DATE: July 08, 2019
FROM: Eric J. Barron
TO: Michael Bérubé

I have reviewed the Advisory and Consultative report, Proposed Revisions to Penn State Policy HR68 Postdoctoral Appointments, which was passed by the University Faculty Senate on April 23, 2019. I concur with the following report. By copy of this memo, I am asking that the Vice President for Research implement the recommendation.

Thank you for the opportunity to review this item.

cc: Kathleen J. Bieschke
    Dawn Blasko
    Nicholas P. Jones
    Neil A. Sharkey
June 26, 2019

Eric Barron, President
201 Old Main
University Park, PA 16802

Dear President Barron:

The University Faculty Senate, at its April 23, 2019 meeting, passed the following Advisory and Consultative report:

**Proposed Revisions to Penn State Policy HR68, Postdoctoral Appointments**

Attached to this letter are the report from the Senate Agenda and the comments from the Senate meeting. We forward these recommendations to you for your approval and implementation.

Sincerely,

[Signature]

Michael F Bérubé, Immediate Past Chair
University Faculty Senate

ENCLOSURE
SENATE COMMITTEE ON RESEARCH, SCHOLARSHIP, AND CREATIVE ACTIVITY

Proposed Revisions to Penn State Policy HR68, Postdoctoral Appointments

(Advisory/Consultative)

Implementation: Upon Approval by the President

Introduction and Rationale

The Office of Postdoctoral Affairs, which is part of the Office of the Vice President for Research, conducts workshops and seminars on professional development topics, career explorations, Individual Development Plans, and career preparation for both academic and non-academic jobs. The Office also provides mentoring and education plans for postdoc fellowships and faculty grants.

The Office of Postdoctoral Affairs receives many questions on leave, both paid and unpaid, and about ending appointments prematurely due to performance issues. A task force, with Pallavi Eswara, Dr. Neil Sharkey, Katherine Allen, Kari Allatt and, until her departure as Director of Office of Postdoctoral Affairs, Dr. Suzanne Adair, was formed to address these questions, clarify existing policies, and standardize procedures.

Balancing faculty resources, postdoc expectations, University policy, and benchmarking with the Big Ten Academic Alliance (BTAA), the task force revised HR68. Clarifications included duration of leave, unpaid leave, responsibility for clearing appointment, and grievance procedures. New sections included international appointments, holidays, expanded sections on paid leave and leaves of absence (unpaid), expectations of performance during post-doc training, and termination of position.

At the April 24, 2018 meeting of the Senate Committee on Research, Scholarship, and Creative Activity (RSCA), Pallavi Eswara (Director, Office of Postdoctoral Affairs) presented the revised HR68 Postdoctoral Appointments policy.

RSCA asked for changes to note the variability in holidays/shutdown periods between campuses, and suggested a few other corrections. After consultation with the Office of Postdoctoral Affairs and with the Office of the Associate Dean for Research, College of Medicine, Ms. Eswara returned on September 18, 2018 to present the revised policy incorporating the requested changes.

Further changes were requested, some of which were quickly incorporated, but others could not be accommodated without further delaying the policy. Considerable time and effort had already been expended on this revised policy, so RSCA voted to send it forward to Senate Council for inclusion on the October 23, 2018 Senate agenda. However, when the revised policy was published in the Senate agenda, some Senators expressed concern and confusion about certain sections of the revised policy, and demanded the opportunity to give more feedback. Upon due consideration, the report was withdrawn.

The task force then addressed the concerns accordingly through more clarifications and wording changes. Many of the issues raised, however, involved current standing policies, not changes or new policies (e.g. 1-year appointments, 4 weeks of paid leave).
Ms. Eswara presented this newly revised policy to the Associate Deans for Research to gather their feedback and, in turn, those Deans solicited feedback from their faculty. She also collected feedback from HR departments in units with postdoctoral fellows. After all the feedback was compiled, further revisions were made to clarify some wording and to modify sections so that they could be used as guidelines, not strict policies.

RSCA discussed the final revised report on March 12, 2019. There were still some concerns about the 5-year total time as a post-doc at PSU. However, there were several arguments for this limit.

1) Post-doctoral positions are defined as temporary training periods by NIH, NSF and the National Postdoc Association.

2) The National Academy of Sciences 2014 Postdoctoral Experience report recommends 5-years (sites.nationalacademies.org/cs/groups/pgasite/documents/webpage/pga_178871.pdf)

3) The current PSU limit is 6 years -- reducing it to 5 years aligns with NIH funding, and the aforementioned NAS report.

4) The limit was benchmarked against our peers, and is more generous than some of our peers, because we do not count time as a post-doc at another institution against the 5 years.

5) Post-doc appointments provide neither opportunities for promotion nor full benefits. There is the option to convert to research professor positions, which cost more, but these allow promotions and eligibility for full benefits.

Recommendation

At the March 12, 2019 meeting, the Senate Committee on Research, Scholarship, and Creative Activity voted to endorse the proposed revisions to policy HR68 Postdoctoral Appointments, and to recommend that the Senate also offer its endorsement of the revised policy.

