

**SEVENTH QUARTERLY REPORT OF THE
INDEPENDENT ATHLETICS INTEGRITY MONITOR
PURSUANT TO THE ATHLETICS INTEGRITY AGREEMENT AMONG
THE NATIONAL COLLEGIATE ATHLETICS ASSOCIATION,
THE BIG TEN CONFERENCE AND
THE PENNSYLVANIA STATE UNIVERSITY**

George J. Mitchell
DLA PIPER LLP (US)
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Table of Contents

	Page
I. INTRODUCTION AND SUMMARY	1
II. THE MONITOR’S ACTIVITIES THIS QUARTER.....	2
III. OBSERVATIONS AS TO SPECIFIC AREAS	4
A. Penn State’s Efforts to Implement the AIA	4
1. The Athletics Integrity Officer.....	4
B. Penn State’s Efforts to Comply with the Freeh Report Recommendations	5
1. Athletics Compliance.....	5
2. The Office of Ethics and Compliance.....	5
3. Youth Programs and Child Protection and Well-Being Initiatives.....	6
4. Clery Act Compliance.....	7
5. Facilities Security Enhancements	8
C. The University’s Focus on Continuous Improvement	9
IV. OTHER EVENTS DURING THE REPORTING PERIOD.....	10
A. Athletics	10
1. Academic Achievements	10
2. Associate Athletic Director for Business Relations and Communications	11
B. Lawsuits, Investigations, and Legislative Activity.....	12
1. Litigation Update	12
a) The Paterno/Individual Trustees’ Lawsuit.....	12
b) Pennsylvania Institution of Higher Education Endowment Act Litigation	12
c) Other Pending Civil and Criminal Actions.....	13
2. Title IX Investigation.....	14

3.	Legislation Update	14
C.	The Board of Trustees.....	15
1.	Appointments and Elections	15
2.	Governance Reforms	15
V.	AREAS OF FUTURE FOCUS.....	16

I. INTRODUCTION AND SUMMARY

This is the seventh quarterly report of the independent athletics integrity monitor (“Monitor”) pursuant to section III of the Consent Decree between the National Collegiate Athletic Association (“NCAA”) and The Pennsylvania State University (“Penn State” or the “University”), and article IV of the Athletics Integrity Agreement (“AIA”) among the NCAA, Penn State, and the Big Ten Conference.

This quarter, Rodney A. Erickson retired after more than three decades of service to Penn State and Eric J. Barron took office as the eighteenth president of the University. The University also announced that seven new trustees will join its governing board.

During this reporting period, Penn State continued to make progress on initiatives undertaken in response to recommendations made in the report by Freeh Sporkin & Sullivan LLP dated July 12, 2012 (the “Freeh Report”) and others that were commenced as part of the University’s plan for continuous improvement. Penn State’s Office of Ethics and Compliance adopted a compliance plan approved by a committee of its board of trustees, and the University’s intercollegiate athletics compliance department became the first in the country with five members certified by the National Association for Athletics Compliance (“NAAC”). The athletics integrity officer held her quarterly meetings with the Big Ten Conference and Penn State’s president, and she introduced a voluntary ethics training course for student-athletes developed in collaboration with the University’s Smeal College of Business.

Penn State hosted its third annual conference on child protection and well-being and continued its support of organizations striving to end child sexual abuse and to assist its victims. Also this quarter, the University: continued installation of access controls and security measures at its athletics and recreational facilities to ensure adherence to Penn State policies; commissioned a team of administrators and public safety professionals to support its Clery Act

compliance program; and began to review policies, procedures, and training programs concerning child safety and abuse prevention to ensure their consistency with newly enacted state laws.

We have continued to monitor external events that may affect the University's satisfaction of its obligations under the Consent Decree and AIA or otherwise add context to our work, which remains focused on Penn State's adherence to the terms of those agreements.

II. THE MONITOR'S ACTIVITIES THIS QUARTER

Our work during this reporting period included a number of visits to the University Park campus to meet with Penn State administrators, faculty, and staff. On May 14, 2014, I met with Dr. Eric Barron and Dr. Rodney Erickson, Penn State's present and immediate past presidents. Dr. Barron pledged that I would continue to receive complete cooperation from the University, as has been the case since the inception of my duties.

