



Pennsylvania's  
**STATE SYSTEM**  
of Higher Education

**Enabling Act 188 of 1982**

24 P.S. § 20-2001-A *et seq.*  
(as amended through July 8, 2022)  
*Pgs. 2 - 25*

**Commonwealth Higher Education Modernization Act**

24 P.S. § 2511.101 *et seq.*  
(as amended through January 3, 2017)  
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**State-Owned University Intellectual Property Act**

24 P.S. § 2521 *et seq.*  
(as amended through January 3, 2017)  
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**24 P.S. § 20-2001-A et seq.**

**§ 20-2001-A DEFINITIONS**

The following words and phrases when used in this article shall, for the purpose of this article, have the following meanings, respectively, except in those instances where the context clearly indicates a different meaning:

(1) "**Affiliated entity**" shall mean a private nonprofit corporation with the sole purpose of benefiting the State System of Higher Education or a State-owned university.

(1.1) "**Board**" shall mean the Board of Governors of the State System of Higher Education.

(2) "**Chancellor**" shall mean the chief executive officer of the State System of Higher Education.

(3) "**Coalition bargaining**" shall mean two (2) or more employers bargaining jointly with all of their employees in a particular category or bargaining unit so that one collective process would determine the conditions of employment for all employers in the appropriate units involved.

(4) "**Commission**" shall mean the presidents of the several institutions.

(4.1) "**Commonwealth University of Pennsylvania**" shall mean the institution comprised of Bloomsburg University of Pennsylvania, Lock Haven University of Pennsylvania and Mansfield University of Pennsylvania as consolidated under Section 2002-A.

(5) "**Council**" shall mean the council of trustees of the individual institutions.

(6) "**Deferment**" shall mean any authorized delay in the payment by a student of all or part of his tuition fee, charges for room and board, application fee, student activity fee, or any other charge or fee.

(6.1) "**Education record**" shall have the same meaning as in the Family Educational Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g).

(7) "**Employer**" shall mean the Board of Governors of the State System of Higher Education as the successor employer to the Commonwealth of Pennsylvania.

(8) "**Graduate assistant**" means a graduate student appointed by the president and assigned to a faculty or staff member to assist in research, instruction and other related professional duties.

(9) "**Higher education**" shall include any organized program of instruction, research or service primarily concerned with a field of organized knowledge, related theory, and associated practice or application of skills and which leads to a degree; that is, the work is creditable toward a degree.

(9.1) "**Initial Member**" shall mean a trustee serving on the council of trustees as of June 30, 2022, for an institution consolidated under section 2002-A that has been nominated and appointed by the Governor and confirmed by the Senate.

(10) "**Institution**" shall mean each of the State-owned colleges and university on the effective date hereof, or hereafter created, and including its personnel, and its physical plant, instructional equipment, records and all other property thereof.

(10.1) "**Integrated Council**" shall mean each of the following:

(1) the council of trustees of Commonwealth University of Pennsylvania.

(2) the council of trustees of Pennsylvania Western University.

(10.2) "**Pennsylvania Western University**" shall mean the institution comprised of California University of Pennsylvania, Clarion University of Pennsylvania and Edinboro University of Pennsylvania as consolidated under section 2002-A.

(11) "**Professional employe**" for the purposes of this act, professional employe means any employe whose work:

(i) is predominately intellectual and varied in character;

(ii) requires consistent exercise of discretion and judgment;

(iii) requires knowledge of an advanced nature in the field of science or learning customarily acquired by specialized study in an institution of higher learning or its equivalent; and

(iv) is of such character that the output or result accomplished cannot be standardized in relation to a given period of time.

(12) "**Refund**" shall mean any return payment, or remission, by an institution to a student of all or part of any sum he has paid for tuition, room and board, application or student activity fee or any other charge or fee.

(13) "**Secretary**" shall mean the Secretary of Education of the Commonwealth of Pennsylvania or such person as the secretary may designate to act on behalf of the secretary with regard to any of the duties and prerogatives imposed by this act.

(14) "**State board**" shall mean the State Board of Education.

(15) "**Student**" shall mean a person who is enrolled in a course of study in any institution which is subject to the provisions hereof.

(16) "**Student association**" shall mean the officially recognized representative body of the student population of each institution.

(17) "**System**" shall mean the State System of Higher Education.

(17.1) "**Transitional Member**" shall mean a trustee serving on the council of trustees as of June 30, 2022, for an institution consolidated under section 2002-A, who is appointed to serve on an integrated council for a term beginning on July 15, 2022, until September 30, 2022, or upon confirmation of initial members by the Senate, whichever occurs earlier.

(18) "**Waiver**" shall mean any release from initial payment by a student of all or part of his tuition, charge for room and board, application or student activity fee or any other charge or fee.

(19) "**Maintenance projects**" shall mean those activities, materials, labor and contracts necessary to replace, restore, refurbish or enhance real property which do not alter the architectural or engineering characteristics of the structure, as follows: painting; window repair and replacement; roof repair and replacement; repointing and masonry repair; downspout and gutters; landscaping; roadways, parking facilities, track and athletic court resurfacing and reconstruction; sidewalk and curbing reconstruction and replacement; asbestos abatement (in accordance with all State and Federal statutes and regulations); caulking and insulation; and replacement, reconstruction and construction of non-load bearing interior walls. No such project shall affect the structural integrity of any existing facility or utility system.

(20) "**Campus police**" shall mean all law enforcement personnel employed by the system who have successfully completed a campus police course of training approved under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

(21) “**Grounds**” shall mean all lands and buildings owned, controlled, leased or managed by the system and all highways, trafficways and bicycle and pedestrian facilities that traverse or abut such lands and buildings.

**§ 20-2002-A ESTABLISHMENT OF THE STATE SYSTEM OF HIGHER EDUCATION AND ITS INSTITUTIONS**

(a) Subject to the regulatory powers conferred by law upon the State Board of Education, there is hereby established a body corporate and politic constituting a public corporation and government instrumentality which shall be known as the State System of Higher Education, independent of the Department of Education, hereinafter referred to as the system, which is granted sovereign immunity and official immunity pursuant to 1 Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed; specific waiver) and which shall consist of the following institutions and such other institutions, presently existing or until changed as provided under subsections (a.1), (a.2), (a.3), (a.4), (a.5), (a.6) and (a.7):

- (1) Bloomsburg State College;
- (2) California State College;
- (3) Cheyney State College;
- (4) Clarion State College;
- (5) East Stroudsburg State College;
- (6) Edinboro State College;
- (7) Indiana University of Pennsylvania;
- (8) Kutztown State College;
- (9) Lock Haven State College;
- (10) Mansfield State College;
- (11) Millersville State College;
- (12) Shippensburg State College;
- (13) Slippery Rock State College; and
- (14) West Chester State College.

(a.1) The board shall develop policies and procedures by which the board may create, expand, consolidate, transfer or affiliate an institution, except for an institution with a Fall 2019 headcount enrollment greater than 10,000 students. This subsection shall not be construed to include the power to close an institution.

(a.2) Before the creation, expansion, consolidation, transfer or affiliation of an institution, the board shall direct the chancellor, in consultation with the board, to conduct a review of the financial stability of any impacted institution utilizing student support metrics, student success metrics and other financial metrics and develop a report and recommendations. The report and recommendations shall include, but not be limited to, an analysis of the following:

- (1) Enrollment trends.
- (2) Projections of revenues and expenditures for the current year and the next five (5) years, both assuming the continuation of present operations and as impacted by any recommendation for the board to exercise the board's powers under subsection (a.1).

