

AGREEMENT

WHEREAS, The Pennsylvania State University (the “University”) is a state-related institution and instrumentality of the Commonwealth of Pennsylvania subject to the Pennsylvania nonprofit corporation laws having its principal place of business located at 201 Old Main, University Park, Pennsylvania;

WHEREAS, James and Evelyn Piazza (the “Piazzas”) are the parents of Timothy J. Piazza, deceased;

WHEREAS, the Piazzas and the University may each be referred to herein as a “Party” and collectively as the “Parties”;

WHEREAS, the Parties desire to undertake reforms that are intended to reduce the risk that the tragedy that befell Timothy J. Piazza ever occurs again;

WHEREAS, the Parties share a common goal of creating a safer, healthier environment for students seeking a Greek Life experience;

NOW, THEREFORE, BE IT RESOLVED THAT the Parties, intending to be legally bound hereby, agree as follows:

DEFINITIONS

1. “Greek Life Organization” means any fraternity or sorority that is recognized by the University as a fraternity or sorority, respectively.

2. “Student Organization” includes any organization that is recognized by the University as a student organization.

EXISTING REFORM EFFORTS

1. The University shall use reasonable efforts to implement and continue to perform the previously announced reforms described in Appendix A, as previously and/or subsequently

amended or modified (the “Existing Reform Efforts”). The University may make such changes or modifications to the Existing Reform Efforts as it, in its discretion, may deem necessary or advisable in light of changing or evolving facts and circumstances in order to further the objective of the Existing Reform Efforts, namely, the creation of a healthier and safer environment for students seeking a Greek Life experience at Penn State.

ADDITIONAL REFORMS

2. The University shall support any Greek Life Organization’s determination to adhere to an alcohol-free housing arrangement. If a Greek Life Organization’s national organization has implemented a substance-free housing policy, the University shall encourage such Greek Life Organization’s implementation of said policy.

3. Any violation by a Greek Life Organization of University policies regarding underage drinking or hazing shall be reported by the University to (a) the Greek Life Organization’s national organization and (b) the Greek Life Organization’s alumni housing board.

4. The University shall continue to require that all Greek Life Organization new member affiliation activities be pre-approved by the University’s Office of Fraternity & Sorority Life.

5. The University shall continue to encourage strong and uniform fraternity and sorority participation in its existing bystander intervention program—Stand for State, as well as the implementation and promotion of an anonymous reporting application, such as LiveSafe Mobile.

6. The educational programming referenced in paragraph k of Appendix A (a) shall be communicated to all students participating in New Student Orientation; (b) shall be offered

for all students planning to participate in Greek Life Organization new member affiliation activities and, annually, for students who are members of Greek Life Organizations and (c) may include live or recorded lectures, live or recorded presentations, or interactive online courses.

7. The University shall offer, promote, and encourage each Greek Life Organization to designate one active member for every ten active members to receive annual first aid training.

8. The University shall continue to offer, promote, and encourage the Greek Life Organization's alumni housing board members to receive educational programming about alcohol, hazing, sexual assault, bystander intervention, mental health concerns, and good citizenship in the community.

9. If a national organization withdraws recognition for its local affiliate student organization, including fraternities and sororities, the University shall, in most circumstances, continue its practice of withdrawing recognition from the organization for at least the same period stated by the national organization.

10. The University shall continue to encourage all Greek Life Organizations to have at least one faculty or staff advisor on their advising roster at the beginning of each academic year.

11. The University shall assess annually the performance and effectiveness of the Greek Life Organization monitoring team referenced in paragraph c of Appendix A, shall further determine whether seven full-time staff members is an adequate number to monitor Greek Life Organizations, and shall adjust the number of full-time staff members if necessary.

12. Each year, the University shall continue to offer educational programming about alcohol, hazing, sexual assault, bystander intervention, mental health concerns, and good

citizenship in the community at New Student Orientation and Parents' Weekend specifically for natural and legal guardians, including where feasible a presentation from an individual or individuals who have personally experienced tragedy as a result of hazing, excessive drinking, sexual assault, or other Greek Life-related activities. The informational literature referenced in paragraph 1 of Appendix A shall include the University's anti-hazing policy.

13. The University shall encourage each Greek Life Organization with a chapter house to have a trained adult, non-Student Organization member reside in the chapter house.

