

The Pennsylvania State University

Demand More: Penn State Administrative Representation

The Presidential Leadership Academy: Honors 301 H

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They say it takes a village to raise a child; in much the same way, it took the Penn State community to compose this strategic plan.

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Introduction

Nearly 120 years ago, presidents from Purdue, University of Chicago, University of Illinois, University of Michigan, University of Minnesota, University of Wisconsin, and Northwestern University met in Chicago to discuss the importance of leadership and academics in collegiate sports (bigten.org). This meeting was the foundation of what America knows today as the Big Ten, an athletic conference of elite universities. The Big Ten has now grown in size and operation, including 14 universities (bigten.org). Each university in the Big Ten has a unique governing structure. Since university populations, demographics, and history vary, administration is different depending on the size of the governing board, student representation on the board, number of committees, role of the president and who has voting powers. However, compared to Penn State, Big Ten institutions are extremely similar in size, composition, and location. Since the events of fall 2011, it is important to review in detail different aspects of how Penn State's Board of Trustees operates and the roles of each voting member. These reflections will enable the university to enhance daily operations by learning from other similar institutions.

Figure 1 : Governing Boards of Big Ten Universities

| School | # of Voting Trustees | Voting President | Voting Student |
|--------------|----------------------|------------------|---------------------|
| Illinois | 11 | no | yes-1; mandated |
| Indiana | 9 | no | yes-1; mandated |
| Iowa | 9 | no | yes-1; mandated |
| Maryland | 17 | no | yes-1; mandated |
| Michigan | 8 | no | no |
| Michigan St. | 8 | no | no |
| Minnesota | 12 | no | no |
| Nebraska | 8 | no | no |
| Northwestern | 71 | no | no |
| Ohio St. | 19 | no | yes-2; mandated |
| Penn St. | 32 | yes | yes-1; not mandated |
| Purdue | 10 | no | yes-1; mandated |
| Rutgers | 59 | no | yes-3; mandated |
| Wisconsin | 18 | no | yes-2; mandated |

The Governing Boards of Big Ten Universities chart (Figure 1) displays important characteristics of the administration on each campus. The size of each board is a unique aspect, as large boards are often criticized for being too big for adequate communication (Faculty Senate Report, p. 19). The Faculty Senate Report went on to describe ideal boards saying, “One of the key characteristics of high-performing boards is that its individual members are in direct and frequent communication with the president” (p. 19). The every additional board member, it becomes challenging for each trustee to be in direct contact with the president. Penn State’s board has the third highest number of voting trustees. Penn State is the only school in the Big Ten where the president has voting powers. Only five of the Big Ten universities lack voting students on their boards. Penn State’s board is the only one where existing student positions are not mandated.

All Big Ten universities have a president who answers to a governing board. Those with voting powers on the board have influence over policy and overall the university operations. Penn State is highly unique in this regard, as they are the only school in the Big Ten and of the 20 largest public universities where the president has a vote on the Board of Trustees (Faculty Senate Report, p. 14). The vote of the president is a controversial subject at Penn State, and has been under review by different reports and committees since the scandal in 2011 (Faculty Senate Report, p. 14). There is concern about Penn State’s governing structure being too much a “top-down” approach which doesn’t embody the desired “shared government” structure recommended since the scandal (Faculty Senate Report p. 18). The Auditor General proposed that the president be removed as an ex official voting member of the BoT (Faculty Senate Report, p. 25). The Auditor General was quoted as saying, “Penn State has concentrated too much power in its president, who is also a voting board member, the board’s secretary, and a member of almost every board committee” (Faculty Senate Report p. 25). He went on to say, “necessary and healthy boundaries between the president as

an employee and the board as employer are indistinguishable” (Faculty Senate Report p. 25). Removing the vote of the president will send a message to the Big Ten and others in the Penn State community that there is a more balanced power structure, de-emphasizing the criticized top-down approach that is currently in place.