We also continued our participation in regularly scheduled meetings of the administration response team, the ICA Facilities and AD73 working group, and the Advisory Council for Continued Excellence and its Subcommittee on Core Values. We also attended meetings of the Ethics and Compliance Council, the Ethics Committee, the Youth Programs Council, and the Compliance Training Committee. In addition, we participated in the quarterly meeting of the Athletics Integrity Council, in a forum for head coaches and administrators of the University's varsity athletics programs hosted by Athletics Integrity Officer Julie Del Giorno, and in meetings of the committee examining facilities used by the Morgan Academic Support Center for Student-Athletes.

We attended the Board of Trustees meetings held this quarter on March 6-7, 2014 in Hershey, Pennsylvania and on May 8-9, 2014 at University Park. Members of our team also participated in a meeting of the Faculty Senate Intercollegiate Athletics Committee and attended

a training session held for coaches, athletics administrators, and other “Covered Persons” designed to satisfy the AIA’s annual athletics compliance training requirement.¹ Since our last report, we met with many Penn State officials, including: Vice President and General Counsel Stephen S. Dunham; Associate General Counsel Frank Guadagnino; Senior Vice President for Finance and Business David Gray; Vice President for Administration Thomas Poole; Vice President for Human Resources Susan Basso; Vice President for Student Affairs Damon Sims; Director of Internal Audit Daniel Heist; Director of University Ethics and Compliance Regis W. Becker; Athletics Integrity Officer Julie Del Giorno; Youth Programs Compliance Specialist Sandy Weaver; Ethics Specialist Timothy R. Balliett; Clery Compliance Coordinator Gabriel Gates; Associate Athletic Director and Senior Woman Administrator Charmelle Green; Associate Athletic Director for Compliance Matthew Stolberg; Director of Performance Enhancement Dwight Galt III; Assistant Director, Football Academic Support Services and Academic Counselor Todd Kulka; and Academic Counselor Andrea Buenano.

We worked with Guidepost Solutions, LLC to monitor the University’s implementation of access controls and security measures at its athletics and recreational facilities. Together, our efforts included site visits and participation in meetings with administrators, design professionals, building coordinators, and security personnel concerning the status of renovation projects intended to enhance the security of those who utilize Penn State’s athletics and recreational facilities.

¹ The AIA defines “Covered Persons” to include all student-athletes participating in NCAA-sanctioned intercollegiate athletics teams, coaches, team managers, University staff and employees who directly interact with those teams, the Board of Trustees, the president of the University, and members of the athletic director’s executive committee.

We also continued to collect and review relevant documents from Penn State and publicly available sources and to request information from the University as needed. Penn State continues to cooperate fully in our monitoring efforts.

III. OBSERVATIONS AS TO SPECIFIC AREAS

A. Penn State's Efforts to Implement the AIA

1. The Athletics Integrity Officer

On March 19, 2104, Ms. Del Giorno chaired the quarterly meeting of the Athletics Integrity Council. Mr. Stolberg apprised the Council of the athletics compliance staff's work to train annually all "Covered Persons" on NCAA, Big Ten Conference, and Penn State athletics compliance policies. So far this academic year, the University has reported providing "Covered Persons" training to 873 student-athletes, 392 full-time employees, and 128 part-time employees. The Council's membership also discussed, then adopted, a policy to govern the selection of faculty to serve on the Council and their terms of service. The Council further discussed how it may better leverage the faculty members' talents to enhance the Council's mission and work.

Also this quarter, the Athletics Department launched an ethics training program for student-athletes, which the athletics integrity officer developed in collaboration with the Smeal College of Business's director of honor and integrity. The course makes available to teams on a voluntary basis ethics training that includes interactive sessions designed to model and facilitate discussion of principled actions and expected conduct.

Ms. Del Giorno held her quarterly meetings with Penn State's president and with representatives of the Big Ten Conference. She further represented Penn State on a committee of Big Ten Conference peers that developed a guide that each member school will use to implement the Conference's standards for safeguarding institutional governance of intercollegiate athletics. Ms. Del Giorno also hosted a meeting among the University of New Hampshire's senior woman

administrator and senior associate athletic director for compliance and personnel from Penn State's Office of Ethics and Compliance to review the University's athletics integrity program and NCAA compliance model. The University of New Hampshire requested the meeting in aid of its consideration of a similar model of athletics compliance.

