

THE GEORGE WASHINGTON UNIVERSITY
Washington, D.C.

The Faculty Senate

January 8, 2004

The Faculty Senate will meet on Friday, January 16, 2004, at 2:10 p.m.,
in the Marvin Center, Room 310

AGENDA

1. Call to order
2. Approval of the minutes of the regular meeting of December 12, 2003, as distributed
3. Resolutions

**A RESOLUTION TO RECOMMEND THE ESTABLISHMENT OF AN
ELECTION AS OF RIGHT BY TENURE TRACK FACULTY WHO BECOME
NEW PARENTS DURING THE PROBATIONARY PERIOD (03/6); Professor
Ernest Englander, Chair, Committee on Professional Ethics and Academic Freedom
(Resolution 03/6 and Report are attached)**

4. Introduction of Resolutions
5. General Business:
 - (a) Nominees for election to Senate Standing Committees: **Physical Facilities Committee**: Professors Robert Donaldson and Michael King
 - (b) Report of the Executive Committee: Professor Lilien F. Robinson, Chair
6. Brief Statements (and Questions)
7. Adjournment

Dennis L. Geyer
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Secretary

**A RESOLUTION TO RECOMMEND THE ESTABLISHMENT OF AN ELECTION AS
OF RIGHT BY TENURE TRACK FACULTY WHO BECOME NEW PARENTS
DURING THE PROBATIONARY PERIOD (03/6)**

WHEREAS, it is the goal of the University to make clear to existing and future faculty members its firm commitment to academic excellence and policies supportive of the family life of its faculty; and

WHEREAS, many faculty members wish to start or enlarge families during the probationary period; and

WHEREAS, faculty members may find that becoming a parent for the first time or enlarging their families during the probationary period creates distractions that undermine their ability to teach, research, and write at their highest level; and

WHEREAS, it is the goal of the University, its Schools, and Departments to provide conditions that enable faculty members to attain a very high level of professional achievement prior to receiving tenure; **NOW, THEREFORE,**

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

- (1) That a one-year extension of the probationary period shall be granted to requesting faculty who become parents of a newborn or adopted child during the probationary period; and
- (2) That this extension be available to any such faculty member, male or female, as of right for a period of twelve months after becoming a new parent, if elected on or before September 10 of the academic year in which the faculty member would be considered for tenure were it not for this extension; and
- (3) That such tenure clock extension may be elected regardless of whether the faculty member takes a full or partial leave in connection with becoming a new parent; and
- (4) That a faculty member who becomes a new parent a second time during the probationary period may request a second tenure clock extension, which request shall be considered by and granted or denied at the discretion of the Vice President for Academic Affairs.

- (5) That Section A.3.1 of Article IV ("Appointment, Reappointment, Tenure, and Promotion") of the Faculty Code be amended as follows:
- a. Insert new sub-section "b.3" to read, "A one-year extension of the probationary period shall be granted to requesting faculty who become new parents and apply within twelve months of becoming new parents by submitting a request to the relevant academic officers setting forth his or her reason for requesting the extension. "New parents" for purposes of this provision are faculty members who become parents of a newborn or adopted child. The tenure clock extension may be elected regardless of whether the faculty member takes a full or partial leave in connection with becoming a new parent. However, no such request shall be granted if made after September 10 of the academic year in which the tenure decision would have been made by the department or school absent the extension requested. If a faculty member becomes a new parent a second time during the probationary period, a second tenure clock extension may be granted at the discretion of the Vice President for Academic Affairs. Other requests for tenure clock extensions for family related purposes may be granted at the discretion of the Vice President for Academic Affairs, after consultation with the appropriate department chair (if applicable) and dean.
 - b. Change existing sub-section "b.3" to "b.4."

