
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2171 Session of
2020

INTRODUCED BY SONNEY, TOPPER, SCHROEDER, BENNINGHOFF, BIZZARRO,
BROWN, EVERETT, GAYDOS, HARKINS, JAMES, JONES, KORTZ, MASSER,
MILLARD, MOUL, MUSTELLO, OWLETT, PICKETT, RADER, ROAE,
ROTHMAN, SAYLOR, STAATS, STRUZZI, BRIGGS, SCHLEGEL CULVER AND
GLEIM, JANUARY 22, 2020

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 24, 2020

AN ACT

1 ~~Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An <--~~
2 ~~act relating to the public school system, including certain~~
3 ~~provisions applicable as well to private and parochial~~
4 ~~schools; amending, revising, consolidating and changing the~~
5 ~~laws relating thereto," in the State System of Higher~~
6 ~~Education, further providing for establishment of the State~~
7 ~~System of Higher Education and its institutions, for board of~~
8 ~~governors, for the chancellor, for powers and duties of the~~
9 ~~board of governors, for councils of trustees, for powers and~~
10 ~~duties of councils of trustees and for power and duties of~~
11 ~~institution presidents.~~
12 AMENDING THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), ENTITLED "AN <--
13 ACT RELATING TO THE PUBLIC SCHOOL SYSTEM, INCLUDING CERTAIN
14 PROVISIONS APPLICABLE AS WELL TO PRIVATE AND PAROCHIAL
15 SCHOOLS; AMENDING, REVISING, CONSOLIDATING AND CHANGING THE
16 LAWS RELATING THERETO," IN THE STATE SYSTEM OF HIGHER
17 EDUCATION, FURTHER PROVIDING FOR DEFINITIONS, FOR
18 ESTABLISHMENT OF THE STATE SYSTEM OF HIGHER EDUCATION AND ITS
19 INSTITUTIONS, FOR PURPOSES AND GENERAL POWERS, FOR PROJECT
20 CONTRACTS, FOR BOARD OF GOVERNORS, FOR THE CHANCELLOR, FOR
21 POWERS AND DUTIES OF THE BOARD OF GOVERNORS, FOR COUNCILS OF
22 TRUSTEES, FOR POWERS AND DUTIES OF COUNCILS OF TRUSTEES AND
23 FOR POWER AND DUTIES OF INSTITUTION PRESIDENTS, FOR RENTAL
24 FEES AND OTHER CHARGES, FOR ANNUAL REPORT AND FOR CAMPUS
25 POLICE POWERS AND DUTIES AND PROVIDING FOR STUDENT RECORDS.
26 The General Assembly of the Commonwealth of Pennsylvania
27 hereby enacts as follows:

1 Section 1. ~~Section 2002 A(a) introductory paragraph of the~~
2 ~~act of March 10, 1949 (P.L.30, No.14), known as the Public~~
3 ~~School Code of 1949, is amended and the section is amended by~~
4 ~~adding subsections to read:~~

5 Section 2002 A. ~~Establishment of the State System of Higher~~
6 ~~Education and its Institutions. (a) Subject to the regulatory~~
7 ~~powers conferred by law upon the State Board of Education, there~~
8 ~~is hereby established a body corporate and politic constituting~~
9 ~~a public corporation and government instrumentality [which~~
10 ~~shall] to be known as the State System of Higher Education,~~
11 ~~independent of the Department of Education, hereinafter referred~~
12 ~~to as the system, which shall consist of the following~~
13 ~~institutions and such other institutions, presently existing [or~~
14 ~~newly created, as may hereafter be admitted by the board in~~
15 ~~concurrence with other agencies as required by law] or until~~
16 ~~changed as provided under subsections (a.1), (a.2), (a.3), (a.4)~~
17 ~~and (a.5):~~

18 * * *

19 ~~(a.1) In accordance with section 2006 A(a) (13.2), the board~~
20 ~~shall develop policies and procedures by which the board may~~
21 ~~create, expand, consolidate, transfer or affiliate an~~
22 ~~institution or college. Before the creation, expansion,~~
23 ~~consolidation, transfer or affiliation of an institution or~~
24 ~~college, the board shall direct the chancellor, in consultation~~
25 ~~with the board, to conduct a review of the financial stability~~
26 ~~of any impacted institution or college utilizing student support~~
27 ~~metrics, student success metrics and other financial metrics and~~
28 ~~develop a report and recommendation related to the need for the~~
29 ~~board to exercise the board's powers under section 2006 A(a)~~
30 ~~(13.2). The report and recommendations shall include, but not be~~

1 ~~limited to, an analysis of the following:~~

2 ~~(1) Enrollment trends.~~

3 ~~(2) Projections of revenues and expenditures for the current~~
4 ~~year and the next five (5) years, both assuming the continuation~~
5 ~~of present operations and as impacted by any recommendation for~~
6 ~~the board to exercise the board's powers under section 2006 A(a)~~
7 ~~(13.2).~~

8 ~~(3) Assets, liabilities and institutional reserves.~~

9 ~~(4) Actions undertaken to improve the financial stability of~~
10 ~~the institution or college and the financial impact of those~~
11 ~~actions.~~

12 ~~(5) Additional actions that could be taken to improve the~~
13 ~~financial stability of the institution or college, the projected~~
14 ~~financial impact of those actions and whether those actions~~
15 ~~would alleviate the need for the board to exercise the board's~~
16 ~~powers under section 2006 A(a) (13.2).~~

17 ~~(6) The financial impact on the institution or college and~~
18 ~~the system if no action is taken by the board to exercise the~~
19 ~~board's powers under section 2006 A(a) (13.2).~~

20 ~~(7) The financial impact on the surrounding community of the~~
21 ~~institution or college if action is taken by the board to~~
22 ~~exercise the board's powers under section 2006 A(a) (13.2).~~

23 ~~(a.2) Upon receipt of the report and recommendation, the~~
24 ~~board shall develop a proposed implementation plan. The proposed~~
25 ~~implementation plan shall include the following information:~~

26 ~~(1) Description of the proposal to exercise powers under~~
27 ~~section 2006 A(a) (13.2).~~

28 ~~(2) Rationale, goals and objectives of the proposal to~~
29 ~~exercise powers under section 2006 A(a) (13.2).~~

30 ~~(3) Method for evaluating achievement of goals and~~

1 ~~objectives.~~

2 ~~(4) Relation of the proposal to the mission and strategic~~
3 ~~plan of the institution or college and system as a whole.~~

4 ~~(5) Impacts on academic programs, nonacademic units and~~
5 ~~accreditation.~~

6 ~~(6) Impacts on student, faculty and staff.~~

7 ~~(7) Impacts on the community.~~

8 ~~(8) Impacts on shared governance.~~

9 ~~(9) Before and after organizational charts for all impacted~~
10 ~~institutions or colleges.~~

11 ~~(10) Information included in the chancellor's report and~~
12 ~~recommendation under subsection (a.1).~~

13 ~~(11) Timeline for the implementation plan.~~

14 ~~(a.3) The proposed implementation plan shall be approved by~~
15 ~~a majority vote of the board. Within fourteen (14) days after~~
16 ~~issuance of the proposed implementation plan, the board shall do~~
17 ~~the following:~~

18 ~~(1) Transmit a copy of the proposed implementation plan to~~
19 ~~the following:~~

20 ~~(i) chairperson and minority chairperson of the~~
21 ~~Appropriations Committee of the Senate;~~

22 ~~(ii) chairperson and minority chairperson of the Education~~
23 ~~Committee of the Senate;~~

24 ~~(iii) chairperson and minority chairperson of the~~
25 ~~Appropriations Committee of the House of Representatives; and~~

26 ~~(iv) chairperson and minority chairperson of the Education~~
27 ~~Committee of the House of Representatives.~~

28 ~~(2) Make the proposed implementation plan available for~~
29 ~~review and solicit public comment for a period of not less than~~
30 ~~ninety (90) days.~~

1 ~~(a.4) The board shall consult with stakeholders, including~~
2 ~~faculty, staff, students and administrators, and hold at least~~
3 ~~two (2) public hearings as part of the public comment period~~
4 ~~under subsection (a.3)(2). After the public comment period and~~
5 ~~before any action may be taken pursuant to section 2006 A(a)~~
6 ~~(13.2), the board shall consider comments made by stakeholders~~
7 ~~during the public comment period and present an implementation~~
8 ~~plan at a public meeting subject to the approval by two thirds~~
9 ~~of the board. If the board votes to approve the implementation~~
10 ~~plan, the board shall, within fourteen (14) days, transmit a~~
11 ~~copy of the final implementation plan to the following:~~

12 ~~(1) Chairperson and minority chairperson of the~~
13 ~~Appropriations Committee of the Senate.~~

14 ~~(2) Chairperson and minority chairperson of the Education~~
15 ~~Committee of the Senate.~~

16 ~~(3) Chairperson and minority chairperson of the~~
17 ~~Appropriations Committee of the House of Representatives.~~

18 ~~(4) Chairperson and minority chairperson of the Education~~
19 ~~Committee of the House of Representatives.~~

20 ~~(a.5) The timeline for implementation to be completed as~~
21 ~~described in the final implementation plan shall be no earlier~~
22 ~~than twelve (12) months from the date of the issuance of the~~
23 ~~proposed implementation plan.~~

24 * * *

25 Section 2. Section 2004 A(a)(7) and (b) of the act are
26 amended, subsection (a) is amended by adding a paragraph and the
27 section is amended by adding a subsection to read:

28 Section 2004 A. Board of Governors. (a) The system shall
29 be governed and all of its corporate powers exercised by the
30 Board of Governors, which shall consist of twenty (20) members

1 to be appointed as follows:

2 * * *

3 ~~(7) [Fourteen (14) members shall be appointed by the~~
4 ~~Governor with the advice and consent of the Senate of which six~~
5 ~~(6) shall be selected from the citizens of the Commonwealth.~~
6 ~~Three (3) members of the fourteen (14) shall be students whose~~
7 ~~terms shall expire upon graduation, separation or failure to~~
8 ~~maintain good academic standards at their institution and five~~
9 ~~(5) of the fourteen (14) shall be trustees of constituent~~
10 ~~institutions, however, no more than one trustee representing a~~
11 ~~constituent institution. The student members shall be selected~~
12 ~~from the presidents of the local campus student government~~
13 ~~associations, or their local equivalent.] Eleven (11) members~~
14 ~~shall be appointed by the Governor with the advice and consent~~
15 ~~of the Senate of which six (6) members shall be selected from~~
16 ~~the residents of this Commonwealth and five (5) members shall be~~
17 ~~selected from trustees of constituent institutions, except that~~
18 ~~no more than one trustee may represent a constituent~~
19 ~~institution. A member appointed under this subsection shall have~~
20 ~~expertise or substantial experience in one or more area,~~
21 ~~including postsecondary education, finance, business, nonprofit~~
22 ~~management, law or public administration.~~

23 ~~(8) Three (3) of the members shall be students appointed by~~
24 ~~the board under section 2006 A(a) (13.4). The student members~~
25 ~~shall be selected with the advice and consent of institution~~
26 ~~presidents. A student's term shall expire upon graduation,~~
27 ~~separation or failure to maintain good academic standing at the~~
28 ~~institution in which the student is enrolled.~~

29 ~~(b) All members of the board appointed by the Governor[,]~~
30 ~~except for the students,] shall serve for terms of four (4)~~

1 ~~years. The Governor and Secretary of Education shall serve so~~
2 ~~long as they continue in office. Members of the board appointed~~
3 ~~from the General Assembly shall serve a term of office~~
4 ~~concurrent with their respective elective terms as members of~~
5 ~~the General Assembly.~~

6 * * *

7 ~~(d.1) A board member appointed under subsection (a) (7) may~~
8 ~~be removed for cause by the Governor. A board member appointed~~
9 ~~under subsection (a) (8) may be removed by the board.~~