In addition to the Board of Trustees is the less formal President’s Council, 17 direct reports to the President from central administrators, etc., etc (Freeh). An article published in 2011 in *The Chronicle of Higher Education* addresses concerns about the Council, in addition to Penn State’s administration as a whole, being too “insular.” The President’s Council covers every facet of the University. More specifically, the President’s Council is listed on the Penn State website as currently including the listed administrators within the University in Table 1 (below). Examination of the Council’s composition shows that almost every area of the University is covered. Nearly a quarter of the current members hold more than one administrative position within the University or on the Board of Trustees, which could be considered a strength so that as many positions are represented there as possible or-- in light of criticisms of being too insular-- it might be considered a weakness.

A major problem of the BoT cited in the Faculty Senate Report is a lack of communication and trust. When speaking with Rodney Hughes, a former student appointee of the Board of Trustees, he expressed the challenges of communication between the president’s council and the BoT. He said that the president’s council initially meets separately, and then meets with the BoT to vote on new measures (Hughes). This is a problem because it means that the BoT meeting is brief compared to the President’s Council meeting, making the voting less informed. To further improve the effectiveness of the BoT, the Faculty Senate Report emphasized the importance of trust, and re-building a culture of collaboration amongst board members and the community (2).

Trust can be improved with increased communication as the report states, “A core principle of effective communication is that the true character of an organization is expressed by its people and that the strongest opinions about an organization are shaped by the words and deeds of its people” (Faculty Senate Report 2).

Board of Trustees Structure

The Board of Trustees at Penn State University is one of the most divisive topics in the Penn State community today. In the aftermath of the events of November 2011, a once-highly-esteemed university governing board became the target of innumerable criticisms. The critiques came from both inside and outside the University. Alumni, faculty, and state lawmakers made conclusions on the structure, operation, and size of the Board of Trustees beyond the University’s own internal report conducted by Freeh, Sporkin & Sullivan, LLP.

Background

The Board of Trustees at Penn State University has had a very complex and transformative history. In order to better understand the current situation of the Board of Trustees, it is pivotal to examine how the structure of the board has changed throughout its time as Penn State’s main governing structure. The Board emerged with the inception of Penn State as a university in 1855. The charter in which created the university (Faculty Senate Report, 6). During this time there were thirteen members on the Board, given the duty of governing the newly developed institution (Bezilla). All of the members played a part in the emergence of the university. Nine of the thirteen were written into the charter, and were succeeded by representatives from the state and county agricultural societies to serve three-year terms (Bezilla). The four remaining members were ex officio trustees including the president of the university, the president of the state agricultural society, the Pennsylvania governor and the secretary of the Pennsylvania commonwealth (Bezilla). As Penn State’s

first student were admitted in 1859, the board had selected its first chairman in Frederick Watts who was the head of the state agricultural society and its first president in Evan Pugh (Bezilla).

Several years down the road, Penn State began expanding its horizons past solely agriculture. To gain more insight in these new explorations, the Board increased its numbers to 23, giving alumni the power to elect representatives as well as Pennsylvania's business and industry associations (Bezilla). The Board amended the charter in which founded Penn State, saying fifteen trustees were to be elected: three via alumni and twelve by representatives from Pennsylvania's agricultural societies, along with mining and manufacturing industries (Bezilla). The number of ex officio members increased to eight adding the state superintendent of public instruction, the secretary of the Department of Internal Affairs, the secretary of the Franklin Institute (located in Philadelphia) and the adjutant general (Bezilla). During this time, Penn State's Board of Trustees increased in prominence as George Atherton was elected as the president of the university, James A. Beaver became the Board's chairman for sixteen years, and successful businessmen were elected to the Board such as Andrew Carnegie and Charles Schwab (Bezilla).

In 1905 the Board expanded yet again as the Pennsylvania legislature approved an expansion to 31 trustees. The ex officio members were decreased back down to four trustees in the Pennsylvania governor, the university president, the superintendent of public instruction and the state secretary of agriculture (Bezilla). This expansion also gave more guidance to the electoral powers of the various entities on the board. The governor was enabled to appoint six trustees, the alumni were empowered to choose nine while the agricultural and industrial societies were able to appoint six trustees respectively (Bezilla). The only other change regarding the number of trustees came in 1939 when the secretary of mines as the fifth ex officio trustee (Bezilla).