Senate Committee on Appointment, Salary, and Promotion Policies (ASPP)
Committee on Professional Ethics and Academic Freedom (PEAF)

December 11, 2003

I. Background

The Joint Administration/Faculty Senate Committee on the Tenure Clock (“the Committee”) was established in April of 2002 by Donald R. Lehman, then Vice President for Academic Affairs, and Lilien F. Robinson, Chair, Faculty Senate Executive Committee. The Committee was charged with reviewing the existing policy of The George Washington University (“the University”) relating to tenure clock extensions when a tenure-track faculty member becomes a parent, whether this results from a child being born to the faculty member or the member’s spouse or through adoption. The Committee was asked to compare this policy to those at “market-basket” schools and to make recommendations, if necessary, so that the University will be competitive in the recruitment and retention of outstanding tenure-track faculty who wish to start or enlarge their families prior to being considered for tenure.

As part of this review, the Committee examined current tenure clock policies at the University’s market-basket schools and at universities located in the Washington, D.C. metropolitan area. The Committee also reviewed intra-University correspondence (summarized below) relating to this topic. In addition, the Committee considered a draft of a Report prepared in 2002 by the University Committee on the Status of Women Faculty and Librarians (“UCSWFL”) and made available to the Committee by the Office of the Vice President for Academic Affairs. This Report was especially useful because of its systematic and thorough analysis of family leave and tenure clock issues.

Over the past five years, there have been efforts at the School and administrative levels to craft leave and tenure clock policies in connection with family events affecting faculty at the University. The purpose of these efforts has been to develop clear and uniform practices throughout the University. In March of 1999, an ad hoc committee of the Elliott School of International Affairs (“ESIA”) drafted a proposal for parental and maternity leave policy and related tenure clock extensions for ESIA faculty. The Dean’s Council of ESIA “endorsed in principle” that committee’s recommendations in May of that year. Also in the spring of 1999, the Dean’s Oversight Hiring Committee of the Columbian School of Arts and Sciences (“CSAS”) adopted a family leave and tenure clock proposal, which it conveyed to the Dean of CSAS in April of that year. The two Schools then sent these recommendations to the Vice President for Academic Affairs for his consideration. Several issues related to the recommendations needed to be addressed. As a result, throughout 2001 the Vice President for Academic Affairs worked with the Vice President for Human Resources, the General Counsel’s Office, and the Council of Deans to resolve these issues.

Both sets of proposals sought to enlarge the rights of members of the respective Schools beyond those required by the Family and Medical Leave Act, which was enacted by the federal government in 1993 and the District of Columbia in 1991. The proposals of both Schools included a one-time automatic tenure clock extension for one year at the request of a faculty member entitled to a family care or medical leave, although the terms of the two proposals were somewhat different.

In the fall of 2002 UCSWFL informed the Vice President for Academic Affairs of its decision to research family and medical leave issues as a prelude to making recommendations to the University. The final Report of this group was submitted to the Vice President for Academic Affairs in the fall of 2002, after the Committee had completed its deliberations. However, as noted above, the Committee benefited greatly from a draft version of the UCSWFL’s analysis.

Current Policy of the University

The University's current policy regarding tenure clock extensions is contained in the Faculty Code, Article IV ("Appointment, Reappointment, Tenure, and Promotion"). According to subsection 3.1. b of Article IV,

[l]eaves for study toward a degree, leaves for military or for personal reasons, and defense leave shall not be included in this period. A partial leave for family or medically related purposes of sufficient duration may justify an appropriate partial extension of the probationary period.

The conditions for some leaves are described in Article VI ("Leave"), Section A.

When circumstances permit, for study or for any other valid reason, a leave of absence without salary, or a partial leave for family or medically related purposes with reduced salary, may be granted to a member of the faculty on approval of the department or other appropriate unit (if applicable), the appropriate dean(s), and the Vice President for Academic Affairs. Except for unpaid leaves of absence taken under the Family and Medical Leaves Acts, unpaid leaves shall not normally exceed two consecutive academic years, although under unusual circumstances additional unpaid leave may be taken.