10 * * *

11 ~~Section 3. Section 2005 A(4) of the act is amended to read:~~

12 ~~Section 2005 A. The Chancellor. The chief executive officer~~
13 ~~of the system shall be a chancellor, who shall be employed by~~
14 ~~the board in accordance with clause (1) of section 2006 A. In~~
15 ~~addition to those prescribed by the board, the chancellor shall~~
16 ~~have the following duties:~~

17 * * *

18 ~~(4) The chancellor shall assist the board in its appointment~~
19 ~~of the presidents for the constituent institutions by submitting~~
20 ~~to the board the name or names of individuals recommended by the~~
21 ~~council of trustees [of the appropriate constituent institution~~
22 ~~who shall involve students, faculty and alumni in the interview~~
23 ~~and selection process used to formulate their recommendation].~~

24 ~~The chancellor shall submit to the board the recommended salary~~
25 ~~and other proposed terms of each such appointment. The board~~
26 ~~shall have the right to refuse the recommendation of the local~~
27 ~~council and to request that additional recommendations be~~
28 ~~submitted by the council.~~

29 * * *

30 ~~Section 4. Section 2006 A(a) introductory paragraph, (5),~~

1 ~~(14) and (15) of the act are amended and the subsection is~~
2 ~~amended by adding paragraphs to read:~~

3 Section 2006 A. Powers and Duties of the Board of
4 Governors. (a) The Board of Governors shall have ~~[overall~~
5 ~~responsibility for planning and coordinating the development and~~
6 ~~operation of the system. The powers and duties of the Board of~~
7 ~~Governors shall be:] plenary power to make, issue and enforce~~
8 ~~board policies, procedures and standards for the full~~
9 ~~management, control and conduct of the instructional,~~
10 ~~administrative and financial affairs of the system, including~~
11 ~~powers and duties:~~

12 * * *

13 (5) To ~~[create] approve~~ new undergraduate and graduate
14 degree programs, which shall not be subject to the rules and
15 regulations of the State Board of Education; to approve
16 extension campuses and new external degree programs subject to
17 the rules and regulations of the State Board of Education; to
18 promote cooperation among institutions, including the
19 development of consortia within the system and other educational
20 institutions and agencies.

21 * * *

22 ~~(13.2) To create, expand, consolidate, transfer or affiliate~~
23 ~~an institution or college.~~

24 ~~(13.3) To require institutions to share services and to~~
25 ~~participate in collaborations.~~

26 ~~(13.4) To appoint student members to the board and councils.~~

27 (14) To make all reasonable ~~[rules and regulations]~~ ~~policies~~
28 ~~and procedures~~ necessary to carry out the purposes of this
29 article and the duties of the board.

30 (15) To do and perform generally all of those things

1 ~~necessary and required to accomplish the role and objectives of~~
2 ~~the system, unless otherwise delegated by the board to the~~
3 ~~chancellor.~~

4 * * *

5 ~~Section 5. Sections 2008 A, 2009 A and 2010 A introductory~~
6 ~~paragraph, (1), (5), (10.1), (11), (12), (13) and (14) of the~~
7 ~~act are amended to read:~~

8 ~~Section 2008 A. Councils of Trustees. (a) The council of~~
9 ~~each of the institutions shall consist of eleven (11) members~~
10 ~~who, except for student members, shall be nominated and~~
11 ~~appointed by the Governor with the advice and consent of the~~
12 ~~Senate. At least two (2) members of the eleven (11) member~~
13 ~~council of trustees shall be alumni of the institution. Except~~
14 ~~for student trustees, a trustee appointed under this subsection~~
15 ~~shall have expertise or substantial experience in one or more~~
16 ~~area, including postsecondary education, finance, business,~~
17 ~~nonprofit management, law or public administration.~~

18 ~~(b) [Ten (10) members of each council shall serve terms of~~
19 ~~six (6) years, respectively, and until their respective~~
20 ~~successors are duly appointed and qualified. One (1) member of~~
21 ~~each council shall be a full time undergraduate student in good~~
22 ~~academic standing, other than freshman, enrolled for at least~~
23 ~~twelve (12) semester hours at the institution of which he is a~~
24 ~~trustee. The student member shall serve a term of four (4) years~~
25 ~~or for so long as he is a full time undergraduate student in~~
26 ~~attendance at the institution of which he is a trustee,~~
27 ~~whichever period is shorter, and is in good academic standing.~~
28 ~~Vacancies occurring before the expiration of the term of any~~
29 ~~member shall be filled in like manner for the unexpired term.~~
30 ~~Student members of the Council of Trustees shall be appointed by~~

1 ~~the Governor and shall not be subject to Senate confirmation. If~~
2 ~~a student member is temporarily unable, for medical or valid~~
3 ~~academic reasons, to fulfill the responsibilities of office, the~~
4 ~~Council of Trustees may request that the Governor appoint an~~
5 ~~otherwise qualified student to serve as an alternate until the~~
6 ~~return of the student member.~~

7 ~~(c) The members of each board of trustees of a former State~~
8 ~~college or university serving in such capacity on the effective~~
9 ~~date of this act shall continue to serve for the balance of~~
10 ~~their respective terms.] Ten (10) members of each council shall~~
11 ~~serve terms of four (4) years, respectively and until their~~
12 ~~respective successors are duly appointed.~~

13 ~~(b.1) One (1) member of each council shall be a student~~
14 ~~appointed by the board under section 2006 A(a)(13.4). The~~
15 ~~student member shall serve a term of four (4) years or for so~~
16 ~~long as the student is a full time student in attendance at the~~
17 ~~institution of which the student is a trustee, whichever period~~
18 ~~is shorter, and is in good academic standing. If a student~~
19 ~~member is temporarily unable, for medical or valid academic~~
20 ~~reasons, to fulfill the responsibilities of office, the Council~~
21 ~~of Trustees may appoint an otherwise qualified student to serve~~
22 ~~as an alternate until the return of the student member.~~

23 ~~(b.2) A trustee appointed under subsections (a) and (b.1)~~
24 ~~may be removed for cause by the Governor.~~

25 ~~(b.3) Vacancies occurring before the expiration of the term~~
26 ~~of any member shall be filled in like manner for the unexpired~~
27 ~~term.~~

28 ~~(d) Six (6) members of a council shall constitute a quorum.~~
29 ~~Each council shall select from its members a chairperson and a~~
30 ~~secretary to serve at the pleasure of the council. Each council~~

1 ~~shall meet at least quarterly, and additionally at the call of~~
2 ~~the president, or its chairperson, or upon request of three (3)~~
3 ~~of its members.~~

4 ~~Section 2009 A. Powers and Duties of Councils of Trustees.~~

5 ~~(a) In accordance with [the rules and regulations] policies,~~
6 ~~procedures and standards adopted by the board, the council of~~
7 ~~each institution shall have the power and its duty shall be:~~

8 ~~(1) To make recommendations to the chancellor for the~~
9 ~~appointment[,] and retention [or dismissal] of the president~~
10 ~~following [consultation with] input by students, faculty, staff~~
11 ~~and alumni.~~

12 ~~(1.1) To make recommendations to the chancellor for the~~
13 ~~dismissal of the president.~~

14 ~~(2) To assist the president in developing proper relations~~
15 ~~and understanding between the institution and its programs and~~
16 ~~the public, in order to serve the interests and needs of both.~~

17 ~~{(3) To review and approve the recommendations of the~~
18 ~~president as to standards for the admission, discipline and~~
19 ~~expulsion of students.}~~

20 ~~(4) To review and [approve the recommendations of] provide~~
21 ~~input to the president pertaining to policies and procedures~~
22 ~~governing the use of institutional facilities and property.~~

23 ~~(5) To approve schools and academic programs.~~

24 ~~(6) To review and approve the recommendations of the~~
25 ~~president pertaining to annual operating and capital budget~~
26 ~~requirements for forwarding to the board.~~

27 ~~(7) To review and approve charges for tuition, room and~~
28 ~~board and other fees except student activity fees and any fees~~
29 ~~related to the provision of contracted health services.~~

30 ~~{(8) To conduct an annual physical inspection of facilities~~

1 ~~and make recommendations regarding maintenance and construction~~
2 ~~to the board.]~~

3 ~~(9) To review [and approve all] contracts and purchases~~
4 ~~negotiated or awarded by the president, including any contract~~
5 ~~or purchase reports, with or without competitive bidding and all~~
6 ~~contracts for consultative services entered by the president.~~

7 ~~(10) To represent the institution at official functions of~~
8 ~~the Commonwealth.~~

9 ~~(11) To take such other action as may be necessary to~~
10 ~~effectuate the powers and duties herein delegated.~~

11 ~~(12) In accordance with the evaluation procedure established~~
12 ~~by the board each council shall conduct an evaluation of the~~
13 ~~president and forward the results of that evaluation with~~
14 ~~recommendation to the chancellor for submission to the board.~~

15 ~~(13) By resolution adopted by the council to authorize~~
16 ~~campus police who have completed firearms training in accordance~~
17 ~~with 53 Pa.C.S. § 2167(a) (relating to police training) to carry~~
18 ~~firearms in the course of duty for any institution whose campus~~
19 ~~police are authorized to carry firearms on the effective date of~~
20 ~~this paragraph, the authority to carry firearms shall remain in~~
21 ~~effect unless the council by resolution dissolves such~~
22 ~~authority.~~

23 ~~Section 2010 A. Power and Duties of Institution~~
24 ~~Presidents. The president of each institution shall be~~
25 ~~appointed by the board. The president shall be the chief~~
26 ~~executive officer of that institution. [He] The president shall~~
27 ~~have the right to attend all meetings of the council of that~~
28 ~~institution and shall have the right to speak on all matters~~
29 ~~before the council but not to vote. Subject to the stated~~
30 ~~authority of the board and the council, each president shall~~

1 ~~have the following powers and duties:~~

2 ~~(1) Except insofar as such matters are governed by~~
3 ~~collective bargaining agreements entered pursuant to the act of~~
4 ~~July 23, 1970 (P.L.563, No.195), known as the "Public Employe-~~
5 ~~Relations Act," and subject to the policies of the board, to~~
6 ~~appoint such employes, professional and noninstructional,~~
7 ~~graduate assistants, etc. as necessary, to fix the salaries and~~
8 ~~[benefits of employes, professional and noninstructional, and to~~
9 ~~establish policies and procedures governing employment rights,~~
10 ~~promotion, dismissal, tenure, leaves of absence, grievances and]~~
11 ~~salary schedules.~~

12 * * *

13 ~~(5) To establish policies and procedures governing the use~~
14 ~~of institutional facilities and property in [accordance with~~
15 ~~guidelines established by] consultation with the local council.~~

16 * * *

17 ~~(10.1) Within the limitations of the operating budget and~~
18 ~~other available funds in accordance with the procedures~~
19 ~~established by the board [and with the approval of the local~~
20 ~~council,] to negotiate and award all contracts for equipment,~~
21 ~~services and supplies in excess of a cost of a base amount of~~
22 ~~eighteen thousand five hundred dollars (\$18,500), subject to~~
23 ~~adjustment under section [120] 2003 A.1(c.3), on a competitive~~
24 ~~bid basis [and]. Contracts to purchase instructional,~~
25 ~~educational, extracurricular, technical, administrative,~~
26 ~~custodial and maintenance equipment and supplies not in excess~~
27 ~~of a cost of a base amount of eighteen thousand five hundred~~
28 ~~dollars (\$18,500), subject to adjustment under section [120]~~
29 ~~2003 A.1(c.3), may be procured, without competitive bidding,~~
30 ~~except that such items shall not be bought in series to avoid~~

