



Interim University of Maryland Policy on Faculty Parental Leave and Other Family Supports

PRESENTED BY	Daniel Lathrop, Chair
REVIEW DATES	SEC – February 21, 2020 SENATE – March 3, 2020
VOTING METHOD	In a single vote
RELEVANT POLICY/DOCUMENT	II-2.25(A) UM Policy on Faculty Parental Leave and Other Family Supports II-1.00(D) UM Policy on Extension of Time for Tenure Review Due to Personal and Professional Circumstances II-2.30(D) Policy and Procedures Concerning Adoption Leave for Faculty
NECESSARY APPROVALS	Senate, President

ISSUE

Due to recent changes in state law, the University System of Maryland (USM) revised its Policy on Parental Leave and Other Family Supports for Faculty ([II-2.25](#)) in June 2019. The University of Maryland Policy on Faculty Parental Leave and Other Family Supports (II-2.25[A]) was revised to reflect the changes in USM policy and was approved on an interim basis on September 19, 2019, pending University Senate review. In September 2019, the Senate Executive Committee (SEC) charged the Faculty Affairs Committee with reviewing the interim Policy on Faculty Parental Leave and Other Family Supports, consulting with administrators and with faculty who have recently utilized the policy, considering provisions related to age limits and types of leave that faculty can use, consulting with the Staff Affairs Committee (which was charged with reviewing a similar policy covering staff), recommending changes, as appropriate, and considering how any such changes should impact other University policies.

RECOMMENDATIONS

The Faculty Affairs Committee recommends that the proposed revision to the University of Maryland Policy on Faculty Parental Leave and Other Family Supports (II-2.25[A]), as shown immediately following this report, be approved.

The Faculty Affairs Committee recommends that the proposed revision to the University of Maryland Policy on Extension of Time for Tenure Review Due to Personal and Professional Circumstances (II-1.00[D]), as shown immediately following this report, be approved.

The Faculty Affairs Committee recommends that the Policy and Procedures Concerning Adoption Leave for Faculty (II-2.30[D]) be deactivated.

COMMITTEE WORK

The Faculty Affairs Committee (FAC) consulted with representatives of relevant administrative units, reviewed USM policies and state law, conducted a survey of faculty members who have recently

used the policy, and considered several substantive issues identified in its charge. The committee determined that faculty should not be required to use sick leave when taking Parental Leave, but that they should retain the option of doing so. The FAC considered language in the interim policy indicating that Parental Leave can only be used for adoption, fostering, and the assumption of legal guardianship if a child is under the age of six. The committee determined that there is no compelling reason to impose such a restriction, and recommended revisions that would make the benefit available to support the addition of any child under the age of eighteen. The committee also proposed a series of technical revisions to the policy.

The committee evaluated whether any changes in the Parental Leave Policy should impact other University policies. It determined that the assumption of parenting responsibilities by fostering or assuming legal guardianships should result in an extension of the time for tenure consideration, as is the case with childbirth and adoption; the committee recommended revisions to this effect to the Policy on Extension of Time for Tenure Review Due to Personal and Professional Circumstances. The FAC also determined that the Policy and Procedures Concerning Adoption Leave for Faculty have been superseded by the Parental Leave Policy, and recommended that Adoption Leave Policy be deactivated.

After due consideration, the Faculty Affairs Committee voted to approve its recommendations and proposed revisions to the University of Maryland Policy on Faculty Parental Leave and Other Family Supports at its meeting on February 11, 2020.

ALTERNATIVES

The Senate could choose not to approve the revisions to the University of Maryland Policy on Faculty Parental Leave and Other Family Supports and the Policy on Extension of Time for Tenure Review Due to Personal and Professional Circumstances, and the committee's additional recommendation. However, the University would lose the opportunity to support families who welcome children older than six years of age, clarify aspects of the process, ensure consistency in faculty access to extensions of the tenure clock, and eliminate an unnecessary policy.

RISKS

There are no associated risks to the University in adopting these recommendations.

