




UNIVERSITY OF MARYLAND

UNIVERSITY SENATE

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SENATE LEGISLATION APPROVAL

Date:	October 11, 2012
To:	Wallace D. Loh
From:	Martha Nell Smith Chair, University Senate 
Subject:	Review of the Interim Faculty Parental Leave Policy
Senate Document #:	12-13-04

I am pleased to forward for your consideration the attached legislation entitled, "Review of the Interim Faculty Parental Leave Policy." Ellin Scholnick, Chair of the Faculty Affairs Committee, presented the proposal. The University Senate approved the proposal at its October 10, 2012 meeting.

We request that you inform the Senate Office of your decision as well as any subsequent action related to your conclusion.

Enclosure: Review of the Interim Faculty Parental Leave Policy
Senate Document # 12-13-04

MNS/rm

Cc: Mary Ann Rankin, Senior Vice President & Provost
Reka Montfort, Executive Secretary and Director, University Senate
Juan Uriagereka, Associate Provost for Faculty Affairs
Terry Roach, Executive Assistant to the President
Janet Turnbull, President's Legal Office
Elizabeth Beise, Associate Provost for Academic Planning & Programs
Sylvia B. Andrews, Academic Affairs
Dale Anderson, Director of University Human Resources

Approved: _____



Wallace D. Loh
President

Date: _____

11/1/2012



University Senate TRANSMITTAL FORM

Senate Document #:	12-13-04
Title:	Review of the Interim Faculty Parental Leave Policy
Presenter:	Ellin Scholnick, Chair, Senate Faculty Affairs Committee (FAC)
Date of SEC Review:	September 28, 2012
Date of Senate Review:	October 10, 2012
Voting (highlight one):	<ol style="list-style-type: none"> 1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report
Statement of Issue:	<p>In Fall 2011, the University System of Maryland (USM) began development of a parental leave policy for faculty and staff at all USM institutions. The ADVANCE Policy Review Committee at the University of Maryland (UM) began developing its own policies at the same time in hopes of influencing the USM policy. In February 2012, the Senate Executive Committee (SEC) charged the Faculty Affairs Committee with reviewing two proposed policies proposed by the ADVANCE group for paid parental leave and modified duty for teaching and non-teaching faculty.</p> <p>The 2011-2012 FAC reviewed the proposed policies and recommended combining them into one policy. The committee recommended extending the amount of paid parental leave from 30 work days to 8 work weeks and allowing faculty to use other forms of leave for parental leave. The committee also specified that when both faculty parents are employed by the University, each parent should be entitled to the full amount of leave available. The Senate and the President approved the proposed Policy for Parental Leave for Faculty in April and May of 2012.</p> <p>During the summer of 2012, the Board of Regents (BOR) finalized its parental leave policy, which was to be implemented by September 1, 2012. Because the two policies were organized differently, differed substantively in certain respects, and when read together were confusing, the Office of Faculty Affairs drafted</p>

	<p>an interim policy which was approved by the President on August 29, 2012 pending further Senate review. On September 5, 2012, the SEC charged the Faculty Affairs Committee with reviewing the interim policy.</p>
<p>Relevant Policy # & URL:</p>	<p>II – 2.25 USM Policy on Parental Leave and other Family Supports for Faculty http://www.president.umd.edu/policies/docs/II-225.pdf</p> <p>II – 2.25(A) University of Maryland Policy on Faculty Parental Leave and Other Family Supports http://www.president.umd.edu/policies/docs/II-225A.pdf</p>
<p>Recommendation:</p>	<p>The Faculty Affairs Committee recommends that the proposed amendments to the Interim University of Maryland Policy on Faculty Parental Leave and Other Family Supports be approved and the policy be finalized for implementation. In addition, all current University leave policies for faculty employees should be amended to align with this new policy.</p>
<p>Committee Work:</p>	<p>The FAC reviewed the Interim Policy on Faculty Parental Leave and Other Family Supports at its meeting on September 10, 2012 and discussed the differences between the two policies with the Associate Provost for Faculty Affairs. The enclosed proposed policy is more generous than the USM policy in four areas that incorporated content addressed in the policy the Senate had originally recommended: (a) the USM policy eligibility period requires 1 year of employment whereas the UM policy requires 1 semester or 6 months; (b) the USM policy allows institutions to require faculty to make-up reduced classroom teaching whereas the UM policy expressly provides that faculty may not be asked to make-up reduced classroom teaching; (c) the USM policy requires modified duty/family support plans for instructional faculty only while the UM policy allows for modified duty/family support plans for both instructional and non-instructional faculty; and (d) the USM policy has a more narrow range of time in which parental leave is permissible and, as a result, it is harder for both parents to use paid parental leave and take advantage of modified duty/family support plans.</p> <p>The committee discussed and voted to approve these specific changes to the interim policy for recommendation. These changes improve upon the interim policy and clarify details related to eligibility, timelines for applicability, the nature of modified duties, and other key issues. The committee voted to approve the final proposed policy and send it forward to the SEC for consideration.</p>

Alternatives:	The Senate could reject the proposed policy and the current interim policy would remain as the campus's official policy pending further recommendations by the Senate. The campus must comply with USM Parental Leave Policy at II—2.25 Policy on Parental Leave and other Family Supports for Faculty.
Risks:	There are no associated risks.
Financial Implications:	There may be a cost associated with coverage of instructional responsibilities for faculty on parental leave. A policy change is required in order to comply with USM policy.
Further Approvals Required:	Senate Approval, Presidential Approval.