1 ~~the dollar ceiling.~~

2 ~~(11) To cooperate with and accept grants and assistance from~~
3 ~~Federal and State agencies, local governments or other political~~
4 ~~subdivisions, foundations, corporations, or any other source for~~
5 ~~any of the lawful purposes of the institution. Each institution~~
6 ~~shall have the power to bank and use such grants as directed by~~
7 ~~the grantor in accordance with applicable board policy and~~
8 ~~subject to the limitations of this act[, except that grants and~~
9 ~~assistance from sources other than State agencies, local~~
10 ~~governments or other political subdivisions shall not be subject~~
11 ~~to the provisions of clause (10)]. All moneys received from~~
12 ~~sources authorized by this section are hereby appropriated to~~
13 ~~each of the several institutions granted such moneys. All such~~
14 ~~moneys shall be subject to audit by the Auditor General.~~

15 ~~(12) To authorize personnel to travel within or without the~~
16 ~~Commonwealth at institutional expense [in accordance with~~
17 ~~regulations of the council]].~~

18 ~~(13) Within the limitations of the operating budget and~~
19 ~~other available funds, to enter into contracts for consultative~~
20 ~~service [not to exceed five thousand dollars (\$5,000) per~~
21 ~~contract]].~~

22 ~~(14) To enter into contracts [in accordance with policies of~~
23 ~~the council,] to enable students to engage in student teaching~~
24 ~~or other training in order to obtain experience in a particular~~
25 ~~field.~~

26 ~~* * *~~

27 ~~Section 6. All acts and parts of acts are repealed and all~~
28 ~~regulations and parts of regulations are abrogated insofar as~~
29 ~~they are inconsistent with this act.~~

30 ~~Section 7. This act shall take effect in 60 days.~~

1 SECTION 1. SECTION 2001-A(1) OF THE ACT OF MARCH 10, 1949
2 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, IS
3 AMENDED AND THE SECTION IS AMENDED BY ADDING PARAGRAPHS TO READ:

4 SECTION 2001-A. DEFINITIONS.--THE FOLLOWING WORDS AND
5 PHRASES WHEN USED IN THIS ARTICLE SHALL, FOR THE PURPOSE OF THIS
6 ARTICLE, HAVE THE FOLLOWING MEANINGS, RESPECTIVELY, EXCEPT IN
7 THOSE INSTANCES WHERE THE CONTEXT CLEARLY INDICATES A DIFFERENT
8 MEANING:

9 (1) "AFFILIATED ENTITY" SHALL MEAN A PRIVATE NONPROFIT
10 CORPORATION WITH THE SOLE PURPOSE OF BENEFITING THE STATE SYSTEM
11 OF HIGHER EDUCATION OR A STATE-OWNED UNIVERSITY.

12 [(1)] (1.1) "BOARD" SHALL MEAN THE BOARD OF GOVERNORS OF THE
13 STATE SYSTEM OF HIGHER EDUCATION.

14 * * *

15 (6.1) "EDUCATION RECORD" SHALL HAVE THE SAME MEANING AS IN
16 THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (PUBLIC
17 LAW 90-247, 20 U.S.C. § 1232G).

18 * * *

19 SECTION 2. SECTION 2002-A OF THE ACT IS AMENDED TO READ:
20 SECTION 2002-A. ESTABLISHMENT OF THE STATE SYSTEM OF HIGHER
21 EDUCATION AND ITS INSTITUTIONS.--(A) SUBJECT TO THE REGULATORY
22 POWERS CONFERRED BY LAW UPON THE STATE BOARD OF EDUCATION, THERE
23 IS HEREBY ESTABLISHED A BODY CORPORATE AND POLITIC CONSTITUTING
24 A PUBLIC CORPORATION AND GOVERNMENT INSTRUMENTALITY [WHICH
25 SHALL] TO BE KNOWN AS THE STATE SYSTEM OF HIGHER EDUCATION,
26 INDEPENDENT OF THE DEPARTMENT OF EDUCATION, HEREINAFTER REFERRED
27 TO AS THE SYSTEM, WHICH IS GRANTED SOVEREIGN IMMUNITY AND
28 OFFICIAL IMMUNITY PURSUANT TO 1 PA.C.S. § 2310 (RELATING TO
29 SOVEREIGN IMMUNITY REAFFIRMED AND SPECIFIC WAIVER) AND WHICH
30 SHALL CONSIST OF THE FOLLOWING INSTITUTIONS AND SUCH OTHER

1 INSTITUTIONS, PRESENTLY EXISTING [OR NEWLY CREATED, AS MAY
2 HEREAFTER BE ADMITTED BY THE BOARD IN CONCURRENCE WITH OTHER
3 AGENCIES AS REQUIRED BY LAW] OR UNTIL CHANGED AS PROVIDED UNDER
4 SUBSECTIONS (A.1), (A.2), (A.3), (A.4), (A.5) AND (A.6), (A.6) <--
5 AND (A.7):

- 6 (1) BLOOMSBURG STATE COLLEGE;
- 7 (2) CALIFORNIA STATE COLLEGE;
- 8 (3) CHEYNEY STATE COLLEGE;
- 9 (4) CLARION STATE COLLEGE;
- 10 (5) EAST STROUDSBURG STATE COLLEGE;
- 11 (6) EDINBORO STATE COLLEGE;
- 12 (7) INDIANA UNIVERSITY OF PENNSYLVANIA;
- 13 (8) KUTZTOWN STATE COLLEGE;
- 14 (9) LOCK HAVEN STATE COLLEGE;
- 15 (10) MANSFIELD STATE COLLEGE;
- 16 (11) MILLERSVILLE STATE COLLEGE;
- 17 (12) SHIPPENSBURG STATE COLLEGE;
- 18 (13) SLIPPERY ROCK STATE COLLEGE; AND
- 19 (14) WEST CHESTER STATE COLLEGE.

20 ~~(A.1) IN ACCORDANCE WITH SECTION 2006 A(A)(18), THE BOARD~~ <--
21 ~~SHALL DEVELOP POLICIES AND PROCEDURES BY WHICH THE BOARD MAY~~
22 ~~CREATE, EXPAND, CONSOLIDATE, TRANSFER OR AFFILIATE AN~~
23 ~~INSTITUTION. BEFORE THE CREATION, EXPANSION, CONSOLIDATION,~~
24 ~~TRANSFER OR AFFILIATION OF AN INSTITUTION, THE BOARD SHALL~~
25 ~~DIRECT THE CHANCELLOR, IN CONSULTATION WITH THE BOARD, TO~~
26 ~~CONDUCT A REVIEW OF THE FINANCIAL STABILITY OF ANY IMPACTED~~
27 ~~INSTITUTION UTILIZING STUDENT SUPPORT METRICS, STUDENT SUCCESS~~
28 ~~METRICS AND OTHER FINANCIAL METRICS AND DEVELOP A REPORT AND~~
29 ~~RECOMMENDATIONS RELATED TO THE NEED FOR THE BOARD TO EXERCISE~~
30 ~~THE BOARD'S POWERS UNDER SECTION 2006 A(A)(18). THE REPORT AND~~

1 ~~RECOMMENDATION SHALL INCLUDE, BUT NOT BE LIMITED TO, AN ANALYSIS~~
2 ~~OF THE FOLLOWING:~~

3 (A.1) THE BOARD SHALL DEVELOP POLICIES AND PROCEDURES BY <--
4 WHICH THE BOARD MAY CREATE, EXPAND, CONSOLIDATE, TRANSFER OR
5 AFFILIATE AN INSTITUTION, EXCEPT FOR AN INSTITUTION WITH A FALL
6 2019 HEADCOUNT ENROLLMENT GREATER THAN 10,000 STUDENTS. THIS
7 SUBSECTION SHALL NOT BE CONSTRUED TO INCLUDE THE POWER TO CLOSE
8 AN INSTITUTION.

9 (A.2) BEFORE THE CREATION, EXPANSION, CONSOLIDATION,
10 TRANSFER OR AFFILIATION OF AN INSTITUTION, THE BOARD SHALL
11 DIRECT THE CHANCELLOR, IN CONSULTATION WITH THE BOARD, TO
12 CONDUCT A REVIEW OF THE FINANCIAL STABILITY OF ANY IMPACTED
13 INSTITUTION UTILIZING STUDENT SUPPORT METRICS, STUDENT SUCCESS
14 METRICS AND OTHER FINANCIAL METRICS AND DEVELOP A REPORT AND
15 RECOMMENDATIONS. THE REPORT AND RECOMMENDATIONS SHALL INCLUDE,
16 BUT NOT BE LIMITED TO, AN ANALYSIS OF THE FOLLOWING:

17 (1) ENROLLMENT TRENDS.

18 (2) PROJECTIONS OF REVENUES AND EXPENDITURES FOR THE CURRENT
19 YEAR AND THE NEXT FIVE (5) YEARS, BOTH ASSUMING THE CONTINUATION
20 OF PRESENT OPERATIONS AND AS IMPACTED BY ANY RECOMMENDATION FOR
21 THE BOARD TO EXERCISE THE BOARD'S POWERS UNDER SECTION 2006 A(A) <--
22 (18) SUBSECTION (A.1). <--

23 (3) ASSETS, LIABILITIES AND INSTITUTIONAL RESERVES.

24 (4) ACTIONS UNDERTAKEN TO IMPROVE THE FINANCIAL STABILITY OF
25 THE INSTITUTION AND THE FINANCIAL IMPACT OF THOSE ACTIONS.

26 (5) ADDITIONAL ACTIONS THAT COULD BE TAKEN TO IMPROVE THE
27 FINANCIAL STABILITY OF THE INSTITUTION, THE PROJECTED FINANCIAL
28 IMPACT OF THOSE ACTIONS AND WHETHER THOSE ACTIONS WOULD
29 ALLEVIATE THE NEED FOR THE BOARD TO EXERCISE THE BOARD'S POWERS
30 UNDER SECTION 2006 A(A) (18) SUBSECTION (A.1). <--

1 (6) THE FINANCIAL IMPACT ON THE INSTITUTION AND THE SYSTEM
2 IF NO ACTION IS TAKEN BY THE BOARD TO EXERCISE THE BOARD'S
3 POWERS UNDER SECTION 2006 A(A) (18) SUBSECTION (A.1). <--

4 (7) THE FINANCIAL IMPACT ON THE SURROUNDING COMMUNITY OF THE
5 INSTITUTION IF ACTION IS TAKEN BY THE BOARD TO EXERCISE THE
6 BOARD'S POWERS UNDER SECTION 2006 A(A) (18) SUBSECTION (A.1). <--

7 (8) IMPACTS ON AFFILIATED ENTITIES AND ANY DONOR
8 RESTRICTIONS ON THE USE OF NON-STATE-APPROPRIATED FUNDS.

9 (A.2) (A.3) UPON THE BOARD'S RECEIPT OF THE REPORT AND <--
10 RECOMMENDATION, THE CHANCELLOR SHALL DEVELOP A PROPOSED
11 IMPLEMENTATION PLAN. THE PROPOSED IMPLEMENTATION PLAN SHALL
12 INCLUDE THE FOLLOWING INFORMATION:

13 (1) DESCRIPTION OF THE PROPOSAL TO EXERCISE POWERS UNDER
14 SECTION 2006 A(A) (18) SUBSECTION (A.1). <--

15 (2) RATIONALE, GOALS AND OBJECTIVES OF THE PROPOSAL TO
16 EXERCISE POWERS UNDER SECTION 2006 A(A) (18) SUBSECTION (A.1). <--

17 (3) METHOD FOR EVALUATING ACHIEVEMENT OF GOALS AND
18 OBJECTIVES.

19 (4) RELATION OF THE PROPOSAL TO THE MISSION AND STRATEGIC
20 PLAN OF THE INSTITUTION AND SYSTEM AS A WHOLE.

21 (5) IMPACTS ON ACADEMIC PROGRAMS, NONACADEMIC UNITS AND
22 ACCREDITATION.

23 (6) IMPACTS ON STUDENTS, FACULTY AND STAFF.

