At Penn State the FAR is appointed by and reports to the University President following the solicitation of nominations for the position by the Senate's Committee on Committees and Rules (CCSA). The FAR is an ex-officio member of the Intercollegiate Athletics Committee (IAC) and "represents the faculty in all matters related to varsity athletics at University Park" ([https://www.ncaa.org/sites/default/files/FAR\\_STUDY\\_Report\\_final.pdf](https://www.ncaa.org/sites/default/files/FAR_STUDY_Report_final.pdf)). In this role the FAR routinely interacts with the Department of Intercollegiate Athletics, the Office of Athletics Compliance, the Morgan Academic Center, the Dean and Vice President for Undergraduate Education, the Athletics Integrity Officer, the Vice President for Administration, the Registrar and Admissions offices, Student Conduct and Title IX, and other offices and individuals with direct responsibility for, or oversight of Penn State's Athletics program. In this capacity the FAR is a member of many standing committees and routine meetings. The FAR also oversees and participates in many important administrative



processes required by NCAA or Big Ten policy, such as the administration of the NCAA Coaches Exam, the certification of student athlete eligibility for competition, the appeals committee for violations of the Intercollegiate Athletics substance abuse and alcohol policy, and numerous other processes including annual review meetings with head coaches from each of Penn State's thirty-one varsity programs. The FAR is the signatory for self-reports of any NCAA or Big Ten Conference rules violations, and also must review and approve any requests for waivers and appeals pertaining to issues such as athletic eligibility or medical hardship.

The FAR also participates in Big Ten Conference governance, serving as a member of the Big Ten's 'Joint Group', which consists of the Conference's Athletic Directors, Senior Woman Administrators, and FARs at all fourteen Conference Institutions. The Joint Group meets multiple times annually and periodically with the Conference's Council of Presidents and Chancellors (COPC). The Conference's FARs also meet separately twice per month and also in conjunction with the JG and COPC meetings. Collectively these various groups monitor and set Conference rules and policies, discuss emergent and strategic issues pertaining to intercollegiate athletics, and discuss NCAA and Autonomy Five policies and proposed legislation.

During the 2019-2020 academic year, Dr. Scanlon was the outgoing Chair of the Big 10 Conference's *Joint Group Executive Committee* (JGEC), and outgoing Chair of the Big Ten Conference's *Joint Group* (JG). Dr. Scanlon is also a member of the Conference's Program Budget and Review (PBRC) committee. In these capacities Dr. Scanlon had responsibility for helping to establish the meeting agendas and presided over the meetings for the JGEC and JG. While chair of the Joint Group, Dr. Scanlon was a liaison to the Council of Presidents and Chancellors (COPC) and attended their bi-annual meetings. With the emergence of COVID-19, and as Chair of the JGEC and JG, Dr. Scanlon initiated a more frequent meeting structure, beginning in March 2020, in order to be responsive to the decisions and needs emerging as a result of the pandemic. This more frequent meeting cadence still remains as there continue to be significant ongoing issues pertaining to the pandemic as well as significant broader issues that are and will continue to have an impact on the future of intercollegiate athletics in the United States.

During the 2020-2021 Academic Year, Dr. Scanlon spent considerable time monitoring and discussing trends related to Name, Image and Likeness, including the NCAA's position on this topic, legislation passed by the Pennsylvania General Assembly, and Penn State's development and execution of its STATEment program for student athletes (see <https://gopsusports.com/news/2021/7/1/general-making-a-statement-on-name-image-and-likeness.aspx>). Dr. Scanlon has also followed the legal proceedings leading to the June 2021 decision of the United States Supreme Court in *Alston vs. Jenkins*, a case that addresses antitrust law and the legal ability of the NCAA to limit student athlete compensation for academically related expenses including compensation for academic performance. Other

significant areas that have been monitored include the impact of the NCAA granting extra years of athletic competition eligibility due to the Covid-19 pandemic and the impact of that decision on roster sizes, academic programs, and institutional budgets. The transfer portal and transfer environment continue to be an ongoing challenge for all institutions, and poses particular challenges for Penn State in the timely assessment of a potential transfer's 'transferrable credits' into a Penn State academic program, the availability of graduate transfer program and certificate options, the academic progress of transfer student athletes, and the inability to transfer into the many closed majors that exist at Penn State due to College imposed limits. Dr. Scanlon was also appointed to the Big Ten Conference's Equality Coalition and Social Justice Initiative which is now labeled "United as One" (see <https://bigten.org/news/2020/10/23/football-big-ten-conference-launches-united-as-one.aspx>).

In his capacity as FAR, Dr. Scanlon also participates in invited presentations, conferences, and meetings and in this capacity represents Penn State's perspective on the topics at hand, and also brings back to campus relevant information on these issues so as to inform the Penn State process. Dr. Scanlon provides routine briefings to President Eric Barron and interacts frequently with VP Sandy Barbour and her administrative and management teams. Dr. Scanlon manages the 'Faculty Partners Program' and authors the annual 'Faculty Athletics Report' for the Faculty Senate and stands for questions in front of the Senate when requested.

## **F. Student Athlete Academic Award Highlights**

- 1. Individual and Team GPA Performance.** During the Fall 2020 academic semester, 742 of 845 (88%) student athletes earned a GPA of 3.00 or higher and 31 of 31 teams had an average team GPA of 3.00 or higher. Similar numbers for the Spring 2021 semester were 682 of 819 (83%) student athletes and 31 of 31 teams.
- 2. Big Ten Post-Graduate Scholarship Winners.** Two Penn State student athletes were awarded one-time \$7,500 awards to support the pursuit of graduate education. The female winner was Alissa Bonsall from Women's Gymnastics. Alissa is currently pursuing a Master's degree in Management and Organizational Leadership in Penn State's Smeal College of Business. The male winner was Mark Porter from Men's Track & Field who is enrolled in doctoral studies in strawberry breeding at the University of Florida. The Faculty Athletics Representative annually nominates several student athletes for other prestigious national postgraduate scholarship awards offered by the NCAA and the Big Ten Conference.
- 3. Big Ten Conference Distinguished Scholar Award.** This Conference award acknowledges student athletes who have earned an academic year GPA of 3.70 or higher. This award was established by the Big Ten's Faculty Athletics Representatives in 2008 to

acknowledge the significant academic accomplishments of this elite group of student athletes. In 2020-2021, Penn State had 185 Big-Ten Distinguished Scholars. The graph in **Appendix B** displays Penn State's longitudinal trend for this award from academic year 2008-2009 to academic year 2020-2021.

4. **Academic All-Big Ten Selections.** The Big Ten Conference annually announces All Big Ten Academic selections. Eligibility for this award requires a cumulative GPA of 3.00 or higher. Student athletes are eligible for this award beginning in their second academic year of enrollment, and can earn the award for each subsequent year if they maintain a cumulative 3.00 GPA. Historically, Penn State has earned 7,399 Academic All-Big Ten selections since 1991-92 (our first year of competition in some Big Ten sports). For the 2020-2021 academic year, Penn State had 446 student athletes receive this distinction. The graph in **Appendix B** displays the 2009-2010 to 2020-2021 trend in Academic All-Big Ten selections for the fall, winter, and spring sports teams.

#### **G. Data and Measures Used to Monitor the Academic Performance of Penn State's Division 1 Student Athletes**

The NCAA requires all member institutions to track and report three standardized metrics. Two of these metrics (GSR and FGR – see below) assess the degree to which student athletes graduate and complete their academic degrees. The third metric (APR – see below) measures progress towards degree, which is an important predictor of the likelihood of graduation. The NCAA publicly reports these measures, including national benchmarks for these measures, as a way of facilitating comparisons and holding member institutions accountable for academic success. The NCAA also sets minimum requirements for some of these metrics in order for teams to be eligible for post-season competition. Finally, beginning in the Spring of 2020, the NCAA instituted an 'Academic Based Revenue Distribution Model', which ties a portion of NCAA revenue distribution to member institutions based on achieving certain thresholds for each of these three measures.

The table in **Appendix B** presents Penn State's longitudinal information for the Graduation Success Rate (GSR), the Academic Progress Rates (APR) and the Federal Graduation Rate (FGR). The information is provided on many dimensions with relevant Big Ten and NCAA comparisons in addition to Penn State longitudinal comparisons. As noted in section C-3 above, this data is presented and discussed during routine IAC meetings during the course of the academic year. The reader should note that the standardized computation of these rates follows NCAA guidelines, which can be somewhat complicated to understand. For readers interested in understanding the details of these computations, information is provided below the table regarding their calculation. In addition, full details of the GSR and APR measures are reported by specific team and with comparative data in **Appendix B**.

**Notes to facilitate interpreting the GSR, APR, and FGR metrics:**

The **Graduation Success Rate (GSR)** is a percentage of scholarship student athletes graduating during a six-year window. Each cohort includes freshmen (fall and mid-year) plus incoming transfer students less any athletes who left the institution in good academic standing. So, for example, Penn State's most recently reported GSR rate of 92% is based on the cohort of scholarship student athletes who enrolled in the academic year commencing in the fall of 2013, and includes the percentage that graduated within the six-year window ending in summer 2019.

The **Academic Progress Rate (APR)** is based on four years of data, with the most current year's data added and the oldest year removed to create a four-year (multi-year) rolling average. The APR scores are a measure of eligibility and retention/graduation for each student athlete receiving an athletic scholarship during the identified academic semester/year. Retention is evaluated for each student athlete with the following question in mind: Did that student athlete return to the institution the next semester. The APR is used to monitor the extent to which enrolled student athletes are making sufficient academic progress towards their chosen majors so as to be on track to graduate in a timely fashion. Since 2015-16, teams must earn a four-year APR average of 930 to be eligible to compete in NCAA sponsored championships.

The **Federal Graduation Rate (FGR)** measures the percentage of fall, first-time, full-time freshman receiving an athletics scholarship who graduate within six years of entering their original four-year institution. The cohort does not include January enrollees, or transfer student athletes that receive athletics aid. The cohort does exclude those that leave an institution in good standing (i.e., leaving academically and athletically eligible) which serves as a 'penalty' in the calculation relative to the GSR.

**H. Committee Tasks for Academic Year 2021-2022**

At the September 2021 IAC meeting, Chair Daniel Perkins identified the following topics as priority areas of focus after his discussion with incoming Senate Chair Bonj Szczygiel:

- a. Process and requirements for the appointment of Faculty Athletic Representatives at Commonwealth Campuses
- b. Compensation for college student athletes
- c. Follow-up on 'Behavioral Health Needs and Resources' report from prior year
- d. Updates to Sports Gambling
- e. Institutional policies and issues pertaining to student athletes pursuing graduate degrees or certificates
- f. **Shifting GPA/Graduation Rates and the Impact of COVID**

**I. Roster of Committee Members, Academic Year 2020-2021, SENATE COMMITTEE ON INTERCOLLEGIATE ATHLETICS**



## Appendix M

9/14/21

### SENATE COMMITTEE ON INTERCOLLEGIATE ATHLETICS

#### Name Image Likeness Policy

(Informational)

#### Background/Introduction

This report briefly delineates the status of the various State's laws related to Name Image Likeness (NIL) and potential impact on Penn State Intercollegiate Athletics. Part I describes what is meant by 'NIL'. Part II summarizes the current state of NIL affairs as of April 2, 2021. (Given the very fluid nature of policy related to NIL issue in terms of federal and state level policy, what is presented here is tentative until such policy has been enacted). Part III reviews the Penn State response to NIL and supporting student athletes.