SENATE COMMITTEE ON RESEARCH, SCHOLARSHIP, AND CREATIVE ACTIVITY 2017-2018

- Thomas Andrews
- David Atwill
- Raghu Garud
- Nathan Geiger
- John Hanold
- Kathleen Hodgdon
- Janet Hughes
- Dan Larson, Vice-Chair
- Todd LaJeunesse
- Kevin Luhman
- Carleen Maitland
• Siela Maxim
• George Moldovan
• Gavin Robertson
• Andrew Schulz, Chair
• Neil Sharkey
• Jim Song
• Kayley Swope
• Regina Vasilatos-Younken
• James Warren
• Candice Yekel
• Jong Yun
• Christopher Zorn

SENATE COMMITTEE ON RESEARCH, SCHOLARSHIP, AND CREATIVE ACTIVITY 2018-2019

• Michael Andreae
• Arthur Berg
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• Neil Sharkey
• Gregory Shearer
• Fariborz Tavangarian
• James Tybout
• Regina Vasilatos-Younken
• James Warren
• Christopher Zorn
Postdoctoral Appointments

Policy Status: Active

Policy Steward: Vice President for Human Resources

POLICY'S INITIAL DATE: November 16, 1968
THIS VERSION EFFECTIVE: January 1, 20XX

Contents:

- Purpose
- Definition of Postdoctoral Appointments
- Designated Titles
- Length of Appointment
- Responsibility for Clearing Appointment
- International Appointments
- Salary
- Remuneration
- Insurance/Benefits
- Holidays
- Paid Leave
- Leaves of Absence
- Appointments
- Expectations of Performance
- Terminations
- Grievance Procedure
- Tax-deferred Annuities
- Policy Exceptions
- Forms
- Cross References

PURPOSE:

To outline the terms and conditions of postdoctoral scholar and postdoctoral fellow appointments. University’s policy on postdoctoral appointments.

DEFINITION OF POSTDOCTORAL APPOINTMENTS:

Postdoctoral appointments shall:

1. be full-time, but temporary, one-year appointments which include four (4) weeks of paid leave; 48-week appointments; and
2. be granted to appointees who recently were awarded a Ph.D. or equivalent doctorate (e.g., Sc.D, M.D., D.D.S., J.D.) in an appropriate field (typically in the last five (5) years) and provide the appointee with training under the supervision of a faculty member of a department; and

3. provide the appointee with training under the supervision of a senior scholar or a department; and

4. 3. involve substantially full-time research or scholarship; and

4. function as a be viewed as preparatory time for careers; for a full-time academic and/or research career; and

5. provide the appointee with the opportunity freedom to meet the expectation of publishing publish the results of her or his research or scholarship during the period of the appointment; and

6. provide the appointee with technical training and opportunities for professional and career development.

DESIGNATED TITLES:

Designated titles for postdoctoral appointments at The Pennsylvania State University are Postdoctoral Fellow and Postdoctoral Scholar. The title of Postdoctoral Fellow will be used only in connection with appointments financed under a Postdoctoral Fellow Program of a granting agency outside the University. The title of Postdoctoral Scholar will be the usual designation for all other postdoctoral appointments.

LENGTH OF APPOINTMENT:

Normally, the initial appointment and renewals are not longer than a six-year period at Penn State, with exceptions granted to meet specific training needs of an individual and only after careful review by the college and appropriate central administrative officer.

Postdoctoral appointments are intended for individuals who have recently completed a Ph.D. or equivalent doctorate typically within five years of completion their degree. Individuals with titles other than postdoctoral fellow or postdoctoral scholar are not covered under this policy.

Appointments are offered as one-year terms with the possibility for renewal. All renewals are contingent upon available funding, satisfactory performance on the part of the postdoctoral scholar/fellow and adherence to all University policies and professional
standards of conduct. No individual shall be appointed to a postdoctoral scholar appointment for more than a total of five years.

If the appointment is not being renewed at the end of the appointment period for any reason, including lack of adequate funding, or the postdoctoral scholar/fellow has reached a maximum of five (5) years in the position, at least 30 days’ notice in advance of the appointment end date must be given. Postdocs are expected to continue performing assigned responsibilities during the notice period.

RESPONSIBILITY FOR CLEARING APPOINTMENT:

All postdoctoral appointments will be approved by the appropriate dean, and the Office of the Vice President for Research will maintain a current inventory of all appointments.

Prior to extending an offer, the supervising faculty member or department shall demonstrate availability of sufficient funding to cover the twelve (12) month appointment.

INTERNATIONAL APPOINTMENTS:

The University recognizes that there are a significant number of postdoctoral scholars and fellows who are foreign nationals. Supervising faculty members who extend offers to international postdoctoral scholars and fellows must adhere to all applicable federal regulations and University policies regarding their postdoctoral appointments. The individual must be eligible for the appropriate immigration status for the length of the appointment. Faculty and foreign national scholars/fellows should consult with International Scholar Advising, Directorate of International Student and Scholar Advising (JScholarAdv@psu.edu) to ensure compliance with visa requirements regarding offers, renewals, leaves of absence, and exits/terminations. Failure on the part of the postdoctoral scholar/fellow to maintain appropriate work authorizations and/or visa extensions as appropriate will result in termination.

REMUNERATION:

Postdoctoral scholars and fellows should be compensated an amount of no less than the current minimum annual salary provided at https://guru.psu.edu/resources/rates-and-schedules/stipends-for-graduate-assistants

INSURANCE BENEFITS:

Postdoctoral Scholars and Fellows may enroll in an available University-sponsored health plan effective with the date of appointment. Those who enroll will contribute for an available
University-sponsored health plan on the same basis and at the same rates as regular faculty and staff member contributions. Such contributions will be deducted monthly.

In addition, Postdoctoral Scholars and Fellows may enroll in the University's dental and/or vision plan.