24 (7) IMPACTS ON THE COMMUNITY.

25 (8) IMPACTS ON SHARED GOVERNANCE.

26 (9) BEFORE AND AFTER ORGANIZATIONAL CHARTS FOR ALL IMPACTED
27 INSTITUTIONS.

28 (10) INFORMATION INCLUDED IN THE CHANCELLOR'S REPORT AND
29 RECOMMENDATION UNDER SUBSECTION (A.1) (A.2). <--

30 (11) TIMELINE FOR THE IMPLEMENTATION PLAN.

<--

1 ~~(A.3)~~ (A.4) THE PROPOSED IMPLEMENTATION PLAN SHALL BE
2 APPROVED BY A MAJORITY VOTE OF THE BOARD. IF THE BOARD REJECTS
3 THE PROPOSED IMPLEMENTATION PLAN, THE CHANCELLOR MAY AMEND THE
4 PROPOSAL AND PRESENT IT TO THE BOARD FOR RECONSIDERATION AND
5 APPROVAL BY A MAJORITY VOTE OF THE BOARD. WITHIN FOURTEEN (14)
6 DAYS AFTER APPROVAL OF THE PROPOSED IMPLEMENTATION PLAN, THE
7 BOARD SHALL DO THE FOLLOWING:

8 (1) TRANSMIT A COPY OF THE PROPOSED IMPLEMENTATION PLAN TO
9 THE FOLLOWING:

10 (I) CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
11 APPROPRIATIONS COMMITTEE OF THE SENATE;

12 (II) CHAIRPERSON AND MINORITY CHAIRPERSON OF THE EDUCATION
13 COMMITTEE OF THE SENATE;

14 (III) CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
15 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES; AND

16 (IV) CHAIRPERSON AND MINORITY CHAIRPERSON OF THE EDUCATION
17 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

18 (2) MAKE THE PROPOSED IMPLEMENTATION PLAN AVAILABLE FOR
19 REVIEW AND SOLICIT PUBLIC COMMENT FOR A PERIOD OF NOT LESS THAN
20 SIXTY (60) DAYS.

<--

21 ~~(A.4)~~ (A.5) THE BOARD SHALL CONSULT WITH STAKEHOLDERS,
22 INCLUDING FACULTY, STAFF, STUDENTS AND ADMINISTRATORS, AND HOLD
23 AT LEAST TWO (2) PUBLIC HEARINGS AS PART OF THE PUBLIC COMMENT
24 PERIOD UNDER SUBSECTION ~~(A.3)(2)~~ (A.4) (2). AFTER THE PUBLIC
25 COMMENT PERIOD AND BEFORE ANY ACTION MAY BE TAKEN PURSUANT TO
26 ~~SECTION 2006 A(A)(18)~~ SUBSECTION (A.1), THE BOARD SHALL CONSIDER
27 COMMENTS MADE BY STAKEHOLDERS DURING THE PUBLIC COMMENT PERIOD
28 AND PRESENT AN IMPLEMENTATION PLAN AT A PUBLIC MEETING SUBJECT
29 TO THE APPROVAL BY TWO-THIRDS OF THE BOARD. IF THE BOARD VOTES
30 TO APPROVE THE IMPLEMENTATION PLAN, THE BOARD SHALL, WITHIN

<--

<--

1 FOURTEEN (14) DAYS, TRANSMIT A COPY OF THE FINAL IMPLEMENTATION
2 PLAN TO THE FOLLOWING:

3 (1) CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
4 APPROPRIATIONS COMMITTEE OF THE SENATE.

5 (2) CHAIRPERSON AND MINORITY CHAIRPERSON OF THE EDUCATION
6 COMMITTEE OF THE SENATE.

7 (3) CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
8 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

9 (4) CHAIRPERSON AND MINORITY CHAIRPERSON OF THE EDUCATION
10 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

11 ~~(A.5)~~ (A.6) THE TIMELINE FOR IMPLEMENTATION TO BE COMPLETED <--
12 AS DESCRIBED IN THE FINAL IMPLEMENTATION PLAN SHALL BE NO
13 EARLIER THAN TWELVE (12) MONTHS FROM THE DATE OF THE ISSUANCE OF
14 THE PROPOSED IMPLEMENTATION PLAN.

15 ~~(A.6)~~ (A.7) FOR ANY FINAL IMPLEMENTATION PLAN APPROVED BY <--
16 THE BOARD UNDER SUBPARAGRAPH (A.4) SUBSECTION (A.5), THE UPON <--
17 DEVELOPMENT OF A PROPOSED IMPLEMENTATION PLAN UNDER SUBSECTION
18 (A.3), THE CHANCELLOR SHALL REPORT ON A QUARTERLY BASIS IN
19 PERSON TO THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
20 APPROPRIATIONS COMMITTEE OF THE SENATE, THE CHAIRPERSON AND
21 MINORITY CHAIRPERSON OF THE EDUCATION COMMITTEE OF THE SENATE,
22 THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE APPROPRIATIONS
23 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE CHAIRPERSON
24 AND MINORITY CHAIRPERSON OF THE EDUCATION COMMITTEE OF THE HOUSE
25 OF REPRESENTATIVES INFORMATION DETAILING THE ACTIONS TAKEN,
26 ACTIONS PLANNED TO BE TAKEN IN THE NEXT QUARTER AND PROGRESS
27 MADE TOWARD DEVELOPING AND IMPLEMENTING THE GOALS OF THE PLAN ON
28 THE RESPECTIVE UNIVERSITIES. WITHIN FIFTEEN (15) DAYS OF THE
29 ISSUANCE OF A REPORT TO THE CHAIRPERSONS, THE CHANCELLOR SHALL
30 PRESENT THE REPORT AT A JOINT PUBLIC HEARING OF THE

1 APPROPRIATIONS COMMITTEE OF THE SENATE AND THE EDUCATION
2 COMMITTEE OF THE SENATE AND A JOINT PUBLIC HEARING OF THE
3 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
4 EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES. A REPORT
5 UNDER THIS SUBSECTION SHALL CONTINUE UNTIL THE PLAN IS EITHER
6 REJECTED BY THE BOARD OR HAS BEEN FULLY IMPLEMENTED. A REPORT
7 SHALL INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING INFORMATION:

8 (1) AN OVERVIEW OF THE FINANCIAL POSITION OF THE RESPECTIVE
9 UNIVERSITIES AT THE TIME OF PLAN APPROVAL AND AT THE TIME OF THE
10 REPORT.

11 (2) THE OPERATING BUDGET AND TOTAL BUDGET FOR EACH
12 UNIVERSITY AT THE TIME OF PLAN APPROVAL AND AT THE TIME OF THE
13 REPORT.

14 (3) THE ESTIMATED AMOUNT OF EXPENDITURES NEEDED TO SUPPORT
15 PLAN IMPLEMENTATION AT THE TIME OF PLAN APPROVAL AND THE
16 CUMULATIVE AMOUNT OF EXPENDITURES MADE TO SUPPORT PLAN
17 IMPLEMENTATION AT THE TIME OF THE REPORT.

18 (4) THE APPLICABLE ORGANIZATIONAL CHARTS AT THE TIME OF PLAN
19 APPROVAL AND AT THE TIME OF THE REPORT.

20 (5) FULL-TIME ENROLLMENTS AT THE TIME OF PLAN APPROVAL AND
21 AT THE TIME OF THE REPORT.

22 (6) GRADUATION OUTCOMES AT THE TIME OF PLAN APPROVAL AND AT
23 THE TIME OF THE REPORT.

24 (7) THE COST OF TUITION, ROOM AND BOARD AND FEES AT THE TIME
25 OF PLAN APPROVAL AND AT THE TIME OF THE REPORT.

26 (8) THE AVERAGE COST OF ATTENDANCE AT THE TIME OF PLAN
27 APPROVAL AND AT THE TIME OF THE REPORT.

28 (9) THE NUMBER OF FACULTY AND NONFACULTY EMPLOYEES AT THE
29 TIME OF PLAN APPROVAL AND AT THE TIME OF THE REPORT.

30 (10) THE NUMBER OF FACULTY AND NONFACULTY EMPLOYEES BY

1 LOCATION AT THE TIME OF PLAN APPROVAL AND AT THE TIME OF THE
2 REPORT.

3 (11) EACH IMPACT TO FACULTY AND NONFACULTY EMPLOYE STAFFING,
4 INCLUDING, BUT NOT LIMITED TO, SEPARATIONS, REDUCTIONS IN FORCE,
5 RECLASSIFICATIONS OF JOB RESPONSIBILITIES OR ROLES OR
6 REASSIGNMENTS TO OTHER UNIVERSITIES WITHIN THE SYSTEM. THE
7 NOTIFICATION UNDER THIS PARAGRAPH SHALL INCLUDE AN ESTIMATED
8 FINANCIAL IMPACT FOR THE CURRENT AND SUBSEQUENT TWO FISCAL
9 YEARS.

10 (12) THE FACULTY TO STUDENT RATIO AND THE FACULTY AND
11 NONFACULTY EMPLOYE TO STUDENT RATIO AT THE TIME OF PLAN APPROVAL
12 AND AT THE TIME OF THE REPORT.

13 (13) A LIST OF ACADEMIC PROGRAMS THAT HAVE BEEN TERMINATED
14 OR CONSOLIDATED AND AN EXPLANATION OF THE REASONS FOR
15 TERMINATION OR CONSOLIDATION.

16 (14) A LIST OF NEW ACADEMIC PROGRAMS THAT HAVE BEEN APPROVED
17 AND AN EXPLANATION OF THE NEED FOR THE PROGRAMS.

18 (15) THE NUMBER OF ACADEMIC PROGRAMS BY LOCATION AT THE TIME
19 OF PLAN APPROVAL AND AT THE TIME OF THE REPORT.

20 (16) A LIST OF PROPERTY THAT IS FOR SALE OR HAS BEEN SOLD
21 AND THE VALUE OF THE PROCEEDS FROM THE SALE.

22 (17) A LIST OF ADMINISTRATIVE SERVICE CONSOLIDATIONS AND THE
23 VALUE OF SAVINGS RESULTING FROM THE CONSOLIDATIONS.

24 (18) A LIST OUTLINING CONCERNS RELATED TO THE IMPLEMENTATION
25 OF THE PLAN ON THE COMMUNITY AND AFFILIATED ORGANIZATIONS.

26 (19) ANY OTHER INFORMATION AS REQUESTED BY THE CHAIRPERSONS
27 ENUMERATED UNDER THIS SUBSECTION.

28 (A.8) THE BOARD'S AUTHORITY TO APPROVE A FINAL
29 IMPLEMENTATION PLAN SHALL EXPIRE THREE YEARS FROM THE EFFECTIVE
30 DATE OF THIS SUBSECTION.

1 (B) EACH OF THE SAID INSTITUTIONS SHALL HEREAFTER BE KNOWN
2 AS THE (NAME) UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF
3 HIGHER EDUCATION, EXCEPT FOR INDIANA UNIVERSITY OF PENNSYLVANIA,
4 WHICH SHALL RETAIN ITS NAME. AS SUCCESSOR INSTITUTIONS TO THE
5 STATE NORMAL SCHOOLS, APPROPRIATIONS FOR THEIR OPERATION ARE
6 ORDINARY EXPENSES OF GOVERNMENT, REQUIRING ONLY A MAJORITY VOTE
7 OF EACH HOUSE OF THE GENERAL ASSEMBLY. THE STATE SYSTEM OF
8 HIGHER EDUCATION SHALL HAVE THE SAME PREFERRED STATUS FOR
9 APPROPRIATIONS AS IS ENJOYED BY ITS CONSTITUENT INSTITUTIONS.
10 STATE FUNDS APPROPRIATED TO THE SYSTEM SHALL BE ALLOCATED TO THE
11 INDIVIDUAL INSTITUTIONS ON A FORMULA BASED ON, BUT NOT LIMITED
12 TO, SUCH FACTORS AS ENROLLMENTS, DEGREES GRANTED AND PROGRAMS.

