



University Senate CHARGE

Date:	September 5, 2012
To:	Ellin Scholnick Chair, Faculty Affairs Committee
From:	Martha Nell Smith  Chair, University Senate
Subject:	Review of the Interim Faculty Parental Leave Policy
Senate Document #:	12-13-04
Deadline:	November 1, 2012

The Senate Executive Committee (SEC) requests that the Faculty Affairs Committee review the attached Interim University of Maryland Policy on Faculty Parental Leave and Other Family Supports (II-2.25 (A)) and make recommendations on whether the interim policy is appropriate.

The 2011-2012 Faculty Affairs Committee developed a campus faculty parental leave policy in the Spring 2012 semester. The Board of Regents (BOR) developed a University System of Maryland (USM) policy in Summer 2012. They requested that all USM schools create a policy that aligns with its policy by September 1, 2012. The Office of Faculty Affairs and the Office of Legal Affairs drafted the interim policy pending review by the Faculty Affairs Committee and Senate approval.

Specifically, we ask that you:

1. Review the Report on the Proposed Policies for Parental Leave for Faculty (Senate Doc. No. 11-12-32).
2. Consult with a representative from the Office of Faculty Affairs.
3. Ensure uniformity between the USM policy and the policy approved by the Senate in 2011-2012.
4. Review whether additional UMCP policies must be amended to accommodate the new policy.
5. Consult with the University's Office of Legal Affairs.

6. If appropriate, recommend whether the proposed interim policy should be revised or become campus policy.

We ask that you submit your report and recommendations to the Senate Office no later than November 1, 2012. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.

II-2.25(A) UNIVERSITY OF MARYLAND POLICY ON FACULTY PARENTAL LEAVE AND OTHER FAMILY SUPPORTS

(Interim Policy approved by the President August 29, 2012 pending University Senate action)

I. Purpose

This policy is intended to support faculty in balancing professional and family demands before and after the birth or adoption of a child through a combination of measures to promote a “family-friendly” environment. These measures include:

- a. A minimum assured period of paid parental leave of eight (8) weeks;
- b. Eligibility for a Modified Duty Family Support Plan;
- c. Extension of Time for Tenure Review for new parents;
- d. Availability of lactation facilities.

II. Assured Minimum Parental Leave

Each eligible faculty member shall be assured a period of up to eight (8) work weeks (i.e., forty (40) work days) of paid parental leave to care for a new child, as follows:

- A. **Nature of Leave:** The parental leave shall be charged to an individual faculty member’s accrued annual leave, sick leave, personal leave or collegial leave, if applicable, to be supplemented by the institution with additional paid leave days to attain an eight (8) week period of paid parental leave. No institutional work-related duties are required of the faculty member by the University while on assured paid leave.
- B. **Applicability:** The eight (8) week paid leave assurance will be available during the twelve (12) month period surrounding:
 1. The birth of a newborn; and
 2. The placement of a child for adoption or foster care under the age of six (6).
- C. **Eligibility:** Paid leave assurance applies to all full-time and part-time tenured and tenure-track faculty and non-tenure-track faculty with appointments of at least 50% FTE, upon written affirmation that the faculty member will be the child’s primary caregiver during the parental leave period. To be eligible for parental leave, a faculty member must have been employed by the institution for at least six (6) months.
 1. Leave shall be pro-rated for eligible part-time faculty.
 2. Use of paid parental leave does not require the faculty member to submit medical documentation or proof of placement of a child for adoption or foster care.
 3. If a child’s parents are both faculty employed by the same institution, both may be eligible for paid parental leave up to the eight (8) week maximum as follows:
 - a. Both parents may use accrued annual, sick, personal, or collegial leave concurrently with the birth of a child or placement of a child under the age of six (6) for adoption or foster care;
 - b. A faculty parent may use additional guaranteed paid leave under this policy only during a period when that parent is acting as the child’s primary caregiver.

4. A faculty member shall be eligible for assured minimum paid parental leave after six (6) months of employment with the University.
5. A faculty member may be eligible for paid parental leave under this policy on one occasion in a given 12-month period, and on two occasions during the duration of the faculty member's employment with the University System of Maryland. Any additional periods of paid parental leave require the approval of the President, or the President's designee.

III. Modified Duty Family Support Plan

Each eligible faculty member shall have the opportunity to request a period of time during which their institutional work duties are reduced or modified without a reduction of salary known as a "Modified Duty Family Support Plan". The plans are intended to provide support for new parents while assuring that continuity in student instruction and other critical faculty duties are not disrupted.

