

Policy 6-315: Faculty Parental Benefits -- Leaves of Absence with Modified Duties and Review Extensions

I. Purpose and Scope

To establish the University's Policy for parental leaves of absence and extensions of the review timetable for the birth or adoption of children by regular faculty and academic librarians. To maintain the University's general preference of providing leaves for faculty, 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.

This Policy applies for academic librarians and regular faculty in all colleges except the School of Medicine.

II. Definitions

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

- A. "Academic year" is defined for purposes of this Policy as August 16 to May 15 for faculty on nine-month appointments and July 1 to June 30 for faculty on twelve-month appointments.
- B. "Adopted child" refers to a child under six years of age or a special needs child (as defined here) placed for adoption.
- C. "Annual base salary" means the total compensation approved in advance as the amount payable to a faculty member 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 during the appointment period. This term does not include compensation for separate assignments during nonworking intervals, approved

overload assignments in the Division of Continuing Education, 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.)

- D. "Eligible faculty" is defined as library faculty or regular faculty with appointments that began before the expected arrival of a child.
- E. "Library faculty" is defined as academic librarians with continuing appointment or eligible for continuing appointment under [Policy 6-300](#).
- F. "Parental benefits" refers to both the leave of absence benefits and the review extension benefits provided under this Policy. "Parental leave benefits" refers to parental leaves of absence with modified duties (including disability leaves for birth mothers and care-giving leaves for all eligible caregiver parents).
- G. "Partner" refers to a spouse or, in the case of unmarried faculty, to an adult who is certified as an eligible partner through Human Resources procedures.
- H. "Eligible caregiver" is defined differently for purposes of each type of parental benefit. (1) "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 for a period of at least 15 weeks. (2) "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 scholarly pursuits for a period of at least 15 weeks. This definition takes into account typical summertime scholarly activities.
- I. "Regular faculty" is defined as tenured or tenure-eligible faculty under [Policy 6-300](#).
- J. "Review timetable extension" refers to an additional year added to the probationary period before a tenure or post-tenure review.

- K. “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.

III. Policy

A. General eligibility for benefits

1. An eligible faculty member is guaranteed parental benefits 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.
2. Only one University of Utah faculty member is guaranteed to qualify for parental benefits for a given instance of childbirth or adoption. {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.}
3. This policy does not apply to birth parents who do not anticipate becoming the legal parent of the child following birth. In such cases, a birth mother may be covered by sick leave and FMLA Policies.
4. Exceptions to these and other eligibility criteria below must be approved by the cognizant senior vice president.

B. Notification

1. An eligible faculty member should
 - a. Complete the [Parental Benefits application form](#) and submit it to the cognizant senior vice president.
 - b. Notify her or his department chairperson and dean of the application as soon as possible when the application 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.

C. Parental Leaves of Absence With Modified Duties

1. Eligibility for 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 for which leave is sought or within four weeks before the beginning of that semester
- 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 for this purpose) of her or his own newborn child or a partner's newborn child or of a newly adopted child during the semester for which leave is sought.

2. Benefit

- a. Upon approval of a parental leave of absence request, an eligible faculty member will be granted a parental leave of absence with modified duties (e.g., teaching, service, and/or research) for one semester for faculty in nine-month appointments or an equivalent period for faculty on twelve-month appointments.
 - i. The faculty member will be released from professional duties during this period, but may choose to continue some professional activities (e.g., meeting students, doing research, participating in hiring or RPT decisions).
 - ii. The faculty member who is released from teaching should not be expected to maintain normal scholarly productivity during a semester of modified duties.

- iii. 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, if any (e.g., advising, committee service, and research).
 - b. The faculty member will receive pay at the rate of 95% of her or his annual base salary during that semester, unless the department or college chooses to supplement the salary above 95% (and any such supplementation must be applied consistently for all faculty members of that unit who take parental leave).
 - c. 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.
 - d. A faculty member with a one semester leave should generally teach one-half of a normal load, overall for an academic year. When the teaching load cannot be exactly halved, it is permissible to expect the faculty member to teach the larger portion. For example, if a faculty member normally teaches three courses per year, s/he may be released from one and asked to teach two.
 - e. 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 semester (or 12-week period) for which the leave is sought.
 - f. Care-giving leave under this Policy shall begin no sooner than the beginning of the semester in which the child arrives and shall be completed no more than 12 months following the arrival.
3. Parental Leave and the Family Medical Leave Act (FMLA)

- a. Parental leaves of absence with modified duties under this Policy are substituted for unpaid care-giving leave under the Family and Medical Leave Act (FMLA).
- b. 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 accrued sick leave must be used. See [Policy 5-200](#) for more information.

D. Review Timetable Extensions

1. Eligibility for Extension

A one-year extension of the pre-tenure probationary period (i.e., tenure clock) or the time before a post-tenure review 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) of her or his own newborn child or a partner's newborn child or of a newly adopted child.

2. Notice

A request for a review timetable extension is made on the [same Parental Benefits application form](#) 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.

3. Benefit

Upon approval of a request, a formal review in the current year will be postponed (a) if the faculty member (i) 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 (ii) is planning to and/or begins to serve as an eligible caregiver to her or his 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 extend a subsequent formal review, but not the review in the current year. An extension taken at any time in a pre-tenure probationary period will extend the date for the final tenure review.

4. A previously submitted request for a timetable extension 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.

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. Obligation to Return

The obligation to return to University service following the leave, applicable to other leaves under [Policy 6-314, Section 9.B](#), applies to disability and caregiving leaves under this Policy as well.

G. Relationship to Other Policies

1. Nothing in this Policy precludes academic units from providing similar benefits to faculty 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 in the same unit are treated consistently.
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 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 Policy shall govern.

H. Policy Review

The implementation and the fiscal impact of this parental leave policy will be reviewed in three years from the original date of passage which was May 2006 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.

[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

B. Procedures

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 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 2

Approved by Academic Senate: May 2, 2011

Approved by Board of Trustees: May 10, 2011, with effective date of July 1, 2011

[Legislative History](#) for Revision 2

Earlier revisions:

[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 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

[Background](#) information for PART 1 Revision 0

[Background](#) information for PART 2 Revision 0