14. The University shall encourage Greek Life Organizations with a chapter house to consider the feasibility of the installation of security cameras in the common areas of such chapter house. The University shall encourage the installation of security cameras at all Greek Life Organization housing, including (a) encouraging each Greek Life Organization's alumni housing board to have cameras installed and periodically monitored by a third party, (b) encouraging the Greek Life Organization's alumni housing corporation to fund the installation and monitoring of such security cameras.

15. The University shall encourage Greek Life Organizations to:

- a. have a trained, 21 year old or older adult, non-Student Organization member who has undergone risk management training present at each chapter social event;
- b. verify the age of every individual entering the premises at every Greek Life Organization social event using a risk management-trained 21 year old or older adult, non-Student Organization member;
- c. use RAMP-trained bartenders who are 21 years old or older and who are not members of the organization hosting the social event; and

- d. conduct guest registration for each social event, to include the name of the Greek Life Organization member hosting that particular guest. The guest registration information shall be available to the University.

16. The University shall encourage the maintenance of renters' insurance or homeowners' insurance by natural and legal guardians of members of Student Organizations.

17. The University shall continue to expect all new students to complete Student Alcohol Feedback and Education (SAFE) and Sexual Assault Awareness training before they first enroll. These programs shall be made available to all other students.

18. If there is reasonable cause to believe, based on information available to the University at the time, that an organization seeking University recognition is merely a reconstitution, in some form, of an organization that has lost University recognition, the request for recognition is likely to be denied. This denial would prevent the organization from participating in the privileges that come with University recognition, including participation in intramurals and THON.

19. The University shall as part of paragraph h of Appendix A publish, including in a readily visible location online, the following information:

- a. all Greek Life Organization suspensions and closures;
- b. the beginning and ending dates of the new member affiliation period in each semester;
- c. the University's policies on hazing and alcohol use, to include specific penalties for students found to violate said policies;
- d. the Score Card referenced in Paragraph h of Appendix A, which shall include reported incidents of sexual assault, sexual misconduct, and physical assault;

- e. all Greek Life Organization violations of University policies involving alcohol or hazing promptly after notice to the University; and
- f. the University's investigation findings regarding Greek Life Organization violations of University risk management policies promptly, notwithstanding any appeal by a student or Greek Life Organization.

20. The University shall encourage Greek Life Organizations to (a) maintain a minimum GPA established by the University; and (b) perform a predetermined number of community service hours exclusive of participation in THON.

21. The University shall not take any action to facilitate the former Alpha Upsilon Chapter House located at 220 N. Burrowes Street, State College, Pennsylvania being used as a Greek Life Organization.

22. The University shall not support, or otherwise take any voluntary action to facilitate the reinstatement of Beta Theta Pi as a Greek Life Organization at Penn State.

23. If any University campus adopts or otherwise implements a hitherto nonexistent Greek Life reform, the University shall adopt and otherwise implement the reform at all University campuses where feasible.

24. The University shall continue to expect Greek Life Organizations to abide by all applicable federal, state and local laws, regulations, codes and ordinances, including requirements with respect to (a) working smoke detectors and carbon monoxide detectors; and (b) bars or restricted openings on windows on the second-floor and higher to prevent falls.

25. The University shall encourage Greek Life Organizations to prohibit firearms in Greek Life Organization housing.

26. The University shall encourage Greek Life Organizations to have at least one working breathalyzer at social functions, both within and outside Greek Life Organization housing.

27. The University shall amend its publications and literature, including online, to change references to words such as “pledge”, “pledging”, and “rush” to words such as “new member,” “new member affiliation activities,” “new member affiliation process,” and “new member affiliation programs.”

28. Unless otherwise agreed to, the University shall use reasonable efforts to implement the reforms herein no later than the start of the University’s 2019-2020 academic year.

MISCELLANEOUS PROVISIONS

29. This Agreement shall be construed by and in accordance with the laws of the Commonwealth of Pennsylvania, without regard to conflict of laws principles.

30. Any claim of a breach arising out of or related to this Agreement must be resolved through confidential mediation or, if the Parties’ good faith efforts to mediate any dispute are unsuccessful, confidential binding arbitration before the American Arbitration Association unless the parties agree on another arbitrator. Such arbitration shall proceed in Pennsylvania before a single arbitrator to be selected jointly by the Parties, and the law of the Commonwealth of Pennsylvania shall govern the proceedings. The Parties jointly represent and promise that none of them will commence litigation in any court or other tribunal for an alleged breach arising out of or related to this Agreement other than via confidential arbitration.

