



## University Senate TRANSMITTAL FORM

<b>Senate Document #:</b>	14-15-31
<b>Title:</b>	Review of Faculty Leave Policies
<b>Presenter:</b>	KerryAnn O'Meara, Chair, Faculty Affairs Committee
<b>Date of SEC Review:</b>	August 30, 2016
<b>Date of Senate Review:</b>	September 7, 2016
<b>Voting (highlight one):</b>	<ol style="list-style-type: none"> <li>1. On resolutions or recommendations one by one, or</li> <li>2. In a single vote</li> <li>3. To endorse entire report</li> </ol>
<b>Statement of Issue:</b>	<p>In 2014-2015, the Faculty Affairs Committee identified a few inconsistencies within faculty leave policies. The FAC created a subcommittee to review all University policies related to paid leave for faculty and develop a comprehensive list of concerns. Upon review of the subcommittee's findings, the FAC determined that further review was needed, and submitted a memo to the Senate Executive Committee (SEC) to request a formal charge to explore these issues. In March 2015, the SEC charged the Faculty Affairs Committee with conducting a comprehensive review of paid leave policies for faculty and considering whether standardized language and definitions among policies is necessary. A key focus of this work has been an examination of eligibility as it pertains to appointment type, status of primary caregiver language, access to leave, and use of modified duties.</p>
<b>Relevant Policy # &amp; URL:</b>	<p>II-2.25(A) University of Maryland Policy on Faculty Parental Leave and Other Family Supports  <a href="http://president.umd.edu/administration/policies/section-ii-faculty/ii-225a">http://president.umd.edu/administration/policies/section-ii-faculty/ii-225a</a> ; II-1.10(A) University of Maryland Policy and Procedures for Part-Time Status of Tenured and Tenure-Track Faculty Due to Childrearing Responsibilities  <a href="http://president.umd.edu/administration/policies/section-ii-faculty/ii-110a">http://president.umd.edu/administration/policies/section-ii-faculty/ii-110a</a></p>
<b>Recommendation:</b>	<p>The FAC recommends that the University of Maryland Policy on Faculty Parental Leave and Other Family Supports (II-2.25[A]) and the University of Maryland Policy and Procedures for Part-Time Status of Tenured and Tenure-Track Faculty Due to Childrearing Responsibilities (II-1.10[A]) be revised as shown in the policy documents immediately following the report.</p>

	<p>The FAC recommends that the Senate Executive Committee charge it to further consider the development of a policy or program for a faculty leave reserve fund.</p>
<b>Committee Work:</b>	<p>The Faculty Affairs Committee (FAC) began its review of this issue in October 2014. The FAC consulted with the Office of Faculty Affairs (OFA), University Human Resources (UHR), and the Office of General Counsel (OGC) and reviewed the University of Maryland Policy on Faculty Parental Leave and Other Family Supports (II-2.25[A]) and the University of Maryland Policy and Procedures for Part-Time Status of Tenured and Tenure-Track Faculty Due to Childrearing Responsibilities (II-1.00[A]).</p> <p>The FAC developed revisions to the “primary caregiver” terminology, defining the term and describing when it is needed. The FAC considered the number of occasions when parental leave may be taken and proposed allowing for three occasions rather than two. The FAC also undertook revisions to extend both policies to PTK faculty and ensure that the policies adequately address the specific needs of PTK faculty. In doing so, the FAC also found that existing language did not appropriately cover librarian faculty, and the FAC worked to develop revisions to ensure the policies apply to librarians as well. The FAC also developed revisions to ensure that Modified Duty Family Support Plans require written memorandums of understanding, to ensure clear expectations and to provide documentation to assist in resolving any concerns raised during implementation of the plans.</p> <p>The FAC also discussed existing programs for staff that provide support when all accrued leave is used. The FAC found that many institutions have leave donation programs that provide added support to faculty. The FAC began developing a draft policy to create such a program for UMD. As it consulted with OFA and UHR, the FAC found that more time was needed to consider how such a program might be implemented in alignment with existing systems. The FAC will pursue this issue further in the 2016-2017 academic year and voted to recommend the SEC charge it to develop a comprehensive recommendation on such a program.</p>
<b>Alternatives:</b>	<p>The Senate could reject the revisions to the policies. However, the Senate would lose the opportunity to provide consistent and improved leave and parental support policies for faculty.</p>
<b>Risks:</b>	<p>There are no associated risks.</p>
<b>Financial Implications:</b>	<p>Financial resources may be needed to implement these recommendations.</p>
<b>Further Approvals Required:</b>	<p>Senate approval, Presidential approval.</p>

