DOC 2004-06 Faculty Maternity Leave Policy

University of Dayton. Faculty Affairs Committee

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PROPOSAL TO THE ACADEMIC SENATE

TITLE: Faculty Maternity Leave Policy

SUBMITTED BY: Faculty Affairs Committee

DATE: Originally October 29, 2004; revised January 23 2009

ACTION: Consultative

REFERENCE: II. B. 3. e.

Consultation is defined as an exchange of information with the Academic Senate for the purpose of permitting the Academic Senate to propose or to comment upon policies which are other than academic and educational, including but not limited to the faculty compensation and other conditions of service.

RATIONALE:

When the current Faculty Maternity Leave Policy was approved, the Academic Senate requested that it be reviewed in two years. In the 2007-2008 academic year, FACAS was assigned the responsibility for this review. With the assistance of Ms. Lisa Rismiller, Director of the Women’s Center, the Committee conducted a survey of University faculty. The results of that survey suggested that the existence of a faculty maternity leave policy appears to have had a generally positive impact on the UD community. That impact could increase if action were to be taken on several concerns brought to light by the survey. These concerns included:

- The need for greater clarity and more education about the policy and about related policies, especially those on salary continuation and the stoppage of the tenure clock. This is a need for women faculty, departmental chairpersons, and other administrators who have a role in the maternity leave process;
- The need to track, to ensure an appropriate level of consistency of application across the University, and to regularly report on the use of the policy. Meeting this need would address perceptions of unequal treatment;
- The need to address the exclusion of summer births from the current policy. There is strong sentiment among both men and women that not including women who give birth during this window is unfair and/or unreasonable.
- The need to address the fact that non-tenured women faculty have no coverage for maternity leave. Responses to an open-ended question on the survey noted this as a concern.

Proposed changes were developed by FACAS in consultation with many women faculty who have been actively engaged in exploring other University policies and in evaluating UDs current policy. Representatives from HR were invited to a regular FACAS meeting for consultation, and L. Laubach
met with Joyce Carter, VP for Human Resources. In addition to these proposed changes, there is a need for clarification and standardization of what it means to stop the tenure clock. FACAS will address this issue in a separate document.

Faculty Maternity Leave Policy

This policy provides guidelines for deans, chairs, and faculty when working together to coordinate a maternity leave for a full time tenured or tenure track faculty member or any other full-time faculty member with a multiple-year appointment.¹ It should be used to establish an arrangement for a faculty member related to the pregnancy and the birth of a child. It is consistent with other UD policies that should also be consulted in the Faculty Benefits Handbook at www.udayton.edu/~hr/. The Family and Medical Leave Act (FMLA) should also be read in conjunction with this policy.

The policy provides for a period of leave beyond the “medical leave” for the mother as documented by a physician. It also establishes guidelines for release from teaching duties associated with a maternity leave.

Medical Leave

Some or all of the leave for medical conditions related to pregnancy and childbirth (usually six to eight weeks), as prescribed by a physician, may be paid through Salary Continuation. Please see the Faculty Benefits Handbook at www.udayton.edu/~hr for details.

During the first year of employment, a faculty member who gives birth before having accrued sufficient medical leave benefits will receive half pay during the period of the medical leave as stated in the revised Salary Continuation Policy in the Faculty Benefits Handbook, and the department will make any reasonable adjustments to support this time away from the University.

Leave Beyond the Documented Medical Needs of the Mother

For a faculty member who has accrued sufficient Salary Continuation, a maternity leave beyond the documented medical needs of the mother can be considered. The total amount of release that may be taken is equivalent to 12 weeks at full pay. If a faculty member is to be released from teaching for a full 16 week semester, an agreement for the leave will document additional “modified duties” to be performed as an equivalent workload during the time not covered by Salary Continuation.

¹ The intent of the phrase “any other full-time faculty member with a multiple year appointment” is to cover (a) women who have full-time appointments that extend over a period of years and (b) women who have completed two or more years of consecutive contracts.
Any need for additional medical leave will be addressed at the time that the need becomes clear. If the condition that necessitates the leave is related to either the pregnancy or complications from delivery, the leave will be considered one continuous leave. If there is a need for additional medical time off for an unrelated condition, that will be treated as a second medical leave and will no longer be covered by this Policy, but rather by the Medical Leave Policy outlined in the Faculty Handbook. In all situations, every effort will be made to work with the faculty member and her department to determine an appropriate leave, including whether an extended period of course reduction is suitable and whether accrued Salary Continuation benefits may be applied beyond the 12-week period.

One month of Salary Continuation will be calculated as the equivalent of ¼ of a semester’s workload. A faculty member with two months of accrued Salary Continuation can receive a total of eight weeks of paid leave. A faculty member with three or more months of Salary Continuation can receive a total of 12 weeks of paid leave. Since teaching is generally a 16-week commitment, it may be in the best interest of all involved for the affected faculty member to take the full 16 weeks away from the classroom, and in these cases, modified duties should be assigned for the equivalent remaining time.