B. Penn State's Efforts to Comply with the Freeh Report Recommendations

1. Athletics Compliance

This reporting period all of Penn State's athletics compliance administrators successfully completed the NAAC's education program, the centerpiece of which is an 8-10 hour training course on the NCAA bylaws. Penn State is the first institution nationally to have five NAAC-certified professionals working with its intercollegiate athletics department and one of only two schools in the Big Ten Conference to have sent participants through the certification program. The NAAC, an affiliate of the National Association of Collegiate Directors of Athletics, serves the interests of nearly a thousand intercollegiate athletics compliance professionals by providing them with the tools and resources needed to effectively manage an NCAA compliance program.²

2. The Office of Ethics and Compliance

Director of University Ethics and Compliance Regis Becker finalized the compliance plan for the University, which the Legal and Compliance Committee of the Board of Trustees approved at its May 8, 2014 meeting. The compliance plan addresses: standards of conduct; governance; reporting lines and delegation of authority; training and education; monitoring and auditing; program promotion; discipline; and remediation. Mr. Becker also led meetings of the Ethics and Compliance Council whose members, in conjunction with the Ethics Committee led by University Ethics Specialist Timothy Balliett, are developing a code of responsible conduct

² See <http://www.nacda.com/naacc/naacc-overview.html>.

for the University. They also continue to support the Advisory Council for Continued Excellence in the creation of a statement of core values for the University.

3. Youth Programs and Child Protection and Well-Being Initiatives

Youth Compliance Specialist Sandy Weaver collaborated in the review and preparation of the 2014 staff manual for sports camps, and she joined Penn State Sports Camps Director Ed Franks in a presentation to the University's varsity athletic coaches about summer camp administration and youth protection issues. Ms. Weaver also developed a quick-reference guide to aid understanding and compliance with Policy AD39 (programs for non-student minors), Policy AD72 (reporting suspected child abuse), and Policy HR99 (background checks). So far this year, nearly 14,000 Penn State employees and volunteers have completed the training course "Building a Safe Penn State: Reporting Child Abuse."

In March, the Pennsylvania Coalition Against Rape and the National Sexual Violence Resource Center updated the University on the many initiatives made possible through their partnership with Penn State. The Pennsylvania Coalition Against Rape took advantage of Penn State's network of Extension and Continuing Education offices to distribute information and educate citizens in each county of the Commonwealth about the warning signs of child abuse, techniques for responding to suspected child abuse, and the resources available to assist victims and communities.³

Throughout April—Sexual Assault Awareness Month and Child Abuse Prevention Month—Penn State promoted the many resources available to those in the University community who have experienced sexual assault or relationship violence, and the University hosted several

³ See "University's partner in fighting child abuse reports solid results," available at http://news.psu.edu/story/308100/2014/03/18/impact/universitys-partner-fighting-child-abuse-reports-solid-results?utm_source=newswire&utm_medium=email&utm_term=308354&utm_content=03-19-2014-11-39&utm_campaign=daily%20newswire.

events to raise consciousness and provide education concerning child abuse.⁴ Also in April, Ms. Weaver delivered the keynote address at two Atlanta-area events to promote awareness and prevention of child abuse. Ms. Weaver's addresses highlighted the work of Penn State's Network on Child Protection and Well-Being and the importance of training individuals involved in youth programs.

On May 5-6, 2014, the Network on Child Protection and Well-Being hosted its third annual conference at Penn State's University Park campus. Centered on the theme "Families at Risk," the conference featured experts from around the country who presented and led discussions addressing four topics: "maltreatment, family processes, risk and resilience"; "intergenerational transmission of maltreatment"; "intervention within maltreating families"; and "preventing child maltreatment."⁵ Also in May, Ms. Weaver joined her counterparts from Georgetown University and the University of Florida to present "How Three Universities Manage the Protection of Minors: Great Ideas You Can Use" at the University Risk Management and Insurance Association's 2014 Mid-Atlantic Regional Conference on May 14, 2014, in Baltimore, Maryland.