#### Part I: What is Name Image Likelihood?

NIL is defined by NCAA proposal 2020-6 Amateurism – Use of Name Image and Likeness – Student-Athletes. Three other proposals also exist: (1) 2020-7 Amateurism – Use of Name Image and Likeness – Prospective Student-Athletes; (2) 2020-8 Amateurism – Use of Name Image and Likeness – Use of Professional Service Providers; and (3) 2020-9 Amateurism – Use of Name Image and Likeness – Third party administrators.

These proposals were not adopted by the NCAA in the winter 2021 based on the fact that the NCAA received a letter from the US Deputy District attorney requesting the NCAA stay their decision on these proposals given current legal processes working through the courts. For example, on March 30, 2021 the US Supreme Court heard arguments on a case related to amateurism that could impact federal legislation related to NIL policy.

As it stands, NIL as presented involves the student-athlete ability to use his or her name, image and likeness for compensation. Specifically, as presented in proposal 2020-6 (page 2):

12.4.2 Student-Athlete Business Activities. A student-athlete may establish his or her own business or otherwise engage in business activities and receive compensation from such activities.

12.4.2.1 Use of Name, Image or Likeness in Business Activities. A student-athlete may use his or her name, image and likeness to promote his or her athletically and nonathletically related business activities (e.g., products, services, personal appearances). A student-athlete's promotion of his or her business activity may include a reference to the student-athlete's involvement in intercollegiate athletics and a reference to the institution he or she attends, consistent with institutional policies applicable to any student; however, no institutional marks may be used in such promotional activities.

The policy addresses restrictions, institutional involvement, merchandise and memorabilia, autographs, fee-for-lesson instruction, crowdfunding for education expenses, and disclosure requirements. Similar to the Olympic model, the NIL plan would enable outside sources to pay college athletes for the use of their name image and likeness.

## Part II: Status of NIL as of April 2, 2021

The passage of several NIL laws within the US over the last year has moved the business of college sports to the fore-front of the political agenda. Within the federal government, as of March 2021, there are eight congressional college sports bills. As mentioned in a March 25, 2021 webinar titled, "Beyond NIL: An Overview of Federal and State College Sports Legislation Impacting College Athletes Rights," sponsored by LEAD1 Association (which represents the athletics directors of the 130-member schools of the Football Bowl Subdivision), there is also increasing pressure from individual states with proposed bills that go well beyond NIL..

Individual states will have NIL laws come into effect over the next several years. Florida's NIL law goes into effect in July 2021 followed by Michigan, California, Colorado, Nebraska, New Jersey. Currently the Florida law is being challenged in court. Moreover, state laws trump any NCAA policy that could be passed. At present, there is no NIL-related bill working its way through the Commonwealth of Pennsylvania.

Laws at the state level are tailored specifically to that state. Therefore, federal law is required for purposes of standardization. Movement on the federal level suggests that a bill seems likely this summer or early fall. To date, the US Supreme Court has heard arguments about a case testing whether the NCAA's limits on compensation for student athletes violate the nation's antitrust laws. The outcome of this case will be decided in June and is likely to have major implications on any NIL policy put forth by the US Congress.

Recently, LEAD1 and Hackney Publications (the nation's leading publisher of sports law periodicals) announced plans for a guidebook to help athletic departments better navigate NIL rule changes. The "LEAD1 NIL Institutional Report," is anticipated to be released later this year. As such, the status of NIL policy remains in flux with no clear indication of where federal policy is likely to land. Until a federal policy is passed, lack of standardization is likely.

## Part III: Penn State Response to NIL

Given the lack of clarity around the specifics of NIL, Penn State Athletics has been focusing on preparing support for student-athletes through education and empowerment. The aim is to educate student athletes to be prepared to assume the opportunity afforded to them through the NIL policy (NCAA, State, federal) when that materializes. An advisory committee is being established to develop educational programming for PSU student athletes. A holistic curriculum is being developed to address developmental needs of the student athlete, ensure compliance, and promote success.

- Each student-athlete will receive access to materials designed to help them grow their brand. These resources will go beyond social media influence and be rooted in the implementation of long term success rooted in education. Student-Athletes get a chance to learn about the basics of contract negotiations and ensure student-athletes can maximize their brand.
- Key elements of financial literacy will be included.
- PSU alumni include former student-athletes and business owners in the entertainment, social media, sports and other industries as part of the largest alumni base in the country.
- Consultation with other Penn State parents for prospective recruits to understand who WE ARE.
- Digital modules designed to teach and inform student-athletes with current NCAA guidelines and federal law. This online, situationally-based learning can be accessed anytime, anywhere.
- Protections for student-athletes include:
  - Access to expert legal advice.
  - Financial literacy, tax, business start-up focused education
  - NCAA, state & federal Law Compliance Education for all student-athletes
  - Individual one-on-one consultation with leading on campus experts
- Opportunity for student-athletes to intern at major companies and university affiliates. Business
- Startup Lab to support student-athletes

## Conclusion

Presently, NIL policy varies widely at various levels (NCAA, State, and Federal). To provide clarity and uniformity, federal policy is likely to be enacted before the end of 2021. Penn State Athletics is poised to respond in a responsible manner to help student-athletes safely navigate these novel NIL waters.

## SENATE COMMITTEE ON INTERCOLLEGIATE ATHLETICS

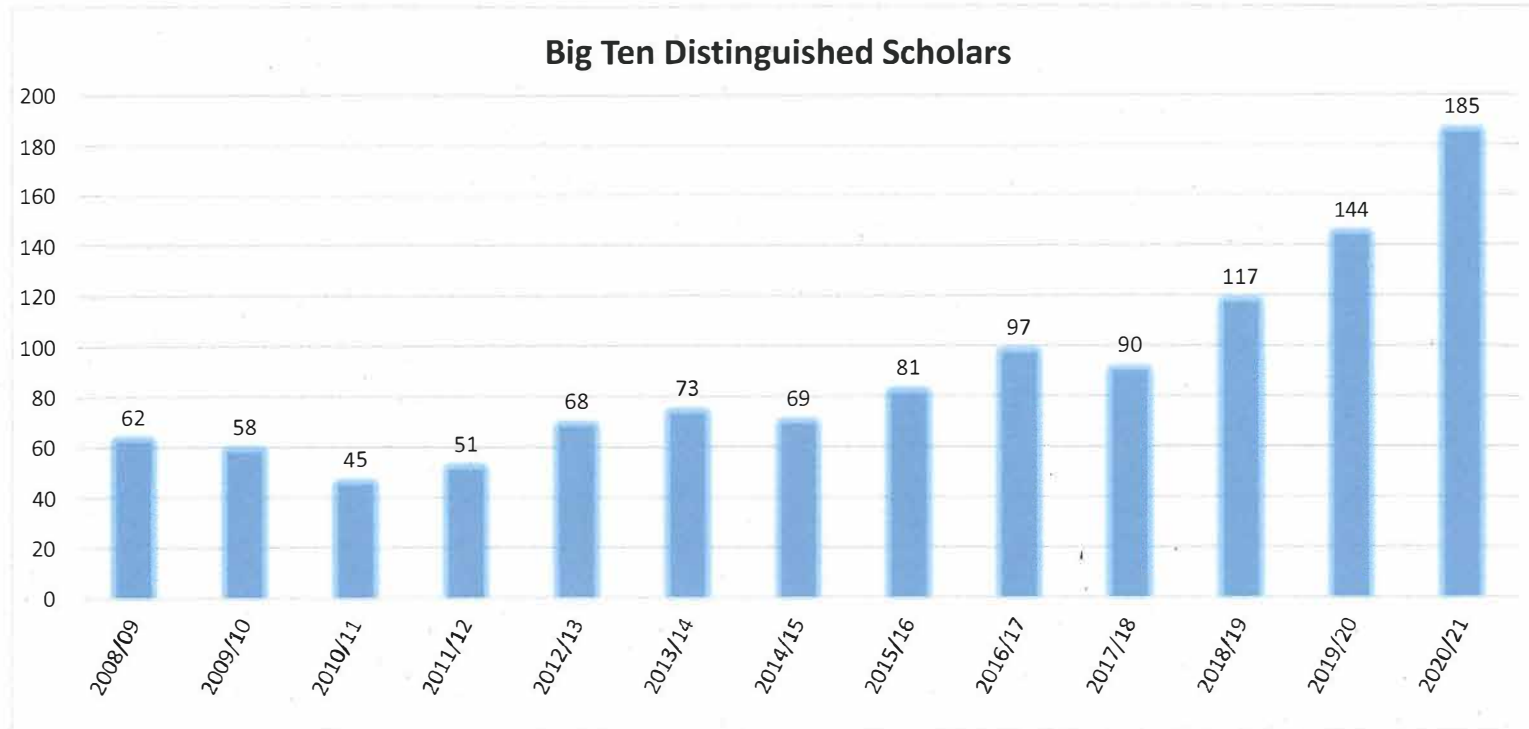
- Sandy Barbour
- Terry Blakney, Vice Chair
- Robert Boland
- Dwight Davis
- Vikash Gayah
- Frank Guadagnino
- Meredith Handley Lynn
- Holleran
- Holden Ingalls
- Lauren Kramer
- Binh Le
- Russell Mushinsky Daniel
- F. Perkins, Chair Dennis
- Scanlon Richard Shurgalla
-

- Matt Stolberg
  - Jennifer Weld
-



## BIG TEN DISTINGUISHED SCHOLAR DATA

	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
# of individuals submitted	62	58	45	51	68	73	69	81	97	90	117	144	185
# of CC/TR crossovers	8	3	3	3	8	11	4	1	2	3	10	9	6

