

## **PROPOSAL TO THE ACADEMIC SENATE**

TITLE: Faculty Maternity Leave Policy

SUBMITTED BY: Faculty Affairs Committee

DATE: October 29, 2004

ACTION: Consultative

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. 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/](http://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](http://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.

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  $\frac{1}{4}$  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.

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 contracted time for a faculty member, normally August 15<sup>th</sup> through May 15<sup>th</sup>.

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

1. Specific service responsibilities or other relevant projects;
2. Specific research efforts that will benefit the department and the faculty member;
3. An additional course taught as an “overload” in another term;
4. 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 30 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. Also, no uncontracted periods, such as summer terms, are covered by this policy.

In the case of a normal delivery and recovery period for the new mother, no more than 12 weeks (3 months) 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.