4. Clery Act Compliance

On April 15, 2014, President Erickson appointed twenty administrators and public safety professionals from across the University to serve as members of the Clery Act Compliance Interdisciplinary Review Team. Led by Clery Compliance Coordinator Gabriel Gates, this body will oversee the annual review, revision, and implementation of the University's policies and

⁴ See, e.g., "Penn State holds Sexual Assault Awareness Month events in April," available at <http://news.psu.edu/story/310065/2014/04/01/impact/penn-state-holds-sexual-assault-awareness-month-events-april>.

⁵ See <http://www.protectchildren.psu.edu/content/penn-states-third-annual-conference-child-protection-and-well-being>.

procedures related to Clery Act compliance. Mr. Gates led the first meeting of the Clery Act Compliance Interdisciplinary Review Team on May 9, 2014. So far this year, nearly 4,000 individuals have completed Clery Act training.

5. Facilities Security Enhancements

In collaboration with Guidepost, this quarter we observed Penn State's continued implementation of, and planning for, enhanced security measures for its recreational and athletic facilities. Penn State moved forward with work to design and install electronic access controls at a second set of facilities. The University also advanced plans for renovation projects that will consolidate entry points and enhance its ability to screen and monitor the circulation of those who use selected facilities.

The Intramural Building is the first of the athletic and recreational facilities over which Penn State has achieved active control of all access points. Work remains, however, to curb attempts by the public to circumvent the security measures Penn State has put into place, such as by soliciting students to bring them into the facility as their guest. The security measures remain a point of contention because non-University personnel traditionally were permitted to use University facilities. However, the new, more stringent policies generally are considered to be best practices among peer institutions, and taking such measures is prudent as long as child abuse remains a problem in our communities.

Penn State also continued efforts to upgrade security at facilities frequented by minors and/or used in youth programs on its Commonwealth Campuses. The University is on schedule to complete the installation of electronic card readers and cameras at these facilities across all Commonwealth Campuses this spring, which will enable Penn State to test the functionality of the electronic access controls over the summer and address any issues that may arise to ensure they are fully operational for the start of the 2014-15 academic year. A work group comprised of

representatives from the Commonwealth Campuses, the Office of Physical Plant and its access controls and electronic security team, and from University Risk Management, among other groups, periodically met this past quarter to share their experiences implementing access controls and to report their progress towards installing the security enhancements.

In addition to physical security enhancements, Penn State took steps this quarter to ensure that Athletics Department personnel properly route and respond to requests made by groups who wish to reserve space within the University's athletic and recreational facilities to host events or conduct programs. Existing facility reservation policies that refer to University Policy AD73 ("Accessing Athletic and Recreational Facilities") will be augmented with a uniform reservation form and checklist designed to prompt inquiry into the nature of the event and whether minors will be involved so that Penn State personnel may further explore the group's awareness of, and preparedness to abide by, Policy AD39 addressing the supervision of minors participating in programs at the University.

C. The University's Focus on Continuous Improvement

On March 7, 2014, the Middle States Commission on Higher Education informed Penn State that it had accepted the University's monitoring report. Following the prosecution and conviction of Gerry Sandusky, the Commission had warned Penn State that its accreditation was at risk. The Commission then undertook a review of the University that resulted in the removal of the warning in November 2012 and reaffirmation of Penn State's accreditation subject to further monitoring. Penn State's most recent report to the Commission documented the financial implications of the U.S. Department of Education's report concerning the University's Clery Act compliance program and of litigation, potential liabilities, and costs associated with the

implementation of the Freeh Report recommendations and Consent Decree requirements.⁶ The Commission's acceptance of the report in effect reaffirms the University's accreditation.

IV. OTHER EVENTS DURING THE REPORTING PERIOD

A. Athletics

1. Academic Achievements

A University record 468 student-athletes earned a grade point average of at least 3.0 during the fall 2013 semester, and 197 of those student-athletes made the Dean's List by achieving at least a 3.50 grade point average while completing a minimum of 12 credit hours of coursework.⁷ Through the completion of winter competition, 149 Penn State student-athletes earned Academic All-Big Ten recognition.⁸ These individual achievements enabled eight of the University's varsity athletics programs to earn a public recognition award from the NCAA for the second year in a row for achieving a high academic progress rate for the 2012-13 academic year; six of those teams earned perfect, multi-year academic progress rates.⁹ The average

⁶ See http://www.msche.org/institutions_view.asp?idinstitution=351.

