TUESDAY, FEBRUARY 15, 1994
10:15 - NOON

CONCURRENT SESSION ONE

Salary, Tenure and Promotion
Issues Affecting Female Faculty

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SALARY, TENURE AND PROMOTION ISSUES AFFECTING FEMALE FACULTY: RECENT SURVEY DATA AND A REVIEW OF LEGAL DECISIONS

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Presented by Stetson University
College of Law at the:

15th ANNUAL NATIONAL CONFERENCE ON LAW & HIGHER EDUCATION
Clearwater Beach, Florida
February 13-16, 1994
SALARY, TENURE AND PROMOTION
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Introduction

A. Where did we start?

   a. In 1977, the Fourth Circuit Court of Appeals rejected the claim of a female faculty member that the college discriminated on the basis of sex in determining faculty salaries.
   b. The Court concluded that the plaintiff failed to establish a prima facia case because:

   "While the evidence revealed that the average male faculty salary was higher than that of females, there was no showing of any salary differential for teaching positions which were substantially equal, and in presenting her statistical evidence, the plaintiff made no comparison of salaries discipline by discipline or department by department."

   c. The Court further concluded that the college offered clear and convincing evidence that the disparity in salaries could be explained by legitimate, reasonable and non-discriminatory factors.

   d. The Court upheld the decision of the district court to deny production of the evaluations of other faculty members in the plaintiff's department.

   e. There was a dissent which stated that (1) the statistical evidence supported a pattern or practice of discrimination with respect to compensation; (2) the record reflects specific examples of unexplained salary discrepancies; and (3) that the
college had been unable to identify the non-discriminatory factors that resulted in the statistical differences.

2. Lieberman v. Gant, 630 F.2d 60 (2d Cir. 1980).
   a. In 1980, the Second Circuit Court of Appeals rejected the claim of a female faculty member who claimed that she had been denied tenure on the basis of sex.
   b. While the plaintiff had satisfied her initial burden, the defendant (University of Connecticut) met its burden by producing evidence that the plaintiff had not demonstrated the high degree of scholarship necessary for the award of tenure. In doing so, the Court held that it was appropriate to exclude "comparative evidence" consisting of evaluations of male faculty members who had received tenure. The Court held:

   "A university's prerogative 'to determine for itself on academic grounds who may teach' is an important part of our long tradition of academic freedom."

   c. The Court also concluded that it was not improper to exclude evidence of "minor salary discrimination."

   a. Second Circuit Court of Appeals upheld the denial of tenure to 4 female faculty members who claimed that the tenure denial was the result of gender discrimination.
b. The Court held:

"Where the tenure file contains conflicting views of specialized scholars, triers of fact cannot hope to master the academic field sufficiently to review the merits of such views and resolve the differences of scholarly opinion."

B. Where have we gone?

1. Massachusetts' 15 community colleges agreed to pay at least $10.6 million to resolve a class-action suit involving as many as 1,200 women. (October 1992).

2. The University of Connecticut agreed in the course of collective bargaining to a $1.9 million increase for female faculty salaries to end salary disparities identified in a state-financed study.

3. The University of Maine awarded across-the-board pay increases to 27 women professors having concluded that there were gender-based inequities in the salary structure.

4. The University of Minnesota agreed to a pay equity settlement, ending six years of litigation, awarding 1,400 women professors approximately $3 million. Rajender v. Univ. of Minnesota, D.C. Minn. No. 4-73-435, (August 2, 1989).


   a. Third Circuit Court of Appeals upheld the district court's determination that minority faculty member had been denied promotion to full professor in violation of Title VII.
b. The Court held the plaintiff made out a prima facie case in that:

"The differences of opinion about his qualifications among various reviewing groups were sufficient to establish that his fitness for promotion was debateable."

c. The Court further held that the university's proffered explanations for the denial of promotion were pretextual, after closely comparing the qualifications of a faculty member who had been promoted with those of the plaintiff.

C. Where are we going?

In looking at where the courts are now -- compared to where they were 15 years ago, a number of issues arise:

1. How far are courts willing to go in reviewing subjective decisions in compensation, promotion, and tenure cases?

2. What constitutes "equal work?"

3. What will be the impact of the Supreme's Court's rejection of a "peer review privilege?"

4. What relief is appropriate in a tenure case?

I. The Relevant Statutes


"It shall be an unlawful employment practice for an employer --
(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions or privileges of employment, because of such individual's race, color, religion, sex, or national original . . . "


"No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any further factor other than sex."

C. The Bennett Amendment to Title VII

"It shall not be an unlawful employment practice under this title for an employer to differentiate upon the basis of sex in determining the amount of the wages or compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of section 6(d) of the Fair Labor Standards Act as amended (29 U.S.C. § 206(d))."

II. The Structure of a Title VII/Equal Pay Act Case

A. The alternating burdens of proof in a Title VII discrimination case are allocated as follows. First, the plaintiff must establish a prima facie case of discrimination. See Texas Dept. of Community Affairs v. Burdine, 450 U.S. 248, 252-
253, 101 S.Ct. 1089, 1093-94, 67 L.Ed.2d 207 (1981). The proof has three prongs. The plaintiff must prove by a preponderance of the evidence that he is a member of a minority; that he applied for, is qualified for and was rejected for the position sought, and that non-members of the protected class were treated more favorably. *Roebuck v. Drexel Univ.*, 852 F.2d 715 (3d Cir. 1988) (quoting *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802, 93 S.Ct. 1817, 1824, 36 L.Ed.2d 668 (1973)). After this showing is made, the defendant may rebut the discriminatory presumption by showing that there was a "legitimate, nondiscriminatory reason" why someone else was preferred.

*McDonnell Douglas Corp.*, 411 U.S. at 802, 93 S.Ct. at 1824. If the defendant does so, then the burden, now an ultimate one, is reassigned to the plaintiff and the plaintiff must show that the reasons proffered by the defendant are pretextual. See *id.* at 804, 93 S.Ct. at 1825; see also *Kunda v. Muhlenberg College*, 621 F.2d 532, 541-42 (3d Cir. 1980)(quoting *McDonnell Douglas Corp.*, 411 U.S. at 802, 93 S.Ct. at 1824 (discussing Title VII burdens of production).

B. Under the Equal Pay Act, plaintiffs must show that they received lower salaries than men for comparable work. Once this is established, defendants have the burden of persuading the Court, by a preponderance of evidence, that the wage disparity was the result of (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any further factor other than sex. *Denny v. Westfield State College*, 669 F. Supp. 1146 (D. Mass. 1987).
C. While there is some disagreement, most courts have concluded that, the Equal Pay Act burden of proof allocations apply. [The issue is whether the Bennett Amendment, which incorporated the Equal Pact Act employer defenses into Title VII, also incorporated the Equal Pay Act burdens of proof.] Denny v. Westfield State College. This means that the employer has the burden of persuading the trier of fact by a preponderance of the evidence that the reason for the salary differences are legitimate.

III. Issues

A. How willing are the courts to probe into salary, promotion, and tenure decisions?

1. The emerging case law suggests that courts may be prepared to examine the evidence more closely, with less deference to the academic judgments made by the institutions; but the cases depend heavily on the facts.

   a. In most cases, in order to make out a prima facie case, plaintiffs introduce statistical evidence in the form of "multiple regression analysis." Ottaviani v. State U. of New York, 875 F.2d 365 (2d Cir. 1989); Sobel v. Yeshiva Univ., 839 F.2d 18 (2d Cir. 1988).

   b. Multiple regression analysis is a statistical tool commonly used by social scientists to determine the influence that various independent, predetermined factors (so-called "independent variables") have on an observed phenomenon (the so-called "dependent variable").
c. Courts then engage in the battle of the experts. They are called upon to determine whether the correct factors have been analyzed and whether the analysis is otherwise valid. Issues include, for example, whether the regression model properly categorizes departmental affiliations so as to account for market factors that have an impact on salaries (e.g. since there is more competition for qualified individuals in computer science than in many liberal arts fields, one would expect differences in salary levels in the different departments that are market driven). Denny v. Westfield State College.

d. Courts are generally presented with anecdotal evidence as well as statistical evidence.

Supp. 1161 (D.R.I. 1085); Denny v. Westfield State College; and Wilkins v. Univ. of Houston\(^{12}\) (finding discrimination in salaries).

B. In Equal Pay Act cases, what is "equal work?"

1. Equal work does not mean identical work. It is clear that courts must look beyond labels and focus on the actual duties and qualifications for a position. In higher education this means that the courts will look at, for example, department, rank, degrees, and teaching experience. Wilkins.

2. Courts will look carefully to determine if a comparator in fact performs equal work. For example, in Brock v. Georgia Southwestern College, 765 F.2d 1026 (11th Cir. 1985), the Court found:

"All of the teachers who were compared were within the same academic division, taught students of approximately the same level (i.e., undergraduates and some two-year students and graduate students), and had course loads of approximately fifteen hours per week, with the exception of physical education teachers who carried slightly more hours. It is within this context that the court found that the jobs of the claimants and their comparators were substantially equal."

a. The Court also considered the college’s challenge to the comparators as follows:

"Appellants contend that Rowland is an improper comparator because he taught in the

\(^{12}\) The court in the Wilkins case found salary discrimination among administrative and professional staff, but not faculty members.
administration area of the Business Administration Division while McKinney taught education courses. We do not find this difference compelling. Virtually all teachers in a higher education setting will teach different courses. The court below did not find the alleged differences between administration and education courses significant, given the commonality of discipline. We agree. Appellants' argument seems to be premised on the allegation that appellee did not meet its burden of proving that equal skill is needed to teach the courses taught by McKinney and those taught by Rowland. We hold, however, that plaintiff can meet its burden of going forward by showing that the teachers compared are in the same discipline and that their job is to teach classes to students in that discipline. To require plaintiff to do more would be unrealistic, for it would require plaintiff to prove the absence of any conceivable difference between teaching class X and teaching class Y, without defendant even having to allege specific differences. Rather, defendants must point out the differences that they contend exist between teaching different courses."

b. In making out a prima facie case, plaintiff can use a comparator of a different rank in some circumstances, but defendant may then argue that the different rank is a basis for the difference in salary "other than sex." Brock.