The 1970's brought much organization to the Board and solidified how the Board would function. In 1971, the chairman at the time G. Albert Shoemaker instituted the notion of the Board meeting seven times a year, which later was altered to six times a year (Bezilla). Also in 1971, the governor at the time Milton Shapp started the tradition of appointing a Penn State student as a voting member of the Board of Trustees (Bezilla). A few years later in 1974, the Board chairman Michael Baker enabled the public to come to the Board meetings. Two years later, the chairman William Ulerich opened committee meetings to the public and also made the agendas available ahead of time (Bezilla).

Currently, the Board is still comprised of 32 members, still retaining many of the defining traits upon which the university was founded such as a heavy agricultural influence. The ex officio members consist of five trustees being the governor, the university president, the secretary of education, the secretary of agriculture, and the secretary of environmental resources. The governor, the alumni, the agricultural members, and business and industry representatives each have the ability to elect trustees, with varying numbers respectively (Faculty Senate Report, 6).

In November of 2011, the Board of Trustees was under the largest microscope it had experienced during its lifetime. As the former assistant coach of the Penn State football program, Jerry Sandusky, was accused for over 40 counts of sexual misconduct with minors, the immediate response of the country was who had known about it. The attention shifted to the Board of Trustees and the Penn State administration. The country waited for some sort of action, and the era of notoriety for the Penn State BOT began. On November 9, 2011 two of Penn State's most notable faculty were fired by the Board, President Graham Spanier and head football coach Joe Paterno. Internally, the firing of President Spanier had a great impact on the Board as he was voting member on the Board. The reasoning behind his dismissal was that he "failed to meet his leadership responsibilities to the Board" focusing also on the

incident which occurred in 2002, assuming he had the knowledge of assistant coach Mike McQueary's report of seeing Sandusky rape a young boy ("Report of the Board of Trustees"). Externally, the Board suffered great judgment over the firing of Joe Paterno. Many alumni and supporters of Penn State negatively criticized the Board's actions. Within the following year, Louis Freeh conducted an investigation on the allegations and those involved, Joe Paterno passed away, Jerry Sandusky was found guilty on 45 out of 48 counts of child sexual harassment, the Freeh Report was published, the chairman Steve Garban resigned from the Board, and Penn State experienced unprecedented sanctions from the NCAA.

Review of Literature

Of the multitude of voices on the subject of reforming Penn State University's Board of Trustees, three reports stand out as most notable. The report commissioned by the University to Freeh, Spork & Sullivan, LLP, known simply as the "Freeh Report" is certainly the most cited and reviewed. The Freeh Report is essential to the Board of Trustees reform dialogue because the University has committed itself to implementing every recommendation in the report beyond "four or five...[the University does] not intend to implement" (Erickson). The Freeh Report makes seven recommendations under the heading "Board of Trustees: Responsibilities and Operations" (Freeh 134-136). Though many other reports, agencies, and individuals make specific recommendations to change the size, structure, and scope of the Board of Trustees, the Freeh Report takes no clear stand, as suggested in Recommendation 3.1:

Review the administrative and governance issues raised in this report, particularly with regard to the structure, composition, eligibility requirements and term limits of the Board, the need to include more members who are not associated with the University, and the role of the Emeriti. In conducting this review, the Board should seek the opinions of members of the Penn State community, as well as governance and higher education experts not affiliated with the University. The Board should make public the results and recommendations generated from the review.

Further, pursuant to the “Binding Consent Decree Imposed by the National Collegiate Athletic Association and Accepted by The Pennsylvania State University,” the University must adopt “all recommendations presented in Chapter 10 of the Freeh Report” (“Binding” 6). To that end, the recommendations in the Freeh Report are more significant than the recommendations published in the other two reports.

The second report important to understanding the current dialogue regarding the Board of Trustees is the report commissioned by the Penn State Faculty Senate. It is the opinion of our committee that this report presented the most balanced, well-researched, and applicable recommendations. The Faculty Senate formed a “Special Committee on University Governance” to draft their report entitled, “Improving the Governance of Penn State, Revising the Structure of its Board of Trustees, and Furthering the Academic Mission of the University: Report and Recommendations of the Special Committee on University Governance.” Unlike the other reports, the Faculty Senate report utilizes a significant amount of literature on governing boards and higher education research. The Faculty Senate report refutes many of the arguments made in the final significant and relevant report: Pennsylvania Auditor General Jack Wagner’s report. The Faculty Senate report criticizes the Auditor General’s report by arguing that the Auditor General has limited understanding of higher education and that “the first reference to ‘faculty’ appears on page 53 of his 119-page report” (Special Committee 27).