31. Nothing in this Agreement shall be construed by any party, court, tribunal, or arbitrator as constituting an admission of liability by the University.

32. This Agreement is binding on the Parties' successors, transferees, heirs, and assigns.

33. This Agreement sets forth the entire agreement between the Parties hereto and fully supersedes any and all prior agreements or understanding between the Parties hereto pertaining to the subject matter hereof. This Agreement may not be amended or modified except by writing signed by each of the Parties.

34. This Agreement may be executed in multiple counterparts, each of which shall constitute an original document and when combined shall constitute a single document.

IN WITNESS HEREOF, and intending to be legally bound, the Parties hereto have executed this Agreement effective the date it is fully executed.

THE PENNSYLVANIA STATE UNIVERSITY

By: Eric J. Barron

Eric J. Barron, President

January 25, 2019

JAMES PIAZZA

[Date]

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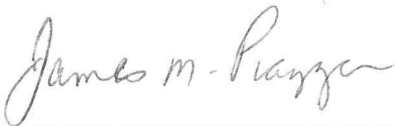
THE PENNSYLVANIA STATE UNIVERSITY

By: _____

Eric J. Barron, President

[Date]

JAMES PIAZZA



James M. Piazza

[Date]

1/24/19

EVELYN PIAZZA

Evelyn E Piazza

[Date] 1/24/19

APPENDIX A

PREVIOUSLY ANNOUNCED GREEK LIFE REFORMS

AS MODIFIED AS OF DECEMBER 1, 2018

a. Deferred Recruitment/Rush. A student must complete at least fourteen credit hours at Penn State before participating in fraternity or sorority recruitment/rush during AY18 and AY19 at either University Park or a Commonwealth Campus. Adult learners (defined as any student at least 24 years old, a veteran or active-duty member of the armed services, one who is returning to school after four or more years of employment, homemaking, or other activity, or a student who currently occupies any of various adult roles, such as parent, spouse or partner, or employee) are exempt from this deferment. In State College, the University administration, in concert with other interested parties, will approach major landlords to encourage a later deadline for lease signing to facilitate a new timeline for the recruitment/rush process. Simultaneously, University Housing will agree, generally, to the February 15 deadline that will be suggested to local landlords. Fraternities and sororities would then have until the end of January to complete their standard recruitment/rush processes, with the pledge period to be restricted to a set time period.

b. Relationship Statement. A writing that clarifies the respective rights and responsibilities of the University and its fraternity and sorority chapters, including requirements imposed upon fraternities and sororities in exchange for the University's continued recognition of these groups. The relationship statement must be signed by an authorized University representative, the chapter president, all other chapter members, and both the group's faculty/staff advisor and alumni advisor/board president no later than the first day of classes

each fall. Chapter members added thereafter must sign the relationship statement within a week of joining the chapter.

c. Monitoring and Greek-Community Relations Staff. An appropriately robust contingent of staff members, sufficient to effectively monitor the social activities of Greek-letter organizations recognized by the University Park campus, will be assigned to the Office of Fraternity and Sorority Compliance in Student Affairs to monitor and encourage compliance with the stated expectations for these groups. Each staff member will be assigned several chapters to advise, train, and support. Social monitoring will be done by the group in teams, which shall conduct necessary and appropriate checks on the organizations and their activities. These staff members will work closely with chapter presidents and advisors, social chairs, alumni housing boards, State College Police, the State College Borough Code Enforcement Agency, The Office of Community Engagement, the Highlands Neighborhood Association, and other constituencies to facilitate constructive and mutually respectful relationships among them, ensure that mandatory educational programming and training for the chapters is completed effectively, identify areas of concern, develop reports for the University administration as required, and otherwise. encourage the safety, well-being, success, and sustainability of these organizations.

d. Capitation Fee. All members of fraternities and sororities will be charged a fee to support the administration of the University's many services, activities, and programs aimed at expanding its effort to achieve greater safety, health, wellbeing, success, and sustainability within the Greek-letter system. The fee may vary among the Councils, with Interfraternity and Panhellenic Council members paying the most, and Multicultural Greek Council and National Panhellenic Council members paying least. These fee variations will reflect the difference in

staff time required for groups that have a residential component and other variations among the organizations.