Senate Faculty Affairs Committee

Senate Document 12-13-04

Review of the Interim Faculty Parental Leave Policy

September 2012

BACKGROUND:

In recent years, the University of Maryland (UM) has been moving towards adopting more family-friendly policies for faculty and staff on campus. In 2006, the University adopted a policy that allows for the automatic delay of the tenure clock after the birth or adoption of a child, and in 2009, a policy that enables tenured and tenure-track faculty to work part-time for up to two years in order to care for a child under the age of five was adopted. Other policies were created related to Family and Medical Leave for Faculty and Adoption Leave for Faculty as well to allow faculty to use unpaid or paid leave to address family situations.

Until last year, no explicit policies existed related to paid parental leave or modified duty for faculty. Faculty used combinations of paid sick, annual, and personal leave and unpaid Family and Medical Leave Act (FMLA) leave, and workload accommodations were handled on a case-by-case basis. Some units on campus provided teaching relief and others arranged for coverage of instructional responsibilities, but many parents continued to carry out their full responsibilities after childbirth or adoption of a child.

In fall of 2011, the University System of Maryland (USM) began considering developing a parental leave policy for faculty and staff. The University of Maryland decided to lead this effort by creating its own parental leave policies for our campus, drawing upon the work of the ADVANCE Policy Review Committee. In February of 2012, the Senate Executive Committee (SEC) charged the Faculty Affairs Committee with reviewing two proposed policies for paid parental leave and modified duty for teaching and non-teaching faculty that had been generated by the ADVANCE group. The proposed policy for paid parental leave offered 30 work days (6 work weeks) of paid leave connected to the birth of a child or the placement of a child younger than five in adoption or foster care. The policy for modified duty proposed modified duty during the semester in which parental leave is taken for teaching faculty and 30 work days (6 work weeks) for non-teaching faculty.

The 2011-2012 Faculty Affairs Committee reviewed the proposed policies, researched data on peer institutions, and met with representatives from the Office of Faculty Affairs and ADVANCE Policy Review Committee on the potential impact of the policies on faculty. The Faculty Affairs Committee recommended combining the two proposed policies to provide the maximum benefit to both parents. It also recommended extending the amount of paid parental leave from 30 work days to 8 work weeks and allowing faculty to use other forms of leave for parental leave. The committee also specified that when both faculty parents work for the University, each parent should be entitled to the full amount of leave possible. The committee's recommendations were forwarded on to the SEC and the Senate for consideration. The Senate voted to approve the Proposed Policy for Parental Leave for Faculty on April 19, 2012, and the President approved it on May 1, 2012.

CURRENT PRACTICE:

After the Senate and President approved the Policy on Parental Leave for Faculty, the USM finalized the system's parental leave policy, with an implementation date of September 1, 2012. While the Policy for Parental Leave for Faculty approved by the Senate and President is very similar to the USM policy, the University needed to ensure that our policy is in compliance with USM mandates before implementation. The Office of Faculty Affairs drafted an Interim Policy in an attempt to harmonize the differences between the approved campus policy and the USM policy and to incorporate more generous terms in areas where the USM policy provided discretion. The UM Interim Policy has a more generous modified duties proposal, begins eligibility for leave earlier, and applies to non-instructional and instructional faculty. On September 5, 2012, the SEC charged the Faculty Affairs Committee with reviewing the Interim Policy.

COMMITTEE WORK:

The Faculty Affairs Committee reviewed the University of Maryland Interim Policy on Faculty Parental Leave and Other Family Supports at its first meeting on September 10, 2012. The Associate Provost for Faculty Affairs discussed how the interim policy was crafted and noted that while the policy is virtually identical to the campus policy previously approved by the Senate, there are some key differences.

The committee discussed specific changes to the policy and voted to approve four recommended changes to the Interim Policy:

- 1) In section II.C.3.a, the committee voted to change the language to:
“**Both Each** 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;”
- 2) In section III.B, the committee voted to change the language to:
“Plan Content: The plan will allow the faculty member to reduce or otherwise modify workload, ~~especially teaching duties,~~ during the **semester period** in which parental leave is taken, through a combination of:”
- 3) In section III.B.2.b, the committee voted to strike the clause:
“~~b. The spreading of the semester's teaching responsibilities over multiple terms preceding and succeeding the parental leave period;~~”
- 4) In section III.C.1, the committee voted to change the language to:
“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 for one semester in the period~~ in which parental leave is taken.”

After further discussions between the Chair of the Faculty Affairs Committee and the Associate Provost for Faculty Affairs, additional changes were made:

- 1) In section II.B, the language was changed to alter the timeline in which paid parental leave is assured:
“Applicability: The eight (8) week paid leave assurance will be available **beginning six (6) months before and up to during the** twelve (12) months **after either: period surrounding;**”
- 2) In section II.C. and II.C.4, the language was changed to clarify eligibility for instructional and non-instructional faculty:
II.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.~~”

II.C.4. ~~“A faculty member shall be eligible for assured minimum paid parental leave after six (6) months of employment with the University. To be eligible for parental leave, an instructional faculty member must have been employed by the institution for at least one semester and a non-instructional faculty member for at least six (6) months.”~~

- 3) In section II.C.3.a, the original language was retained:
“**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;”
- 4) In section III.C.3, the language was changed to make the policy more flexible and more consistent with USM policy.
“The period of the Modified Duty Family Support Plan will normally **extend from 6 3 months prior** to 12 months following the birth or placement of a child for adoption or foster care.”

The Faculty Affairs Committee voted in favor of approving the final proposed changes to the Interim Policy.

RECOMMENDATION:

The Faculty Affairs Committee recommends that the attached proposed amendments to the Interim University of Maryland Policy on Faculty Parental Leave and Other Family Supports be approved and the policy be finalized for implementation at the University of Maryland College Park. In addition, all current University leave policies for faculty employees should be amended to align with this new policy.

