

In spring 2005, a Working Group on Career-Family Balance, convened by Deputy Provost Janice Bellace, met to discuss the various Penn policies that relate to career-family balance, and, in particular, the impact such policies have on junior faculty when a new child enters the home. This working group recommended several modifications to three Penn policies—the Faculty Maternity Policy; a subsection of the Faculty Leaves of Absence policy dealing with reduction in duties; and the Policy on Extension of the Probationary Periods that Apply to Granting of Tenure or Promotion to Associate Professor—to make them more responsive to the needs of junior faculty members with family responsibilities.

In fall 2005, these recommendations were discussed with various consultative bodies, including the Council of Deans and the Academic Planning and Budget Committee, as well as with the Faculty Senate Committee on Faculty Development, Diversity and Equity, which provided advice regarding the proposed changes. General Counsel also reviewed the recommendations. The proposed changes were ultimately approved by the Faculty Executive Committee in January, 2006.

Following is the description of each of the three policies reviewed, followed by comments regarding some of the issues raised by these policies, specific recommendations for their modification, and the approved revision. The revised policies became effective as of February 24, 2006.

Penn Policies Relating To Junior Faculty Members' Career-Family Balance

Previous Policy

II.E.2. Faculty Leaves of Absence Reduction in Duties

(Source: Provost's Memorandum January 23, 1991)

Members of the standing faculty and the research faculty may request a reduction in duties for a period not to exceed six years. Such a reduction is granted only for whole years and requires Trustee approval; it will be granted for good and sufficient reason such as serious illness or injury, child care, service to the community, or anticipation of a move to emeritus status. Such reductions may be for 10%, 20%, 30%, 40%, or 50% of full duties. Reduction in duties is always accompanied by a proportional reduction in salary and in those benefits, such as life insurance and retirement contributions, that are salary-based.

Reduction in duties for child care may be granted to a faculty member to allow him or her to devote a fraction of his or her time to the care of dependent children. For untenured members of the standing faculty on the tenure track, assistant professors on the clinician-educator track, and assistant professors on the research track, one year is removed from the appropriate probationary period for each two years granted with 50% reduced duties. For faculty with a normal seven-year (ten-year) probationary period, the total probationary period including time spent at reduced duties for child care cannot exceed ten years (thirteen years). Faculty members who wish to devote full-time to child care should consider requesting personal leave as described under the heading "Other Leaves."

Comments

There are no part-time standing faculty or research faculty at Penn. All are deemed to be full-time, and as such, are eligible for benefits that apply to full-time Penn employees. Standing faculty, however, can request a reduction in duties. At the time this policy was introduced, it was seen as a way of implementing phased-retirement. The policy expressly mentions dependent child care. It can be used for other reasons, for instance, when a faculty member needs to care for an elderly parent.

Recommended Modifications

Revise the current statement on Reduction in Duties for those faculty who wish to go on part-time status for child care or elder care purposes to allow more flexibility. Draft another section to deal specifically with phased retirement.

Approved Revision

II.E.2. Faculty Leaves of Absence Reduction in Duties

*(Source: Provost's Memorandum January 23, 1991;
Revised February 24, 2006)*

Members of the standing faculty, the research faculty and academic clinicians may request a reduction in duties for a period not to exceed six years. Such a reduction is granted only for whole years and requires Trustee approval. It will be granted for good and sufficient reason such as serious illness or injury, child care, elder care or service to the community. [Faculty anticipating a move to emeritus status and seeking a reduction in duties should refer to Section II.E.9.] Typically, a reduction in duties does not exceed 50% of full duties. Reduction in duties is always accompanied by a proportional reduction in salary and in those benefits, such as life insurance and retirement contributions, that are salary-based.

For faculty with a normal seven-year (ten-year) probationary period, the total probationary period including time spent at reduced duties for child care cannot exceed ten years (thirteen years). Faculty members who wish to devote full-time to child care should consider requesting personal leave as described under the heading "Other Leaves."

Previous Policy

II.E.3. Policy on Extension of the Probationary Periods that Apply to Granting of Tenure or Promotion to Associate Professor

*(Source: Office of the President and Provost, March 18, 1997;
Revisions Almanac April 27, 1999)*

A. A non-tenured member of the standing faculty shall be eligible for an extension of the tenure probationary period, a clinician-educator in the health schools or in the School of Social Work shall be eligible for an extension of the promotion review period of ten years, and a member of the research faculty shall be eligible for an extension of the six-year review period, corresponding to the semester or year during which any of the following events occurred:

1. a child is (or, provided that the child had not reached his or her second birthday, was during the immediately preceding semester or summer) born, adopted, or placed for foster care, into the faculty member's household;

2. by reason of a serious health condition (as defined in Section 2611(11) of the Family and Medical Leave Act of 1993) persisting for a substantial portion of the period for which the extension is sought, the faculty member is required to act as the primary caregiver for a parent, child, spouse, or domestic partner (as defined in the domestic partner benefits policy); or

3. by reason of a serious health condition (as defined in Section 2611(11) of the Family and Medical Leave Act of 1993) persisting for a substantial portion of the period for which the extension is sought, the faculty member is unable to perform the functions of his or her position.