3. Courts require that the plaintiff have an actual comparator -- not a hypothetical case. Houck v. VPI, 63 FEP Cases 188 (4th Cir. 1993).
C. What will be the impact of University of Pennsylvania v. EEOC, 493 U.S. 182 (1990)?

1. There had been a conflict in the courts as to whether there was an "academic peer review privilege." Universities had argued that they were entitled to withhold tenure-review materials on the ground that production of such materials would destroy the integrity of the peer review process and impair academic freedom. The decision in University of Pennsylvania squarely rejected any such privilege either for material pertaining to the candidacy of the plaintiff or for materials pertaining to the candidacies of her contemporaneous male colleagues.

2. It is not clear how far the decision goes. For example, can the institution redact certain highly sensitive information from the peer review files? Are peer review files for colleagues outside the department at issue "relevant" and must they be produces?

3. The principal impact of this decision may be more for what it suggests about the courts' willingness to engage in the process of second-guessing academic promotion and tenure decisions than for what it actually provides with respect to the discovery process. It provides some further support for the view that courts are prepared to intrude into academic decision-making in ways they had previously been unwilling to explore.
D. What is the proper remedy in a tenure case?

1. Courts have traditionally been reluctant to order the award of tenure in a discrimination case. Recent cases suggest that courts are still unwilling to order that tenure be granted absent a clear showing that the plaintiff had the unequivocal support of his peers.

   a. An award of tenure is appropriate to remedy a violation of Title VII, especially given plaintiff's near unanimous endorsement by colleagues within and without her department which "suggest[s] strongly that there are no issues of collegiality or the like which might make the granting of tenure inappropriate." Brown v. Trustees of Boston Univ., 891 F.2d 337, 359-61 (1st Cir. 1989).

   b. Tenure should not be awarded where plaintiff's employment contract was terminated several years prior to the time a tenure decision would have been made. Such relief would be appropriate "only in the most exceptional cases ... [w]hen the court is convinced that a plaintiff reinstated to her former faculty position could not receive fair consideration ... of her tenure application." Ford v. Nicks, 866 F.2d 865, 877 (6th Cir. 1989) (quoting Gutzwiller v. Fenik, 860 F.2d 1317 (6th Cir. 1988)).

   c. Tenure should not be awarded in a case in which the plaintiff received negative reviews from some designated reviewers and positive reviews from others. "Such relief should be provided in only the most exceptional cases." Gutzwiller v. Fenik, 860 F.2d 1317, 1333 (6th Cir. 1988).
IV. Bibliography


Note, Tenure and Partnership as Title VII Remedies, 94 Harv. L. Rev. 455 (1980).

February 13, 1994
GENDER DIFFERENCES AND THE ACADEMIC REWARD STRUCTURE

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Presented by Stetson University
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15th ANNUAL NATIONAL CONFERENCE ON LAW & HIGHER EDUCATION
Clearwater Beach, Florida
February 13-16, 1994
STANDING IN THE SHADOWS: ACADEMIC MENTORING IN CRIMINOLOGY*

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Survey data were used to explore the effect of mentoring on publications by faculty members in criminology and criminal justice. The initial analysis showed that mentored faculty were significantly more successful at publishing than nonmentored faculty. Further examination revealed gender differences with respect to being mentored: among new faculty members, publication success was associated with being mentored by males. Explanations for these findings focused on the well-established male network in criminal justice and criminology and on structural disadvantages encountered by female faculty members.

The importance of mentoring for career development in organizations has been well documented (Bartlett and Miller 1988; Cameron 1987; LaFrance 1981). Academic environments are by no means an exception (Moore 1982; Robbins 1989). Graduate students involved with faculty mentors may benefit from advice on course work and dissertations, research assistance, and access to resources (e.g., financial aid, grant money, and job prospects). The process may be enhanced when mentors provide constructive criticism and communicate academic ethics.

The mentoring process may be discriminatory in that it is often selective, occurring at the mentor's initiative (LaFrance 1981; Moore 1982). Some observers argue that this selection process is likely to exclude women (Association of American Colleges 1982; Epstein 1971) whose career development in turn is inhibited.

Little is known about mentoring in academic criminology and criminal justice; therefore this study addresses three questions. First, publications are a critical dimension of faculty development. To what extent does mentoring affect publications? Second, are there gender differences with respect to the likelihood of being

* The author wishes to thank Chuck Hanna and Norma Feinberg for their review of an earlier version of this manuscript and for thoughtful comments concerning revision.
mentored? Finally, academic criminology and criminal justice traditionally have been dominated by males. Therefore the sex composition of faculties results in an abundance of potential male mentors and a shortage of potential female mentors. Is a mentor’s gender an important predictor of publication success?

Few empirical studies have addressed the effect of being mentored on subsequent career development. A recent nationwide study by Robbins (1989), however, addressed mentoring in social work faculties. Faculty members with mentors were significantly more productive (as measured by the number of books and jointly authored articles) than faculty members without mentors. The definition of mentoring used in this study was not limited to graduate school relationships; rather, a mentor was defined as anyone who assisted with some publication effort. Levinson, Tolle, and Lewis (1989) surveyed women in academic medicine and reported that women with mentors during graduate training were significantly more satisfied with their careers than were women without mentors.

Scholars have reported gender differences in faculty-student interactions. For instance, Thoreson, Kardash, and Leuthold (1988) found that female faculty members placed greater importance than males on having a mentor in graduate school, but experienced less satisfaction. Although the difference was not statistically significant, this finding may well have been a function of the small sample size (N=63). Berg and Ferber (1983:638) reported that male graduate students were more likely than female graduate students to report interactions with male faculty, particularly in the “most male-dominated field.” The authors also observed a statistically significant difference between males and females in the social sciences.

Others have alluded to the importance of same-sex mentoring for women. Solomon (1976:31) suggested that a “predominance of men faculty members may cause problems [in locating mentors] for women graduates more than men.” Other observers have found that faculty are more supportive of students of their own sex (Freeman 1972; Tidball 1976). Hartnett (1976) suggested that environments with greater female faculty representation are more conducive to learning for female students.

Despite these claims, empirical studies provide little evidence of the effectiveness of same-sex mentoring. Goldstein (1979) analyzed mentoring processes among psychology doctoral recipients. Four years after graduation, respondents had published a total of 139 articles, 110 of which had been authored by students who had a mentor-advisor of the same sex. Unfortunately, the author did not
ascertain whether an opposite-sex mentor relationship would have produced similar productivity (Goldstein 1979).

METHODS

The data were collected in spring 1989 as part of a larger study on faculty achievements in academic criminology and criminal justice (McElrath 1989). The population from which the sample was drawn included faculty members in criminology, criminal justice, and related fields employed by colleges and universities in the United States, as provided by the 1987-1988 membership directories of the American Society of Criminology, the Academy of Criminal Justice Sciences, the Crime and Delinquency Division of the Society for the Study of Social Problems, and the Criminology Section of the American Sociological Association. Duplicates were eliminated so that each individual appeared only once, regardless of the number of memberships.

This procedure was likely to produce the most complete list of faculty members within the discipline. Although it is possible that females are less likely than males to hold membership in professional associations, Simon, Clark, and Galway (1967) found no evidence that this was the case. Furthermore, a national study by Greene, Bynum, and Webb (1982) found that female faculty representation in criminology and criminal justice departments was 9 percent. The female population for the present study was 21 percent, a figure which suggests either that the proportion of females increased steadily during the 1980s or that the low proportion of females in criminology departments was offset slightly by higher proportions of females in other social science departments.

Because females constituted 21 percent of the total population, I used a stratified random sampling technique (stratified by gender). This method allows for accurate computation of standard errors and thus for improved hypotheses testing.

Three hundred females, or 82 percent of the females in the faculty population, were selected randomly from the female faculty. Similarly, 300 males (or 22 percent of the male faculty population) were selected randomly for inclusion in the study. The decision to sample 600 faculty members was due largely to mailing costs.

Data were collected by mail questionnaire. The survey instrument consisted of a number of closed-ended questions. The purpose of the study was explained to respondents in a cover letter that accompanied the questionnaire, and respondents were assured anonymity. Nonresponse was ascertained by including a post card with a unique number with each questionnaire. Respondents were
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asked to mail the post card separately so that their names could be removed from the mailing list. In addition, two follow-up questionnaires were sent to those who failed to respond to the initial (or the second) mailing.

Despite considerable effort to eliminate nonfaculty from the population before the sample was drawn, some individuals listed in the membership directories provided a home address rather than a university address or title. Because I assumed these individuals to be faculty members, they were included in the population. The first item of the questionnaire was designed as a "screen" to eliminate nonfaculty.

A total of 48 questionnaires were returned by nonfaculty members. Seven others were returned because no forwarding address was available; two were returned by department personnel because the individuals were on sabbatical and could not be reached. As a result, the potential sample size was reduced to 543. The initial mailing resulted in 253 returned, completed questionnaires, a response rate of 47 percent.

I conducted the second mailing three weeks after the first. I sent a total of 285 questionnaires to nonrespondents (excluding five who refused to participate). This first follow-up mailing yielded an additional 35 completed questionnaires, which increased the response rate to 53 percent. A second follow-up questionnaire was mailed to those who had failed to respond to the first and the second mailings (excluding those who declined to participate). This follow-up resulted in an additional 26 completed returns. The final response rate was 58 percent (N = 314). Of those responding, females accounted for 49 percent and males for 51 percent.

The Dependent Variable

A measure of the quality and quantity of publications served as the dependent variable for this study. The measure included both book and journal publications, which are discussed below.

Respondents were asked to state the number of books they had published in the past 10 years. Categories included sole-authored books, sole-edited books, co-authored books, co-edited books, and chapter contributions.

Second, respondents were asked to list all journal article publications in the past 10 years. This item included the title of the

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1 This measure often is referred to as "research productivity." Number and type of publications is preferable to research productivity as an outcome measure; scholars can be very productive but may have little success in publishing.
journal, the number of articles, book reviews, and replies published in the journal, and whether the publication was authored solely or jointly.