- (3) Assets, liabilities and institutional reserves.
- (4) Actions undertaken to improve the financial stability of the institution and the financial impact of those actions.
- (5) Additional actions that could be taken to improve the financial stability of the institution, the projected financial impact of those actions and whether those actions would alleviate the need for the board to exercise the board's powers under subsection (a.1).
- (6) The financial impact on the institution and the system if no action is taken by the board to exercise the board's powers under subsection (a.1).
- (7) The financial impact on the surrounding community of the institution if action is taken by the board to exercise the board's powers under subsection (a.1).
- (8) Impacts on affiliated entities and any donor restrictions on the use of non-State-appropriated funds.

(a.3) Upon the board's receipt of the report and recommendation, the chancellor shall develop a proposed implementation plan. The proposed implementation plan shall include the following information:

- (1) Description of the proposal to exercise powers under subsection (a.1).
- (2) Rationale, goals and objectives of the proposal to exercise powers under subsection (a.1).
- (3) Method for evaluating achievement of goals and objectives.
- (4) Relation of the proposal to the mission and strategic plan of the institution and system as a whole.
- (5) Impacts on academic programs, nonacademic units and accreditation.
- (6) Impacts on students, faculty and staff.
- (7) Impacts on the community.
- (8) Impacts on shared governance.
- (9) Before and after organizational charts for all impacted institutions.
- (10) Information included in the chancellor's report and recommendation under subsection (a.2).
- (11) Timeline for the implementation plan.

(a.4) The proposed implementation plan shall be approved by a majority vote of the board. If the board rejects the proposed implementation plan, the chancellor may amend the proposal and present it to the board for reconsideration and approval by a majority vote of the board. Within fourteen (14) days after approval of the proposed implementation plan, the board shall do the following:

- (1) Transmit a copy of the proposed implementation plan to the following:
  - (i) chairperson and minority chairperson of the Appropriations Committee of the Senate;
  - (ii) chairperson and minority chairperson of the Education Committee of the Senate;
  - (iii) chairperson and minority chairperson of the Appropriations Committee of the House of Representatives; and

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

(2) Make the proposed implementation plan available for review and solicit public comment for a period of not less than sixty (60) days.

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

- (1) Chairperson and minority chairperson of the Appropriations Committee of the Senate.
- (2) Chairperson and minority chairperson of the Education Committee of the Senate.
- (3) Chairperson and minority chairperson of the Appropriations Committee of the House of Representatives.
- (4) Chairperson and minority chairperson of the Education Committee of the House of Representatives.

(a.6) The timeline for implementation to be completed as described in the final implementation plan shall be no earlier than twelve months from the date of the issuance of the proposed implementation plan.

(a.7) Upon development of a proposed implementation plan under subsection (a.3), the chancellor shall report on a quarterly basis in person to the chairperson and minority chairperson of the Appropriations Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives and the chairperson and minority chairperson of the Education Committee of the House of Representatives information detailing the actions taken, actions planned to be taken in the next quarter and progress made toward developing and implementing the goals of the plan on the respective universities. Within fifteen (15) days of the issuance of a report to the chairpersons, the chancellor shall, upon request by the chairperson or minority chairperson of the Appropriations Committee of the Senate, the chairperson or minority chairperson of the Education Committee of the Senate, the chairperson or minority chairperson of the Appropriations Committee of the House of Representatives or the chairperson or minority chairperson of the Education Committee of the House of Representatives, present the report at a joint public hearing of the Appropriations Committee of the Senate and the Education Committee of the Senate and a joint public hearing of the Appropriations Committee of the House of Representatives and the Education Committee of the House of Representatives. A report under this subsection shall continue until the plan is either rejected by the board or has been fully implemented. A report shall include, but is not limited to, the following information:

- (1) An overview of the financial position of the respective universities at the time of plan approval and at the time of the report.
- (2) The operating budget and total budget for each university at the time of plan approval and at the time of the report.

- (3) The estimated amount of expenditures needed to support plan implementation at the time of plan approval and the cumulative amount of expenditures made to support plan implementation at the time of the report.
- (4) The applicable organizational charts at the time of plan approval and at the time of the report.
- (5) Full-time enrollments at the time of plan approval and at the time of the report.
- (6) Graduation outcomes at the time of plan approval and at the time of the report.
- (7) The cost of tuition, room and board and fees at the time of plan approval and at the time of the report.
- (8) The average cost of attendance at the time of plan approval and at the time of the report.
- (9) The number of faculty and nonfaculty employees at the time of plan approval and at the time of the report.
- (10) The number of faculty and nonfaculty employees by location at the time of plan approval and at the time of the report.
- (11) Each impact to faculty and nonfaculty employee staffing, including, but not limited to, separations, reductions in force, reclassifications of job responsibilities or roles or reassignments to other universities within the system. The notification under this paragraph shall include an estimated financial impact for the current and subsequent two fiscal years.
- (12) The faculty-to-student ratio and the faculty and nonfaculty employee-to-student ratio at the time of plan approval and at the time of the report.
- (13) A list of academic programs that have been terminated or consolidated and an explanation of the reasons for termination or consolidation.
- (14) A list of new academic programs that have been approved and an explanation of the need for the programs.
- (15) The number of academic programs by location at the time of plan approval and at the time of the report.
- (16) A list of property that is for sale or has been sold and the value of the proceeds from the sale.
- (17) A list of administrative service consolidations and the value of savings resulting from the consolidations.
- (18) A list outlining concerns related to the implementation of the plan on the community and affiliated organizations.
- (19) Any other information as requested by the chairpersons enumerated under this subsection.

(a.8) The board's authority to approve a final implementation plan shall expire three years from the effective date of this subsection.

(b) Each of the said institutions shall hereafter be known as the (Name) University of Pennsylvania of the State System of Higher Education, except for Indiana University of Pennsylvania, which shall retain its name. As successor institutions to the State Normal Schools, appropriations for their operation are ordinary expenses of government, requiring

only a majority vote of each House of the General Assembly. The State System of Higher Education shall have the same preferred status for appropriations as is enjoyed by its constituent institutions. State funds appropriated to the system shall be allocated to the individual institutions on a formula based on, but not limited to, such factors as enrollments, degrees granted and programs.

## **§ 20-2003-A PURPOSES AND GENERAL POWERS**

(a) The State System of Higher Education shall be part of the Commonwealth's system of higher education. Its purpose shall be to provide high quality education at the lowest possible cost to the students. The primary mission of the system is the provision of instruction for undergraduate and graduate students to and beyond the master's degree in the liberal arts and sciences and in applied fields, including the teaching profession. Graduate instruction at the doctoral level, except for doctoral programs provided for in the act of December 16, 1965 (P.L. 1113, No. 430), known as the "Indiana University of Pennsylvania Act,"<sup>1</sup> only may be offered jointly with Indiana University or an institution chartered to offer work at the doctoral level. Programs of research and service may be provided which are approved by the Board of Governors, and which are consistent with the primary mission of the system. Each institution shall provide appropriate educational facilities, student living facilities and such other facilities as deemed necessary by the board.

(b) The system is hereby granted and shall have and may exercise all the powers necessary or convenient for the carrying out of the aforesaid purposes, including, but without limiting the generality of the foregoing, the following rights and powers:

(1) To have perpetual existence as a corporation.

(2) To adopt, use and alter at will a corporate seal.

(3) To acquire, purchase, hold, lease as lessee and use any property, real, personal or mixed, tangible or intangible, or any interest therein, lease as lessor any property, real, personal or mixed, tangible or intangible, necessary or desirable for carrying out the purposes of the system, and to sell, transfer and dispose of any property acquired by gift, grant, devise or bequest, whether the property is real, personal or mixed, tangible or intangible, or any interest therein; to take, demand, receive and possess all moneys, real property and goods which shall be appropriated, given or granted to for the use of the system and to apply the same according to the will of the donors; to sell, transfer and dispose of real property acquired by and titled to the system upon approval by the General Assembly as provided in section 2018-A; and by gift, purchase or devise to receive, possess, enjoy and retain forever any and all real and personal estate and funds, of whatsoever kind, nature or quality the same may be, in special trust and confidence that the same, and the profits thereof, shall be applied to and for the use and purpose of endowing the system, and shall have power to receive donations from any source whatever, to be exclusively devoted to the purposes of the system or according to the terms of donation: Provided, however, That the system shall have no power at any time or in any manner, to pledge the credit or taxing power of the Commonwealth, nor shall any of its obligations or debts be deemed to be obligations of the Commonwealth, nor shall the Commonwealth be liable for the payment of principal or interest on such obligations. Nothing herein shall empower the Board of Governors or the chancellor to take or receive

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<sup>1</sup> 24 P.S. § 2510-101 *et seq.*



any moneys, goods or other property, real or personal, which is given or granted to specific institutions.