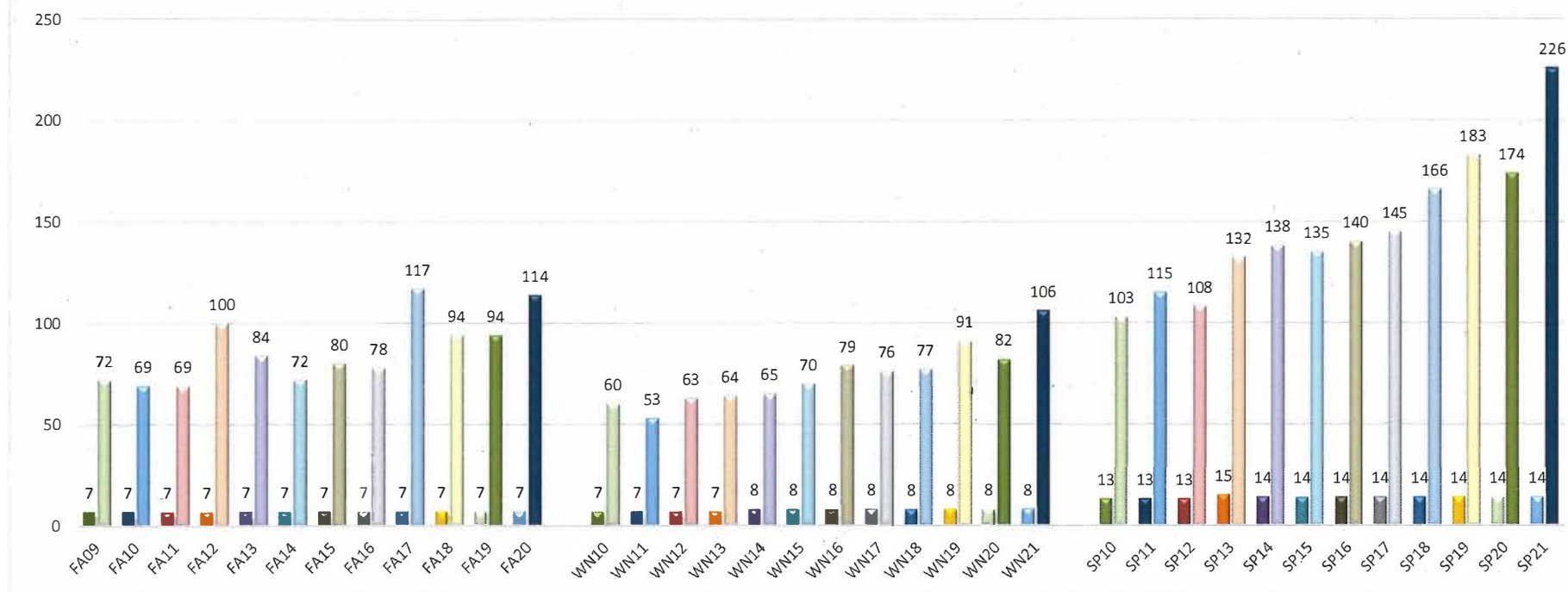


NOTES: 2012/2013 - Men's & Women's Ice Hockey added

# ACADEMIC ALL-BIG TEN DATA

	FA09	FA10	FA11	FA12	FA13	FA14	FA15	FA16	FA17	FA18	FA19	FA20	WN10	WN11	WN12	WN13	WN14	WN15	WN16	WN17	WN18	WN19	WN20	WN21	SP10	SP11	SP12	SP13	SP14	SP15	SP16	SP17	SP18	SP19	SP20	SP21
# of Teams submitted	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	8	8	8	8	8	8	8	8	8	13	13	13	15	14	14	14	14	14	14	14	14
# of Students submitted	72	69	69	100	84	72	80	78	117	94	94	114	60	53	63	64	65	70	79	76	77	91	82	106	103	115	108	132	138	135	140	145	166	183	174	226

## ACADEMIC ALL-BIG TEN 2009-10 THROUGH 2020-2021



### NOTES:

- 2012-2013 - Men's & Women's Ice Hockey added to Spring sports
- 2013-2014 - Men's Ice Hockey moved to Winter sports
- 2017-2018 - Student-athletes no longer need to letter to be included on list (numbers increased)

**PENN STATE, 10-YEAR STUDENT-ATHLETE HISTORY  
GRADUATION RATE METRICS**

ACADEMIC REPORTING YEAR	PENN STATE GRADUATION SUCCESS RATE (GSR)	NCAA DIVISION I PENN STATE FEDERAL AVERAGE GRADUATION	(PENN STATE FEDERAL GRADUATION RATE - (FGR SINGLE-YEAR))	NCAA DIVISION I AVERAGE FEDERAL GRADUATION RATE - (FGR SINGLE-YEAR)	PENN STATE FEDERAL GRADUATION RATE - (FGR FOUR-YEAR)	NCAA DIVISION I AVERAGE FEDERAL GRADUATION RATE - (FGR FOUR-YEAR)
2011-12	88	80	80	65	79	64
2012-13	88	80	80	65	78	64
2013-14	88	81	77	65	78	65
2014-15	89	82	77	65	79	65
2015-16	88	83	80	67	79	66
2016-17	89	84	78	66	78	66
2017-18	90	86	76	66	78	67
2018-19	90	87	82	68	79	67
2019-20	91	88	78	68	78	68
2020-21	92	88	78	69	78	68

**GRADUATION SUCCESS RATE  
2010-2013 COHORT  
PENN STATE RANKINGS, BIG TEN CONFERENCE**

PENN STATE VARSITY TEAMS	FEDERAL FOUR-YEAR GRADUATION RATE	FEDERAL GRADUATION RATE- DIVISION I FOUR-YEAR AVERAGE	GRADUATION SUCCESS RATE (GSR)	GRADUATION SUCCESS RATE (GSR) - DIVISION I AVERAGE	GRADUATION SUCCESS RATE (GSR) RANKING- (BIG TEN CONFERENCE)
Baseball	79	53	92	85	Tied for 8th (13)
Men's Basketball	36	48	90	84	4th (14)
Men's Fencing	57	74	67	91	2nd (2)
Football	67	62	85	79	Tied for 10th (14)
Men's Golf	89	72	89	90	8th (14)
Men's Gymnastics	100	91	100	93	Tied for 1st (7)
Men's Ice Hockey	71	71	93	92	3rd (7)
Men's Lacrosse	81	70	94	91	2nd (6)
Men's Soccer	53	60	89	86	Tied for 4th (9)
Men's Swimming & Diving	86	77	88	90	Tied for 5th (10)
Men's Tennis	86	70	100	92	Tied for 1st (12)
Men's Track & Cross Country	65	67	76	83	12th (13)
Men's Volleyball	73	76	80	89	2nd (2)
Wrestling	93	59	100	81	Tied for 1st (14)
Women's Basketball Women's	67	62	91	92	12th (14)
Fencing	75	87	88	94	3rd (3)
Field Hockey	94	79	100	96	Tied for 1st (9)
Women's Golf	100	76	100	95	Tied for 1st (14)
Women's Gymnastics Women's	79	85	85	96	10th (10)
Ice Hockey Women's Lacrosse	88	81	100	98	Tied for 1st (4)
Women's Soccer	93	82	96	97	6th (7)
Softball	77	74	100	94	Tied for 1st (14)
Women's Swimming & Diving	79	71	87	92	14th (14)
Women's Tennis	79	83	100	96	Tied for 1st (13)
	100	72	100	96	Tied for 1st (14)
Women's Track & Cross Country	81	76	96	91	Tied for 3rd (14)
Women's Volleyball	92	72	93	94	12th (14)

(#) = Number of schools in the Big Ten Conference that sponsor the sport.

**2020 FEDERAL GRADUATION RATE/NCAA GRADUATION SUCCESS RATE  
(GSR) NATIONAL COMPARISON**

INSTITUTION	ALL STUDENTS (2013-2014)	ALL STUDENTS 4-YEAR AVERAGE (2010-2013)	ALL STUDENT- ATHLETES (2013-2014)	ALL STUDENT- ATHLETES 4-YEAR AVERAGE (2010-2013)	GRADUATION SUCCESS RATE (GSR) 4-YEAR AVERAGE (2010-2013)
Penn State	86 (T 13th)	85 (13th)	78 (T 10th)	78 (T 6th)	92 (10th)
Baylor	78	77	76	73	94
Boston College	94	93	84	83	95
California Duke	92	92	82	78	87
Florida Florida	95	95	82	88	98
State North	88	88	54	61	89
Carolina Notre	83	81	57	57	81
Dame Oklahoma	91	90	75	72	88
Pittsburgh	96	96	89	92	98
Stanford	70	68	66	61	86
Syracuse Temple	83	82	71	64	89
	94	94	91	93	96
	83	83	71		94
	74	72	83		91
Texas	86	83	72	70	89
Texas A & M	83	83	70	67	82
UCLA	91	91	70	76	90
USC	91	91	73	78	91
Vanderbilt	93	93	78	80	97
Virginia	95	94	80	78	95
Virginia Tech	86	84	81	67	91
Wake Forest	88	88	86	77	96
West Virginia	61	59	62	59	84
<b>DIVISION I AVERAGE</b>	<b>69</b>	<b>67</b>	<b>69</b>	<b>68</b>	<b>88</b>

\*Rankings indicated on this chart are based on the (23) institutions listed.

**PENN STATE UNIVERSITY**  
**ACADEMIC PROGRESS RATE (APR) DATA (Academic**  
**Years: 2016-17, 2017-18, 2018-19, 2019-2020}**

TEAM	SINGLE-YEAR APR				MULTI-YEAR APR
	2016-17	2017-18	2018-19	2019-20	
Baseball	991	990	981	1000	990
Men's Basketball	960	915	920	981	945
Men's Cross Country	935	1000	1000	947	974
Men's Fencing	875	1000	971	1000	960
Football	988	966	1000	975	983
Men's Golf	1000	1000	1000	1000	1000
Men's Gymnastics	978	1000	1000	1000	1000
Men's Ice Hockey	1000	988	1000	1000	1000
Men's Lacrosse	970	1000	1000	984	989
Men's Soccer	974	961	953	1000	975
Men's Swimming	964	1000	990	988	986
Men's Tennis	980	1000	975	1000	987
Men's Track & Field	983	966	984	968	975
Men's Volleyball	950	977	1000	962	974
Wrestling	1000	980	963	967	976
Women's Basketball	948	957	1000	1000	975
Women's Cross Country	1000	1000	1000	943	988
Women's Fencing	1000	1000	1000	1000	1000
Field Hockey	990	989	1000	1000	995
Women's Golf	1000	1000	1000	1000	1000
Women's Gymnastics	957	981	1000	1000	990
Women's Ice Hockey	1000	1000	1000	978	994
Women's Lacrosse	1000	1000	1000	1000	1000
Women's Soccer	1000	973	971	1000	986
Softball	986	947	1000	1000	991
Women's Swimming	990	979	1000	979	987
Women's Tennis	1000	938	1000	964	976
Women's Track & Field	1000	1000	1000	992	998
Women's Volleyball	1000	929	1000	976	978



**NCAA GRADUATION SUCCESS RATE (GSR) RANKINGS**  
**BIG TEN CONFERENCE**  
**2010-2013 COHORT**

<b>STUDENT-ATHLETE GSR (4-Year Percentage)</b>	<b>MALE STUDENT-ATHLETE GSR (4-Year Percentage)</b>	<b>FEMALE STUDENT-ATHLETE GSR (4-Year Percentage)</b>
Northwestern: 98	Northwestern: 96	Northwestern: 100
Illinois: 94	Michigan: 93	Illinois: 98
Michigan: 94	Nebraska: 93	Minnesota: 98
Minnesota: 94	Minnesota: 91	Penn State: 96
Nebraska: 94	Illinois: 90	Indiana: 96
Penn State: 92	Penn State: 89	Rutgers: 96
Michigan State: 92	Michigan State: 89	Wisconsin: 96
Indiana: 91	Wisconsin: 88	Maryland: 95
Wisconsin: 91	Indiana: 87	Michigan: 95
Rutgers: 90	Iowa: 85 Ohio	Michigan State: 95
Iowa: 89	State: 83	Nebraska: 95
Ohio State: 88	Purdue: 83	Purdue: 94
Purdue: 88	Rutgers: 83	Iowa: 93
Maryland: 86	Maryland: 79	Ohio State: 93
<b>OVERALL DIVISION I: 88</b>	<b>OVERALL DIVISION I: 84%</b>	<b>OVERALL DIVISION I:</b>
<b>%</b>		<b>94%</b>