13 SECTION 3. ~~SECTIONS~~ SECTION 2003-A(A) AND (D) ~~AND 2003-~~ <--
14 ~~A.1(D) AND (F)~~ OF THE ACT ARE AMENDED TO READ:

15 SECTION 2003-A. PURPOSES AND GENERAL POWERS.--(A) THE STATE
16 SYSTEM OF HIGHER EDUCATION SHALL BE PART OF THE COMMONWEALTH'S
17 SYSTEM OF HIGHER EDUCATION. ITS PURPOSE SHALL BE TO PROVIDE HIGH
18 QUALITY EDUCATION AT THE LOWEST POSSIBLE COST TO [THE] STUDENTS.
19 THE PRIMARY MISSION OF THE SYSTEM IS THE PROVISION OF
20 INSTRUCTION FOR UNDERGRADUATE AND GRADUATE STUDENTS TO AND
21 BEYOND THE MASTER'S DEGREE IN THE LIBERAL ARTS AND SCIENCES AND
22 IN APPLIED FIELDS, INCLUDING THE TEACHING PROFESSION. GRADUATE
23 INSTRUCTION AT THE DOCTORAL LEVEL, EXCEPT FOR DOCTORAL PROGRAMS
24 PROVIDED FOR IN THE ACT OF DECEMBER 16, 1965 (P.L.1113, NO.430),
25 KNOWN AS THE "INDIANA UNIVERSITY OF PENNSYLVANIA ACT," ONLY MAY
26 BE OFFERED JOINTLY WITH INDIANA UNIVERSITY OR AN INSTITUTION
27 CHARTERED TO OFFER WORK AT THE DOCTORAL LEVEL. PROGRAMS OF
28 RESEARCH AND SERVICE MAY BE PROVIDED WHICH ARE APPROVED BY THE
29 BOARD OF GOVERNORS, AND WHICH ARE CONSISTENT WITH THE PRIMARY
30 MISSION OF THE SYSTEM. EACH INSTITUTION SHALL PROVIDE

1 APPROPRIATE EDUCATIONAL FACILITIES, STUDENT LIVING FACILITIES
2 AND SUCH OTHER FACILITIES AS DEEMED NECESSARY BY THE BOARD.

3 * * *

4 (D) THE SYSTEM MAY [ENTER INTO AN AGREEMENT WITH ANY ENTITY
5 FOR THE COOPERATIVE USE OF SUPPLIES OR SERVICES.] PARTICIPATE
6 IN, SPONSOR, CONDUCT OR ADMINISTER COOPERATIVE USE OR PURCHASING
7 AGREEMENTS. ALL PURCHASES AND AGREEMENTS MADE PURSUANT TO THIS
8 SUBSECTION SHALL [BE THE RESULT OF A SYSTEM OF COMPETITIVE
9 BIDDING AND IN ACCORDANCE WITH THE LAWS OF THIS COMMONWEALTH.]
10 BE MADE IN ACCORDANCE WITH 62 PA.C.S. § 1902 (RELATING TO
11 COOPERATIVE PURCHASING AUTHORIZED).

12 SECTION 2003 A.1. ~~PROJECT CONTRACTS. * * *~~

<--

13 ~~{(D) THE POWER AND AUTHORITY GRANTED BY THIS SECTION SHALL~~
14 ~~NOT BE EXERCISED BY THE SYSTEM, THE BOARD OR AN INSTITUTION FOR~~
15 ~~A PROJECT TO MODIFY, REPAIR OR RENOVATE ANY FACILITY ERECTED BY~~
16 ~~THE DEPARTMENT OF GENERAL SERVICES UNLESS PRIOR WRITTEN NOTICE~~
17 ~~SETTING FORTH THE NATURE, SCOPE, EXTENT AND DESCRIPTION OF SUCH~~
18 ~~PROJECT HAS BEEN GIVEN TO THE DEPARTMENT OF GENERAL SERVICES.}~~

19 ~~(F) THE SYSTEM IS AUTHORIZED TO TRANSFER AND CONVEY ANY~~
20 ~~EASEMENTS OR LICENSES [NECESSITATED BY ANY CONSTRUCTION PROJECT~~
21 ~~WHICH HAS BEEN PREVIOUSLY AUTHORIZED BY THE BOARD] AS NECESSARY.~~

22 SECTION 4. SECTION 2004-A(A) (7) AND (B) OF THE ACT ARE
23 AMENDED, SUBSECTION (A) IS AMENDED BY ADDING A PARAGRAPH AND THE
24 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

25 SECTION 2004-A. BOARD OF GOVERNORS.-- (A) THE SYSTEM SHALL
26 BE GOVERNED AND ALL OF ITS CORPORATE POWERS EXERCISED BY THE
27 BOARD OF GOVERNORS, WHICH SHALL CONSIST OF TWENTY (20) MEMBERS
28 TO BE APPOINTED AS FOLLOWS:

29 * * *

30 (7) [FOURTEEN (14) MEMBERS SHALL BE APPOINTED BY THE

1 GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE OF WHICH SIX
2 (6) SHALL BE SELECTED FROM THE CITIZENS OF THE COMMONWEALTH.
3 THREE (3) MEMBERS OF THE FOURTEEN (14) SHALL BE STUDENTS WHOSE
4 TERMS SHALL EXPIRE UPON GRADUATION, SEPARATION OR FAILURE TO
5 MAINTAIN GOOD ACADEMIC STANDARDS AT THEIR INSTITUTION AND FIVE
6 (5) OF THE FOURTEEN (14) SHALL BE TRUSTEES OF CONSTITUENT
7 INSTITUTIONS, HOWEVER, NO MORE THAN ONE TRUSTEE REPRESENTING A
8 CONSTITUENT INSTITUTION. THE STUDENT MEMBERS SHALL BE SELECTED
9 FROM THE PRESIDENTS OF THE LOCAL CAMPUS STUDENT GOVERNMENT
10 ASSOCIATIONS, OR THEIR LOCAL EQUIVALENT.] ELEVEN (11) MEMBERS
11 SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT
12 OF THE SENATE OF WHICH SIX (6) MEMBERS SHALL BE SELECTED FROM
13 THE RESIDENTS OF THIS COMMONWEALTH AND FIVE (5) MEMBERS SHALL BE
14 SELECTED FROM TRUSTEES OF CONSTITUENT INSTITUTIONS, EXCEPT THAT
15 NO MORE THAN ONE TRUSTEE MAY REPRESENT A CONSTITUENT
16 INSTITUTION.

17 (8) THREE (3) OF THE MEMBERS SHALL BE STUDENTS APPOINTED BY
18 THE BOARD UNDER SECTION 2006-A(A) (17). THE STUDENT MEMBERS SHALL
19 BE SELECTED WITH THE ADVICE AND CONSENT OF INSTITUTION
20 PRESIDENTS. A STUDENT'S TERM SHALL EXPIRE UPON GRADUATION,
21 SEPARATION OR FAILURE TO MAINTAIN GOOD ACADEMIC STANDING AT THE
22 INSTITUTION IN WHICH THE STUDENT IS ENROLLED.

23 (B) ALL MEMBERS OF THE BOARD APPOINTED BY THE GOVERNOR[,
24 EXCEPT FOR THE STUDENTS,] SHALL SERVE FOR TERMS OF FOUR (4)
25 YEARS. THE GOVERNOR AND SECRETARY OF EDUCATION SHALL SERVE SO
26 LONG AS THEY CONTINUE IN OFFICE. MEMBERS OF THE BOARD APPOINTED
27 FROM THE GENERAL ASSEMBLY SHALL SERVE A TERM OF OFFICE
28 CONCURRENT WITH THEIR RESPECTIVE ELECTIVE TERMS AS MEMBERS OF
29 THE GENERAL ASSEMBLY.

30 * * *

1 (D.1) A STUDENT BOARD MEMBER APPOINTED UNDER SUBSECTION (A)
2 (8) MAY BE REMOVED BY THE BOARD.

3 * * *

4 SECTION 5. SECTION 2005-A(4) OF THE ACT IS AMENDED TO READ:
5 SECTION 2005-A. THE CHANCELLOR.--THE CHIEF EXECUTIVE OFFICER
6 OF THE SYSTEM SHALL BE A CHANCELLOR, WHO SHALL BE EMPLOYED BY
7 THE BOARD IN ACCORDANCE WITH CLAUSE (1) OF SECTION 2006-A. IN
8 ADDITION TO THOSE PRESCRIBED BY THE BOARD, THE CHANCELLOR SHALL
9 HAVE THE FOLLOWING DUTIES:

10 * * *

11 (4) THE CHANCELLOR SHALL ASSIST THE BOARD IN ITS APPOINTMENT
12 OF THE PRESIDENTS FOR THE CONSTITUENT INSTITUTIONS BY SUBMITTING
13 TO THE BOARD THE NAME OR NAMES OF INDIVIDUALS RECOMMENDED BY THE
14 COUNCIL OF TRUSTEES [OF THE APPROPRIATE CONSTITUENT INSTITUTION
15 WHO SHALL INVOLVE STUDENTS, FACULTY AND ALUMNI IN THE INTERVIEW
16 AND SELECTION PROCESS USED TO FORMULATE THEIR RECOMMENDATION].
17 THE CHANCELLOR SHALL SUBMIT TO THE BOARD THE RECOMMENDED SALARY
18 AND OTHER PROPOSED TERMS OF EACH SUCH APPOINTMENT. THE BOARD
19 SHALL HAVE THE RIGHT TO REFUSE THE RECOMMENDATION OF THE LOCAL
20 COUNCIL AND TO REQUEST THAT ADDITIONAL RECOMMENDATIONS BE
21 SUBMITTED BY THE COUNCIL.

22 * * *

23 SECTION 6. SECTION 2006-A(A) INTRODUCTORY PARAGRAPH, (5),
24 (14) AND (15) OF THE ACT ARE AMENDED AND THE SUBSECTION IS
25 AMENDED BY ADDING PARAGRAPHS TO READ:

26 SECTION 2006-A. POWERS AND DUTIES OF THE BOARD OF
27 GOVERNORS.--(A) THE BOARD OF GOVERNORS SHALL HAVE OVERALL
28 RESPONSIBILITY FOR PLANNING AND COORDINATING THE DEVELOPMENT AND
29 OPERATION OF THE SYSTEM. THE POWERS AND DUTIES OF THE BOARD OF
30 GOVERNORS SHALL BE:

1 * * *

2 (5) TO [CREATE] APPROVE NEW UNDERGRADUATE AND GRADUATE
3 DEGREE PROGRAMS, WHICH SHALL NOT BE SUBJECT TO THE RULES AND
4 REGULATIONS OF THE STATE BOARD OF EDUCATION; TO APPROVE
5 EXTENSION CAMPUSES AND NEW EXTERNAL DEGREE PROGRAMS SUBJECT TO
6 THE RULES AND REGULATIONS OF THE STATE BOARD OF EDUCATION; TO
7 PROMOTE COOPERATION AMONG INSTITUTIONS, INCLUDING THE
8 DEVELOPMENT OF CONSORTIA WITHIN THE SYSTEM AND OTHER EDUCATIONAL
9 INSTITUTIONS AND AGENCIES.

10 * * *

11 (14) TO MAKE ALL REASONABLE [RULES AND REGULATIONS] POLICIES
12 AND PROCEDURES NECESSARY TO CARRY OUT THE PURPOSES OF THIS
13 ARTICLE AND THE DUTIES OF THE BOARD.