(c) Collective bargaining agreements in force at the time of enactment of this act shall remain in force for the term of the contract. New collective bargaining agreements with professional employees shall be negotiated on behalf of the system by the chancellor. The board shall make a coalition bargaining arrangement with the Commonwealth for the negotiation of new collective bargaining agreements with noninstructional employees.

(d) The system may participate in, sponsor, conduct or administer cooperative use or purchasing agreements. All purchases and agreements made pursuant to this subsection shall be made in accordance with 62 Pa.C.S. § 1902 (relating to cooperative purchasing authorized).

## **§ 20-2003-A.1. PROJECT CONTRACTS**

(a) The State System of Higher Education is hereby authorized to execute and administer contracts for construction, repair, renovation and maintenance projects within the meaning of section 2401.1 of the act of April 9, 1929 (P.L. 177, No. 175), known as "The Administrative Code of 1929,"<sup>2</sup> including all aspects of project management, design and construction and legal and administrative services related to and necessary for the completion of such projects, except capital projects which are funded by Commonwealth general obligation bonds, capital appropriations or pursuant to Article XVI-B of the act of April 9, 1929 (P.L. 343, No. 176), known as "The Fiscal Code,"<sup>3</sup> unless delegated by the Department of General Services to the system.

(b) The system shall review the work, experience and qualifications of architects and engineers seeking contracts from the system under this section and, on the basis of merit, select and appoint architects and engineers for the design, contract administration and, at the system's discretion, inspection of a project authorized by this section. The board shall give public notice in the manner provided by law of projects which require the services of architects and engineers. The board shall include, but not be limited to, consideration of the following factors in the selection of architects and engineers:

- (1) equitable distribution of contracts among qualified architects and engineers;
- (2) capability to perform the design and construction services for the contract being considered;
- (3) geographic proximity of the architect or engineer to the proposed facility;
- (4) ability of the architect or engineer to furnish the necessary available manpower to perform the services required by the project; and
- (5) any other related circumstances peculiar to the proposed contract.

(c) Deleted by 2012, June 30, P.L. 684, No. 82, § 24, effective July 1, 2012.

(c.1) Deleted by 2012, June 30, P.L. 684, No. 82, § 24, effective July 1, 2012.

(c.2) All contracts, other than contracts for the retention of architects and engineers, authorized by this section which exceed a base amount of eighteen thousand five hundred dollars (\$18,500), subject to adjustment under subsection (c.3), shall be advertised in the

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<sup>2</sup> 71 P.S. § 631.1

<sup>3</sup> 72 P.S. § 1601-B *et seq.* (repealed); see now, 72 P.S. § 3919.101 *et seq.*

manner provided by law and competitively bid and awarded to the lowest responsible bidder. In case of emergencies and notwithstanding any other provision of this section to the contrary, the chancellor may make or authorize others to make an emergency procurement whenever a threat exists to public health, welfare or safety or circumstances outside the control of the State system and creates an urgency of need which does not permit the delay involved in using more formal competitive methods. Whenever practical, in the case of a procurement of a supply, at least two (2) bids shall be solicited. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file.

(c.3) Adjustments shall be made as follows:

(1) The Department of Labor and Industry shall calculate the average annual percentage change in the Consumer Price Index for All Urban Consumers: All Items (CPI-U) for the United States City Average as published by the United States Department of Labor, Bureau of Labor Statistics, for the twelve-month period ending September 30, 2012, and for each successive twelve-month period thereafter.

(1.1) If the Department of Labor and Industry determines that there is no positive percentage change, then no adjustment to the base amounts shall occur for the relevant time period.

(2) The positive percentage change, as determined in accordance with clause (1), shall be multiplied by the amount applicable under subsection (c.2) for the current period, and the product thereof shall be added to the amount applicable under subsection (c.2) for the current period, with the result rounded to the nearest multiple of one hundred dollars (\$100).

(3) The determination required under clause (1) and the calculation adjustments required under clause (2) shall be made in the period between October 1 and November 15, 2012, and between October 1 and November 15 of each successive year.

(4) The adjusted amounts obtained in accordance with clause (2) shall become effective January 1 for the period following the year in which the determination required under clause (1) is made.

(5) The Department of Labor and Industry shall give notice in the Pennsylvania Bulletin prior to January 1 of each calendar year in which the percentage change is determined in accordance with clause (1) of the amounts, whether adjusted or unadjusted in accordance with clause (2), at which competitive bidding is required under subsection (c.2) for the period beginning the first day of January after publication of the notice.

(6) The annual increase in the preliminary adjusted base amounts obtained under clauses (3) and (4) shall not exceed three percent (3%).

(d) The power and authority granted by this section shall not be exercised by the system, the board or an institution for a project to modify, repair or renovate any facility erected by the Department of General Services unless prior written notice setting forth the nature, scope, extent and description of such project has been given to the Department of General Services.

(e) Nothing in this section shall be construed as amending, repealing or otherwise modifying the provisions of the act of May 1, 1913 (P.L. 155, No. 104), entitled "An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings,"<sup>4</sup> or

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<sup>4</sup> 53 P.S. § 1003, 71 P.S. § 1618

the act of August 15, 1961 (P.L. 987, No. 442), known as the "Pennsylvania Prevailing Wage Act."<sup>5</sup>

(f) The system is authorized to transfer and convey any easements or licenses necessitated by any construction project which has been previously authorized by the board.

## **§ 20-2004-A BOARD OF GOVERNORS**

(a) The system shall be governed and all of its corporate powers exercised by the Board of Governors, which shall consist of twenty (20) members to be appointed as follows:

(1) The Governor, or his designee.

(2) The Secretary of Education, or his designee.

(3) One (1) Senator appointed by the President pro tempore of the Senate.

(4) One (1) Senator appointed by the Minority Leader of the Senate.

(5) One (1) Representative appointed by the Speaker of the House of Representatives.

(6) One (1) Representative appointed by the Minority Leader of the House of Representatives.

(7) Eleven (11) members shall be appointed by the Governor with the advice and consent of the Senate, of which six (6) members shall be selected from the residents of this Commonwealth and five (5) members shall be selected from trustees of constituent institutions, except that no more than one trustee may represent a constituent institution.

(8) Three (3) of the members shall be students appointed by the board under section 2006-A(a)(17). The student members shall be selected with the advice and consent of institution presidents. A student's term shall expire upon graduation, separation or failure to maintain good academic standing at the institution in which the student is enrolled.

(b) All members of the board appointed by the Governor, except for the students, shall serve for terms of four (4) years. The Governor and Secretary of Education shall serve so long as they continue in office. Members of the board appointed from the General Assembly shall serve a term of office concurrent with their respective elective terms as members of the General Assembly.

(c) (1) The Governor or his designee, and the Secretary of Education or his designee, and the members of the General Assembly shall be members of the board and shall be entitled to attend all meetings of the board and shall have the right to speak on all matters before the board, and to vote, but shall not be elected as an officer of the board.

(2) A member of the General Assembly appointed under subsection (a) may designate an official representative to attend any meetings of the board, the executive committee of the board and any committee to which the member of the General Assembly is assigned. The official representative shall have the right to speak on all matters before the board, the executive committee and any committee to which the member of the General Assembly is assigned and to vote.