I computed a measure for each respondent, based on published research. The following weights were used in the computation: sole-authored book (100), co-authored book (50), sole-edited book (25), co-edited book (20), chapter contribution (10).\(^2\)

Journal publications were multiplied by the mean journal rating, as indicated by respondents.\(^3\) I applied the following weights: sole-authored article (20), co-authored article (10), sole-authored reply (2), co-authored reply (1), sole-authored book review (2), co-authored book review (1). Total publication activity was an additive measure composed of the quantity of books (times the weight for type of book), chapter contributions (times the assigned weight), and journal publications (times the mean rating of each journal in which a publication appeared times the weight for each type of journal publication). For example, the *Journal of Criminal Justice* received a mean rating of 8.01 (.801). Thus a respondent who reported a total of two articles (one sole-authored and one co-authored), both of which appeared in the *Journal of Criminal Justice*, received a publication score as follows:

\[
(1 \text{ article} \times 20 \text{ points/article} \times .801) + \nonumber \ \ \ \nonumber \\
(1 \text{ article} \times 10 \text{ points/article} \times .801) = 24.03
\]

Works published in journals that did not appear in the list of journals which were rated by respondents were assigned a low (6) or a high (12) score and were multiplied by the type of publication (e.g., sole-authored book review (2)). To determine the score for such journals, I consulted a paper in which department chairpersons from seven disciplines rated the quality of journals from their fields (Nelson, Buss, and Katzko 1983). In that study, *Criminology* received a mean ranking of 3.00 (in which a five-point Likert scale was used, with a value of 5 indicating "outstanding"). I assigned a value of 6 to publications from journals in the current study (not appearing on the list of journals that respondents were asked to rate) which had a mean ranking below 3.00 in the Nelson et al.

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\(^2\) I estimated equations separately for book and for journal publications. The results, however, did not differ significantly from those presented here. I noted an exception for the length of service variable, which had a negative and significant effect on journal publications but had no effect on book publications. Also, when I treated publications separately, the equation for journal publications indicated slightly greater explanatory power (adjusted \(r^2\)) than the equation for book publications.

\(^3\) In an earlier item, respondents were asked to assign ratings to 25 scholarly journals based on the average quality of the articles. Following the advice of Glenn (1972), I provided respondents with a weight of 10 for the journal *Criminology* as a standard of reference. Journal means were multiplied by .10 so that journal publications would be weighted less heavily than book publications.
study, and assigned a 12 to publications from journals in the current study which had a mean ranking above 3.00 in the Nelson et al. study.

**Independent Variables**

Gender was coded 1 for females and 0 for males. To measure the presence of a mentor during graduate school, I provided the following definition of a mentor in the questionnaire:

A mentor is a professor or advisor who serves a number of functions. He or she offers guidance about course work or dissertation research, listens to student problems, and provides constructive criticism. A mentor may review drafts of student manuscripts, offer advice about interviewing, jobs, and faculty careers, or defend a student’s ability in the presence of other faculty. A mentor relationship is continuous during graduate school as opposed to one or two interactions.

Respondents were asked to state whether they had a mentor (1=yes; 0=no). Those with no mentor were asked whether they had made attempts to initiate a mentor relationship. Those with mentors were asked the gender of their mentor(s). The categories included female student/male mentor (FS/MM), female student/female mentor (FS/FM), male student/male mentor (MS/MM), and male student/female mentor (MS/FM). Each of these categories was a dichotomy (1,0) indicating the presence or absence of the trait.

Because institutional affiliation as well as teaching demands might account for publication differences, I included each type of institution and teaching load as control variables. Institutional focus included two categories (1=research institution, 0=teaching institution). The average number of hours spent teaching per week was a continuous variable. To achieve a more appropriate standardized measure, I asked respondents to exclude preparatory time, office hours, and time spent grading examinations. Because hours spent in teaching depend on the length of the course unit, I included a control variable to reflect quarter or semester course length. In addition, it is possible that the number of hours spent in teaching had changed significantly over time. Accordingly I asked respondents whether their teaching hours had increased, decreased, or remained the same in the last five years. Finally, I asked respondents to state the total number of years they had worked as a faculty member in an academic setting.
Weighting of Cases

Disproportionate stratified random samples inhibit valid significance testing unless cases are weighted to reflect their representation in the population. The sampling procedure used here was stratified by gender and drew equal numbers of males and females. Because of their proportion in the population (79%), males were weighted 3.6 times more than females. The weight applied to females was .43; the weight applied to males was 1.548. The weights were computed by the formula:

\[ MR \times (3.6 \times wf) + FR \times (wf) = N \]

where

\[ MR = \text{male respondents (160)} \]
\[ FR = \text{female respondents (154)} \]
\[ wf = \text{weight for females (.43)} \]
\[ N = \text{number of respondents (314)} \]

All analytical procedures were based on weighted data.

FINDINGS

Sample Characteristics

As noted previously, the sample included 154 females (49%) and 160 males (51%). Reports of published journal articles were missing from 62 questionnaires (20%); respondents appeared to have no single reason for failing to provide these data. Some reported time constraints in listing many publications over the 10-year period, whereas others expressed a concern for loss of anonymity (even though volume and year of the journal were not required). It is also very likely that some respondents failed to provide publication data because they had no publications at all. This explanation seemed plausible on the basis of responses given elsewhere in the survey (e.g., that the respondent was in the first year in academia). Nevertheless, I used listwise deletion to handle the missing data. This procedure resulted in a sample size of 250 (data on length of service were missing from two questionnaires).

Variable descriptions and summary statistics are presented in Table 1. The majority of respondents held positions in research institutions (males=57%; females=59%). Males spent more hours teaching per week (\( \bar{X} = 8.08 \)) than females (\( \bar{X} = 7.28 \)). Dummy variables reflecting changes in teaching hours over time and course length (semester, quarter) were not significant; thus, descriptive statistics are omitted here. Despite what appears to be a sizable difference in publications between males (\( \bar{X} = 182.40 \)) and females (\( \bar{X} = 134.81 \)), a t-test to compare publication means suggested no statistically significant difference between male and female faculty
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members (t=1.67, p=.096), although the length of service differed. On average, male faculty members had been in the field approximately five years longer than females (t=3.76, p=.000).

Table 1. Variable Means and Standard Deviations, Female and Male Faculty Members

<table>
<thead>
<tr>
<th>Variable</th>
<th>Females (N=128)</th>
<th>Males (N=122)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>X</td>
<td>SD</td>
</tr>
<tr>
<td>Female mentor</td>
<td>.16</td>
<td>.21</td>
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<tr>
<td>Male mentor</td>
<td>.69</td>
<td>.47</td>
</tr>
<tr>
<td>No mentor</td>
<td>.28</td>
<td>.45</td>
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<td>Research institution</td>
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<tr>
<td>Teaching load</td>
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<td>Years of service</td>
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<td>Publications</td>
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<td>741.19</td>
</tr>
<tr>
<td>LN (Publications)</td>
<td>4.13</td>
<td>1.65</td>
</tr>
</tbody>
</table>

Female faculty members were more likely than males to report not being mentored by anyone (28% and 18% respectively). This difference cannot be attributed to a failure on the part of female students to seek mentors. Among faculty members without mentors, 38 percent of the women reported some attempt to initiate a relationship with a mentor, compared to 9 percent of the men. These women claimed that they had “met many times” or had “requested advising and review of papers.” Some women reported that despite their efforts, “faculty were nonresponsive.” Of the males who made an attempt to initiate a mentor relationship, each provided the same response when asked what specifically he had done to initiate involvement with a mentor: “arranged many meetings.” One note of caution is in order here: It is possible that some males and females chose not to involve themselves with a mentor, even when asked to do so. Unfortunately, data on this point were not available.

The descriptive data on mentoring show that the majority of both male (61%) and female (69%) faculty members were more likely to have had a male than a female mentor, a finding that should not come as a surprise in view of the sex composition of the discipline. Thus, although same-sex mentoring was more common among male respondents, cross-sex mentoring was more common among females. Nevertheless, a number of respondents were mentored by women (females=16%; males=10%). These numbers
probably were consistent with the proportion of female mentors available while respondents were enrolled in graduate school.

*Publications*

As mentioned previously, this dimension of faculty achievement included books, chapter contributions, and journal publications. To account for differences in journal prestige, I calculated sample means for the 25 journals for which respondents were asked to assign ratings. Those who reported insufficient knowledge of a particular journal were excluded from the mean calculation for that journal.

The overall rank order of journals is provided in Table 2. As shown, the *American Sociological Review* received the highest overall ranking based on the quality of its articles ($\bar{X} = 15.85$). Data listed in Column 4 of Table 2 show the number of respondents with insufficient knowledge of a journal; thus no rating was provided. The *Prison Journal* received the fewest ratings, while *Crime and Delinquency* received the most.

The publication measure ranged from zero (8% of all respondents) to 1174.60. I transformed the variable by taking the natural log of the publication measure (LN PUBLICATION). The transformed variable served as the dependent variable for all publication equations. I preferred weighted least squares (WLS) over ordinary least squares (OLS) regression because the assumption of homoskedasticity was violated by OLS. A correction for heteroskedasticity, developed by White (1980), is available in the statistical software package LiMDEP (W. Greene 1985). The results are interpreted as if OLS had been used.

Table 3 includes data from the publication equation. The findings suggest that faculty members with mentors had greater success in publishing than those without mentors ($b = .769$). The effect of gender was not statistically significant, nor was the coefficient for length of academic service. Faculty members who held positions in research institutions had higher publication scores than those in teaching institutions ($b = 1.042$). Similarly, publication success increased with lighter teaching loads ($b = -.161$).