14 (15) TO DO AND PERFORM GENERALLY ALL OF THOSE THINGS
15 NECESSARY AND REQUIRED TO ACCOMPLISH THE ROLE AND OBJECTIVES OF
16 THE SYSTEM, UNLESS OTHERWISE DELEGATED BY THE BOARD TO THE
17 CHANCELLOR.

18 (16) TO REQUIRE INSTITUTIONS TO SHARE SERVICES AND TO
19 PARTICIPATE IN COLLABORATIONS WHEN THE SYSTEM HAS SHOWN EVIDENCE
20 IN WRITING OF COST REDUCTIONS AND IMPROVED EFFICIENCIES ACROSS
21 THE SYSTEM. FOR A NEW, AMENDED OR ALTERED ~~OR ELIMINATED~~ SHARED <--
22 SERVICE, ~~COLLABORATION OR CONTRACT SERVICES CONTRACT OR~~ <--
23 COLLABORATION, THE INSTITUTION'S COUNCIL OF TRUSTEES MAY REJECT
24 IT BY A TWO-THIRDS ~~MAJORITY~~ VOTE WITH WRITTEN NOTICE PROVIDED TO <--
25 THE BOARD WITHIN TEN (10) DAYS OF THE COUNCIL OF TRUSTEES'
26 DECISION. THIS PARAGRAPH SHALL NOT BE CONSTRUED TO ALLOW AN
27 INSTITUTION'S COUNCIL OF TRUSTEES RETROACTIVE DISCRETION OVER A
28 SHARED SERVICE OR COLLABORATION ALREADY IN EFFECT PRIOR TO THE
29 EFFECTIVE DATE OF THIS PARAGRAPH.

30 (17) TO APPOINT STUDENT MEMBERS TO THE BOARD AND COUNCILS.

1 ~~(18) IN ACCORDANCE WITH SECTION 2006 A (A.1), TO MAKE, ISSUE <--~~
2 ~~AND ENFORCE BOARD POLICIES, PROCEDURES AND STANDARDS FOR THE~~
3 ~~MANAGEMENT AND CONDUCT OF THE INSTRUCTIONAL, ADMINISTRATIVE AND~~
4 ~~FINANCIAL AFFAIRS OF THE SYSTEM. THIS PARAGRAPH SHALL NOT BE~~
5 ~~CONSTRUED TO INCLUDE THE POWER TO CLOSE AN INSTITUTION. EXCEPT~~
6 ~~FOR AN INSTITUTION WITH A FALL 2019 HEADCOUNT ENROLLMENT GREATER~~
7 ~~THAN 10,000 STUDENTS, THIS PARAGRAPH SHALL INCLUDE POWERS AND~~
8 ~~DUTIES TO CREATE, EXPAND, CONSOLIDATE, TRANSFER OR AFFILIATE AN~~
9 ~~INSTITUTION.~~

10 ~~(19) ANY ACTION TAKEN UNDER THE FINAL IMPLEMENTATION PLAN~~
11 ~~INVOLVING THE MOVEMENT OF MONEY FROM AN ACCOUNT OF THE SYSTEM OR~~
12 ~~AN INSTITUTION TO ANOTHER ACCOUNT OR INSTITUTION SHALL BE~~
13 ~~DOCUMENTED AND INCLUDE A PLAN FOR REPAYMENT. REPAYMENT SHALL BE~~
14 ~~GIVEN PRIORITY WHEN ANY NEW FEDERAL OR STATE MONEY IS~~
15 ~~APPROPRIATED.~~

16 ~~(18) TO DOCUMENT THE MOVEMENT OF MONEY FROM AN ACCOUNT OF <--~~
17 ~~THE SYSTEM OR AN INSTITUTION TO ANOTHER ACCOUNT OR INSTITUTION~~
18 ~~AND INCLUDE A PLAN FOR REPAYMENT. REPAYMENT SHALL BE GIVEN~~
19 ~~PRIORITY WHEN ANY NEW FEDERAL OR STATE MONEY IS APPROPRIATED.~~

20 ~~(20) (19) TO MAKE, ISSUE AND ENFORCE BOARD POLICIES, <--~~
21 ~~PROCEDURES AND STANDARDS FOR THE MANAGEMENT AND CONDUCT OF THE~~
22 ~~INSTRUCTIONAL, ADMINISTRATIVE AND FINANCIAL AFFAIRS OF THE~~
23 ~~SYSTEM.~~

24 * * *

25 SECTION 7. SECTIONS 2008-A, 2009-A AND 2010-A INTRODUCTORY
26 PARAGRAPH, (1), (5), (10.1), (11), (12), (13) AND (14) OF THE
27 ACT ARE AMENDED TO READ:

28 SECTION 2008-A. COUNCILS OF TRUSTEES.--(A) THE COUNCIL OF
29 EACH OF THE INSTITUTIONS SHALL CONSIST OF ELEVEN (11) MEMBERS
30 WHO, EXCEPT FOR STUDENT MEMBERS, SHALL BE NOMINATED AND

1 APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE
2 SENATE. AT LEAST TWO (2) MEMBERS OF THE ELEVEN (11) MEMBER
3 COUNCIL OF TRUSTEES SHALL BE ALUMNI OF THE INSTITUTION.

4 (B) [TEN (10) MEMBERS OF EACH COUNCIL SHALL SERVE TERMS OF
5 SIX (6) YEARS, RESPECTIVELY, AND UNTIL THEIR RESPECTIVE
6 SUCCESSORS ARE DULY APPOINTED AND QUALIFIED. ONE (1) MEMBER OF
7 EACH COUNCIL SHALL BE A FULL-TIME UNDERGRADUATE STUDENT IN GOOD
8 ACADEMIC STANDING, OTHER THAN FRESHMAN, ENROLLED FOR AT LEAST
9 TWELVE (12) SEMESTER HOURS AT THE INSTITUTION OF WHICH HE IS A
10 TRUSTEE. THE STUDENT MEMBER SHALL SERVE A TERM OF FOUR (4) YEARS
11 OR FOR SO LONG AS HE IS A FULL-TIME UNDERGRADUATE STUDENT IN
12 ATTENDANCE AT THE INSTITUTION OF WHICH HE IS A TRUSTEE,
13 WHICHEVER PERIOD IS SHORTER, AND IS IN GOOD ACADEMIC STANDING.
14 VACANCIES OCCURRING BEFORE THE EXPIRATION OF THE TERM OF ANY
15 MEMBER SHALL BE FILLED IN LIKE MANNER FOR THE UNEXPIRED TERM.
16 STUDENT MEMBERS OF THE COUNCIL OF TRUSTEES SHALL BE APPOINTED BY
17 THE GOVERNOR AND SHALL NOT BE SUBJECT TO SENATE CONFIRMATION. IF
18 A STUDENT MEMBER IS TEMPORARILY UNABLE, FOR MEDICAL OR VALID
19 ACADEMIC REASONS, TO FULFILL THE RESPONSIBILITIES OF OFFICE, THE
20 COUNCIL OF TRUSTEES MAY REQUEST THAT THE GOVERNOR APPOINT AN
21 OTHERWISE QUALIFIED STUDENT TO SERVE AS AN ALTERNATE UNTIL THE
22 RETURN OF THE STUDENT MEMBER.

23 (C) THE MEMBERS OF EACH BOARD OF TRUSTEES OF A FORMER STATE
24 COLLEGE OR UNIVERSITY SERVING IN SUCH CAPACITY ON THE EFFECTIVE
25 DATE OF THIS ACT SHALL CONTINUE TO SERVE FOR THE BALANCE OF
26 THEIR RESPECTIVE TERMS.] TEN (10) MEMBERS OF EACH COUNCIL SHALL
27 SERVE TERMS OF SIX (6) YEARS, RESPECTIVELY AND UNTIL THEIR
28 RESPECTIVE SUCCESSORS ARE DULY APPOINTED AND QUALIFIED. <--

29 (B.1) ONE (1) MEMBER OF EACH COUNCIL SHALL BE A STUDENT
30 APPOINTED BY THE BOARD UNDER SECTION 2006-A(A) (17). THE STUDENT

1 MEMBER SHALL SERVE A TERM OF FOUR (4) YEARS OR FOR SO LONG AS
2 THE STUDENT IS A FULL-TIME STUDENT IN ATTENDANCE AT THE
3 INSTITUTION OF WHICH THE STUDENT IS A TRUSTEE, WHICHEVER PERIOD
4 IS SHORTER, AND IS IN GOOD ACADEMIC STANDING. IF A STUDENT
5 MEMBER IS TEMPORARILY UNABLE, FOR MEDICAL OR VALID ACADEMIC
6 REASONS, TO FULFILL THE RESPONSIBILITIES OF OFFICE, THE COUNCIL
7 OF TRUSTEES MAY APPOINT AN OTHERWISE QUALIFIED STUDENT TO SERVE
8 AS AN ALTERNATE UNTIL THE RETURN OF THE STUDENT MEMBER.

9 (B.2) VACANCIES OCCURRING BEFORE THE EXPIRATION OF THE TERM
10 OF ANY MEMBER SHALL BE FILLED IN LIKE MANNER FOR THE UNEXPIRED
11 TERM.

12 (D) SIX (6) MEMBERS OF A COUNCIL SHALL CONSTITUTE A QUORUM.
13 EACH COUNCIL SHALL SELECT FROM ITS MEMBERS A CHAIRPERSON AND A
14 SECRETARY TO SERVE AT THE PLEASURE OF THE COUNCIL. EACH COUNCIL
15 SHALL MEET AT LEAST QUARTERLY, AND ADDITIONALLY AT THE CALL OF
16 THE PRESIDENT, OR ITS CHAIRPERSON, OR UPON REQUEST OF THREE (3)
17 OF ITS MEMBERS.

18 SECTION 2009-A. POWERS AND DUTIES OF COUNCILS OF TRUSTEES.--

19 (A) IN ACCORDANCE WITH [THE RULES AND REGULATIONS] POLICIES,
20 PROCEDURES AND STANDARDS ADOPTED BY THE BOARD, THE COUNCIL OF
21 EACH INSTITUTION SHALL HAVE THE POWER AND ITS DUTY SHALL BE:

22 (1) TO MAKE RECOMMENDATIONS TO THE CHANCELLOR FOR THE
23 APPOINTMENT[,] AND RETENTION [OR DISMISSAL] OF THE PRESIDENT
24 FOLLOWING [CONSULTATION WITH] INPUT BY STUDENTS, FACULTY, STAFF
25 AND ALUMNI.

26 (1.1) TO MAKE RECOMMENDATIONS TO THE CHANCELLOR FOR THE
27 DISMISSAL OF THE PRESIDENT.

28 (2) TO ASSIST THE PRESIDENT IN DEVELOPING PROPER RELATIONS
29 AND UNDERSTANDING BETWEEN THE INSTITUTION AND ITS PROGRAMS AND
30 THE PUBLIC, IN ORDER TO SERVE THE INTERESTS AND NEEDS OF BOTH.

1 [(3) TO REVIEW AND APPROVE THE RECOMMENDATIONS OF THE
2 PRESIDENT AS TO STANDARDS FOR THE ADMISSION, DISCIPLINE AND
3 EXPULSION OF STUDENTS.]

4 (4) TO REVIEW AND [APPROVE THE RECOMMENDATIONS OF] PROVIDE
5 INPUT TO THE PRESIDENT PERTAINING TO POLICIES AND PROCEDURES
6 GOVERNING THE USE OF INSTITUTIONAL FACILITIES AND PROPERTY.

7 (5) TO APPROVE SCHOOLS AND ACADEMIC PROGRAMS.

8 (6) TO REVIEW AND APPROVE THE RECOMMENDATIONS OF THE
9 PRESIDENT PERTAINING TO ANNUAL OPERATING AND CAPITAL BUDGET
10 REQUIREMENTS FOR FORWARDING TO THE BOARD.