(d) The board shall elect one (1) of its members to serve as its chairperson at the pleasure of the board. Members shall receive no compensation for their services but shall be reimbursed for the expenses necessarily incurred by them in the performance of their duties. The board

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<sup>5</sup> 43 P.S. § 165-1 *et seq.*

shall meet quarterly and additionally at the call of the chairperson, or upon request of six (6) members of the board.

(d.1) A student board member appointed under subsection (a)(8) may be removed by the board.

(e) The chancellor shall be the chief executive officer of the board and shall have the right to speak on all matters before the board, but not to vote.

## **§ 20-2005-A THE CHANCELLOR**

The chief executive officer of the system shall be a chancellor, who shall be employed by the board in accordance with clause (1) of section 2006-A.<sup>16</sup> In addition to those prescribed by the board, the chancellor shall have the following duties:

(1) The chancellor shall be responsible for the administration of the system under policies prescribed by the board.

(2) The chancellor shall advise the board on the formulation of policies, shall see that the board's policies are carried out and shall supervise the board's studies.

(3) The chancellor shall recommend to the board the system's overall budget and shall review and recommend undergraduate and graduate academic programs to meet the needs of the system's student population.

(4) The chancellor shall assist the board in its appointment of the presidents for the constituent institutions by submitting to the board the name or names of individuals recommended by the council of trustees. The chancellor shall submit to the board the recommended salary and other proposed terms of each such appointment. The board shall have the right to refuse the recommendation of the local council and to request that additional recommendations be submitted by the council.

(5) The chancellor shall prepare an evaluation procedure for adoption by the board. The chancellor shall forward the results of the evaluation conducted by the local council of trustees with his comments to the board.

(6) The chancellor is empowered to employ central office professional and staff employees appropriate for the efficient discharge of the chancellor's duties.

(7) The chancellor shall be responsible for the administration of the central office, systemwide business procedures and for the overall organization of maintenance of the physical plants and security at all institutions.

(8) The chancellor shall conduct comprehensive planning in consultation with representatives of the trustees, presidents, faculties, students and alumni and within the policies established by the board to establish priorities and procedures for the operation and development among the institutions, with respect to the role and scope of each institution, instructional programs, research programs and public service programs.

(9) The chancellor shall have the right to require of the presidents any and all information necessary for the performance of his duties. The chancellor shall perform such other duties as the board may designate.

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<sup>6</sup> 24 P.S. § 20-2006-A

(10) The chancellor shall serve as an ex officio member of the council of each institution in the system.

(11) The chancellor shall negotiate or cause to be negotiated on behalf of the board and subject to its final approval collective bargaining agreements pursuant to the act of July 23, 1970 (P.L. 563, No. 195), known as the "Public Employe Relations Act,"<sup>27</sup> in accordance with section 2003-A of this act.<sup>38</sup>

(12) To enter into multiparty contractual relationships, in accordance with the Procurement Code or direct negotiation, with businesses, industries, organizations, State and local governments and the Federal Government to provide economic and workforce development.

## **§ 20-2006-A POWERS AND DUTIES OF THE BOARD OF GOVERNORS**

(a) The Board of Governors shall have overall responsibility for planning and coordinating the development and operation of the system. The powers and duties of the Board of Governors shall be:

(1) To employ the chancellor to serve at the board's pleasure under fixed term or contract of fixed duration of not longer than five (5) years; to fix his salary; to prescribe and delineate his duties and responsibilities; prior to the renewal of such term or contract, the board shall conduct an evaluation of the chancellor's service to determine whether such term or contract should be renewed and for what period of time.

(2) To appoint from the list submitted by the chancellor, pursuant to section 2005-A(4),<sup>9</sup> presidents of the constituent institutions to serve at the board's pleasure under fixed terms or contracts of fixed duration, to fix the salaries and other terms of appointment of each president and prior to renewal of such term or contract consider the results of the evaluation of each president's service submitted by the chancellor.

(3) To establish policies and procedures to be applied by the chancellor, the board and each local council in evaluating the president and recommending the selection, retention and dismissal of the president of its respective institution.

(4) To establish broad fiscal, personnel and educational policies under which the institutions of the system shall operate.

(5) To approve new undergraduate and graduate degree programs, which shall not be subject to the rules and regulations of the State Board of Education; to approve extension campuses and new external degree programs subject to the rules and regulations of the State Board of Education; to promote cooperation among institutions, including the development of consortia within the system and other educational institutions and agencies.

(6) To establish general policies for the admission of students and to assure procedural protection for the discipline and expulsion of students. The actual admission of students shall remain the province of the individual institutions.

(7) To coordinate, review, amend and approve the annual capital budget requirements of the system, the annual operating budgets of the individual institutions and the operating

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<sup>7</sup> 43 P.S. § 1101.101 *et seq.*

<sup>8</sup> 24 P.S. § 20-2003-A.

<sup>9</sup> 24 P.S. § 20-2005-A.

budget of the chancellor and the board. The board shall present these annual budgets with comments to the secretary for presentation to the State board. The State board shall return such budget requests, recommending approval or disapproval with comments, if any, to the secretary prior to their submission to the Secretary of Budget and Administration. The board may also submit its budget recommendations and findings to the General Assembly subsequent to the submission of the Governor's budget to the General Assembly. For the purpose of administration, the system shall be subject to Article VI of the act of April 9, 1929 (P.L. 177, No. 175), known as "The Administrative Code of 1929,"<sup>10</sup> except for section 615.<sup>11</sup>

(8) To establish general personnel policies under which the institutions shall operate consistent with merit principles; to determine equivalent degree and teaching experience qualifications for appointment or promotion of faculty employes within the classifications enumerated in the act of January 18, 1952 (1951, P.L. 2111, No. 600), referred to as the State College Faculty Compensation Law,<sup>12</sup> to include, but not be limited to, the Degrees of Juris Doctor and Master of Fine Arts; and to enter into collective bargaining agreements pursuant to the act of July 23, 1970 (P.L. 563, No. 195), known as the "Public Employee Relations Act,"<sup>13</sup> in accordance with section 2003-A of this act.<sup>14</sup>

(9) To recommend approval or disapproval of all system building projects to the Secretary of the Budget which are not within the contracting authority of the system under section 2003-A.1.

(10) To represent the system before the General Assembly, the Governor and the State board.

(11) To fix the levels of tuition fees, except student activity fees. Tuition fees shall include a differential for such charges between students who are residents of the Commonwealth and students who are nonresidents.

(12) To adopt general policies with regard to student activity fees and to provide for student participation in the formulation of these policies.

(13) To establish policies regarding waiver, deferment and refund of tuition fees and other charges and fees.

(13.1) To set the amounts for fines for violations of rules respecting the use, parking and operation of motor vehicles on system facilities, which may be established to exceed the amounts which municipalities are authorized to assess for such offenses under 75 Pa.C.S. (relating to vehicles).

(14) To make all reasonable policies and procedures necessary to carry out the purposes of this article and the duties of the board.

(15) To do and perform generally all of those things necessary and required to accomplish the role and objectives of the system, unless otherwise delegated by the board to the chancellor.

(16) To require institutions to share services and to participate in collaborations when the system has shown evidence in writing of cost reductions and improved efficiencies across

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<sup>10</sup> 71 P.S. § 229 *et seq.*

<sup>11</sup> 71 P.S. § 235

<sup>12</sup> 24 P.S. § 1864.1 *et seq.*

<sup>13</sup> 43 P.S. § 1101.101 *et seq.*

<sup>14</sup> 24 P.S. § 20-2003-A.

the system. For a new, amended or altered shared services contract or collaboration, the institution's council of trustees may reject it by a two-thirds vote with written notice provided to the board within ten (10) days of the council of trustees' decision. This paragraph shall not be construed to allow an institution's council of trustees retroactive discretion over a shared service or collaboration already in effect prior to the effective date of this paragraph.