APPENDICES:

Appendix 1 – Proposed University of Maryland Interim Policy on Faculty Parental Leave and Other Family Supports.

Appendix 2 – Senate Executive Committee Charge on the Review of the Interim Faculty Parental Leave Policy.

Appendix 3 – University System of Maryland (USM) Policy on Parental Leave and other Family Supports for Faculty.

Appendix 4 – Senate Faculty Affairs Committee Report on Senate Document 11-12-32, Proposed Policies for Parental Leave for Faculty, March 2012.

Appendix 1 - Proposed University of Maryland Interim Policy on Faculty Parental Leave and Other Family Supports

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 **beginning six (6) months before and up to during the** twelve (12) months **after either: period surrounding:**
 1. The birth of a newborn; **or 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.~~ To be eligible for parental leave, an instructional faculty member must have been employed by the institution for at least one semester and a non-instructional faculty member for at least six (6) months.
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 period~~ 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;~~
 - ~~(b)e.~~ Redistribution of duties to substitute a teaching assignment with other departmental or academic service; and or
 - ~~(c)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 for one semester in the period** 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 6-9 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.

Appendix 2 - Senate Executive Committee Charge on the Review of the Interim Faculty Parental Leave Policy



**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 Policy on Parental Leave and other Family Supports for Faculty (Approved by the Board of Regents, June 22, 2012)

I. Purpose

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

- a. A minimum assured period of paid parental leave of eight (8) weeks;
- b. The adoption of Family Support Plans at each institution;
- c. Minimum requirements to extend the time for tenure review for new parents; and
- d. The availability of lactation facilities on each campus.

II. Assured Minimum Parental Leave

Each eligible faculty member shall be assured a period of up to eight (8) 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 period will consist of any form of annual, sick or personal leave that the faculty member has accrued, to be supplemented by the institution with additional paid leave days to attain an eight (8) week period of paid parental leave.
- B. **Applicability:** The eight (8) week paid leave assurance will be available during a six (6) month period surrounding:
 1. The birth of a newborn;
 2. The recent adoption of a child under the age of six (6); and
 3. At the discretion of the institution’s chief academic officer and subject to any limitations established by the institution, the assumption of other parenting responsibilities, such as foster parenting or legal guardianship of a child under the age of six (6).
- C. **Eligibility:** At a minimum, the paid leave assurance will apply to tenured and tenure-track faculty, and non-tenure-track faculty with multi-year contracts, upon written affirmation that the faculty member will be the child’s primary caregiver during the parental leave period.
 1. Institutions may offer assured minimum paid leave to other categories of faculty as a matter of institution policy.
 2. Leave shall be pro-rated for eligible part-time faculty.
 3. If a child’s parents are 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 or personal leave concurrently with the birth of a child or adoption of the child under age six (6);
 - b. A parent may use additional guaranteed paid leave under this policy only during a period when that parent is the child’s primary caregiver.

4. A faculty member shall be eligible for assured minimum paid parental leave after one (1) year of employment with the institution, except to the extent that institution policies permit and the terms of the faculty member's appointment establish a lesser eligibility period.
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 within the USM. Any additional periods of paid parental leave require the approval of the President, or the President's designee.

III. Faculty Family Support Plans

Each institution shall assure that each eligible faculty member has the opportunity to establish a "Family Support Plan." These plans are intended to provide support for new parents while assuring that continuity in student instruction and other critical faculty duties are not disrupted during periods of faculty parental leave.

- 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, though 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 USM Family Medical Leave Act Policy, No. II—2.31; and
 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:** Each tenured or tenure-track faculty member whose responsibilities are primarily instructional is eligible for a family support plan, subject to the eligibility standards of Section II.C.1 through 5 of this policy. Institutions may offer the opportunity to develop a family support plan to other categories of faculty as a matter of institution policy.

IV. **Extension of Time for Tenure Review**

- A. **Minimum Requirements:** Each USM institution shall establish policies and procedures to permit faculty members who become new parents with the birth or adoption of a child to extend the time for tenure review. At a minimum, institution policies shall provide for:
 - 1. A one (1) year extension of the time for tenure review upon the birth or adoption of a child; and
 - 2. The ability to obtain such an extension twice during employment with a USM institution.
- B. **Institution Procedures:** Institution procedures may include requirements related to the timing and content of applications for the extension, documentation of eligibility and other aspects of the process for requesting and administering extensions of the time for tenure review.
- C. **Additional Institution Provisions:** An institution's policies to extend the time for tenure review may be broader in scope than the minimum eligibility and duration requirements specified in this policy.

V. **Supports for Nursing Mothers**

Each institution shall provide space at reasonable locations on campus where employees who are nursing mothers may breastfeed or express milk.

- A. The area must be shielded from view and free of intrusions from 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 on each campus and their availability for the purpose of breastfeeding a child are subject to institution policies that govern the circumstances under which the children of employees may be present on campus.

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 the parental leave and other supports provided in this policy.

VII. Implementation

This policy shall be implemented as follows:

- A. **Parental Leave and Family Support Plans:** Eligible faculty members shall have access to parental leave and family support plans under this policy as of the beginning of the Fall 2012 semester.
- B. **Other Provisions:** Institutions shall complete implementation of all other requirements of this policy no later than December 31, 2012.



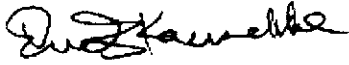
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SENATE LEGISLATION APPROVAL

Date:	April 23, 2012
To:	Wallace D. Loh
From:	Eric Kasischke Chair, University Senate 
Subject:	Proposed Policies for Parental Leave for Faculty
Senate Document #:	11-12-32

I am pleased to forward for your consideration the attached legislation entitled, "Proposed Policies for Parental Leave for Faculty." Charles Fenster, Chair of the Faculty Affairs Committee, presented the proposal. The University Senate approved the proposal at its April 19, 2012 meeting.