e. Uniform Pledge Period for all Chapters. The pledge period for fraternity and sorority chapters shall last no longer than four weeks.

f. Social Restrictions. No more than 10 events with alcohol per chapter will be permitted each semester. Attendance at social functions, both within and outside a chapter house, may not exceed the stated occupancy limits for the house. Consistent with applicable law, underage drinking will not be permitted at social events. Only beer and wine may be served at these events, and it must be served by RAMP-trained bartenders. The University will request that the Borough review all occupancy limits set by the Code Agency to ensure that they are fair and accurate. Disagreements or appeals related to these limits will be managed by the Borough.

g. Any Hazing that Involves Alcohol or Physical Abuse. All hazing violates the law and University policy, and; when discovered, will result in University disciplinary action against the groups and individuals responsible; however, hazing that involves alcohol, physical or sexual abuse, or any behavior that puts a student's mental or physical health at risk will result in revocation of University recognition for the chapter involved.

h. Scorecard. Semi-annual publication of data showing the relative strengths and weaknesses of individual chapters. These data will represent a range of useful metrics, including the size of the chapters, grade point averages, predominant academic majors, chapter disciplinary records and nuisance ordinance points, philanthropic focuses, number of members living in the chapters vs. members living out, membership costs, awards received, and more. The scorecard will be shared with local publications, as well as online, and the data will be used, in

part, to determine which organizations may be jeopardized and require intervention and how policies and practices might be adjusted to improve outcomes within the system generally.

i. University Control of Fraternity Misconduct Process. Rather than the current peer discipline process, whereby Greek council members hear cases: and make judgments about member organizations that are accused of violating the council's rules and bylaws, the University, through its Office of Student Conduct, will manage organizational misconduct cases applying the University's standards and expectations for organizational behavior. This process may involve faculty, staff, and students on the hearing body, but it will be controlled by the University, and any appeals will be managed by the University. Greek councils will be left to oversee and manage; compliance. Among these groups with council bylaws and policies, but all matters that concern the safety and welfare of the students involved, particularly as those concerns may relate to alcohol, hazing, sexual assault, and disruptive social gatherings, will be overseen by the University's process.

j. Reconsideration of NEAT. The Neighborhood Enforcement Alcohol Team, which formerly brought together State College and University Police resources to patrol the Highlands and Holmes-Foster areas on Thursday, Friday, and Saturday evenings, shall be reviewed and reconsidered to determine whether a return to that model might usefully augment the other strategies for overseeing and monitoring activities in the Highlands area and its fraternity houses.

k. Mandatory Educational Programming, Both Pre-Rush and After. In addition to any educational programming mandated for members by individual chapters or nationals, the University shall mandate, organize, and produce, in concert with chapter and council leaders and alumni, as well as the State College Community Neighbor Program, educational programming

for all students planning to rush, as well as additional educational programming about alcohol, hazing, sexual assault, bystander intervention, mental health concerns, and good citizenship in the community for students who subsequently follow through on their interest and actually pledge an organization.

l. Informational Literature for Parents. The University shall develop informational literature, including a web presence, to share helpful insights about the fraternity and sorority experience with the parents of prospective members and other students at Penn State. This information will be presented factually and candidly and will be made widely available.

m. National Conference on the Future of Fraternity and Sorority Life. As an annual function of the new Timothy J. Piazza Center for Fraternity and Sorority Research and Reform, Penn State will organize a national conversation on Greek life, with an eye toward identifying best practices in the oversight of fraternity and sorority activities, new strategies to improve outcomes within these organizations, and other ways to increase student success and safety, as well as community wellbeing, in fraternity and sorority systems across the country.

n. Reconstitution and Reappointment of Campus-Community Partnership on Dangerous Drinking. President Barron and Mayor Hahn should consider reconstitution the Partnership, with a newly strengthened charge and a commitment to regularly meet with the Partnership from time to time to hear its recommendations.

o. Renewed Standards for Community Service. Leaders from the four Greek-letter councils will be asked to create a new set of standards for all chapter members that will fully engage community student members in year-round community service for the direct benefit of residents in State College and the Centre Region.

p. Support Legislative Efforts. Through the Timothy J. Piazza Center for Fraternity and Sorority Research and Reform and, as appropriate, its own Governmental and Community Relations office, the University shall continue to encourage the development of laws that effectively mitigate against hazing and other dangerous behaviors.

q. Communication. Communicate ability to use University hotline to report hazing.