Table 4 provides multivariate results from the publication equation with specific gender/mentor relationships. Although the mentor items are dummy variables, they are not mutually exclusive. That is, some respondents reported having both a male and a female mentor. Therefore all four dummy variables are included in the equation; the omitted category used for comparison is faculty members without mentors.
Table 2. Rank of Journals Based on Quality of Articles

<table>
<thead>
<tr>
<th>Journal</th>
<th>( \bar{X} ) Rating</th>
<th>SD</th>
<th>Insufficient Knowledge % Resp.</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Sociological Review</td>
<td>15.85</td>
<td>8.63</td>
<td>51 84%</td>
</tr>
<tr>
<td>American Journal of Sociology</td>
<td>15.44</td>
<td>8.30</td>
<td>56 82%</td>
</tr>
<tr>
<td>Social Forces</td>
<td>12.86</td>
<td>7.03</td>
<td>78 75%</td>
</tr>
<tr>
<td>Social Problems</td>
<td>12.49</td>
<td>6.45</td>
<td>54 83%</td>
</tr>
<tr>
<td>Law and Society Review</td>
<td>12.16</td>
<td>5.19</td>
<td>68 78%</td>
</tr>
<tr>
<td>Journal of Applied Psychology</td>
<td>12.09</td>
<td>7.59</td>
<td>167 47%</td>
</tr>
<tr>
<td>Journal of Criminal Law and Criminology</td>
<td>11.05</td>
<td>4.21</td>
<td>54 83%</td>
</tr>
<tr>
<td>British Journal of Criminology</td>
<td>10.67</td>
<td>4.05</td>
<td>104 67%</td>
</tr>
<tr>
<td>Sociological Quarterly</td>
<td>10.16</td>
<td>5.36</td>
<td>117 63%</td>
</tr>
<tr>
<td>Criminology*</td>
<td>10.00</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Journal of Research in Crime and Delinquency</td>
<td>9.93</td>
<td>3.56</td>
<td>64 80%</td>
</tr>
<tr>
<td>Social Science Research</td>
<td>9.93</td>
<td>4.25</td>
<td>180 43%</td>
</tr>
<tr>
<td>Sociology and Social Research</td>
<td>9.73</td>
<td>7.03</td>
<td>156 50%</td>
</tr>
<tr>
<td>Crime and Delinquency</td>
<td>9.31</td>
<td>3.19</td>
<td>47 85%</td>
</tr>
<tr>
<td>Justice Quarterly</td>
<td>9.25</td>
<td>3.80</td>
<td>113 64%</td>
</tr>
<tr>
<td>Journal of Quantitative Criminology</td>
<td>9.19</td>
<td>3.68</td>
<td>152 52%</td>
</tr>
<tr>
<td>Sociological Perspectives</td>
<td>8.61</td>
<td>4.52</td>
<td>172 45%</td>
</tr>
<tr>
<td>Social Justice</td>
<td>8.35</td>
<td>5.56</td>
<td>146 54%</td>
</tr>
<tr>
<td>Criminal Justice and Behavior</td>
<td>8.27</td>
<td>2.65</td>
<td>130 59%</td>
</tr>
<tr>
<td>Journal of Criminal Justice</td>
<td>8.01</td>
<td>3.09</td>
<td>100 68%</td>
</tr>
<tr>
<td>Victimology</td>
<td>7.84</td>
<td>3.70</td>
<td>139 56%</td>
</tr>
<tr>
<td>American Journal of Criminal Justice</td>
<td>7.30</td>
<td>3.79</td>
<td>149 53%</td>
</tr>
<tr>
<td>International Journal of Criminology</td>
<td>7.07</td>
<td>2.90</td>
<td>172 45%</td>
</tr>
<tr>
<td>Journal of Police Science and Administration</td>
<td>7.05</td>
<td>3.13</td>
<td>113 64%</td>
</tr>
<tr>
<td>Prison Journal</td>
<td>6.23</td>
<td>3.56</td>
<td>182 42%</td>
</tr>
<tr>
<td>Federal Probation</td>
<td>5.48</td>
<td>3.40</td>
<td>89 72%</td>
</tr>
</tbody>
</table>

* Standard of reference.

Table 3. Weighted Least Squares Estimates of Publications

<table>
<thead>
<tr>
<th></th>
<th>( b )</th>
<th>se</th>
<th>t-ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constant</td>
<td>6.152*</td>
<td>.599</td>
<td>10.265</td>
</tr>
<tr>
<td>Mentor</td>
<td>.769*</td>
<td>.320</td>
<td>2.405</td>
</tr>
<tr>
<td>Gender</td>
<td>-.326</td>
<td>.278</td>
<td>-1.172</td>
</tr>
<tr>
<td>Research institution</td>
<td>1.042*</td>
<td>.290</td>
<td>3.593</td>
</tr>
<tr>
<td>Teaching load</td>
<td>-.161*</td>
<td>.034</td>
<td>4.694</td>
</tr>
<tr>
<td>Years of service</td>
<td>-.020</td>
<td>.016</td>
<td>-1.281</td>
</tr>
</tbody>
</table>

\( * p < .05 \)

\( F = 15.841 \)

\( N = 250 \)

\( R^2 = .25 \)

\( \text{Adjusted } R^2 = .23 \)

When data for the entire sample were analyzed, same-sex mentoring resulted in more publications among males (\( b = .608 \))
Table 4. Weighted Least Squares Estimates of Publications with Gender/Mentor Relationships

<table>
<thead>
<tr>
<th></th>
<th>b</th>
<th>se</th>
<th>t-ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constant</td>
<td>4.478*</td>
<td>.489</td>
<td>9.158</td>
</tr>
<tr>
<td>FS/FM</td>
<td>.163</td>
<td>.390</td>
<td>.419</td>
</tr>
<tr>
<td>MS/MM</td>
<td>.608*</td>
<td>.295</td>
<td>2.063</td>
</tr>
<tr>
<td>FS/MM</td>
<td>.684</td>
<td>.480</td>
<td>1.425</td>
</tr>
<tr>
<td>MS/FM</td>
<td>-.079</td>
<td>.382</td>
<td>-.207</td>
</tr>
<tr>
<td>Gender</td>
<td>-.377</td>
<td>.515</td>
<td>-.731</td>
</tr>
<tr>
<td>Research institution</td>
<td>.784*</td>
<td>.233</td>
<td>3.365</td>
</tr>
<tr>
<td>Teaching load</td>
<td>-.122*</td>
<td>.029</td>
<td>-4.222</td>
</tr>
<tr>
<td>Years of service</td>
<td>-.004</td>
<td>.012</td>
<td>-.316</td>
</tr>
</tbody>
</table>

*p < .05  
F = 8.613  
N = 250  
P value = .000  
R² = .22  
Adjusted R² = .20

* FS/FM = female student/female mentor  
  MS/MM = male student/male mentor  
  FS/MM = female student/male mentor  
  MS/FM = male student/female mentor

but not among females. Faculty members with opposite-sex mentors were no more successful at publishing than those without mentors.

The main effect of gender was not statistically significant. Males and females did not differ in their publication records when relevant variables were controlled. In keeping with data presented in Table 3, predictors of successful publications also included research institution affiliation (b=.784) and lighter teaching loads (b=-.122).

It seems plausible to suggest that same-sex mentoring among females and its supposed benefits would be more apparent among new faculty members than among those with greater length of service. No doubt the sex composition of the discipline has changed somewhat, resulting in greater representation of women than in the past. Furthermore, any mentoring may have its greatest influence at the beginning of the academic career. During this time, new faculty members apply the skills and knowledge that were developed during graduate school and perhaps use the knowledge gained through mentoring. Eventually, as they become more familiar with their current informal network and develop collegial support systems of their own, the effect of mentoring may diminish in importance.

11
Table 5. Summary Statistics by Years of Academic Service

<table>
<thead>
<tr>
<th></th>
<th>Fewer Than 7 Years</th>
<th>7 Years or More</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>FS/FM</td>
<td>.19</td>
<td>.15</td>
</tr>
<tr>
<td>MS/MM</td>
<td>.94</td>
<td>.79</td>
</tr>
<tr>
<td>FS/MM</td>
<td>.75</td>
<td>.65</td>
</tr>
<tr>
<td>MS/FM</td>
<td>.29</td>
<td>.07</td>
</tr>
<tr>
<td>No mentor</td>
<td>.12*</td>
<td>.22^b</td>
</tr>
<tr>
<td>Gender</td>
<td>.43</td>
<td>.18</td>
</tr>
<tr>
<td>Research institution</td>
<td>.52</td>
<td>.58</td>
</tr>
<tr>
<td>Teaching load</td>
<td>8.30</td>
<td>7.81</td>
</tr>
<tr>
<td>Years of service</td>
<td>3.41</td>
<td>16.61</td>
</tr>
<tr>
<td>Publications</td>
<td>100.53</td>
<td>188.88</td>
</tr>
<tr>
<td>LN (Publications)</td>
<td>3.74</td>
<td>4.44</td>
</tr>
</tbody>
</table>

N=64  
* females=27%  
males=6%

N=186  
^b females=31%  
males=21%

The data were grouped into two subsets: faculty with less than seven years of experience and faculty with seven or more years of academic service. Summary data from Table 5 include means and standard deviations from the two subsets. First, the data suggest an increase in mentoring over time. Only 12 percent of the new faculty members reported an absence of a mentor during graduate school, compared with 22 percent of the respondents with longer service. The increase in mentoring, however, is much more noticeable among males (from 79% to 94%) than among females (about one-third of all females in both cohorts reported no mentor). Among male faculty members with less than seven years of service, nearly all (94%) reported the presence of a mentor, compared with 79 percent of the more experienced male faculty. In addition, nearly one-third of the males in the less experienced cohort reported having a female mentor, as compared with only 7 percent of the males with more experience.

Comparing the means for gender (also interpreted as the female proportion of the subsets) suggests that 18 percent of the more experienced faculty members were female. In recent years, however, the proportion of females has been 43 percent, a sizable difference.

Data from separate publication equations are provided in Table 6. Beginning with the less experienced faculty, two mentor
items were statistically significant. The effect of same-sex mentoring was significant for males \((b=4.104)\) but not for females. That is, males with male mentors outpublished faculty members without mentors during the early stage of the career. In addition, females with male mentors were more successful in publishing \((b=1.658)\) than faculty members without mentors. It appears from these data that same-sex mentoring benefits males while cross-sex mentoring benefits females, at least with respect to publication success during the initial academic years.