The combination of Salary Continuation plus modified duties can provide for a release from teaching for an entire semester in which the due date falls. A faculty member with three months of salary continuation, for example, could take the entire semester away from teaching, and identify the equivalent of four weeks of additional effort so that the entire 16 weeks can be with pay. Alternatively, if the due date falls in the month immediately prior to the fall or winter semester, the eligible faculty member may be released from her teaching load during that following semester. For births between July 1-August 15, the leave will be taken in the fall. For births between May 15-July 1, faculty members will work with department chairs to decide whether benefits will be used during spring or fall semester.

While it is not possible to specify every possible scenario, an agreement should consider the total time away from campus with pay, deduct the amount of time covered by medical leave and Salary Continuation, and document the remaining equivalent with “modified duties.” These modified duties shall be sufficient to make up the difference in salary to continue at full pay for the remainder of the semester beyond the period covered by medical leave. This policy applies to all tenured and tenure-track faculty, and to full-time faculty members with multiple-year contracts (See footnote number 1).

For a faculty member who wants to have time off beyond the medical leave and eligible Salary Continuation, and wants to do so without any additional duties assigned, the department should work to accommodate this request for an unpaid leave during the equivalent remaining time.
**Plans for modified duties**

An agreement between the faculty member and chair specifying any modified duties will be written in consultation with the Dean’s Office. Final approval will rest with the Office of the Provost. The Provost Office will establish a review panel consisting of the Director of the Women’s Center and three to five faculty members who have had experience working with this policy. No more than one of these may be a department chair. This panel will review all agreements using a process that ensures appropriate protection for privacy issues. Review of agreements will be done in two stages. The first review will take place before implementation of an agreement. The role of the panel at this stage of the review is consultative. The second stage of review will be a yearly audit. Based on this audit, the Office of the Provost in conjunction with this panel will provide a report on a yearly basis, to the University faculty and the Academic Senate, providing basic information regarding use of the policy, reviewing options that have been implemented, and noting any specific concerns that may need to be addressed. The report to the faculty will be distributed by January 15, and the report to the Academic Senate will be at the first meeting of the Senate after this date.

Some possible options may include but are not limited to the following:

- Specific service responsibilities or other relevant projects;
- Specific research efforts that will benefit the department and the faculty member;
- An additional course taught as an “overload” in another term;
- Any combination of the above or other duties agreeable to the faculty member and the chair and dean.

**Options for course offerings**

Many times the release from teaching will be for an entire semester, with other instructors offering the needed courses. Other options that may be in the best interest of all involved and that support the intent of this policy should also be considered:

1. Team teaching for the affected semester wherein the other teaching partner assumes the responsibility during the period of leave;

2. A partial reduction in teaching load that would accommodate the leave and still meet the departmental needs;

3. Any other option that is a reasonable adjustment for the faculty member and the department and is agreeable to the faculty member, chair, and dean.
Tenure Clock and Maternity Leave

The University’s Policy on Academic Freedom and Tenure automatically stops the tenure clock in the case of a maternity leave unless the faculty member specifically requests otherwise in writing.

Procedures

As soon as possible, but no later than 90 days prior to the expected due date, the faculty member should contact her department chair to make the arrangements for the leave. The leave is specifically for the time off directly related to the birth of the child, and will not be taken at some other time.

While this policy is primarily implemented to address the conflict that occurs for teaching faculty, cases for other full-time tenure track faculty should be considered with good judgment regarding equity and practicality for each individual situation.

Modified duties will be determined by the faculty member in conjunction with her department chair based upon her needs and those of the department. A description of the duties must be put in writing, signed by both the faculty member and department chair and forwarded to the dean for his or her approval. The final approved document should be sent to the Associate Provost for Faculty and Administrative Affairs and the Benefits Manager in Human Resources along with an approved Leave of Absence Form and any related paperwork to the Benefits Manager.

Arranging for coverage of the usual duties of the faculty member is the responsibility of the department chair.

While an agreement for modified duties may involve two semesters, in no circumstances may a release from teaching span two full semesters or extend beyond the duration of the faculty member’s existing academic contract unless approved by the Associate Provost for Faculty and Administrative Affairs. In the case of a normal delivery and recovery period for the new mother, no more than 12 weeks can be applied or subtracted from the Salary Continuation balance for the medical portion of the Maternity Leave.

Benefits:

During any approved leave established by the faculty member and her department chair, all benefits will continue as if the faculty member is still actively employed. The University of Dayton will continue to make its contributions where appropriate. If the faculty member is in a paid status, all appropriate premiums will continue to be deducted from her pay. If the leave moves to an unpaid status at any time, the faculty member will be billed at home for all benefit deductions that would otherwise have been deducted from her pay.

Promulgation and Education:
The Office of the Provost will ensure that this policy is made available to all new women faculty and that it is easily available to the campus community. The office of the Provost will also develop processes for regularly educating department chairpersons and deans about the policy, ensuring that administrators understand the related policies, such as salary continuation, and that they are familiar with options that have been, or can be, used to implement this policy (See Academic Senate Document 02-03).