FINANCIAL IMPLICATIONS

The revisions may have limited financial implications depending on the frequency with which faculty assume parenting responsibilities for children over the age of 6.



Interim University of Maryland Policy on Faculty Parental Leave and Other Family Supports

2019-2020 Committee Members

Daniel Lathrop (Chair)
John Bertot (Ex-Officio Provost's Rep)
Michele Eastman (Ex-Officio President's Rep)
Marc Pound (Ex-Officio CUSF Rep)
Jacqueline Richmond (Ex-Officio Director of Human Resources Rep)
Ellin Scholnick (Ex-Officio Ombuds Officer)
Caryn Bell (Faculty Senator)
Caroline Boules (Faculty Senator)
Agislaos Iliadis (Faculty Senator)
Nicole LaRonde (Faculty Senator)
Mark Fuge (Faculty)
Shevaun Lewis (Faculty)

Jessica O'Hara (Faculty)
Janice Reutt-Robey (Faculty)
Kevin Roy (Faculty)
Don Webster (Faculty)
Lexxie Monahan (Staff)
Deanna Barath (Graduate Student)
Ashley Hixson (Graduate Student)
Benjamin Lin (Undergraduate Student)

Date of Submission

February 2020

BACKGROUND

Due to recent changes in state law, the University System of Maryland (USM) revised its Policy on Parental Leave and Other Family Supports for Faculty ([II-2.25](#)) in June 2019. The University of Maryland Policy on Faculty Parental Leave and Other Family Supports (II-2.25[A]) was revised to reflect the changes in USM policy and was approved on an interim basis on September 19, 2019, pending University Senate review. In September 2019, the Senate Executive Committee (SEC) charged the Faculty Affairs Committee with reviewing the interim Policy on Faculty Parental Leave and Other Family Supports, consulting with administrators and with faculty who have recently utilized the policy, considering provisions related to age limits and types of leave that faculty can use, consulting with the Staff Affairs Committee (which was charged with reviewing a similar policy covering staff), recommending changes, as appropriate, and considering how any such changes should impact other University policies (Appendix 1).

KEY CHANGES IN INTERIM POLICY

The University's Policy on Faculty Parental Leave and Other Family Supports provides eligible faculty a guaranteed period of paid Parental Leave to support the addition of a child to the family. The benefit requires that faculty use various forms of accrued leave to ensure that the faculty member is paid during Parental Leave. If these forms of leave are exhausted before the faculty member reaches the guaranteed period of paid Parental Leave, the University will provide additional supplemental paid leave to cover the balance.

The interim policy made several substantive changes to the nature of the benefit.

- Faculty are now guaranteed twelve weeks of paid Parental Leave, up from eight weeks.
- Faculty must still exhaust all accrued annual and personal leave, and must now also use any holiday or administrative leave observed or granted during the Parental Leave period.

Faculty no longer have to use sick or collegial leave, which will remain available for use once faculty return to work.

- Before becoming eligible for Parental Leave, nine-month faculty must have been at the University for at least one semester, and twelve-month faculty for at least six months. Previously, the policy determined length of service requirements by faculty type (instructional vs research).
- In addition to birth, adoption, or foster care, faculty may now use Parental Leave when assuming legal guardianship of a child.
- Parental Leave must now be taken continuously, and is no longer available on an interim basis.
- Parental Leave must now be used during a six-month period surrounding the addition of a child to the family; previously, leave could be taken at any point during the six months preceding and twelve months following the arrival of a child.

COMMITTEE WORK

The Faculty Affairs Committee (FAC) began reviewing its charge at its meeting on October 14, 2019. It reviewed the relevant policies and state law. The FAC consulted with representatives of the Office of Faculty Affairs, University Human Resources, and the Office of General Counsel during its review.

The FAC considered how to gather feedback from faculty who have used the Parental Leave benefit. In conjunction with the Staff Affairs Committee, which was charged with assessing staff experiences with Parental Leave, the Senate Office developed a short survey to provide an opportunity for respondents to share both positive and negative experiences with the policy and with Parental Leave. The survey was distributed to thirty-one faculty members who used the benefit in the past eighteen months, and received ten responses. Most of the respondents expressed gratitude for the ability to take twelve weeks with their child. The low number of responses made further generalizations impossible.

