



News, Views and Careers for All of Higher Education

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Faux Family Friendly?

As colleges have adopted “family friendly” tenure policies, many female academics have feared that using these benefits may not actually help them. Taking leaves or extending the tenure clock ends up being used against you by faculty members who don’t understand the need for such policies, they say, explaining their reluctance to take advantage of these benefits.

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A ruling this month by the Equal Employment Opportunity Commission may reinforce those fears. The EEOC found “reasonable cause” to believe that Laurie Anne Freeman was a victim of sex discrimination when she was turned down for tenure by the University of California at Santa Barbara in 2003. Freeman’s claim was that the gender bias was related to two leaves she took, one when each of her daughters was born.

The EEOC rarely backs faculty members charging bias in the tenure process. And Freeman’s lawyer, Charlotte Fishman, said that she did not know of another case where a professor had been able to demonstrate to a government body that taking advantage of “family friendly” policies ended up costing her a tenure bid.

“We now have a government agency saying that these ‘family friendly’ policies really need to be followed,” Fishman said.

A UCSB spokeswoman said that the university could not comment on the case because it is a personnel matter.

The University of California is generally considered to be a leader in helping academic parents balance work and family obligations. And Fishman said that, on paper, the university’s policies look good. “They have to be enforced,” she said, “and that has to take place at the department level.”

Freeman’s complaint, now backed by the EEOC, states that her department gave her work rave reviews —

until she took her leaves. Then, she said, other faculty members raised “doubts” about how productive she would be, doubts that she argued were a pretext for discrimination based on her decision to take time off to be with her children. Freeman offered evidence to compare her productivity with that of scholars more favorably treated, but who did not take family leaves.

“She was a productive scholar with a great reputation, and all of the sudden, her work was not appreciated,” Fishman said.

An expert on the politics of Japan, Freeman has won a Fulbright Fellowship, published a book with Princeton University Press, and obtained support for another book.

In a statement, Freeman said, “I fought the tenure denial not only because I thought it was unfair, but because I felt it important to set an example that will help other women who are engaged in the difficult dance of trying to balance work and family, or who are contemplating having a family and an academic career.”

Earlier this year, Freeman did win tenure from Santa Barbara, following a lengthy appeals process.

Fishman said, however, that Freeman was entitled to legal fees and back pay from when she should have been awarded tenure. More broadly, Fishman said it was important for the case to be pursued to draw attention to “gender-plus” forms of discrimination that women face in academe. Professors these days are not going to make overtly sexist statements, Fishman said, but they do engage in discrimination against new parents who take leaves, and the vast majority of such professors are women.

Following an EEOC finding of cause for a complaint, the agency typically tries to work with parties to resolve the complaint. Fishman said no meetings have been scheduled yet.

— [Scott Jaschik](#)

Comments

Way to go Freeman. We are not machines but humans and we need to bond with our children.

Sam, at 9:05 am EDT on September 15, 2005

While sex discrimination is forbidden, I am unsure whether there really is a specific right to “bond” with children. If there is, do childless people, in the name of “humanity” also have a right to some time off to flirt or court a potential mate. (I am not talking about the FLA, but rather Title VII here). Instead, I think the conversation should be framed in simple sex-discrimination terms: whether women are being treated differently than men. The answer to this question is not straight-forward because it may be that women demand more time to bond with kids which, without legal intervention, is probably not going to put women on equal footing with men in academe.

Larry, at 11:26 am EDT on September 15, 2005

The problem is not as Larry puts it “if women have the right to bond” because men have the same right if they want to stay home — it’s called “family leave policies” afterall. That most men do not want to take family leave because exactly out of the fear that it will have a dampening effect on their career brings us to the right answer. The professor/mother who went to court did what any professional man/father should have done in her shoes. The discussion should not be about the right of women or men instead, the right of having a family and attending to it and being successful in the work place at the same time. I don’t believe that parenting is private fun such as dating. Children are our future so everyone who takes on the 24/7 of parenting should be

supported and not punished. I am saying that without being a parent but I admire my friends who have taken that road. Coming from a European country I feel that the discussion about parental leave in America is at least 20 years behind.

Astrid Eich-Krohm, Doctoral Candidate at SUNY Albany, at 12:40 pm EDT on September 15, 2005

when will this happen for men

Sadly, my guess is that it will be years before such a suit becomes a cause celebre for a man in a similar situation.

eric, at 3:47 pm EDT on September 15, 2005

Promotion discrimination

It's not just tenure that familyleave can affect negatively. Iexperienced similar discriminationwhen I was up for full professor. Over the course of nineteenyears, I had five years' of familyleave, during which time my job wasobviously not to teach or publish. This left gaps in my record, but my publication list was judged against a nineteen-year career rather than thefourteen years that I was actually"on duty." My record was solid—it included two fellowships, a bookfrom a prestigious press, and many refereedarticles, book chapters, reviews, andconference papers. It was as much as or morethan many others (male or female)who had been granted fullprofessor rank, but all the other womenwho were full professors had either been childless or had had grown children.I finally won my case through appeal, but Ishould never had been caused the agonyof rejection. It completely changedmy attitude toward a universityto which I had felt quite loyal andfor which I had performed considerable service, all because I took a perfectlylegal series of non-academic leaveswhich ultimately were held against me.

Tina, at 12:44 pm EDT on September 16, 2005

I agree with Astrid. Raising children is a benefit to society at large, not just to specific children and parents. It shouldn't be punished. And as a non-parent, I can still appreciate the work that parents are doing for the next generation.

Liz, at 11:03 pm EDT on September 17, 2005

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