Table 6. Weighted Least Squares Estimates of Publications by Years of Academic Service

<table>
<thead>
<tr>
<th></th>
<th>Fewer Than 7 Years</th>
<th></th>
<th>7 Years or More</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>b</td>
<td>se</td>
<td>b</td>
<td>se</td>
</tr>
<tr>
<td>Constant</td>
<td>-.694</td>
<td>1.001</td>
<td>5.304*</td>
<td>.528</td>
</tr>
<tr>
<td>FS/MM</td>
<td>.285</td>
<td>.508</td>
<td>.246</td>
<td>.586</td>
</tr>
<tr>
<td>MS/MM</td>
<td>4.104*</td>
<td>.458</td>
<td>.496</td>
<td>.289</td>
</tr>
<tr>
<td>FS/MM</td>
<td>1.658*</td>
<td>.717</td>
<td>.340</td>
<td>.578</td>
</tr>
<tr>
<td>MS/MM</td>
<td>-.720</td>
<td>.647</td>
<td>.290</td>
<td>.195</td>
</tr>
<tr>
<td>Gender</td>
<td>2.051*</td>
<td>.745</td>
<td>-.182</td>
<td>-.538</td>
</tr>
<tr>
<td>Research institution</td>
<td>.442</td>
<td>.461</td>
<td>.761*</td>
<td>.267</td>
</tr>
<tr>
<td>Teaching load</td>
<td>-.049</td>
<td>.048</td>
<td>-.140*</td>
<td>.034</td>
</tr>
<tr>
<td>Years of service</td>
<td>.319*</td>
<td>.151</td>
<td>-.034*</td>
<td>.015</td>
</tr>
</tbody>
</table>

\*\(p < .05\)

\(N = 64\) \(N = 186\)

\(R^2 = .39\) \(R^2 = .25\)

\(\text{Adjusted } R^2 = .30\) \(\text{Adjusted } R^2 = .22\)

\(F = 4.323\) \(F = 7.383\)

\(p \text{ value} = .000\) \(p \text{ value} = .000\)

The coefficient for gender \((b=2.051)\) implies a significant main effect on publications. The direction of the coefficient suggests that females with fewer years of service had significantly more publications than males with fewer years of service. Publications also were associated with greater length of service \((b=.319)\), at least within the range of service examined here (between one and six years). Neither affiliation with a research institution nor teaching load appeared to affect publications initially. The equation had a somewhat large and highly significant amount of variance, explained with adjusted \(R^2\) value of .30.

For the second equation, none of the mentoring items were statistically significant, nor was the main effect of gender predictive of publications. Again, faculty members who held positions in research institutions \((b=.761)\) and who taught fewer hours \((b=-.140)\) had greater success in publishing than did faculty in
teaching institutions and faculty with heavier teaching loads. The coefficient for length of service (b = -.034), also significant, implies that faculty members with more years of experience published less. The predictive power of the equation was not especially high (adjusted $R^2 = .22$).

DISCUSSION

In exploring the effect of mentoring as well as of gender differences in mentoring and its consequences, I find that mentoring had a positive and significant effect on subsequent publications. If having a mentor results in greater publication success, perhaps criminology and criminal justice departments should consider implementing formal mentoring programs.\footnote{Mentor, advisor, and major professor cannot necessarily be used interchangeably.}

The results presented here suggest that women, to a greater degree than men, pursue careers in academic criminology independent of a mentor. Data from two faculty cohorts show that mentoring appears to have increased for males, whereas little change in mentoring has occurred for females. This finding should encourage further research: for instance, how do gender relations affect the likelihood of being mentored?

In the early years of their careers, both males and females with male mentors had greater success in publication than faculty members without mentors. Faculty members with female mentors, however, were no more successful at publishing than those without mentors. Explanations for these findings are offered here.

Males traditionally have dominated academic criminology. The result of this numerical domination is a well-established male network that helps students to find elite faculty placements and facilitates subsequent collegial acceptance. Each of these elements works to encourage publication success among new faculty. Females still are less likely than males to have had a male mentor (or any mentor); yet when such mentoring occurs, exposure to the male network results in more publications than does no exposure at all.

Through their roles as editors, males typically control access to publishing. Spender (1981:195) noted that members of journal advisory boards as well as reviewers often are "contacts or friends" of editors who "agree on fundamental issues."\footnote{Spender claimed that mainstream journal editors generally are not aware that this is a problem; as members (perhaps prestigious members) of the informal network they have not suffered this disadvantage.} Furthermore, the journal editor often has the power to make the final decision. The
informal network operates to the advantage of those who have gained entrance, namely faculty members mentored by men.

In the past, female faculty members were disadvantaged structurally: they held fewer full professorships, fewer tenured positions, and fewer posts in research institutions than males (Clark and Corcoran 1986; Etaugh 1984; National Center for Education Statistics 1983, 1988). Still other evidence suggests that academic women have been excluded from collegial networks more often than men (Clark and Corcoran 1986; Simeone 1987; Theodore 1986).

Merton (1968) suggested that a series of accumulated advantages, beginning in graduate school, influences academic careers. For instance, students who enroll in prestigious graduate departments, where women are least likely to be represented on the faculty, interact with influential scholars. This situation leads in turn to prestigious faculty placements, better access to resources for conducting research, and interactions with influential colleagues (Cole and Cole 1973). I suggest here that female mentors have been less influential because of their structural limitations both at the departmental level and within the discipline itself.

The results show that the sex composition of the discipline has changed; a substantial number (43%) of new faculty members are women. Furthermore, among new faculty members, women are significantly more successful at publishing than their male counterparts, a finding that contradicts reports from various academic disciplines (cf. Cole 1979; Kirk and Rosenblatt 1984; Reskin 1978). Taken together, these changes are cause for optimism. As women's numbers and scholarly contributions increase, their effect on the discipline is inevitable. McNamee, Willis, and Rotchford (1989:19) suggested that the "intellectual presence" of academic women in sociology could push "the discipline in a more critical, qualitative, and applied direction." I hope that the publication success evident among women beginning their careers will lead to structural advancements in the form of rank and tenure.

This study, however, is not without limitations. Female mentors perhaps are crucial for other areas of career development which were not emphasized here. At a minimum, female mentors might exemplify the difficulties of combining career and family while at the same time teaching survival skills to female students entering a traditionally male-dominated discipline. It is likely that

---

7 In recognition that this study is based on cross-sectional data, there exists the possibility that women are more likely than men to leave the discipline for whatever reason.
the female mentor helps also to dispel traditional gender stereotypes held by male students. Unfortunately, I did not collect this kind of data.

Perhaps most important is the possibility of sample bias. As I discussed previously (McElrath 1989) and as Levinson et al. (1989) observed more recently, perhaps the women in this study represent the survivors. That is, these data do not include women (or men, for that matter) who have left academic criminology, either at the graduate level or as faculty members. Research is needed to further our understanding about the relationship between mentoring (or a lack thereof) and successful completion of an advanced degree in criminology or a related field.

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Gender, Career Disruption,
and Academic Rewards

In recent years there have been numerous claims of an academic wage gap that favors males [6, 12, 13, 14]. Scholars also have noted that rank and/or tenure differences exist between male and female faculty members [5, 8, 17]. Others have suggested that different criteria are used to evaluate male and female faculty members and that females reap fewer returns for their achievements [16]. Researchers offer competing explanations of sex-related academic reward differences.

One explanation focuses on discriminatory practices of employers and colleagues. Its proponents argue that women in male-dominated professions are perceived as deviant and are treated as such [11, 25]. Discrimination in academia can take many forms, including — but not limited to — excluding women from informal collegial networks [18, 29]; a disregard for feminist or gender-related research [7, 29], which may be used against women in tenure decisions [30]; and subtle or overt sexual harassment [30].

A second explanation assumes sex differences in research productivity. Scholars from various academic disciplines have claimed that males out-publish females [9, 22, 26]. Thus, a difference in academic rewards is attributed, in part, to productivity differences between males and females.

A third perspective on the relation between sex and academic rewards focuses attention on career disruption. Scholars have noted that faculty women are more likely than faculty men to interrupt their careers, even when women are the primary earners [27]. Interrupting a career does not generally occur because of pregnancy or child rearing; rather, professional women interrupt careers more often for a job-seeking spouse.

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These findings may reflect traditional gender role expectations or, in an era of affirmative action, women may believe that locating employment poses less difficulty for them than their husbands. The inherent danger in these findings is that colleagues and administrators may believe that hiring women is risky business or that women in general are less committed to a career than are men. Moreover, faculty members who interrupt their careers are likely to experience fewer academic rewards, for example, tenure and salary, upon returning to the workplace due to the break in length of service and lower productivity during the interruption. Further, employers may question whether a returning faculty member is dedicated to a career [28].

The major purpose of this study was to explore the relationship between career disruption and academic rewards. I address a number of questions. First, are faculty women more likely than faculty men to interrupt their careers? If so, why? Second, how do career disruptions affect tenure and earnings? Finally, are men and women rewarded equally for their achievements? That is, are the returns similar for males and females?

**Methodology**

I collected the data in spring 1989 as part of a larger study on faculty achievements in academic criminology [23]. The population from which the sample was drawn included faculty members in departments of criminology, criminal justice, sociology, and related fields. Faculty names were drawn from 1987–88 membership directories of the American Society of Criminology, the Academy of Criminal Justice Sciences, the Crime and Delinquency Division of the Society for the Study of Social Problems, and the Criminology Section of the American Sociological Association. The female proportion in this population was 21 percent. This figure represents an increase in faculty women in the past ten years; in an earlier study women accounted for 9 percent of criminology and criminal justice faculty [19].

Using a stratified random sampling technique, I selected 300 females randomly from the total population of female faculty members \( N = 366 \). This figure represented 82 percent of the females in the population. Similarly, I selected 300 males from a population of 1364 male faculty members (or 22 percent of the male faculty population).\(^1\) The decision to sample 600 faculty members was due largely to mailing costs.

\(^1\)Proportionsate stratified random samples inhibit valid significance testing unless cases are weighted to reflect their representation in the population. Because of their proportion in the population (79 percent of the total faculty membership), males were
Gender and Academic Rewards

I collected data by mail questionnaire. The purpose of the study was explained in a cover letter that accompanied the survey. Subjects were assured of anonymity. I ascertained nonresponse by including a post card with a unique number. Respondents were asked to mail the card separately so that their name could be removed from the mailing list. I sent follow-up questionnaires to those who failed to respond to the initial mailing. The final response rate was 58 percent (N = 314).^2

Of those responding, females accounted for 49 percent and males accounted for 51 percent. Journal publications (but not book publications) were missing from 64 questionnaires. Because I viewed publications as a critical variable in the analyses, I omitted cases with missing data from this analysis. As a result, the sample size was reduced to 250 faculty members.

