

University of Utah
**Legislative History for
Policy 6-315 Revision 3**

As approved by the Academic Senate January 11, 2021,
and the Board of Trustees February 9, 2021
with designated effective date of July 1, 2021.

Prepared by Bob Flores, Senate Policy Liaison, for the Institutional Policy Committee

Note: The primary purpose of this project was to provide for Career-line faculty members (in colleges other than the School of Medicine), a set of parental benefits, including paid parental leave of absence. This was accomplished by revising the existing Policy 6-315 (which previously established such benefits for Tenure-line faculty members).

In addition, the project involved making various clarifying revisions to the Policy as regards to Tenure-line faculty.

Note also that some specially developed terminology, used in this Policy and in several other Regulations, was planned to be changed as part of a later project. See a “drafting note” in the Policy draft explaining that project and plan of action.

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Memorandum

To: Academic Senate

From: Senate Special Committee on Career-line Parental Leaves (CLPL Committee)

Re: Faculty Parental Benefits Policy 6-315 Revision #3 -- to provide parental benefits of paid parental leaves of absence & review timetable extensions to Career-line faculty members, and update existing policy for Tenure-line faculty (all academic units except School of Medicine)

Date: [to Executive Committee December 13, 2020. **updated for Academic Senate January 4, 2021**]

I. Executive Summary.

This is a proposal to revise University Policy 6-315—Faculty Parental Benefits, mainly to extend its parental benefits (paid leaves & review timetable extensions) to eligible Career-line faculty members, and while doing so to also update, reorganize, and clarify the existing contents which since first adopted in 2006 have been applicable only for Tenure-line faculty members.

The University has two separate Policies regarding faculty parental benefits: the other, not directly affected by this proposal, governs faculty of the School of Medicine (Policy 8-002); this Policy 6-315 applies for faculty of all academic units other than the School of Medicine, and so this revision would make the parental benefits available to eligible Career-line faculty of all academic units other than the School of Medicine.

The proposal was developed by the Senate Special Committee on Career-line Parental Leaves (“CLPL Committee”), responding to the Senate’s charge to research and develop a proposal for consideration by the Senate and relevant University Administrators. See below further committee information, and see attached a description of the historical background research supporting the proposal.

A. Main Purpose: New Parental Benefits for Eligible Career-line faculty.

The revised Policy would (i) set criteria for eligibility of Career-line faculty, and provide for two types of parental benefits—most significantly (ii) paid parental leaves of absences, and also (iii) optional faculty review timetable extensions, which any eligible Career-line faculty member would have a right to take on request (together, or either alone).

i. General eligibility requirements for Career-line faculty.

Eligibility generally would be extended to any Career-line faculty member whose faculty employee position (or combination of positions) at the time of request (a) is at least .75 FTE (full-time equivalent--similar to many other employee benefits), and (b) is “anticipated to continue through the period for which any parental benefit is requested” (the latter also required of Tenure-line faculty).

Note that the CLPL Committee initially considered but ultimately chose *not* to propose requiring (i) prior “long-service” of at least three years in a .75 FTE position (which Policies 6-310 & 6-002 do require of Career-line faculty for certain due process rights during reappointments, and for election to the Senate), and (ii) a “reasonable likelihood of continued employment *for at least one year after* the end of a paid leave.” The CLPL Committee chose to increase the number of eligible members and ease the application process by not including those requirements.

ii. Main Benefit: Paid parental leaves of absence for Career-line faculty (length, modified duties, pay rate).

Length of leave (six weeks /one semester). The minimum length of paid leave available to any eligible Career-line faculty member would be *six-weeks*. That length of leave is designed for faculty members whose primary responsibilities do *not include teaching of semester-length courses*, and so taking of leave of less than a semester would not disrupt the department's scheduling and assigning of courses. Note that the six-week length proposed is essentially the same as the parental leave period the University has since 2007 provided in Policy 8-002 for School of Medicine Career-line faculty (and also Tenure-line), which the CLPL Committee learned was designed for that context where the majority of faculty do not teach semester-length courses (either not teaching regular courses, or teaching some regular courses in shorter form). The Committee also found useful the example of the University's recently implemented parental leave benefit for staff employees, which has two options, of either three weeks leave at full-pay, or six weeks at half-pay, and obviously that context also does not involve responsibilities of teaching semester-length courses (see attached research description of Rules 5-200A & B, begun 2019).

However, for a Career-line faculty member with a typical nine-month-per-year employment contract whose *primary duties are teaching of semester-length courses*, the proposed leave length would be *one semester*. That is the same as the University through this Policy 6-315 has since 2006 provided for the Tenure-line faculty of all colleges except the School of Medicine. The CLPL Committee learned that this length was chosen in the original version of the Policy based on circumstances that the Tenure-line faculty by Policy are expected to regularly teach courses, which predominantly are semester-length, and so the leave length was based on the best interests of the University's departments needing to schedule courses and assign instructors in the predominant semester format. Applying this same rationale, the CLPL Committee proposes that this semester-length leave of the existing Policy be applicable for those Career-line faculty members who do primarily teach semester courses.

Note that determining which length leave (six-weeks vs semester) a particular Career-line faculty member would be eligible for would be based on the actual responsibilities of their position (primarily teaching semester-length courses, rather than teaching in shorter forms, or engaging primarily in research or clinical care activities rather than regular course teaching), and not on the formal title of the position (Clinical, Lecturer, or Research). For clarity and efficiency, in any case of uncertainty the final decision on the classification would rest with the cognizant senior vice president (or designee) based on the facts presented.

Modified duties. The original Policy, limited to Tenure-line faculty provided that a faculty member on paid parental leave (for a semester) would be released from teaching courses (most importantly), and also service responsibilities, and not expected to maintain normal research productivity (i.e., the three areas of responsibilities inherent for Tenure-line positions), but might choose to continue some professional activities, such as advising students. From that model, the Committee proposes that Career-line faculty on leave also be "released from teaching and other professional duties, but may choose to continue some professional activities." (Note, however, that for faculty members with compensation significantly dependent on sponsored research funds, or revenue-generating clinical activities, choices on the activity levels during a leave will be made in light of the pay rate formula, summarized below.)

Pay rate. The existing Policy sets the Tenure-line faculty paid leave pay rate as 95% of the faculty member's "annual base salary," but explicitly authorizes any academic units to equitably supplement an additional percentage, and with regard to compensation from funded research states that "portions of the faculty member's compensation from grants or contracts must be based on actual effort performed for the award, and all award requirements must be met." **The Committee proposes using the identical pay rate for Career-line and Tenure-line faculty, i.e., 95%.** However, because the role of research or clinical funding is so important for many of the Career-line faculty now to be included, and has become increasingly more important for faculty at the University generally since 2006, further clarification about what constitutes "base salary" is needed. The proposed new description would set the rate as **95% of "adjusted base salary"** with added explanation of that concept, most importantly recognizing that funds from sponsored research can only be paid out if the terms of the grant /contract have been complied with (i.e., earned).

[*** **Update January 4-- special approval to later update definitions.** The concept of an annual "base salary" and the underlying concept of an annual "base employment period" are given as defined terms in this proposed draft. The same concepts are important for several other University Regulations, and the existing terminology and definitions are outdated, confusing, and inconsistent. It recently became evident that the needed solution is to develop a set of refined definitions and use them consistently across all of the several involved Regulations. That work was begun during this project and is anticipated to be done during spring 2021, after Senate consideration this proposal, but before July 1 when it proposed that this revised Policy go into effect (as also expected for some other affected Regulations). To avoid further delaying Senate consideration of this long-awaited proposal while that work on refining definitions occurs, it is specifically proposed that approval of this overall proposal include a special provision authorizing a small group of representatives (Senate President, Senate Policy Liaison, Chief Human Resources Officer, and Senior Vice Presidents) to replace the definitions shown in this current draft with the updated refined consistent definitions now being developed, with an opportunity for Senate input on the Information and Recommendations Calendar, expected to be before July 1, 2021. **See, in the Policy draft this: [[***Special Drafting Note—approval to update definitions].]**

iii. **Secondary Benefit: Review timetable extensions for Career-line faculty.**

The existing Policy 6-315 has provided the benefit of review timetable extensions of one-year for Tenure-line faculty (as has 8-002 for the School of Medicine), with such extensions proving to be important mainly for Tenure-track (pre-tenure) faculty members who are taking on parental responsibilities while preparing for the crucial reviews occurring in their probationary period (especially the receive-tenure-or-terminate, final tenure decision). Although not expected to be so important for or widely used by Career-line faculty (given the very different career path structures), the Committee nevertheless proposes making available for Career-line faculty members similar timetable extensions (i.e., delays of any formal reviews otherwise scheduled).

B. Tenure-line faculty.

With minimal exception, the proposal is not intended to substantively affect the benefits existing Policy has provided for Tenure-line faculty members. The extensive reorganizing and rephrasing noted below is intended to clarify, but not significantly change the substance as to Tenure-line faculty.

The proposed clarification of how the pay rate for a paid leave is calculated (95%) of “adjusted base salary” rather than the former “annual base salary” as described above would be applicable for Tenure-line faculty as well as Career-line. It is intended to clarify the formula and help faculty better understand how leave-taking will affect their salaries, not make significant practical differences regarding the pay rate.

One substantive change—regarding age of adopted children (see below), is intended to affect Tenure-line as well as Career-line faculty benefits.

C. Revisions generally, not specific to either Career-line or Tenure-line.

The one significant substantive change proposed, affecting both Tenure-line and Career-line faculty, is to eliminate the existing age limit, of age six or under, for qualifying adoption of a child. With this change, adoption of a child, regardless of age, would qualify for parental benefits on essentially the same terms as the birth of a child.

The proposal includes extensively reorganizing the Policy for greater clarity, and minor updating --- first moving existing contents into a more logical and reader-friendly structure, then rephrasing for clarity, and to use modern phrasing (e.g., referring to “Tenure-line” rather than “regular” faculty and recognizing that the Library faculty have been incorporated in as Tenure-line faculty—both changes from 2013),

Note that these extensive changes shown in standard redline markings (~~strikeout-deleted~~ & underline new) may give readers the impression that more substantive changes are being made than is true. To assist readers in focusing where needed, colored highlighting is used on the attached draft: **Green highlighting** signifies contents newly added to bring **Career-line faculty** into the Policy—the main thrust of the proposal. **Yellow highlighting** signifies a substantive change affecting **Tenure-line faculty (or both Tenure-line and Career-line)**. No highlighting but standard redline marking signifies content reorganized or clarified, without significant substantive change intended.

II. Proposal history & remaining steps, resources, and contacts.

Proposal History.

This proposal, focused on extending employee parental benefits to Career-line faculty employees, comes as part of a series of projects the Senate and central administration have undertaken regarding Career-line faculty, resulting in a series of new or revised University Regulations and changes in practices. The work has been carried out through a series of administratively-established and Senate-established task forces and special committees, beginning with an informal committee of administration in 2006-2007 (AVP Susan Olson, Special Assistant Bob Flores, AVP John Francis, Dean Robert Newman, leading to new Policy 6-310), then a subcommittee of the Senate Faculty Review Standards Committee in 2009 (organized by Bob Flores & Susan Olson, including faculty Hank Liese & Bob Adler), then task forces and committees led by AVP for Faculty Amy Wildermuth, special assistants Bob Flores, Hank Liese, and Pat Hanna, faculty members **Bonnie Mitchell**, Randy Dryer, and Harriet Hopf, and many other contributors, many being repeat participants over the series of entities, such as Prof. Mardie Clayton, now chairing the latest committee. The series of outcomes from these various task force/ committee projects has included enabling certain qualified interdisciplinary units to appoint instructional Career-line faculty, establishing procedures for regular reviews and reappointments with promotions in rank

and basic due process rights in those reappointment procedures, and encouraging longer terms of appointments and employment contracts for long-serving faculty members (multi-year rather than single-year—a goal partially achieved but still in progress in many units), changing nomenclature from “auxiliary” to “Career-line,” creating Career-line representation in the Academic Senate, Senate standing committees and Senate leadership, and encouraging establishment of representation and voting rights in department and college-level shared governance (achieved in some units, work-in-progress in others). See new/ or revised [Policy 6-310](#) (2007, 2010, 2014, 2015), [Policy 6-002](#) (2013,2014,2019), [Policy 6-300](#) (2013, 2014, 2015). Some historical information is available [here](#), [here](#), [here](#), [here](#), [here](#), [here](#), [here](#), [here](#), and [here](#). **The current committee and University are especially indebted to Bonnie Mitchell, Professor of Law (Clinical)—now Emeritus, from the College of law. Prof. Mitchell began work on these issues first within the law school in 2008-2009, and then broadened efforts to the overall University, including chairing one of the more important of the series of committees, that in 2013 accomplished foundational changes—including changing the nomenclature from the earlier dismissive “Auxiliary” to “Career-line.” Prof. Mitchell coined that term and led the effort to formally adopt it, with the result that it is now universally used across the University to appropriately signify the important roles such faculty members have for the institution—well beyond mere auxiliary functions.**

The latest entity, charged with this project—is the Senate Special Committee on Career-line Parental Leaves (roster below) authorized by the Senate and initially formed by Interim AVP-Faculty Harriet Hopf in spring 2019, and which completed the bulk of the proposal through meetings March to November 2020 (in the midst of the COVID-19 Pandemic).