In reviewing the state law and leave types associated with Parental Leave, the FAC considered whether accrued sick leave should be relied upon as part of the paid Parental Leave benefit. The committee learned that System policy permits individual institutions to determine which types of leave faculty must use before the institution will provide additional paid leave. Prior to developing the interim UMD policy, the Office of Faculty Affairs conducted a survey on types of leave available for Parental Leave among faculty at the University. The survey revealed that approximately half of faculty at the University would be forced to completely exhaust their sick leave in order to reach the twelve weeks of assured paid leave they were entitled to by law, if sick leave were required to be used under the University's policy. The University's interim policy does not require faculty to use their sick leave, though it does permit faculty to use sick leave if they choose, given some faculty do not earn other forms of leave. After considering the leave types available to faculty, the FAC agreed that faculty should not be required to use sick leave, though they should be able to choose to use it if they have sick leave available to them.

The FAC considered whether to retain the age limits referenced in the policy. The University System of Maryland policy gives institutions the discretion to establish limitations, including age limits. The interim UMD policy indicates that faculty may use Parental Leave to support the adoption of a child

under six years of age. The interim policy also indicates that the benefit can be used for “the assumption of other parenting responsibilities, such as foster parenting or legal guardianship of a child under the age of six (6).” In considering the age limits in the policy, the FAC noted that children older than six years of age who join a family may need care just as much as younger children, particularly if they have experienced trauma or have special needs. The FAC determined that there is no compelling reason to impose an age restriction, or to privilege certain parenting circumstances over others. The FAC agreed to recommend that the age restrictions be removed, and that the benefit be available when adopting, fostering, or assuming legal guardianship of any child under the age of eighteen.

The FAC also considered whether foster parenting and assuming legal guardianship should be grounds for extending the time for tenure review. The University of Maryland Policy on Extension of Time for Tenure Review Due to Personal and Professional Circumstances (II-1.00[D]) already permits extensions for instances of childbirth or adoption. The FAC determined that assuming any of the parenting responsibilities that entitle one to Parental Leave, including foster parenting and the assuming legal guardianship, should result in an extension of the time for tenure consideration.

The FAC also considered whether the Policy and Procedures Concerning Adoption Leave for Faculty (II-2.30[D]) should be retained (Appendix 2). The policy was last revised in 1991, and is out of alignment with current practices. After reviewing the provisions of the policy, the FAC determined that it has been superseded by the Policy on Faculty Parental Leave and Other Family Supports. The committee agreed to recommend that the Policy and Procedures Concerning Adoption Leave for Faculty be deactivated.

During its review, the committee also considered language in the Policy on Faculty Parental Leave that allows faculty to appeal decisions related to Modified Duty Family Support Plans in a process that involves the University of Maryland Policies and Procedures Governing Faculty Grievances (II-4.00[A]). Modified Duty Family Support Plans, which allow eligible faculty members to reduce or modify their duties for a period of time, are negotiated between the faculty member and the appropriate unit head. The FAC discussed the most appropriate forum for appeals, noting that the grievance policy requires the Senate to convene a faculty hearing board and follow a detailed process. The FAC had difficulty identifying an appropriate alternative, given that the creation of Modified Duty Family Support Plans already involve other administrators beyond the faculty member’s chair or dean. After considering various options, the FAC determined that the issues that could arise when creating Modified Duty Family Support Plans are most appropriate for mediation with the Faculty Ombuds Officer, and as such are legitimately within the purview of the grievance policy.

After due consideration, the Faculty Affairs Committee voted to approve its recommendations and proposed revisions to the University of Maryland Policy on Faculty Parental Leave and Other Family Supports at its meeting on February 11, 2020.

RECOMMENDATIONS

The Faculty Affairs Committee recommends that the proposed revision to the University of Maryland Policy on Faculty Parental Leave and Other Family Supports (II-2.25[A]), as shown immediately following this report, be approved.

