Postdocs & Title IX
(Plus: Some Promising Practices)

“Broadening Participation and Inclusion—
the 2010 NSF ADVANCE Workshop”
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The mission of the National Postdoctoral Association is to advance the U.S. research enterprise by enhancing the quality of the postdoctoral experience for all participants and thereby maximizing the effectiveness of the research community.

The NPA is a non-profit 501(c)3 organization headquartered in Washington, DC.
What is a postdoc?

The NSF/NIH Definition of a “Postdoc”

An individual who has received a doctoral degree (or equivalent) and is engaged in a temporary and defined period of mentored advanced training to enhance the professional skills and research independence needed to pursue his or her chosen career path.
Sources of Information

- **Present Sources of Information (longitudinal)**
  - NSF Survey of Earned Doctorates
  - NSF Survey of Doctorate Recipients
  - NSF Survey of Graduate Students and Postdoctorates in Science and Engineering

- **Recent Sources of Information**
  - Committee on Science, Engineering, and Public Policy (COSEPUP) 2000 study/report
  - 2004 Sigma Xi survey/report

- **Future Sources of Information**
  - NSF Early Career Researchers Survey Project
Postdoctoral Scholars Overview

- **89,000** in U.S.* (estimate)
- **42%** women; **58%** men**
- **60%** international* (estimate)
- **$38,000** median annual income**
- **51 hours, average work week**
- Early 30s and in a relationship; 1/3 have children**

Sources:
**Sigma Xi 2004-2005 Postdoc Survey
Postdoctoral Women: Quick Overview
Postdoc Women: Citizenship Status

Sigma Xi Postdoc Survey Results (2004-05)

National Postdoctoral Association
Women Postdocs: % Race/Ethnicity

Sigma Xi Postdoc Survey Results (2004-05)

National Postdoctoral Association

- White: 74.5%
- Black or African American: 5.3%
- Asian: 16%
- American Indian or Alaska Native: 1%
- Native Hawaiian or Other Pacific Islander: 1%

3.8% Hispanic (Latino)
Postdoc Women (%) By Fields of Science (2006)

- Engineering: 17.8%
- Computer: 19.2%
- Physical: 21%
- Mathematics & Statistics: 21.8%
- Earth, Atmosphere, Ocean: 29.7%
- Agricultural: 33.5%
- Biological: 40.9%
- Social: 45.9%
- Psychology: 52.5%
According to the 2007 COSEPUP study:

- “At every academic career milestone the proportion of women in science and engineering declines.” (2003 data)
- “In examining the transition into academic positions, the declines are greatest in fields requiring a period of postdoctoral study, namely life sciences, chemistry, and mathematics.”
• The proportion of postdocs who are in relationships and/or have children is higher for men than women.
• Postdoc women with children spend more $$$ and time on child-rearing duties than men.
• They are also more likely to have a spouse who works.
• They are more likely to include children as a consideration for their career path.

Source: “Staying Competitive: Patching America’s Leaky Pipeline in the Sciences”; Marc Goulden, Ph.D., Karie Frasch, Ph.D., and Mary Ann Mason, J.D., Ph.D.; published by The University of California, Berkeley Berkeley Center on Health, Economic, & Family Security and The Center for American Progress, November 2009
Issues for Postdoc Women

- Family Leave
  - Allowed? Taken?
  - Paid?
- Child Care
  - Facilities
  - Assistance
- Dual Career
  - Geography & Location of Family
  - Salary
- Confidence
  - Isolation/Lack of Recognition
The Grey Area
Basis for Classification of Postdocs

Show me the money!!

the source of the

Related to Federal funding guidelines.
Example: Classification of Postdocs in the University of California

- **Postdoctoral Scholar - Employee**
  - Used when paid through the University payroll system

- **Postdoctoral Scholar - Fellow**
  - Used when a fellowship has been awarded by an extramural agency and paid through a University account

- **Postdoctoral Scholar - Paid Direct**
  - Used when a fellowship or traineeship for postdoctoral study by an extramural agency AND the agency pays the Postdoc directly.

Source: [http://hr.ucsb.edu/benefits/postdoc.php](http://hr.ucsb.edu/benefits/postdoc.php)
Example: Classification of Postdocs at Vanderbilt University

- **Research Fellow Trainees**
  - Paid by training grants or individual fellowships (roughly 25 percent of VUMC postdoctoral fellows). They receive a stipend rather than a salary, and are not classified as employees.