This project brings together two important long-running parallel efforts: (i) the Senate and administration’s now 14-year-long focus on enhancing the contributions Career-line faculty make to the University’s missions by providing greater roles in shared governance, and improved procedures for career-advancement, and (ii) the now 16-year-long focus on improving faculty and staff diversity and enhancing the contributions that employees with parenting responsibilities make to the University’s missions, by providing employee parental benefits. That parallel work, initially spearheaded by the Presidential Commission on the Status of Women, and then joined by the Senate, began in earnest in 2004-2005, resulting in Senate approval of the first parental benefit policy (for Tenure-line faculty only, and not including the School of Medicine), in 2006. A detailed history of the ongoing parental benefits work and results is in the accompanying Appendix 1.

Remaining steps.

The project to date has consisted of researching University-level policies and practices on parental benefits, examining the noteworthy example of the College of Health supplementing the University benefits by establishing an internal policy of parental benefits for its Career-line faculty, and developing the proposed revision of Policy 6-315 described here. Per standard protocol, the University’s Institutional Policy Committee has been kept regularly informed of the Policy proposal (including a presentation at the IPC December 11, 2020 meeting).

Having completed the Senate’s initial charge to this Committee by its research and producing this Policy proposal, the Committee awaits further instruction as to what additional work is desired of the Committee, including any consultation requested with other committees or administration representatives.

The proposal is now being presented to the Senate Executive Committee. When the Executive Committee judges the proposal to be ready (after any further requested consultation, and any revisions), per typical process it should next be presented for Debate and Approval by the Academic Senate, and if so approved, ultimately would be offered for University President Watkins to present to the Board of Trustees for final approval.

Resources. Attached as Appendix 1 is a description of the historical development of parental benefits policies and practices of the University, including the models the Committee has called upon in formulating elements of this proposal for the expansion of benefits to Career-line faculty. Links to the resource materials from that research are included there.

Contacts: For comments, suggestions, or further information about this proposal:

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III. Attachments.

The overall proposal materials include (i) An introductory slide presentation, (ii) this Memorandum, (iii) Appendix 1 for the memorandum (historical & comparative background on parental benefits), and two versions of the current draft of Policy 6-315 Revision 3 proposal, with (iv) a “clean” version not including explanatory comments, provided for convenience of easy reading, and (v) a redline “master” version showing explanatory comments and the redline markings, which will be the basis of votes for approval.

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Appendix I
for Proposal on Career-line Faculty Parental Benefits (Policy 6-315 Revision 3)
Senate Special Committee on Career-Line Parental Leave
Dec 9, 2020 and updated January 4, 2021

Background—History of parental leave benefits at the University of Utah, and the existing models of parental benefits the CLPL Committee has drawn from for the proposed expansion of Policy 6-315 to include Career-line faculty.

Links to the resource materials from this research:

- Existing Policy 6-315 Revision 2, and its two predecessors, and the legislative history documents for each of those versions may be seen at <https://regulations.utah.edu/academics/6-315.php>.
- The report of the Utah Education Policy Center’s comprehensive 2010 research project may be seen at Parental Leave Policy Evaluation—Utah Educational Policy Center 2010.
 - Executive Summary & Update <http://www.regulations.utah.edu/academics/appendices/6/uu-parental%20leaveuepc%20exec%20summary-%202011-01-18.pdf>
 - Full Evaluation Report <http://www.regulations.utah.edu/academics/appendices/6/uu-parental%20leave--uepc%20evaluation%20report-2011-02-14.pdf>
- Existing Policy 8-002 (School of Medicine) and the earlier version and legislative history may be seen at <https://regulations.utah.edu/health-sciences/8-002.php>. Especially useful is the history for 2013 Revision 2 which in some detail compares the SOM policy to the main campus policy and explains the bases for their major differences -- <https://regulations.utah.edu/health-sciences/appendices/8/02/Memo%20to%20VP%20Policy%208-002%20Rev2%202013-11-04.pdf>
- Rules 5-200A and 5-200B for staff employees may be seen at
 - https://regulations.utah.edu/human-resources/rules/rule_5-200A.php
 - https://regulations.utah.edu/human-resources/rules/rule_5-200B.php
- College of Health – Graduate Student Parental Leave Policy [Rev. 3/2018](#)

A. Policy 6-315--- Tenure-line faculty, except School of Medicine.

2004 to 2006, original Policy 6-315 (all except School of Medicine).

Focused efforts to provide parental benefits for University faculty members and potentially for staff employees began with the work of the Presidential Commission on the Status of Women, over several years, taking particular focus in 2004-2006, which culminated in a proposal developed by the Commission, supported by the central administration and presented to the Academic Senate, University President, and Board of Trustees for approval in spring 2006. The resulting original version of Policy 6-315 Revision #0 took effect July 1, 2006. For all colleges other than the School of Medicine, that original version established parental benefits only for what are now referred to as Tenure-line faculty (at that

time called “Regular” faculty), not for any category of what are now referred to as Career-line, or Adjunct, or Visiting faculty (at that time all included as the category of “Auxiliary” faculty). The original version provided for Tenure-line faculty members describes essentially the same two benefits as are provided under the current Policy, and which would remain essentially unchanged under this proposal for updating. Those are (i) a leave of absence for one-semester with nearly full pay (that is--“base salary”), and (ii) a one-year extension of the timetable for required formal reviews (most importantly a final review for tenure). These were and remain available to what the Policy refers to as the birth mother parent, or the caregiving parent for either the faculty member’s own child or an adopted child.

As had been recommended by the Commission, the period of the leave of absence was set as one full semester, based on the research establishing that virtually all of the Tenure-line faculty members likely to use the benefit had as a primary component of their duties the teaching of semester-length courses (along with duties of research/ creative activity, and service, inherent for Tenure-line faculty). The Commission reasoned that it would be impractical for the departments to have such Tenure-line parents take leaves from teaching duties of less than a full semester—as that would require either splitting courses among two or more instructors, or shortening the courses.

The salary to be paid during a parental leave of absence (one semester) was set in the original Policy through negotiation of the Commission with the central administration (the two senior vice presidents and their budget officers), and the Council of Academic Deans, and based on extensive research regarding practices and experiences of peer institutions, some experience of University of Utah units that had previously offered a benefit ad hoc, data regarding the numbers of Tenure-line faculty members in the affected colleges (not including Medicine) eligible for and likely to use the paid leave benefit, and negotiations and expectations as to how the costs for academic departments would typically be managed. A significant component was for a small ‘stipend’ to be paid to a department by the central administration for each semester-length leave taken, so much of the cost for any course-teaching replacement is borne within the department (or college). That carefully researched and extensively negotiated provision in the original Policy, still in force today, sets a faculty member’s pay for the one-semester leave *“at the rate of 95% of her or his annual base salary during that semester.... [However] Portions of the faculty member's compensation from grants or contracts must be based on actual effort performed for the award, and all award requirements must be met.”* It mentions that a department/college may choose to supplement the salary above the 95% of base.

And as the Commission recommended, the benefit of a review timetable extension was included, based on reasoning that most of the Tenure-line parents would be relatively early in their faculty careers, many still in the pre-tenure probationary period, going through the formal review procedures the University requires for Retention, Promotion, and Tenure decisions, and so an extension should be available to account for the effects of the parenting responsibilities on preparations for those formal reviews--especially the Tenure decision—which is an “up-or-out” process (faculty appointment must be terminated unless formal review finds the required “excellence” in teaching/ research performance was achieved within the mandatorily limited probationary period). And the period for postponing formal reviews and extending the timetable was set at one full year, because the University had structured those formal review procedures on an annual cycle, with the important steps of various participants conducted only once per academic year.

Taking effect July 2006, the original Policy 6-315 provided the parental benefits of a paid one-semester leave, and review extension, for Tenure-line faculty parents outside the School of Medicine (not other categories of faculty, not any SOM faculty, and not any staff employees in any part of the University). Discussions at the Senate included a firm commitment to proceed quickly to another proposed Policy for School of Medicine faculty—likely significantly different from the original Policy, and general commitments to explore possibilities of providing some parental benefits for the University's professional staff employees, and Clinical faculty members.

2007-2011, Policy 6-315 Revision 1 (all except School of Medicine).

Policy 6-315 Revision 1 was adopted spring 2007, a very quick updating needed because General Counsel advised that under recent legal changes, the policy needed clarifications to insulate the University from possible claims of unlawful sex discrimination because it has somewhat different treatment of leave-eligibility for birth mothers as distinct from other parents, having to do with the health effects some birth mothers experience. To achieve this, the revised version was extensively restructured to distinguish between “disability leave” (only available for a birth mother), and “care-giving leave” (any parent actually caring for the child). Using the opportunity to add other clarifications based on the year of experience, the revision also clarified that the Policy encompassed Tenure-line *library* faculty members, and it clarified how the leave eligibility dates and leave length period would differ somewhat for the minority of covered faculty members who are on *12-month-per-year employment contracts* (true of most Library Tenure-line faculty) rather than the 9-month-per-year employment contracts typical of the majority of Tenure-line faculty (outside of School of Medicine). That revision states that the leave period for 12-month faculty is a prorated equivalent of the semester-length leave for the majority 9-month faculty.

At the time this Revision 1 was adopted, the expected separate policy for School of Medicine faculty was nearly but not quite ready for approval, and so Revision 1 added an explanation that once both 6-315 (all outside of School of Medicine) and the anticipated new School of Medicine faculty policy were in effect, there would need to an explanation of how to coordinate application of both policies in a situation with one parent covered by each of the two policies, applying the established principle that the University should only bear the burdens of providing one paid leave per child. That recognized need to explicitly coordinate the two policies regarding faculty leaves is now being addressed in the current 2020/2021 proposal.

2011-- to present, Policy 6-315 Revision 2 (all except School of Medicine).

The original proposal in 2006 included a commitment to conduct a review after three years of experience and report back to the Senate. The Utah Education Policy Center conducted a comprehensive research project in 2010 led by Associate Professor Andrea Rorrer, and from that information a further revised version of Policy 6-315 was adopted in spring 2011. It made various clarifications and adjustments, tailoring the benefits and procedures to more precisely fit the needs of faculty parents, based on feedback obtained through the research project.

That 2011 Revision remains as the existing Policy 6-315 base from which this 2020/2021 proposal begins. As with the 2006 original in 2006, the existing version provides for parental benefits only for Tenure-line faculty and in all colleges except the School of Medicine. Reflecting changes made from

2006 to 2011, this existing Policy is entitled “Faculty Parental Benefits—Leaves of Absences with Modified Duties and Review Extensions.”

B. School of Medicine Tenure-line and Career-line faculty--Policy 8-002, 2007--present.

When Policy 6-315 was originally enacted based on the proposal of the Presidential Commission on the Status of Women in 2006, and designed for Tenure-line faculty *except* in Medicine, that version included a provision that it would also apply to the faculty of Medicine beginning one year later, unless a different Policy was by then enacted (*i.e.*, a deadline was imposed for the School of Medicine). It was anticipated that there would be a substantially different parental leave of absence benefit for faculty in Medicine, and the complexity of the combined issues of the pay rate, source of funds/ funding mechanism for the pay, and length for paid leave for that benefit required an additional year of study and negotiation with the central administration. That resulted in splitting off a separate Policy 8-002 for the School of Medicine, first taking effect in 2007, as developed by a Parental Leave Policy Special Task Force. After a series of reviews it was then revised in 2013. Originally and still presently it differs in three fundamental respects, and also in various minor ways from the ‘main campus’ Policy 6-315, but otherwise is modelled on and uses much phrasing from 6-315.

Faculty covered (categories, and full/ part-time). The main campus 6-315 Policy covers only Tenure-line faculty, which includes Tenure-line libraries faculty, and allows for coverage of the small number of Tenure-line faculty who are less than “full-time” as that is defined for most employee benefits (below .75 FTE).

The SOM Policy 8-002 covers both Tenure-Line *and Career-line faculty*, but *only full-time* (no part-time faculty). Both Tenure-line and Career-line become eligible immediately after appointment/hire—no waiting period.

The length of paid leave, amount of pay and methods/sources of pay differ greatly. The main policy is a full-semester leave, paid at rate of 95% of “annual base salary,” with the financial burden mostly absorbed by a department, except a small contribution from central administration for each leave taken.

The SOM policy pays no heed to semesters (which are generally not relevant for SOM’s MD curriculum), allows flexible leave from one to up to six weeks per child, and after the 2013 revision the pay rate during the leave (six weeks or less) is “100% of annual salary”—up to a cap identified by reference to the National Institutes of Health. Leave longer than six weeks is possible, but additional days are either unpaid or paid by using up accrued vacation or sick leave. That 100% of salary (up to a cap) adopted in 2013 was an increase from the original version, responding to criticism of the original much lower pay rate which contributed to very little use of the benefit. The funding method/ source of funds for the SOM policy is relatively complex (beyond the scope of this description to explain fully). A major factor in the 2013 revision was that the NIH had already, and other research grant funding sources were expected to soon follow, to allow their grant funds to be used to support such paid parental leave for faculty working on the funded projects. *I.e.*, federal granting agencies began bearing some of the costs of funding paid parental leaves of absence, so long as a medical school has an acceptable faculty paid leave policy—which 8-002 was rewritten to satisfy in 2013. And that 2013 revision was further motivated by the national accrediting body strongly encouraging schools of medicine to have such parental leave policies, as a means of fostering diversity and inclusion.