**NCAA GRADUATION SUCCESS RATE (GSR) RANKINGS**  
**BIG TEN CONFERENCE**  
**2010-2013 COHORT**

AFRICAN AMERICAN STUDENT-ATHLETE GSR (4-Year Percentage)	AFRICAN AMERICAN MALE STUDENT-ATHLETE GSR (4-Year Percentage)	AFRICAN AMERICAN FEMALE STUDENT-ATHLETE GSR (4-Year Percentage)
Northwestern: 98	Northwestern: 97	Michigan: 100
Wisconsin: 94	Wisconsin: 93	Minnesota: 100
Michigan: 91	Michigan: 88	Northwestern: 100
Minnesota: 87	Minnesota: 85	Wisconsin: 100
Penn State: 85	Michigan State: 84	Illinois: 94 Rutgers:
Illinois: 85	Nebraska: 83	94
Nebraska: 85	Illinois: 82	Ohio State: 92
Maryland: 84	Maryland: 82	Penn State: 91
Michigan State: 83	Penn State: 81	Nebraska: 91
Purdue: 80	Indiana: 79	Maryland: 90
Indiana: 79	Iowa: 79	Purdue: 88
Iowa: 79	Purdue: 77	Indiana: 82
Rutgers: 78	Rutgers: 70	Iowa: 80
Ohio State: 74	Ohio State: 66	Michigan State: 77 <b>OVERALL</b>
<b>OVERALL DIVISION I:</b>	<b>OVERALL DIVISION I:</b>	<b>DIVISION I: 87 %</b>
<b>79%</b>	<b>75%</b>	



**NCAA GRADUATION SUCCESS RATE (GSR) RANKINGS**  
**BIG TEN CONFERENCE**  
**2010-2013 COHORT**

<b>FOOTBALL GSR (4-Year Percentage)</b>	<b>BASEBALL GSR (4-Year Percentage)</b>	<b>MEN'S BASKETBALL GSR (4-Year Percentage)</b>	<b>MEN'S TRACK &amp; CROSS COUNTRY GSR (4-Year Percentage)</b>	<b>ALL MEN'S OTHER SPORTS GSR (4-Year Percentage)</b>
Northwestern: 97	Illinois: 100	Michigan: 100	Nebraska: 95	Northwestern: 95
Minnesota: 93	Michigan: 100	Michigan State: 100	Michigan State: 92	Michigan: 94
Michigan: 92	Northwestern: 100	Nebraska: 100	Minnesota: 91	Nebraska: 94
Wisconsin: 91	Nebraska: 96	Penn State: 90	Purdue: 91	Penn State: 91
Illinois: 90	Ohio State: 95	Rutgers: 89	Ohio State: 90	Indiana: 90
Indiana: 88	Rutgers: 95	Northwestern: 86 Wisconsin: 83	Michigan: 88	Michigan State: 90
Nebraska: 88	Minnesota: 93		Illinois: 86	Minnesota: 90
Iowa: 87	Penn State: 92	Iowa: 82	Indiana: 85	Illinois: 89
Michigan State: 86	Purdue: 92	Maryland: 82	Iowa: 85	Rutgers: 89
Penn State: 85	Iowa: 88	Illinois: 80	Rutgers: 85	Wisconsin: 87
Maryland: 85	Michigan State: 83 Indiana: 80	Minnesota: 79	Wisconsin: 83	Ohio State: 86
Purdue: 79		Indiana: 71	Penn State: 76	Iowa: 84
Rutgers: 70	Maryland: 58	Ohio State: 70	Maryland: 71 Northwestern: 70	Purdue: 84
Ohio State: 69	Wisconsin: -	Purdue: 67	- <b>OVERALL DIVISION I:</b>	Maryland: 80
<b>OVERALL DIVISION I:</b>	<b>OVERALL DIVISION I:</b>	<b>OVERALL DIVISION I:</b>	<b>83%</b>	<b>OVERALL DIVISION I:</b>
<b>79%</b>	<b>85%</b>	<b>84%</b>		<b>89%</b>

**NCAA GRADUATION SUCCESS RATE (GSR) RANKINGS**  
**BIG TEN CONFERENCE**  
**2010-2013 COHORT**

<b>WOMEN'S BASKETBALL GSR (4-Year Percentage)</b>	<b>WOMEN'S TRACK &amp; CROSS COUNTRY GSR (4-Year Percentage)</b>	<b>ALL WOMEN'S OTHER SPORTS GSR (4-Year Percentage)</b>
Illinois: 100	Minnesota: 100	Illinois: 99
Iowa: 100	Northwestern: 100	Northwestern: 99
Maryland: 100	Penn State: 96	Indiana: 98
Michigan: 100	Maryland: 96	Minnesota: 97
Minnesota: 100	Rutgers: 96	Nebraska: 97
Nebraska: 100 Northwestern: 100	Illinois: 95	Wisconsin: 97
100	Michigan State: 94 Wisconsin: 93	Penn State: 96
Ohio State: 100	93	Michigan: 96
Purdue: 100	Indiana: 92	Michigan State: 96
Rutgers: 100	Ohio State: 91	Purdue: 96
Wisconsin: 100	Nebraska: 90	Rutgers: 96
Penn State: 91	Michigan: 88	Iowa: 95
Indiana: 86	Purdue: 86	Maryland: 94
Michigan State: 82	Iowa: 84	Ohio State: 93
<b>OVERALL DIVISION I:</b>	<b>OVERALL DIVISION I:</b>	<b>OVERALL DIVISION I:</b>
<b>92%</b>	<b>91%</b>	<b>95%</b>

**NCAA GRADUATION RATE RANKINGS, BIG TEN  
CONFERENCE CLASS OF 2013-2014, FEDERAL GRADUATION  
RATES**

<b>ALL STUDENTS (2013-2014)</b>	<b>ALL STUDENTS (4-Year Average)</b>	<b>ALL STUDENT-ATHLETES (2013-2014)</b>	<b>ALL STUDENT-ATHLETES (4-Year Average)</b>
Northwestern: 94	Northwestern: 94	Northwestern: 95	Northwestern: 92 Minnesota:
Michigan: 93	Michigan: 92	Michigan State: 87 Michigan:	82
Maryland: 87	Maryland: 86	84	Michigan: 81
Penn State: 86	Wisconsin: 86	Wisconsin: 84	Michigan State: 79
Ohio State: 86	Penn State: 85	Minnesota: 82	Penn State: 78
Illinois: 85	Illinois: 85	Maryland: 79	Illinois: 77
Wisconsin: 85	Ohio State: 84	Rutgers: 79	Ohio State: 74
Rutgers: 84	Rutgers: 81	Penn State: 78	Purdue: 74
Minnesota: 83	Michigan State: 80 Minnesota:	Illinois: 78	Rutgers: 74
Purdue: 82	80	Ohio State: 73	Wisconsin: 73
Michigan State: 81	Purdue: 80	Indiana: 70	Iowa: 71
Indiana: 79	Indiana: 78	Purdue: 70	Indiana: 70
Iowa: 72	Iowa: 73	Nebraska: 65	Nebraska: 69
Nebraska: 66	Nebraska: 67	Iowa: 59	Maryland: 68
<b>OVERALL DIVISION I:</b>	<b>OVERALL DIVISION I:</b>	<b>OVERALL DIVISION I:</b>	<b>OVERALL DIVISION I:</b>
<b>69%</b>	<b>67%</b>	<b>69%</b>	<b>68%</b>

**NCAA GRADUATION RATE RANKINGS, BIG TEN  
CONFERENCE CLASS OF 2013-2014, FEDERAL GRADUATION  
RATES**

<b>ALL MALE STUDENTS (2013-2014)</b>	<b>ALL MALE STUDENTS (4-Year Average)</b>	<b>ALL FEMALE STUDENTS (2013-2014)</b>	<b>ALL FEMALE STUDENTS (4-Year Average)</b>
Northwestern: 94	Northwestern: 93	Michigan: 96	Northwestern: 95
Michigan: 91 Wisconsin: 85	Michigan: 90	Northwestern: 94	Michigan: 93
Penn State: 84	Wisconsin: 85	Maryland: 90	Illinois: 89
Maryland: 84	Maryland: 84	Illinois: 89	Maryland: 89
Ohio State: 83	Penn State: 83	Ohio State: 89	Penn State: 88
Illinois: 82	Illinois: 82	Penn State: 88	Ohio State: 88
Ohio State: 83	Ohio State: 80	Rutgers: 87	Wisconsin: 88
Minnesota: 81	Minnesota: 79	Minnesota: 85	Rutgers: 84
Rutgers: 81	Purdue: 78	Purdue: 85	Purdue: 83
Purdue: 80	Rutgers: 78	Wisconsin: 85	Michigan State: 82 Minnesota: 82
Michigan State: 78	Michigan State: 77	Indiana: 83	82
Indiana: 75	Indiana: 74	Michigan State: 83	Indiana: 81
Iowa: 70	Iowa: 70	Iowa: 74	Iowa: 75
Nebraska: 61	Nebraska: 63	Nebraska: 71	Nebraska: 71
<b>OVERALL DIVISION I:</b>	<b>OVERALL DIVISION I:</b>	<b>OVERALL DIVISION I:</b>	<b>OVERALL DIVISION I:</b>
<b>66%</b>	<b>64%</b>	<b>71%</b>	<b>70%</b>

**NCAA GRADUATION RATE RANKINGS, BIG TEN  
CONFERENCE CLASS OF 2013-2014, FEDERAL GRADUATION  
RATES**

<b>ALL MALE STUDENT-ATHLETES (2013-2014)</b>	<b>ALL MALE STUDENT-ATHLETES (4-Year Average)</b>	<b>ALL FEMALE STUDENT-ATHLETES (2013-2014)</b>	<b>ALL FEMALE STUDENT-ATHLETES (4-Year Average)</b>
Northwestern: 91	Northwestern: 91 Minnesota:	Northwestern: 98	Northwestern: 93 Michigan:
Michigan State: 85	77	Maryland: 90	87
-- -- -- -- Wisconsin: 82	Michigan: 76	Michigan: 90	Minnesota: 87
Michigan: 79	Michigan State: 75	Indiana: 89	Illinois: 86
Minnesota: 76	Penn State: 73	Michigan State: 89 Minnesota:	Penn State: 84
Penn State: 72	Wisconsin: 71	89	Michigan State: 84 Rutgers:
Rutgers: 73	Illinois: 70	Wisconsin: 87	84
Illinois: 72	Iowa: 70	Rutgers: 86	Ohio State: 83
Maryland: 67	Purdue: 69	Illinois: 84	--
Ohio State: 67	Nebraska: 67	Penn State: 83	Purdue: 81
Purdue: 66	Ohio State: 66	Ohio State: 81	Maryland: 80
Nebraska: 65	Rutgers: 64	Purdue: 75	Indiana: 79
Iowa: 56	Indiana: 60	Nebraska: 64	Wisconsin: 76
Indiana: 52	Maryland: 57	Iowa: 63	Iowa: 73
<b>OVERALL DIVISION I:</b>	<b>OVERALL DIVISION I:</b>	<b>OVERALL DIVISION I:</b>	Nebraska: 71
<b>64%</b>	<b>62%</b>	<b>75%</b>	<b>OVERALL DIVISION I: 75%</b>