**Senate Faculty Affairs Committee**  
**Report on Senate Document # 14-15-31**  
**Review of Faculty Leave Policies**  
**August 2016**

**2015-2016 Faculty Affairs Committee Members**

KerryAnn O'Meara, Chair  
John Bertot, Ex-Officio Provost's Rep  
Michele Eastman, Ex-Officio President's Rep  
Bill Stuart, Ex-Officio CUSF Rep  
Jewel Washington, Ex-Officio Director of Human Resources Rep  
Roberto Celi, Faculty  
Leigh Ann DePope, Faculty  
Stefanie Kuchinsky, Faculty  
James McKinney, Faculty  
Shirley Micallef, Faculty  
Marc Pound, Faculty  
Ellin Scholnick, Faculty  
John Witzleben, Faculty  
Jianhua Zhu, Faculty  
Connie Jesse Lira, Exempt Staff  
Jeffrey Griswold, Graduate Student  
Deirdre Quinn, Graduate Student  
Nathaniel Zumbach, Undergraduate Student

## **BACKGROUND**

During the 2014-2015 academic year, the Faculty Affairs Committee (FAC) identified a few inconsistencies within faculty leave policies, particularly those related to parental leave. The FAC created a subcommittee to review all University policies related to paid leave for faculty and develop a comprehensive list of issues to be addressed within the policies. In February 2015, the subcommittee presented the full committee with concerns as reported by the Associate Provost for Faculty Affairs, the Faculty Ombuds Officer, the University of Maryland ADVANCE program, and individual members of the Faculty Affairs Committee. The Faculty Affairs Committee determined that further review of these concerns was needed, and voted to submit a memo to the Senate Executive Committee to request a formal charge to explore these issues. In March 2015, the SEC charged the Faculty Affairs Committee with conducting a comprehensive review of paid leave policies for faculty and considering whether standardized language and definitions among policies is necessary (Appendix 1). A key focus of this work has been an examination of eligibility as it pertains to appointment type, status of primary caregiver language, access to leave, and use of modified duties.

## **COMMITTEE WORK**

The Faculty Affairs Committee (FAC) began its review of the official charge on March 9, 2015, though its initial review of this issue began in October 2014. The FAC consulted with representatives of the Office of Faculty Affairs (OFA), University Human Resources (UHR), and the Office of General Counsel (OGC) throughout its review.

Over the years, the University of Maryland (UMD) has instituted and revised various University policies related to paid leave for faculty. These policies were created and revised individually, and to the FAC's knowledge, no comprehensive review was conducted to ensure that the policies were in alignment with each other. The most recent revisions to University policy came with the adoption of the University of Maryland Policy on Faculty Parental Leave and Other Family Supports (II-2.25[A]) in 2012. The FAC's initial review of leave policies in 2014 found inconsistencies between this policy and the University of Maryland Policy and Procedures for Part-Time Status of Tenured and Tenure-Track Faculty Due to Childrearing Responsibilities (II-1.00[A]) related to: eligibility requirements; definitions related to the age of dependent children for policies related to parental leave; definitions of modified duties; and time periods in which leave may be taken. The FAC also found language related to domestic partnerships that may be out of date given recent changes in state law related to same sex marriage. Additionally, the FAC raised substantive concerns, including how policies on different types of leave apply to professional track (PTK) faculty, how to address concerns raised related to negotiations for modified duties, and whether appeals processes should be incorporated into both leave policies.

As the main concerns found by the committee focused on issues related to leave available to faculty parents, the FAC focused its work on considering revisions to the University of Maryland Policy on Faculty Parental Leave and Other Family Supports (II-2.25[A]) and the University of Maryland Policy and Procedures for Part-Time Status of Tenured and Tenure-Track Faculty Due to Childrearing Responsibilities (II-1.10[A]). The FAC developed proposed language to address the technical imbalances between the policies, including updating language related to domestic partnerships and developing an appeals process for decisions under each policy. As it developed its proposed revisions, the FAC also considered the following substantive issues in great depth.