C. University Staff employees—Rules 5-200A & B, 2019 -- present.

In 2018-2019, some 13 years after adopting the first Policy providing paid parental leave as a benefit for Tenure-line faculty (other than School of Medicine) in 2006, the University began providing paid parental leave benefits for staff employees, through revisions of Rule 5-200A covering staff other than those employed at the Hospitals and Clinics, and then Rule 5-200B covering those employed at the Hospitals and Clinics. Rule 5-200A provides the benefit for a staff employee in a full-time benefits eligible position (i.e., at least .75 FTE) for at least 12 months, who serves as a newly born or adopted child's caregiver during the paid leave period, which is *up to six weeks*, and if six weeks is taken is paid at the rate of 50% of their regular work hours (i.e., paid the equivalent of 3 weeks salary, if leave is taken for 6 weeks—i.e., 6 weeks at half-pay). (Additional leave days may be taken fully paid by using any accrued sick and vacation leave, and then taking unpaid leave). The cost for the parental paid leave is born by the department, except that if that unit does not have sufficient resources to cover any replacements costs, there is a process to appeal to central administration for “hardship” assistance.

Rule 5-200B, for Hospitals and Clinics staff employees, effective July 2019, provides a paid leave benefit to staff employees of at least half-time (.50 FTE), employed at that status for 12 months, who serve as a newly born or adopted child's caregiver. The paid leave is up to 120 hours paid (if full-time employee, or pro-rated less for part-time), and for a full-time employee that 120 hours of pay is paid at the rate of either 100% pay for a leave of three weeks, or 50% pay for a leave of six weeks. A proposal to raise from 120 to 240 paid hours had been under consideration in early 2020, but was put on hold after the COVID-19 Pandemic arose.

A report regarding the experiences under Rule A for main campus staff is planned to be presented to the Senate in spring 2021.

D. Academic Unit Supplemental Rules—providing additional benefits beyond the base-line University Policies (6-315 or 8-002).

College of Health. This college has a college-level policy providing parental benefits for some Career-line faculty (beyond the base-line benefits the University provides through Policy 6-315). The college also has a college-level policy providing parental benefits for graduate students, [here](#).

--end--

{Proposal for Revision 3 of Policy 6-315. Draft of [2021-01-04 w-cmts]. This MASTER draft with full set of comments is the baseline version, with comments as a record of the decisions made in drafting, and as explanation of the changes and decisions. See separate version with margin comments removed, for easy reading. }

Drafting notes: **Green highlighting** marks the passages that are most directly added for and affecting CL faculty—the main purpose of the proposal and should be main focus of meeting discussions.

Yellow highlighting marks the very few spots directly affecting Tenure-line faculty, or otherwise worthy of calling attention.

All changes from the existing Policy (Rev.2) are shown with standard redline markings (~~strikeout of deleted contents~~, and underlining of new contents). Those marked changes without any highlighting are for general updating/ reorganizing/ clarifying, but not directly focused on CL faculty and unlikely to need any discussion or further attention.

Red highlighting marks the few new comments for the attention of the CLPL Committee members—showing changes made subsequent to the latest committee consultation. The red highlighting will be removed for the version provided to the full Senate for easiest reading.}

Policy 6-315: Faculty Parental Benefits – Paid Leaves of Absence with Modified Duties, and Review Extensions. [Revision 3. Effective Date July 1, 2021.]

Commented [RF1]: 2021-1-4 New adding "paid" to clarify how this Policy fits in context of other Regulations that are soon being revised (esp. 6-314 sabbatical leaves).

I. Purpose and Scope

A. Purpose. ~~To establish the University's P for~~ This Policy establishes and governs the faculty parental benefits (paid parental leaves of absence, and extensions of the review timetables) the University provides for the birth or adoption of children by regular Tenure-line faculty members (including Tenure-line Libraries faculty) and academic librarians, **and Career-line faculty members (including Career-line Libraries faculty)**, in all academic units except for faculty of the School of Medicine. It **establishes pay rates and lengths of periods for paid parental leaves** of absence with modified duties as appropriate for certain categories of faculty employees, including ~~To maintaining~~ the University's general preference of providing leaves for faculty members **with primary teaching duties**, except for brief absences, in increments of an academic term or semester, consistent with the length of most teaching assignments. ~~Any questions regarding this Policy should be referred to the Office of the Senior Vice President for Academic Affairs or the Office of the Senior Vice President for Health Sciences.~~

Commented [RF2]: The contacts info is moved from here to Part VI, in accord with the new standard Template for Regulations.

B. Scope.

This Policy 6-315 applies for ~~academic librarians and regular~~ Tenure-line **and**

Career-line faculty members in all academic colleges, the University Libraries, and other academic units, except the School of Medicine. The counterpart Policy 8-002 applies for Tenure-line and Career-line faculty members in the School of Medicine. This Policy is not intended to apply to Adjunct, Visiting or Emeritus faculty members (as those faculty categories are described in Policy 6-300). This Policy is not intended to directly govern parental benefits for University staff employees or other non-faculty employees (see University Rules 5-200A, and 5-200B regarding staff employees).

Commented [RF3]: 12-4, added mention of libraries and "other academic units" to make clear that this does apply for the libraries faculty, and for units that are not part of a "college"—e.g. some of the qualified interdisciplinary teaching programs which have career-line faculty.

II. Definitions

For the limited purposes of this Policy and any associated Regulations, these terms are defined as follows.

- A. The "academic year" of the University, on which University academic activities are generally organized, is a 12-month period beginning July 1 and ending June 30 (identical to the University's "fiscal year"). Within that 12-month University academic/ fiscal year individual faculty employees may have various [annual "contract employment periods,"] set by their individual employment contracts, most commonly of nine months per year. ~~is defined for purposes of this Policy as (usually August 16 to May 15) for faculty on nine-month appointments or of 12 months per year (and July 1 to June 30) for faculty on twelve-month appointments.~~ While some other University activities may be described by reference to a "calendar year" (January 1 to December 31), faculty appointments and [annual contract employment periods] for faculty employees are ordinarily set by reference to the University's academic (and fiscal) year.

[***Special Drafting Note—approval to update definitions:

The "annual contract employment period" concept and related concepts explained in Part II-A, and the "annual base salary [or compensation]" and "adjusted base salary[or compensation]" concept and related concepts explained in Part III-B-2, and then used throughout the Policy, are also used and defined in several other University Regulations (including 5-403, 6-301, 6-314, 6-320), and a project is underway to develop a set of more refined

Commented [RF4]: 12-4 Changed definition & explanation about the "academic year", and added definition of "annual employment period" and "calendar year." Changed primarily to eliminate the problem that existing definition tied that concept of academic year to the employment contract period of a particular employee, instead of having a uniform standard length of academic year applicable for everyone. It referred to "9 month appointments" & "12 month appointments", and it said that for an employee with a 9-month appointment the academic year is 9 months, August-May. That's simply wrong—inaccurate in two ways. The academic year is uniform, for all persons—always 12-months July-June. And faculty member appointments don't stop and start during an academic year, but rather are continuous year around from initial date of appointment until that appointment is terminated (for TL faculty that is at end of career at University). What differs depending on employee contract is the annual *employment period (or work period)* within that 12-month academic/ fiscal year. That annual employment/work period is set by the employment contract of the individual employee. For TL and CL faculty, the annual employment /work periods are ordinarily of either 9-months per academic/ fiscal year, or 12 months per academic/fiscal year. Definition of calendar year, as distinct from academic/ fiscal year, is added because the existing Policy does use a calendar year reference point in setting the eligibility of a new parent to get a review timetable extension—based on when during a calendar year the child arrives.

definitions of these concepts and terms and to then use those refined definitions consistently across all University Regulations. Approval of this proposed draft includes authorization for the Senate Policy Liaison and the chairperson of the Institutional Policy Committee (Chief Human Resources Officer), with approval of the Senate President and the Senior Vice Presidents of Academic Affairs and Health Sciences (or designees), to use those refined consistent definitions and explanations to replace the definitions shown in this current draft of Policy 6-315, and the other relevant Regulations—upon giving notice of the revisions of the Regulations through the Academic Senate Information & Recommendations Calendar.]]

B. "Adopted child" refers to a child **under six years of age or a special needs child (as defined here)** placed for adoption. "Special needs child" means a child under the age of 18 who is incapable of self care on a daily basis because of a mental or physical disability that substantially limits one or more major life activities.

]]

C. "Eligible caregiver" is defined differently for purposes of each type of parental benefit. See Section III-B for the definition in context for purposes of a care-giving leave, and Section III-C for the definition for purposes of an extension of the review timetable.

1. "Eligible caregiver" for

D. "Eligible faculty member" is defined as ~~library faculty or regular faculty with appointments that began before the expected arrival of a child.~~ **a Tenure-line faculty member, or Career-line faculty member** meeting the specified eligibility criteria in Section III-A of this Policy.

1. "Regular ~~Tenure-line faculty~~ **faculty**" is defined as including Tenured or Tenure-eligible track faculty ~~under~~ (including Tenure-line Libraries faculty) as described in [Policy 6-300](#).

Commented [RF5]: 2021-01-03 NEW. Definition of adopted child is changed, eliminating the restriction "under six years of age" and eliminating all mention of "special needs" child. The effect will be to treat adoption of a child age 6 and older, even without special needs, the same as adoption of a younger child.
Earlier comments: Committee 11-9 decided that adoption of older children, even without special needs, should be included for these parental benefits. Anticipate there will be very few such cases, so the burdens on depts. and the University will be minimal. Initially was going to keep the explanation of "special needs" and that was kept in the 12-4 draft for Senate EC. However, small drafting group then decided to eliminate that for the 2020-01-03 draft for the full Senate, on recommendation of Sarah P.

Commented [RF6]: 12-4 The definition of "annual base salary" formerly appeared here. It is now moved down to the body of the Policy so it is shown in context where used as part of explaining the pay rate for paid leaves, and it is significantly modified as marked there, defining a "base" and an "adjusted base" salary.

Commented [RF7]: 11-6. The sub-definitions of caregiver formerly placed here are now moved down into the body of the Policy so they are shown in context, so readers don't have to scroll back and forth to understand the defined term and its context. Each is also modified there, to fit the CL faculty better.

Commented [RF8]: 9-8. This requirement of "appointment that began before the child" is moved down to become part of III-A-1, where it fits best.

Commented [RF9]: 9-8. Moved this definition of regular/ Tenure-line faculty up to here, so all definitions of 'faculty' are placed together. Then updated terminology consistent with newer Policy 6-300. Then added definition of Career-line.

2. **"Career-line faculty"** and the Career-line sub-categories of "Clinical faculty," "Lecturer faculty," and "Research faculty" are defined as those faculty categories are described in **Policy 6-300** (including Career-line Libraries faculty). Library faculty" is defined as academic librarians with continuing appointment or eligible for continuing appointment under **Policy 6-300**.

E. 1. "Parental benefits" refers to both (a) the leaves of absence benefits and (b) the review timetable extension benefits provided under this Policy.

2. "Parental leaves of absence benefits" / or "parental leaves benefits" refers to parental leaves of absence with modified duties, including (a) disability leaves for persons who give birth/birth mothers, and (b) care-giving leaves for all eligible caregiver parents, as more fully described in section III-B below.

3. "Parental r"Review timetable extension benefits" / or "review timetable extension" refers generally to an additional period (ordinarily one year) added to the otherwise applicable period before a required formal review of a faculty member is conducted, as more fully described in section III-C below. probationary period before a tenure or post-tenure review

F. "Partner" refers to a spouse or, in the case of an unmarried faculty member, to an adult who is certified as an eligible partner through the University's approved Human Resources procedures.

~~"Eligible caregiver" ...~~
~~"Regular faculty" ...~~
~~"Review timetable extension" ...~~
~~"Special needs child" ...~~

III. Policy

A. General Eligibility for Parental Benefits.

Commented [MF10]: 9-28. Should "parental benefits" and "parental leave benefits" be separate items (e.g. E and F)?
 {BF I reorganized and add internal numbering so that there is a main definition of "parental benefits", and then numbered definitions of the sub-concepts. And I included full-length versions, and space-saving abbreviated versions of each defined term. The "review extension" definition is moved up here from below, so all of these related terms are in a single location. }

Commented [RF11]: 9-8. DH: Tried to create a general definition here followed by the specifics for TL and CL.
 {BF: To avoid duplication of details, both here as a definition and then below as a description of the eligibility and benefit, we reduce the definition here to just a general summary, and then refer to below for the full description, where the extension concept is actually used, with different treatment for CL vs TL faculty. Having the details there in context may provide greater clarity than separating the detailed definition from the application in context.}

Commented [MF12]: 9-28. Is there a specific place to refer them to for definitions of this? E.g. policy X
 {BF. It might be workable to refer to a published description of the HR procedure. And this information can best be provided in a Guidance document developed by the SVP offices}
 (BF 2021-01-03, after more small group discussion, decision is to leave this as it was in 12-4 draft, including the requirement of being "certified" through HR.)