(17) To appoint student members to the board and councils.

(18) To document the movement of money from an account of the system or an institution to another account or institution and include a plan for repayment. Repayment shall be given priority when any new Federal or State money is appropriated.

(19) To make, issue and enforce board policies, procedures and standards for the management and conduct of the instructional, administrative and financial affairs of the system.

(b) The Board of Governors shall provide for the holding of regular and special meetings. Eleven (11) governors attending shall constitute a quorum for the transaction of any business and, unless a greater number is required by the bylaws of the board, the act of a majority of the governors present at any meeting shall be deemed the act of the board.

#### **§ 20-2007-A COMMISSION OF PRESIDENTS**

The commission of presidents of the system shall consist of the presidents of the several institutions who shall annually select one (1) of their members as chairperson. The commission shall recommend policies for the institutions and shall act in an advisory capacity to the chancellor and the governors. The commission shall meet quarterly and additionally at the call of its chairperson or the chancellor. A majority of the presidents shall constitute a quorum.

#### **§ 20-2008-A COUNCILS OF TRUSTEES**

(a) The council of each of the institutions shall consist of eleven (11) members who, except for student members, shall be nominated and appointed by the Governor with the advice and consent of the Senate. At least two (2) members of the eleven (11) member council of trustees shall be alumni of the institution.

(a.1) A trustee serving on an integrated council as of July 1, 2022, shall continue to serve on the integrated council until the Governor appoints transitional members under section 2008.1-A(b)(4).

(b) Ten (10) members of each council shall serve terms of six (6) years, respectively and until their respective successors are duly appointed and qualified.

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

(b.2) Vacancies occurring before the expiration of the term of any member shall be filled in like manner for the unexpired term.

(c) The members of each board of trustees of a former State college or university serving in such capacity on the effective date of this act shall continue to serve for the balance of their respective terms.

(d) Six (6) members of a council shall constitute a quorum. Each council shall select from its members a chairperson and a secretary to serve at the pleasure of the council. Each council shall meet at least quarterly, and additionally at the call of the president, or its chairperson, or upon request of three (3) of its members.

#### **§ 20-2008.1-A. INTEGRATED COUNCILS**

(a) An integrated council shall consist of members as provided under this section.

(b)(1) Transitional members of the council of trustees of Commonwealth University of Pennsylvania shall be equally selected from the trustees serving under active terms through June 30, 2022, with four (4) members selected from Bloomsburg University of Pennsylvania, four (4) members selected from Lock Haven University of Pennsylvania and four (4) members selected from Mansfield University of Pennsylvania.

(2) Transitional members of the council of trustees of Pennsylvania Western University shall be equally selected from the trustees serving under active terms through June 30, 2022, with four (4) members selected from California University of Pennsylvania, four (4) members selected from Clarion University of Pennsylvania and four (4) members selected from Edinboro University of Pennsylvania.

(3) Transitional members shall not be subject to the requirements in subsection (e).

(4) No later than July 15, 2022, the Governor shall provide written notification to the following members of the General Assembly to inform them of the trustees that have been appointed to serve as transitional members:

- (i) the President Pro Tempore of the Senate.
- (ii) the Speaker of the House of Representatives.
- (iii) the Majority Leader of the Senate.
- (iv) the Minority Leader of the Senate.
- (v) the Majority Leader of the House of Representatives.
- (vi) the Minority Leader of the House of Representatives.
- (vii) the Chairperson and Minority Chairperson of the Education Committee of the Senate.
- (viii) the Chairperson and Minority Chairperson of the Education Committee of the House of Representatives.

(c)(1) No later than August 31, 2022, the Governor shall submit to the Senate the names of individuals to nominate and appoint to serve as initial members on an integrated council.

(2) Initial members of the council of trustees of Commonwealth University of Pennsylvania shall be equally selected from trustees serving under active terms through June 30, 2022, with four (4) members selected from Bloomsburg University of Pennsylvania, four (4) members selected from Lock Haven University of Pennsylvania and four (4) members selected from Mansfield University of Pennsylvania.

(3) Initial members of the council of trustees of Pennsylvania Western University shall be equally selected from trustees serving under active terms through June 30, 2022, with four (4)



members selected from California University of Pennsylvania, four (4) members selected from Clarion University of Pennsylvania and four (4) members selected from Edinboro University of Pennsylvania.

(4) Terms of initial members shall begin upon confirmation by the Senate.

(d)(1) the Governor shall nominate and appoint initial members to serve staggered terms as follows:

(i) two (2) initial members from each institution consolidated under section 2002-A to serve a term of six (6) years.

(ii) one (1) initial member from each institution consolidated under section 2002-A to serve a term of four (4) years.

(iii) one (1) initial member from each institution consolidated under section 2002-A to serve a term of two (2) years.

(2) Each member appointed or reappointed to serve on an integrated council after the expiration of the term of an initial member shall serve for a term of six (6) years.

(3) Each member shall serve until their respective successor is duly appointed and qualified.

(e) The membership of an integrated council shall consist of the following:

(1) at least three (3) members of each integrated council must be alumni, one from each institution consolidated under section 2002-A.

(2) three (3) members of each integrated council, one from each institution consolidated under section 2002-A, shall be a student appointed by the board under section 2006-A(a)(17). The student trustee shall serve a term of four (4) years or for as long as the student is a full-time student in attendance at an institution consolidated under section 2002-a of which the student is a member, whichever period is shorter, and is in good academic standing. If a student member is temporarily unable, for medical or valid academic reasons, to fulfill the responsibilities of office, the integrated council may appoint an otherwise qualified student to serve as an alternate until the return of the student member.

(f) A vacancy occurring before the expiration of the term of an initial member or any subsequent member shall be filled in like manner for the unexpired term.

(g) Eight (8) members of an integrated council shall constitute a quorum. No more than one student member shall be counted toward establishing a quorum. The integrated council shall select from its members a chairperson and a secretary to serve at the pleasure of the integrated council. The integrated council shall meet at least quarterly and additionally at the call of the president, or the chairperson, or upon request of four (4) of its members.

(h) The powers and duties conferred to councils of trustees under this article, including, but not limited to, sections 2005-A, 2006-A and 2009-A, shall apply to the council of trustees of Commonwealth University of Pennsylvania and the council of trustees of Pennsylvania Western University.

## **§ 20-2009-A POWERS AND DUTIES OF COUNCILS OF TRUSTEES**

(a) In accordance with policies, procedures and standards adopted by the board, the council of each institution shall have the power and its duty shall be:

- (1) To make recommendations to the chancellor for the appointment and retention of the president following input by students, faculty, staff and alumni.
- (1.1) To make recommendations to the chancellor for the dismissal of the president.
- (2) To assist the president in developing proper relations and understanding between the institution and its programs and the public, in order to serve the interests and needs of both.
- (3) Deleted by 2020, July 1, P.L. 558, No. 50 §7, effective July 1, 2020.
- (4) To review and provide input to the president pertaining to policies and procedures governing the use of institutional facilities and property.
- (5) To approve schools and academic programs.
- (6) To review and approve the recommendations of the president pertaining to annual operating and capital budget requirements for forwarding to the board.
- (7) To review and approve recommendations for charges for tuition, and to approve room and board and other fees except student activity fees and any fees related to the provision of contracted health services.
- (8) Deleted by 2020, July 1, P.L. 558, No. 50 §7, effective July 1, 2020.
- (9) To review contracts and purchases negotiated or awarded by the president, including any contract or purchase reports, with or without competitive bidding and all contracts for consultative services entered by the president.
- (10) To represent the institution at official functions of the Commonwealth.
- (11) To take such other action as may be necessary to effectuate the powers and duties herein delegated.
- (12) In accordance with the evaluation procedure established by the board each council shall conduct an evaluation of the president and forward the results of that evaluation with recommendation to the chancellor for submission to the board.
- (13) By resolution adopted by the council to authorize campus police who have completed firearms training in accordance with 53 Pa.C.S. § 2167(a)(relating to police training) to carry firearms in the course of duty for any institution whose campus police are authorized to carry firearms on the effective date of this paragraph, the authority to carry firearms shall remain in effect unless the council by resolution dissolves such authority.

