



Action Plan for Faculty Diversity and Excellence May 31, 2012

Introduction

Penn Law School has prepared this report and action plan as part of a University-wide conversation on faculty and student diversity that is underway during the 2011-2012 academic year. In this important effort the Law School is guided by our commitment to the general goals set out as “First Principles” in the University-wide Action Plan for Faculty Diversity and Excellence. Among these general principles are:

A great university—true to its name—must encompass a universe of backgrounds and experiences, ideas and ideologies, theories and perspectives. At Penn, we embody this diversity in our strategic vision, the Penn Compact, which promises to increase access for talented and hardworking students of all backgrounds, to integrate knowledge across far-reaching areas of inquiry, and to engage with our multiplicity of local and global communities. Across 12 Schools, more than 25,000 students, and more than 4,000 faculty members, we become one university: a wide-ranging, ever-changing community that draws its strength from a multitude of races, ethnicities, genders, sexual orientations, historical traditions, ages, religions, disabilities, veteran status, interests, perspectives, and socioeconomic backgrounds.

In the vision of our founder Benjamin Franklin, the diversity of our university must reflect the diversity of the world around it—and the diversity of the world that we want our students to lead. Diversity thereby informs our mission to prepare the students who will be the guardians and innovators of the future. It shapes our shared responsibility, as an intellectual community, to foster innovative research, advance a variety of new approaches, and consider issues from a wide range of viewpoints. At the same time, diversity remains an aspiration and a goal that demands continual improvement. We value diversity above all as a means toward the essential ends of higher education: equalizing opportunity, educating leaders for all sectors of society, and enriching the experience of all members of our community insofar as we learn more from those who are different from us than from those who are just like ourselves.

The Law School welcomes the invitation this year to think more

systematically about these issues, to institute more specific procedures and programs that will help us achieve our diversity goals, and to exchange ideas with others at Penn outside of the Law School who share our commitment to diversity. This action plan reflects an effort to take stock of the Law School's past efforts to achieve these goals, assess our current faculty composition and recruitment and retention practices, and provide suggestions of specific measures that may in the future enhance our ability to attract and retain a talented and diverse faculty.

The document proceeds in five parts: (1) a brief discussion of the importance of diversity in the Law School setting and the relationship of this action plan and the goals set out here with the broader faculty governance culture of the Law School; (2) an assessment of the current state of faculty diversity at the Law School along various dimensions; (3) a discussion of the appointments process at the Law School with focus on future procedural steps for various types of hiring; (4) a section on the Law School's procedures for retaining and mentoring faculty; and (5) a discussion of current and future efforts to produce and mentor future legal scholars from a variety of backgrounds and perspectives.

1. Penn Law School's Commitment to Faculty Diversity and Deliberative Faculty Governance

Penn Law School shares the University's vision that "the diversity of our [institution] must reflect the diversity of the world around it – and the diversity of the world we want our students to lead." Never has this imperative been more concrete and immediate for the Law School than at the present, as our longstanding stature as a leading national law school has been enhanced to include an increasingly global prominence. Our students come to Penn Law from 39 states and 50 different countries, and many return to those venues as legal, political and academic leaders. More generally, all of our students will enter a legal world rapidly becoming more diverse on multiple dimensions, and we seek to prepare them to the fullest extent possible by exposing them to a range of ideas and methodologies, and by promoting interaction with faculty and students from broadly diverse backgrounds. Moreover, many of the nation's most elite law schools – our peers and competitors in student and faculty recruitment – have made increasing faculty diversity a major hiring priority over the past five to ten years, and we are aware of the need to retain our own institutional focus on such efforts.

Increasing faculty diversity is an important institutional goal, and one on which the Law School has achieved some success and faced some challenges over the past several years. This document reflects an institutional interest in maintaining a continued focus on building and maintaining a faculty of intellectual rigor, breadth, and diversity. We hope and expect that the data, discussion, and proposals contained in this action plan will further the Law School's pursuit of this worthy goal. Yet as legal scholars keenly aware of the large gap between the "law on the books" and the "law in action," we recognize that the real impetus for greater diversity at the Law School must of necessity reside in the decisions made by the

law faculty itself rather than in the four corners of this document. This is particularly true given the strong tradition of broad-based deliberation and collective decision-making that characterizes major decisions about the direction of the law school. We regard this document as fully consistent with that tradition, and this in turn drives our consideration of various key features of this action plan.