Postdoctoral Scholars and Fellows may elect to participate in the Age-graded Life Insurance Plan and elect an amount of coverage equal to their annual stipend not to exceed $50,000. Postdoctoral scholars are not eligible for the University's mandatory retirement plan; however, they may elect to participate in a supplemental retirement plan through TIAA. See the Office of Postdoctoral Affairs website at http://www.research.psu.edu/offices/office-of-postdoctoral-affairs/postdoc-benefits for coverage details.

HOLIDAYS:

Postdoctoral scholars and fellows are generally eligible to follow the holiday schedules established for their respective campuses. Postdoctoral scholars and fellows will not be expected to perform any duties of the position on official University holidays, including the shutdown period during the December/January holidays at campuses that are closed during that time. If it is necessary for the postdoctoral scholar/fellow to perform their duties on a University holiday, then compensatory time off equivalent to the number of hours worked on the holiday will be provided by the unit. Use of holiday compensatory time off is subject to the approval of the supervising faculty, shall be used prior to other leave, and shall not be paid out at the time of separation. Supervising faculty should provide advanced notice to the postdoctoral scholar/fellow in the event they will be required to work on an official University holiday.

PAID LEAVE:

As part of each one year appointment, postdoctoral scholars/fellows are provided with four (4) weeks or 20 business days of paid leave to cover absences to include, but not be limited to, doctor’s appointments, personal illness, caring for an ill family member, funeral leave, vacation, and other similar situations. The timing and duration of leave must be agreed upon and approved in advance by the postdoc scholar/fellow and supervising faculty member unless circumstance make advanced approval not possible. Unused leave cannot be rolled over from one appointment year to the next or used to extend the appointment at the time of separation from the University. However, unused leave may be used during the last week of the appointment if needed to cover an approved absence. Unused paid leave shall not be paid out to the postdoctoral scholar or fellow at the time of separation.
Appendix M
4/23/19

SALARY:

Postdoctoral scholars and fellows should be paid at least the minimum annual salary as noted each July 1.

LEAVES OF ABSENCE:

When a postdoctoral scholar or fellow is unable to perform the duties of the position, the four weeks of leave provided by a 48-week appointment can be used to account for the absence. In addition, the department may be able to provide for some work to be done at home (e.g., data analysis), permitting the scholar or fellow to remain in pay status.

Leaves without pay for a reasonable period of time should be considered if they would not inhibit the applicable research project(s).

Guidance for leaves of absence can be sought from the Office of Human Resources Work/Life Office (814-865-9346).

Before a leave of absence is discussed with a foreign national scholar or fellow, the supervisor needs to contact the International Scholars Office (814-865-0423) to insure consistency with federal regulations.

See also the new parent guideline at http://forms.gradsch.psu.edu/current/newparentaccomodationguideline.pdf.

Leaves of absence without pay for a reasonable period of time beyond the four (4) weeks of paid leave will be considered on a case-by-case basis. Departments may be able to provide for some work to be completed remotely (e.g., data analysis), permitting the scholar or fellow to remain in pay status.

Postdoctoral scholars and fellows may be eligible for leave under the Family and Medical Leave Act. To the extent that a scholar or fellow is eligible for such leave, it shall run concurrently with paid and unpaid leave under this policy. Whenever a postdoctoral scholar or fellow would like to request a paid or unpaid leave of absence, the scholar or fellow shall contact the Penn State Human Resources, Absence Management Office, absence@psu.edu. The Absence Management Office personnel shall work with the supervising faculty member and the Office of Postdoctoral Affairs at postdocaffairs@psu.edu when vetting and approving such requests.

Before a leave of absence is discussed with an international scholar or fellow, the Penn State Human Resources, Absence Management Office shall contact International Scholar
Advising, Directorate of International Student and Scholar Advising (E-mail: JscholarAdv@psu.edu) to ensure consistency with federal regulations.

Postdoctoral scholars and fellows should refer to New Parent Accommodation guidelines (not an actual policy) given at https://www.research.psu.edu/opa/benefits Postdoctoral scholars and fellows may be eligible for parental leave. Please contact the Absence Management Office to discuss the parameters for parental leave for postdoctoral scholars and fellows.

EXPECTATIONS OF PERFORMANCE:

Every scholar and fellow is expected to exhibit and promote the highest ethical, moral, and professional standards as researchers, future faculty, professionals, and leaders in their respective fields. All postdocs should receive Responsible Conduct of Research training through their faculty mentor, department and/or college. Research misconduct as per https://guru.psu.edu/gfug/appendices/app05-1617.html and https://www.research.psu.edu/researchmisconduct is regarded as a serious offense, raising grave doubt that the scholar or fellow is worthy of continued membership in the postdoctoral community at the University.

In addition to demonstrating satisfactory research progress, fulfillment of assigned duties, and adherence to all University policies, postdocs must maintain proper ethical, moral and professional standards. The primary duties of scholars and fellows are research and scholarship. However, scholars and fellows seeking additional experiences in other areas such as teaching, or consulting should consult with their supervising faculty members prior to accepting any such additional duties. Supervising faculty have the discretion to approve or deny such requests based on the funding criteria, performance and individual circumstance.

It is strongly recommended and expected that all scholars and fellows be provided a written outline of the expectations of the supervising faculty member at the beginning of their appointment. To the extent possible this document should include a description of specific responsibilities. The document should be the first step in developing an Individualized Development Plan (IDP) for the scholar/fellow in order to guide their professional development during their time at the University (See Appendix A). The IDP is extremely helpful in guiding postdoctoral and early career researchers and is required by a growing number of federal funding agencies.