Commented [RF13]: 12-4. The definitions of "eligible caregiver", "regular faculty", "review timetable extension" and "special needs child" are moved from here to up above, to be joined with related definitions and organized alphabetically. After moving, they are modified as marked there, for clarity.

1. To meet the minimum requirements for eligibility for any benefit under this Policy the requesting individual must, at the time of requesting a benefit, be:
 - a. a Tenure-line faculty member (Tenure-track, or Tenured), who has a University faculty appointment and employment contract, regardless of percentage of Full-Time-Equivalent ("FTE"), (i) that began before the expected arrival of a child, and (ii) that are anticipated to continue through the period for which any parental benefit is requested, or
 - b. a Career-line faculty member (Clinical, Lecturer, or Research category) who has a current faculty appointment and employment contract for at least .75 FTE (or two or more appointments and employment contracts involving one or more units of the University, which combined are at least .75 FTE), (i) that began before the expected arrival of a child, and (ii) that are anticipated to continue through the period for which any parental benefit is requested.
2. An eligible faculty member is guaranteed parental benefits under University Regulations no more than twice. Any subsequent requests for benefits in conjunction with additional instances of birth or adoption will be subject to the approval of the cognizant senior vice president.
3. ~~Only one University of Utah faculty member is guaranteed to qualify for parental benefits.~~ For a given instance of childbirth or adoption, the University may, but is not obligated to, provide to more than one eligible faculty member the employee parental benefits that are applicable under this Policy 6-315 (or the counterpart Policy 8-002 for School of Medicine faculty). ¶

~~(Temporary Note to Users: An explanation of coordinating this policy with the School of Medicine policy will be added here, once the revised SOM policy is in final form.)~~ **Drafting note for Rev. 3: Regarding 6-315 & 8-002.** *The Temporary Note above regarding the interface of 6-315 and 8-002, now marked for deletion, was originally included because at the time 6-315 was first enacted the SOM 8-002 Policy had not been enacted. Originally the SOM faculty were to be governed by 6-315 but with a delayed enforcement period. Then it*

Commented [RF14]: 9-8. Added "regardless of FTE" for TL faculty. That makes explicit what was only implicit in existing policy, since 2007. Note that this is a significant difference between the TL eligibility vs CL eligibility. It is exceedingly rare for any TL faculty member to be less than .5 FTE except during a brief leave period, and rare to be less than .75 FTE (See Policy 6-321 on Part-time TL Faculty).

For TL, this draft retains the original requirement that the applicant "has a University faculty appointment and employment contract that began before the expected arrival of a child", but adds the concept of also "anticipated to continue". That's virtually certain for most tenure-line faculty, so unlikely to actually affect any cases. Adding it for both TL and CL does help show the principle of equal/ 'fair' treatment of CL faculty.

Commented [RF15]: 11-6, as committee decided 10-19, on general eligibility for CL, eliminate any requirement of prior experience. Eliminate any requirement of evidence for employment specifically extending past the period of any paid leave (or review period extension). Keep for both CL and TL general requirement that employment "is anticipated to continue through the period for which benefit is requested." 11-5 add for both TL & CL that SVP decides any question of whether in fact is "anticipated to continue" for that period. But 12-4 moved that SVP interpretation role down to become section III-A-6. OLD NOTES pre 10-19. No longer applicable after 11-6: -For CL, draft sets a requirement of three years prior employment in faculty position(s) at least either [4 ... [1]

Commented [RF16]: 11-6. The explicit inclusion of multiple appointments and multiple contracts being combined to reach the .75 FTE threshold is useful to clearly encompass situations such as having one position in one academic unit, and another position in another academic unit, or having both a faculty position and an administrative position. E.g., there are existing instances with an individual having a faculty position and a position as "director" of some University unit. So long as their various positions add up to .75 FTE they should be included in eligibility. Note that how the leave of absence benefit will be funded and administered as among multiple units will likely require some case-by-case VP guidance.

Commented [RF17]: 2021-01-03 New rephrased this as: University may, but is not obligated to, provide to more than one eligible faculty member the employee parental benefits... small group decided this on recommendation of Sarah P: revise to "... the University, may, but is not obligated to, provide to more than one eligible faculty member . . ." *This does not change meaning; it just cues the reader that they have the right to request the leave for two parents. There is significant confusion about this on campus, so why not include language that makes the policy clearer? My recommendation is based on Office for Faculty experience enacting the policy over the past many years.*

... [2]

was anticipated that contents of 8-002 would be finalized, and then each of the two Policies would include a provision explaining the interface. It was expected that a co-parent couple would be treated approximately equally regardless of whether both were covered by the same Policy, or one was covered by 6-315 and the other covered by 8-002. Now, 8-002 has been in effect for several years, and so the interface should now be explained clearly in this Policy. This proposed phrasing does that, in the way long anticipated, by clarifying that in situations in which both co-parents of a given child are faculty members, the University is obligated to provide the full set of parental benefits (including the paid leave of absence) applicable under either/ both Policies, for one parent, not both. I.e., a co-parent couple with one member in the School of Medicine and the other in another college will be treated approximately equally to a couple with both parents covered by the same Policy. Note that there is a difference between the two Policies, in that 8-002 for the SOM does also provide a very short paid leave period for the other co-parent (while providing the main longer leave & benefits only to one parent). Currently 6-315 does not include any such short paid leave or other benefit for the other co-parent.

4. This Policy does not apply to birth parents who do not anticipate becoming the legal parent of the child following birth. In such cases, the person who gives birth may be eligible for benefits under other University Regulations regarding sick leave and the Family Medical Leave Act/FMLA Policies.
5. The cognizant senior vice president shall make the University's final decision as to whether a requesting faculty member meets each of the above general eligibility requirements, and other specific requirements described below. And any exceptions to these and other eligibility criteria below must be approved by the cognizant senior vice president. The cognizant senior vice president may assign a designee to carry out these responsibilities and any of the other responsibilities of that position under this Policy and associated Regulations.
6. An otherwise eligible faculty member may choose to take only a parental leave of absence benefit, or only a review timetable extension benefit, or both.

B. Parental Leaves of Absence with Modified Duties.

Commented [RF18]: 12-4 Changed "birth mother" to "the person who gives birth"—as decided by committee 11-9, as part of theme of avoiding gendered phrasing. The new phrasing still accomplishes the purpose of explaining that the individual who went through the pregnancy and birth process might have a basis for using sick leave, even if not becoming a parent and so not eligible for these parental benefits.

Commented [RF19]: 12-4. Moved to here the passage about SVP deciding if eligibility criteria are met. In earlier draft it was placed above as part of the criteria regarding "anticipated to continue, and it was phrased differently. These changes make that SVP's role applicable for all of the criteria, not just the employment continuation criterion. And puts together the related concepts of applying criteria and granting exceptions. Earlier phrasing was "2. The cognizant senior vice president shall make the University's final decision as to whether an applicant faculty member's appointment and employment contract are anticipated to continue for the required period. And see below regarding the effect of termination of an employment contract during the period of a paid leave of absence (Section III- ##), and the obligation to return (III-##)." 1". Before 11-6 the phrasing was "that CL faculty must have "reasonable likelihood of continuing for at least one full semester" and made SVP the judge of that, and described specific types of evidence SVP would consider. The later replacement applies for both TL and CL so is treating them more equally, and it avoids specifying how SVP will decide. Giving SVP flexibility should allow generously providing benefits for most CL faculty but allows excluding those whose positions are clearly short-term and not expected to be renewed. Assigning decision to SVP avoids possible biases of dept chair/ dean whose budget concerns might color their judgment, and who already have great power over CL faculty members. The 11-6 draft included a Policy cross-reference to the later sections on effect of contract termination and obligation return. That might help clarify that SVP can generously interpret the "anticipated to continue" [3]

Commented [RF20]: BF 12-8, NEW. added this explanation here that SVP may assign any responsibilities to a "designee". That avoids having to mention the designee at all other spots in the Policy, so am now deleting all of those other mentions.

Commented [RF21]: 11-6. Added here in III-A this overarching clarification that the eligible faculty member can take either or both benefits--- does not have to take both. Putting it here eliminates need to put it in both areas below. And this point is mentioned again in a section about review extensions where the concepts are particularly difficult to explain, regarding timing of birth and eligibility for extension.

Commented [RF22]: 9-9. Contents of former section "III-B Notification" were here, now are moved to renumbered section III-D, to be joined with similar contents, describing the procedures for "Request for Benefit, Notification of Administrators, Date of Request."

1. Eligibility for Paid Leave.

a. *Disability leave* benefits and the resulting modified duties under this Policy are available to an eligible faculty member who gives birth to a child during the ~~semester period~~ for which leave is sought or within four weeks before the beginning of that ~~semester period~~.

b. *Care-giving leave* benefits and the resulting modified duties under this Policy are available to an eligible faculty member who serves as an **eligible caregiver** (as defined here) of ~~her or his~~ the faculty member's own newborn child or a partner's newborn child or of a newly adopted child during the ~~semester period~~ for which leave is sought.

"Eligible caregiver" for purposes of a care-giving leave means a faculty member who provides the majority of child contact hours during the faculty member's regular academic working hours (i) for a period of at least 15 weeks if the leave period for which the faculty member is eligible under this Policy is a semester, or (ii) for the full length of the leave period for which the faculty member is eligible if that period is six weeks (or any length less than a semester).

2. Paid Leave Benefit.a. General provisions.

Upon approval of a ~~parental leave of absence~~ request, an eligible faculty member will be granted a paid parental leave of absence with modified duties ~~(e.g., teaching, service, and/or research) for~~ with the pay rate, leave period, and modification of duties as described below for the appropriate faculty employee category.

i. The pay rates are set below as a percentage of the faculty member's "adjusted base [salary]." For the limited purposes of this Policy and associated Regulations "base [salary]" and "adjusted base [salary]"

Commented [RF23]: 9-9. Here changing from "semester" to "period" to allow for a leave period something other than a semester, e.g., six weeks.

Commented [RF24]: 11-6. Existing policy had this sub-definition of "eligible caregiver" in Part II Definitions. Now it is moved here to place it in the only context where it is used, so readers don't have to scroll back and forth between sections to understand the effect of the defined term. Similar is done below for review timetable benefit description. And in Part II Definitions, cross-reference is given to lead to these Part III contexts.

10-14.

The existing phrasing setting eligibility as a caregiver as requiring 15 weeks of caregiving was based on all leaves being a full semester. To adapt to also fit for the shorter leave periods for non-teaching CL faculty, this is now modified to require caregiving for the "full length of the leave period" for those faculty who are eligible only for six-week leaves---anything less than a semester (the 'non-teaching' faculty CL). It is phrased flexibly to be applicable for either the ordinary 6 weeks, or any other length less than a semester, in case Policy on length of leave is changed to other than 6 weeks.

The added phrasing used is "the leave period... under this Policy" so that eligibility is not affected by any additional weeks of paid leave that a college/department might choose to provide, beyond the leave period provided under this Policy.

Note that as in the existing policy, for the review timetable extension benefit, the requirement is only that the faculty member be eligible for a leave benefit, regardless of whether they actually do take a leave of absence. That follows with the principle that the faculty member can choose to take either, or both benefits.

Commented [RF25]: 12-4. Made this intro into a numbered subsection with heading, so that could then move to here two existing passages on related topics, and add a new third passage about the SVP providing Guidance. This intro section provides general information which applies for all faculty categories.

Commented [RF26]: 12-4. first passage moved here is the definition of "annual base [salary]", which was previously in Part II definitions. Moved to here to show in context. Then modified very greatly as marked. Changed name to "adjusted base [salary]", so uses an existing University-wide concept of a "base salary", which is also defined and used in Policy 5-403 on add comp & overload, and there the "base" includes "any funds administered by the University- i.e., sponsored grant and contract funds—which we need to exclude for this parental leave context. So, here that base is then "adjusted" (like tax law) to exclude any part of the base "funds administered by the U" which would be derived from grants & contracts that end up not being available to pay the leave-taking employee because the employee going on leave doesn't fulfill the award terms and so hasn't earned those funds per the contract/award. Adding this definition, along with keeping the existing passage that "all award requirements must be met" should mostly solve th

... [4]

have the following meanings (intended to exclude from the *adjusted* version any funds derived from sponsored research grants and contracts, which were anticipated but then become unavailable—not earned— due to the leave being taken).

"Annual Base [salary]" (not adjusted). means the total standard compensation approved in advance as the amount payable to a faculty member employee from any funds administered by the University for normal and expected working time and effort, not in excess of 100% of full-time, for all services to be performed under all assignments contemplated under the employment contract during the appointment period; contract employment] period within a given 12-month academic and fiscal year. If the employee's [contract employment] period is less than 12 months (e.g., typically nine-months for many faculty employees) the standard compensation is *annualized*, so that compensation earned only during the [contract employment] period is nevertheless paid out over a full 12-month academic and fiscal year. This term "base [salary]" does not include compensation for separate assignments during nonworking intervals, approved overload assignments in the Division of Continuing Education, or additional compensation for occasional services or payments made pursuant to authorized consulting or professional service contracts. (See [Policy 5-403](#), Additional Compensation and Overload Policy, which also defines "base [salary]," and currently does so slightly differently for the different context of regulating additional compensation.)