The Faculty Affairs Committee recommends that the proposed revision to the University of Maryland Policy on Extension of Time for Tenure Review Due to Personal and Professional Circumstances (II-1.00[D]), as shown immediately following this report, be approved.

The Faculty Affairs Committee recommends that the Policy and Procedures Concerning Adoption Leave for Faculty (II-2.30[D]) be deactivated.

APPENDICES

Appendix 1 — Charge from the Senate Executive Committee

Appendix 2 — Policy and Procedures Concerning Adoption Leave for Faculty (II-2.30[D])



II-2.25(A) UNIVERSITY OF MARYLAND POLICY ON FACULTY PARENTAL LEAVE AND OTHER FAMILY SUPPORTS

(Approved by the President November 1, 2012; Amended October 7, 2016;
Amended and approved on an interim basis by the President September 19, 2019)

I. Purpose ~~& Eligibility Period~~

This policy is intended to support faculty in balancing professional and family demands before and after the addition of children to the family (by birth, adoption, foster parenting, and/or legal guardianship) through a combination of measures to promote a family-friendly environment. These measures include:

- a. A minimum assured period of paid Parental Leave of twelve (12) work weeks;
- b. Eligibility for a Modified Duty Family Support Plan;
- c. Extension of Time for Tenure Review for new parents;
- d. Availability of lactation facilities.

The term “Parental Leave” is used in this **P**policy to refer to the entirety of the paid leave period available to eligible faculty to care for children new to the family. Up to twelve (12) work weeks of Parental Leave is available through a combination of paid leave charged to a faculty member’s accrued leave balance and/or Assured Parental Leave provided by the University. Parental Leave is just one component of the family support measures provided under this **P**policy.

Parental Leave and all other family support measures under this **P**policy shall be available on a continuous basis during a six (6) month period surrounding the addition of a child (or children) to the family.

II. Assured Minimum Parental Leave

Each eligible faculty member shall be assured a period of up to twelve (12) work weeks (i.e., sixty (60) **continuous** work days) of paid Parental Leave to care for a new child (or children) **under the age of eighteen (18)**, as follows:

- A. Nature of Leave: During the Parental Leave period, faculty shall use any accrued **and available** annual and personal leave ~~available for use under USM BOR Policy II-2.40 Policy on Annual Leave for Faculty;~~ **observed** holiday leave ~~for holidays observed during Parental Leave;~~ **or** **and** discretionary administrative leave **that is** granted ~~to an institution’s employees by the President for institutional closures that occur during an~~ **the employee’s** Parental Leave period, ~~such as in the case of extreme inclement weather or to provide employees with an additional day off prior to a holiday~~ **for institutional closures**. If none of these categories of leave is available to the faculty

member, supplemental paid leave days (referred to as “Assured Parental Leave”) shall be provided by the institution to attain the twelve (12) work weeks of paid Parental Leave. Faculty are not required to use accrued sick leave as part of their paid Parental Leave period, but may elect to do so in combination with other forms of paid leave (i.e., annual, personal, ~~collegial~~, holiday, administrative, or Assured Parental Leave) to which the faculty member is entitled. No institutional work-related duties are required of the faculty member by the University while on Parental Leave.

B. Interaction of Leave with the Family and Medical Leave Act (FMLA)

All leave taken during the Parental Leave period (annual, personal, sick, ~~collegial~~, holiday, administrative, **and/or** Assured Parental Leave) shall run concurrently with any available FMLA leave (“FML”) per ~~Section IV of the~~ USM ~~BOR~~ Policy II-2.31 Policy on Family and Medical Leave for Faculty, if the faculty member is also eligible for FML under USM ~~BOR~~ Policy II-2.31. Both policies shall be administered concurrently.

C. Applicability: The twelve (12) work weeks of paid Parental Leave is available on a continuous basis during a six (6) month period surrounding either:

1. The birth of a child;
2. The recent placement of a child ~~under the age of six (6)~~ for adoption; or
3. The assumption of other parenting responsibilities, such as foster parenting or legal guardianship of a child ~~under the age of six (6)~~.

