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]**

1. **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.

1. **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].***]

1. **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).

1. **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.

1. **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.

1. **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](https://regulations.utah.edu/academics/6-310.php) (2007, 2010, 2014, 2015), [Policy 6-002](https://regulations.utah.edu/academics/6-002.php) (2013,2014,2019), [Policy 6-300](https://regulations.utah.edu/academics/6-300.php) (2013, 2014, 2015). Some historical information is available [here](https://regulations.utah.edu/academics/appendices_6/6-310.R0_legislativehistory--spring_2007.pdf), [here](https://regulations.utah.edu/academics/appendices_6/6-310.R1_3-09-10_legislativehistory.pdf), [here](https://regulations.utah.edu/academics/revisions_6/LegHist%20Pol6-303R21Pol6-310R2Rul6-310R2_spring2014.pdf), [here](https://regulations.utah.edu/academics/LegHist%20Pol6-300R186-302R8%206-310R3effect2015-05-15.pdf), [here](https://regulations.utah.edu/academics/revisions_6/LegHist%20Pol6-303R21Pol6-310R2Rul6-310R2_spring2014.pdf), [here](https://regulations.utah.edu/academics/revisions_6/6-002_R33_Leg_Hist.pdf), [here](https://regulations.utah.edu/academics/revisions_6/6-002.R30.LegHis.pdf), [here](https://regulations.utah.edu/academics/revisions_6/6-002.R29.LegHis.Vol.1.pdf), and [here](https://regulations.utah.edu/academics/revisions_6/6-002.R29.LegHis.Vol.2.pdf). **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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1. **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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