As mentioned, the final relevant report is the report of former Pennsylvania Auditor General Jack Wagner. His report, published while Mr. Wagner was still Pennsylvania’s Auditor General, finds major faults with a significant share of Penn State’s administration structure.

Beyond major agencies, organizations, and individuals, a significant amount of the media has examined the Penn State Board of Trustees in looking at the larger issue of board

size nationally. In an article in August 2012 titled “Too Many Trustees Can Burden a Board, More Colleges Realize,” in *The Chronicle of Higher Education*, Jack Stripling notes “The Board at Pennsylvania State University...has nearly three times as many members as the average public-college board.”

Recommendations

Though many of the reports explained above advocate for a downsizing of the Board of Trustees, we felt this process would be extraordinarily ambitious and would not meet the parameters of this assignment to focus on the next five to ten years. To downsize the Board of Trustees, one must remove voting power from a certain constituency or group. No group will be willing to surrender voting power on the Board. If this process were to be undertaken, a serious and significant dialogue on the role of the University would need to be undertaken. With that in mind, we did find the recommendation by the Faculty Senate to remove many of the labels and restrictions on Board of Trustees’ seats and allow more individuals from around the University to participate in the governance process. For example, there is no place for advocates for the College of Arts & Architecture on the Board, while specific allocated seats exist for agriculture and business and industry. To that end, the process of removing voting seats from key constituencies would require a serious dialogue at the University. We recommend to keep the Board of Trustees at its current size for the near future.

Though we advocate keeping the Board at its current operating size, we agreed with both the Faculty Senate report and the report by Auditor General Jack Wagner that the Governor of Pennsylvania should not have a voting seat on the Board of Trustees, but should instead maintain an *ex-officio* position. In an interview with WITF’s Radio Pennsylvania,

current Pennsylvania Governor Tom Corbett agreed that his vote is not necessary on the board (Layne).

In addition to removing the voting role of the Governor, we also recommend removing the voting power of the President of the University. This opinion is shared by the Auditor General's Report, but not the report of the Faculty Senate. The Auditor General, however, removes the President altogether from the Board. In our proposal, the President, like the Governor, would retain *ex-officio* status. Current Penn State President Rodney Erickson agrees with this recommendation, saying he has "no problem with Presidents not being voting members of the Board" (Erickson); however, he does note that he believes it is "helpful for the President to sit in on Board deliberations" (Erickson). Removing the vote of both the Governor and President would reduce the number of voting members on the Board to 30 from 32. As previously stated, further evaluations of the structure and size of the Board of Trustees should continue.

Student Representation

Background

Delegation of governance to the students is written within the Penn State Board of Trustees Standing Orders. "The internal governance of the University shall be performed by the President and his/her administration, by the faculty, and by the student body. . . (S-12, *Standing Orders*)." Under these orders, the administration, the Faculty Senate, and student governments exist at the university. In the past decade, student representation has changed from actual self-governance to a role of advocacy.

This change began with a removal of the power to approve student organizations from the Undergraduate Student Government, USG, in 2004 due to threats of legal action over diversity issues (Leathers). Former Vice President for Student Affairs Vicky Triponey

oversaw the creation of a new student government association, which was voted on through a university-wide referendum (Carl). This advocacy-based group was called the University Park Undergraduate Association, or UPUA. After forming the UPUA, the university has encouraged student advocacy over governance by allowing students to sit on administrative councils, search committees, and even creating committees chaired by students to dictate how student fees are spent (*Facilities Fee Board*).

Further strides in student representation were made in 2012, when four non-voting student members were invited to attend meetings of the Board of Trustees (Hart). While this allows for more student voice in committee meetings and discussion of decisions, none of the representatives have the ability to actually vote on an issue. Instead, the Governor of Pennsylvania appoints the one student representative to the board of trustees. However, the Board's charter does not mandate this, so a seat is not guaranteed representation in the future (Henney).