We request that you inform the Senate Office of your decision as well as any subsequent action related to your conclusion.

Enclosure: Proposed Policies for Parental Leave for Faculty
Senate Document # 11-12-32

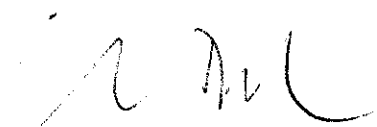
EK/rm

Cc: Ann Wylie, Senior Vice President & Provost
Reka Montfort, Executive Secretary and Director, University Senate
Juan Uriagereka, Associate Provost for Faculty Affairs
Terry Roach, Executive Assistant to the President
Janet Turnbull, President's Legal Office
Elizabeth Beise, Associate Provost for Academic Planning & Programs
Sylvia B. Andrews, Academic Affairs
Dale Anderson, Director of University Human Resources

Approved: _____

Wallace D. Loh
President

Date: _____


May 1, 2012



University Senate TRANSMITTAL FORM

Senate Document #:	11-12-32
Title:	Proposed Policies for Parental Leave for Faculty
Presenter:	Charles Fenster, Chair, Senate Faculty Affairs Committee (FAC)
Date of SEC Review:	April 5, 2012
Date of Senate Review:	April 19, 2012
Voting (highlight one):	<ol style="list-style-type: none"> 1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report
Statement of Issue:	<p>The University System of Maryland (USM) began considering parental leave for faculty and staff. As the flagship campus of the USM, our University is leading this initiative by crafting policies for our campus. The University's ADVANCE Policy Review Committee of the Office of Faculty Affairs, an initiative stemming from the ADVANCE grant, has been instrumental in crafting these draft policies.</p> <p>Currently, faculty members employed by the University are subject to a number of different policies concerning parental obligations. In recent years, the University adopted two family-friendly policies: 1) a policy that allows for automatic delay of the tenure clock for the birth or adoption of a child in 2006, and 2) a policy that enables tenured/tenure-track faculty to work part-time for up to two years in order to care for a child (born, adopted or foster) under the age of five in 2009. The University also has a Policy on Family Medical Leave for Faculty (II-2.31(A)) and the Policy and Procedures Concerning Adoption Leave for Faculty (II-2.30(D)). However, the University currently does not have explicit policies in place to provide for modified duty or paid parental leave for childbearing or childrearing.</p> <p>The Senate Executive Committee charged the FAC on February 22, 2012, with reviewing the draft policies and advising on whether they were appropriate for our University.</p>
Relevant Policy # & URL:	N/A

Recommendation:	The FAC recommends that the Senate approve the Proposed University of Maryland Policy on Faculty Parental Leave and Modified Duty (Appendix 1) and amend any current University policies to align with this new policy.
Committee Work:	<p>The FAC formed a working group to review the proposed policies and review peer institution data. The committee reviewed the working group recommendations and met with representatives of the Office of Faculty Affairs and the ADVANCE Policy Review Committee.</p> <p>The FAC agreed that UMCP should lead the initiative to develop a parental leave and modified duty policy for faculty within the USM. They agreed to extend the amount of parental leave from 30 days to 8 work weeks in order to provide the maximum benefit to both parents. The Committee endorses the principle that when the institution employs both faculty parents, EACH of them should be entitled to use the full amount of parental leave authorized for use by the institution. The FAC consulted with the University's Office of Legal Affairs and crafted a policy that outlines the specifics of these recommendations. The FAC met on March 27, 2012 and unanimously approved the proposed policy.</p>
Alternatives:	The Senate could reject the proposed policy and units could continue to handle these situations on a case-by-case basis.
Risks:	If the Senate does not approve the proposed policy, the University will lose an opportunity to provide faculty with an additional family-friendly policy. This could make it difficult for the University to recruit and retain top-faculty.
Financial Implications:	There may be a cost associated with coverage of instructional responsibilities for faculty on parental leave.
Further Approvals Required:	Senate Approval, Presidential Approval, Chancellor's Approval

Senate Faculty Affairs Committee

Senate Document 11-12-32

Proposed Policies for Parental Leave for Faculty

March 2012

BACKGROUND:

In fall 2011, the University System of Maryland (USM) began considering parental leave for faculty and staff. As the flagship campus of the USM, the University of Maryland College Park (UMCP) is leading this initiative by crafting policies for our campus. The University's ADVANCE Policy Review Committee, an initiative stemming from the University's ADVANCE grant and the Office of Faculty Affairs, has been instrumental in crafting these policies. Its work has resulted in two draft policies regarding parental leave and modified duties for faculty.

The draft policies from the ADVANCE Policy Review Committee proposed 30 workdays (6 work weeks) of paid parental leave in connection with the birth of the faculty member's child or placement of a child younger than 5 years with the faculty member for adoption or foster care. The draft policy also allowed for an additional period of modified duty during the semester in which parental leave is taken for teaching faculty and 30 workdays (6 work weeks) for non-teaching faculty.

In February 2012, the Senate Executive Committee (SEC) charged the Senate Faculty Affairs Committee (FAC) with reviewing the proposed policies for parental leave and modified duties for faculty and making recommendations on whether the draft policies were appropriate. In addition, FAC was asked to consult with the Senate Staff Affairs Committee to ensure uniformity among policies for faculty and staff.