The first of these design features is that we have chosen not to set forth an all-inclusive definition of diversity or the specific variables that ought be considered in our overall institutional goal. As a faculty we have been, and will continue to be, aware of the many diversity considerations in hiring, and our precise conception of what dimensions of difference matter may change somewhat over time and through our deliberative process. Thus we feel that any overly-specific effort in this plan to specify precisely what is (and is not) diversity would be misguided in the short term and futile in the long run. At the same time, we acknowledge that this Plan does devote more discussion to some dimensions of diversity than to others. Such points of emphasis arise from a number of factors—including the ease of observation and measurement of some attributes compared with others, the parallel focal points of analogous plans being produced by other parts of the University, the focus of diversity efforts at our competitor law schools and universities, our discussions with the Provost's Office about earlier drafts of this plan--but ultimately and inevitably also reflect the judgment calls made by those tasked with drafting this document. In recognition of the potential limitations of this approach, we emphasize that the discussion of some aspects of faculty diversity here is emphatically not meant to foreclose or limit ongoing discussion about faculty composition implicating a wide range of variables, whether or not specifically included here.

Secondly, we recognize that this written Action Plan is not the beginning, the end, or even the most crucial component of the law school's efforts on diversity. Dozens of law faculty for years have jointly participated in building the community of scholars we have in the building through committee work, faculty engagement at meetings, and recruiting and retention efforts. More importantly, looking ahead most important actions the Law School will take relative to diversity rest not in the framing of this plan, but in the individual hiring and retention decisions that we make collectively as a faculty community. Simply put, the most crucial goals of this action plan are not self-executing, but will be achieved only through continued and collective faculty engagement in the months and years ahead. Understanding this dynamic has led us to make certain suggestions for procedural reform or occasional concrete steps, but to leave the broader diversity goals embodied in the plan subject to implementation in individual appointment cases by the broader law faculty. This longer-term process of implementation will be led by different members of the Law School faculty over time and we fully anticipate that various aspects of diversity will be a focus of our institutional efforts at future stages in this larger process.

We hope this plan will provide an impetus for further deliberation and efforts, and realize it offers no self-contained answer. In the framing of the final action plan itself we have solicited and received broad input from the law faculty

and others at the university. The creation of this version of the plan has been led by Professor William Burke-White, who serves as Deputy Dean of the Law School, and Professor Theodore Ruger, who is the Law School's Diversity Action Officer for the 2011-2012 academic year. In this endeavor we have also worked with Dean Michael Fitts and Professor Reed Shuldiner, who is Chair of the Appointments Committee, and with various Law School staff members who are assisting in compiling data about current faculty composition and past appointments practices

Over the past several months we have encouraged faculty discussion and engagement with the issues discussed here, and appreciate commentary we have received on earlier drafts of this Action Plan. During March, April and May of 2012 we met and discussed this Action Plan informally with colleagues, as well as structuring several occasions for group deliberation and discussion.

- a. We conducted two open forums in March and April 2012 with faculty members to discuss the data we have collected about Penn Law on various dimensions of diversity, and to discuss the content of our Action Plan as it takes shape and solicit input and comments in the process of formulation.
- b. Simultaneously we engaged in various individual meetings with several interested faculty about the framing of the Diversity Action Plan.
- c. In March 2012 we sent a copy of the draft Diversity Action Plan to the Provost's Office and the General Counsel's office for review and comment and revised the Plan in response to comments received from those offices.
- d. We recirculated the Action Plan for further faculty review in May 2012, simultaneously with our sending to the Provost's office for a final review, and received and incorporated into this version comments and suggestions from both sources

2. Assessment of Current Faculty Diversity at Penn Law

A central predicate for improving the Law School's faculty diversity in multiple areas in the future is the assessment of the current composition of the faculty along multiple dimensions of diversity. In this section we have collected data on various components of our current law faculty. The data suggest room for improvement along various dimensions of faculty diversity. In particular, and despite substantial institutional effort to diversify over the past decade, several segments of the faculty remain overwhelmingly white and male.