### **Definitions of Primary Caregiver**

During its initial review, the FAC raised concerns regarding terminology used throughout the policies related to a child's "primary caregiver." Both policies included stipulations that required faculty parents

to assert that they were serving as the primary caregiver while taking parental leave. The FAC found this language to be outdated and inconsistent with the University's intent in providing faculty parents with needed support. The FAC raised concerns that the language inappropriately excluded some caregivers in favor of others and implicitly allowed for speculation about the caregiving relationship between a faculty parent, a co-parent, and a child.

Through consultation with the OGC, the FAC learned that the language related to primary caregivers is established by the University System of Maryland (USM) policy, and as such, must be retained in the UMD policy. However, the FAC also learned that its application is much more limited in scope than the committee originally thought. The primary caregiver language does not apply in situations where faculty are using their own accrued annual, sick, or personal leave for parental leave, and faculty parents using their own accrued leave do not need to assert that they are serving as a primary caregiver. The primary caregiver assertion is necessary only in situations where faculty are using Assured Parental Leave – an additional guaranteed paid parental leave benefit provided by the institution in cases where a faculty member does not have eight weeks of accrued leave to use for parental leave. Only one faculty parent may use Assured Parental Leave at a time, but a second parent may use his or her own accrued leave simultaneously.

The FAC determined that the policy was unclear on these points and felt that clarity was needed to assure faculty parents of the benefits available to them. The FAC developed language to define “primary caregiver” and made additional changes to the proposed language to more clearly represent the difference between parental leave based on use of accrued leave and Assured Parental Leave. The FAC also made revisions to describe the timeframes in which parental leave and modified duties are available, to provide further clarity in the document.

### **Multiple Occasions of Parental Leave**

The FAC raised concerns with language within the parental leave policy stating that faculty are eligible for paid parental leave “on two occasions during the duration of the faculty member’s employment with the University System of Maryland;” any further occasions require the approval of the President. The FAC noted that while on average faculty may tend to have two or fewer children, actively limiting paid parental leave to two children or requiring Presidential approval for leave in the case of additional children is unnecessarily restrictive and could unintentionally send a negative message to faculty parents, harming a faculty member’s perception of the University. The FAC considered removing this restriction to allow more flexibility, and found that nothing in University or USM policy would prevent the FAC from doing so. After deliberation, the FAC agreed to propose changing the policy from two instances to three instances. The FAC felt that even if such a change in policy may only affect a small number of faculty, the change may have a symbolic value for morale beyond the practical effect of supporting such faculty parents.

### **Eligibility of Professional Track and Librarian Faculty**

Much of the committee’s deliberations focused on ensuring that both policies are available to PTK faculty as well as tenured and tenure track (T/TT) faculty. The FAC began its review with an understanding that parental leave and part-time status for childrearing reasons are important tools that should be available to PTK faculty parents as well as T/TT faculty parents. The FAC considered how this principle could be reflected in a policy that was originally developed with the assumption that eligible faculty would be on a full-time tenured or tenure track appointment.

The policy on part-time status allows faculty to reduce their status to as low as 50% FTE. The FAC learned that faculty with an FTE of less than 50% do not accrue leave and are not eligible for benefits,

and the OFA and OGC noted that this threshold was a necessary component to the policy. While the vast majority of T/TT faculty are full-time, many PTK faculty are employed part-time, with many having appointments very close to 100%. In developing revisions to the policy, the FAC faced a choice of either expanding the policy to only full-time PTK faculty or to all PTK faculty with appointments of greater than 50% FTE. The FAC determined that the policy should be available to the greatest number of faculty possible, and agreed to pursue revisions to allow part-time PTK faculty to reduce their appointment to as low as 50% FTE.

The FAC also made revisions throughout the policy to incorporate details relevant to PTK faculty, in order to ensure the expansion of the policy could be implemented appropriately and that the needs of PTK faculty were being addressed. Among the revisions were changes to language on modified duty arrangements to ensure that all such arrangements include a written memorandum of understanding to be developed by the faculty member and the department chair or dean's designee. The FAC agreed that a written Modified Duties Family Support Plan ensures additional protection for PTK faculty, both in ensuring that the expectations of the faculty member and the unit are clear and in providing documentation that PTK faculty can use to advocate for their needs if such a Plan is not adhered to. In addition, the FAC also developed language related to appeals that could be used in the case of issues related to modified duty agreement decisions.