CURRENT PRACTICE:

Currently, faculty members employed by the University are subject to a number of different policies concerning parental obligations. In recent years, the University adopted two family-friendly policies: 1) a policy that allows for automatic delay of the tenure clock for the birth or adoption of a child in 2006, and 2) a policy that enables tenured/tenure-track faculty to work part-time for up to two years in order to care for a child (born, adopted or foster) under the age of five in 2009.

The University currently has a "Policy on Family and Medical Leave for Faculty" (II-2.31 (A)) that applies to all eligible faculty who are covered by the provisions of the USM BOR Policy II-1.00 on Appointment, Rank and Tenure of Faculty. Under this policy, a faculty member may be provided with unpaid leave for up to a maximum of 60 work

days (excluding official university holidays) in a twelve-month period to address certain family issues and serious health conditions. Included are leave for pregnancy, birth, or adoption of a child, or for the assumption of new foster care.

The University's Policy and Procedures Concerning Adoption Leave for Faculty (II-2.30(D)) allows faculty to use up to 30 days of earned sick leave for the care of an adopted child, but does not allow such leave to be used in the case of foster care or legal guardianship. Since it is sick leave, it is paid leave. This leave may be authorized only for employees with primary responsibility for the care of the adoptee. In the event that both adoptive parents are University employees, adoptive leave is only available to one of the parents.

The University currently does not have explicit policies in place to provide for modified duty or paid parental leave for childbearing or childrearing. Typically, workload accommodations for such purposes are handled on a case-by-case basis, which may include use of paid sick leave, annual leave, and personal leave, as well as unpaid Family and Medical Leave. Some units already provide teaching relief for faculty who are new parents. Other units make arrangements to cover instructional responsibilities for new parents. However, many new parents continue with their full responsibilities immediately following childbirth/adoption. Some faculty members report being reluctant to request childrearing accommodations because they are apprehensive about having to negotiate arrangements with their chairs and fear alienating colleagues who may be asked to take on their teaching responsibilities (Williams, 2005).

COMMITTEE WORK:

The FAC was charged (Appendix 2) by the SEC with reviewing the proposal, "Proposed Policies for Parental Leave for Faculty" on February 22, 2012, which included both a proposed UMCP Policy on Faculty Parental Leave and a proposed UMCP Policy on Modified Duties for New Parents. The SEC asked the FAC to review the proposed UMCP policies and advise on whether they were appropriate for the University.

The FAC formed a working group to review the proposed policies, data collected by the Office of Faculty Affairs on peer institutions, and make suggestions to the full committee. This group recommended that the policies be altered so that they apply equally to both parents in situations where the University employs them both.

The FAC reviewed the recommendations of the working group. In addition, they met with representatives of the Office of Faculty Affairs and the ADVANCE Policy Review Committee on the impact of these new policies on our faculty. The FAC agreed that UMCP should lead the initiative to develop a parental leave and modified duty policy for faculty within the USM. They recommended that the two draft policies be combined to address both parental leave and modified duty for faculty so that they would provide the

maximum benefit to both parents. This included extending the amount of parental leave from 30 days to 8 work weeks and enabling faculty to use existing forms of leave towards parental leave. The Committee endorses the principle that when the institution employs both faculty parents, EACH of them should be entitled to use the full amount of parental leave authorized for use by the institution. Not to allow this would advantage faculty couples in which one member of the couple works at another institution with a comparable parental leave policy, and unfairly disadvantages faculty couples that both work at College Park. This result would counter the intent of offering a family-friendly policy for the purpose of faculty working on this campus. The FAC consulted with the University's Office of Legal Affairs and crafted a policy that outlines the specifics of these recommendations.

RATIONALE:

The proposed policy reflects a growing movement in higher education to offer family friendly policies as a means of attracting and retaining highly talented faculty members (University of Michigan Center for the Education of Women, 2008). Recent studies reveal that many of the best and brightest women from top-ranked doctoral programs are not applying for academic positions in research universities because they do not believe they can balance the demands of work and family life (Mason, Goulden & Frasch, 2009). For example, in one recent study of more than 8,300 doctoral students at University of California campuses, only 29% of women and 46% of men perceived academic positions in research institutions to be somewhat or very family friendly. Among doctoral students who were parents and supported by federal grants (e.g., NSF, NIH), views about the desirability of careers at research universities were even bleaker--only 16% of women and 35% of men perceived careers at research-intensive institutions to be family friendly. The study also found that a significant percentage of doctoral students who sought to pursue academic careers with a research emphasis when they began their Ph.D. programs later shifted their career goals to positions outside academe (e.g., business, government, industry). The shift away from interest in academe was greatest among doctoral women in the sciences, a finding deemed "particularly troubling given the low numbers of women in doctoral programs in physical science, technology, engineering, and mathematics" (Mason et al., 2009, p. 2).

Studies using data from the national Survey of Doctorate Recipients (NSF 1995, 1999) further reveal that for women with Ph.D.s, the combination of marriage and childrearing dramatically decreases women's likelihood of entering a tenure-track position (Goulden, Mason & Wolfinger, 2005). Moreover, for faculty in tenure track positions, men are 20% more likely to achieve tenure than women. Women who had babies early in their academic careers were less likely to obtain tenure than those who delayed childrearing. However, postponing pregnancy and childbirth until the receipt of tenure is biologically problematic for many women and is likely to become even more so in the future. The

average age of obtaining tenure in the sciences and social sciences has increased from 36 in 1985 to more than 39 in 1999. The average age of a Ph.D. recipient has likewise increased from 31 to 33 in the last two decades. Thus, the challenges of timing faculty careers and family formation are likely to intensify for future generations of Ph.D. students.