- **Research Fellows**
  - Paid a salary from any source other than a training grant. Research Fellows are classified as employees and receive employee benefits.

The Grey Area: Title IX & Postdoc Women

- Title IX covers *employees* and *students*.
- Not all postdocs are considered employees by the OMB, the Federal funding agency, OR the institution.
- Postdocs are temporary positions by definition.
- Postdocs are (usually) not students BUT are often called “trainees.”
  - They aren’t earning a degree or paying tuition.
American Association for the Advancement of Science (AAAS) and the Association of American Universities (AAU) handbook:

"Navigating a Complex Landscape to Foster Greater Faculty and Student Diversity in Higher Education"
In the eyes of the courts, postdocs may be more likely to be treated as...

- **Employees**, if they are
  - Involved in research or teaching activities
  - Receive stipends or other monetary considerations
  - Eligible for benefits
- **Students**, if the
  - Basis for the action is academic in nature.
Legal Interventions (Title VII & IX, EEOC)

• If postdocs are considered employees, then it is...
  • “Easier to justify race and gender-targeted outreach and barrier programs;
  • More difficult to justify consideration of race and gender in hiring decisions; and
  • Virtually impossible to consider race and gender in lay-off decisions.”

Source: Jamie Lewis Keith, Vice President and General Counsel, University of Florida, Member, AAAS Capacity Center Advisory Board, AAU General Counsels Group, Co-Project Director, Editor, and Author of handbook
Legal Interventions

• If postdocs are considered *students*, then it is...

  • “Possible to consider race or gender as one of many factors weighed in conferring opportunities if necessary to achieve a compelling educational benefit for all students.”

Source: Jamie Lewis Keith, Vice President and General Counsel, University of Florida, Member, AAAS Capacity Center Advisory Board, AAU General Counsels Group, Co-Project Director, Editor, and Author of handbook
Is Your Institution in Compliance?

- Research universities receiving federal funds are required to:
  - Treat pregnancy as a temporary disability for purposes of calculating job-related benefits, including any employer-provided leave, and
  - Provide unpaid, job-protected leave for “a reasonable period of time” if the institution does not maintain a leave policy for employees.
Is Your Institution in Compliance?

- Are postdoc women treated equitably?
  - Look for:
    - Disparate treatment;
    - Disparate impact; and
    - Retaliation.
Interventions for Postdoc Women

• Institutional Transformation
  ▪ Policies (Institutions)
    • E.g. require diverse candidate pools for hiring postdocs, too!
  ▪ Programs (Individuals)
    • E.g., Invite postdocs to faculty women networking events and workshops.
Sixty-one institutions have a handbook for postdocs.

Family leave

- Institution-funded = 54 institutions*
- Individually funded = 41 institutions*
- Externally funded = 25 institutions*

* Out of 210, of which, 183 are NPA Sustaining Members.
NPA Institutional Policy Database

- Child care
  - Institution-funded = 21 institutions*
  - Individually funded = 19 institutions*
  - Externally funded = 12 institutions*

* Out of 210, of which, 183 are NPA Sustaining Members.
Promising Practice: Family Leave

• Offering paid family leave to postdocs
  ▪ Stanford University
  ▪ “Postdoctoral Scholars are eligible to receive up to six weeks maternity leave with full pay to begin on the first day of disability. (Full pay will equal a combination of a supplement from the primary source of funding plus the funds from the disability carrier.) The Scholar is expected to apply for short-term disability in the Office of Postdoctoral Affairs.”
Promising Practice: Child Care

- Discounted or subsidized off-site childcare
  - Woods Hole Oceanographic Institute Child Care Subsidy
    - $2 per hour per child up to $2,000
    - For children under 13 years of age
Promising Practices: Dual Career

• Advise postdoc women on how to handle the job search process in this situation

• Scheibinger recommends that institutions:
  ▪ Develop a dual-career academic couple hiring protocol.
  ▪ Use dual hiring to increase gender equality.
  ▪ Budget for dual hiring.

Source: http://sciencecareers.scientificmag.org/career_magazine/previous_issues/articles/2010_05_14/careedit.a1000049

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Thank you!

www.nationalpostdoc.org/advance