Recommendation for a Student Trustee

The charter of the Board of Trustees should mandate a student seat. University Spokesman David La Torre said in an interview that “[a student trustee] has been a valuable member of the Board and brings an important perspective to university governance. (Henney).” Both President Rodney Erickson and Vice President for Student Affairs Damon Sims said in interviews they did not disagree with permanently establishing one of the Governor's appointments as a student (Erickson; Sims).

As an alternative to the current application process for student to be considered by the Governor for the role, students should have more voice in choosing their representative in the highest executive body at the university. A “Student Leadership Appointment Committee” should be created to allow students to screen potential candidates. Three representatives from each of the three student governments, The Graduate Student Association, The University

Park Undergraduate Association, and The Council of Commonwealth Student Governments, will sit on the nine member committee. The current student trustee will chair the committee in a non-voting capacity.

The committee will establish bylaws that establish an application process and timeline for selecting candidates, and the Office of Student Affairs will advertise the opening of the position. Because the position has a three-year term, this committee will meet every third year to oversee the application process. The committee will vote to choose three final candidates, whose names and applications will be forwarded to the Governor of Pennsylvania.

This committee is a compromise between the current application system and a direct vote by the student body for their representative. Now, students will have a say in selecting their voice on the Board of Trustees, but the Governor will also be able to choose his or her appointee.

Recommendation for a Student Liaison to the President's Council

Penn State has made an effort to allow students to sit on administrative committees and voice their opinions on policies at their university. However, the President's Council still lacks the transparency that the rest of the University has made strides in adopting. There is no website, no agenda, and no minutes for the weekly discussions. Vice President for Student Affairs Damon Sims discussed the organization and general meeting process in a class interview, otherwise it is difficult to find any information about the council (Sims).

It is understandable that many discussions within the President's Council meetings are of a sensitive nature that would not be legally advisable to be had in front of students (Erickson). However, it would benefit the students as well as the administration to have more

time to discuss proposals, issues, and agendas on a more regular basis. This helps students to navigate the red-tape that often disrupts initiatives, and also allows the administration to understand what students are concerned about.

Therefore, student government liaisons to the President's Council should be established. One delegate from each of the three student governments will visit the Council on a rotating weekly basis. Entering the meeting at the President's discretion, they will be present at a prescribed time in the meeting for no longer than 20 minutes. They will discuss their own organization's initiatives and progress throughout the year, seek advice and help from administrations when possible, and listen to the council's report on current issues at Penn State. This would also provide time for the administration to understand current student opinion on issues.

The Big Ten Initiative

Background

While recognizing the existence of both the Association of Governing Boards (AGB) and the Committee on Institutional Cooperation (CIC), we see the need to create a more tailored group of administrators to the Big Ten. While the AGB in particular is effective at sharing ideas and best practices among institutions, the organization is made up of 1,250 member institutions, and is expansive, housing both private and public, and two-year and four-year universities. (wikipedia.org)

In addition, while the CIC maintains similar broad goals as the Initiative and is a much more manageable size, the Committee has much more of a student affairs focus, with the member institutions pursuing joint purchasing, faculty and staff networking, and the sharing of courses and library resources.

Drawing on comparisons of size, structure, and make-up of Big Ten universities' respective governing bodies, comparable to Penn State's Board of Trustees, we propose to institute a body termed the Big Ten Initiative. Maintaining much the same goals as the CIC, this Initiative would aim expand upon the student affairs focus of the CIC to improve the learning environments and campus experiences of students of Big Ten universities by convening representatives from each member institution in an annual symposium to share information and discuss implementation of favorable practices from each university. The Big Ten Initiative would serve as a subset of the Association of Governing Boards (AGB), and as such, would receive a portion of the funding allotted to the AGB by both corporate and individual donors (agb.org).

Mission & Statement

“The mission of the Big Ten Initiative is to follow in the footsteps of the Committee on Institutional Cooperation to improve the learning and campus environments and overall experience of students attending Big Ten Universities. To achieve this, the Big Ten Initiative annually convenes representatives from each member institution to share information and discuss practices, governance strategies, and programs that have proven successful for their institution, and propose these same initiatives, or modified versions of these, for implementation at other member institution locations.”