**NCAA GRADUATION RATE RANKINGS, BIG TEN CONFERENCE  
CLASS OF 2013-2014, FEDERAL GRADUATION RATES**

<b>ALL AFRICAN AMERICAN STUDENTS (2013-2014)</b>	<b>ALL AFRICAN AMERICAN STUDENTS (4-Year Average)</b>	<b>ALL AFRICAN AMERICAN STUDENT-ATHLETES (2013-2014)</b>	<b>ALL AFRICAN AMERICAN STUDENT-ATHLETES (4-Year Average)</b>
Northwestern: 89		Northwestern: 100	Northwestern: 96
Michigan: 84	Northwestern: 90	Maryland: 84	Michigan State: 72
Maryland: 81	Michigan: 82	Michigan: 83	Minnesota: 69
Rutgers: 80	Maryland: 80	Wisconsin: 80	Penn State: 68
Ohio State: 74	Wisconsin: 76	Rutgers: 78	Michigan: 68
Penn State: 73	Rutgers: 75	Penn State: 69	Wisconsin: 67
Wisconsin: 73	Illinois: 74	Purdue: 65	Maryland: 64
Minnesota: 72	Ohio State: 74	Nebraska: 56	Purdue: 64
Purdue: 72	Penn State: 70	Iowa: 44	Rutgers: 62
Illinois: 71	Minnesota: 70	Ohio State: 44	Illinois: 61
Michigan State: 61	Purdue: 68	Indiana: 30	Nebraska: 61
Indiana: 59	Michigan State: 63 Indiana: 60	Illinois: -	Ohio State: 57
Iowa: 56	Iowa: 56	Michigan State: -	Iowa: 50
Nebraska: 50	Nebraska: 48	Minnesota: -	Indiana: 45
<b>OVERALL DIVISION I: 50%</b>	<b>OVERALL DIVISION I:</b>	<b>OVERALL DIVISION I:</b>	<b>OVERALL DIVISION I:</b>
	<b>48%</b>	<b>59%</b>	<b>60%</b>

**NCAA GRADUATION RATE RANKINGS, BIG TEN  
CONFERENCE CLASS OF 2013-2014, FEDERAL GRADUATION  
RATES**

UNIVERSITY AFRICAN AMERICAN MALE STUDENTS (2013-2014)	UNIVERSITY AFRICAN AMERICAN MALE STUDENTS (4-Year Average)	UNIVERSITY AFRICAN AMERICAN FEMALE STUDENTS (2013-2014)	UNIVERSITY AFRICAN AMERICAN FEMALE STUDENTS (4-Year Average)
Northwestern: 85	Northwestern: 84		Northwestern: 93
Maryland: 76	Michigan: 76	Northwestern: 92	Michigan: 86
Michigan: 76	Wisconsin: 73	Michigan: 91 Ohio	Maryland: 85
Rutgers: 73	Maryland: 72	State: 86	Rutgers: 80
Wisconsin: 73	Illinois: 67	Maryland: 85	Illinois: 79
Purdue: 69	Rutgers: 66	Rutgers: 84	Ohio State: 79
Penn State: 68	Ohio State: 65	Minnesota: 83	Wisconsin: 79
Illinois: 66	Purdue: 65	Penn State: 77	Penn State: 76
Ohio State: 60	Minnesota: 63	Illinois: 75 Purdue:	Minnesota: 74
Michigan State: 58	Penn State: 62	74 Wisconsin: 73	Purdue: 71
Minnesota: 55	Michigan State: 59	Indiana: 64	Michigan State: 65
Iowa: 54	Indiana: 56	Michigan State: 63	Indiana: 63
Nebraska: 52	Iowa: 51	Iowa: 57	Iowa: 59
Indiana: 51	Nebraska: 47	Nebraska: 49	Nebraska: 50
<b>OVERALL DIVISION I: 44%</b>	<b>OVERALL DIVISION I:</b>	<b>OVERALL DIVISION I: 54%</b>	<b>OVERALL DIVISION I:</b>
	<b>42%</b>		<b>52%</b>

**NCAA GRADUATION RATE RANKINGS, BIG TEN  
CONFERENCE CLASS OF 2013-2014, FEDERAL GRADUATION  
RATES**

<b>AFRICAN AMERICAN MALE STUDENT- ATHLETES (2013-2014)</b>	<b>AFRICAN AMERICAN MALE STUDENT-ATHLETES (4- Year Average)</b>	<b>AFRICAN AMERICAN FEMALE STUDENT- ATHLETES (2013-2014)</b>	<b>AFRICAN AMERICAN FEMALE STUDENT- ATHLETES (4-Year Average)</b>
Northwestern: 100		Michigan: 100	Northwestern: 100
Michigan: 80	Northwestern: 94	Northwestern: 100	Maryland: 86
Maryland: 79	Michigan State: 73 Wisconsin:	Wisconsin: 100	Ohio State: 84
Rutgers: 77	71	Maryland: 92	Penn State: 81
Wisconsin: 75	Minnesota: 69	Ohio State: 80	Michigan: 79
Purdue: 63	Michigan: 65	Rutgers: 80	Rutgers: 79
Penn State: 60	Penn State: 61	Penn State: 75	Purdue: 76
Iowa: 50	Illinois: 60	Purdue: 71	Michigan State: 67 Minnesota:
Nebraska: 50	Nebraska: 60	Indiana: 67	67
Ohio State: 31	Purdue: 58	Nebraska: 67	Nebraska: 67
Indiana: 14	Maryland: 54	Iowa: 25	Illinois: 63
Illinois: -	Rutgers: 53	Illinois: -	Indiana: 57
Michigan State: -	Iowa: 52	Michigan State: -	Wisconsin: 54
Minnesota: -	Ohio State: 46	Minnesota: -	Iowa: 40
<b>OVERALL DIVISION I: 56%</b>	Indiana: 42	<b>OVERALL DIVISION I:</b>	<b>OVERALL DIVISION I:</b>
	<b>OVERALL DIVISION I:</b>	<b>66%</b>	<b>67%</b>
	<b>56%</b>		



**NCAA GRADUATION RATE RANKINGS, BIG TEN  
CONFERENCE CLASS OF 2013-2014, FEDERAL GRADUATION  
RATES**

<b>FOOTBALL (2013-2014)</b>	<b>FOOTBALL (4-Year Average)</b>	<b>BASEBALL (2013-2014)</b>	<b>BASEBALL (4-Year Average)</b>
Northwestern: 89	Northwestern: 93 Wisconsin:	Michigan State: 100	Northwestern: 100
Wisconsin: 79	77	Northwestern: 100	Rutgers: 86
Maryland: 78	Illinois: 75	Rutgers: 100	Penn State: 79
Michigan: 76	Michigan State: 75 Minnesota:	Penn State: 83	Minnesota: 76
Penn State: 70	74	Purdue: 83	Purdue: 74
Minnesota: 64	Michigan: 73	Minnesota: 80	Iowa: 72
Michigan State: 63	Maryland: 68	Indiana: 67	Illinois: 65
Purdue: 63	Penn State: 67	Illinois: 60	Ohio State: 63
Illinois: 58	Iowa: 66	Maryland: 50	Michigan State: 62
Rutgers: 56	Nebraska: 66	Nebraska: 45	Michigan: 58
Iowa: 55	Purdue: 66	Michigan: 38	Nebraska: 45
Nebraska: 53	Indiana: 63	Ohio State: 33	Indiana: 44
Indiana: 47	Rutgers: 54	Iowa: 0	Maryland: 34
Ohio State: 47	Ohio State: 45	Wisconsin:	Wisconsin: -
<b>OVERALL DIVISION I: 64%</b>	<b>OVERALL DIVISION I:</b>	<b>OVERALL DIVISION I: 54%</b>	<b>OVERALL DIVISION I:</b>
	<b>62%</b>		<b>53%</b>

**NCAA GRADUATION RATE RANKINGS, BIG TEN  
CONFERENCE CLASS OF 2013-2014, FEDERAL GRADUATION  
RATES**

<b>MEN'S BASKETBALL (2013-2014)</b>	<b>MEN'S BASKETBALL (4- Year Average)</b>	<b>WOMEN'S BASKETBALL (2013-2014)</b>	<b>WOMEN'S BASKETBALL (4-Year Average)</b>
Michigan: 100	Minnesota: 73	Iowa: 100	Iowa: 92
Michigan State: 100	Iowa: 67	Michigan State: 100	Ohio State: 82
Northwestern: 100 Wisconsin: 80	Northwestern: 67	Northwestern: 100	Northwestern: 81
Nebraska: 67	Wisconsin: 67	Purdue: 100	Purdue: 80
Illinois: 60	Michigan State: 62	Rutgers: 100	Maryland: 79
Penn State: 50	Nebraska: 56	Maryland: 75	Michigan State: 69
Maryland: 50	Ohio State: 54	Michigan: 67	Penn State: 67
Ohio State: 50	Michigan: 47	Nebraska: 67	Minnesota: 67
Purdue: 33	Penn State:	Wisconsin: 67	Nebraska: 67
Indiana: 17	Illinois: 36	Illinois: 60	Rutgers: 67
Iowa: 0	Purdue: 33	Indiana: 60	Wisconsin: 67
Minnesota: 0	Rutgers: 30	Penn State: 57	Illinois: 62
Rutgers: 0	Indiana: 29	Minnesota: 50	Indiana: 57
	Maryland: 29	Ohio State:	Michigan: 55
<b>OVERALL DIVISION I:</b>	<b>OVERALL DIVISION I:</b>	<b>OVERALL DIVISION I:</b>	<b>OVERALL DIVISION I:</b>
<b>50%</b>	<b>48%</b>	<b>60%</b>	<b>62%</b>