Dependent Variables

I used three outcome measures for the analysis. First, I asked for tenure status, using a dichotomous measure that indicated whether the respondent had tenure. The variable was coded 1 for tenured faculty and 0 for nontenured faculty. Second, I asked faculty members with tenure to state the year in which they had obtained tenure. Then I calculated years to receive tenure, the second outcome measure, by subtracting the starting year of full-time faculty status from the year in which tenure was obtained. Finally, I measured gross income (from the faculty position only) with a rank-ordinal scale consisting of 13 salary ranges. Despite the ordinal level of measurement, I treated this response as an interval variable because of the large number of categories.

Independent Variables

Career disruption. I used two indicators of career disruption. First, I asked respondents whether they had ever left an academic position for a period of at least one year as a result of pregnancy or because a spouse was transferred or had obtained employment elsewhere. Faculty members who had left an academic position for any reason for at least one

---

^2No effort was made to determine the reasons for nonresponse. However, there was no sex difference regarding survey returns. Moreover, some data (for example, tenure information) were consistent with other findings, which suggests that the sample was representative.
year were coded 1; others were coded 0.3 Second, I asked respondents to list the total number of academic job changes (or different university or college affiliations). Changing jobs was different from leaving an academic career in that the former did not necessarily result in a break in length of service.

Publications. Publication activity was a composite measure that accounted for the quantity and quality of publications. Both book and journal publications were included as variables.

I asked respondents to state the number of book publications in the past 10 years. Categories and respective values for each publication type included sole-authored book (100), co-authored book (50), sole-edited book (25), co-edited book (20), and chapter contribution (10).

To measure journal publications, I asked subjects to provide all journal publications during the same ten-year period. I used the following weights: sole-authored article (20), co-authored article (10), sole-authored reply (2), co-authored reply (2), sole-authored book review (2), and co-authored book review (1). Because some journals are perceived as more prestigious than others within academic disciplines [33], I multiplied each journal publication score by the mean journal rating assigned by respondents. (In an earlier item, faculty members were asked to rate a number of journals in comparison to Criminology.) Then I assigned each respondent two publication scores based on 1) published books and 2) published journal articles.4

Length of service. Length of service was operationalized by the number of years respondents had worked in a faculty position in a college or university.

Rank. Present rank included four response categories: lecturer, assistant professor, associate professor, and full professor. These were dummy variables; assistant professor rank was the omitted category used for comparison.

Education. Education was a dichotomous measure indicating whether the faculty member had obtained a Ph.D. Those with doctorates were coded 1; those without doctorates were coded 0.

Institution type. Current institutional affiliation included research institution (coded 1) and teaching institution (coded 0).

Committee Service. Committee membership included service on uni-

3Subjects also were asked to state the year in which the career interruption(s) occurred. This item was necessary to establish the time order between career interruption and tenure.

4I estimated a number of equations using different weighting variations, but found no differences with respect to significant coefficients.
versity committees and service on department committees. I operation-
alized each type of service by asking respondents to list the average
number of committees on which they served per year. Unfortunately I
did not ascertain the correct time order between tenure and committee
service. That is, increased committee membership might be a function
of tenured status (the relationship most likely is reciprocal). The results
did not change, however, when the committee variables were omitted
from the tenure equation; therefore I included them here.

Contract length. I asked respondents to state whether earnings were
based on a twelve-month or a nine-month contract (the latter was the
omitted category used for comparison).

Children. Finally, I controlled for the presence of children (1 = chi-
dren, 0 = no children). The original survey item requested that respon-
dents list the actual number of children and their birth years. An earlier
analysis, however, had revealed no difference in outcome measures when
the number of children was compared to the presence of children (yes/
no).

Findings

Data from table 1 include descriptive statistics for the sample of male
and female faculty members. Means for dichotomous variables (ranging
from 0 to 1) can also be interpreted as percentages. Sex differences
among tenured faculty are noteworthy; about one-half of all women in
the sample were tenured, compared to 82 percent of the males. This find-
ing is fairly consistent with national tenure data when other variables are
not controlled [24]. On average, male faculty members achieved tenure
is less time than females (a mean difference of about eight months). Sal-
ary differences without controls (for example, rank, years of service)
were substantial; males earned about $6000 more per year than females.
The average length of service was about 15 years for males and approx-
imately 10 1/2 years for females.

Only 5 percent (N = 6) of the males had left an academic position,
compared to 21 percent (N = 27) of the females. Respondents were
asked to state the reason for leaving, although these data are not pres-
ented in tabular form. Among women who had left academia for at least
one year, the great majority (76 percent) listed spouse's employment as
the primary reason for doing so. Women were three times as likely to in-
terrupt their careers for a spouse's employment than for maternity. In
addition, 50 percent of the women in the sample had no children, com-
pared to only 13 percent of the men. On average, males changed jobs
more frequently (X = 1.25 changes) than females (X = 0.92 changes).
TABLE I
Variable Means and Standard Deviations, Male and Female Faculty

<table>
<thead>
<tr>
<th>Variable</th>
<th>Females</th>
<th></th>
<th></th>
<th>Males</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Coded</td>
<td>Mean</td>
<td>SD</td>
<td>Mean</td>
<td>SD</td>
<td></td>
</tr>
<tr>
<td>Tenured</td>
<td>0.1</td>
<td>0.53</td>
<td>0.50</td>
<td>0.82</td>
<td>0.39</td>
<td></td>
</tr>
<tr>
<td>Years to tenure</td>
<td>7.71</td>
<td>4.67</td>
<td></td>
<td>7.05</td>
<td>3.68</td>
<td></td>
</tr>
<tr>
<td>Annual salary</td>
<td>$35,019</td>
<td>10,093</td>
<td></td>
<td>$40,922</td>
<td>9,765</td>
<td></td>
</tr>
<tr>
<td>Career interruptions</td>
<td>0.1</td>
<td>0.21</td>
<td>0.41</td>
<td>0.05</td>
<td>0.22</td>
<td></td>
</tr>
<tr>
<td>Job changes</td>
<td>0.92</td>
<td>1.11</td>
<td></td>
<td>1.25</td>
<td>1.19</td>
<td></td>
</tr>
<tr>
<td>Journal publications</td>
<td>64.29</td>
<td>74.37</td>
<td></td>
<td>73.94</td>
<td>72.02</td>
<td></td>
</tr>
<tr>
<td>Book publications</td>
<td>77.66</td>
<td>121.66</td>
<td></td>
<td>113.69</td>
<td>158.14</td>
<td></td>
</tr>
<tr>
<td>Children</td>
<td>0.1</td>
<td>0.50</td>
<td>0.50</td>
<td>0.87</td>
<td>0.34</td>
<td></td>
</tr>
<tr>
<td>Lecturer</td>
<td>0.1</td>
<td>0.05</td>
<td>0.23</td>
<td>0.03</td>
<td>0.16</td>
<td></td>
</tr>
<tr>
<td>Assistant professor</td>
<td>0.1</td>
<td>0.36</td>
<td>0.47</td>
<td>0.16</td>
<td>0.37</td>
<td></td>
</tr>
<tr>
<td>Associate professor</td>
<td>0.1</td>
<td>0.41</td>
<td>0.49</td>
<td>0.39</td>
<td>0.49</td>
<td></td>
</tr>
<tr>
<td>Full professor</td>
<td>0.1</td>
<td>0.18</td>
<td>0.39</td>
<td>0.42</td>
<td>0.50</td>
<td></td>
</tr>
<tr>
<td>Ph.D.</td>
<td>0.1</td>
<td>0.89</td>
<td>0.31</td>
<td>0.87</td>
<td>0.34</td>
<td></td>
</tr>
<tr>
<td>Years of service</td>
<td>10.57</td>
<td>7.50</td>
<td></td>
<td>15.12</td>
<td>8.66</td>
<td></td>
</tr>
<tr>
<td>Research institution</td>
<td>0.1</td>
<td>0.59</td>
<td>0.50</td>
<td>0.57</td>
<td>0.50</td>
<td></td>
</tr>
<tr>
<td>University committees</td>
<td>1.11</td>
<td>1.17</td>
<td></td>
<td>1.03</td>
<td>0.86</td>
<td></td>
</tr>
<tr>
<td>Department committees</td>
<td>1.34</td>
<td>1.27</td>
<td></td>
<td>1.33</td>
<td>1.16</td>
<td></td>
</tr>
<tr>
<td>Nine-month contract</td>
<td>0.1</td>
<td>0.59</td>
<td>0.50</td>
<td>0.60</td>
<td>0.49</td>
<td></td>
</tr>
<tr>
<td>Twelve-month contract</td>
<td>0.1</td>
<td>0.24</td>
<td>0.43</td>
<td>0.25</td>
<td>0.43</td>
<td></td>
</tr>
</tbody>
</table>

N = 128                    N = 122

*Data are measured on an interval scale unless indicated otherwise.

Rank differences were substantial, particularly among assistant professors (males = 16 percent; females = 33 percent) and full professors (males = 42 percent; females = 18 percent).5 Virtually no sex differences, however, were observed for faculty members with Ph.D.'s (females = 89 percent; males = 87 percent), position in research institution (males = 57 percent; females = 59 percent), committee membership (about one per year), and length of contract (nine-month contract was the norm for both males and females). Finally, the data suggest that the publication rate was higher for males than for females, both for book publications (female mean score = 77.66; male mean score = 113.69) and for journal publications (female mean score = 64.29; male mean score = 73.94). T-tests, however, suggested that neither difference was statistically significant (books: t-value = −1.66, p = 0.186; journals: t-value = −0.87, p =

5Data from 1975–76 showed that nationally, 12 percent of faculty women in universities were full professors [1]. If the same were true in criminology and criminal justice, the data presented here would indicate little change in rank representation among women. Yet in view of the large representation of female assistant professors, one wonders how the discipline will evolve in the next 15 to 20 years.
Gender and Academic Rewards

0.384. This finding is consistent with that of Widmayer and Rabe [32]
although their study differed in terms of the sampling frame and mea-
ure of productivity.

Table 2 includes the results from the tenure equations. Because tenure
status was a dichotomy (0,1), the assumptions of linearity and homo-
skedasticity are violated by the use of ordinary least squares (OLS) re-
gression [2]. Therefore I used probit models for estimating the equations.