## **§ 20-2010-A POWER AND DUTIES OF INSTITUTION PRESIDENTS**

The president of each institution shall be appointed by the board. The president shall be the chief executive officer of that institution. The president shall have the right to attend all meetings of the council of that institution and shall have the right to speak on all matters before the council but not to vote. Subject to the stated authority of the board and the council, each president shall have the following powers and duties:

- (1) Except insofar as such matters are governed by collective bargaining agreements entered pursuant to the act of July 23, 1970 (P.L. 563, No. 195), known as the "Public Employee Relations Act,"<sup>15</sup> and subject to the policies of the board, to appoint such

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<sup>15</sup> 43 P.S. § 1101.101 *et seq.*

employees, professional and noninstructional, graduate assistants, etc. as necessary, to fix the salaries and salary schedules.

(2) To make and implement specific campus policies pertaining to instructional programs, research programs and public service programs and define academic standards in accordance with policies of the board following consultation with the council, faculty and students.

(3) To develop and implement policies and procedures for the administration of the institution. To develop and implement, in conjunction with the local campus student government association, policies and procedures by which student organizations may be created and operated.

(4) To establish policies and procedures for the admission, discipline and expulsion of students which shall be consistent with policies of the board and the local council.

(5) To establish policies and procedures governing the use of institutional facilities and property in consultation with the local council.

(6) In cooperation with the student association, to fix student activity fees and supervise the collection, retention and expenditure thereof.

(7) To waive, defer and refund tuition fees and other charges and fees consistent with policies established by the board.

(8) To prepare and, after review and action by the council, submit to the chancellor the annual operating and capital budget requirements for the institution.

(9) To determine from appropriations, tuition fees, charges and other fees and other available funds with the exception of student activity fees, the expenditures to be made for instructional, extracurricular, administrative, custodial and maintenance services, equipment and supplies, and for furniture for instructional, extracurricular, administrative and service facilities and to reallocate such sums among the various expenditure classifications as may be necessary for the effective management of the institution: Provided, That no such reallocation shall exceed the total allocations of the institution.

(10) Deleted by 2012, June 30, P.L. 684, No. 82, § 25, effective July 1, 2012.

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

(11) To cooperate with and accept grants and assistance from Federal and State agencies, local governments or other political subdivisions, foundations, corporations, or any other source for any of the lawful purposes of the institution. Each institution shall have the power to bank and use such grants as directed by the grantor and subject to the limitations of this act. All moneys received from sources authorized by this section are hereby appropriated to each of the several institutions granted such moneys. All such moneys shall be subject to audit by the Auditor General.

(12) To authorize personnel to travel within or without the Commonwealth at institutional expense.

(13) Within the limitations of the operating budget and other available funds, to enter into contracts for consultative service.

(14) To enter into contracts to enable students to engage in student teaching or other training in order to obtain experience in a particular field.

(15) To employ or contract for the necessary institutional services consistent with policies and procedures established by the board.

(16) Consistent with the policies of the board to do and perform all of those other things necessary and required for the orderly operation of the institution.

### **§ 20-2011-A RENTAL FEES AND OTHER CHARGES**

(a) In addition to rental fees fixed, charged and collected in the manner provided by law from each student residing in State-owned or State-leased residential facilities at an institution for the maintenance and operation of such facilities, a sum shall be fixed by the president, with approval of the Council of Trustees, and charged and collected from each such person as an additional rental fee. Such additional rental fees shall be credited to a Reserve Fund for contingencies and capital replacements.

(b) Deleted by 2020, July 1, P.L. 558, No. 50 §7, effective July 1, 2020.

### **§ 20-2012-A DIPLOMAS AND CERTIFICATES**

The board shall prescribe minimum standards for graduation from the system. Each graduate shall receive such diploma as the board shall prescribe. The system shall be authorized to grant baccalaureate, master's and doctoral degrees as limited by section 2003-A<sup>16</sup> for successful completion of prescribed courses of study and such other certificates and degrees as the board may authorize.

### **§ 20-2013-A TEACHERS' AND EMPLOYEES' RETIREMENT PLANS**

Pursuant to the provisions of 24 Pa.C.S. § 8301 (relating to mandatory and optional membership), all professional and other employes of the system and its institutions shall be accorded the right to elect participation in the Pennsylvania Public School Employees' Retirement System or the State Employees' Retirement System. Alternatively, eligible employes shall have the right to elect participation in the Teachers' Insurance and Annuity Association of America--College Retirement Equities Fund (TIAA-CREF) retirement plan or in an alternative retirement plan or plans offered by any insurance company authorized to issue annuity contracts in this Commonwealth or mutual fund company with investment options meeting the requirements of a qualified plan under the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 *et seq.*). The alternative retirement plans shall be selected by the system pursuant to the request-for-proposal process.

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<sup>16</sup> 24 P.S. § 20-2003-A.

#### **§ 20-2014-A NONDISCRIMINATION POLICY**

No person shall be denied matriculation at any system institution or a position as a governor, trustee, faculty member, or employe of the system, or the opportunity to contract with the system or its constituent institutions because of race, color, religion, age, sex, national origin, handicap or political affiliation. The board shall develop and promulgate by regulation a plan assuring equal opportunity in educational access, employment and contracting. The plan shall provide for nondiscrimination and compliance with respect to contracting practices for the system, its constituent institutions and their contractors, subcontractors, assignees, lessees, agents, vendors and suppliers.

#### **§ 20-2015-A ANNUAL AUDIT**

(a) The activities of the system under this article shall be subject to the audit of the Department of the Auditor General, but the system shall not be required to pay a fee for any such audit. It shall make an annual report to the State board and to the General Assembly showing its condition at the end of the Commonwealth's fiscal year.

(b) The system shall report its financial statements in accordance with generally accepted accounting principles as prescribed by the National Association of College and University Business Officers, the American Institute of Certified Public Accountants or any other recognized authoritative body, as well as applicable policy and standards promulgated by the Commonwealth and the Federal Government.

#### **§ 20-2016-A CONTINUATION OF POWERS AND DUTIES**

All powers, rights, privileges, duties and obligations, statutory, contractual or otherwise, of the institutions or their predecessors and their respective council of trustees and officers, heretofore existing and not otherwise changed or repealed by this act, shall continue in full force and effect.

#### **§ 20-2017-A ANNUAL REPORT**

[Deleted by 2020, July 1, P.L. 558, No. 50 §7, effective July 1, 2020.]

#### **§ 20-2018-A METHOD OF DISPOSITION; CONSIDERATION BY THE GENERAL ASSEMBLY**

(a) Whenever the system deems that it is necessary or desirable to sell, transfer or dispose of real property acquired by and titled to it, it shall request authorization from the General Assembly to sell, transfer or dispose of said real property; and from time to time, as necessary, the system shall submit to the Chief Clerk of the House of Representatives and the Secretary of the Senate requests to sell, transfer or dispose of real property acquired by and titled to the system for consideration by the General Assembly.

(b) Each request for authorization to sell, transfer or dispose of real property transmitted to the General Assembly shall be proposed as a resolution, and shall be placed on the calendar of each house for the next legislative day following its receipt, and shall be considered by each house within thirty (30) calendar days of continuous session of the General Assembly.