In the event that both spouses or domestic partners (as defined in the domestic partner benefits policy) are members of the standing faculty, or the research faculty, or clinician-educators, both spouses and domestic partners are covered by sections A.1 and A.2 of this section.

B. The length of the extension shall be one year unless the faculty member requests one semester instead and the department chair and the dean agree to its feasibility in light of the school's tenure review process.

C. Extensions of the tenure probationary period shall be without prejudice to the obligation of the University to provide faculty members with twelve-months' notice of termination.

D. Requests for extensions of the tenure probationary period shall be made in writing via the chair and/or Dean for consideration by the Provost's Staff Conference subject to timeliness requirements adopted and publicized by the faculty member's school. Normally, requests will be viewed favorably by the University and granted unless specific and compelling factors require their denial. The action of the Provost shall be communicated in writing to the faculty member and shall specify any revised date of tenure review and termination date of the probationary period and (in the event that the request is denied) shall specify the grounds for the denial.

N.B. The statute defines a "serious health condition" as "an illness, injury, impairment, or physical or mental condition that involves"—“(A) inpatient care in a hospital, hospice, or residential medical care facility”; or “(B) continuing treatment by a health care provider. Health care provider” is defined (2611(6)) as: “(A) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices”; or “(B) any other person determined by the Secretary [of Health and Human Services] to be capable of providing health care services.”

Comments

The extension to the probationary period does not occur automatically. Currently, the faculty member must request the extension in writing, and must do so within one year of the date of the child's birth or adoption.

Recommended Modifications

Retain eligibility for both male and female faculty members but limit it to those who are “the primary or co-equal parental caregiver” and define this as a parent who undertakes 50% or more of the parental caregiver duties. Where both parents are untenured faculty members, both are eligible for an extension of the tenure track/probationary period when both deem themselves to be undertaking 50% of the parental caregiver duties.

Rather than state that the eligible faculty member must “request” an extension, which implies that it is not a right, state that the Provost's Office must be notified that the faculty member will be extending the tenure track/probationary period.

Rather than have the department chair sign a form “approving” the extension, which implies that the chair can refuse to approve the “request,” place the responsibility on the school for ensuring that eligible faculty members are aware of their right to an extension.

When soliciting external review letters in the case of a candidate who has had one or more extensions of the probationary period, the Dean should explicitly state that the candidate has received such an extension by virtue of the University's policy and should direct the reviewer not to take the additional time granted into consideration when considering the candidate's productivity.

Approved Revision

II.E.3. Policy on Extension of the Probationary Periods that Apply to Granting of Tenure or Promotion to Associate Professor

(Source: Office of the President and Provost, March 18, 1997; Revisions, Almanac April 27, 1999, February 24, 2006)

A. A non-tenured member of the standing faculty shall be eligible for an extension of the tenure probationary period, and a clinician-educator or member of the research faculty shall be eligible for an extension of the promotion review period corresponding to the semester or year during which any of the following events occurred:

1. a child is born, adopted, or placed for foster care, into the faculty member's household and the faculty member is the primary or co-equal parental caregiver;

2. by reason of a serious health condition (as defined in Section 2611(11) of the Family and Medical Leave Act of 1993) persisting for a substantial portion of the period for which the extension is sought, the faculty member is required to act as the primary caregiver for a parent, child, spouse, or domestic partner (as defined in the domestic partner benefits policy); or

3. by reason of a serious health condition (as defined in Section 2611(11) of the Family and Medical Leave Act of 1993) persisting for a substantial portion of the period for which the extension is sought, the faculty member is unable to perform the functions of his or her position.

Only a primary caregiver may obtain an extension of the tenure probationary period due to a serious health condition of a family member as described above in sections A.2 and A.3. If both spouses or domestic partners (as defined in the domestic partner benefits policy) are co-equal caregivers, then both may obtain extensions of the tenure probationary period.

B. The length of each extension shall be one year. The faculty member shall complete the Notification of Extension form and transmit it to the Provost's Office within one year of the birth, adoption, or foster care placement. Deans and department chairs are responsible for ensuring that all faculty eligible for an extension receive the Notification of Extension form.