In order to develop revisions to incorporate PTK faculty, the FAC needed to review the eligibility language in both policies carefully. Upon careful review, the FAC found that the eligibility language as written did not adequately cover faculty librarians, since it focused on definitions of T/TT faculty without discussion of faculty with or eligible for permanent status, or parallel titles more generally. The FAC noted that this was a clear flaw in the policy, and speculated that the policies were never intended to exclude librarian faculty. The FAC agreed that revisions would be needed to include librarian faculty, and agreed that Librarians with and eligible for permanent status and Librarians with PTK appointments at the rank of Librarian I should be eligible for parental leave and part-time status. As it worked with OGC on such language, the FAC also found additional aspects of the policy that needed to be adjusted as well; for instance, sections within the policies related to delay of the tenure clock made no reference to reviews for permanent status. Further revisions were developed to ensure that both policies included appropriate language for librarian faculty.

### **Leave Donation Programs**

As the FAC discussed ways to improve leave programs for faculty at UMD, it discussed options for faculty who use all their accrued leave for a health or family situation. The FAC found that programs currently exist for staff at the UMD and USM levels that provide extra support when staff have used all accrued leave. UMD has a policy on advanced sick leave for staff, and the USM provides a leave reserve fund for exempt and non-exempt staff. However, no such support currently exists for faculty. The FAC reviewed peer institutions and found many examples of leave reserve funds or leave donation programs at other institutions and began considering developing a leave reserve fund for use at UMD.

As it reviewed programs in place at other institutions, the committee developed the first draft of a policy to consider for use at UMD. As it consulted with OFA and UHR on its ideas for the program, the FAC realized more time was necessary for the OFA and UHR offices to consider how such a program might be implemented in alignment with existing reporting and payroll systems. The FAC did not want to delay its proposed revisions to the leave policies, so the FAC agreed to pursue this issue further in the 2016-2017 academic year. The FAC will work with OFA and UHR to find solutions to the challenges found through its review, in order to put forward a comprehensive proposal for a leave reserve fund. In April 2016, the FAC voted to recommend that the SEC charge it to explore this issue further and make a more comprehensive recommendation at a later date.

## **RECOMMENDATION**

The Senate Faculty Affairs Committee recommends that the University of Maryland Policy on Faculty Parental Leave and Other Family Supports (II-2.25[A]) and the University of Maryland Policy and Procedures for Part-Time Status of Tenured and Tenure-Track Faculty Due to Childrearing Responsibilities (II-1.10[A]) be revised as shown in the policy documents immediately following the report.

The Senate Faculty Affairs Committee recommends that the Senate Executive Committee charge it to further consider the development of a policy or program for a faculty leave reserve fund.

The Senate recommends that the President and the representatives of the Council of University System Faculty consider the unique issues faced by faculty parents who adopt children over the age of six, and consider whether to approach the University System of Maryland to advocate for revisions to the System policy to extend its family leave policy to include these cases.

## **APPENDICES**

Appendix 1 – Charge from the Senate Executive Committee on Review of Faculty Leave Policies

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

(Approved by the President November 1, 2012)

**I. Purpose & Eligibility Period**

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 ~~p~~Parental ~~l~~Leave of eight (8) **work** 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.

**The term “Parental Leave” is used in this Policy to refer to the entirety of the paid leave period available to eligible faculty to care for children new to the family. Up to eight (8) work weeks of Parental Leave is available through a combination of paid leave charged to a faculty member’s accrued leave balance and/or Assured Parental Leave provided by the University. Parental Leave is just one component of the family support measures provided under this Policy.**

**The eligibility period for Parental Leave and all other family support measures under this Policy involves an 18 month period extending from 6 months prior through 12 months following the birth or adoption of a child (or children).**

**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 (**or children**), as follows:

- A. Nature of Leave: ~~The p~~Parental ~~l~~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 (**referred to as “Assured Parental Leave”**) to attain ~~a n~~ **period of** eight (8) **work** weeks ~~period~~ of paid ~~p~~Parental ~~l~~Leave. No institutional work-related duties are required of the faculty member by the University while on ~~assured-paid-leave~~ **Parental Leave**.
- B. Applicability: The eight (8) **work** weeks **of** paid leave ~~is assurance will be~~ available beginning six (6) months before and up to twelve (12) months after either:
  - 1. The birth of a newborn; or
  - 2. The placement of a child for adoption or foster care under the age of six (6).
- C. Eligibility: ~~Paid leave assurance~~ **Parental Leave** applies to all full-time and part-time tenured and tenure-track faculty, **and professional non-tenure-track faculty, and all librarian 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.~~
  - 1. **Assured Parental** Leave shall be pro-rated for eligible part-time faculty.