11 (7) TO REVIEW AND APPROVE RECOMMENDATIONS FOR CHARGES FOR
12 TUITION, AND TO APPROVE ROOM AND BOARD AND OTHER FEES EXCEPT
13 STUDENT ACTIVITY FEES AND ANY FEES RELATED TO THE PROVISION OF
14 CONTRACTED HEALTH SERVICES.

15 [(8) TO CONDUCT AN ANNUAL PHYSICAL INSPECTION OF FACILITIES
16 AND MAKE RECOMMENDATIONS REGARDING MAINTENANCE AND CONSTRUCTION
17 TO THE BOARD.]

18 (9) TO REVIEW [AND APPROVE ALL] CONTRACTS AND PURCHASES
19 NEGOTIATED OR AWARDED BY THE PRESIDENT, INCLUDING ANY CONTRACT
20 OR PURCHASE REPORTS, WITH OR WITHOUT COMPETITIVE BIDDING AND ALL
21 CONTRACTS FOR CONSULTATIVE SERVICES ENTERED BY THE PRESIDENT.

22 (10) TO REPRESENT THE INSTITUTION AT OFFICIAL FUNCTIONS OF
23 THE COMMONWEALTH.

24 (11) TO TAKE SUCH OTHER ACTION AS MAY BE NECESSARY TO
25 EFFECTUATE THE POWERS AND DUTIES HEREIN DELEGATED.

26 (12) IN ACCORDANCE WITH THE EVALUATION PROCEDURE ESTABLISHED
27 BY THE BOARD EACH COUNCIL SHALL CONDUCT AN EVALUATION OF THE
28 PRESIDENT AND FORWARD THE RESULTS OF THAT EVALUATION WITH
29 RECOMMENDATION TO THE CHANCELLOR FOR SUBMISSION TO THE BOARD.

30 (13) BY RESOLUTION ADOPTED BY THE COUNCIL TO AUTHORIZE

1 CAMPUS POLICE WHO HAVE COMPLETED FIREARMS TRAINING IN ACCORDANCE
2 WITH 53 PA.C.S. § 2167(A) (RELATING TO POLICE TRAINING) TO CARRY
3 FIREARMS IN THE COURSE OF DUTY FOR ANY INSTITUTION WHOSE CAMPUS
4 POLICE ARE AUTHORIZED TO CARRY FIREARMS ON THE EFFECTIVE DATE OF
5 THIS PARAGRAPH, THE AUTHORITY TO CARRY FIREARMS SHALL REMAIN IN
6 EFFECT UNLESS THE COUNCIL BY RESOLUTION DISSOLVES SUCH
7 AUTHORITY.

8 SECTION 2010-A. POWER AND DUTIES OF INSTITUTION

9 PRESIDENTS.--THE PRESIDENT OF EACH INSTITUTION SHALL BE
10 APPOINTED BY THE BOARD. THE PRESIDENT SHALL BE THE CHIEF
11 EXECUTIVE OFFICER OF THAT INSTITUTION. [HE] THE PRESIDENT SHALL
12 HAVE THE RIGHT TO ATTEND ALL MEETINGS OF THE COUNCIL OF THAT
13 INSTITUTION AND SHALL HAVE THE RIGHT TO SPEAK ON ALL MATTERS
14 BEFORE THE COUNCIL BUT NOT TO VOTE. SUBJECT TO THE STATED
15 AUTHORITY OF THE BOARD AND THE COUNCIL, EACH PRESIDENT SHALL
16 HAVE THE FOLLOWING POWERS AND DUTIES:

17 (1) EXCEPT INsofar AS SUCH MATTERS ARE GOVERNED BY
18 COLLECTIVE BARGAINING AGREEMENTS ENTERED PURSUANT TO THE ACT OF
19 JULY 23, 1970 (P.L.563, NO.195), KNOWN AS THE "PUBLIC EMPLOYE
20 RELATIONS ACT," AND SUBJECT TO THE POLICIES OF THE BOARD, TO
21 APPOINT SUCH EMPLOYES, PROFESSIONAL AND NONINSTRUCTIONAL,
22 GRADUATE ASSISTANTS, ETC. AS NECESSARY, TO FIX THE SALARIES AND
23 [BENEFITS OF EMPLOYES, PROFESSIONAL AND NONINSTRUCTIONAL, AND TO
24 ESTABLISH POLICIES AND PROCEDURES GOVERNING EMPLOYMENT RIGHTS,
25 PROMOTION, DISMISSAL, TENURE, LEAVES OF ABSENCE, GRIEVANCES AND]
26 SALARY SCHEDULES.

27 * * *

28 (5) TO ESTABLISH POLICIES AND PROCEDURES GOVERNING THE USE
29 OF INSTITUTIONAL FACILITIES AND PROPERTY IN [ACCORDANCE WITH
30 GUIDELINES ESTABLISHED BY] CONSULTATION WITH THE LOCAL COUNCIL.

1 * * *

2 (10.1) WITHIN THE LIMITATIONS OF THE OPERATING BUDGET AND
3 OTHER AVAILABLE FUNDS IN ACCORDANCE WITH THE PROCEDURES
4 ESTABLISHED BY THE BOARD [AND WITH THE APPROVAL OF THE LOCAL
5 COUNCIL,] TO NEGOTIATE AND AWARD ALL CONTRACTS FOR EQUIPMENT,
6 SERVICES AND SUPPLIES IN EXCESS OF A COST OF A BASE AMOUNT OF
7 EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS (\$18,500), SUBJECT TO
8 ADJUSTMENT UNDER SECTION [120] 2003-A.1(C.3), ON A COMPETITIVE
9 BID BASIS [AND]. CONTRACTS TO PURCHASE INSTRUCTIONAL,
10 EDUCATIONAL, EXTRACURRICULAR, TECHNICAL, ADMINISTRATIVE,
11 CUSTODIAL AND MAINTENANCE EQUIPMENT AND SUPPLIES NOT IN EXCESS
12 OF A COST OF A BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED
13 DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT UNDER SECTION [120]
14 2003-A.1(C.3), MAY BE PROCURED, WITHOUT COMPETITIVE BIDDING,
15 EXCEPT THAT SUCH ITEMS SHALL NOT BE BOUGHT IN SERIES TO AVOID
16 THE DOLLAR CEILING.

17 (11) TO COOPERATE WITH AND ACCEPT GRANTS AND ASSISTANCE FROM
18 FEDERAL AND STATE AGENCIES, LOCAL GOVERNMENTS OR OTHER POLITICAL
19 SUBDIVISIONS, FOUNDATIONS, CORPORATIONS, OR ANY OTHER SOURCE FOR
20 ANY OF THE LAWFUL PURPOSES OF THE INSTITUTION. EACH INSTITUTION
21 SHALL HAVE THE POWER TO BANK AND USE SUCH GRANTS AS DIRECTED BY
22 THE GRANTOR AND SUBJECT TO THE LIMITATIONS OF THIS ACT[, EXCEPT
23 THAT GRANTS AND ASSISTANCE FROM SOURCES OTHER THAN STATE
24 AGENCIES, LOCAL GOVERNMENTS OR OTHER POLITICAL SUBDIVISIONS
25 SHALL NOT BE SUBJECT TO THE PROVISIONS OF CLAUSE (10)]. ALL
26 MONEYS RECEIVED FROM SOURCES AUTHORIZED BY THIS SECTION ARE
27 HEREBY APPROPRIATED TO EACH OF THE SEVERAL INSTITUTIONS GRANTED
28 SUCH MONEYS. ALL SUCH MONEYS SHALL BE SUBJECT TO AUDIT BY THE
29 AUDITOR GENERAL.

30 (12) TO AUTHORIZE PERSONNEL TO TRAVEL WITHIN OR WITHOUT THE

1 COMMONWEALTH AT INSTITUTIONAL EXPENSE [IN ACCORDANCE WITH
2 REGULATIONS OF THE COUNCIL].

3 (13) WITHIN THE LIMITATIONS OF THE OPERATING BUDGET AND
4 OTHER AVAILABLE FUNDS, TO ENTER INTO CONTRACTS FOR CONSULTATIVE
5 SERVICE [NOT TO EXCEED FIVE THOUSAND DOLLARS (\$5,000) PER
6 CONTRACT].

7 (14) TO ENTER INTO CONTRACTS [IN ACCORDANCE WITH POLICIES OF
8 THE COUNCIL,] TO ENABLE STUDENTS TO ENGAGE IN STUDENT TEACHING
9 OR OTHER TRAINING IN ORDER TO OBTAIN EXPERIENCE IN A PARTICULAR
10 FIELD.

11 * * *

12 SECTION 8. SECTIONS 2011-A AND 2017-A OF THE ACT ARE AMENDED
13 TO READ:

14 SECTION 2011-A. RENTAL FEES AND OTHER CHARGES.-- (A) IN
15 ADDITION TO RENTAL FEES FIXED, CHARGED AND COLLECTED IN THE
16 MANNER PROVIDED BY LAW FROM EACH STUDENT RESIDING IN STATE-OWNED
17 OR STATE-LEASED RESIDENTIAL FACILITIES AT AN INSTITUTION FOR THE
18 MAINTENANCE AND OPERATION OF SUCH FACILITIES, A SUM SHALL BE
19 FIXED BY THE PRESIDENT, WITH APPROVAL OF THE COUNCIL OF
20 TRUSTEES, AND CHARGED AND COLLECTED FROM EACH SUCH PERSON AS AN
21 ADDITIONAL RENTAL FEE. SUCH ADDITIONAL RENTAL FEES SHALL BE
22 CREDITED TO A RESERVE FUND FOR CONTINGENCIES AND CAPITAL
23 REPLACEMENTS.

24 [(B) IN ADDITION TO THE OTHER FEES FROM TIME TO TIME FIXED,
25 CHARGED AND COLLECTED IN THE MANNER PROVIDED BY LAW, A FEE OF
26 TEN DOLLARS (\$10) PER SEMESTER OF EIGHTEEN (18) WEEKS AND A
27 PROPORTIONATE FEE FOR EACH TRIMESTER, QUARTER, TERM AND SUMMER
28 SESSIONS OF SIX (6) WEEKS OR THREE (3) WEEKS SHALL BE FIXED,
29 CHARGED AND COLLECTED FROM EACH STUDENT WHILE IN ATTENDANCE AT A
30 UNIVERSITY FOR WHICH THE GENERAL STATE AUTHORITY HAS TAKEN TITLE

1 TO A STUDENT COMMUNITY BUILDING, WHICH FEE SHALL BE CREDITED TO
2 THE DEPARTMENT OF GENERAL SERVICES AND SHALL BE FIXED BY THE
3 COUNCIL OF TRUSTEES IN AMOUNTS SUFFICIENT TO MEET RENTALS DUE TO
4 THE GENERAL STATE AUTHORITY, PURSUANT TO CONTRACTS TO LEASE
5 STUDENT COMMUNITY BUILDINGS CONSTRUCTED BY THE SAID AUTHORITY
6 FOR THE USE OF THE SYSTEM UNIVERSITIES.

7 SECTION 2017-A. ANNUAL REPORT.--(A) AN ANNUAL REPORT SHALL
8 BE SUBMITTED IN ELECTRONIC FORMAT BY EACH INSTITUTION TO THE
9 DEPARTMENT OF EDUCATION AND THE JOINT STATE GOVERNMENT
10 COMMISSION, WHICH SHALL INCLUDE DATA FOR ALL PROGRAMS OF THE
11 INSTITUTION. EACH SUCH REPORT, TO BE SUBMITTED PRIOR TO
12 SEPTEMBER 1, SHALL COVER THE 12-MONTH PERIOD BEGINNING WITH THE
13 SUMMER TERM OF THE PRECEDING YEAR AND SHALL INCLUDE:

14 (1) THE FOLLOWING COUNTS AND DISTRIBUTIONS FOR EACH TERM
15 DURING THE PERIOD:

16 (I) THE DEFINITIONS AND NUMBERS OF FACULTY MEMBERS EMPLOYED
17 FULL TIME, OF FACULTY MEMBERS EMPLOYED PART TIME, OF FULL-TIME
18 STUDENTS ENROLLED IN GRADUATE COURSES, OF FULL-TIME STUDENTS
19 ENROLLED IN UNDERGRADUATE COURSES, OF PART-TIME STUDENTS
20 ENROLLED IN GRADUATE COURSES, AND OF PART-TIME STUDENTS ENROLLED
21 IN UNDERGRADUATE COURSES.