The Law School’s full-time faculty comprises four major subgroups: “standing” faculty consisting of tenured and tenure-track legal scholars, clinical faculty who perform a mix of scholarly and legal practice instruction (the clinical faculty itself is bifurcated into two groups, as described below), legal writing faculty who instruct students on research and writing, and adjunct faculty who are working practitioners who teach specialized courses on a part-time basis. We do not here assess short-term visiting faculty as part of this data. Table 1 illustrates the gender and racial/ethnic composition of the entire full-time faculty (the first three subgroups mentioned above) of the Law School:

Table 1: All Full-Time Law School Faculty

<u>Total</u>	<u>Male</u>	<u>Female</u>			
57	40	17			
	<i>70.2%</i>	<i>29.8%</i>			
<u>Total</u>	<u>White</u>	<u>African-American</u>	<u>Asian-American/PI</u>	<u>Latino/Latina</u>	
57	48	2	5	2	
	<i>84.2%</i>	<i>3.5%</i>	<i>8.8%</i>	<i>3.5%</i>	

Our analysis of the different subcategories comprising the full-time faculty of the Law School leads us to here devote more attention to the diversity issues relating to the Law School’s “standing” faculty – tenured and tenure-track legal scholars.

a. Standing Faculty

In the past decade the standing faculty of Penn Law has grown in both size and reputation. Penn Law’s standing faculty now numbers 48. 29 new faculty members have been recruited since 2000. As described below, the faculty today reflects a broad diversity of backgrounds in terms of number of years in the academy, and training in cross-disciplinary background and methodology. More modest gains since 2005 have been achieved in the standing faculty’s gender and ethnic diversity, and these clearly remain areas for ongoing institutional attention in the future.

Gender and Ethnic Diversity on the Standing Faculty

Table 2 presents a breakdown of the current standing faculty (as of Spring 2012) by gender, with subcategory figures for tenured and non-tenured components of this group. Table 3 presents similar figures based on census-category race/ethnicity.

Table 2: Standing Faculty by Gender

<u>Total</u>	<u>Male</u>	<u>Female</u>
	<u>All Standing Faculty</u>	
48	37 77.1%	11 22.9%
	<u>Tenured Faculty</u>	
43	35 81.4%	8 18.6%
	<u>Untenured (Tenure Track)</u>	
5	2 40%	3 60%

Table 3: Standing Faculty by Race/Ethnicity

<u>Total</u>	<u>White</u>	<u>African-American</u>	<u>Asian-American/PI</u>	<u>Latino/Latina</u>
<i>All Standing</i>				
48	41 85.4%	2 4.2%	4 8.3%	1 2.1%
<i>Tenured</i>				
43	39 90.1%	2 4.7%	2 4.7%	0
<i>Untenured</i>				
5	2 40%	0	2 40%	1 20%

Overall, the standing faculty currently is over 77 percent male and 85 percent white. This demographic profile can be assessed from a few different perspectives. First, it reflects a modest gain over the past 6 to 7 years: in Fall 2005 the percentage of female standing faculty at Penn Law was 18.6 percent; today it is 23 percent. As described in a following section of this report, Penn Law’s appointments committees in recent years have cast a broad net in attempting to attract talented and diverse faculty to the Law School, and these efforts have yielded the slight improvement listed here. Second, although clear comparative data from other top-10 law schools is elusive,¹ it appears that Penn Law’s percentage of women in the standing faculty is not outside the range (roughly 17 to 25 percent) of female faculty at most other peer law schools.

These comparators notwithstanding, we regard a standing faculty that is less than one-quarter female and less than 15 percent minority as falling short of our overall diversity goals. This impression is sharpened by the fact that some of the top peer schools whose proportion of female and minority faculty now is similar to Penn Law’s were far behind us on these dimensions not long ago (Yale and Harvard most prominently), and have since made diversifying their faculties a major

¹ This primarily due to the fact that the American Association of Law Schools statistics (which we have reviewed) lump together different categories of full-time faculty (e.g. standing, clinical, fellows) such that a clear demographic picture of schools’ standing faculty alone is difficult to ascertain.

institutional priority.

We remain committed to building the diversity and overall scholarly excellence of our faculty and we believe those goals are mutually reinforcing. Given the individualized nature of faculty hiring decisions, there is no easy or formulaic solution to this situation. A later section will discuss the Law School’s appointments process and includes some suggestions for building diversity goals into the annual process of appointments review.