Under the provisions of Article IV, above, leaves "for personal reasons" are automatically excluded from the pre-tenure term of service, whereas an extension of the tenure clock for leaves for "family or medically related purposes" is not automatic. Nothing in the Faculty Code or the Faculty Handbook elaborates any of these terms. Thus, the meaning of "personal reasons" is undefined, and there is no clue as to the difference between such reasons and "family or medically related purposes." As the text now stands, then, the contrast appears to be between full and partial leaves: a full leave for any reason deemed "personal" affords the faculty member a tenure clock extension as of right, whereas a partial leave for either of the two most significant categories of personal leave does not, although such a partial leave may in fact lead to a tenure clock extension at the discretion of unnamed authorities.

Under the provisions of Article VI, above, all leaves appear to be subject to the approval of the relevant department chair and dean, in addition to that of the Vice President for Academic Affairs. The Committee assumes, therefore, that such leaves are not of right, although military leaves and those required by law will presumably be granted automatically once a faculty member presents evidence that s/he has a military obligation or that his/her situation meets the terms of the applicable law.

Discussion

The Committee and several segments of the University community believe that the University's current policy relating to tenure clock extensions for new parents is inadequate for the reasons that follow. As a consequence, the Committee is recommending changes to the current policy as it applies to new parents. By "new parents" the Committee means faculty

members who become parents of a newborn or adopted child, regardless of whether they are already parents of other children. The changes this Committee is recommending will apply without regard to whether the faculty member has taken or plans to take a leave of absence related to becoming a new parent.

First, it is extremely likely that the pre-tenure period will coincide with years in which untenured faculty members will want to start or enlarge a family. In some cases, however, they will perceive a conflict between this desire and achieving a high level of professional achievement prior to the tenure decision. As the UCSWFL draft notes, by the time individuals receive their doctorates and assume faculty positions at the University, they are approaching thirty years of age. Were they to postpone starting a family until they have met or are confident of meeting publication standards for tenure, they would be in their mid-thirties. To avoid contributing to situations in which untenured faculty face such alternatives, the Committee believes that the University should support a tenure clock extension policy that enables such faculty to elect to have an additional year during the probationary period if they become new parents.

Second, academic units at the University display an extraordinary degree of diversity in their size, composition, and place within the structure of the University. As a consequence, there exists a great diversity in their governance policies and practices. In many instances, this diversity enhances the quality of the academic units. However, the Committee believes that tenure clock extensions for new parents should be uniform across academic units. To achieve this purpose, the new parent extension should be as of right, rather than subject to the discretion of the heads of academic units.

Third, the extension should be for an entire year because at present tenure recommendations made by academic units are forwarded to the Executive Vice President for Academic Affairs by a date certain in the spring semester each year and, except in unusual cases, are reviewed and approved by the Trustees at their annual meeting at the end of the spring semester. We assume that tenure recommendations for faculty that have elected to extend the tenure clock will be forwarded at the same time as other tenure recommendations to preclude the possibility that they would be reviewed by the Executive Vice President and Trustees using standards other than those applicable to other candidates. There would, then, be no administrative reason to require tenure decisions for electing new parents to be made outside the normal schedule. In addition, it is the Committee's belief that the period of disruption that justifies tenure clock extensions in the first place is likely to last at least one year. Thus, making new parent tenure clock extensions one year furthers the policy concerns underlying the Committee's tenure clock recommendation.

Fourth, a new parent should be entitled to one extension of right during the probationary period because of the underlying purpose to alleviate the impact of new family pressures on the ability of untenured faculty members to demonstrate their academic excellence during that time. Although the Committee recognizes that newborns may disrupt sleep and work in different ways than do older children who enter a family, it also believes that the potential disruption to a faculty member's life may be great enough to prevent the faculty member from engaging in high quality teaching, research, and writing. The Committee believes that, in such instances, the faculty member so affected should be entitled to elect a tenure clock extension.