"Adjusted base [salary]." for purposes of determining a pay rate for a paid parental leave of absence with modified duties, means — the employee's base [salary], adjusted by excluding any funds from sponsored research or grants, which funds are not made available to compensate the employee, because the award requirements are not met by work of the employee, due in part to the employee's leave of absence.

Commented [RF27]: 10-19. Revised this to avoid using "appointment period;" and instead use reference point of the employment contract period within an academic and fiscal year.

Commented [RF28]: 12-4. FYI—Policy 5-403 which has definition of "base salary", is itself under review for revision. I have given input to substantially change the definition there—but it's unclear when that project will go forward—likely spring 2021.

The current version is: "Base Salary - The total compensation approved in advance as the amount payable from any funds administered by the university for normal and expected working time and effort, not in excess of 100% of full time, rendered by an Employee for all services to be performed under all assignments designated on the Electronic Personnel Action Form (ePAF) during the appointment period."

And note that if a faculty member chooses to continue with certain activities during a leave period, including sponsored research activities, which results in funds being made available that would otherwise be excluded from the adjusted base [salary] calculation, then that individual faculty member shall be appropriately compensated for the work actually performed during the leave period, in addition to receiving payment at the rate of pay prescribed by this Policy using the adjusted base [salary].

Commented [RF29]: 12-4 IMPORTANT. Added this clarification that if any work is actually performed in the leave period that does result in bringing in funds, then the faculty member should be compensated for that work, in addition to receiving the standard salary calculated using the "adjusted base" which would otherwise exclude such research funds. And a similar statement is added below in describing the activities a research-focused faculty member might choose to carry on with during their leave.

- ii. Any portions of the faculty member's compensation during the leave period from grants or contracts must be based on actual effort performed for the award, and all award requirements must be met.

Commented [RF30]: 12-4. The second passage moved here is this sentence regarding compensation from grants—it was previously in Part III-B-2-b below, and is moved to here in B-2-a where it fits best next to the newly moved explanation of *adjusted base [salary]*, and is applicable for all three categories of faculty so it doesn't have to be inefficiently repeated in each of the three subsections below. After moved here, very slightly modified as marked.

- iii. The cognizant senior vice president may provide guidance regarding how adjusted base [salary] is determined for purposes of this Policy, including what sources of funds will or will not be considered as included (e.g., typically including state-appropriated funds, and often excluding funds from certain types of external grants and research contracts).

[*Special Drafting Note—approval to update**

definitions: The "annual [contract employment] period" concept and related concepts (faculty position) explained in Part II-A, and the "annual base [salary] [or compensation]" and "adjusted base [salary] [or compensation]" concept and related concepts explained in Part III-B-2, and then used throughout the Policy, are also used and defined in several other University Regulations (including 5-403, 6-301, 6-314), and a project is underway to develop a set of more refined definitions of these concepts and terms and to then use those refined definitions consistently across all University Regulations. Approval of this proposed draft includes authorization for the Senate Policy Liaison and the chairperson of the Institutional Policy Committee (Chief Human Resources Officer), with approval of the Senate President and the Senior Vice Presidents of Academic Affairs and Health Sciences (or designees), to use

those refined consistent definitions and explanations to replace the definitions shown in this current draft of Policy 6-315, and the other relevant Regulations—upon giving notice of the revisions of the Regulations through the Academic Senate Information & Recommendations Calendar.]]

b. Tenure-line faculty. For faculty members in this category, the leave benefit is structured based on the principles that the primary duties include teaching, as well as research/ creative activity, and service (see Policies 6-303 and 6-300), and within the University (except the School of Medicine) the teaching activities of Tenure-line faculty are typically scheduled through semester-length courses, so that a leave period any shorter than a full semester would ordinarily be impractical for the department, students, and other course instructors, and therefore not in the best interests of the University.

i. Leave period and leave scheduling. For a Tenure-line faculty member, a paid leave of absence under this Policy will be for a period of one semester for a faculty member with a nine-month-per-year [contract employment] period appointments (or an equivalent period for a faculty member with a twelve-month-per-year [contract employment period]) appointments.

A. Disability leave under this Policy shall begin no more than three months prior to the birth of the child and shall be completed at the end of the leave period (semester (or 12-week period)) for which the leave is sought.

B. Care-giving leave under this Policy shall begin no sooner than the beginning of the semester leave period in which the child arrives and shall be completed no more than 12 months following the arrival.

ii. Modified duties. The faculty member will be released from teaching and other professional duties during this leave period, but may

Commented [RF31]: 9-18 draft, used separate sections for the leave benefit for TL vs CL faculty, and further segregated two groups of CL (teaching-primary, or not primarily teaching), to allow for major different treatment of the research-primary CL faculty as to the leave period, and possibly the pay rate, and minor difference in description of modified duties.

Commented [RF32]: 9-18. added underlying principles why TL faculty have a semester-length leave. Existing Policy only alluded to these principles very vaguely in section I—Purpose & Scope. Adding this elaboration sets up a foundation for understanding why semester-teaching-primary faculty are given a different leave period than non-semester-based faculty (research-primary faculty).

Commented [RF33]: 9-8. The info about begin and end date parameters for each type of leave (disability vs caregiving) is moved up to here, from below, to be joined here with the description of the leave period then slightly modified as marked. Here it applies for TL faculty only. See below for the two groups of CL faculty (teaching semester courses, or not).

Commented [RF34]: 9-10. Although the revision will delete the reference here to a 12-week period, it may still be useful to review history as to why this 12 week period is mentioned here. Was it driven by underlying issue of rights under FMLA? Note that the reference to a 12-week period was only here in the Disability leave section, not the care-giving leave section below.

Commented [RF35]: 12-4 Added here “teaching and other”, to emphasize that the main effect of a paid leave is relief from teaching, which ordinarily means relief from teaching semester-length courses—hence the need for that length of leave.

choose to continue some professional activities (e.g., meeting and advising individual students, doing research, participating in hiring or RPT faculty appointment or faculty review decisions, or other service activities).

A. The faculty member who is released from teaching should not be expected to maintain normal scholarly research/ creative activity productivity during a semester of the period of the leave with modified duties.

B. The faculty member is encouraged to provide the department chairperson with a written statement of the activities the faculty member intends to continue during the leave period, if any (e.g., advising, committee service, and research).

C. A faculty member whose [contract employment] period ordinarily encompasses two semesters annually (i.e., a 9-month-per-year contract), and who takes with a one semester leave, should generally teach one-half of the normal load, overall for the 9-month period of [employment] during that academic year.

When the teaching load cannot be exactly halved, it is permissible to expect the faculty member to teach the larger portion if that best serves the interests of the department. For example, if a faculty member normally teaches three courses per year, she/he the faculty member may be released from one course during the period of leave, and asked to teach two courses in the other semester of the [employment] period within that academic year.

iii. Pay rate.

Under this Policy, the faculty member will receive pay at the rate of 95% of her or his the faculty member's annual adjusted base [salary] (as defined here), during the semester leave period, unless the department or college (or equivalent unit) chooses to

Commented [RF36]: 9-17. Clarification on member's choice to participate in "decisions" allows the individual the right to vote in such meetings/decisions if they choose, or otherwise the rules on those processes provide for not counting in quorum for meetings anyone who is out on leave at the time. 6-303, 6-302.

Commented [RF37]: 9-8. See below how I adapted this slightly to fit for teaching-primary CL faculty. And also just raised a question of whether & how to do some equivalent "annual workload balancing" for the research-primary CL faculty.

Commented [DH38R37]: Where this is guidance for how to distribute a full teaching load, is it sufficient just to make it relevant to faculty with a full time load? Non-teaching faculty seem covered by the previous section.

BF: Dave, you had inserted at the beginning of this paragraph this phrase, "For a faculty member who is expected to maintain a full teaching load for the academic year..." I couldn't figure out what purpose that would serve. So let's discuss.

Commented [RF39]: 12-4 See the definition of academic year, now changed. The existing definition confusingly described an academic year as being of different lengths depending on the employee's employment contract—e.g., the academic year was 9-months for faculty with 9-month employment contracts. As changed, definition reflects that there is a standard university-wide academic year of 12 months, July 1 to June 30, same as the university's fiscal year. Also defines calendar year (Jan 1 to Dec 31). So here, it is clarified that an employee's [contract employment] period is either a 9 month period or a 12 month period, but both come within a standard 12-month academic year.

Commented [RF40]: BF: Would it be wise to include either in the Policy, or in explanatory memo for proposal, explanation of the underlying arrangement by which central administration compensates department for only a small amount of what the department is paying to the leave-taking faculty member-- so the department is shouldering most of the cost of such leaves--??

Mardie 12-7: I would include that. Just makes things neat and clear rather than relying on good will and institutional memory. However, it would need to be phrased in a way that is sustainable over time (e.g. I imagine inflation might alter the amount of departmental compensation a decade from now).

BF 12-8 NEW: Because I have nothing in writing f ... [5]

Commented [RF41]: 12-4. This is the first use of the newly defined term "adjusted base [salary]"-- defined to exclude grant & contract funds that become unavailable because the leave is taken and the work is not done. Here, for TL faculty, having this clarification this will have minimal or no effect. The main purpose and effect of the definition is clarification for research faculty whose primary compensation does come from such sponsored research & grants.

supplement the [salary] above 95% that amount, (and any such supplementation must be applied consistently for all faculty members of the same faculty category in that unit who take parental leave).

~~Portions of the faculty member's compensation from grants or contracts must be based on actual effort performed for the award, and all award requirements must be met.~~

Commented [RF42]: 12-4 This reminder about research & grant funding is moved from here, up above where it efficiently applies to all categories of faculty, not just this TL category.

c. Career-line instructional faculty with primarily semester-length courses.

For faculty members in this category, the leave benefit is structured based on the principles that the duties are primarily teaching (i.e., instructional faculty), and the teaching is primarily structured as semester-length courses, so that a leave period of other than a full semester would typically be impractical for the department, students, and other course instructors and therefore not in the best interests of the University. The paid leave period length of one semester and the rate of pay are designed to serve and balance the University's interests of supporting parents, supporting academic units in effectively managing faculty workloads, and prudently managing the financial resources of the University and the individual academic units.

Commented [RF43]: 9-8. The info about scheduling--- begin and end date parameters for each type of leave (disability vs caregiving) was here in existing Policy, but is now moved into the sections about leaves for TL faculty and instructional CL faculty, to be joined with the description of the length of the leave. In the existing 6-315 all were based on foundation of the leave being for a semester, because the main effect of a leave for TL faculty is relief from their teaching, and outside of Medicine TL teaching duties are normally for semester length courses.

Commented [RF44]: 12-4. Added use of the term "instructional" to help emphasize that this category is for CL faculty who primarily are teaching faculty. The term "instructional faculty" has long been used in Policy 6-314, to identify categories of faculty which are focused on teaching, rather than research. That policy refers to "instructional career-line" faculty (which in most cases are Lecturers, but in some units might be Clinical, or even with the title of Research, but actually doing teaching).

i. Leave period and leave scheduling. For a Career-line instructional faculty member, a paid leave of absence under this Policy will be for a period of one semester for a faculty member with a nine-month-per-year [contract employment] period (or an equivalent period for a faculty member with a twelve-month-per-year [contract employment] period).

Commented [RF45]: 12-4 This explanation of the leave period, and the start-stop dates for disability and caregiving leaves, for the instructional CL faculty, is now mostly identical to the explanation above for TL faculty.

A. *Disability leave* under this Policy shall begin no more than three months prior to the birth of the child and shall be completed at the end of the leave period for which the leave is sought.

B. *Care-giving leave* under this Policy shall begin no sooner than the beginning of the semester leave period in which the child arrives and shall be completed no more than 12 months following the arrival.

ii. **Modified duties.** The faculty member will be released from teaching and other professional duties during this leave period, but may choose to continue some professional activities (e.g., meeting and advising individual students, preparing for future courses, doing research/ creative activity (if relevant), participating in faculty appointment or faculty review proceedings consistent with applicable policies, or preparing for the faculty member's own upcoming review process).

A. The faculty member who is released from teaching should not be expected to maintain normal service activities, or normal research/ creative activities (if relevant) during the period of the leave with modified duties.

B. The faculty member is encouraged to provide the department chairperson with a written statement of the activities the faculty member intends to continue during the leave period, if any.

C. A faculty member whose [contract employment] period ordinarily encompasses two semesters annually (*i.e.*, a 9-month-per-year contract), and who takes a one semester leave released from teaching, should generally teach one-half of the normal load, overall for the 9-month [period of

Commented [RF46]: 9-8. This modified duties explanation is changed from the TL version, to more clearly fit the roles of a CL Semester-teaching faculty. Including adding "preparing for one's own upcoming review, referring to research as "only if relevant", and referring to involvement in appointments & reviews as being to the extent consistent with policies.

Commented [RF47]: 11-6. This sentence is modified from TL version to better fit CL context, putting focus primarily on service, and making research optional if relevant.

employment] during that academic year. When the teaching load cannot be exactly halved, it is permissible to expect the faculty member to teach the larger portion if that best serves the interests of the department. For example, if a faculty member normally teaches five courses per year, the faculty member may be released from two courses during the period of leave, and asked to teach three courses in the other semester of the [employment period] within that academic year.

iii. Pay rate.