**NCAA GRADUATION RATE RANKINGS, BIG TEN  
CONFERENCE CLASS OF 2013-2014, FEDERAL GRADUATION  
RATES**

<b>MEN'S TRACK &amp; CROSS COUNTRY (2013-2014)</b>	<b>MEN'S TRACK &amp; CROSS COUNTRY (4-Year Average)</b>	<b>WOMEN'S TRACK &amp; CROSS COUNTRY (2013-2014)</b>	<b>WOMEN'S TRACK &amp; CROSS COUNTRY (4-Year Average)</b>
Illinois: 100	Nebraska: 83	Illinois: 100	Northwestern: 100
Maryland: 100	Michigan State: 82	Maryland: 100	Michigan State: 93
Michigan State: 100	Michigan: 81	Michigan State: 100	Rutgers: 93
Purdue: 100	Minnesota: 81	Minnesota: 100	Michigan: 91
Nebraska: 92	Ohio State: 81	Northwestern: 100	Minnesota: 88 Ohio
Minnesota: 80	Purdue: 81	Rutgers: 100	State: 85 Penn
Michigan: 78	Rutgers: 78	Wisconsin: 100	State: 81 Maryland:
Iowa: 75	Iowa: 69	Penn State: 89	80 Indiana: 79
Rutgers: 75	Indiana: 67	Indiana: 88	Illinois: 76
Wisconsin: 75	Wisconsin: 67	Michigan: 83	Nebraska: 75
Ohio State: 67	Penn State: 65	Ohio State: 75	Purdue: 75
Penn State: 60	Illinois: 64	Purdue: 55	Wisconsin: 74
Indiana: 60	Maryland: 64	Iowa: 53	Iowa: 64
Northwestern: -	Northwestern: -	Nebraska: 44	
<b>OVERALL DIVISION I: 68%</b>	<b>OVERALL DIVISION I: 67%</b>	<b>OVERALL DIVISION I 75%</b>	<b>OVERALL DIVISION I: 76%</b>

**NCAA GRADUATION RATE RANKINGS, BIG TEN  
CONFERENCE CLASS OF 2013-2014, FEDERAL GRADUATION  
RATES**

<b>ALL MEN'S OTHER SPORTS (2013-2014)</b>	<b>ALL MEN'S OTHER SPORTS (4-Year Average)</b>	<b>ALL WOMEN'S OTHER SPORTS (2013-2014)</b>	<b>ALL WOMEN'S OTHER SPORTS (4-Year Average)</b>
Illinois: 100	Northwestern: 90	Northwestern: 98	Northwestern: 93
Michigan State: 93	Michigan: 83	Indiana: 94	Illinois: 91
Northwestern: 90	Illinois: 81	Michigan: 91	Michigan: 88
Michigan: 88	Penn State: 79	Maryland: 89	Minnesota: 88
Wisconsin: 88	Michigan State: 79	Minnesota: 89	Penn State: 86
Minnesota: 82	Minnesota: 79	Illinois: 88	Rutgers: 84
Rutgers: 78	Iowa: 74	Penn State: 87	Michigan State: 83
Penn State: 76	Purdue: 73	Michigan State: 87	Ohio State: 83
Ohio State: 76	Ohio State: 72	Wisconsin: 85	Purdue: 83
Nebraska: 71	Nebraska: 71	Purdue: 84	Indiana: 82
Purdue: 67	Wisconsin: 69	Rutgers: 84	Maryland: 81
Maryland: 63	Indiana: 68	Ohio State: 81	Wisconsin: 78
Indiana: 62	Rutgers: 66	Nebraska: 70	Iowa: 73
Iowa: 55	Maryland: 60	Iowa: 63	Nebraska: 71
<b>OVERALL DIVISION I: 70%</b>	<b>OVERALL DIVISION I:</b>	<b>OVERALL DIVISION I:</b>	<b>OVERALL DIVISION I:</b>
	<b>69%</b>	<b>77%</b>	<b>76%</b>

- Mark Stephens, Chair
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# SENATE COMMITTEE ON FACULTY BENEFITS AND THE JOINT COMMITTEE ON INSURANCE AND BENEFITS

## 2020-2021 Annual Report on the Status of Benefit Changes

(Informational)

### **Background/Introduction**

This report is a summary of Penn State health care benefit changes, changes under consideration, and issues discussed, for which the Joint Committee on Insurance and Benefits (JCIB) provided consultation with Penn State administration between September 2020 and March 2021. The committee determined to modify the timing of the submission of this annual report to allow adequate time for the Committee on Faculty Benefits to review the report prior to the October meeting of the University Faculty Senate.

### **2021 Penn State Benefits**

#### **Health Plan Benefits in 2021**

The PPO and PPO Savings plans remained the two health plan choices in 2021, with Aetna as the third-party administrator (TPA) and CVS Caremark as the Pharmacy Benefit Manager (PBM).

The premium structure, the tiering for the PPO plan deductibles, and the seed money for the PPO Savings plan also remained the same as 2020. Both the PPO plan and PPO Savings plan provided lower cost-sharing for preventive drugs under the prescription drug program. Under both plans, for certain preventive medications, the cost-sharing structures are illustrated below:

<b>Pharmacy</b>		
<b>Preventive Drugs</b>	<b>PPO Plan</b>	<b>PPO Savings Plan (Deductible Waived)</b>
<b>Generic Drugs</b>	<b>10% coinsurance</b>	<b>10% coinsurance</b>
<b>Formulary Brand Drugs</b>	<b>20% coinsurance</b>	<b>20% coinsurance</b>
<b>Non-Formulary Brand Drugs</b>	<b>40% coinsurance</b>	<b>40% coinsurance</b>

Technical Service PPO and PPO Savings plan designs and percentages of salary contributions for 2021 are defined per the terms of the collective bargaining agreement and are not included in this report.

The charts below describe the provisions of each health care plan option.

<b>PPO Plan Provision Description</b>	<b>2016</b>	<b>2017</b>	<b>2018-2021</b>
<b>Deductible (Individual/Family)</b>			
Band 1: Less than or equal to \$45,000	\$250 / \$500	\$375 / \$750	\$250 / \$500
Band 2: \$45,001-\$60,000	\$250 / \$500	\$375 / \$750	\$375 / \$750
Band 3: \$60,001-\$90,000	\$250 / \$500	\$375 / \$750	\$500 / \$1,000
Band 4: Greater than \$90,000	\$250 / \$500	\$375 / \$750	\$625 / \$1,250
<b>Out-of-Pocket Maximum (Excluding Deductible)</b>			
Individual	\$1,000	\$1,250	\$1,250
Family	\$2,000	\$2,500	\$2,500
<b>Coinsurance</b>			

Appendix P  
11/30/21

Percentage	10%	10%	10%
<b>Services</b>			
Preventive Care	Covered at 100%	Covered at 100%	Covered at 100%
Office Visit	\$10 copay	\$20 copay	\$20 copay
Specialist Visit	\$20 copay	\$30 copay	\$30 copay
Urgent Care	\$20 copay	\$30 copay	\$30 copay
Emergency Rm (Waived if admitted)	\$100 copay	\$100 copay	\$100 copay
<b>Pharmacy</b>			
<b>Preventive Drugs*</b>			
Generic Drugs	50% coinsurance	50% coinsurance	10% coinsurance
Formulary Brand Drugs	50% coinsurance	50% coinsurance	20% coinsurance
Non-Formulary Brand Drugs	70% coinsurance	70% coinsurance	40% coinsurance
<b>Retail</b>			
Generic Drugs	50% coinsurance	50% coinsurance	50% coinsurance
Formulary Brand Drugs	50% coinsurance	50% coinsurance	50% coinsurance
Non-Formulary Brand Drugs	70% coinsurance	70% coinsurance	70% coinsurance
<b>Mail Order</b>			
Generic Drugs	20% coinsurance	20% coinsurance	20% coinsurance
Formulary Brand Drugs	20% coinsurance	20% coinsurance	20% coinsurance
Non-Formulary Brand Drugs	70% coinsurance	70% coinsurance	70% coinsurance
<b>Specialty</b>			
Formulary Drugs	50% and \$50 maximum	50% and \$50 maximum	50% and \$50 maximum
Non-Formulary Drugs	70% and \$100 maximum	70% and \$100 maximum	70% and \$100 maximum
Out-of-pocket Maximum	\$1,000 / \$6,000	\$2,000 / \$8,000	\$2,000/\$8,000
<b>Contributions**</b>			
Individual	1.81%	1.81%	1.51%
2 Person	4.40%	4.40%	3.68%
Parent/Child(ren)	4.08%	4.08%	3.41%
Family	5.61%	5.61%	4.69%
<b>*Began 2020</b>			

\*\*Pay used for employee premium contributions capped at \$140,000



PPO Savings Plan Provision Description	2016	2017	2018-2021
<b>Deductible</b>			
Individual	\$1,300	\$1,600	\$1,600
Family	\$2,600	\$3,200	\$3,200
<b>Out-of-Pocket Maximum (Excluding Deductible)</b>			
Individual	\$2,100	\$1,975	\$1,975
Family	\$4,200	\$3,950	\$3,950
<b>HSA Seed (Individual/Family)</b>			
Band 1: Less than or equal to \$45,000	\$400 /\$800	\$600/\$1,200	\$800/\$1,600
Band 2: \$45,001-\$60,000	\$400 /\$800	\$600/\$1,200	\$600 /\$1,200
Band 3: \$60,001-\$90,000	\$400 /\$800	\$400 /\$800	\$400/\$800
Band 4: Greater than \$90,000	\$400 /\$800	\$400 /\$800	\$200 /\$400
<b>Coinsurance</b>			
Percentage	10%	10%	10%
<b>Pharmacy</b>			
<b>Preventive Drugs*</b>			<b>Deductible waived*</b>
Generic Drugs	10% coinsurance	10% coinsurance	10% coinsurance
Formulary Brand Drugs	10% coinsurance	20% coinsurance	20% coinsurance
Non-Formulary Brand Drugs	10% coinsurance	40% coinsurance	40% coinsurance
<b>Retail</b>			
Generic Drugs	10% coinsurance	10% coinsurance	10% coinsurance
Formulary Brand Drugs	10% coinsurance	20% coinsurance	20% coinsurance
Non-Formulary Brand Drugs	10% coinsurance	40% coinsurance	40% coinsurance
<b>Mail Order</b>			
Generic Drugs	10% coinsurance	10% coinsurance	10% coinsurance
Formulary Brand Drugs	10% coinsurance	20% coinsurance	20% coinsurance
Non-Formulary Brand Drugs	10% coinsurance	40% coinsurance	40% coinsurance
<b>Specialty</b>			
Formulary Drugs	10% coinsurance	20% and \$65 minimum	20% and \$65 minimum
Non-Formulary Drugs	10% coinsurance	40% and \$100 minimum	40% and \$100 minimum
Out-of-pocket Maximum	Integrated with Medical	Integrated with Medical	Integrated with Medical
<b>Contributions**</b>			
Individual	0.52%	0.63%	0.78%
2 Person	1.25%	1.53%	1.89%
Parent/Child(ren)	1.16%	1.42%	1.75%
Family	1.60%	1.95%	2.41%
<b>*Began 2020</b>			

\*\*Pay used for employee premium contributions capped at \$140,000



## Retiree Health

Retirees who are not Medicare-eligible subscribe to the same PPO or PPO Savings plan as active employees until they turn age 65. In the PPO, the 2021 rates remained the same as the 2020 rates as follows: retiree-only \$185.08, retiree plus spouse \$370.16, retiree plus children \$277.62, and retiree family \$462.70. In the PPO Savings plan, the 2020 rates are as follows: retiree-only \$133.59, retiree plus spouse \$267.18, retiree plus children \$200.39, and retiree family \$333.99.