C. Extensions of the tenure probationary period shall be without prejudice to the obligation of the University to provide faculty members with twelve-months' notice of termination.

D. When a faculty member who has taken an extension under this section is being reviewed for tenure or promotion to associate professor, the Dean, in his/her letter soliciting evaluations from external reviewers, should explicitly state that the candidate has taken an extension pursuant to this policy. The Dean should further state that the policy of the University of Pennsylvania is to evaluate the productivity of each candidate who has been granted an extension as if he or she had been in probationary status for the normal duration, so that the candidate is not penalized for having received the extension.

Upon being notified of a faculty member's application for a one-year extension of the probationary period, the University will approve the application unless specific and compelling factors require its denial. The action of the Provost shall be communicated in writing to the faculty member and shall specify the revised date of tenure review and termination date of the probationary period and (in the event that the request is denied) shall specify the grounds for the denial.

For untenured members of the standing faculty on the tenure track, the total probationary period cannot exceed ten years. For assistant professors on the clinician-educator track, and assistant professors on the research track, the total probationary period cannot exceed thirteen years.

Previous Policy

II.E.4. Faculty Maternity Policy

(Source: Office of the President and Provost, March 18, 1997)

A member of the standing faculty who bears a child will be relieved of teaching duties, without loss of salary or benefits, during an academic semester if incapacity due to the prenatal, delivery and recovery period would reasonably require her to interrupt the teaching of her courses in that semester for three or more weeks. For purposes of determining whether teaching would be interrupted, it is presumed that a woman will be incapacitated for six weeks following delivery. In such cases, the chair of the department or the dean of the school, in consultation with the Provost's Office, will make such arrangements as are necessary and appropriate with regard to covering her teaching responsibilities, including the canceling of an affected course or the employment of substitute instructors. This relief from teaching duties is not a leave of absence. Outside the period of incapacity, and as compatible with her particular situation, the faculty member will be expected to meet her other normal departmental and University responsibilities, including research, committee membership, and advising. The preceding sentence does not authorize assignment of additional such duties to compensate for the period of necessary absence from the job.

Comments

Prior to the early 1980s, a woman who gave birth near the beginning of or during a teaching term risked loss of nearly one-half of her salary. Penn's policy merely stipulated that the woman would be on a short-term disability and receive pay for that period. Once past that, if she did not teach, she was on unpaid leave. The changes in 1982 were designed to respond to the problems faced by faculty women who were unable to schedule the convenient summer birth.

Maternity policy: Currently, there is no "maternity leave" at Penn. There is a policy that affects women at the time they give birth. The policy assumes that a woman will be incapacitated for six weeks.¹ If three or more of those six weeks fall during teaching time, she will get paid for the entire semester. During the period of incapacity, she is on sick leave/short-term disability. During the remainder of the semester, she is *not* on leave,² but she is relieved of teaching duties. If a woman gives birth on a date when her teaching duties would not be disrupted by the six week period of disability, then there is no paid disability period, nor is there relief from teaching.

Paternity policy: Currently there is no faculty paternity policy comparable to the faculty maternity policy. As the father is not incapacitated at the time of the child's birth, he is not eligible for short term disability. Since his teaching is not deemed subject to disruption lasting more than three weeks, there is no relief from teaching. He could, however, take an unpaid leave if he should so wish. Under the Family and Medical Leave Act (FMLA), he is entitled to an unpaid leave of 12 weeks, which is very close to the length of a semester at Penn.

Adoptive parents: Likewise there is no leave policy for either parent in the case of adoption, since neither parent is deemed incapacitated. Adoptive parents can take 12 weeks unpaid leave under the FMLA.

¹ Six weeks is the generally accepted period for a "normal, healthy" birth. A woman's physician can stipulate a longer period of incapacity; e.g., in the case of a difficult birth.

² She could, however, take an unpaid leave if she should so wish. Under the Family and Medical Leave Act, she is entitled to an unpaid leave of 12 weeks.

Recommended Modifications

Revise the faculty maternity policy to eliminate the confusion over eligibility for relief from teaching duties (related to date of the birth or adoption) and the amount of such relief. Also, make clear that there is no reduction in pay during the period in which there is relief from teaching. Make this available on a unisex basis, but only to the person who is the primary caregiver.

Faculty members who give birth are entitled to six weeks' short term disability, or longer if her physician certifies a longer period. Those seeking a longer period relieved from teaching or who wish relief from all other duties should consider whether they qualify under Section II.E.4 or should apply for a child care leave.