Scholars/fellows should also receive an annual evaluation at the end of each appointment year (See Appendix B). This evaluation will include a written assessment of their
performance, which is to be discussed by the scholar/fellow and the supervising faculty member.

Although it is expected that all scholars and fellows demonstrate satisfactory performance in their research, fulfill all responsibilities outlined by the faculty member, demonstrate professional and ethical standards of behavior, and adhere to all University policies, there are occasions when improvement in one or more of these areas is needed. Failure to meet the expectations identified by the supervising faculty member may result in actions including the implementation of a Plan for Improvement (PFI) and/or sanctions, which may include termination of the appointment. If a supervising faculty member determines that the performance and/or behavior of a scholar or fellow is not meeting expectations, the faculty member should notify and consult with the college’s associate dean for research and unit Human Resources Strategic Partner or Consultant. The supervisor should then meet with the scholar or fellow to notify them that their performance and/or behavior is a concern and develop a PFI (See Appendix C). Once a PFI has been implemented, it is the responsibility of the scholar or fellow to adhere to all parameters outlined in the plan and of the supervising faculty member to monitor and document the scholar or fellow’s progress accordingly. If the scholar or fellow has not demonstrated satisfactory improvement and not met expectations within the time allotted, the faculty member will provide a final written assessment of their performance, along with a termination letter, indicating the specific date that the appointment will end.

All Plans for Improvement must be reviewed and approved by the work unit Human Resources office prior to being implemented with the scholar or fellow. The Penn State Human Resources will consult with other University offices as needed (e.g. Office of Postdoctoral Affairs, Affirmative Action Office, Employee Relations, Office of General Counsel) prior to giving approval to the faculty member to implement the PFI with the scholar or fellow.

TERMINATIONS:

Postdoctoral appointments can be terminated prior to the completion of the contract term for the following reasons:

a) Voluntary resignation.

In the case of a voluntary resignation by the postdoctoral scholar/fellow, the University requests that the postdoctoral scholar/fellow provide a minimum of 30 days’ notice to the faculty supervisor and follow the appropriate exit procedures within the research group and department.
b) Unsatisfactory performance or behavior; research misconduct; or violation of University policy.

If a faculty supervisor is considering termination of a postdoctoral scholar/fellow, they must consult with their unit HR Strategic Partner and/or the Associate Dean of Research, who may consult with other appropriate offices. If the postdoctoral scholar/fellow is being terminated prior to the end of the appointment period due to unsatisfactory performance and/or an unsuccessful performance improvement plan, the postdoctoral scholar/fellow must be given advanced notice. The number of days of notice will be decided on a case-by-case basis.

If the postdoctoral scholar/fellow is being terminated prior to the end of the appointment period due to unsatisfactory behavior, research misconduct, or violation of University policy, the number of days of notice will be determined on a case-by-case basis. In certain cases where the behavior is deemed egregious by the University, termination of the appointment may be effective immediately.

Decisions to terminate postdoctoral scholar/fellow appointments involuntarily for cause must be approved in advance by the college or work unit budget executive or designee. Under any termination of appointment, postdoc scholars/fellows must adhere to University policy HR102 Separation and Transfer Protocol regarding the submission of keys, research equipment and materials, research data and all other University property.

International postdoctoral scholars/fellows must contact the Directorate of International Student and Scholar Advising in the University Office of Global Programs to determine their visa status as a result of the termination.

APPOINTMENTS:

IBIS Forms "GFSA" for appointments, and "GRAD" for changes and reappointments, must be completed in accordance with the approval paths established by your Financial Officer. Postdoctoral Scholars and Fellows should receive an appointment letter outlining the details of their appointment.

GRIEVANCE PROCEDURE:

Postdoctoral scholars/fellows fellows or scholars should always attempt to resolve problems concerning their professional situation by discussing the matter with their supervisor. If there is a reason for the postdoctoral fellow or scholar to believe that this avenue is inappropriate, he or she may seek recourse through the department or division or program head, or from the associate or assistant dean of their college or division. The fellow or scholar may also seek advice from the college or division ombudsman HR unit and the Office of Postdoctoral Affairs.
Occasionally, there are disagreements between postdoctoral fellows/scholars and their supervisors that cannot be resolved in the administrative structure of the department, division, program or college. Such problems may involve alleged violations of academic freedom, professional ethics, and procedural fairness and consistency. There may be disagreements concerning authorship credit or intellectual property ownership. If a resolution of such problems cannot be achieved at the department, division, or program level, the following procedures are to be followed. *This procedure is not to be utilized for instances of unsatisfactory performance or behavior by the postdoctoral scholar or fellow.* If for some reason the proper jurisdiction is not clear, then the Vice President for Research shall decide on the appropriate procedure.

1. For disagreements that are unresolved at the department or program level, a grievance process will be initiated when the postdoctoral scholar or fellow files a written grievance with the dean of his or her college. The parties to the grievance process shall be the person(s) filing the grievance and the person(s) responsible for the act or omission that gave rise to the grievance.

2. In response to the grievance, the College Dean appoints and convenes a Hearing Committee consisting of five members. From that time until the hearing ends, the College Dean refrains from involvement in the dispute. The Hearing Committee consists of two postdoctoral scholars or fellows, two faculty members, and an administrator who will serve as chairperson. All members of the Hearing Committee will be from outside the academic department or unit in which either the postdoctoral scholar or faculty member who is involved in the grievance participates.