Other Dimensions of Standing Faculty Diversity

While the racial and gender composition of the standing faculty remains a challenge that the Law School will continue to address in coming hiring cycles, other dimensions of diversity are already reflected on the current faculty. In the past decade we have hired several openly LGBT scholars. Moreover, Penn Law prides itself on being one of the nation’s top cross-disciplinary law schools, with faculty working in diverse methodologies spanning a number of cognate disciplines. Seventy-one percent of the Law School’s standing faculty hold advanced degrees in other fields in addition to their J.D. , with close to forty-six percent at the Ph.D. level or equivalent. Nearly half of the Law School’s faculty hold joint appointments in other schools and departments at Penn. The diversity of approaches is captured impressively, if incompletely, in the following break down of faculty doctorates in other fields:

Law Faculty Ph.D. by Subject Area	
Economics	7
Philosophy	5
History	3
Psychology	2
J.S.P.	1
International Relations	1
Political Science	1

While this breadth of cross-disciplinary training partially illustrates the diverse methodologies and approaches that our faculty members employ in research and teaching, merely tracking doctoral degrees substantially understates the intellectual and experiential breadth of the law faculty as a whole. Many members of the law faculty –both with and without advanced degrees in fields other than law – have practiced law in sophisticated settings in the public and private sectors prior to their academic careers. Many faculty members continue even during their academic careers to advise and interact with attorneys and policymakers outside of the campus setting. Such experiences lend diversity of expertise and approach that benefit students and faculty discourse alike.

Moreover, Penn Law has a tradition of ideological diversity on its faculty that has historically fostered, and continues to yield, significant gains in terms of robust intellectual discussion, student engagement and opportunities, and overall scholarly quality. Our scholarship and teaching ought to engage in the world in which our students will become practice leaders—a world characterized by profound debates over the wisdom of government reform versus private ordering, centralized versus diffuse regulatory regimes, and ongoing disagreement about race, immigration, and religion in public life, to name just a few. What’s more, in the finest tradition of the academy we expect our faculty to provide critical assessment of, and in some cases well-argued support for or opposition to, prevailing governmental policies, no matter which political party is predominant nationally and locally. All of these goals are dependent on our law faculty consisting of individuals who possess different viewpoints on the most important legal policy topics. While we value such viewpoint diversity – and in recent years have made offers to leading scholars in part out of a desire to enrich the range of viewpoints reflected at Penn Law—we can do substantially better on this important dimension of diversity, and expect future appointments committees and diversity officers to remain focused on this issue.

Adjunct Faculty

Another subcategory of our faculty about whom we have gathered data is the dozens of adjunct faculty who are a significant part of our educational community. Adjunct faculty members are typically prominent attorneys, judges, and businesspeople who teach one course part-time to impart their specialized expertise to Penn Law students. Each year the Law School benefits from a talented and distinguished group of about 60 to 80 adjuncts, who come to Penn from practices in greater Philadelphia or further afield in New York, Washington, DC, and Delaware. We gathered data from the past five years of adjunct hiring, which reveals an adjunct corps that every year is over 85 percent white and 75 percent male. To some extent this reflects the traditional composition of the highest levels of the bench and bar, but we feel that institutionally we can and ought to do more to recruit talented female and minority adjuncts to instruct our students. A later section of this Plan discusses procedural steps we propose to effectuate this goal, primarily through centralizing adjunct hiring in the Deputy Dean’s office and considering each year’s adjunct pool holistically rather than filling adjunct spots stochastically on an ad hoc basis.

3. Current Appointments Process, Recent Activity and Proposals for Future Procedural Change

The Law School has for many years placed recruitment of a diverse cohort of talented faculty as an important goal in our appointments process at both the lateral and entry levels. Every year the Dean appoints a five-member appointments committee charged with undertaking the initial identification and critical assessment of entry-level scholars or potentially movable lateral scholars. In selecting the five faculty members to serve on the Appointments Committee each year, the Dean endeavors to build a committee that reflects a range of attitudes, subject-area expertise, and methodological perspectives. Although service on the Appointments Committee is for a one-year term, in any given year a handful of Committee members are typically repeat members who have served on Appointments in past years. Moreover, each year the presence in Appointments Committee meetings of the Dean and two Deputy Deans (who serve staggered two year terms) as *ex officio* members provides additional continuity to the process.

The Law School does not typically practice specific “slot” or position-based hiring, although our searches are often inflected with subject-matter preferences or needs. Instead our goal each year is to attempt to bring the most talented possible junior and lateral scholars to Penn Law. Identification of possible candidates who merit further committee scrutiny is made through a number of methods: perusal of the American Association of Law Schools’ centralized registry for entry-level candidates, solicitation of broad-based input from faculty and other stakeholders on possible candidates of interest at the lateral and entry levels, and the committee’s own unilateral searching in various publication databases and related sources for talented and productive scholars at other law schools and university departments.