2. Use of ~~paid p~~Parental ~~L~~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) **work** 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. At the time a faculty member takes Parental Leave, they should be acting as primary caregiver. In some cases, there will be two UMD parents eligible for Parental Leave. Either UMD employee parent may be considered the "primary caregiver" at any time, as long as both parents are not the "primary caregiver" for the same time period on the same day.~~
  - c. **The primary caregiver stipulation specified in II.C.3.b only applies when a faculty member is relying on Assured Parental Leave, rather than on his/her own accrued annual, sick, or personal leave. Assured Parental Leave may only be used by one parent on a given workday, but if one parent is using Assured Parental Leave, the other parent may use his/her own accrued leave at the same time. Both UMD parents may use Parental Leave simultaneously by alternating between use of Assured Parental Leave and their own accrued leave.**
4. 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 p~~Parental ~~L~~Leave under this ~~p~~Policy on one occasion in a given 12-month period, and on ~~two~~ **three** occasions during the duration of the faculty member's employment with the University System of Maryland. Any additional periods of ~~paid p~~Parental ~~L~~Leave require the approval of the President, or the President's designee.

### III. Modified Duty Family Support Plan

Each eligible faculty member **also** 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 "Plan")."** ~~The pPlans are is~~ intended to provide support for **a** new parents while assuring that continuity in student instruction and other critical faculty duties are not disrupted. **Note: Modified duties are neither required nor expected during the period of up to eight (8) work weeks of Parental Leave.**

- A. Plan Development: **A written memorandum of understanding documenting the Plan** ~~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 ~~p~~Plan, or if an agreed-upon ~~p~~Plan requires additional resources, the appropriate dean or other academic affairs administrator will participate in completing the ~~p~~Plan.
  2. Each completed ~~p~~Plan will be shared with the appropriate dean or other academic affairs administrator.

- B. Plan Content: The ~~p~~Plan will allow the faculty member to reduce or otherwise modify workload-during the period **of eligibility 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) **work** week total;
    - c. Collegial sick leave, as available;
    - d. Unpaid leave, up to the twelve (12) week (i.e., sixty (60) work day) limit **under 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. Redistribution of duties to substitute a teaching assignment with other departmental or academic service; and/or
    - c. 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 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 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, **and is typically taken** on a sequential basis.,~~provided the faculty member is the child's~~

~~primary caregiver during normal working hours during that period~~ **A Modified Duty Family Support Plan may be available to both faculty parents on a simultaneous basis when the health or personal situation of one or more family members requires it, provided the faculty members adhere to the eligibility requirements noted above regarding primary caregiver.**

- 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/Permanent Status Review**

Faculty are entitled to an extension of time before mandatory tenure review **or review for permanent status** 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 **or faculty member eligible for permanent status** 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**

- A.** 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.

**B. Appeals: Faculty may appeal part time or modified duty agreement decisions for both procedural and substantive reasons. Faculty may bring the matter to the attention of the Faculty Ombuds Officer and seek a review in accordance with the procedures of the University of Maryland Policy governing faculty grievances (University of Maryland Policy II-4.00(A)).**

## **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.

II-1.10(A) UNIVERSITY OF MARYLAND POLICY AND PROCEDURES FOR PART-TIME STATUS OF ~~TENURED AND TENURE TRACK~~ FACULTY DUE TO CHILDREARING RESPONSIBILITIES

(Approved by the President December 17, 2009)