Women currently comprise more than half of all U.S. Ph.D.s and underrepresented minorities are an increasing percentage of all doctorates. Surveys indicate that both of these groups have a strong interest in family accommodations (Cockrell, 2006). An increasing number of male faculty members are also interested in taking leave to participate in rearing their young children. Research universities that have adopted flexible work arrangements are positioning themselves to keep talented faculty, and particularly women, in the academic pipeline. These institutions also claim to be preparing themselves for a future hiring-boom, as large numbers of faculty plan to retire during the next decade.

PEER INSTITUTIONS:

In response to this research, institutions such as the University of California, Berkeley have taken a leadership role in establishing family accommodation policies for childbearing and childrearing, declaring them to be “fundamental to an equitable and productive academic environment” (UC Berkeley, APM-760-0).

Using data compiled by the Office of Faculty Affairs, the FAC reviewed a variety of faculty leave policies related to childbirth, adoption, or foster care at our peer institutions. Research universities across the nation have recognized the challenges of balancing work and family careers. Many have implemented policies that provide more flexible work arrangements, such as parental leaves or modified duty to accommodate childbearing and care of young children.

Among the universities that have adopted modified duty and/or parental leave policies are the University of California campuses, University of Michigan, MIT, Stanford, New York University, Rutgers, Boston University, University of Texas/Austin, and University of Kansas. The Center for the Education of Women at the University of Michigan found that 32% of research universities in their *Faculty Worklife Policy Study* offered faculty a paid modified duty option as one component of their family-friendly initiatives (Smith and Waltman, 2006). Within the University System of Maryland (USM), the University of Maryland Baltimore County (UMBC) adopted a set of family-leave practices for faculty in 2005, with options similar to those being proposed by the FAC.

Following a thorough examination of parental leave research, the FAC concluded that the proposed policy is comparable to peer institution policies and will allow our University to remain competitive in the recruitment and retention of top faculty. The

proposed policy is also consistent with the American Association of University Professors' "Statement of Principles on Family Responsibilities and Academic Work." Specifically, the Association encourages institutions to adopt policies providing full-time faculty members, regardless of their tenure status, with short-term periods of modified duty at full pay to address family responsibilities.

RECOMMENDATIONS:

The Faculty Affairs Committee recommends that the attached policy, Proposed University of Maryland Policy on Faculty Parental Leave and Modified Duty (Appendix 1), be approved for the University of Maryland College Park. In addition, current University leave policies for faculty employees should be amended to align with this new policy.

APPENDICES

Appendix 1 – Proposed University of Maryland Policy on Faculty Parental Leave and Modified Duty

Appendix 2 – Proposed Policies for Parental Leave for Faculty Charge from the Senate Executive Committee, February 22, 2012

Appendix 3 – Proposed UMCP Policy on Faculty Parental Leave (drafted by the ADVANCE Policy Review Committee)

Appendix 4 – Proposed UMCP Policy on Modified Duties for New Parents (drafted by the ADVANCE Policy Review Committee)

References

American Association of University Professors (2001, May). *Statement of Principles on Family Responsibilities and Academic Work*.

Cockrell, C. (2006, April 13). Family-friendly policies for faculty are now “an entitlement.” *Berkeleyan*, University of California, Berkeley.

Goulden, M., Mason, M.A., & Wolfinger, N. (2005). Do babies matter: Refining gender equity in the academy. In *Mentoring for Academic Careers in Engineering: Proceedings of the PAESMEM/Stanford School of Engineering Workshop* (pages 89-105). Santa Barbara, CA: Grayphics Publishing.

Mason, M.A., Goulden, M., & Frasch, K. (2009). Why graduate students reject the fast track. *Academe*, 95(1), 1-8.

Smith, G.C. & Waltman, J.A. (2006). Designing and implementing family-friendly policies in higher education. The Center for Education of Women, University of Michigan.

University of Michigan Center for the Education of Women. (2007, December). *Family friendly policies in higher education: A five-year report*. Ann Arbor: University of Michigan.

Williams, J. C. (2005, February 7). Are your parental-leave policies legal? *The Chronicle of Higher Education*.

APPENDIX 1

Proposed University of Maryland Policy on Faculty Parental Leave and Modified Duty

- I. Eligibility. This policy applies to all full-time and part-time tenured and tenure-track faculty and non-tenure-track faculty with appointments for at least 50% FTE. To be eligible for parental leave, a faculty member must have been employed with the institution for at least six (6) months.
- II. Paid Parental Leave
 - A. Eligible faculty, male or female, are entitled to receive paid Parental Leave of up to 8 work weeks in connection with the birth of the faculty member's child, or the placement of a child younger than six (6) years of age, with the faculty member for adoption or foster care, provided that the faculty member will be responsible for more than 50% of the care of said child during the period of parental leave.
 - B. No institutional work-related duties are required of the faculty member by the University while he/she is on paid Parental Leave.
 - C. Parental leave is available to eligible faculty within the first twelve (12) months following the birth or placement of a child for adoption or foster care. Use of paid parental leave does not require the faculty member to submit medical documentation.
 - D. Parental leave shall be charged to an individual faculty member's accrued annual leave, accrued sick leave or collegial leave, if applicable, where such leave is available.
 - E. While parental leave is available to both parents and not just the birth mother, a birth mother may also be eligible to use accrued sick leave and/or collegial leave in the event of medically documented complications or illnesses related to pregnancy, such as severe morning sickness, the need for prenatal care, childbirth and the recovery from childbirth. Use of accrued sick leave and/or collegial leave for such purposes shall not diminish the amount of parental leave to which the parent is entitled.
 - F. When both parents have faculty status at the institution, each eligible parent shall be entitled to a separate, individual, period of parental leave of up to 8 work weeks. The amount of leave for which one parent may be eligible, or the amount of leave used by one parent, shall not limit the leave amount or the leave usage by the other parent. Given the requirement that use of parental leave requires the eligible faculty member to be the primary care giver (more than 50% responsible for the care of the child) during the period of leave, parents shall only be entitled to take leave in succession, with the following exception: A parent may take parental leave concurrently with another parent who is taking accrued sick leave and/or collegial leave for the reasons outlined in Section II.(E) above.