- A. Plan Development: The plan will be developed jointly by the faculty member and department chair, or the designee of the chair or the dean, upon request of the faculty member.
 1. If the faculty member and department chair are unable to finalize the plan, or if an agreed-upon plan requires additional resources, the appropriate dean or other academic affairs administrator will participate in completing the plan.
 2. Each completed plan will be shared with the appropriate dean or other academic affairs administrator.
- B. Plan Content: The plan will allow the faculty member to reduce or otherwise modify workload, especially teaching duties, during the semester in which parental leave is taken, through a combination of:
 1. Leave, including:
 - a. Exhaustion of all accrued annual, personal, holiday and sick leave;
 - b. Additional paid parental leave, as needed up to the eight (8) week total;
 - c. Collegial sick leave, as available;
 - d. Unpaid leave, up to the twelve (12) week (i.e., sixty (60) work day) limit of the University Faculty Family Medical Leave Act Policy, II-2.31(A);
 2. Workload modifications, to the extent authorized by the institution and feasible within the faculty member's department, which may include:
 - a. Part-time employment;
 - b. The spreading of the semester's teaching responsibilities over multiple terms preceding and succeeding the parental leave period;
 - c. Redistribution of duties to substitute a teaching assignment with other departmental or academic service; and or
 - d. Other options identified by the institution or department.
- C. Eligibility: All faculty who meet the eligibility standards of Section II. C. 1 through 5 are eligible for the benefits of a Modified Duty Family Support Plan, subject to terms and conditions stated below:
 1. Faculty with Instructional Responsibilities (including tenured, tenure-track and non-tenure track instructors and lecturers) are entitled to a release from classroom

teaching duties and service responsibilities during the semester in which parental leave is taken. For example, faculty taking parental leave for the initial eight (8) weeks of an academic semester shall be eligible for a Modified Duty Family Support Plan during the remaining weeks of the semester, i.e., no classroom teaching responsibilities.

- a. During the period of the Modified Duty Family Support Plan, faculty members with instructional responsibilities are expected to continue to perform other non-classroom instructional duties for which they are ordinarily responsible, such as advising graduate students, as well as to sustain their research/creative activities as applicable.
 - b. Instructional faculty utilizing a Modified Duty Family Support Plan pursuant to this policy shall not be required to offset the reduced classroom course load during the period of modified duty by making up the load in another semester.
2. Faculty without Instructional Responsibilities are entitled to a Modified Duty Family Support Plan for a period of up to six (6) weeks in addition to the eight (8) weeks of paid Parental Leave, subject to any limits established by contract or grant by the funding agency responsible for a research faculty member's salary support. The exact nature and schedule of the Modified Duty Family Support Plan shall be defined and approved by the Chair or Unit head as set forth in III.A.
 3. The period of the Modified Duty Family Support Plan will normally extend from 3 months prior to 12 months following the birth or placement of a child for adoption or foster care.
 - a. The combined period of Paid Parental Leave and the Modified Duty Family Support Plan must be concluded within twelve (12) months of the birth or placement of the child for adoption or foster care.
 - b. A Modified Duty Family Support Plan is available to both faculty parents, on a sequential basis, provided the faculty member is the child's primary caregiver during normal working hours during that period
 - c. Both faculty parents are expected to coordinate leave arrangements so that the combined period of Paid Parental Leave and the Modified Duty Family Support Plan are not exceeded.
 - d. To minimize hardship of the department/unit, faculty are expected to notify their chair or unit head, and, if applicable, the Dean, at least two (2) months in advance of the date of expected use. Notice should include the projected date of birth of the child or expected date of the child's placement through adoption or foster care, as feasible.

IV. Extension of Time for Tenure Review

Faculty are entitled to an extension of time before mandatory tenure review in accordance with II-1.00(D) University of Maryland Policy on Extension of Time for Tenure Review Due to Personal and Professional Circumstances ("UM Tenure Extension Policy"). Among other provisions, the UM Tenure Extension Policy provides that any tenure-track faculty member who becomes the parent of a child by birth or adoption will automatically be granted a one-year extension of the deadline for tenure review by the provost, upon mandatory written notification by the faculty member's department. A second automatic extension for the

birth or adoption of another child will be granted as long as the total number of all extensions does not exceed two.

V. Supports for Nursing Mothers

The University shall provide space at reasonable locations on campus where faculty who are nursing mothers may breastfeed or express milk.

- A. The areas must be shielded from view and free from intrusion by others.
- B. A bathroom or restroom may not be designated as a lactation facility.
- C. The space may be a private area in a larger room, or a private room that is reliably made available for nursing mothers whenever needed but may otherwise be used for different functions.
- D. The area shall be equipped with seating, a table or other flat surface, an electrical outlet and nearby access to a sink.
- E. The requirement for lactation facilities and their availability for the purpose of breastfeeding a child are subject to University policies governing the circumstances when children of employees may be present in the workplace.

VI. Protections for Faculty

No faculty member shall be discriminated against or otherwise experience reprisals in any appointment, evaluation, promotion, tenure or other employment-related process as a result of utilizing paid parental leave, modified duty family support plans or other supports provided in this policy.

VII. Implementation

- A. Paid Parental Leave and Modified Duty Family Support Plan: Eligible faculty shall have access to paid parent leave and modified duty family support plans beginning in the Fall 2012 semester.
- B. Supports for Nursing Mothers: Implementation of these requirements shall occur no later than December 31, 2012.