Under this Policy, the faculty member will receive pay at the rate of 95 % of the faculty member's *adjusted base [salary]* (as defined here) during that leave period (unless the department or college or equivalent unit chooses to supplement the [salary] above that amount, and any such supplementation must be applied consistently for all faculty members of the same faculty category in that unit who take parental leave).

d. Career-line faculty members whose duties are not primarily teaching of semester-length courses.

For faculty members in this category, the leave benefit is structured based on the principles that the paid leave period length [(six-weeks)] and the rate of pay are designed to serve and balance the University's interests of supporting parents, supporting academic units in effectively managing faculty workloads, and prudently managing the financial resources of the University and the individual academic units.

Note that in the event of any uncertainty about whether section III-B-2-c above (primary duty semester-length courses), or this section III-B-2-d

Commented [RF48]: 12-4. This version of workload balancing for CL instructional faculty is mostly identical to the TL faculty version, but is changed by using a 5-course rather than 3-course normal load example, as more typical of CL semester course teaching faculty. The current draft does not go further and provide an example using an employment contract that entails teaching courses for three semesters per year (12 month contract).

Commented [RF49]: 12-4. This pay rate passage for instructional CL faculty is identical to the TL faculty version. See below that the version for non-semester CL faculty has an additional portion about more pay from funds earned by continuing to do research activities during the leave.

Commented [RF50]: 9-8. the semester-instructional CL faculty leave period being different from the leave period for other CL faculty results in having two separate sections of the Policy for the leave period topic. However, below regarding the review timetable extension benefit, there are no significant differences and so both categories of CL faculty are treated in a single section of the Policy.

Commented [RF51]: BF 10-14. Does this explanation about guiding principles adequately explain and justify the choice of a six-week rather than semester-length paid leave?? Anything else useful to add?

Mardie 12-7: As to your question on page 13 about whether the explanation of six week vs semester uses as a guiding principle is clear, yes I think it is clear. My concern here is that unless the leave is total (not doing ANY service or committee work etc) then it appears at first glance as inequitable. It seems we are equating hours of work ie preparing and teaching a class for an entire semester is equivalent to 6 weeks of work for those who do not teach (similar to staff?). It feels like we are saying instructional faculty don't put in a 40 hour week every week of the semester (compressed into an equivalent of 6 weeks when compared to those with other CL duties), and we know that is just not true. I don't really know how to reconcile this..... it just does not feel equitable to me. BUT this is a point that may well come up in future discussions with administration and faculty and we could tweak this section at a later date IF we so choose. OR we evaluate again in a few years and see if there is a problem...if folks are happy and there is no problem with these classifications then there is no problem. So, I guess I have no answers, it just feels off to me.

applies for a particular Career-line faculty member, the cognizant senior vice president shall make the University's final decision on that issue after consultation with the applicant and academic unit administrators. The vice president may provide guidance on this topic.

i. Leave period and leave scheduling. For a Career-line faculty member whose duties are not primarily teaching semester-length courses, a paid leave of absence under this Policy will be for a period of six weeks.

A. Disability leave under this Policy shall begin no more than three months prior to the birth of the child and shall be completed at the end of the leave period for which the leave is sought.

B. Care-giving leave under this Policy shall ordinarily begin no earlier than two weeks prior to the arrival of the child, and shall be completed no more than 12 months following the arrival.

ii. Modified duties.

A. The faculty member will be released from professional duties during this leave period (including any teaching duties), and should not be expected to maintain normal service activities, but may choose to continue some professional activities. E.g., a faculty member whose duties ordinarily include sponsored research may choose to continue some activities of research supervision and participating in meetings, writing required research reports, and maintaining communication with funding agencies and stakeholders. The member may also choose to participate in faculty appointment or faculty review proceedings consistent with applicable policies, or preparing for the faculty member's own upcoming review process.

Commented [RF52]: BF 9-8. As compared to the TL version (and CL-teaching -primary version), this non-teaching CL is modified to refer to the six-week period rather than semester, and to set the care-giving leave begin time as "two weeks before child arrival, instead of at "beginning of the semester in which child arrives." Does that "two-weeks prior" work well? Any other modifications needed to adapt to this CL non-teaching context??
{MF: I don't think so but would defer to experts}
Mardie 12-7: As to your question at the top of 14 about whether the change from commencing at beginning of semester vs two weeks prior to the arrival of a child makes total sense. Good idea.

Commented [RF53]: BF 12-4 Using examples suggested by SK, this section now describes some aspects of what a research-focused CL faculty member might continue working on during a leave. It urges that such planned activities be put in writing. And a new topic, not addressed in the other two categories (TL, and semester-instructional CL), is added, that any sponsored research work the faculty member does plan to continue during the leave should be compensated, going beyond the "adjusted base salary" the Policy provides for—which likely will have excluded sponsored research funding that would become unavailable due to the leave being taken.
Mardie 12-7: I like Sudeep's suggestions and examples on page 14. I wonder if we should explicitly state that these negotiations should involve the Research SVP and/or OSP? This is analogous to other sections where we refer to the cognizant SVP for other decisions.
BF 12-8, if involving the Research and OSP admin is thought useful, that could best be explained in a Guidance document the SVP office develops, rather than putting here in the Policy.

B. The faculty member is encouraged to provide the academic unit administrators with a written statement of the activities the faculty member intends to continue during the leave period, if any.

C. If the faculty member ordinarily would have sponsored research duties during the period leave is taken, the written statement should clearly describe which research-related activities the faculty member expects to carry on during the leave period, or to delay, or to have assigned to other persons. The faculty member and unit administrators should discuss and describe in writing what [compensation] will be paid to the faculty member as a result of any such work performed during the leave, in addition to the payment of [salary] under this Policy that is based on the *adjusted base salary*.

iii. Pay rate.

A. Under this Policy, the faculty member will receive pay at the rate of [95] % of the faculty member's *adjusted base salary* (as defined here) during that leave period (unless the department or college or equivalent unit chooses to supplement the [salary] above that amount, and any such supplementation must be applied consistently for all faculty members of the same faculty category in that unit who take parental leave). Provided however, that the individual faculty member may also be appropriately [compensated] for work actually performed during the leave period, e.g., sponsored research activities which result in funds being made available for [compensation].

Commented [RF54]: 12-4 Added this provision that explicitly allows individual compensation, beyond the 'adjusted base salary' for any research work actually done that brings in funding. And a similar statement was added above in the general description of the adjusted base salary.

3. Right of Return, ~~F~~-Obligation to Return, and Effect of Employment Termination.

- a. At the conclusion of a paid parental leave of absence taken under this Policy (as disability or care-giving leave), a faculty member has the following rights, and obligations, to return to their faculty position and resume their employment with the rate of pay and employee benefits as would have been applicable if the paid leave had not been taken.
- i. A Tenure-line faculty member has the right to continue in the same [faculty position] held before beginning the leave, with the rate of pay and employee benefits ordinarily applicable to that position, unless a modification has been made to their faculty appointment or employment contract in accord with applicable University Regulations.
 - ii. A Career-line faculty member has the right to return to a [faculty position], with the rate of pay and employee benefits applicable for that position, in accord with the faculty appointment and employment contract that are applicable at the time of return from the leave, consistent with other applicable University Regulations regarding duration of appointment and employment.
 - iii. The obligation to return to University service following the paid leave, applicable to other leaves under [Policy 6-314](#), [Section 9.B], applies to disability and caregiving leaves under this Policy as well.
- b. If, at any time during the period of a paid leave of absence taken under this Policy, a faculty member's employment is terminated in accord with applicable University Regulations and the applicable faculty appointment and employment contract, the University's obligations under this Policy for further payment of [salary and employee benefits] will cease as of the date the termination is effective.

Commented [RF55]: Mardie 12-7: I like the return to work section. I wonder if we should add a single sentence about discussion and/or negotiation with the cognizant SVP should an appointment and/or a contract end during the anticipated leave period. I say SVP rather than Department chair for reasons we have discussed all semester.

BF 12-8 If having discussion with SVP is thought useful, that could best be mentioned in a Guidance document rather than adding more such intricate details to the main Policy. Note that the SVP alone cannot solve a problem of an appointment ending automatically during a leave period-- the reappointment process requires actions of the dept faculty, Senate, and Trustees, in addition to the dept chair & dean & President.

Commented [RF56]: 11-6 This topic of effect of termination makes readers aware of what might some might consider an obvious concept--no ongoing pay after employment termination date. However, it's especially important for CL faculty to understand how this obvious concept interacts with the inherent limitations of CL positions. If their employment contract end date were to fall during the period of the paid leave, and no renewal contract is made, then the employment will automatically be terminated as of that contract-end date, and this concept of payment stoppage will apply. And important to understand that there cannot be any employment without a current active faculty appointment. All CL faculty appointments automatically end as of the end date set when the appointment was made (e.g., end of 1 yr, 2 yrs, etc. up to max of 5 years). So if there is not a completed reappointment process, and the prior appointment does automatically end, then the employment also must automatically end. If that appointment end date falls during the leave period-- the employment is terminated automatically as of that date--i.e., the paid leave is cut short. So at the time of arranging a leave, the faculty member & VP should verify that the appointment and employment are set to continue past the end of the leave period--and if not, then arrangements are needed to both reappoint as a CL faculty member, and extend the employment contract. A very junior level CL faculty member (those most likely to use a parental benefit and also most likely to have only short length appointment and contract) might not understand the 'obvious' concept and how it could affect their employment through and after a leave period--so it seems useful to include this explanation of the 'obvious' concept.

This is not phrased as limited to CL faculty, so it applies to TL also. For TL faculty, it is stating a perhaps obvious point that if they get terminated for cause, and that termination occurs during the paid leave period-- the pay stops right then.

4. ~~3.~~ Parental Leave and the Family Medical Leave Act (FMLA).
- a. ~~A paid p~~Parental leaves of absence with modified duties taken under this Policy ~~are is~~ substituted for unpaid care-giving leave the faculty member would be eligible for under University Regulations implementing the Family and Medical Leave Act (FMLA).
 - b. ~~An E~~Eligible faculty members may in addition qualify for *unpaid* leave under the FMLA during the same twelve (12) month period, but only in connection with a serious health condition either before or after the child's birth or adoption or to the extent the faculty member has not received twelve (12) full weeks of care-giving leave.
 - c. Such FMLA leave is normally unpaid except that any accrued sick leave must be used. See [Policy 5-200](#) for more information.

C. ~~D.~~ Review Timetable Extensions.

1. General provisions.

- a. The review timetable extension benefits under this Policy are available for eligible faculty members whose work performance is required to be periodically extensively reviewed through formal processes, under University Regulations (e.g., Tenure-line Retention, Promotion, Tenure/ or Tenured-faculty reviews) or by the terms of a specific faculty appointment or employment contract (e.g., Career-line reappointment reviews). For convenience, for the limited purposes of this Policy, all such extensive reviews are here referred to as "formal reviews" (terminology used in Policy 6-303 for Tenure-line faculty RPT proceedings).
The purposes of providing review timetable extensions include allowing faculty members to focus attention on caregiving and recovery from childbirth health effects, and taking into account the delaying effects such parental activities typically have on preparation for a formal review process.

- b. Because the University generally conducts such formal review processes only once per year, review timetable extensions will ordinarily be for one year, except that for good cause shown, the cognizant senior vice president may approve use of a shorter extension period for a particular academic unit or particular faculty member(s).
- c. ~~Eligibility for Extension. A one-year extension of the pre-tenure probationary period (i.e., tenure clock) the time before a post-tenure review~~
In general, a review timetable extension is available to an otherwise eligible faculty member who either (i) gives birth to a child, or (ii) serves as an **eligible caregiver** (as defined for this purpose here) of his or her the faculty member's own newborn child or a partner's newborn child or of a newly adopted child.

"Eligible caregiver" for purposes of an extension of the review timetable means a faculty member who provides the majority of child contact hours during time that the faculty member would normally spend on productive ~~scholarship pursuits~~ **academic work (i) for a period of at least 15 weeks if the caregiving leave period for which the faculty member is eligible under this Policy (III-B) is a semester, or (ii) for the full length of the available leave period if that period for which the faculty member is eligible is six weeks (or any length less than a semester).** This definition takes into account typical summertime scholarly activities.

The review timetable extension is available regardless of whether the eligible faculty member chooses to use the available paid leave of absence benefit.

2. Tenure-line faculty.

- a. ~~2. Notice~~ ~~3. Benefit.~~ For a Tenure-line faculty member, an extension may be requested to postpone a formal review that would otherwise be required during a certain year for purposes of (i) *retention, promotion, or tenure* decisions under [Policy 6-303 \(RPT\)](#), or (ii) *tenured faculty review* proceedings under [Policy 6-321 \(TFR\)](#).

Commented [RF57]: 9-8. This flexibility to approve a shorter-than-one-year extension might prove useful for CL faculty—to avoid delaying a needed reappointment. Some units might be able to conduct reviews of their CL faculty in cycles of less than a full year, and so it might help both the parent and the dept to allow for extensions of less than a full year. Remember this only affects required review processes, not reviews that are requested by the faculty member wanting to be considered for promotion.
(MF: agree)

Commented [RF58]: 11-6. Existing policy had this sub-definition of "eligible caregiver" in Part II Definitions. Now it is moved here, similar to what did above for caregiver leave of absence..