The mission of the Big Ten Initiative is three-pronged. The Initiative will ultimately increase communication among Big Ten institutions as well as transparency among each university's respective governing bodies through discussion and the annual Trusteeship publication. Despite competition for enrollments, annual proposal for implementation of successful practices, governing structures, and programs would elevate performance and student satisfaction with each member institution of the Initiative, as well as generate an

atmosphere of openness and communication among Big Ten Conference members. The Initiative would also spawn a trickle-down effect of transparency from administration to student leaders. Especially in the case of Penn State University, public announcement of an initiative to invite members of other Big Ten institutional boards to attend and comment on the procedures of Penn State University's Board of Trustees and the proceedings of the University itself, would demonstrate a sincere commitment to transparency, and adaptation to measures to avoid a reoccurrence of administrative communicative failure, such as those in the wake of the Jerry Sandusky Sex Abuse Scandal of 2011.

Additionally, the Initiative would enhance the collective strength of the Big Ten Conference as a whole. While most conferences are unique in the areas of the country they draw students from, the type of students they attract, and the type of environments they offer students, the Big Ten Conference is no exception. The similar sizes and structures of the universities, despite differentiated governing structures, would allow for facilitated flows of information and policies among Initiative members. The mission of the Initiative would be to enhance the collective strength of the Big Ten Conference as a whole, making the universities within the conference an even stronger draw for students from across the nation.

Finally, the ultimate goal of the Big Ten Conference as a whole, and each individual member institution, is to graduate students that are well prepared for careers beyond the university, students that reflect well on the university from which they hail. To achieve this goal, an ongoing effort to improve each area of each of the universities within the conference is necessary and important. By establishing a body of administrators consistently dedicated to improving practices, policies, and programs of each member institution, the students of these universities will ultimately benefit.

Process

Based on the specific bylaws and/or election and appointment procedures of each member institution, the chair or head of each respective governing body would serve as that institution's "University Ambassador." This position would entail attending a minimum of one meeting of one member university's respective governing body each year, as part of an annual rotation. Additionally, the University Ambassadors from each member institution would meet at a host university once annually for a symposium, in which to discuss proposals, programs and governing practices that have proven successful at each Big Ten Conference member, and how these may be modified and implemented at other universities, according to their unique governing structure. Because the University of Maryland and Rutgers University will be granted full membership as of July 1, 2013 to the CIC, both institutions will be included in the Initiative (cic.net).

Specifically, each representative would adhere to a rotational calendar developed by the Initiative at the beginning of each year, and attend approximately one meeting per member institution, per year. Serving an observatory role in the structured meetings of each governing body, the representative would be expected to note mention of successful practices, governing structures, and programs. Each university representative's ideas would be inputted into a cumulative proposal assembled at the symposium, including the observations and recommendations which would then be forwarded to each university's administration and governing body for analysis and possible implementation. In addition, the elements resulting from the discussion of all fourteen representatives would then be compiled and featured in a cumulative annual report, and would be published in a special annual edition of the AGB's preexisting publication, "Trusteeship." Member university presidents, administrators, and fellow board members may also be in attendance for the annual symposium, which will be run as a round-table type of discussion, or including breakout sessions.

Conclusion

As the authors have learned throughout class time in the Presidential Leadership Academy, it is a leader's duty to be "out in front" of the institution when it comes to making cultural changes. All of Penn State's leadership—the current President, new President, President's Council, Board of Trustees—must be the change they wish to see in the University. The Penn State we hope to see in the next five to ten years could not be labeled "insular" and is leading the charge among Big Ten universities for greater administrative transparency, communication, and representation. Maintenance of the current Board of Trustees structure while removing the President and Governor's votes removes a serious conflict of interest. Increased student representation, advocacy, and collaboration can be accomplished through a rotating student liaison with the President's Council and the addition of a permanent voting student trustee on the Board. Finally, we hope to see Penn State represent itself well to the nation by supporting and leading the Big Ten Initiative which promotes sharing best practices among schools within our elite conference. As an institution, we must demand more engagement with leadership from our student body and demand more from our administration.

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