1. Units may employ tenured, ~~or~~ **tenure-track, professional track** faculty members, **and librarian faculty** on a part-time appointment on a temporary basis. A part-time appointment shall be a minimum of a fifty percent (50%) appointment. ~~Part-time appointments shall be approved for a minimum period of a full academic semester (e.g., fall semester, spring semester) up to a maximum of two years.~~ These appointments may be renewed ~~for tenured faculty~~ (in maximum blocks of two years). ~~For faculty on an academic year contract, the starting date of the appointment must coincide with the start date of an academic semester and the end date must coincide with the end of an academic semester. For faculty on a fiscal year contract, the starting date must correspond to the beginning (7/1) or the midpoint (1/8) of the year, and must last a minimum period of a full academic semester and maximum of two years.~~
2. Eligibility. This policy applies **only** to tenured, ~~or~~ **tenure-track, professional track** faculty, **and all librarian faculty with appointments of above 50% FTE** who request a temporary reduction to part-time status in order to prepare for a newborn child and/or to care for a child under the age of **five six (6)** years, including children placed in the home as a result of adoption or foster care, **or to manage severe illness or other emergency situations related to children.** ~~This policy shall be extended to the children of domestic partners at such time as the Board of Regents recognizes domestic partners as immediate family members.~~ **Tenured, tenure-track, professional track, and librarian** faculty making the request must attest that **during the part-time appointment** they **intend to serve as the primary care-giver on a regular basis** ~~are responsible for 50% or more of the care of a child.~~
3. Length of appointment reduction.
  - (a) Tenure-track faculty **and librarians eligible for permanent status.** The length of a tenure-track **or librarian** faculty member's initial contract and probationary period for tenure **or permanent status** consideration is based upon the number of full-time equivalent years accrued by the **eligible** faculty member at the institution in a tenure-track **or permanent status track** rank. For tenure-track faculty **and librarians eligible for permanent status**, part-time status may be granted for a maximum period of two full academic year or fiscal year appointments during the pre-tenure probationary period. These partial appointments result in a one-year maximum delay in the tenure **or permanent status** clock regardless of the year in which they were initiated and the decision about how the reduction is allocated (e.g. two separated one-year-reductions). If

the first of the fractional appointments begins during the initial three-year contract period, the contract review is delayed a one year and the eligible faculty member should receive a one-year contract extension of the initial contract. If the first partial appointment begins after the initial three-year contract review, the eligible faculty member receives contracts covering the subsequent four years and is reviewed for tenure or permanent status by the end of seventh year.<sup>1</sup> These periods of reduced appointment may be contiguous or noncontiguous, and they may result from a single event or multiple events. Eligibility for consideration for a part-time appointment shall extend from three months prior to five six (6) years following the birth or placement of a child. Faculty eligible for part-time status related to childbearing/ childrearing responsibilities are also entitled to extensions of time for consideration for tenure or permanent status review under the same terms and conditions as full-time tenure track faculty as set forth in II-1.00(D) University of Maryland Policy on Extension of Time for Tenure Review Due to Personal and Professional Circumstances.<sup>2</sup>

(b) Tenured faculty and librarians with permanent status. The conditions of eligibility for tenured faculty and librarians with permanent status are the same as for tenure-track faculty above. Temporary reductions from a full-time appointment shall be for a minimum period of **three months for eligible 12-month faculty or one semester for eligible 9-month appointed faculty academic semester** and a maximum period of two (2) years. These part-time appointments are renewable with appropriate approvals. Each renewal may be requested for a period lasting a minimum of **three months or one a semester** to a maximum period of two (2) years. The Memorandum of Understanding (MOU) governing these temporary part-time appointments for tenured **and permanent status** faculty must specify changes in obligations and the conditions under which the appointee may return to a full-time position or request a renewal of the temporary part-time appointment at the same or a different percentage for another period of a minimum of **three months or** one academic semester and maximum of two (2) years.

(c) Professional track faculty and librarian faculty not eligible for permanent status. **The conditions of eligibility for professional track faculty and librarian faculty not eligible for permanent status are the same as for tenure-track faculty above. For eligible faculty, part-time status may be granted for a maximum period of two full academic year or fiscal year appointments. This applies to all eligible faculty with an original appointment of greater**

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<sup>1</sup> Thus a faculty member on a 50% appointment for the maximum period of two years would be reviewed in the 7<sup>th</sup> rather than the 6<sup>th</sup> year. Partial appointments (regardless of length) under this policy delay the mandatory tenure review by one year and partial appointments which are initiated in the first three years of appointment extend the contract review by a year.

<sup>2</sup> A faculty member on a 50% appointment for the maximum period of two years would be reviewed in the 7<sup>th</sup> year. If the faculty member is also approved for a two-year delay in the tenure clock, the review would occur in the 9<sup>th</sup> year. A faculty member on a 100% appointment with a two-year delay in the tenure clock would be reviewed in the 8<sup>th</sup> year.