Each year the Law School’s appointments committee typically devotes focused attention, in the form of in-depth reading and discussion of candidates’ scholarship, and in some cases in-person interviews or job-talk review, to between fifty and one hundred legal scholars at the entry and lateral levels. Our review of the recent appointments committee practices indicates that the pool of candidates who receive careful consideration each year is broad and diverse along a number of variables, including gender and race/ethnicity. Our review of both entry and lateral candidates is rigorous – only a small percentage of those reviewed seriously by the Law School appointments committee are brought to the full Law School faculty for a vote of a permanent or visiting appointment. Once a candidate is brought to the faculty, appointments are made by vote of the standing faculty after an open deliberative process in a faculty meeting.

Diversity goals have been particularly well-served by our entry-level hiring over the past six years: four of the seven entry hires we have made since 2005 have been women, and three of those seven are persons of color. These recent entry-level hires have also improved the methodological diversity and strength of our faculty, given that five of the seven recent entry-level scholars have doctoral degrees

in fields other than law (2 in history, and one each in psychology, economics, and international relations). At a time where some other top-10 law schools are deemphasizing or doing away with entry-level hiring altogether, the clear and overlapping gains in terms of both scholarly promise and diversity from such entry hiring support an ongoing institutional commitment to remain focused on the entry market every year.

At the same time, we are committed to assessing our lateral hiring practices to likewise promote faculty excellence and diversity. The Law School typically reviews a diverse range of lateral candidates in conducting hiring activity. The Law School's most recent senior lateral hire this year is Dorothy Roberts, a prominent legal academic at Northwestern University who is African American accepted an permanent offer of appointment to begin at Penn Law next academic year. Professor Roberts is has also been appointed to a Penn Integrates Knowledge Professorship with a joint appointment in the sociology department.

We are committed to continuing to seek diversity in hiring at the lateral level as well as in the entry market, and contemplate that in future hiring cycles the Diversity Action Officer and appointments committee chair, together with the Dean and Deputy Deans of the Law School, will meet before the appointments season begins to discuss and formulate a plan for prioritizing and implementing searches for talented and diverse scholars from all legal subfields who may be moveable to Penn. The early and continuous involvement of the Diversity Action Officer will help facilitate this goal. Moreover, we will build into future hiring cycles more systematic techniques for identifying promising targets of opportunity at other law schools who would potentially increase the Law School's faculty quality and diversity. A major role of future Diversity Action officers will be to specify and refine such techniques for use on a prospective basis. One such search technique will involve the Diversity Action officer and appointments chair working with law library researchers in July and August preceding the hiring season to develop lists of emerging scholars whose work is proliferating in quality journals. Another ongoing database we propose implementing will build on the synergy between our two modes of annual hiring – entry and lateral – by enabling Law School appointments committees each year to track and monitor the scholarly progress of dozens of promising young scholars who the Law School has found interesting at the entry level, but whose first legal academic job is at a different law school.

Specific Recent Diversity Activity

In addition to this general emphasis on new hiring that past and future appointments committees have displayed, more focused fundraising and appointments efforts have specifically aimed to foster diversity. Three years ago the Law School successfully completed fundraising to endow the Raymond Pace and Sadie Tanner Mossell Alexander L'27 Chair in Civil Rights (known as the "Sadie Chair"), which is named in honor of the law school's first African American woman J.D. graduate, the nation's first African American woman Ph.D. in Economics, and a

socially prominent couple who became important Philadelphia civil rights lawyers and activists. Penn students, alumni, faculty, the local bar, and others contributed money for a period of many years to create the Sadie Chair, as it has come to be known, and Dean Michael Fitts secured the large gift that made it possible for Penn to officially create and fill the chair.

With the Sadie Chair in place, several successive appointments committees have worked in recent years to identify major figures in the legal academy whose work embodies the keen interest and insight into civil rights issues that the Chair's namesakes displayed in their careers. Law School appointments committees have considered over twenty candidates in recent years, and seriously read the scholarship of eleven candidates. In a process that began last academic year, two successive committees have focused on the scholarship of Dorothy Roberts, who has been the Kirkland & Ellis Professor at Northwestern University School of Law, with joint appointments in the Departments of African American Studies and Sociology. In November 2011 the committee recommended a tenured offer to Professor Roberts, and in December 2011 the full law faculty voted an offer with tenure. In March 2012 Professor Roberts accepted our offer, and she will formally join the Penn Law faculty later this year and will occupy the Sadie Chair. Also in the past decade, and independent of the Sadie Chair efforts, the Law School has made tenured or tenure-track offers to other leading legal scholars who are African American, although those offers were declined.

