

College of Health, University of Utah

Career-Line Faculty Parental Benefits – Leaves of Absence with Modified Duties and Review Extensions

Approved by the College Council on April 4, 2018

I. Purpose and Scope

To establish the College of Health’s Policy for parental leaves of absence and extensions of the review timetable for the birth or adoption of children by career-line faculty. Tenure-line faculty should refer to University Policy 6-315. The College has a collective commitment to fostering a family-friendly environment with policies that support families and gender equity. This policy applies to all parenting persons, regardless of sex/gender, gender identity, or gender expression, as long as the caregiver is providing the majority of the care for the child, and applies to the birth or adoption of a child. Any questions regarding this Policy should be referred to the Dean of the College of Health.

This Policy applies for career-line faculty in the College of Health.

The College follows all federal, state, and University anti-discrimination laws and policies. Therefore, it explicitly prohibits discrimination on the basis of pregnancy status. The Office of Equal Opportunity (OEO; <https://oeo.utah.edu/>) oversees the University’s adherence to Title IX. The OEO is responsible for granting accommodations for pregnancy and parenting based on medical needs in accordance with federal law. Employees who need accommodations during pregnancy or as a result of the childbirth process should contact the OEO directly. The role of the College of Health is not to determine appropriate accommodations, but rather to refer employees to the OEO.

The link below describes pregnancy accommodations:

<https://oeo.utah.edu/services/pregnancy-and-pregnancy-related-accommodations.php>

The following is a link to form requesting accommodations:

https://oeo.utah.edu/documents/pregnancy_accommodation-request-form-FINAL-fillable-3-1-17.pdf

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 a career-line faculty member with an appointment of at least .75FTE, appointed on at least a two-year contract, and whose due date or date of adoption falls after the first day of their contract.
- E. "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 caregiving leaves for all eligible caregiver parents).
- F. "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.
- G. "Eligible caregiver" is defined differently for purposes of each type of parental benefit. (1) "Eligible caregiver" for purposes of a caregiving 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.
- H. "Career-line faculty" is defined according to Policy 6-300.
- I. "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 Dean of the College of Health.
2. Only one University of Utah faculty member is guaranteed to qualify for parental benefits for a given instance of childbirth or adoption.
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 Dean of the College of Health.

B. Notification

1. An eligible faculty member should complete the College of Health Career-Line Parental Benefits application form and submit it to their department chair.
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. *Caregiving 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 their own newborn child, 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).
 - 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, research).
 - b. The faculty member will receive pay at the rate of 95% of their annual base salary during that semester, unless the department chooses to supplement the salary above 95% (and any such supplementation must be applied consistently for all faculty members of the department 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, they 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. Caregiving 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. 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 Dean of the College of Health.

E. Relationship to Other Policies

- 1. Nothing in this Policy precludes departments within the College from providing more extensive benefits for parental or other family responsibilities or personal disability, so long as similarly-situated faculty in the same department 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.