3. Each party is allowed up to three disqualifications from this committee without cause. An indefinite number of disqualifications is allowed with cause, as determined by the College Dean. The College Dean makes additional appointments as necessary to fully staff the Hearing Committee.

4. The Hearing Committee attempts to resolve the disagreement within 30 calendar days of receiving the complaint.

5. The hearing is not public. During the hearing, either party may have present an adviser, who must be a postdoctoral scholar/fellow, faculty, or a staff member of the University. In light of the nature and spirit of the proceeding, representation by legal counsel is prohibited.

6. The Hearing Committee may have present at the hearing such assistance as it deems necessary.

7. The Hearing Committee is not bound by strict rules of evidence and may admit any relevant evidence.

8. The hearing is audio recorded, and a recording of the hearing is kept through any appeal processes. The parties involved may request to listen to the tape and take written notes until it is destroyed, however, copies are not provided.

9. The parties are afforded an opportunity to obtain necessary witnesses and documentary and other evidence. The department or program involved makes all reasonable efforts to cooperate with the committee in securing witnesses and making available documentary and other evidence.

10. Each party has the right to confront and cross-examine all witnesses. Expenses incurred in obtaining a witness will be the responsibility of the party requesting the witness.
11. The Hearing Committee's findings are based solely on the hearing record. In cases where issues involve authorship, the Hearing Committee should adhere to the spirit of Policy RA13 IP02.

12. The Hearing Committee submits its findings and recommendations in writing to the College Dean and to the parties involved. Based solely on the record of the hearing, the College Dean may endorse all, part, or none of the Hearing Committee's recommendations. In coming to a decision, the College Dean may consult with the Vice President for Research. A written notice of the decision of the College Dean is provided to the Hearing Committee and the parties involved within three weeks of receipt by the College Dean of the Hearing Committee's recommendations. If the College Dean does not endorse all of the findings and adopt all the recommendations of the Hearing Committee, an explanation will be included in the written notice. The decision by the College Dean shall be final, but does not preclude existing independent avenues of appeal (e.g., Faculty Rights and Responsibilities). The record of this decision, along with supporting documents, shall be submitted to the Office of General Counsel and the Vice President for Research and kept by the Vice President for Research for not less than five years from the date of the resolution of the complaint.

13. After the final decision, all efforts should be made to reconcile the situation within the research group. In the rare case where irreconcilable differences exist even after the resolution, and where the decision is made against the faculty member, it will be the responsibility of the College Dean to find another similar position in the University for the postdoctoral fellow or scholar, and, if necessary, to provide bridge funding for this position for up to six months.

**TAX-DEFERRED ANNUITIES:**

Retirement savings options available to Postdoctoral Scholars and Fellows are limited to contributions to either a Traditional or Roth Individual Retirement Account (IRA). Traditional IRAs offer the opportunity to reduce federal taxable income, subject to IRS limitations, when federal income tax returns are filed. IRA enrollment and payments options are done on an individual basis and are unrelated to University benefit programs. Traditional and Roth IRAs are available from insurance companies and mutual fund companies as well as most banks.

**POLICY EXCEPTIONS:**

This policy applies to all individuals designated as postdoctoral scholars and fellows. In extenuating circumstances, exceptions to this policy may be requested to meet specific training or personnel needs. All such requests will be considered on a case-by-case basis. Any request for an exception must be submitted by the principal investigator or supervising faculty member to the college/unit’s associate dean for research and unit human resources office for review and, if appropriate, forwarded to the director of the Office of Postdoctoral Affairs (OPA) for approval. The director of the OPA will consult with the Vice President for Research if necessary and notify the college’s associate dean for
research and unit human resources office of the final decision. If the request is denied, there is no further level of appeal and the decision will stand.

FORMS:

Appendix A - Appointment letter templates.
Appendix B - Individualized Development Plan (IDP)
Appendix C – Annual Evaluation Form
Appendix D – Plan for Improvement Sample

CROSS REFERENCES:

Policy IP02 Coauthorship of Scholarly Reports, Papers and Publications (Formerly Policy RA13) http://www.research.psu.edu/offices/office-of-postdoctoral-affairs/benefits-for-postdoctoral-scholars

Clean Copy

HR68 Postdoctoral Appointments

Policy Status: Active

Policy Steward: Vice President for Human Resources

POLICY'S INITIAL DATE: November 16, 1968
THIS VERSION EFFECTIVE: January 1, 20XX

Contents:

- Purpose
- Definition of Postdoctoral Appointments
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To outline the terms and conditions of postdoctoral scholar and postdoctoral fellow appointments.

DEFINITION OF POSTDOCTORAL APPOINTMENTS:

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2. be granted to appointees who recently were awarded a Ph.D. or equivalent doctorate (e.g., Sc.D, M.D., D.D.S., J.D.) in an appropriate field (typically in the last five (5) years) and provide the appointee with training under the supervision of a faculty member of a department;

3. involve substantially full-time research or scholarship; and

4. function as a preparatory time for careers; and

5. provide the appointee with the opportunity to the results of her or his research or scholarship during the period of the appointment; and

6. provide the appointee with technical training and opportunities for professional and career development.

DESIGNATED TITLES:

Designated titles for postdoctoral appointments at The Pennsylvania State University are Postdoctoral Fellow and Postdoctoral Scholar. The title of Postdoctoral Fellow will be used only in connection with appointments financed under a Postdoctoral Fellow Program of a granting agency outside the University. The title of Postdoctoral Scholar will be the usual designation for all other postdoctoral appointments.