⁷ See "Record 468 Penn State Student-Athletes Earn 3.0 GPA During Superb Fall Semester," available at <http://www.gopsusports.com/genrel/040914aab.html>.

⁸ See "School Record 65 Student-Athletes Earn Winter Academic All-Big Ten Accolades," available at <http://www.gopsusports.com/genrel/042314aad.html>.

⁹ The academic progress rate is a team-based measurement created by the NCAA to hold institutions accountable for their student-athletes' scholastic development. Teams must achieve a minimum academic progress rate set by the NCAA or face penalties, which may include exclusion from competition. The eight Penn State teams that received public recognition awards from the NCAA are field hockey, women's tennis, women's golf, women's cross country, men's outdoor track, men's indoor track, men's tennis, and men's cross country. See <http://www.ncaa.org/about/resources/media-center/press-releases/ncaa-recognizes-division-i-academic-achievement?division=d1>; <http://www.gopsusports.com/genrel/050714aaa.html>; <http://web1.ncaa.org/maps/ilammtaithwRecognitionAwards.jsp>. The six teams that earned perfect academic progress rates are men's cross country, women's cross country, women's golf, men's tennis, and women's tennis. See "Penn State Student-Athletes Continue to Top National Academic Averages," available at <http://www.gopsusports.com/genrel/051414aaa.html>; <http://fs.ncaa.org/Docs/newmedia/public/rates/index5.html>.

academic progress rate for all of Penn State's varsity athletic programs over the last four years was 984, which is eight points higher than the Division I average.¹⁰ The football team's academic progress rate over the last four years exceeded the Division I average over that same period by 3 points. Further analysis of the football team's academic progress rate, however, reveals a decline over that period.¹¹ For the four-year period culminating in the 2012-13 academic year, the football team's academic progress dropped to 954, which was last among the teams in the Big Ten Conference.¹² This decline in academic progress rate was due in part to student-athletes transferring away from Penn State. This 954 score, however, was still well in excess of the level necessary (a 900 score or greater) to meet team eligibility requirements.

2. Associate Athletic Director for Business Relations and Communications

On April 10, 2014, Penn State announced the hiring of Tom McGrath as associate athletic director for business relations and communications. His placement was the result of a nationwide search, as recommended in the Freeh Report. Mr. McGrath will oversee the Athletics Department's marketing efforts, ticket sales and services, licensing agreements, multi-media rights, corporate partnerships, and the Nittany Lion Club, among other responsibilities.¹³

¹⁰ See "National and Sport-Group APR Averages and Trends," available at https://www.ncaa.org/sites/default/files/CAP_may2014_public-release_FINAL.pdf; <http://fs.ncaa.org/Docs/newmedia/public/rates/index5.html>.

¹¹ Penn State's academic progress rates during the relevant period were 972 for the 2009-10 academic year, 971 for the 2010-11 academic year, 961 for the 2011-12 academic year, and 954 for the 2012-13 academic year. See <http://fs.ncaa.org/Docs/newmedia/public/rates/index5.html>.

¹² See "National and Sport-Group APR Averages and Trends," available at https://www.ncaa.org/sites/default/files/CAP_may2014_public-release_FINAL.pdf; <http://fs.ncaa.org/Docs/newmedia/public/rates/index5.html>.

¹³ See "McGrath Named Penn State Associate AD for Business Relations & Communications," available at <http://www.gopsusports.com/genrel/041014aaa.html>.

