

# Report of the Senate Committee on Faculty Development, Diversity, and Equity (SCFDDE)

## General Committee Charge

The Committee on Faculty Development, Diversity, and Equity (i) identifies and promotes best practices for faculty development, mentoring, and work environment to facilitate faculty success at all career levels; (ii) evaluates and advocates processes for faculty recruitment, promotion, and retention that promote diversity, equity, and work/life balance for the faculty; (iii) monitors the status of faculty development, mentoring, diversity, and equity; and (iv) issues periodic reports on the activities and findings of the committee that makes recommendations for implementation.

## 2014-2015 Specific Charges

1. Review Penn's efforts to recruit and retain women and underrepresented minorities to the Penn faculty.

2. Clarify the role of the Office of the Ombudsman for faculty, staff, and students.

3. When available, evaluate the findings from the Faculty Climate Survey.

4. Review and discuss this Committee's general charge, as provided in the Senate Rules, and identify what you believe to be the most pressing issues facing the Faculty over the next few years. In light of your discussions, recommend to the Senate Executive Committee two or three high-priority charges for the Committee on Faculty Development, Diversity, and Equity to undertake in academic year 2015-2016. In explaining these charges, outline any appropriate actions you suppose the Senate might conceivably take after its review.

## Report of Activities

The Committee met a total of nine times (10/15, 11/5, 12/11, 2/10, 3/3, 3/18, 3/27, 3/31, and 4/14). Invited guests included Vice Provost for Faculty Anita Allen, Ombudsman Lynn Lees, and Associate Ombudsman Marcia Martinez-Helfman, Director of the Lesbian Gay Bisexual Transgender Center (LGBTC) Bob Schoenberg, Professor Robert Carpick (SEAS/MEAM & MSE), and Professor André Dombrowski (SAS/History of Art) from the working group on LGBT faculty diversity.

## Accomplishments Specific to Charge

The Committee agreed to focus on all the charges given, but focused primarily on charges (2) and (3). Focus on charge (1) would have been redundant given that the central specific charge of the University Council Committee on Diversity and Equity this year was to examine the University's efforts relating to staff diversity and around the recruitment and retention of diverse faculty and graduate students.

## Report on Charges

### *Review of the Faculty Climate Survey*

The Committee reviewed the results of the Faculty Climate Survey, looking particularly at how women, minority, under-represented minority, and Lesbian Gay Bisexual and Transgendered (LGBT) faculty experienced Penn's faculty climate. This survey was conducted in 2011-2012, but the majority of the results of the survey were made accessible to the Committee only this past year. While we were asked to treat the results of the survey as confidential, the perception of Penn's climate by faculty respondents in these groups is overall consistent with the few questions noted within the Progress Report on Penn's Action Plan for Faculty Diversity and Excellence (*Almanac Supplement* February 4, 2014). For example, while 26% of all faculty respondents agreed to some extent with the statement, "I need to work harder than my colleagues to be perceived as a legitimate scholar," the percentages for women, minority, underrepresented minority, and LGBT faculty were 40%, 39%, 48%, and 51% respectively (Progress Report, footnote 9). We agree with the Progress Report that these findings are "a fruitful departure point for improving the experience of all faculty at Penn." In this spirit, we recommend that the University now extend its efforts beyond recruitment and retention of women and underrepresented minorities, and begin to address the fact that these groups feel undervalued on campus. We also note that although LGBT faculty are inconsistently included as a group within various mechanisms to address diversity, the survey presents strong evidence that LGBT faculty, like groups consistently included in efforts to support diversity, experience Penn as undervaluing them as scholars.

## Recommendations

a. Progress in this area should be monitored and publicly reported. Faculty Climate Surveys should be conducted at regular intervals, with formal reporting on changes in climate.

b. Both one-on-one in-depth interviews and focus groups should be conducted within these faculty populations focusing both on causes and possible solutions.

c. Funding should be provided for pilot programs that offer leadership training and networking opportunities to women and LGBT and underrepresented minority faculty.

d. Mechanisms should be found to transition exceptional post-doctoral students who are women or members of underrepresented groups into faculty positions at Penn.

e. LGBT faculty should be explicitly included within all school Diversity Action Plans and in all programs meant to encourage diversity. In particular,

i. The administration and school deans should dispel current confusion as to whether LGBT faculty are eligible for Presidential term professorships and the Penn Fellows program. Post-doctoral fellowships explicitly created to foster faculty diversity should be extended to include LGBT applicants.

ii. An LGBT faculty support group should be created for faculty across the University.