LENGTH OF APPOINTMENT:

Postdoctoral appointments are intended for individuals who have recently completed a Ph.D. or equivalent doctorate typically within five years of completion their degree. Individuals with titles other than postdoctoral fellow or postdoctoral scholar are not covered under this policy.
Appointments are offered as one-year terms with the possibility for renewal. All renewals are contingent upon available funding, satisfactory performance on the part of the postdoctoral scholar/fellow and adherence to all University policies and professional standards of conduct. No individual shall be appointed to a postdoctoral scholar appointment for more than a total of five years.

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4/23/19

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Postdoctoral scholars and fellows are generally eligible to follow the holiday schedules established for their respective campuses. Postdoctoral scholars and fellows will not be expected to perform any duties of the position on official University holidays, including the shutdown period during the December/January holidays at campuses that are closed during that time. If it is necessary for the postdoctoral scholar/fellow to perform their duties on a University holiday, then compensatory time off equivalent to the number of hours worked on the holiday will be provided by the unit. Use of holiday compensatory time off is subject to the approval of the supervising faculty, shall be used prior to other leave, and shall not be paid out at the time of separation. Supervising faculty should provide advanced notice to the postdoctoral scholar/fellow in the event they will be required to work on an official University holiday.

PAID LEAVE:

As part of each one year appointment, postdoctoral scholars/fellows are provided with four (4) weeks or 20 business days of paid leave to cover absences to include, but not be limited to, doctor’s appointments, personal illness, caring for an ill family member, funeral leave, vacation, and other similar situations. The timing and duration of leave must be agreed upon and approved in advance by the postdoc scholar/fellow and supervising faculty member unless circumstance make advanced approval not possible. Unused leave cannot be rolled over from one appointment year to the next or used to extend the appointment at the time of separation from the University. However, unused leave may be used during the last week of the appointment if needed to cover an approved absence. Unused paid leave shall not be paid out to the postdoctoral scholar or fellow at the time of separation.
LEAVES OF ABSENCE:

Leaves of absence without pay for a reasonable period of time beyond the four (4) weeks of paid leave will be considered on a case-by-case basis. Departments may be able to provide for some work to be completed remotely (e.g., data analysis), permitting the scholar or fellow to remain in pay status.

Postdoctoral scholars and fellows may be eligible for leave under the Family and Medical Leave Act. To the extent that a scholar or fellow is eligible for such leave, it shall run concurrently with paid and unpaid leave under this policy. Whenever a postdoctoral scholar or fellow would like to request a paid or unpaid leave of absence, the scholar or fellow shall contact the Penn State Human Resources, Absence Management Office, absence@psu.edu. The Absence Management Office personnel shall work with the supervising faculty member and the Office of Postdoctoral Affairs at postdocaffairs@psu.edu when vetting and approving such requests.

Before a leave of absence is discussed with an international scholar or fellow, the Penn State Human Resources, Absence Management Office shall contact International Scholar Advising, Directorate of International Student and Scholar Advising (E-mail: JscholarAdv@psu.edu) to ensure consistency with federal regulations.

Postdoctoral scholars and fellows should refer to New Parent Accommodation guidelines (not an actual policy) given at https://www.research.psu.edu/opa/benefits Postdoctoral scholars and fellows may be eligible for parental leave. Please contact the Absence Management Office to discuss the parameters for parental leave for postdoctoral scholars and fellows.

EXPECTATIONS OF PERFORMANCE:

Every scholar and fellow is expected to exhibit and promote the highest ethical, moral, and professional standards as researchers, future faculty, professionals, and leaders in their respective fields. All postdocs should receive Responsible Conduct of Research training through their faculty mentor, department and/or college. Research misconduct as per https://guru.psu.edu/gfug/appendices/app05-1617.html and https://www.research.psu.edu/researchmisconduct is regarded as a serious offense, raising grave doubt that the scholar or fellow is worthy of continued membership in the postdoctoral community at the University.

In addition to demonstrating satisfactory research progress, fulfillment of assigned duties, and adherence to all University policies, postdocs must maintain proper ethical, moral and professional standards. The primary duties of scholars and fellows are research and scholarship. However, scholars and fellows seeking additional experiences in other areas such as teaching, or consulting should consult with their supervising faculty members prior to accepting any such
additional duties. Supervising faculty have the discretion to approve or deny such requests based on the funding criteria, performance and individual circumstance.

It is strongly recommended and expected that all scholars and fellows be provided a written outline of the expectations of the supervising faculty member at the beginning of their appointment. To the extent possible this document should include a description of specific responsibilities. The document should be the first step in developing an Individualized Development Plan (IDP) for the scholar/fellow in order to guide their professional development during their time at the University (See Appendix A). The IDP is extremely helpful in guiding postdoctoral and early career researchers and is required by a growing number of federal funding agencies.

Scholars/fellows should also receive an annual evaluation at the end of each appointment year (See Appendix B). This evaluation will include a written assessment of their performance, which is to be discussed by the scholar/fellow and the supervising faculty member.