III. Modified Duty

- A. Faculty eligible for the benefits of this policy may also request a period of time during which their institutional work duties are reduced or modified without a reduction of salary. This period of Modified Duty is not leave, but rather a temporary reduction in institutional workload without a reduction in pay, intended to aid the faculty member in adjusting to the demands of parenting a newborn, adopted, or foster care child under six (6) years of age.
- B. 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, may be eligible for modified duty during the remaining weeks of the semester, i.e., no classroom teaching responsibilities.
 - 1. During the period of modified duty, 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 during this period.
 - 2. Instructional faculty utilizing modified duty 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.
- C. Faculty without instructional responsibilities are entitled to a period of Modified Duty 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 of faculty without instructional responsibilities shall be defined and approved in consultation with the faculty member's chair or unit head.
- D. The period of eligibility for Modified Duty will normally extend from 3 months prior to 12 months following the birth or placement of a child for adoption or foster care.

IV. General Rules and Procedures.

- A. The combined period of use of Paid Parental Leave and Modified Duty must be concluded within twelve (12) months of the birth or placement of the child for adoption or foster care.
- B. In the event both eligible parents work at the institution, a period of Modified Duty is available to both, on a sequential basis, provided the faculty member on Modified Duty is responsible for more than 50% of the care of the child during normal working hours during that period. Both parents are expected to coordinate leave arrangements so that the combined periods of Parental Leave and Modified Duty are not exceeded.
- C. Faculty may apply to use Paid Parental Leave and Modified Duty by notifying their department/unit head. To minimize hardship on 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 the expected date of the child's placement through adoption or foster care, as feasible.

- D. Paid Parental Leave and Modified Duty are benefits available to eligible faculty for use in combination, separately, and in either sequence, assuming other conditions of use are met.
- E. A faculty member's use of either Paid Parental Leave and/or Modified Duty may not be a negative consideration in any promotion and tenure proceeding.
- F. Other policies that may be relevant to faculty pertaining to the birth, adoption or foster care of a young child are referenced below:

II-2.30(D) UMCP Policy and Procedures Concerning Adoption Leave for Faculty

<http://www.president.umd.edu/policies/ii230d.html>

II-2.31(A) University of Maryland Policy on Family and Medical Leave for Faculty <http://www.president.umd.edu/policies/ii231a.html>

II-1.00(D) University of Maryland Policy on Extension of Time for Tenure Review Due to Personal and Professional Circumstances

<http://www.president.umd.edu/policies/ii100d.html>

II-1.10(A) University of Maryland Policy for Part-Time Status of Tenured and Tenure-Track Faculty Due to Childrearing Responsibilities

<http://www.president.umd.edu/policies/ii110a.html>

II-2.30 Policy on Accident Leave and Creditable and Non-Creditable Sick Leave for Faculty Members

<http://www.usmh.usmd.edu/regents/bylaws/SectionII/II230.html>

II-2.30(A) University of Maryland Policy and Procedures for Non-Creditable Sick Leave for Faculty Members

<http://www.president.umd.edu/policies/ii230a.html>

II-2.20(A) UMCP Guidelines and Procedures for Faculty Leave of Absence Without Pay

<http://www.president.umd.edu/policies/ii220a.html>



**University Senate
CHARGE**

Date:	February 22, 2012
To:	Charles Fenster Chair, Faculty Affairs Committee
From:	Eric Kasischke Chair, University Senate 
Subject:	Proposed Policies for Parental Leave for Faculty
Senate Document #:	11-12-32
Deadline:	March 30, 2012

The Senate Executive Committee (SEC) requests that the Faculty Affairs Committee review the attached draft policies for parental leave and modified duties for faculty and make recommendations on whether the draft policies are appropriate.

The University System of Maryland has been considering parental leave for faculty and staff. As the flagship campus of the USM, our University is leading the initiative by crafting policies for our campus. The University's Policy Review Committee of the Office of Faculty Affairs, an initiative stemming from the ADVANCE grant, has been instrumental in crafting these draft policies. The attached proposed policies address paid parental leave and modified duties for faculty. The SEC requests that the Faculty Affairs Committee review the proposed new policies to determine whether they are appropriate.

Specifically, we ask that you:

1. Review similar policies for parental leave at our peer institutions.
2. Consult with the University's Office of Faculty Affairs and the University's ADVANCE Policy Review Committee on the impact of these new policies on our faculty.
3. Consult with the Senate's Staff Affairs Committee to ensure uniformity amongst policies for faculty and staff.
4. Review whether the proposed new policies align with the USM Policy.
5. Review whether additional UMCP policies must be amended to accommodate the new policies.
6. Consult with the University's Office of Legal Affairs.

7. If appropriate, recommend whether the proposed policies should be revised.

We ask that you submit your report and recommendations to the Senate Office no later than March 30, 2012. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.

DRAFT Feb 9, 2012

Proposed UMCP Policy on Faculty Parental Leave

This policy applies to both full-time and part-time tenured and tenure-track faculty and non-tenure track faculty with appointments for at least 50% FTE and a minimum term of 6 months. To be eligible for parental leave, a faculty member must have been employed with the institution for at least 6 months.