**than 50% FTE who have been employed with the University for a minimum of 2 years. These part-time appointments are renewable with appropriate approvals. Each renewal may be requested for a period lasting a minimum of three months for eligible 12-month faculty or one semester for eligible 9-month appointed faculty to a maximum period of two (2) years. The Memorandum of Understanding (MOU) governing these temporary part-time appointments for eligible faculty must specify changes in obligations and the conditions under which the appointee may return to a full-time position or request a renewal of the temporary part-time appointment at the same or a different percentage for another period of a minimum of three months or one semester and maximum of two (2) years.**

4. Procedures. Any faculty member who meets the eligibility requirements for this policy may request a temporary reduction of duties. Under ordinary circumstances, this request will be granted. The **eligible** faculty member shall make a formal written request to the department chair or unit head, stating the basis of his/her need for a temporary part-time appointment. The notice should include an attestation by the faculty member of eligibility. The faculty member's request must be submitted by the end of the semester before the appointment is slated to begin. The proposed reduction in appointment and duties should then be discussed and negotiated with the chair/unit head to arrive at a mutually acceptable MOU. Then the chair/unit head must prepare (a) a MOU and (b) a letter supporting or opposing the request. The MOU should specify the reason for the request, the length of the part-time status, expectations for faculty duties, and, where applicable, revised schedules for contract, promotion, and other reviews, and provisions for ending the proposed fractional appointment and return to full-time status. The unit head/chair's letter must include a rationale for supporting or opposing the request, and a description of the financial and staffing implications. The formal letter of request, chair's response and MOU must first be forwarded to the Dean (where appropriate) and then to the Provost for approval or denial. Upon approval of the part-time appointment and accompanying arrangements, the MOU shall be co-signed by the **eligible** faculty member, chair/unit head, Dean, and Provost. **If appropriate, tenure-track faculty or librarians eligible for permanent-status may apply for a delay in the tenure or permanent status clock after final approval of the temporary reduction in duties is finalized.**
5. Departments/units shall be able to use the unused portion of the salary of an ~~tenure track/tenured faculty member~~ **eligible faculty member with instructional, advising, service and related duties** on a temporary part-time appointment due to childrearing responsibilities to fund coverage of the **eligible** faculty member's teaching, advising, service and related duties.
6. Performance, Tenure, and Promotion Reviews. No person shall be discriminated against in any promotion and tenure proceedings, ~~or~~ merit review, **permanent status review, or professional track faculty promotion review**, as a result of seeking or being granted part-time status in accordance with these procedures.

Personnel reviews shall be conducted in the same manner as those conducted for full-time faculty. Internal and external reviewers of faculty performance should be apprised that faculty members who have been granted part-time appointments should be judged by the quality and quantity of their accomplishments, but not by the rate of their accomplishments.

7. **Appeals.** Any eligible faculty member who believes that her or his request for part-time status has been unfairly or improperly denied may bring the matter to the attention of the Faculty Ombuds Officer and seek a review in accordance with the procedures of the University of Maryland Policy governing faculty grievances (University of Maryland Policy II-4.00(A)).

#### References

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**APPENDIX 1 - CHARGE FROM THE SENATE EXECUTIVE  
COMMITTEE ON REVIEW OF FACULTY LEAVE POLICIES**



**University Senate  
CHARGE**

<b>Date:</b>	March 30, 2015
<b>To:</b>	Devin Ellis Chair, Faculty Affairs Committee
<b>From:</b>	Donald Webster  Chair, University Senate
<b>Subject:</b>	Review of Faculty Leave Policies
<b>Senate Document #:</b>	14-15-31
<b>Deadline:</b>	December 15, 2015

The Senate Executive Committee (SEC) requests that the Faculty Affairs Committee (FAC) conduct a comprehensive review of current faculty paid leave policies and consider whether standardized language and definitions amongst these policies are necessary.

Specifically, we ask that you:

1. Review existing University of Maryland policies regarding paid faculty leave.
2. Consult with a representative from the University's Office of Faculty Affairs.
3. Consult with the Faculty Ombuds Officer and representatives from the University of Maryland ADVANCE program.
4. Consider whether language about domestic partnerships should be revised in University policies to incorporate recent changes in State of Maryland law related to same sex marriage.
5. Consider whether eligibility requirements; of the age of dependent children for policies related to parental leave; definitions of modified duties; and time periods in which leave may be taken should be revised in existing policies to be consistent between policies.
6. Consider whether policy provisions related to modified duties are appropriately meeting the needs of UMD faculty.
7. Consider how policies on different types of leave apply to professional track faculty.

8. Review appeals processes in each policy.
9. Consult with the University's Office of General Counsel on any proposed recommendations.

We ask that you submit a report to the Senate Office no later than December 15, 2015. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.

DW/rm