Approved Revision

II.E.4. Faculty Parental Policy: Active Service Modified Duties

(Source: Office of the President and Provost, March 18, 1997;
Revised February 24, 2006)

The arrival of a new child into a family, either at the time of birth or adoption, typically requires that one parent devote substantial time to child care duties, often of such a nature that the duties cannot be delegated to another adult. The assumption of these substantial child care duties often is incompatible with the time required by a full-time faculty member's University obligations. In recognition of this, a member of the standing faculty who is the primary caregiver of a child newly arrived in his/her home is entitled, without reduction in pay, to a reduction in teaching duties amounting to a 50% reduction in a given academic year. Depending on how teaching duties are assigned in the faculty member's school, this may or may not correspond to a semester without teaching duties. The period without teaching duties will commence within six months of the baby's birth or the child's arrival in the home. The date of the birth or adoption and the faculty member's teaching schedule will determine the appropriate timing for the relief from teaching. The faculty member is expected to notify the department chair and/or Dean in writing of his/her preferred teaching schedule at an early date so that appropriate arrangements can be made to cover his/her teaching. This relief from teaching duties is not a leave of absence. Outside the period of incapacity due to childbirth or the Family and Medical Leave Act (FMLA) leave taken, and as compatible with the particular situation, the faculty member will be expected to meet his/her other normal departmental and University responsibilities, including research, committee membership, and advising. The preceding sentence does not authorize assignment of additional such duties to compensate for the reduction in teaching duties.

Where both parents are faculty members at the University, only one parent is entitled to the 50% reduction in teaching duties. If the parents wish to share the reduction in teaching duties, a pro-rated reduction is permitted where the parents' home departments can accommodate such a request.

A faculty member who gives birth normally is entitled to eight weeks' paid time off, or longer if her physician certifies a longer period, under the University's sick leave/short term disability policies. Those seeking a longer period relieved from teaching or who wish relief from all other duties should consider whether they qualify under Section II.E.4 or should apply for a child care leave.

The University recognizes that the birth of a baby can disrupt a student mother's academic career. Both to ensure accommodation of the mother's physical needs and to facilitate appropriate planning by all parties, the University is establishing two new policies. The policies became effective as of February 24, 2006.

Doctoral Student Family-Friendly Policies

Policy on Childbirth Accommodation for Ph.D. Student Mothers

A student in the Ph.D. program at Penn who anticipates giving birth shortly before or during term, or during the period covered by stipend support, is eligible for a "Time Off" period, typically six to eight weeks, for late stage pregnancy, delivery, and post-natal recuperation. The student mother must notify the graduate group chair and adviser in writing, at an early date, of her plans to initiate a "Time Off" period, so that appropriate arrangements can be made to cover any teaching/research responsibilities.

A. Normally the "Time Off" period commences within two weeks of the birth.

B. During the "Time Off" period, the student remains enrolled full-time. In order to facilitate a rapid return, she may participate in her program as fully as she deems appropriate. It is recognized that remaining in full-time status will eliminate problems that may arise when a student is deemed part-time or on leave, such as visa status, loan repayment schedules, etc.

C. The student is entitled to academic accommodation including relief from academic requirements, such as postponement of exams and course requirements.

D. A student receiving stipend support is entitled to continuation of support during the "Time Off" period as follows:

1. Students in Biomedical Graduate Studies are entitled to benefits set forth by the BGS Parental Leave Policy.
2. Students funded by government grants or other external funding sources are entitled to benefits as determined by the funding agency.
3. Other student mothers, on full-time status, receiving stipends from University/school funds are entitled to draw support for eight weeks during the academic year.

Family Leave of Absence Policy

A student in the Ph.D. program at Penn may take an unpaid Family Leave of Absence for the birth or adoption of a child, for child care, or for care of an immediate family member (spouse, domestic partner, child, or parent) with a serious health condition.

1. Students may take a Family Leave of Absence for one or two semesters. The student is expected to notify the graduate group chair and adviser in writing of his/her plans to take a Family Leave at an early date, so that appropriate arrangements can be made to cover any teaching/research responsibilities.

2. Family Leave "stops the clock" on the student's academic requirements, including service requirements, for the duration of the leave.

3. During the period of Family Leave, the student may arrange to continue Student Health Insurance, but is responsible for the payment of his or her own premiums. Upon paying a fee, students on approved Family Leave will retain their PennCard, e-mail accounts, library privileges, and building access.

4. Funding commitments from the institution are deferred until the student returns from Family Leave. Students receiving funding from external sources, such as government grants, are subject to the conditions established by the funding source.

5. Service requirements (e.g., teaching, research) will be met by the student following return from Family Leave.

6. Requests for extension of Family Leave beyond one year, or for repeated Family Leaves, may be made. Approval of extensions, deferral of funding and continued academic accommodation is at the discretion of the Graduate Dean.