(c) Each request for authorization to sell, transfer or dispose of real property shall take effect if it is approved by a majority vote of the duly elected membership of each house

during such thirty-day period or may be disapproved by either house during that period by a majority vote of the duly elected membership of each house.

(d) No resolution shall be effective:

(1) unless it designates the number of the request for authorization to sell, transfer or dispose of real property and the date on which it was transmitted to the General Assembly; or

(2) if it specifies more than one request for authorization to sell, transfer or dispose of real property except as otherwise provided by subsection (g) of this section.

(e) The effective date of each request for authorization to sell, dispose or transfer real property shall be the date of approval of the last of the two houses to act. Upon the expiration of the thirty-day period after the delivery of the request for authorization to sell, dispose or transfer real property to the two Houses of the General Assembly and the failure to act as provided in subsection (c) of this section, each request for authorization to sell, dispose or transfer real property shall become effective.

(f) For the purposes of subsection (b) of this section:

(1) Continuity of session shall be considered as broken only by an adjournment of the General Assembly sine die.

(2) In the computation of the thirty-day period, there shall be excluded the days on which either house is not in session because of an adjournment of more than ten (10) days to a day certain.

(g) Any provision of the request for authorization to sell, dispose or transfer real property may, under provisions contained therein, be made operative at a time later than the date on which the request for authorization to sell, transfer or dispose of real property otherwise takes effect.

## **§ 20-2019-A CAMPUS POLICE POWERS AND DUTIES**

(a) Campus police of an institution shall have the power and their duty shall be:

(1) to enforce good order on the grounds and in the buildings of the institution;

(2) to protect the grounds and buildings of the institution;

(3) to exclude all disorderly persons from the grounds and buildings of the institution;

(4) to adopt means necessary for the performance of their duties;

(5) to exercise the same powers as are now or may hereafter be exercised under authority of law or ordinance by the police of the municipalities wherein the institution is located, including, but not limited to, those powers conferred pursuant to 42 Pa.C.S. Ch. 89 Subch. D<sup>17</sup> (relating to municipal police jurisdiction);

(6) to prevent crime, investigate criminal acts, apprehend, arrest and charge criminal offenders and issue summary citations for acts committed on the grounds of the institution and carry the criminal offenders before the proper district justice and prefer charges against them under the laws of this Commonwealth. Except when acting pursuant to 42 Pa.C.S. Ch. 89 Subch. D, campus police shall exercise

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<sup>17</sup> 42 Pa.C.S.A. § 8951 *et seq.*

these powers and perform these duties only on the grounds of the institution. For the purposes of applying the provisions of 42 Pa.C.S. Ch. 89 Subch. D, the grounds of the institution shall constitute the primary jurisdiction of the campus police.

(7) to order off the grounds and out of the buildings of the institution all trespassers and persons under the influence of alcohol or controlled substances and, if necessary, remove them by force and, in case of resistance, carry them before a district justice; and

(8) to arrest any person who damages, mutilates or destroys the property of the institution or commits any other offense, including threats or acts of terrorism, on the grounds and in the buildings of the institution and carry that person before the proper district justice and prefer charges against that person under the laws of this Commonwealth.

(b) An institution is authorized to enter into an agreement with the municipalities overlain by or abutting its campus to exercise concurrently those powers and to perform those duties conferred pursuant to a cooperative police service agreement in accordance with 42 Pa.C.S. § 8953 (relating to Statewide municipal police jurisdiction). When so acting, the campus police of the institution shall have the same powers, immunities and benefits granted to police officers in 42 Pa.C.S. Ch. 89 Subch. D. All such agreements shall be consistent with the mission and purpose of the system.

(c) When acting within the scope of the authority of this section, campus police are at all times employees of the institution and shall be entitled to all of the rights accruing therefrom.

(d) Campus police may disseminate investigative information as defined in 18 Pa.C.S. § 9102 (relating to definitions) to university officials for use in student disciplinary matters subject to 22 Pa. Code Ch. 505 (relating to student personnel). Notwithstanding this section, all other provisions of 18 Pa.C.S. Ch. 91 (relating to criminal history record information) shall apply to campus police.

## **§ 20-2020-A ARTICULATION AGREEMENTS**

Funds appropriated for program initiatives, including performance measurement and systemwide technology initiatives, shall be contingent upon the State System of Higher Education making all articulation agreements with other higher education institutions available on its Internet website.

## **§ 20-2021-A STUDENT RECORDS**

Student education records maintained in connection with a transaction, business or activity of the system or university shall not be subject to the provisions of the act of February 14, 2008 (P.L.6, No.3), known as the "Right-to-Know Law."

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## **Provisions contained in Act 188 of 1982**

### **Section 3.**

Funding for the Board of Governors and chancellor shall come from all operating funds available to the State colleges and State-owned university, but shall not exceed one-half of one per centum (.5%) of such funds. For purposes of this section, the phrase "operating funds" means any federal

appropriation, any state appropriation, any student tuition fees and any student fees for room and board.

#### **Section 4.**

(a) The following parts of acts are hereby repealed:

As much of section 202, act April 9, 1929 (P.L.177, No. 175), known as "The Administrative Code of 1929," as relates to the following boards:

Board of Trustees of West Chester State College,  
Board of Trustees of Millersville State College,  
Board of Trustees of Kutztown State College,  
Board of Trustees of East Stroudsburg State College,  
Board of Trustees of Mansfield State College,  
Board of Trustees of Bloomsburg State College,  
Board of Trustees of Shippensburg State College,  
Board of Trustees of Lock Haven State College,  
Board of Trustees of California State College,  
Board of Trustees of Slippery Rock State College,  
Board of Trustees of Edinboro State College,  
Board of Trustees of Clarion State College,  
Board of Trustees of Cheyney State College,  
Board of Trustees of Indiana University of Pennsylvania, at Indiana,  
Board of State College and University Directors.

Section 401.1 and 1311.1 of the act of April 9, 1929 (P.L.177, No. 175), known as "The Administrative Code of 1929."

(b) All acts of parts of acts are repealed insofar as they are inconsistent herewith.

(c) Except as otherwise provided nothing herein contained shall be construed to repeal the act of April 9, 1929 (P.L. 177, No.175), known as "The Administrative Code of 1929," as amended, or the act of January 18, 1952 (1951 P.L. 2111, No.600), referred to as the State College Faculty Compensation Law, or the act of December 16, 1965 (P.L. 1113, No.430), known as the "Indiana University of Pennsylvania Act."

#### **Section 5.**

There are hereby transferred to the Board of Governors and successor institutions as provided in Section 2001-A to be used, employed, and expended in connection with the functions, powers, and duties as established by this act, contract obligations, if any, records, files, all property, exclusive of real property, supplies, and equipment now being used or held in connection with such functions, powers, and duties and the unexpended balances of appropriations, allocations, and other funds available or to be made available for use in connection with such functions, powers, and duties.

#### **Section 6.**

All moneys accumulated pursuant to the fifth paragraph of Section 2008, act of March 10, 1949 (P.L. 30, No.14), known as the "Public School Code of 1949," is hereby transferred to the Reserve Fund established in subsection (a) of Section 2011-A.



**Section 7.**

Section 2004-A shall take effect immediately and the Governor shall nominate the Board within 90 days thereafter, and the Board shall employ the chancellor within six months thereafter. All other sections of this act shall take effect July 1, 1983.

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**Provisions contained in Act 50 of 2020**

**Section 11.** All acts and parts of acts are repealed and all regulations and parts of regulations are abrogated insofar as they are inconsistent with this act.