<table>
<thead>
<tr>
<th></th>
<th>Females</th>
<th>Males</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Coeff. SE</td>
<td>Coeff. SE</td>
</tr>
<tr>
<td>Constant</td>
<td>-4.913* (0.965)</td>
<td>-3.206* (1.293)</td>
</tr>
<tr>
<td>Career interruptions</td>
<td>-1.243* (0.596)</td>
<td>0.421 (0.977)</td>
</tr>
<tr>
<td>Job changes</td>
<td>-0.485* (0.221)</td>
<td>-0.127 (0.217)</td>
</tr>
<tr>
<td>Children</td>
<td>0.804 (0.430)</td>
<td>-0.303 (0.772)</td>
</tr>
<tr>
<td>Ph.D.</td>
<td>1.449 (0.784)</td>
<td>-0.043 (0.649)</td>
</tr>
<tr>
<td>Years of service</td>
<td>0.231* (0.043)</td>
<td>0.342* (0.081)</td>
</tr>
<tr>
<td>Journal publications$^*$</td>
<td>0.351* (0.156)</td>
<td>-0.103 (0.185)</td>
</tr>
<tr>
<td>Book publications$^*$</td>
<td>0.113 (0.109)</td>
<td>0.285 (0.151)</td>
</tr>
<tr>
<td>University committees</td>
<td>0.256* (0.082)</td>
<td>0.202 (0.117)</td>
</tr>
<tr>
<td>Department committees</td>
<td>0.215* (0.098)</td>
<td>0.017 (0.078)</td>
</tr>
</tbody>
</table>

$^*$Natural log

$^*p \leq 0.05$

$X^2 = 117.78$

$X^2 = 73.85$

$p = 0.000$

$p = 0.000$

$N = 128$

$N = 122$

Beginning with female faculty members, the results show an inverse
relationship between career interruptions and tenure status ($b = -1.243$).
Despite controls for publications and length of service, women who
had left their academic job but had returned were significantly less
likely to be tenured than those who had maintained career continuity.
The data also show that the probability of obtaining tenure was reduced
significantly as women changed academic jobs more often ($b = -0.485$).

Among women, achieving tenure was associated with an increase in
the quality and quantity of journal publications ($b = 0.351$) but not of
book publications. Service on university ($b = 0.256$) and departmental
committees ($b = 0.215$) also were predictive of tenure. Although I in-
cluded length of service here primarily as a control variable, its coeffi-
cient also was statistically significant ($b = 0.231$). Faculty women with
Ph.D.'s were no more likely to have been tenured than those without
Ph.D.'s.
The tenure equation for males yielded only one significant predictor, namely length of service ($b = 0.342$). Career disruption had no effect on achieving tenure among males, nor did the presence of children, having a Ph.D., publication activity, or committee membership.

I used OLS regression to estimate the amount of time (in years) to receive tenure. Unless one accounts for predictors of tenure status before estimating the years to receive tenure, the results will be based on non-random case selection, and the likelihood of biased estimates will be increased [4]. To determine the potential for sample selection bias I was required to make a correction by first estimating tenure status (tenured/nontenured), which then became the selection equation. Using the software package LIMDEP [20], I "saved" the predicted probabilities of tenure status and took them into account when estimating the years to receive tenure. The results are presented in table 3.

For female faculty members, the coefficient representing career leaves was again statistically significant ($b = 3.161$). The sign of the coefficient (positive) shows that tenured women who had interrupted their careers took longer to obtain tenure than their female counterparts who had not done so. The magnitude of the coefficient suggests that women who interrupted their careers took about 3 1/3 years longer to achieve tenure than women with no career interruptions. The coefficient for job changes ($b = 1.625$) suggests that achieving tenure took longer as women changed jobs more frequently, net of the effects of controls.

<table>
<thead>
<tr>
<th>TABLE 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ordinary Least Squares Estimates of Years to Achieve Tenure, with a Correction for Sample Selection Bias</td>
</tr>
<tr>
<td>Females</td>
</tr>
<tr>
<td>Coeff.</td>
</tr>
<tr>
<td>Constant</td>
</tr>
<tr>
<td>Career interruptions</td>
</tr>
<tr>
<td>Job changes</td>
</tr>
<tr>
<td>Children</td>
</tr>
<tr>
<td>Ph.D.</td>
</tr>
<tr>
<td>Journal publications</td>
</tr>
<tr>
<td>Book publications</td>
</tr>
<tr>
<td>$R^2 = 0.40$</td>
</tr>
<tr>
<td>Adj. $R^2 = 0.33$</td>
</tr>
<tr>
<td>$F = 5.728$</td>
</tr>
<tr>
<td>$p = 0.000$</td>
</tr>
<tr>
<td>$N = 68$</td>
</tr>
</tbody>
</table>

* $p \leq 0.05$
Gender and Academic Rewards

Although the coefficients for each publication measure were in the predicted direction (negative), neither was statistically significant. Finally, education (Ph.D.) had no statistically significant effect on time to tenure for women. The adjusted $R^2$ for the equation was 0.33.

Among male faculty members, only one variable (journal publications) was found to be a significant predictor of time to tenure. Specifically, an increase in journal publication among males reduced significantly the time to tenure. Again, career disruption indicators and education were not statistically significant. The adjusted $R^2$ for the equation was only 0.13.

A comparison of the coefficients from the separate equations in table 3 suggests that males were rewarded more highly than females for journal publications. Further, women reaped fewer rewards than men when they interrupted their careers or changed academic jobs. In other words, men were rewarded for performance, women for career stability.

Because of the presence of heteroskedasticity, I derived estimates of faculty earnings from weighted least squares.6 (The results are provided in table 4.) A comparison of the two equations suggests that nearly identical predictors of salary were obtained for male and for female faculty members. For both sexes, higher earnings were associated with length of service, book publications (females actually were rewarded slightly more than males), higher rank, and twelve-month contracts (as compared to faculty members with nine-month contracts). Although the coefficient for career interruptions was no longer statistically significant, women still were penalized for frequent job changes ($b = -0.377$). In addition, men were rewarded for their education ($b = 1.059$), whereas women were not. A comparison of the coefficients for rank suggests that males earned more at each rank, although this difference was least noticeable at the rank of full professor. The adjusted $R^2$ for each equation was quite high (females = 0.67; males = 0.61), a finding that suggests a substantial amount of variation explained.

Discussion

When women interrupt their careers or change academic jobs the effects on tenure are substantial; the probability of obtaining tenure de-

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6To detect heteroskedasticity I employed a two-step procedure using the software package SPSS-X. (This procedure is available from the author on request.) White [31] developed a correction for heteroskedasticity; that is, consistent estimates are derived even in the presence of heteroskedasticity. This correction method is available in the statistical software package LIMDEP [20].
Table 4
Weighted Least Squares Estimates of Earnings

<table>
<thead>
<tr>
<th></th>
<th>Females</th>
<th>Males</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Coeff.</td>
<td>SE</td>
</tr>
<tr>
<td>Constant</td>
<td>5.556*</td>
<td>0.519</td>
</tr>
<tr>
<td>Career interruptions</td>
<td>0.799</td>
<td>0.425</td>
</tr>
<tr>
<td>Job changes</td>
<td>-0.377*</td>
<td>0.145</td>
</tr>
<tr>
<td>Children</td>
<td>-0.035</td>
<td>0.295</td>
</tr>
<tr>
<td>Ph.D.</td>
<td>-0.895</td>
<td>0.469</td>
</tr>
<tr>
<td>Journal publications</td>
<td>0.219</td>
<td>0.150</td>
</tr>
<tr>
<td>Book publications</td>
<td>0.277*</td>
<td>0.079</td>
</tr>
<tr>
<td>Years of service</td>
<td>0.090*</td>
<td>0.028</td>
</tr>
<tr>
<td>Research institution</td>
<td>0.360</td>
<td>0.343</td>
</tr>
<tr>
<td>Lecturer*</td>
<td>-4.761*</td>
<td>0.572</td>
</tr>
<tr>
<td>Associate professor</td>
<td>0.659</td>
<td>0.378</td>
</tr>
<tr>
<td>Full professor</td>
<td>2.782*</td>
<td>0.708</td>
</tr>
<tr>
<td>Twelve-month contract</td>
<td>1.138*</td>
<td>0.333</td>
</tr>
</tbody>
</table>

$r^2 = 0.70  \quad r^2 = 0.65  
\text{Adj. } r^2 = 0.67  \quad \text{Adj. } r^2 = 0.61  
F = 21.806  \quad F = 16.634  
p = 0.000  \quad p = 0.000  
N = 128  \quad N = 122  

*Omitted category was assistant professor
*p \leq 0.05

Increases and the length of time to tenure increases. There is little evidence from these data that men are similarly disadvantaged.

Why are career interruptions detrimental for academic women? This finding cannot be explained by productivity levels. Perhaps work interruptions are perceived as a lack of dedication to an academic career. Tenure is a decision made by colleagues initially. Tenure committee members may believe that a previous work interruption implies a future interruption. The seriousness of the scholar is called into question; women who interrupt their careers may not be considered worthy of tenure status.

Women in this sample who changed jobs did not do so for the purpose of upward mobility; rather, interuniversity mobility was associated with a loss of academic rewards among women. However, women who changed jobs may have been rewarded in ways such as enhanced collegiality or lighter teaching loads. Further, a number of women who wrote comments on the questionnaire stated that they had changed academic jobs (but had not left academia) to further a husband's career. Many also indicated that they had left tenured positions in order to move. Because of the increase in dual career couples, universities should
adopt policies that will assist in finding acceptable employment for spouses. In the absence of official policy, department chairs and deans should make use of informal networks in order to enhance the career opportunities of spouses.

I found few factors to be predictive of tenure and years to tenure among males. A positive tenure decision for males may be associated with other factors that this study was unable to tap. Some time ago, Hennig and Jardim [21] argued that men, more so than women, are evaluated by their potential. Male tenure candidates in this study may have been judged by intangible factors, which perhaps includes a subjective interpretation of “potential.”