22 (II) THE TOTAL NUMBERS OF UNDERGRADUATE STUDENT CREDIT
23 HOURS, DIVIDED INTO LOWER DIVISION AND UPPER DIVISION COURSE
24 LEVELS, AND OF GRADUATE STUDENT CREDIT HOURS DIVIDED INTO THREE
25 COURSE LEVELS--MASTER'S, FIRST PROFESSIONAL AND DOCTORAL.

26 (III) THE NUMBER OF DIFFERENT COURSES SCHEDULED BY LEVEL OF
27 INSTRUCTION AND THE NUMBER OF SECTIONS OF INDIVIDUAL INSTRUCTION
28 SCHEDULED BY LEVEL OF INSTRUCTION, EACH FURTHER SUBDIVIDED BY
29 TWO DIGIT CLASSIFICATION OF INSTRUCTIONAL PROGRAM (CIP)
30 CATEGORIES OF INSTRUCTIONAL PROGRAMS OF HIGHER EDUCATION AS

1 DEFINED BY THE NATIONAL CENTER FOR EDUCATION STATISTICS, UNITED
2 STATES DEPARTMENT OF EDUCATION.

3 (IV) THE NUMBER OF TERMS SCHEDULED AND THE DATES THEREOF.

4 (2) FOR THE SUMMER TERM AND THE FOLLOWING ACADEMIC YEAR IN
5 TOTAL AND FOR EACH TWO DIGIT CIP PROGRAM CATEGORY, A
6 CLASSIFICATION OF FACULTY MEMBERS OR OTHER PROFESSIONAL EMPLOYEES
7 BY TITLE, INCLUDING: PROFESSOR, ASSOCIATE PROFESSOR, ASSISTANT
8 PROFESSOR, INSTRUCTOR, LECTURER, RESEARCH ASSOCIATE, LIBRARIAN
9 AND ACADEMIC ADMINISTRATOR; FACULTY MEMBERS OR OTHER
10 PROFESSIONAL EMPLOYEES UNDER EACH TITLE TO BE SUBDIVIDED BY TYPE
11 OF ASSIGNMENT: TEACHING AND NONTEACHING, AND EACH SUCH SET OF
12 FACULTY MEMBERS OR OTHER PROFESSIONAL EMPLOYEES TO BE FURTHER
13 SUBDIVIDED BY TYPE OF EMPLOYMENT: FULL TIME OR PART TIME; AND
14 THE FOLLOWING AGGREGATES FOR EACH SUBDIVIDED CLASSIFICATION:

15 (I) THE NUMBER OF FACULTY AND OTHER PROFESSIONAL EMPLOYEES
16 AND THEIR FULL-TIME EQUIVALENCE IN INSTRUCTIONAL AND
17 NONINSTRUCTIONAL FUNCTIONS.

18 (II) THE SUM OF CREDITS ASSIGNED TO UNDERGRADUATE CLASSROOM
19 COURSES AND THE SUM OF CREDITS ASSIGNED TO GRADUATE CLASSROOM
20 COURSES TAUGHT, DIVIDED INTO LOWER DIVISION, UPPER DIVISION,
21 MASTER'S, FIRST PROFESSIONAL AND DOCTORAL COURSE LEVELS.

22 (III) THE SUM OF CREDITS ASSIGNED TO UNDERGRADUATE
23 INDIVIDUAL INSTRUCTION COURSES AND THE SUM OF CREDITS ASSIGNED
24 TO GRADUATE INDIVIDUAL INSTRUCTION COURSES TAUGHT, DIVIDED INTO
25 LOWER DIVISION, UPPER DIVISION, MASTER'S, FIRST PROFESSIONAL AND
26 DOCTORAL COURSE LEVELS.

27 (IV) THE SUM OF UNDERGRADUATE CLASSROOM STUDENT CREDIT HOURS
28 AND THE SUM OF GRADUATE CLASSROOM STUDENT CREDIT HOURS
29 GENERATED, DIVIDED INTO LOWER DIVISION, UPPER DIVISION,
30 MASTER'S, FIRST PROFESSIONAL AND DOCTORAL COURSE LEVELS.

1 (V) THE SUM OF UNDERGRADUATE INDIVIDUAL INSTRUCTION STUDENT
2 CREDIT HOURS AND THE SUM OF GRADUATE INDIVIDUAL INSTRUCTION
3 STUDENT CREDIT HOURS GENERATED, DIVIDED INTO LOWER DIVISION,
4 UPPER DIVISION, MASTER'S, FIRST PROFESSIONAL AND DOCTORAL COURSE
5 LEVELS.

6 (VI) THE TOTAL SALARY PAID FOR INSTRUCTIONAL FUNCTIONS AND
7 FOR NONINSTRUCTIONAL FUNCTIONS AND THE AMOUNT OF THIS SALARY
8 PAID FOR EACH OF THESE FUNCTIONS FROM UNIVERSITY FUNDS, FEDERAL
9 FUNDS AND OTHER FUNDS.

10 (3) FOR EACH TERM OF THE PERIOD COVERED FOR EACH FACULTY
11 MEMBER EMPLOYED FULL TIME IDENTIFIED BY TWO DIGIT CIP PROGRAM
12 CATEGORY AND TITLE, THE REPORT SHALL CONTAIN AN ANALYSIS OF THE
13 AVERAGE HOURS PER WEEK SPENT IN UNIVERSITY-RELATED ACTIVITIES,
14 STATING SPECIFICALLY HOURS SPENT IN UNDERGRADUATE CLASSROOM
15 CONTACT AND GRADUATE CLASSROOM CONTACT, HOURS SPENT IN
16 PREPARATION, HOURS SPENT IN RESEARCH AND HOURS SPENT IN PUBLIC
17 SERVICE.

18 (B) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (A), EACH
19 REPORT COVERING THE 12-MONTH PERIOD SHALL INCLUDE FOR ALL
20 PROGRAMS OF THE INSTITUTION:

21 (1) MINIMUM NUMBER OF CREDITS REQUIRED FOR A BACCALAUREATE
22 DEGREE AND FOR A MASTER'S DEGREE.

23 (2) NUMBER OF BACHELOR'S DEGREES, MASTER'S DEGREES, FIRST
24 PROFESSIONAL DEGREES AND DOCTORAL DEGREES AWARDED IN THE THREE
25 PREVIOUS YEARS AND THOSE ESTIMATED FOR THAT YEAR.

26 (C) THE JOINT STATE GOVERNMENT COMMISSION SHALL DEVELOP A
27 STATISTICAL COMPARISON ANALYSIS RECOGNIZING DIFFERENCES IN
28 MISSIONS FROM THE REPORTS MADE UNDER THIS SECTION. THE
29 COMPARISON SHALL BE PROVIDED TO THE EDUCATION COMMITTEE OF THE
30 SENATE AND THE APPROPRIATIONS COMMITTEE OF THE SENATE AND THE

1 EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
2 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
3 FOUR STATE REGIONAL LIBRARIES. THE COMPARATIVE ANALYSIS SHALL BE
4 POSTED ON THE JOINT STATE GOVERNMENT COMMISSION'S INTERNET
5 WEBSITE FOR A PERIOD OF NO LESS THAN FIVE (5) YEARS FROM THE
6 DATE OF SUBMISSION.

7 (D) EACH REPORT SUBMITTED UNDER SUBSECTION (A) SHALL BE
8 POSTED BY THE DEPARTMENT OF EDUCATION ON ITS INTERNET WEBSITE
9 FOR A PERIOD OF NO LESS THAN FIVE (5) YEARS FROM THE DATE OF
10 SUBMISSION.]

11 SECTION 9. SECTION 2019-A OF THE ACT IS AMENDED BY ADDING A
12 SUBSECTION TO READ:

13 SECTION 2019-A. CAMPUS POLICE POWERS AND DUTIES.--* * *

14 (D) CAMPUS POLICE MAY DISSEMINATE INVESTIGATIVE INFORMATION
15 AS DEFINED IN 18 PA.C.S. § 9102 (RELATING TO DEFINITIONS) TO
16 UNIVERSITY OFFICIALS FOR USE IN STUDENT DISCIPLINARY MATTERS
17 SUBJECT TO 22 PA. CODE CH. 505 (RELATING TO STUDENT PERSONNEL).
18 NOTWITHSTANDING THIS SECTION, ALL OTHER PROVISIONS OF 18 PA.C.S.
19 CH. 91 (RELATING TO CRIMINAL HISTORY RECORD INFORMATION) SHALL
20 APPLY TO CAMPUS POLICE.

21 SECTION 10. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

22 SECTION 2021-A. STUDENT RECORDS.--STUDENT EDUCATION RECORDS
23 MAINTAINED IN CONNECTION WITH A TRANSACTION, BUSINESS OR
24 ACTIVITY OF THE SYSTEM OR UNIVERSITY SHALL NOT BE SUBJECT TO THE
25 PROVISIONS OF THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN
26 AS THE "RIGHT-TO-KNOW LAW."

27 SECTION 11. ALL ACTS AND PARTS OF ACTS ARE REPEALED AND ALL
28 REGULATIONS AND PARTS OF REGULATIONS ARE ABROGATED INSOFAR AS
29 THEY ARE INCONSISTENT WITH THIS ACT.

30 SECTION 12. ~~THE POWERS GRANTED UNDER SECTION 2006 A(A) (18)~~ <--

1 ~~OF THE ACT SHALL EXPIRE THREE YEARS FROM THE EFFECTIVE DATE OF~~
2 ~~THIS SECTION.~~ THE PROVISIONS OF SECTION 2002-A(A.1), (A.2), <--
3 (A.3), (A.4), (A.5), (A.6), (A.7) AND (A.8) OF THE ACT SHALL
4 EXPIRE WHEN THE REPORTING REQUIREMENTS IN SECTION 2002-A(A.7) OF
5 THE ACT HAVE CONCLUDED. UPON CONCLUSION OF THE REPORTING
6 REQUIREMENTS, THE BOARD OF GOVERNORS OF THE STATE SYSTEM OF
7 HIGHER EDUCATION, THE CHAIRPERSON AND MINORITY CHAIRPERSON OF
8 THE APPROPRIATIONS COMMITTEE OF THE SENATE, THE CHAIRPERSON AND
9 MINORITY CHAIRPERSON OF THE EDUCATION COMMITTEE OF THE SENATE,
10 THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE APPROPRIATIONS
11 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE CHAIRPERSON
12 AND MINORITY CHAIRPERSON OF THE EDUCATION COMMITTEE OF THE HOUSE
13 OF REPRESENTATIVES SHALL JOINTLY TRANSMIT NOTICE OF THE
14 EXPIRATION OF SECTION 2002-A(A.1), (A.2), (A.3), (A.4), (A.5),
15 (A.6), (A.7) AND (A.8) OF THE ACT TO THE LEGISLATIVE REFERENCE
16 BUREAU FOR PUBLICATION IN THE PENNSYLVANIA BULLETIN.

17 SECTION 13. THIS ACT SHALL TAKE EFFECT ~~AS FOLLOWS:~~ <--

18 ~~(1) THE ADDITION OF SECTION 2006 A(A) (20) OF THE ACT~~
19 ~~SHALL TAKE EFFECT IN THREE YEARS.~~

20 ~~(2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT~~
21 ~~IMMEDIATELY.~~ IMMEDIATELY. <--