11-6, the definition is modified to include a version applicable for the shorter-than-semester leave period set for CL faculty not teaching semester courses. Note that this results in a different eligibility test for the non-teaching vs the semester teaching faculty. The non-teaching only have to certify themselves as majority caregiver for 6 weeks, to get this review extension. It wouldn't be sensible to require them to be majority caregiver for the longer 15 weeks but not give them leave time to do that. And this easier eligibility here can be thought of as partly making up for the much less valuable paid leave time they get. Remember that a faculty member doesn't actually have to take the paid leave to qualify for getting the extension, they only have to be eligible for the paid leave.

Commented [RF59]: 9-8. (BF: Change from "scholarly pursuits" and "scholarly activities" to "academic work"—for two reasons, first to be consistent with the preceding sentence referring to "academic working hours", and second because someone might interpret "scholarly" to be mostly about academic research & publishing, which would not fit for Career-line faculty who are primarily teaching. "Academic work" seems to more broadly encompass teaching & research and faculty service work, and fits well for both TL and CL faculty.)

Commented [RF60]: 9-8. Contents of former section "III-D-2 Notice" which were here, are moved below to renumbered section III-D, to be joined with similar contents, describing the procedures for "Request for Benefit, Notification of Administrators, Timing."

- i. For RPT-- Because departments conduct such formal RPT reviews primarily in the fall semester of each academic year, with substantial departmental preparation occurring during the preceding summer, the following deadlines refer to June 30 of the calendar year in which a review would otherwise be conducted, beginning in the summer and continuing into the fall. Upon approval of a request, a formal RPT review otherwise required in the current year will be postponed (A) if by no later than June 30 of the calendar year in which the review sought to be extended is scheduled, the faculty member (1) is due to and/or does give birth to a child ~~no later than June 30 of the year in which the review to be extended is scheduled,~~ or (2) is planning to and/or begins to serve as an eligible caregiver to ~~her or his~~ the faculty member's own newborn child or a partner's newborn child or of a newly adopted child ~~no later than June 30 of the year in which the review to be extended is scheduled~~ and (B) if the faculty member gives the department notice of the birth or adoption before the formal review is initiated.
- Births or adoptions after June 30 may be the basis for postponing ~~extend~~ a subsequent formal review, but not the review scheduled in the current calendar year. An extension taken at any time in a pre-tenure probationary period will extend the date for the final tenure review.
- ii. For TFR. The dean, with notification to the cognizant senior vice president, may grant a request of a Tenured faculty member to postpone an otherwise scheduled Tenured Faculty Review upon determining that (A) such postponement is reasonably necessary as a result of the faculty member being due to or giving birth, or serving as a caregiver for the faculty member's or partner's newborn or newly adopted child, during the period the faculty member would otherwise prepare for the scheduled formal review, and (B) provided that the faculty member gives notice of the birth or adoption to the department before the formal review is initiated.

3. Career-line faculty.

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Commented [RF61]: 12-4 Minor clarification. This sentence is added, and "calendar" year is added in spots below, to make clear that in this section, the "current year" being referred to is a calendar year. Without this clarification, the overall passage could be read as referring to an academic year rather than calendar year. That would lead to a seriously illogical result. June 30 is the final day of each academic year. So the June 30 deadline would be on the last day of the "current" academic year in which the review would otherwise be conducted--- obviously too late. This added explanation of referring to calendar year seems the simplest clearest solution. Alternatives would be to rewrite this section to either (ii) explain that June 30 is in the academic year preceding the academic year in which the review would be conducted during late summer and the fall semester, or (ii) use July 1 as the deadline (but I'm assuming June 30 was chosen originally for some good reason, so we best not change that and later realize that change caused some unintended bad consequence.)

Commented [RF62]: 2021-01-03 NEW Changed to read: For TFR. The dean, with notification to the cognizant .svp may grant a request ... to postpone. The 12-4 draft for Senate EC read "The cognizant svp may grant a request..." Change recommended to small group by Sarah P "TFR reviews may be extended by the Dean, with notification to the Office for Faculty." Earlier comments. 9-8. The TFR description is given separately from the RPT description because it seems best to treat the process and deadlines much less rigidly than for RPT. TFR reviews might occur in either fall or spring--- most likely in spring because RPT occupies the fall, so the deadlines described for RPT may not work for TFR. Preparations of both the faculty member and reviewers can be less burdensome than RPT Tenure reviews. And the consequences of TFR are often much less fraught than Tenure reviews. Cases are likely infrequent because of the mature age typical of many tenured faculty (past typical child birth). We considered several alternative phrasings, and settled on this version that avoids rigid criteria and leaves it up to administrator o be persuaded that delay is "reasonably necessary". Other alternatives considered but not used: For a Tenured faculty member, an extension may be requested to postpone a formal review that would ... [6]

Commented [RF63]: 9-8 draft attempts to grapple with the difficult problem of fashioning an extension for a CL faculty member whose appointment & employment contract terms are running out soon, either before the end of the leave period---(so they won't have an appointment and job to come back to), or immediately after the leave period---so they'll be terminated soon after returning, unless they get reappointed/ contract renewed, which often requires going through a formal reappointment review. For the review extension, unlike the paid leave of absence, I didn't think there are differences between teaching-primary and research-primary faculty so great as to need to have two separate sections with differing rules.}

- a. For a Career-line faculty member, an extension may be requested to postpone a formal review that would otherwise be scheduled during a certain year for purposes of the periodic review process required by University Regulations (see Policy 6-310—Reviews of Career-line Faculty, or Rule 6-310 QIDTP, and the academic unit’s approved Statement of Rules adopted pursuant to either that Policy or Rule), which typically must occur every five years, but may occur at shorter intervals for purposes of a reappointment, or under the specific terms of an individual faculty appointment or employment contract.
- Note however that taking a review timetable extension under this Policy cannot, alone, extend the duration of a limited term faculty appointment or the duration of an existing employment contract. Because each appointment of a Career-line faculty member automatically ends as of the end of the limited term specified when the appointment was made, continuing as a faculty member after that term ends can only occur through a separate process of reappointment to an additional term (see Policies 6-300 and 6-302).
- Likewise, extending or otherwise modifying an existing employment contract also would require a process separate from the granting of an extension under this Policy. To serve the purposes of this Policy the University encourages reasonable such modifications of employment contracts. The cognizant senior vice president may provide guidance for conducting a reappointment or modifying an employment contract in conjunction with the taking of a review timetable extension by a Career-line faculty member.

4. Named Positions.

- a. With advance written approval of the cognizant senior vice president (after consultation with Vice President for Institutional Advancement), an extension with specified terms may be taken under this Policy to postpone a formal review that is otherwise required because the faculty member holds a special “named position” as governed by Policy 9-003—Endowed

Commented [RF64]: 9-8. Adding this passage to allow for possibility that a parental extension might in a few instances be used to postpone the formal review that is required periodically for holders of ‘named positions’. Not likely to be relevant for pre-tenure faculty, or most career-line, and many such position holders have aged out of typical parenting phase of life--- but still might be useful to explicitly acknowledge this concept. The special advance approval with consultation is needed because the terms of an endowed chair position might not freely allow such a delayed review.

Chairs.5. Revocation of request.

A previously submitted request for a timetable extension **for any formal review** may be revoked by written notice from the faculty member, submitted before the date on which action would ordinarily be taken to begin a formal review in that year's review cycle.

D. Procedures: Request for Benefit, Notification of Administrators, Timing.

~~Notification. An eligible faculty member should~~

~~— Complete the Parental Benefits application form and submit it to the cognizant senior vice president.~~

~~Notify her or his department chairperson and dean of the application as soon as possible when the application is submitted.~~

~~Notice~~

~~A request for a review timetable extension is made on the same Parental Benefits application form as a request for a parental leave. A request for an extension may be made at the same time as the request for leave and must be made within six months after the arrival of the child and before external reviewers are solicited or other action is taken to begin a formal review, whichever is earlier.~~

1. A faculty member requesting a benefit under this Policy shall

- a. complete the appropriate approved University form ([Faculty Parental Benefit Request form](#)), indicating whether the request is for a parental leave of absence with modified duties benefit, or a review timetable extension benefit, or both.
 - b. submit the completed form to the cognizant senior vice president, and
 - c. notify the pertinent department chairperson and dean **for equivalent administrators** of the request as soon as possible when the request form is submitted.
2. A request for a parental leave of absence with modified duties should normally be made no fewer than **three months prior** to the expected arrival of the child.
3. A request for a review timetable extension must be made no later than six

Commented [RF65]: 8-3. Might design a new/ different form to be used for CL faculty, so adding this "appropriate" allows for there to be different forms.

Commented [RF66]: 8-3. Add "equivalent administrators" for CL faculty in non-departmental units—eg. The QUIDTP's.

Commented [RF67]: 10-14. Should there be a notice period different than this three months, for CL non—semester teaching faculty, (whose leave period is only six weeks)??

Mardie 12-7: On page 21, request for leave no fewer than 3 months...I think we need to add or as soon as feasibly possible. My rationale: Sometimes you only get a few weeks notice that the adoption agency anticipating having a baby for you. Can we add some wiggle room here? Or, do you feel this is covered in the next section (E, unanticipated events)? I realize this time frame is for planning purposes.....

BF 12-8: This phrasing is original policy 2006, and having this plus the 'unanticipated events' principle seems to have worked well enough. If thought useful to have more explanation of how to handle special circumstances like a short notice adoption, that can be done in a Guidance document.

months after the arrival of the child, or before action is taken to begin a formal review (e.g., soliciting external reviewers for Tenure-line formal reviews), whichever is earlier. This request may be made at the same time as, or separately from, any request for parental leave of absence with modified duties.

E. Unanticipated Events.

Not all events surrounding pregnancy, childbirth, adoption, and the health of a young child can be fully anticipated for purposes of this Policy. Requests for exceptions to this Policy should be directed to the cognizant senior vice president.

F. Relationship to Other Policies.

1. **Nothing in this Policy precludes an academic units from providing similar benefits to faculty members other than faculty eligible under this Policy or providing to any faculty members or academic librarians more extensive benefits for parental** or other family responsibilities or personal disability, so long as similarly- situated faculty members in the same unit are treated consistently and any more extensive benefits are not in violation of another University Regulation.
2. **Other leave** that has been taken or is scheduled to be taken by a faculty member shall not preclude eligibility for parental leave benefits under this Policy. Correspondingly, parental leave taken or scheduled under this Policy shall have no bearing on decisions regarding other leave for a faculty member, except to the extent that a faculty member with a twelve-month ~~appointment~~ employment contract is subject to a department Policy regarding proration of sick leave, vacation leave or professional development leave.
3. If any other University Policy is inconsistent with the provisions herein, this

Commented [RF68]: 11-6. The topic of "obligation to return" which was here as III-F in existing Policy, is now moved up to be part of the paid parental leave of absence topic in III-B, because that's the context where it is applicable, not relevant to the review timetable extension benefit. And after moving the passage is modified to include related topics of right to return and effect of employment termination.

Commented [RF69]: 9-8. Need this qualifier to make clear that a department isn't free to provide very lengthy review timetable extensions that would violate U Regulations. Unlikely scenario, but best to avoid inviting such a problem. (MF: agree)

Commented [MF70]: 9-28. Should we give examples (e.g. sick leave)

Policy shall govern.

G. Supplemental Rules.

An academic unit (college, department, or equivalent) may supplement the terms of this Policy by adopting a Supplemental Rule of that academic unit (see Policy and Rule 1-001), addressing additional pay or additional length for a parental leave of absence, unit-specific procedures for review timetable extensions, providing other benefits for other faculty members or academic personnel, or other matters. A Supplemental Rule shall not be inconsistent with this Policy or other University Regulations, must be submitted for the written approval of the cognizant senior vice president, and upon approval shall be appended to the appropriate Statement of Rules for that unit (see RPT Policy 6-303 or TFR Policy 6-321 for Tenure-line, or Policy 6-310 or Rule 6-310(QDTP) for Career-line faculty).

Commented [RF71]: 9-28. This new section would clarify that when a department/college does choose to go beyond this main policy and provide greater benefits, that should be described formally, and within the framework of University Regulations such documents are considered to be "Supplemental Rules"—which should go through a brief formal process to get VP approval. That will allow having a central repository where all such department/ college internal rules are collected.

H. Policy Review.

The implementation and the fiscal impact of Revision 3 of this parental leave policy (newly establishing benefits eligibility for Career-line faculty) will be reviewed in three years from the original date of passage effective date for Revision 3, which was ~~May 2006~~ [July 1, 2021??] with an amendment in March ~~2007~~. The report will be given to the Academic Senate. Concerns should be reported to the cognizant Associate Vice President for Faculty or for Health Sciences.

Regulations Resource Information (Parts IV-VII)

[Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per Policy 1-001 and Rule 1-001.]

IV. Rules, Procedures, Guidelines, Forms and other Related Resources

- A. Rules (reserved).
- B. Procedures (reserved).
- C. Guidelines.

[Examples](#) of application of University Policy 6-315. (Examples are provided for illustrative purposes only. They do not constitute any part of this Policy.)

- D. Forms.

[Parental Benefits application form](#)

- E. Other related resource materials.

Parental Leave Policy Evaluation-Utah Educational Policy Center 2010.

