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Reply to: State College Office

November 1, 2001

**HAND DELIVERED 11/01/01**

John S. Nichols  
Chair, University Faculty Senate  
The Pennsylvania State University  
103 Carnegie Building  
University Park, PA 16802

**In Re: Sunshine Act**

Dear Dr. Nichols:

You have requested our opinion whether the Sunshine Act, also known as the Open Meeting Law, applies to the University Faculty Senate.

We are of the opinion, and you are hereby advised, that the Sunshine Act is not applicable to the University Faculty Senate or to the Standing Committees of the University Faculty Senate.

Under the provisions of the Sunshine Act, official actions and deliberations by a quorum of the members of an "agency" as defined in the Act must take place at meetings open to the public unless otherwise closed pursuant to specific exceptions to the open meeting rule. 65 Pa. C.S.A. §704. The term "agency" is defined in the Act to include "the boards of trustees of all State-related universities," and this includes the University's Board of Trustees. 65 Pa. C.S.A. §703.

Pursuant to the provisions of the Sunshine Act, meetings of the University's Board of Trustees, as well as meetings of its Standing Committees, are open to the public.

In 1989, Dr. Janet Atwood, former Chair of the University Faculty Senate, requested our advice concerning applicability of the Sunshine Act to the Standing Committees of the University Faculty Senate. We advised Dr. Atwood at that time, and hereby reconfirm that advice to you in your current capacity as Chair of the University Faculty Senate, that the Sunshine Act does not apply to the Standing Committees of the University Faculty Senate, nor does it apply to the various committees, task forces and working groups in all other

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John C. Nichols  
November 1, 2001  
Page 2

administrative units of the University. Rather, the Sunshine Act applies only to the actions and deliberations of the University's Board of Trustees and its Standing Committees.

Should you have any questions concerning this matter, kindly contact me at your convenience.

Very truly yours,

McQUAIDE BLASKO

By:

  
Wendell V. Courtney

WVC/dgr

cc: Rodney A. Erickson  
Gary C. Schultz  
Robert Secor  
Graham B. Spanier

THE PENNSYLVANIA STATE UNIVERSITY  
INTER-OFFICE CORRESPONDENCE

Date: November 8, 1989

*Janet Atwood*

From: Janet Atwood, Chair, University Faculty Senate

To: Standing Committee Chairs

At the September 12, 1989, Committee on Committees and Rules meeting, I was asked to find out the legal interpretation of the Sunshine Law as it pertains to the Standing Committees of the University Faculty Senate. Mr. Wendell Courtney of McQuaide, Blasko, Schwartz, Fleming and Faulkner, Attorneys, has advised that the Sunshine Law does not apply to the Standing Committees. These committees are considered working groups which generally hold private meetings.

The following recommendation is, therefore, proposed as a statement to be available in the Senate Office and to be included in the guidelines for committee chairs:

**Based on legal interpretation\* the Standing Committees and the Senate Council of the University Faculty Senate are not subject to the Sunshine Law. They are considered working groups which hold private meetings. Standing Committees and Senate Council meetings are closed. Committee chairs have the prerogative of inviting any guests whom they feel will contribute to the discussion of particular agenda items.**

\*McQuaide, Blasko, Schwartz, Fleming and Faulkner, Attorneys.

(Accepted by the Committee on Committees and Rules on November 7, 1989)

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