Although it is expected that all scholars and fellows demonstrate satisfactory performance in their research, fulfill all responsibilities outlined by the faculty member, demonstrate professional and ethical standards of behavior, and adhere to all University policies, there are occasions when improvement in one or more of these areas is needed. Failure to meet the expectations identified by the supervising faculty member may result in actions including the implementation of a Plan for Improvement (PFI) and/or sanctions, which may include termination of the appointment. If a supervising faculty member determines that the performance and/or behavior of a scholar or fellow is not meeting expectations, the faculty member should notify and consult with the college’s associate dean for research and unit Human Resources Strategic Partner or Consultant. The supervisor should then meet with the scholar or fellow to notify them that their performance and/or behavior is a concern and develop a PFI (See Appendix C). Once a PFI has been implemented, it is the responsibility of the scholar or fellow to adhere to all parameters outlined in the plan and of the supervising faculty member to monitor and document the scholar or fellow’s progress accordingly. If the scholar or fellow has not demonstrated satisfactory improvement and not met expectations within the time allotted, the faculty member will provide a final written assessment of their performance, along with a termination letter, indicating the specific date that the appointment will end.

All Plans for Improvement must be reviewed and approved by the work unit Human Resources office prior to being implemented with the scholar or fellow. The Penn State Human Resources will consult with other University offices as needed (e.g. Office of Postdoctoral Affairs, Affirmative Action Office, Employee Relations, Office of General Counsel) prior to giving approval to the faculty member to implement the PFI with the scholar or fellow.
TERMINATIONS:

Postdoctoral appointments can be terminated prior to the completion of the contract term for the following reasons:

a) Voluntary resignation.

In the case of a voluntary resignation by the postdoctoral scholar/fellow, the University requests that the postdoctoral scholar/fellow provide a minimum of 30 days’ notice to the faculty supervisor and follow the appropriate exit procedures within the research group and department.

b) Unsatisfactory performance or behavior; research misconduct; or violation of University policy.

If a faculty supervisor is considering termination of a postdoctoral scholar/fellow, they must consult with their unit HR Strategic Partner and/or the Associate Dean of Research, who may consult with other appropriate offices. If the postdoctoral scholar/fellow is being terminated prior to the end of the appointment period due to unsatisfactory performance and/or an unsuccessful performance improvement plan, the postdoctoral scholar/fellow must be given advanced notice. The number of days of notice will be decided on a case-by-case basis.

If the postdoctoral scholar/fellow is being terminated prior to the end of the appointment period due to unsatisfactory behavior, research misconduct, or violation of University policy, the number of days of notice will be determined on a case-by-case basis. In certain cases where the behavior is deemed egregious by the University, termination of the appointment may be effective immediately.

Decisions to terminate postdoctoral scholar/fellow appointments involuntarily for cause must be approved in advance by the college or work unit budget executive or designee. Under any termination of appointment, postdoc scholars/fellows must adhere to University policy HR102 Separation and Transfer Protocol regarding the submission of keys, research equipment and materials, research data and all other University property.

International postdoctoral scholars/fellows must contact the Directorate of International Student and Scholar Advising in the University Office of Global Programs to determine their visa status as a result of the termination.

GRIEVANCE PROCEDURE:

Postdoctoral scholars/fellows should always attempt to resolve problems concerning their professional situation by discussing the matter with their supervisor. If there is a reason for the postdoctoral fellow or scholar to believe that this avenue is inappropriate, he or she may seek
recourse through the department or division or program head, or from the associate or assistant
deans of their college or division. The fellow or scholar may also seek advice from the college or
division HR unit and the Office of Postdoctoral Affairs.

Occasionally, there are disagreements between postdoctoral fellows/scholars and their supervisors that cannot be resolved in the administrative structure of the department, division, program or college. Such problems may involve alleged violations of academic freedom, professional ethics, and procedural fairness and consistency. There may be disagreements concerning authorship credit or intellectual property ownership. If a resolution of such problems cannot be achieved at the department, division, or program level, the following procedures are to be followed. This procedure is not to be utilized for instances of unsatisfactory performance or behavior by the postdoctoral scholar or fellow. If for some reason the proper jurisdiction is not clear, then the Vice President for Research shall decide on the appropriate procedure.

1. For disagreements that are unresolved at the department or program level, a grievance process will be initiated when the postdoctoral scholar or fellow files a written grievance with the dean of his or her college. The parties to the grievance process shall be the person(s) filing the grievance and the person(s) responsible for the act or omission that gave rise to the grievance.

2. In response to the grievance, the College Dean appoints and convenes a Hearing Committee consisting of five members. From that time until the hearing ends, the College Dean refrains from involvement in the dispute. The Hearing Committee consists of two postdoctoral scholars or fellows, two faculty members, and an administrator who will serve as chairperson. All members of the Hearing Committee will be from outside the academic department or unit in which either the postdoctoral scholar or faculty member who is involved in the grievance participates.

3. Each party is allowed up to three disqualifications from this committee without cause. An indefinite number of disqualifications is allowed with cause, as determined by the College Dean. The College Dean makes additional appointments as necessary to fully staff the Hearing Committee.

4. The Hearing Committee attempts to resolve the disagreement within 30 calendar days of receiving the complaint.

5. The hearing is not public. During the hearing, either party may have present an adviser, who must be a postdoctoral scholar/fellow, faculty, or a staff member of the University. In light of the nature and spirit of the proceeding, representation by legal counsel is prohibited.

6. The Hearing Committee may have present at the hearing such assistance as it deems necessary.

7. The Hearing Committee is not bound by strict rules of evidence and may admit any relevant evidence.

8. The hearing is audio recorded, and a recording of the hearing is kept through any appeal processes. The parties involved may request to listen to the tape and take written notes until it is destroyed, however, copies are not provided.