B. Lawsuits, Investigations, and Legislative Activity

1. Litigation Update

a) The Paterno/Individual Trustees' Lawsuit

As reported last quarter, the estate and family of Joseph Paterno, three current and one now-former trustee of the University, and others filed a first amended complaint against the NCAA, its president, the former chairman of its executive committee, and Penn State that seeks, in part, to invalidate the Consent Decree.¹⁴ On March 17, 2014, the NCAA and Penn State separately filed preliminary objections to the re-pled civil action. The parties presented their arguments to the court as to these objections and certain discovery issues on May 19, 2014. The court's decision is pending.¹⁵

b) Pennsylvania Institution of Higher Education Endowment Act Litigation

Last year, two of the Commonwealth's elected officials initiated a civil action against the NCAA to direct use of the monetary penalty levied on Penn State as part of the Consent Decree according to the Pennsylvania Institution of Higher Education Endowment Act.¹⁶ In response, the NCAA asserted that the Endowment Act is unconstitutional. The plaintiffs maintained the validity of their action and asked the court to award them judgment in their favor on the basis of their second amended complaint. On April 9, 2014, the presiding court upheld the constitutionality of the Endowment Act, but denied the plaintiffs' request for judgment finding that the "allegations and denials [asserted by the NCAA in response to the plaintiffs' lawsuit] present factual issues directly relating to . . . the validity of the Consent Decree and whether the

¹⁴ See Monitor's Sixth Quarterly Report at 25.

¹⁵ See Docket, *Paterno v. Nat'l Collegiate Athletic Ass'n*, No. 2013-2082 (Ct. Com. Pl. Centre Co. May 30, 2013).

¹⁶ See Docket, *Corman v. Nat'l Collegiate Athletic Ass'n*, 1 MD 2013 (Pa. Commw. Ct. Jan. 4, 2013).

NCAA acted in good faith.”¹⁷ Following from that determination, the court also ruled that the University is an indispensable party to the proceedings and so ordered it to participate in the litigation going forward.¹⁸ Penn State joined the proceedings and answered the plaintiffs’ second amended complaint on May 6, 2014.¹⁹

On April 17, 2014, the defendants in the NCAA’s federal lawsuit to invalidate the Pennsylvania Institution of Higher Education Endowment Act asked the court to take judicial notice of the state court’s April 9, 2014 opinion concerning the constitutionality of the Endowment Act. The parties to that litigation await the court’s decision on Governor Corbett’s motion to dismiss.²⁰

c) Other Pending Civil and Criminal Actions

There has been no public activity this quarter in the criminal actions against Graham Spanier, Timothy Curley, and Gary Schultz.²¹ On March 31, 2014, Dr. Spanier filed a federal lawsuit against Attorney General Kane seeking to block his state court prosecution, which the Attorney General has moved to dismiss.²²

¹⁷ Opinion dated April 9, 2014, *Corman v. Nat’l Collegiate Athletic Ass’n*, 1 MD 2013 (Pa. Commw. Ct. Jan. 4, 2013).

¹⁸ *See id.*

¹⁹ *See* Docket, *Corman v. Nat’l Collegiate Athletic Ass’n*, 1 MD 2013 (Pa. Commw. Ct. Jan. 4, 2013).

²⁰ *See* Docket, *Nat’l Collegiate Athletic Ass’n v. Corbett*, 1:13-cv-00457-YK (M.D. Pa. Feb 20, 2013).

²¹ *See* Docket, *Commonwealth of Pennsylvania v. Curley*, CP-22-CR-0003614-2013 (Ct. Com. Pl. Dauphin Co. Aug. 1, 2013); *Commonwealth of Pennsylvania v. Spanier*, CP-22-CR-0003615-2013 (Ct. Com. Pl. Dauphin Co. Aug. 1, 2013); *Commonwealth of Pennsylvania v. Schultz*, CP-22-CR-0003616-2013 (Ct. Com. Pl. Dauphin Co. Aug. 1, 2013).

²² *See* Docket, *Spanier v. Kane*, 1:14-cv-00599-YK (M.D. Pa. Mar. 31, 2014).

2. Title IX Investigation

On May 1, 2014, the U.S. Department of Education’s Office for Civil Rights published a list of 55 institutions of higher education—including Penn State—that are under investigation for their handling of sexual violence and harassment complaints.²³ The Department of Education clarified that its disclosure “in no way indicates at this stage that a college or university [on the list] is violating or has violated the law.”²⁴

3. Legislation Update

This quarter, the governor of Pennsylvania signed into law several bills that together expand the scope of individuals deemed “mandated reporters” of suspected child abuse, outline reporting procedures, stiffen penalties for the failure to report suspected child abuse, and protect from retaliation those who do so in good faith.²⁵ Other legislation made law this quarter will fund child advocacy centers and multi-disciplinary investigation teams and provide for the establishment of a toll-free hotline to report suspected child abuse and a database to store information contained in those reports.