**Section 12.** The provisions of section 2002-A(a.1), (a.2), (a.3), (a.4), (a.5), (a.6), (a.7) and (a.8) of the act shall expire when the reporting requirements in section 2002-A(a.7) of the act have concluded. Upon conclusion of the reporting requirements, the Board of Governors of the State System of Higher Education, the chairperson and minority chairperson of the Appropriations Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives and the chairperson and minority chairperson of the Education Committee of the House of Representatives shall jointly transmit notice of the expiration of section 2002-A(a.1), (a.2), (a.3), (a.4), (a.5), (a.6), (a.7) and (a.8) of the act to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

**Section 13.** This act shall take effect immediately.

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**Implementing Provisions contained in Act 55 of 2022**

**Section 62.** This Act shall take effect as follows:

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(3) The remainder of this act shall take effect immediately.

## HIGHER EDUCATION MODERNIZATION ACT

### 24 P.S. § 2511.101 *et seq.*

#### § 2511.101. Short title

This act shall be known and may be cited as the Commonwealth Higher Education Modernization Act.

#### § 2511.102. Definitions

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

**“Affiliated entity.”** A private nonprofit corporation with the sole purpose of benefiting the State System of Higher Education or a State-owned university.

**“Board.”** The Board of Governors of the State System of Higher Education authorized by section 2004-A of the act of March 10, 1949 (P.L. 30, No. 14),<sup>18</sup> known as the Public School Code of 1949.

**“PASSHE employee.”** An individual employed by the State System of Higher Education or one of its constituent universities.

**“State-owned university.”** One of the institutions under the State System of Higher Education or any other institution that may be admitted to the State System of Higher Education subsequent to the effective date of this section in accordance with the provisions of the act of March 10, 1949 (P.L. 30, No. 14),<sup>19</sup> known as the Public School Code of 1949.

**“System.”** The State System of Higher Education created by the act of March 10, 1949 (P.L. 30, No. 14), known as the Public School Code of 1949.

#### § 2511.501. Scope of chapter

This chapter shall govern the relationships between the system or a State-owned university and affiliated entities that are incorporated for the sole purpose of benefiting the system or State-owned university.

#### § 2511.502. Applicability

In order for this chapter to apply to an affiliated entity, the affiliated entity must exist for the sole purpose of benefiting the system or a State-owned university. Affiliated entities may raise and utilize nonpublic funds to benefit and promote the system or a State-owned university.

#### § 2511.503. Authorized transactions

(a) General rule.--PASSHE employees or officers may voluntarily provide services to an affiliated entity as an ex officio, nonvoting member of the board of such affiliated entity as part of the mission of the system or a State-owned university.

(b) Joint fundraising.--The system and State-owned universities may coordinate and jointly engage in fundraising activities with an affiliated entity in order to raise moneys for the affiliated entity as long as the moneys are used to directly inure to the benefit of the system or State-owned university for the purposes stated in this act.

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<sup>18</sup> 24 P.S. § 20-2004-A.

<sup>19</sup> 24 P.S. § 1-101 *et seq.*

(c) Applicability.--Notwithstanding any other provision of law to the contrary, the provisions of the act of July 19, 1957 (P.L. 1017, No. 451),<sup>1</sup> known as the State Adverse Interest Act, shall not apply to the system, its institutions or employees of the system and its institutions for actions undertaken in accordance with the provisions of subsections (a) and (b).

#### **§ 2511.504. Limitations**

(a) General rule.--Nothing in this chapter shall be construed as authorizing or granting power to an affiliated entity at any time or in any manner to enter into any transactions or any agreements on behalf of the system or a State-owned university.

(b) No liability for debts of affiliated entity.--Neither the system nor a State-owned university shall be responsible for the payment of any debts or satisfaction of any obligations incurred by an affiliated entity.

#### **§ 2511.505. Status**

Affiliated entities recognized under this chapter shall not be considered instrumentalities or agencies of the Commonwealth. The Commonwealth shall not have any ownership interest in the corporation and all affiliated entities shall continue to be considered private corporations.

#### **§ 2511.701. Authorization**

(a) General rule.--In addition to the Indiana University of Pennsylvania, all State-owned universities may provide graduate instruction at the doctoral level in areas of study leading to professional doctorates, also known as applied doctorates. Professional doctoral degrees need not be offered in conjunction with any other institution chartered to offer education at the doctoral level.

(b) Exception.--The authorization under subsection (a) does not include the Doctor of Philosophy (Ph.D.) degree for any State-owned university, except for the Indiana University of Pennsylvania.

#### **§ 2511.702. Parameters**

(a) Duty to comply.--State-owned universities must comply with all criteria established by the board and satisfy all requirements deemed necessary by the board in order to provide doctoral-level degrees.

(b) Criteria.--The criteria shall include, but not be limited to:

- (1) Institutional mission, plan and readiness.
- (2) Need for the program.
- (3) Academic integrity.
- (4) Cooperation with other State-owned universities, agencies or organizations.
- (5) Assessment and accreditation.
- (6) Resource sufficiency.
- (7) Educational opportunity.

(c) Preapproval of program by board.--All professional doctoral degree programs of State-owned universities must be approved by the board prior to a State-owned university offering the degree program.

## STATE-OWNED UNIVERSITY INTELLECTUAL PROPERTY ACT

### 24 P.S. § 2521 et seq.

#### § 2521. Short title

This act shall be known and may be cited as the State-owned University Intellectual Property Act.

#### § 2522. Scope of act

This act shall apply to all economic development transactions entered into by State-owned universities and system employees.

#### § 2523. Definitions

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

**“Economic development agreement.”** An agreement that allows a State-owned university to develop and market intellectual property owned or created by a State System of Higher Education employee.

**“State-owned university.”** One of the 14 institutions under the State System of Higher Education or any other institution that may be admitted to the State System of Higher Education subsequent to the enactment of this act in accordance with the provisions of the act of March 10, 1949 (P.L. 30, No. 14),<sup>20</sup> known as the Public School Code of 1949.

**“System employee.”** An individual employed by the State System of Higher Education or one of its constituent universities.

#### § 2524. Authorization

State-owned universities and system employees may enter into economic development agreements that inure to the benefit of the State-owned universities and system employees.

#### § 2525. Approval and notice

(a) Review and approval.--Agreements entered into under this act shall be reviewed and approved in accordance with the form and legality reviews of the act of October 15, 1980 (P.L. 950, No. 164),<sup>21</sup> known as the Commonwealth Attorneys Act.

(b) Public availability.--Agreements authorized by this act shall be made available to the public by listing them with the Treasury Department in accordance with the provisions of Chapter 17 of the act of February 14, 2008 (P.L. 6, No. 3),<sup>22</sup> known as the Right-to-Know Law.

#### § 2526. Reports

The State System of Higher Education and each State-owned university shall monitor and report agreements entered into under this act on an annual basis to the Education Committee of the Senate and the Education Committee of the House of Representatives. The information shall be reported in compliance with any legal protections provided by copyright or trademark laws or other Federal or State law.

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<sup>20</sup> 24 P.S. § 1-101 *et seq.*

<sup>21</sup> 71 P.S. § 732-101 *et seq.*

<sup>22</sup> 65 P.S. § 67.701 *et seq.*

### **§ 2527. Limitations**

(a) Contracts.--Nothing in this act shall alter, impair or limit the terms or conditions of any sponsorship agreement, grant agreement, collective bargaining agreement or other contract.

(b) Use of public resources.--This act shall not authorize the unlawful use of public resources by private individuals in the development of intellectual property.

### **§ 2528. Repeals**

Repeals are as follows:

(1) The General Assembly declares that the repeals under paragraphs (2) and (3) are necessary to effectuate this act.

(2) The act of July 19, 1957 (P.L. 1017, No. 451),<sup>23</sup> known as the State Adverse Interest Act, is repealed insofar as it is inconsistent with this act.

(3) 65 Pa.C.S. Ch. 11<sup>24</sup> (relating to ethics standards and financial disclosure) is repealed insofar as it is inconsistent with this act.

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<sup>23</sup> 71 P.S. § 776.1 *et seq.*

<sup>24</sup> 65 Pa.C.S.A. § 1101 *et seq.*