Sharswood Visiting Assistant Professor Program

In the past five years we have instituted a new fellowship program for the purpose of training and promoting promising young scholars into the tenure-track legal academic market, and our selection of fellows for this program has been driven in part by an institutional commitment to promoting diversity in the next generation of legal academics. The program, entitled the Sharswood Fellowship, is supported primarily by Law School funds but also by a contribution from the endowment of Penn Law's flagship legal journal, the *University of Pennsylvania Law Review*. At present there are four Sharswood fellows working at the Law School during each academic year, each of them on a staggered two-year fellowship term. Five of the nine Sharswood fellows who have participated in the program since its inception have been women, including Tess Wilkinson-Ryan whom we hired permanently two years ago. Three other former Sharswoods now hold tenure-track appointments at other law schools.

Role of Diversity Advisor

Given the clear importance of the appointments process in sustaining and promoting faculty diversity, we envision in future years that the Diversity Action Officer will continue to be a full member of the Appointments Committee and an integral part of the entry and lateral hiring processes. As a full committee member,

the Diversity Action Officer participates in every aspect of the appointments process, from framing broad hiring goals, to identifying promising and potentially interested applicants at the entry and lateral levels, to reviewing candidates' scholarship and participating in extended committee discussions and deliberations, as well as in the final committee votes on recommending to the faculty to extend offers to particular candidates. In future hiring cycles, and with the benefit of our Diversity Action Plan in place, we anticipate that the Diversity Action Officer will meet at the onset of the hiring season with the Appointments Chair, the Dean, and the Deputy Dean to assess areas of need in meeting various institutional diversity goals and to identify and frame hiring priorities for the upcoming year.

Recruiting and Retaining Diverse Faculty Members

The identification, selection, and ultimate faculty vote of an offer to a candidate who would bring any element of diversity to the faculty is a long and often challenging process. The offer itself is, obviously, an essential step in enhancing the diversity of our faculty, but once the offer is made the equally critical step of recruitment must follow. Joining the Penn Law community often involves, particularly for lateral candidates, significant disruption to family or professional life with a likely move to a new city and new institutional home. To enhance the diversity of our faculty, we must ensure that these efforts are successful.

In 2006, the Law School hired an Associate Director of Recruiting who works with our Appointments candidates post-offer to provide individualized attention to their potential transition needs. Our Associate Director of Recruiting arranges for neighborhoods tours, sets up appointments for visits at Philadelphia-area independent and public schools and child-care centers and, in certain circumstances, connects the Appointments candidate with an educational consultant to help identify school options for the candidate's school-age children. These same services are also offered to our visiting and new faculty members to help ensure a smooth transition to Philadelphia and, in case of the former, includes the procurement of short-term housing. Working in conjunction with our Appointments' Committee, the Associate Director of Recruiting will continue these efforts, paying particular attention to the unique needs of each new faculty member, particularly those who would enhance our faculty diversity.

There will be circumstances in which the transition to Penn is dependent upon securing appropriate employment for a spouse or life partner. The Dean, faculty, and the Associate Director of Recruiting already work closely with such potential faculty members to explore the range of employment options available in the Philadelphia area and to open doors within the Philadelphia professional community where possible. There may also be circumstances in which the most appropriate employment for a spouse or life-partner is within the Penn community, including possibly as a member of the Penn Law Faculty. Such cases, of course, present unique challenges, but where the recruitment of a faculty member who

enhances our diversity may turn on such employment, the Appointments” Committee and Law School Faculty as a whole may need to bear in mind our institutional diversity goals in considering such a dual hire.

Related considerations of benefits and leave policy also respond to the diverse circumstances of faculty members’ family lives, and recognize the need to create an institutional atmosphere that maximizes the successful recruitment and retention of all talented faculty members regardless of family dynamic. One key component of this commitment is the Law School’s parental leave policy, which is framed and implemented to permit faculty and staff who have newborn children to accommodate the multiple demands of parenthood and professional success. This parental leave policy extends beyond simple leave time to include relevant adjustments to a faculty member’s tenure clock and related research and teaching considerations.

Adjunct Faculty Hiring

While this plan focuses largely on our full-time faculty, the Law School community also includes around 85 adjunct faculty members each year. The adjunct faculty constitutes a critical part of our teaching staff, offering courses that require practical skills and expertise best honed through the professional practice of law. As part of our on-going commitment to diversity, we seek to increase the diversity of our adjunct faculty. Increasing the diversity of our adjunct faculty is and should be a priority; it is also an area in which enhancements to the diversity of our teaching faculty may be most quickly achieved given the more frequent shifts in our adjunct teaching staff. Based on efforts undertaken this year in parallel with the development of this action plan, we already anticipate a significantly more diverse adjunct faculty for the 2012-2013 academic year.