### *Clarifying the Role of the Office of the Ombudsman*

The Office of the Ombudsman (henceforth, the Ombuds) is an important resource for students, staff, and faculty, but there has been continuing confusion as to the role of the Ombuds and regarding confidentiality, in particular as to whether the Ombuds is an office legally bound by mandatory reporting of sexual harassment cases, and thus not able to offer confidentiality in such cases.

Both sources of confusion have now been resolved. First, the Office of the Ombuds informs clients that it will make every effort to keep their concerns confidential with the exceptions of disclosures of imminent harm or where there is a legal obligation of the University to respond. However, following new federal guidance on requirements for universities in cases of sexual harassment, it has now been established that the Ombuds is legally required to report all cases of sexual harassment, as it now informs all clients. There are a range of offices within the University that can legally maintain confidentiality in such cases, but we note here that none of the individuals who serve in these offices are members of the standing faculty.

Second, the Ombuds is now committed to a dual but limited role of advising and of mediating disputes as a neutral party that is limited to "exploring options for informal resolution of conflicts." The Office sees its role as providing mediation and de-escalation of disputes, as well as providing information and referrals to other resources on campus.

Unfortunately, it appears that this leaves behind part of the original purpose of the Ombuds, as expressed in the first explanation of that office published in the *Almanac* (Volume 18, No. 3, September 14, 1971) by Penn's first Ombuds, Joel Conarroe: "the Ombudsman attempts to secure, where called for, either a satisfactory explanation or expeditious and impartial redress" and "recommends to the appropriate administrator(s) steps that will prevent a recurrence, and follows up to see whether the steps have indeed been taken."

While we applaud this clarity, we are struck that there is now no faculty member in any kind of official role to whom another faculty member can go and expect confidentiality if confronted by behavior that may constitute sexual harassment. We are also struck that the Ombuds office has moved away from the role of serving as a strong advocate of fairness, if not any particular individual, and thus that faculty members in particular are lacking access to such an advocate.

## Recommendations

a. The position of Faculty Advocate should be created through the Faculty Senate, who could indeed work for, in Dr. Conarroe's language, "satisfactory explanation or expeditious and impartial redress," and who could maintain confidentiality in regard to faculty concerns unless legally required to divulge information.

b. The Tri-Chairs should immediately work toward the creation of such a

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position, and this Committee, working with the Tri-Chairs, should be charged with developing guidelines for this position.

### Recommendations for 2015-2016

1. Revise description of the position of Faculty Advocate, in consultation with the Faculty Senate Tri-Chairs and work towards the implementation of this position.

2. Investigate institutionalizing a recurring Faculty Climate Survey and possible mechanisms to institutionalize formal reporting.

3. Review implementation of the School Action Plans for Faculty Diversity, and review the effectiveness of Diversity Search Advisors.

4. Review Penn's efforts to recruit and retain women and underrepresented minorities to the Penn Faculty. Meet early in the year with the University Council Committee on Diversity and Equity to coordinate review of diversity across staff and graduate students.

### SCFDDE Membership 2014-2015

Regina Austin, Law School  
Mauro Calcagno, School of Arts & Sciences/Music  
Carmen Guerra, Perelman School of Medicine/General Internal Medicine  
Lisa Lewis, School of Nursing/Family and Community Health  
Mitch Marcus, School of Engineering & Applied Science/Computer & Information Science, *Chair*  
Ignacio Tapia, Perelman School of Medicine/Pediatrics  
Tobias Wolff, Law School  
*Ex officio:*  
Claire Finkelstein, Law School, *Faculty Senate Chair*  
Reed Pyeritz, Perelman School of Medicine/Medicine and Genetics, *Faculty Senate Chair-Elect*

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## Report of the Senate Committee on the Faculty and the Administration (SCOA)

The Senate Committee on Faculty and the Administration “oversees and advises the Executive Committee on matters relating to the faculty’s interface with the University’s administration, including policies and procedures relating to the University’s structure, the conditions of faculty employment (such as personnel benefits), and information. In general the Committee deals with the matters covered by the following sections of the University’s *Handbook for Faculty and Academic Administrators*: I.A.-D., G.-H.1., I.-K., II.E., III., V., VI.