[Executive Summary & Update](#)
[Full Evaluation Report](#)

V. References

[Policy 5-200](#), Leaves of Absence (Health-Related).

[Policy 5-201](#), Leaves of Absence (Non Health-Related).

[Policy 6-311](#), Faculty Retention and Tenure of Regular Faculty (extension of pre-tenure probationary period for disability).

[Policy 6-314](#), Leaves of Absence.

[Policy 6-320](#), Part-time Faculty.

[Policy 8-002](#), School of Medicine (SOM) Faculty Parental Leaves of Absence.

29 Code of Federal Regulations 825.100 et seq., Family and Medical Leave Act Regulations.

VI. Contacts

The designated contact officials for this Policy are:

- A. [Policy Owners](#) (primary contact person for questions and advice): Associate Vice President for Faculty and the Associate Vice President for Health Sciences.

- B. **Policy Officers:** Sr. Vice President for Academic Affairs and the Sr. Vice President for Health Sciences.

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University Rule 1-001:

"A 'Policy Officer' will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases.... "

"The Policy Officer will identify an 'Owner' for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the Policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library. ... [and] bears the responsibility for determining which reference materials are helpful in understanding the meaning and requirements of particular Policies. ... " University Rule 1-001-III-B & E

VII. History

Renumbering: Renumbered as Policy 6-315 effective 9/15/2008, formerly known as PPM 8-8.1.

Revision history:

Current version: Revision 3

Approved by Academic Senate: [date]

Approved by Board of Trustees: [date] , with effective date of [July 1, 2021 ??]

Legislative History for Revision 3 {*embed link*}

Earlier revisions:

Revision 2: Effective dates June 30, 2011 to {*date of Rev 3*}
[Legislative History](#) for Revision 2

[Revision 1](#): Effective dates March 12, 2007 to June 30, 2011

Approved by Academic Senate: March 5, 2007

Approved by Board of Trustees: March 12, 2007, with effective date of

The University of Utah

Regulations Library

March 12, 2007

[Legislative History of Revision 1](#): (Proposal to amend parental leave and related Policies, 6-311 & 6-315)

[Revision 0](#): Effective dates July 1, 2006 to March 11, 2007

[Legislative History Part 1 for Revision 0](#)

[Legislative History Part 2 for Revision 0](#)

--end--

Page 5: [1] Commented [RF15]

R Flores

9/8/2020 4:28:00 PM

11-6, as committee decided 10-19, on general eligibility for CL, eliminate any requirement of prior experience. Eliminate any requirement of evidence for employment specifically extending past the period of any paid leave (or review period extension). Keep for both CL and TL general requirement that employment “is anticipated to continue through the period for which benefit is requested.” 11-5 add for both TL & CL that SVP decides any question of whether in fact is “anticipated to continue” for that period. But 12-4 moved that SVP interpretation role down to become section III-A-6.

OLD NOTES pre 10-19. No longer applicable after 11-6: ~~For CL, draft sets a requirement of three years prior employment in faculty position(s) at least either [.50] or ?? [.75] FTE. Then requires a “reasonable likelihood” of the job continuing through the period of leave and for at least one full semester after the leave. And the VP is the judge about such reasonable likelihood which insulates the department chair (& dean) who might tend to be stingy on such matters. It describes two types of ‘evidence’ the applicant can provide to persuade of a reasonable likelihood, but leaves open the possibility of other relevant information being considered to make the determination. {10-19 discussion— if we did keep 3 year prior experience requirement, then In memo explain history of getting the 3 year example from the Senate-eligibility policy. Consider Sarah’s idea of requiring an appointment, but not an employment contract, that extends into future past the paid leave period.}~~

Imposing a minimum FTE for CL faculty is consistent with the requirement for most significant employee benefits (and is the same as the SOM has consistently imposed in 8-002 for its CL parental benefits— “benefits eligible” = .75FTE.

This phrasing of the FTE & experience requirement is partly drawn from Policy 6-310-III-D which accords various due process rights ***“for any long serving full-time faculty member (who has completed at least three years, in position/s that in total amount to at least .50 FTE) in any career-line faculty category in a single appointing unit.”*** It’s arguable that the same test should be used for (a) making available the due process rights of 6-310, including the right to seek reappointment, and get review by the University Career-line Reappointments Committee, and (b) making available these parental benefits under 6-315.

Megan: When I read this it was confusing to me if they needed to be xx FTE total (over three years) or each of the three years. So if they were 0.25 FTE for three years that would total 0.75 FTE. Might consider rewording so its clear. I see that the wording is the same as the 6-310-III-D but it just sounds confusing to me. BF I did a little rephrasing, let’s see if that solves the problem.}

Page 5: [2] Commented [RF17]

R Flores

11/5/2020 6:11:00 PM

2021-01-03 New rephrased this as: University may, but is not obligated to, provide to more than one eligible faculty member the employee parental benefits...” small group decided this on recommendation of Sarah P: revise to “. . . the University, may, but is not obligated to, provide to more than one eligible faculty member . . . “ *This does not change meaning; it just cues the reader that they have the right to request the leave for two parents. There is significant confusion about this on campus, so why not include language that makes the policy clearer? My recommendation is based on Office for Faculty experience enacting the policy over the past many years.”*

Earlier Comments: 11-6 based on committee decisions of 10-19, deleted some new Policy text and related Note, Deleted Policy text: “However, the cognizant Senior Vice President(s) on request may authorize a reasonable arrangement for two otherwise eligible faculty members to split the leave of absence benefit provided under either or both Policies (e.g., each member taking a portion of the leave period with pay). Also, the University does not currently limit use of both a faculty employee parental benefit by a faculty member under this Policy 6-315 and a staff employee parental leave benefit by a staff employee under Rules 5-200A or 5-200B, for a given instance of childbirth or adoption.”

11-6. also deleted this portion of the Drafting Note ~~*–This phrasing also clarifies that reasonable arrangements for “splitting” a leave of absence between the co-parenting faculty members may be authorized on request. Second, when 6-315 was enacted, the University was not then providing a parental leave benefit for staff employees, so there was no reason or opportunity to include a provision for situations in which a co-parenting couple might include one faculty member and the other a staff employee. The circumstances have changed, the University does now provide parental leave benefits for staff, both Hospitals & Clinics staff, and staff of other units (Rules 5-200A & 5-200B). The recently adopted paid leave period for a staff employee is substantially shorter and substantially less of a financial burden on the University than the paid leave for faculty under this Policy. Because it will not be very burdensome on the University to have both a faculty co-parent take paid leave under this Policy and their staff employee co-parent take paid leave under the Rules for staff, this proposed phrasing clarifies that the University will not limit the paid leave benefit eligibility of either co-parent in such cases.*~~ DH: We should probably also

address the possibility of a faculty/staff spousal dynamic.—R5 200B

Prior to 10-19, Phrasing of Policy was added to address the long awaited clarifying of the interface of 6-315 with 8-002, for SOM faculty and all other colleges faculty.

Draft also included in the Note explanation of how ‘splitting’ by two faculty could be approved by VP, and explanation of interface of the two faculty policies with the staff employee Rules. But then 10-19 committee decided to delete the Policy text and so this relevant passage of Note is also being deleted.

Page 6: [3] Commented [RF19]

R Flores

12/4/2020 1:39:00 PM

12-4. Moved to here the passage about SVP deciding if eligibility criteria are met. In earlier draft it was placed above as part of the criteria regarding “anticipated to continue, and it was phrased differently. These changes make that SVP’s role applicable for all of the criteria, not just the employment continuation criterion. And puts together the related concepts of applying criteria and granting exceptions. Earlier phrasing was “2. *The cognizant senior vice president shall make the University’s final decision as to whether an applicant faculty member’s appointment and employment contract are anticipated to continue for the required period. And see below regarding the effect of termination of an employment contract during the period of a paid leave of absence (Section III- ##), and the obligation to return (III-##).*” 1”. Before 11-6 the phrasing was that CL faculty must have “reasonable likelihood of continuing for at least one full semester” and made SVP the judge of that, and described specific types of evidence SVP would consider. The later replacement applies for both TL and CL so is treating them more equally, and it avoids specifying how SVP will decide. Giving SVP flexibility should allow generously providing benefits for most CL faculty but allows excluding those whose positions are clearly short-term and not expected to be renewed. Assigning decision to SVP avoids possible biases of dept chair/ dean whose budget concerns might color their judgment, and who already have great power over CL faculty members. The 11-6 draft included a Policy cross-reference to the later sections on effect of contract termination and obligation return. That might help clarify that SVP can generously interpret the “anticipated to continue” at the early stage of determining eligibility, because if in fact at later stage the employment contract is terminated before a paid leave is completed (by action of either party) then the pay will automatically stop at the date of termination. And that there is a concept of obligation to return after using a paid leave (i.e., pay without work). However, for conciseness, that cross-reference was removed for the 12-4 draft.

Page 7: [4] Commented [RF26]

R Flores

12/4/2020 9:27:00 PM

12-4. first passage moved here is the definition of “*annual base [salary]*”, which was previously in Part II definitions. Moved to here to show in context. Then modified very greatly as marked. Changed name to “adjusted base [salary]”, so uses an existing University-wide concept of a “base salary”, which is also defined and used in Policy 5-403 on add comp & overload, and there the “base” includes “any funds administered by the University- i.e., sponsored grant and contract funds—which we need to exclude for this parental leave context. So, here that base is then “adjusted” (like tax law) to exclude any part of the base ‘funds administered by the U’ which would be derived from grants & contracts that end up not being available to pay the leave-taking employee because the employee going on leave doesn’t fulfill the award terms and so hasn’t earned those funds per the contract/award. Adding this definition, along with keeping the existing passage that “all award requirements must be met” should mostly solve the problem of determining the ‘base’ to use for funded-research CL faculty. Award funds get included if the circumstances & terms of the award/ contract allow payment, but not if the sponsors won’t pay because the employee doesn’t do the needed work during that leave period. There will remain many details to be sorted out for various research-primary CL faculty (and also some TL faculty doing funded research), but more details don’t fit well in the permanent Policy, and instead the solution is to add a provision for the SVP to provide Guidance on how issues will be addressed, such as determining what funding sources are considered within or outside of the “adjusted base” salary concept. E.g., some grants and external contracts, as distinct from state-appropriated personnel compensation funds.

Definition also changed to explain that the base itself is determined by how a salary is paid out over the 12 month academic & fiscal year (July1-June 30), even for employees on employment contracts of 9-

months-per-year, as typical of most faculty outside of School of Medicine. This responds to committee discussions and commentary of payroll expert Sandy Hughes that there is often confusion about this annualization concept, and concern that the old version could be somewhat misleading or confusing.

Page 11: [5] Commented [RF40]

R Flores

12/5/2020 9:11:00 PM

BF: Would it be wise to include either in the Policy, or in explanatory memo for proposal, explanation of the underlying arrangement by which central administration compensates department for only a small amount of what the department is paying to the leave-taking faculty member-- so the department is shouldering most of the cost of such leaves--??

Mardie 12-7: I would

include that. Just makes things neat and clear rather than relying on good will and institutional memory. However, it would need to be phrased in a way that is sustainable over time (e.g. I imagine inflation might alter the amount of departmental compensation a decade from now).

BF 12-8 NEW: Because I have nothing in writing from central admin committing to this contribution, and it doesn't really fit in the Policy, I will not mention it in the actual Policy. Will next decide if it can/should be mentioned in the cover Memo. Note that in the Memo history appendix the central admin contributions under past policy versions are mentioned vaguely—no specific dollar amounts.

Page 20: [6] Commented [RF62]

R Flores

12/4/2020 7:34:00 PM

2021-01-03 NEW Changed to read: For TFR. The dean, with notification to the cognizant .svp may grant a request ...to postpone. The 12-4 draft for Senate EC read "The cognizant svp may grant a request..." Change recommended to small group by Sarah P "*TFR reviews may be extended by the Dean, with notification to the Office for Faculty.*"

Earlier comments. 9-8. The TFR description is given separately from the RPT description because it seems best to treat the process and deadlines much less rigidly than for RPT. TFR reviews might occur in either fall or spring--- most likely in spring because RPT occupies the fall, so the deadlines described for RPT may not work for TFR. Preparations of both the faculty member and reviewers can be less burdensome than RPT Tenure reviews. And the consequences of TFR are often much less fraught than Tenure reviews. Cases are likely infrequent because of the mature age typical of many tenured faculty (past typical child birth). We considered several alternative phrasings, and settled on this version that avoids rigid criteria and leaves it up to administrator o be persuaded that delay is "reasonably necessary". Other alternatives considered but not used:

For a Tenured faculty member, an extension may be requested to postpone a formal review that would otherwise be required during a certain year for purposes of the periodic (typically five-year cycle) post-tenure/ tenured faculty review requirements under Policy 6-321 (TFR)---

Alternative #2: Upon approval of a request, a formal TFR review otherwise required in the current year will be postponed, under the same provisions as for an RPT review in section C-2-a above, using [[June 30]] as the relevant date.]

[[Alternative #2: Upon approval of a request, a formal TFR review otherwise required in the current year will be postponed, under the same provisions as for an RPT review in section C-2-a above, except that rather than June 30, the relevant date is {#xx} weeks before the departmental review committee is scheduled to meet to begin the review process in accord with the approved TFR Statement of the department and Policy 6-321.]]