9. The parties are afforded an opportunity to obtain necessary witnesses and documentary and other evidence. The department or program involved makes all reasonable efforts to
cooperate with the committee in securing witnesses and making available documentary and other evidence.

10. Each party has the right to confront and cross-examine all witnesses. Expenses incurred in obtaining a witness will be the responsibility of the party requesting the witness.

11. The Hearing Committee’s findings are based solely on the hearing record. In cases where issues involve authorship, the Hearing Committee should adhere to the spirit of Policy IP02.

12. The Hearing Committee submits its findings and recommendations in writing to the College Dean and to the parties involved. Based solely on the record of the hearing, the College Dean may endorse all, part, or none of the Hearing Committee’s recommendations. In coming to a decision, the College Dean may consult with the Vice President for Research. A written notice of the decision of the College Dean is provided to the Hearing Committee and the parties involved within three weeks of receipt by the College Dean of the Hearing Committee’s recommendations. If the College Dean does not endorse all of the findings and adopt all the recommendations of the Hearing Committee, an explanation will be included in the written notice. The decision by the College Dean shall be final, but does not preclude existing independent avenues of appeal. The record of this decision, along with supporting documents, shall be submitted to the Office of General Counsel and the Vice President for Research and kept by the Vice President for Research for not less than five years from the date of the resolution of the complaint.

13. After the final decision, all efforts should be made to reconcile the situation within the research group. In the rare case where irreconcilable differences exist even after the resolution, and where the decision is made against the faculty member, it will be the responsibility of the College Dean to find another similar position in the University for the postdoctoral fellow or scholar, and, if necessary, to provide bridge funding for this position for up to six months.

POLICY EXCEPTIONS:

This policy applies to all individuals designated as postdoctoral scholars and fellows. In extenuating circumstances, exceptions to this policy may be requested to meet specific training or personnel needs. All such requests will be considered on a case-by-case basis. Any request for an exception must be submitted by the principal investigator or supervising faculty member to the college/unit’s associate dean for research and unit human resources office for review and, if appropriate, forwarded to the director of the Office of Postdoctoral Affairs (OPA) for approval. The director of the OPA will consult with the Vice President for Research if necessary and notify the college’s associate dean for research and unit human resources office of the final decision. If the request is denied, there is no further level of appeal and the decision will stand.

FORMS

Appendix A - Appointment letter templates.
Appendix B - Individualized Development Plan (IDP)
Appendix C – Annual Evaluation Form
Appendix D – Plan for Improvement Sample

CROSS REFERENCES:

Policy IP02 Coauthorship of Scholarly Reports, Papers and Publications (Formerly Policy RA13) [Delete] http://www.research.psu.edu/offices/office-of-postdoctoral-affairs/benefits-for-postdoctoral-scholars [End Delete]
Excerpt from Senate Record  
April 23, 2019

Proposed Revisions to Penn State Policy HR68, Postdoctoral Appointments

Janet Hughes, Libraries: Okay. So, this report originally was supposed to come up in October, but there were a lot of questions that came out when it was first published onto the agenda. And there were a lot of faculty who believed they didn’t have an opportunity to give feedback. So, this came from the Office of Postdoctoral Affairs. They went back. They revised certain things, changed some wording, and then went out and got feedback. They presented to the Associate Deans for Research, who were then supposed to tell their faculty, tell them what’s happening, and get the feedback. They got that feedback. They went off to all the HR departments of any places that had postdocs to get that feedback. And this is the revised policy. It is not a perfect policy, and they know it.

But what it does is it—really, what it’s meant to do is to answer the questions that they get asked all the time. How much leave does a postdoc get? How much vacation does a postdoc get? Does a postdoc have to work on a holiday? Da da da da da, and those sorts of things. So that is what it’s supposed to do. It’s articulating policies that have been in place. They simply were scattered. And that’s what this is hoping to do.

Chair Bérubé: Paula, can you pull it up? I just want to do one PS. One of the questions we also get, a less pleasant question, is what do you do about postdocs behaving badly? I wanted to make it clear—because it’s one of the things we had to work out in the course of coming up with a faculty misconduct committee— we also went back and revised AC76. That will come before you briefly. It’s in the shop, because AC76, at present, is profoundly unclear as to who it covers. It will not cover postdocs. Postdocs will have their own—

Janet Hughes: Pages and pages down.

Chair Bérubé: Length of Appointment. [INAUDIBLE] keep going.

Janet Hughes: I believe it’s just called ‘Terminations’.

Chair Bérubé: Well, there’s also—wait. Keep going. [INAUDIBLE] Go that way. Thanks. So, ‘Expectations of Performance’, that whole clause. If you’re not familiar with it now, read it later. Because we’re not reading it now. Keep going. Expectations of Performance, Terminations, and one more- Grievance Procedure. This will all be separate from Faculty Rights and Responsibilities. It will all be separate from any other faculty [INAUDIBLE]. Postdocs will have their own procedures for— and I think that’s worth pointing out as well.
Janet Hughes: Okay. Are there any questions?

Chair Bérubé: Are we ready to vote? MediaSite, do your thing. Folks here, to accept this report, press A. To reject, press B.

Anna Butler: Poll everywhere, I have ten accept.

Paula Brown: In house, 81 accept, five reject.

Chair Bérubé: Motion carries. Thank you, Janet. And no blame about taking this amount of time to get to this. This was a tricky one. Thank you.