Retirees who are Medicare participants can select the Part B Freedom Blue PPO plan as a Medicare Advantage plan that is fully insured by Highmark. For 2021, premiums for this plan remained at \$80. Certain retirees who were age 70 and retired before 2007 pay a different rate.

## 2021 Health Plan Enrollment Data

For 2021 health plan enrollment data indicated:

- 12,725 or 70.4% of employees enrolled in the PPO plan
- 5,357 or 29.6% of employees enrolled in the PPO Savings plan
- 18,082 total employees enrolled in both plans in 2021 (5.40% increase from prior year)
- 218 moved from PPO in 2020 to PPO Savings plan in 2021
- 288 moved from PPO Savings in 2020 to PPO plan in 2021

The chart in **Appendix A** shows actual claim costs with premium cost share, employee out-of-pocket medical and prescription costs and cost sharing for the last three years between the University and employees.

The chart shows that Medical and Drug spend decreased which can be explained by the following:

- There was significant elimination and deferral of health care related to the COVID-19 pandemic
  - Temporary provider closures and mandated restrictions
  - Limited hospital capacity and decreased staffing available
  - Fear of contracting COVID-19 in a care setting
- Unrelated to COVID-19, total prescription drug rebates collected increased by \$3.6M, from \$13.3M in 2019 to \$16.9M in 2020.

## Health Plan Costs and Cost-Sharing

The total healthcare costs for calendar year 2020 were \$276,797,313. The healthcare plan costs and cost-sharing are in the **Table** below. There were no changes to the premium contribution percentages for faculty and staff, and the plan designs did not change. Historically, lower utilizers of health care have elected the PPO Savings plan, leaving more members in the deductible phase which causes Penn State's cost share to be lower.

The university offered the Benefits Mentor, a third-party plan comparison tool from IBM Watson Health, during the 2020 Benefits Open Enrollment period. This secure software provided a financial comparison of the out-of-pocket costs to employees for both the PPO and PPO Savings plans based on their medical and prescription drug claims for the prior year. The intent of the tool was to be a source of information for employees to elect the healthcare plan that meets their needs and the needs of their families.

CALENDAR YEAR (All Enrollees)	2020 Actual Costs
<b>Total Healthcare Costs</b>	<b>\$276,797,000</b>
Includes Total Aetna claims paid, Employee out of pocket costs, and HSA seed. (Does not include Freedom Blue Premium)	
<b>PPO Plan Cost Share</b>	
Participant OOP	10.0%
Premium Contributions	15.0%
<b>Total Employee Cost Share</b>	<b>25.0%</b>
HSA seed	0.0%
Penn State Cost Share	75.0%
<b>Total Penn State Cost Share</b>	<b>75.0%</b>
<b>PPO Savings Plan Cost Share</b>	
Participant OOP	21.9%
Premium Contributions	13.0%
<b>Total Employee Cost Share</b>	<b>34.9%</b>
HSA seed (\$3,613,187)	6.1%
Penn State Cost Share	59.0%
<b>Total Penn State Cost Share</b>	<b>65.1%</b>
<b>Contribution By:</b>	
University	\$201,692,000
Employee	\$75,106,000
<b>Cost Sharing %</b>	
University	72.9%
Employee	27.1%

### Benefit Changes under Consideration Currently and/or

#### Topics Discussed with No Change at this Time, or For Informational Purposes

The University is currently undertaking a Request for Proposal (RFP) process for Medical and Prescription Drug Administrators to be effective January 1, 2022. Certain members of the Committee are part of the steering committee evaluating responses from the RFP and will provide recommendations to Administration in Spring 2021.

**SENATE COMMITTEE ON FACULTY BENEFITS**

- Jennifer Baka, Vice Chair
- Ingrid Blood
- John Champagne
- Wendy Coduti, Vice Chair
- Denise Costanzo, Chair
- Rita Foley
- Lorraine Goffe
- Peter Iliev
- Jill Musser
- Geoffrey Scott
- Stephen Snyder
- Nicole Swallow

Appendix P  
11/30/21

## Appendix A

[illegible]

**Minimum and maximum employee out-of-pocket expenditures in 2020 (assuming lowest and highest premium formulas) and actual claims:**

- The below chart illustrates the minimum and maximum out-of-pocket scenarios with the following assumptions:
  - The minimum assumes no claims and \$25,000 salary level.
  - The maximum assumes the maximum OOP for each plan/coverage tier and \$140,000 salary level.

<b><u>Employee OOP + Contribution</u></b>		
<b>Individual</b>		
	<b>PPO</b>	<b>PPO Savings</b>
<b>Minimum</b>	\$378	\$195
<b>Maximum</b>	\$8,049	\$4,667
<b>Family</b>		
	<b>PPO</b>	<b>PPO Savings</b>
<b>Minimum</b>	\$1,173	\$603
<b>Maximum</b>	\$18,790	\$10,524

- The PPO Plan did not have anyone meet the TMOOP of \$7,150/\$14,300 in 2020 due to the large number of copays that would be required to reach this level.
- Of the 317 who met the PPO Savings plan OOP max (\$3,575 individual/ \$7,150 family), 100 had individual coverage and 217 covered others. Penn State incurred an additional cost of \$22,722,881 (\$17,412,245 in medical claims and \$5,310,637 in prescription claims) for these 317 members after meeting the OOP max.
- Data was used from the IBM Watson database
- Includes active employees only (pre-Medicare retirees have been excluded)
- Out-of-network claims were excluded.

## **SENATE COMMITTEE ON FACULTY RIGHTS AND RESPONSIBILITIES**

### Annual Report for 2020-2021

(Informational)

University policy AC-76 “Faculty Rights and Responsibilities” establishes the Senate Committee on Faculty Rights and Responsibilities and defines the committee’s scope and operation. The committee may review petitions from a faculty member who asserts that he or she has suffered a substantial injustice resulting from a violation of academic freedom, procedural fairness, or professional ethics.

The 2020-2021 committee received thirteen petitions from July 1, 2020 to June 30, 2021. Four of those petitions were carried over to the committee from the previous year. One petition was carried over to the 2022-2023 committee. Over the last six years, the committee has examined between seven and fifteen petitions per year.

Petitioners may claim any or all of the three categories of complaints in their petition. Four petitions claimed violation of academic freedom, seven included complaints of professional ethics, and eight claimed violations of procedural fairness.

Petitions could also list a complaint in the “other” category. Petitioners listed a wide variety of complaints. These included: free expression, conflict of interest, personal bias, sex discrimination and retaliation.

The 2020-21 committee completed the investigations for twelve cases with the resulting findings and recommendations forwarded to the Office of the Vice Provost for Faculty Affairs.

Two cases claiming bias and discrimination were referred to the Office of Affirmative Action for a parallel review based on Policy AC-76. Two petitions were referred to the Office of Ethics and Compliance for claims of a hostile work environment and/or retaliation, <https://policy.psu.edu/policies/ad67>. AD67 is managed by the Office of Ethics and Compliance.

The chair wishes to thank the members of the 2020-2021 committee, each of whom devoted significant time and thoughtful consideration to each petition. The committee members express our appreciation to all ombudspersons across the University for their contributions toward resolving conflicts and disputes at their colleges and campuses. We would especially like to thank the University Ombudsperson Mohamad Ansari who has worked to improve processes, ensure compliance with policies and training, and support the unit ombudspersons in their work.

Additionally, the committee acknowledges the efforts of Vice Provost of Academic Affairs, Kathy Bieschke, who works with the committee to ensure fair processes for all petitioners.

**SENATE COMMITTEE ON FACULTY RIGHTS AND RESPONSIBILITIES 2020-2021**

- Gina Brelsford
- David Christiansen
- Jacqueline Edmondson
- Jo Ann Jankoski
- Kimberly Lawless
- Linda Musser
- Amit Sharma
- Keith Shapiro



## MINUTES OF SENATE COUNCIL

Tuesday, November 9, 2021 – 1:30 p.m.  
Remote via Zoom

**Members Present:** P. Birungi, V. Brunsden, W. Coduti, M. Duffey, C. Eckhardt, B. King, F. Marko, S. Maximova, J. Ozment, T. Palmer, L. Posey, B. Seymour, A. Sinha, S. Snyder, K. Sprow-Forte, J. Strauss, B. Szczygiel

**Guests/Others:** K. Austin, K. Bieschke, R. Bishop-Pierce, D. Blasko, E. Eckley, R. Egolf, R. Engel, Y. Gaudelius, C.N. Jackson, N. Jones, K. Shapiro, K. Vrana, M. Whitehurst, D. Wolfe

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**Absent:** K. Blockett, W. Kenyon, L. Kitko, L. Mangel, M. Swinarski,

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**CALL TO ORDER.** Chair Szczygiel, called the meeting to order at 1:30 p.m. on Tuesday, November 9, 2021.

### B. MINUTES OF THE MEETING OF OCTOBER 5, 2021

[Senate Council Meeting Minutes 10-5-21](#)

Senate Council Minutes were approved on an Ozment/Eckhardt motion

### ANNOUNCEMENTS AND REMARKS

Chair Szczygiel. A pilot will be conducted using the nominating committee idea discussed at the last meeting. It will be made up of CC&R members and volunteers from Senate Council for the committees that are nominated by CC&R. The Senate Council process will remain unchanged.

The Faculty Advisory Committee to the President met this morning. Topics covered:

- Discussion items from the President and the Provost: COVID/Mandate, Enrollment, Budget.
- Discussion items from the Faculty; Building Shared Government by creating tangible structure that would incorporate collaboration with the UFS. Facilities Resources Committee? Advisory Council to Strat Comm? Other?



- Follow up on specific recommendations from the More Rivers To Cross reports and from the Senate's Task Force response: [Report from the More Rivers to Cross Response Task Force](#) (Sept 2020).
- Status of articulation agreements with the community colleges in urban areas? What are other opportunities for pipelines with HBCUs to our graduate programs?

Please submit any topics for FAC consideration to any of the Senate or the elected FAC members: Renee Bishop-Pierce, Judy Ozment and Doug Wolfe

## **Vice Presidents' and Vice Provosts' Comments**

### **Provost, Nicholas Jones**

Vaccination rates are high and getting stronger, Covid positivity rates are below one percent. Rates are a little more challenging at the campuses. The federal mandate has been expanded to seven campuses. There were about 1,500 religious exemption requests and the vast majority were approved. There are fewer medical exemption requests and those not approved are usually because there is not enough information. The December 8<sup>th</sup> deadline has been pushed to January 4<sup>th</sup>. This has not been announced yet. OSHA has also issued guidance which applies more broadly to all campuses and is stayed in the courts. We have to be prepared for it to go into. Our planning and implementation teams are working harder than ever during the pandemic because of the complexities of the rules and our structure.

Enrollment-Yvonne is not present today, total enrollment down about 1% or 1,000 students, that's good news. Up at UP over a year ago, down on the campuses about 8%. There is no doubt that campuses took more of a hit from COVID. We are doing well at UP with PA residents. The campuses struggling for a large number of reasons. A lot of applications to UP will lead to more referrals to campuses. We will have more clarity at the next meeting.