Penn State has followed these bills from their introduction. With support from the University’s Office of General Counsel and a professor at Penn State’s Dickinson School of Law, Youth Programs Compliance Specialist Sandy Weaver, Director of the Center for Workplace Learning and Performance Susan Cromwell, and others have begun to evaluate the effects of the new laws on Penn State’s policies, procedures, and training programs. The newly

²³ See Press release, “U.S. Department of Education Releases List of Higher Education Institutions with Open Title IX Sexual Violence Investigations,” dated May 1, 2014, available at <http://www.ed.gov/news/press-releases/us-department-education-releases-list-higher-education-institutions-open-title-i>.

²⁴ *Id.*

²⁵ See Senate Bill 21; Senate Bill 33; House Bill 431; House Bill 436.

enacted laws do not require an expansion of the individuals required to report suspected child abuse under existing Penn State policy, which already “requires all University employees” who reasonably suspect abuse occurred to make a report.²⁶ Existing University policy also requires all employees to complete child abuse reporting training each year.²⁷ The University, however, will need to revise its existing reporting process consistent with the new law and make associated changes to its training and education program.²⁸

C. The Board of Trustees

1. Appointments and Elections

At its meeting on May 9, 2014, two new gubernatorial appointees joined the Board, succeeding Trustees Alvin Clemens and Ira Lubert whose terms had expired. Also at its May meeting, the Board announced the results of trustee elections. Delegates of agricultural societies operating in the Commonwealth re-elected Trustees Betsy Huber and Keith Masser, who will be joined by five new trustees—three elected by the alumni and two elected by the Board—at the Board’s July meeting. Three student leaders who will participate in Board committees also were introduced at the May meeting.

2. Governance Reforms

The Board’s Committee on Governance and Long-Range Planning met multiple times this quarter, including sessions with its consultant Holly Gregory. The Board’s size and

²⁶ Policy AD72.

²⁷ *Id.*

²⁸ Currently, Penn State Policy AD39, which governs youth programs, directs “Authorized Adults”—“[i]ndividuals, age 18 and older . . . who interact with, supervise, chaperone, or otherwise oversee minors in program activities, recreational, and/or residential facilities”—immediately to inform their program director of suspected abuse or assault and then to join the program director in making a report to ChildLine. The new laws require those who in good faith perceive child abuse has occurred to report it immediately and then inform their supervisor.

composition took on particular importance this past reporting period as they relate to student participation on the Board. The current student trustee, Peter Khoury, was appointed by the governor. Trustee Khoury's graduation in May could leave the Board without student representation in July when the Board is scheduled to vote on the amount of tuition for the upcoming academic year. At its March 2014 meeting, the Committee advanced a proposal which, if acted upon, would ensure continuity of student participation on the Board absent the governor's appointment of a student to succeed Trustee Khoury. At the Committee's meeting in May 2014, it was reported that the governor's office gave assurance it would appoint a new student trustee in time for the Board's July meeting.

V. AREAS OF FUTURE FOCUS

This quarter, we observed the University's continued work to enhance security at recreational and athletic facilities, attention and adherence to its commitments under the AIA, and further development of its Clery Act compliance program. The University's administration continues to cooperate fully with our monitorship efforts.

In the coming quarter, which will culminate with our second annual report, we will continue to monitor the University's progress towards fulfilling its obligations in connection with the AIA and Consent Decree, now under the leadership of President Barron. We also will perform our responsibilities as the external monitor appointed pursuant to Freeh Report recommendations 8.2 and 8.4. In our second annual report, we will more comprehensively review Penn State's work to comply with the AIA's annual obligations, progress towards completing long-term, capital-intensive projects undertaken in response to the Freeh Report recommendations, and adjustments made to its policies, procedures, and training in response to recently enacted Pennsylvania legislation.