Paid Parental Leave

Eligible faculty are entitled to receive paid Parental Leave of up to 30 workdays (6 work weeks) in connection with the birth of the faculty member's child or placement of a child younger than age 5 with the faculty member for adoption or foster care. Parental leave is available to eligible faculty within the first twelve (12) months following the birth or placement of a child for adoption or foster care. No institutional work-related duties are required of the faculty member by the University while he/she is on paid Parental Leave.

Parental leave is available to both male and female faculty parents. A birth mother also may be eligible to use creditable or non-creditable sick leave in the event of medically documented complications or illnesses related to pregnancy, such as severe morning sickness, the need for prenatal care, childbirth and the recovery from childbirth. Use of creditable or non-creditable sick leave shall not diminish the amount of parental leave to which the faculty parent is entitled. Use of parental leave does not require the faculty member to submit medical documentation.

When both parents have faculty status at the institution, each one shall be entitled to a separate, individual, maximum period of parental leave. The amount of leave for which one parent may be eligible, or the amount of leave used by one parent shall not limit or enhance the leave amount or the leave usage of the other parent. Parents shall be entitled to take leave in succession or simultaneously as long as simultaneous leaves do not substantially disrupt the academic program or unit of which the faculty members are a part.

In order to take advantage of this policy, the faculty member must notify their chair or unit head, and, if applicable, the Dean at least two months in advance of the date of expected use. Notice should include the projected date of birth of the child or the expected date of the child's placement through adoption or foster care.

In the event both eligible parents work at the institution, a period of paid Parental Leave is available to both, on a sequential basis, provided the faculty member on Parental Leave is responsible for more than 50% of the care of the child during normal working hours during that period. Both parents are expected to coordinate leave arrangements so that the combined periods of Parental leave and Modified Duties are not exceeded.

Other policies that may be relevant to faculty pertaining to the birth or adoption of a young child are referenced below:

II-2.30(D) UMCP Policy and Procedures Concerning Adoption Leave for Faculty

<http://www.president.umd.edu/policies/ii230d.html>

II-2.31(A) University of Maryland Policy on Family and Medical Leave for Faculty

<http://www.president.umd.edu/policies/ii231a.html>

II-1.00(D) University of Maryland Policy on Extension of Time for Tenure Review Due to Personal and Professional Circumstances

<http://www.president.umd.edu/policies/ii100d.html>

II-1.10(A) University of Maryland Policy for Part-Time Status of Tenured and Tenure-Track Faculty Due to Childrearing Responsibilities

<http://www.president.umd.edu/policies/ii110a.html>

II-2.30- Policy on Accident Leave and Creditable and Non-Creditable Sick Leave for Faculty Members

<http://www.usmh.usmd.edu/regents/bylaws/SectionII/II230.html>

II-2.30(A) University of Maryland Policy and Procedures for Non-Creditable Sick Leave for Faculty Members

<http://www.president.umd.edu/policies/ii230a.html>

II-2.20(A) UMCP Guidelines and Procedures for Faculty Leave of Absence Without Pay

<http://www.president.umd.edu/policies/ii220a.html>

DRAFT Feb 9, 2012

Proposed UMCP Policy on Modified Duties for New Parents

This policy applies to both full-time and part-time tenured and tenure-track faculty and non-tenure track faculty with appointments for at least 50% FTE and a minimum term of 6 months. To be eligible for parental leave, a faculty member must have been employed with the institution for at least 6 months.

Modified Duties

In addition to paid Parental Leave, eligible faculty parents may request an additional periodic of time during which her/his institutional work duties are reduced or modified without a reduction of salary. A faculty parent is eligible if she/he will be providing more than 50% of the care of the infant or young child during normal institutional working hours during this period. This period of Modified Duties is not leave, but rather a temporary reduction in institutional workload without a reduction in pay, intended to aid the faculty member in adjusting to the demands of parenting a newborn, adopted, or foster care child under the age of five.

Faculty members 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 for up to one (1) semester. 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 during this period. Instructional faculty utilizing modified duty pursuant to this policy shall not be required to make up the reduced classroom teaching load in another semester to offset the reduced classroom course load during the period of modified duties.

Faculty without instructional responsibilities are entitled to a period of Modified Duties of up to 30 work days (6 weeks) in addition to the six (6) 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 Duties of faculty without instructional responsibilities shall be defined and approved in consultation with the faculty member's chair or unit head.

The period of eligibility for Modified Duties will normally extend from 3 months prior to 12 months following the birth or placement of a child for adoption. The combined period of Parental leave and Modified Duties must be concluded within 12 months of the birth or placement of the child for adoption.

In the event both eligible parents work at the institution, a period of Modified Duties is available to both, on a sequential basis, provided the faculty member on Modified Duties is responsible for more than 50% of the care of the child during normal working hours during that period. Both parents are expected to coordinate leave arrangements so that the combined periods of Parental leave and Modified Duties are not exceeded.

Other policies that may be relevant to faculty pertaining to the birth or adoption of a young child are referenced below:

II-2.30(D) UMCP Policy and Procedures Concerning Adoption Leave for Faculty

<http://www.president.umd.edu/policies/ii230d.html>

II-2.31(A) University of Maryland Policy on Family and Medical Leave for Faculty

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II-1.00(D) University of Maryland Policy on Extension of Time for Tenure Review Due to Personal and Professional Circumstances

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II-1.10(A) University of Maryland Policy for Part-Time Status of Tenured and Tenure-Track Faculty Due to Childrearing Responsibilities

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II-2.30- Policy on Accident Leave and Creditable and Non-Creditable Sick Leave for Faculty Members

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II-2.20(A) UMCP Guidelines and Procedures for Faculty Leave of Absence Without Pay

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