When salary data were analyzed, I found fewer reward differences between male and female faculty members. For instance, both males and females were rewarded for length of service, book publications, and academic rank. Males, however, were rewarded for education, whereas women were not. As noted previously salary differences were observed for males and for females at the same rank. Although I controlled for publications, length of service, and other factors, females were paid less than males as lecturers, associate professors, and full professors. Academic scholars are concerned often with issues of equality. We demonstrate hypocrisy, however, when we allow for salary inequities among our own colleagues.

A disparate reward structure sends a powerful message to female students, who may observe a greater proportion of female faculty members than in the past, but in less powerful positions than those held by men. The underlying message is that combining marriage with an academic career has a detrimental effect on academic women’s careers. I suggest that the reward structure observed here may hinder the recruitment of faculty women.

Further research will provide additional insight into academic rewards. One approach is to examine tenure review processes at selected institutions. Departmental research may generate more accurate data than national multidepartmental surveys. Research that focuses on single departments needs to include indicators of faculty productivity in order to curb some methodological criticisms.

The faculty members in this study may represent the survivors in the discipline. That is, this research drew respondents from professional associations and may have omitted those women (or men) who had left academia. Further, current faculty members who do not maintain membership with at least one of the associations also were excluded from this research. Departmental research might eliminate this second source of bias.
Finally, because this sample drew from only one academic discipline, replication of studies from other disciplines are needed. The findings noted here may be specific to the discipline under study. The academic labor market in criminology and criminal justice has expanded greatly, which may encourage interuniversity mobility. In other words, career disruptions and job changes may be in part a function of the academic labor market in a particular discipline. Further research might focus on the relationship between academic labor markets and career disruption.

References

SALARY, TENURE AND PROMOTION ISSUES AFFECTING FEMALE FACULTY: A CAMPUS EXPERIENCE

PRESENTER:

P.J. BOYLAN
DIRECTOR, LEGAL AFFAIRS
UNIVERSITY OF WISCONSIN-MILWAUKEE
MILWAUKEE, WISCONSIN

Presented by Stetson University
College of Law at the:

15th ANNUAL NATIONAL CONFERENCE ON LAW & HIGHER EDUCATION
Clearwater Beach, Florida
February 13-16, 1994
Wis. Stat. §36.13(2)(b) (1991-1992) The board may grant a tenure appointment without the affirmative recommendation of the appropriate academic department or its functional equivalent if all of the following apply:

1. The board has the affirmative recommendation of the appropriate chancellor.

2. A faculty committee authorized by the board by rule to review the negative recommendation of the academic department or its functional equivalent finds that the decision of the academic department or its functional equivalent was based upon impermissible factors, as defined by the board by rule.

3. The board has the affirmative recommendation of a committee appointed according to the policies and procedures of the appropriate institution to review the individual’s record with reference to criteria for tenure published by the institution under procedures established by the board by rule. No person may be appointed to the committee under this subdivision unless the person is knowledgeable or experienced in the individual’s academic field or in a substantially similar academic field. No member of the committee appointed under this subdivision may be a member of the academic department, or its functional equivalent, that made the negative recommendation. The committee appointed under this subdivision may not base its tenure recommendation upon impermissible factors, as defined by the board by rule.

Wis. Stat. § 36.13(2)(d) (1991-1992) A probationary appointment shall not exceed 7 consecutive academic years in a full-time position in an institution. A leave of absence, sabbatical or a teacher improvement assignment does not constitute a break in continuous service and shall not be included in the 7-year period. The board may promulgate rules specifying additional circumstances that do not constitute a break in continuous service and that shall not be included in the 7-year period.
SECTION 1. UWS 3.04 is renumbered 3.04(1) and amended to read:

UWS 3.04 PROBATIONARY APPOINTMENTS. (1) Each institution's rules for faculty appointments shall provide for a maximum 7-year probationary period in a full-time position, and may provide for a longer maximum probationary period in a part-time position of at least half time. Such rules may permit appointments with shortened probationary periods or appointments to tenure without a probationary period. Provision shall be made for the appropriate counting of prior service at other institutions and at the institution. A leave of absence, sabbatical leave, or teacher improvement assignment shall not constitute a break in continuous service, nor shall it be included in the probationary period. Tenure is not acquired solely because of years of service.

SECTION 2. UWS 3.04 (2), (3), and (4) are created to read:

UWS 3.04 (2) A leave of absence, sabbatical or a teacher improvement assignment does not constitute a break in continuous service and shall not be included in the 7-year period under sub. (1).

UWS 3.04 (3) Circumstances in addition to those identified under sub. (2) that do not constitute a break in continuous service and that shall not be included in the 7-year period include responsibilities with respect to childbirth or adoption, significant responsibilities with respect to elder or dependent care obligations, disability or chronic illness, or circumstances beyond the control of the faculty member, when those circumstances significantly impede the faculty member's progress toward achieving tenure. It shall be presumed that a request made under this section because of responsibilities with respect to childbirth or adoption shall be approved. A request shall be made before a tenure review commences under s. UWS
3.06(1)(c). A request for additional time because of responsibilities with respect to childbirth or adoption shall be initiated in writing by the probationary faculty member concerned and shall be submitted to a designated administrative officer who shall be authorized to grant a request and who shall specify the length of time for which the request is granted. Except for a request because of responsibilities with respect to childbirth or adoption, a request made because of other circumstances under this section shall be submitted to a designated administrative officer who shall be authorized to grant a request in accordance with institutional policies. A denial of a request shall be in writing and shall be based upon clear and convincing reasons. More than one request may be granted because of responsibilities with respect to childbirth or adoption. More than one request may be granted to a probationary faculty member but the total, aggregate length of time of all requests, except for a request because of responsibilities with respect to childbirth or adoption, granted to one probationary faculty member ordinarily shall be no more than one year. Each institution shall develop procedures for reviewing the requests.

(4) If any faculty member has been in probationary status for more than seven years because of one or more of the reasons set forth in sub. (2) or (3), the faculty member shall be evaluated as if he or she had been on probationary status for 7 years.

**EXAMPLE:**

A faculty member has been on probationary status for a total of 9 years because the faculty member was granted two requests under sub. (3) for one-year extensions because of the birth of two children. The faculty member's teaching, research and professional and public
service and contribution to the institution shall be evaluated as if
the faculty member had only 7 years to work towards achieving
tenure, rather than as if the faculty member had been working
towards achieving tenure for 9 years.

SECTION 3. UWS 3.06(1)(b) is amended to read:

UWS 3.06(1)(b) Criteria. Decision relating to renewal of appointments or
recommending of tenure shall be made in accordance with institutional rules
and procedures which shall require an evaluation of teaching, research and
professional and public service and contribution to the institution. The
relative importance of these functions in the evaluation process shall be
decided by departmental, school, college and institutional faculties in
accordance with the mission and needs of the particular institution and its
component parts. Written criteria for these decisions shall be developed by
the appropriate institutional faculty bodies. Written criteria shall provide
that if any faculty member has been in probationary status for more than 7
years because of one or more of the reasons set forth in s. UWS 3.04 (2) or
(3), the faculty member shall be evaluated as if he or she had been in
probationary status for 7 years.

SECTION 4. UWS 10.03(2)(a) is renumbered 10.03(2)(a)1. and is amended
to read:

UWS 10.03(2)(a) Probationary academic staff appointments. 1. Each
institution of the system may appoint selected members of the academic staff
to probationary academic staff appointments leading to review and a decision
on an indefinite appointment. Each institution shall adopt procedures to
govern such appointments. These procedures shall provide for appropriate
counting of prior service, for a maximum probationary period not to exceed 7
years for a full-time position, for annual appraisal of performance, and for an affirmative review process prior to the end of the probationary period resulting in promotion to an indefinite appointment or termination of the appointment. A longer maximum probationary period may be provided for part-time appointees. Unless otherwise specified, probationary appointments shall be for a period of one year. A leave of absence shall not constitute a break in continuous service, nor shall it be included in the probationary period. An indefinite appointment is not acquired solely because of years of service.

SECTION 5. UWS 10.03(2)(a) 2., 3., and 4., are created to read:

UWS 10.03(2)(a)2. A leave of absence shall not constitute a break in continuous service, nor shall it be included in the probationary period under sub. (1).

UWS 10.03(2)(a)3. Circumstances that do not constitute a break in continuous service and that shall not be included in the 7-year period include responsibilities with respect to childbirth or adoption, significant responsibilities with respect to elder or dependent care obligations, disability or chronic illness, or circumstances beyond the control of the academic staff member, when those circumstances significantly impede the academic staff member's progress toward achieving indefinite status. It shall be presumed that a request made under this section because of responsibilities with respect to childbirth and adoption shall be approved. A request shall be made before an indefinite status review commences under s. UWS 10.03(2)(a)1. A request for additional time because of responsibilities with respect to childbirth or adoption shall be initiated in writing by the academic staff member concerned and shall be submitted to a designated administrative officer who shall be authorized to grant a request following consultation with the
academic staff member’s supervisor and who shall specify the length of time for which the request is granted. Except for a request because of responsibilities with respect to childbirth and adoption, a request made because of other circumstances under this section shall be submitted to a designated administrative officer who shall be authorized to grant a request in accordance with institutional policies. A denial of a request shall be in writing and shall be based upon clear and convincing reasons. More than one request may be granted because of responsibilities with respect to childbirth or adoption. More than one request may be granted to a probationary academic staff member but the total, aggregate length of time of all requests, except for a request because of responsibilities with respect to childbirth or adoption, granted to one probationary academic staff member ordinarily shall be no more than one year. Each institution shall develop procedures for reviewing the requests.

4. If any academic staff member has been in probationary status for more than seven years because of one or more of the reasons set forth in sub. 2. or 3., the academic staff member shall be evaluated as if he or she had been on probationary status for 7 years.

EXAMPLE:

An academic staff member has been on probationary status for a total of 9 years because the academic staff was granted two requests under sub. 3. for one-year extensions because of the birth of two children. The academic staff member’s record of performance shall be evaluated as if the academic staff had only 7 years to work towards achieving indefinite status, rather than as if the academic
staff member had been working towards achieving indefinite status for 9 years.
REFERENCE MATERIALS

OFCCP Regulations—41 CFR Ch. 60


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Trojan et al. v. Board of Regents et al., 128 Wis.2d 270, 311 NW.2d 586 (Wis Ct. App. 1985), pet. den., 130 Wis.2d 544 (1986)