Adjunct faculty members are appointed based on a wide variety of criteria, including their practical skills, professional experience, and teaching excellence. The Deputy and Associate Deans with responsibility for the adjunct faculty already do and will continue to seek to expand the diversity of our adjunct faculty through a number of steps. These include consulting with the diversity officers or other appropriate personnel in Philadelphia Law Firms to identify potential adjunct faculty members, considering Penn Law graduates from diverse backgrounds who could serve as adjunct faculty, and exploring non-traditional area employers who more typically present the diversity we seek to include in our adjunct faculty. In the future, where an adjunct teaching need is identified by the Associate Dean, s/he will inform the Deputy Deans and the Diversity Officer of the particular adjunct teaching need and any candidates that have been identified for the position. The Deputy Dean and Diversity Officer will review the candidates considered and determine whether additional steps should be taken to expand the diversity of the pool of candidates being considered for the particular adjunct position before a recommendation is made to the faculty for appointment.

Enhancing International Diversity

As the practice of law has become ever more globalized, so too has Penn Law come to reflect and embrace the global community in which our students will practice. The Law School has undertaken significant efforts to expand our international programs and to bring a wide range of scholars with international backgrounds and interests into our community. We believe that strengthening these international and transnational dimensions of our academic community is and should be part of our vision of diversity. Approximately 10% of our standing faculty have a primary interest or expertise outside the US legal system and while close to 30% have secondary research interests and/or significant expertise outside the United States.

Beyond our standing and adjunct faculty, in 2007, the Law School launched the Bok Distinguished Visiting Professor Program. Each year, the Bok Program brings between 4 and 6 well-regarded scholars from foreign countries to the Law School to teach short classes ranging from two to eight weeks, to engage directly with our students, and to cooperate with our standing faculty on research projects of common interests. To date, 18 professors have come to the Law School under this program from countries including Canada, Chile, China, Denmark, England, France, Germany, India, Israel, Japan, the Netherlands, and Nigeria. The program has already had a significant impact in expanding the international diversity of our teaching faculty and bringing a wide range of views, expertise, and backgrounds into the Law School.

4. Retention and Mentoring

An integral aspect of achieving our goals for faculty diversity is the retention of our current faculty and the promotion of our tenure-track faculty. As the goals and practices articulated in this Plan and embodied in our community continue to be practiced in the coming years, the retention of newly hired faculty will become an ever-more integral aspect of achieving our diversity goals over the long term.

We already have a strong track record in retaining and mentoring our faculty. As a general matter, Penn Law is able to retain current faculty, notwithstanding attractive offers elsewhere. And in a number of the cases in which faculty members have departed Penn Law, such moves have often been underscored by personal reasons outside Penn Law's control or influence.

This strong track record of faculty retention is due, in no small part, to the exceptional nature of the Penn Law community itself. Preserving and building upon those aspects of our community that make Penn a warm, supportive, and productive intellectual, research, and teaching institution remain paramount. Individual questions of faculty retention are largely case-specific. While our goal is to ensure that Penn Law continues to be the kind of institution and community where faculty

want to remain, the Law School is also committed to advancing our diversity goals through more robust retention efforts where necessary and appropriate.

Similarly, Penn Law has a successful track record of mentoring junior faculty members as they progress toward promotion and tenure. The Law School adopted a new mentoring program in February 2007. The Law School's "Statement on Mentoring Junior Faculty" states:

The faculty of the University of Pennsylvania Law School believes that mentoring junior faculty has benefits both for the faculty members involved and for the Law School. Junior faculty members, including both untenured members of the standing faculty and Practice- Professor-track faculty, benefit from the knowledge, perspectives, and experience of senior colleagues as to their substantive fields and as to strategies and tactics that are appropriate to (1) developing reputation and influence as a scholar, (2) achieving excellence as a teacher, and (3) providing effective participation in the life of the Law School, the University, and the larger community. Serving as a mentor encourages faculty members to be reflective about their own scholarship, teaching, and service. Successful mentoring also fosters a spirit of intellectual community.