For 2014-2015, the Committee was primarily charged with

1. Reviewing Penn’s faculty copyright and patent policies including Coursera contracts and standard patent agreements between faculty members and the administration.

2. Considering *Faculty Handbook* changes to clarify Penn’s Conflict of Interest policy.

3. Clarifying the rights and responsibilities of faculty regarding development and fundraising for centers and institutes.

Our activities this year centered primarily on reviewing and discussing the University’s Patent and Tangible Research Property Policies and Procedures, the implementation of that policy by the Penn Center for Innovation, and the relationship between that Policy and the University’s conflict of interest policies.

### Changes to the Patent and Tangible Research Property Policies and Procedures

In 2014, the SCOA met with the Vice Provost for Research to discuss a series of proposed changes to the Patent and Tangible Research Property Policies and Procedures, which is part of the *Faculty Handbook*. After reviewing and discussing the VPR’s suggested changes, the SCOA offered additional amendments to the policy based on our discussions. These amendments were agreed to by the SEC, the VPR, and the Office of General Counsel, and were later approved by the University Trustees.

In general these changes made the Patent Policy more faculty-friendly along a number of dimensions, including altering the distribution formula, clarifying the availability of waivers under aspects of the policy, and enhancing the role of the Faculty-led Patent Policy Appeals Board to help resolve any disputes that might arise under the policy.

### The Implementation of the Patent and Tangible Research Property Policies and Procedures

In Spring 2015, the SCOA met with the VPR and the Director of the Penn Center for Innovation (PCI) to discuss how the Patent Policy has been implemented. Based on our conversations, the SCOA agreed that future SCOA charges should include further consideration of whether and how the Faculty Senate should exercise some regular monitoring or oversight of the way the Patent Policy is implemented.

### Considering the University’s Conflict of Interest Policies

Throughout the year, the SCOA considered the ways that policies on conflicts of interest affect the implementation of other University policies—most particularly policies related to patents and consulting. After discussion with the VPR, the SCOA determined that there were in fact at least two separate conflict of interest policies that directly impact faculty activities; the terms and provenance of these policies seem to conflict in important ways. The SCOA determined that a major initiative of the 2015-2016 SCOA should be to review and potentially harmonize these policies.

### Best Practices in Research Support by Business Affairs Offices

In Spring 2015 the SCOA met with the Associate Vice President for Research concerning the ways that department and school-based Business Affairs offices support faculty research efforts (especially with respect to the grant application process). Based on that conversation, the SCOA recommends more investigation into this issue in 2015-2016.

### Possible SCOA Charges for 2015-2016

The SCOA recommends the following charges to be considered for 2015-2016:

1. Review the implementation of the Patent Policy by the PCI and consider recommendations to establish Faculty Senate-based oversight or monitoring of the implementation of the Policy.

2. Review the University’s conflict of interest policies, and consider how to simplify, harmonize, and combine the various policies.

3. Gather more information on the ways that Business Affairs offices support research efforts, and consider ways that the SCOA can assist in enhancing the quality of such support for faculty.

### SCOA Membership 2014-20145

Sigal Ben-Porath, Graduate School of Education  
Ken Drobatz, School of Veterinary Medicine  
Jonathan Korostoff, School of Dental Medicine  
Irina Marinov, School of Arts & Sciences/Earth and Environmental Science  
Brian Salzberg, Perelman School of Medicine/Neuroscience  
Talid Sinno, School of Engineering & Applied Science/ Chemical & Biomolecular Engineering (CBE) Mechanical Engineering & Applied Mechanics  
R. Polk Wagner, Law School, *Chair*  
*Ex Officio Members:*  
Claire Finkelstein, Law School, *Faculty Senate Chair*  
Reed Pyeritz, Perelman School of Medicine/Medicine and Genetics, *Faculty Senate Chair-Elect*