Yvonne Gaudelius joined the meeting. Comparing to two years ago the applications are strong and we are working on yielding those students. Record applications came in at some points over 10,000 a day.

The budget was approved by the Board of Trustees. In the 2021 budget year having 1,000 students ends up being 25 million in lost dollars. 1% was shaved off general funds operating budgets and it hurts after the reductions last few years. I am optimistic that this might be the last.

### **Vice Provost for Faculty Affairs, Kathy Bieschke**

#### **Searches:**

Vice Provost and Dean of the Graduate School-welcoming four candidates to hybrid on-campus visits; last candidate will arrive tonight; thanks to Kent Vrana for serving on the search committee.

Vice-president and Executive Chancellor for the Commonwealth Campuses; ad posted and candidates being reviewed, expect to bring candidates to campus in early spring; thanks to Jennifer Nesbitt, Harold Aurand. Dean of Penn State Law and the School of International Affairs; ad posted, expect to bring candidates in mid-spring

Dean of Penn State's College of Medicine; retained Witt Kiefer to assist with this search, finalizing the search committee and will charge the committee in mid-December, expect to post the ad in early spring. The composition of the search committees can be found at <https://provost.psu.edu/administration/#committees>

Work adjustments for spring 2021; total of 187 requests have been approved; 7 denied; 2 no action needed at this time; 4 pending

- Federal vaccine mandate: Many faculty who have indicated that they are vaccinated have not uploaded their vaccine card.
- Please check: <https://psu-healthcloud.force.com/vaccine/s/vaccineimageupload>
- Working on talking points for unit executives...waiting until we get a bit more details about the guidance. All faculty who are not in compliance will receive clear communication about the consequences associate with failure to comply.
- To date, no faculty member has been placed on leave due to failure to comply with Penn State's health and safety protocols (i.e., masking, testing)

#### **Interim Vice President and Executive Chancellor for Commonwealth Campuses, Kelly Austin**

- The Chancellor search for DuBois is ongoing. The Hazelton search has been charged.
- There have been one on one discussions with each campus as to enrollments and budget.
- A big factor is retention. There are uneven results on social mobility metrics. There is a 20 percent differential in six-year graduation rates at some campuses. Additional money is going into student aid to help students complete their degrees. Other institutions may be more affordable.
- The campuses are working on a thoughtful implementation of the new COVID mandates, each campus has provided detailed information to employees.

#### **Vice President and Dean of Undergraduate Education, Yvonne Gaudelius**

This is National First-Generation College Collaboration Week. Activities in the HUB are ongoing. Funding from the federal government (HERF funding), is in the final stages of awarding. There is a new amount of 50 million dollars for emergency aid based on students' 21-22 FAFSA applications. It is available to all students including those at World Campus. The Student Engagement network presentations are taking place in the HUB. We are ready to implement policy 38-20, that limits the number of credits that students can register for to 24 credits. Credits higher than that will require approval.

Councilor Posey asked a question about the policy that allows Deans to require up to 24 credits of the major must be taken in the program at SMEAL. Yvonne Gaudelius offered to follow up

and noted that it relates to One Penn State 2025. Michelle Duffy noted that GP2 is meeting and working on this issue. The principle that a Penn State course is a course when taken anywhere at Penn State should be maintained while supporting the academic programs.

**Vice Provost for Educational Equity, Marcus Whitehurst. None**

**Vice Provost of On-line Education, Renata Engel**

We see an increased interest in the undergraduate portfolio. Graduate application are down, but the enrollments are up—mostly due to students taking more credits each semester. Pursuing graduate education is often tied to the economy, in that when jobs are plentiful, as they are now, students delay starting or completing an advanced degree. World Campus continues to launch new programs. One is the professional doctorate in nursing and the number of students has grown from 35 to 57 this year. Enrollments have more than doubled. We expect to add two more doctoral programs in the coming year.

World Campus continues to play a role in providing a path for international students who are still unable to or concerned about returning to the US this year. Working closely with Penn State Global and academic units, we are seeing the numbers of students request a temporary change of campus to World Campus remain a bit higher than pre-pandemic semesters.

**Senate Officers: None**

**Executive Director, Dawn Blasko: None**

#### **ACTION ITEM:**

The Proposed **Senate Calendar** has been reviewed by the senate office, the officers and CC&R and is now ready for Senate Council vote. Note there is an additional full senate meeting scheduled in February starting next year as well as a meeting in the summer. The summer meeting is optional. The 2022-2023 Calendar was passed by a Duffy/Ozment motion.

#### **P-4 Request to close the Bachelor of Arts in Art Administration at Penn State Lehigh Valley.**

The program has never drawn the enrollment needed to justify the cost and Penn State Behrend, the originator of the program has decided to close its program as well. Consultation with the Senate Committee on Curricular Affairs and the Senate Committee on Faculty Affairs was conducted and both committees had no objections to the proposal.

The motion was passed on a Duffy/Ozment motion.

**DISCUSSION ITEMS: None**

#### **Report of Graduate Council**

Graduate Council representative, Kent Vrana, reported on the activities of the Graduate Council. The graduate school announced that the Graduate Council unanimously passed the proposal to

have a Chair-Elect, Chair, and Immediate Past Chair structure similar to the Senate. This will help with continuity of leadership.

The search committee for the Vice Provost and Dean of the Graduate School have completed their work and the last candidate is being interviewed tomorrow. The graduate council is discussing ways to ensure there is robust consultation in the closing graduate proposal.

## **SENATE AGENDA ITEMS FOR NOVEMBER 30, 2021**

### **FORENSIC BUSINESS**

#### **SENATE COMMITTEE ON LIBRARIES, INFORMATION SYSTEMS, AND TECHNOLOGY**

What Constitutes Training for World Campus Classes?

Returned to committee for additional work

An additional forensic is expected on Microcredentials and the Senate role.

### **UNFINISHED BUSINESS**

Return to Campus University Faculty Senate Survey Results. Approved on a Brunsdn/Ozment motion

### **LEGISLATIVE REPORTS**

#### **SENATE COMMITTEE ON COMMITTEES AND RULES AND GLOBAL PROGRAMS**

Revision to Standing Rules, Article II – Senate Committee Structure, Section 6(h) Committee on Global Programs. Approved on an Eckhardt/Ozment motion.

#### **SENATE COMMITTEE ON COMMITTEES AND RULES AND**

**INTERCOLLEGIATE ATHLETICS.** Revision to Standing Rules, Article II – Senate Committee Structure, Section 6(i) Committee on Intercollegiate Athletics. Approved on an Eckhardt/Ozment motion

**SENATE COMMITTEE ON COMMITTEES AND RULES AND STUDENT LIFE.** Revision to Standing Rules, Article II – Senate Committee Structure, Section 6(n) Committee on Student Life. Approved on a Palmer/Brunsdn motion

#### **SENATE COMMITTEE ON COMMITTEES AND RULES AND UNIVERSITY PLANNING.**

Revision to Standing Rules, Article II – Senate Committee Structure, Section 6(o) Committee on University Planning. Approved on a Marko/Sinha motion

### **ADVISORY/CONSULTATIVE REPORTS**

#### **SENATE COMMITTEE ON FACULTY AFFAIRS**

Revisions of AC23 – “Promotion and Tenure Procedures and Regulations – and

AC21 “Definition of Academic Ranks” Approved on an Eckhardt/Ozment motion

SENATE COMMITTEES ON FACULTY AFFAIRS AND RESEARCH, SCHOLARSHIP, AND CREATIVE ACTIVITY Revision of AC80 – “Outside Business Activities and Private Consulting.” Approved on an Brunsden/Ozment motion

## **INFORMATIONAL REPORTS**

SENATE COMMITTEE ON EDUCATIONAL EQUITY AND CAMPUS ENVIRONMENT. Aboriginal Acknowledgement  
Approved on a Duffy/Brunsdan motion. 15 minutes requested

SENATE COMMITTEE ON FACULTY BENEFITS  
2020-2021 Annual Report on the Status of Benefits Changes. Approved on an Ozment/Seymour motion. 15 minutes requested

SENATE COMMITTEE ON FACULTY RIGHTS AND RESPONSIBILITIES  
Faculty Rights & Responsibilities Annual Report  
Approved on a Brunsden/Duffy motion. Web only report

SENATE COMMITTEE ON INTERCOLLEGIATE ATHLETICS Annual Report of the Senate Committee on Intercollegiate Athletics Academic Year 2020-2021; Appendix A; Appendix B; 25 minutes requested.

SENATE COMMITTEE ON LIBRARIES, INFORMATION SYSTEMS, AND TECHNOLOGY. U.S. News & World Report Best Online Programs: 2021 Best Online Programs Ranking. U.S. News & World Report slides.  
Approved on a Ozment/Brunsdan motion. Will be presented at a later time.

## **APPROVAL OF AGENDA FOR NOVEMBER 30, 2021**

Approved on a Ozment/Strauss motion

## **NEW BUSINESS: NONE**

## **ADJOURNMENT**

On an Eckhardt/Ozment motion, the meeting was adjourned at 4:07 p.m.



**Date:** November 15, 2021

**To:** Commonwealth Caucus Senators (includes all elected Campus  
Senators) **From:** Frantisek Marko and Judith Ozment, Caucus Co-Chairs

## **Commonwealth Caucus Forum**

**Monday, November 29, 2021, 8:15 p.m. – 9:15 p.m. via Zoom**

*Topic: Discussion with the New Dean of the Libraries and the Interim  
Co-Directors of the Commonwealth Campus Libraries*

### *Panelists:*

Faye A Chadwell, Dean of the University Libraries and Scholarly Communications  
Interim Co-Directors of the Commonwealth Campus Libraries:

Jennifer Gilley, Head Librarian at Penn State New Kensington

Jennie Knies, Head Librarian at Penn State Scranton and Penn State Wilks-Barre

### **Zoom Connectivity Information:**

Join from PC, Mac, Linux, iOS, or Android: <https://psu.zoom.us/j/92989520449>

Or iPhone one-tap (US Toll): +16468769923,92989520449# or +13017158592,92989520449#

Or Telephone:

Dial:

+1 646 876 9923 (US Toll)

+1 301 715 8592 (US Toll)

+1 312 626 6799 (US Toll)

+1 669 900 6833 (US Toll)

+1 253 215 8782 (US Toll)

+1 346 248 7799 (US Toll)

Meeting ID: 929 8952 0449

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## **Commonwealth Caucus Business Meeting**

**Tuesday, November 30 2021, 11:15 a.m. – 12:45 p.m. via Zoom**

### **Agenda of the meeting:**

- I. Call to Order
  - II. Announcements
  - III. Committee Reports
  - IV. Other Items of Concern/New Business
  - V. Adjournment
-

**Zoom Connectivity Information:**

Join from PC, Mac, Linux, iOS, or Android: <https://psu.zoom.us/j/92989520449>

Or iPhone one-tap (US Toll): +16468769923,92989520449# or +13017158592,92989520449#

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+1 312 626 6799 (US Toll)

+1 669 900 6833 (US Toll)

+1 253 215 8782 (US Toll)

+1 346 248 7799 (US Toll)

Meeting ID: 929 8952 0449