Under the auspices of this program, each newly hired junior faculty member is paired with a member of the senior faculty, who serves in a mentorship role. Mentors serve as a resource for junior faculty on matters of scholarship, teaching and service. Going forward, we will also seek to ensure that mentors assist new faculty – particularly those from diverse backgrounds – with any aspects of the transition to Penn Law, the University of Pennsylvania more generally, and the broader Philadelphia community. This formal mentoring process supplements—but does not replace—the long-standing informal mentorship that occurs naturally within the Law School through office discussions, robust faculty scholarship presentation and discussion opportunities, and a variety of other informal interactions.

Over the past few years, the Law School has also sought to improve the third year review process for tenure-track faculty to ensure that such faculty members receive more specific and actionable feedback at the conclusion of the review so that, where changes may be needed, faculty on the tenure-track have the information, time, and support to meet and surpass tenure standards. These existing mentorship processes have proved effective in terms of the promotion and retention of our faculty and we remain committed to their continuation and improvement when necessary in the future.

Overall, we believe that building and fostering a diverse academic community will, in and of itself, have significant positive effects for faculty mentoring and recruitment. The more the Penn Law community reflects the

diversity goals articulated in this plan, the more attractive our community will be, both to standing faculty members and those we may seek to recruit in the future.

5. Advancing Diversity in the Legal Academy

The Law School recognizes that one of the greatest challenges to ensuring a diverse Law School faculty and promoting diversity in legal academe more generally is the expansion of the pool of candidates for faculty appointment. Penn Law is well placed to help expand that candidate pool over time and to provide opportunities for candidates from diverse backgrounds to make the often challenging transition to the legal academy. To that end, the Law School will continue to take steps to advance diversity in legal academy generally by promoting a diverse cohort of promising young scholars.

A. Supporting the Sharswood Fellowship Program

As noted earlier in this Plan, the Sharswood Fellowship program was established in 2007 to provide aspiring legal academics with a two-year opportunity to devote themselves to legal scholarship, to gain exposure to legal academe, and to prepare for the entry-level academic job market. Each year, the Law School selects two new Sharswood Fellows for a two-year term, during which they are supported in their research and overall scholarly development by the standing Penn Law faculty, and in the second year of which they are mentored through the entry hiring process. The Fellowship program has to date been extraordinarily successful, allowing aspiring law professors to produce the significant body of scholarship necessary in today's extremely competitive entry-level hiring market. Sharswood Fellows have secured tenure-track positions at top law schools, including Penn Law, Berkeley Law School, Loyola University (Chicago), and Brooklyn Law School. In the past year we have implemented a more systematic faculty committee structure aimed at assisting the Sharswoods and other aspiring Penn Law graduates achieve success on the academic job market. Many Sharswood Fellows have exemplified the diversity we seek to achieve both at Penn Law and in the legal academy more generally. We are committed to building on this record of success, and continuing to attract and promote future generations of exceptional legal scholars from a range of methodological and personal backgrounds through the Sharswood program.

B. Identifying, Encouraging, and Mentoring Aspiring Academics Among the Penn Law Student Body

As a leading Law School with a strong and growing tradition of training future legal academics, Penn Law is well positioned to advance the diversity of the pool of

entry-level job candidates from within our own student body. Yet, we recognize we can do more to make our top students from a diverse array of backgrounds aware of both the opportunities presented by an academic career and the steps they would need to take to achieve that goal.

Over the past few years, the Law School has enhanced the guidance and assistance provided to Penn Law students seeking academic careers. These steps have included the establishment of an Academic Careers Committee to provide guidance to and work with current and former students seeking academic careers, an across-the-board push to help current and former students secure top clerkships (an important step for most aspiring legal academics), and the creation of new courses and seminars intended to train students in legal scholarship. These efforts are already bearing considerable fruit, particularly with respect to clerkship placement, and we will continue these efforts going forward.

Despite these significant efforts, there is more we can do to link the resources we make available to our students who seek academic careers with the broader goals of advancing the diversity of the pool of entry-level job candidates. To more explicitly make that link, we will ask our teaching faculty (particularly those in first year courses and upper level seminars) to help identify their most promising students, especially those who represent the full range of diversity we seek to achieve at Penn Law and in legal academe more generally, and to discuss with them whether an academic career might be of interest to and appropriate for them. Where students both show potential for and have possible interest in an academic career, we will ask our teaching faculty to alert the chairpersons of both the Academic Career Committee and the Clerkship Committee early on in the student's time at Penn Law, such that appropriate mentorship and guidance can be provided. These efforts will help ensure that the steps we are already taking to set our graduates on paths toward academic careers simultaneously advance our broader diversity goals.