D. Eligibility: Parental Leave applies to all full-time and part-time tenured and tenure-track faculty, professional track faculty, and all librarian faculty, with appointments of ~~at least~~ 50% FTE **or greater**.

1. Parental Leave shall be pro-rated for eligible part-time faculty.

~~2.—Use of Parental Leave does not require the faculty member to submit medical documentation or proof of the assumption of parenting responsibilities as defined above.~~

32. If a child’s parents are both faculty employed by UMD, each may be eligible for paid Parental Leave up to the twelve (12) work week maximum, as follows:
 - a. Both parents may concurrently use accrued sick, annual, personal, ~~collegial~~, or holiday leave **for to take** Parental Leave **at the same time; and**
 - b. **If both parents are eligible for Assured Parental Leave, only one parent may use** ~~At the time that a faculty member takes~~ Assured Parental Leave **at a time.**, ~~after exhausting their own accrued sick, annual, personal, collegial, or holiday leave, they~~ **The employee using**

Assured Parental Leave must be acting as the child's primary caregiver **at the time**. ~~In some cases, there will be two UMD parents eligible for Parental Leave.~~ Both **UMD** parents may **take use** Parental Leave simultaneously by alternating between the use of Assured Parental Leave and their own accrued leave, as long as both parents are not **using Assured Parental Leave on the primary caregiver for** the same day.

43. To be eligible for Parental Leave, a 9-month faculty member must have been employed by the institution for at least one semester, and a 12-month faculty member must have been employed by the institution for at least six (6) months.
54. A faculty member ~~may~~ **shall** be eligible for Parental Leave under this **Ppolicy** on one (1) occasion in a given 12-month period, and up to three (3) separate occasions during the duration of the faculty member's employment with the University System of Maryland. Any additional periods of Parental Leave require the approval of the President, or the President's designee.
65. Parental Leave for faculty must be used continuously; it is not available on an intermittent basis.

III. Modified Duty Family Support Plan

Each eligible faculty member ~~also shall have the opportunity to~~ **may** request a period of time during which their institutional work duties are reduced or modified without a reduction of salary known as a Modified Duty Family Support Plan ~~(the "Plan")~~. The **Modified Duty Family Support** Plan is intended to provide support for a new parent while assuring that continuity in student instruction and other critical faculty duties are not disrupted. Note: Modified duties are neither required nor expected during the period of up to twelve (12) work weeks of Parental Leave.

- A. **Modified Duty Family Support** Plan Development: A written memorandum of understanding documenting the **Modified Duty Family Support** Plan will be developed jointly by the faculty member and department chair, ~~or the designee~~. **In non-departmentalized Colleges, the plan will be developed jointly by the faculty member and of the chair or the dean or designee, upon request of the faculty member.**
 1. If the faculty member and department chair are unable to finalize the **Modified Duty Family Support** Plan, or if ~~an agreed-upon Pplan would~~ requires **a request for** additional resources, the ~~appropriate~~ dean ~~or other academic affairs administrator~~ will participate in completing the **Pplan**. **In non-departmentalized Colleges, the Associate Provost for Faculty Affairs will participate in such cases.**

2. Each completed **Modified Duty Family Support** Plan will be shared with the ~~appropriate~~ dean or ~~other academic affairs administrator~~ **the Associate Provost for Faculty Affairs**.
- B. Plan Content: The **Modified Duty Family Support** Plan will allow the faculty member to reduce or otherwise modify workload during the period of eligibility; through a combination of:
1. Leave, including:
 - a. ~~Exhaustion of all~~ **available** accrued annual, personal, and holiday leave;
 - b. ~~A~~**additional** Assured Parental Leave, as needed up to the twelve (12) work week total;
 - c. Collegial sick leave, as available;
 - d. ~~U~~**n**paid leave, up to the twelve (12) work week (i.e., sixty (60) work day) limit under the **University UM Procedures Related to Family and Medical Leave for Faculty** ~~Family Medical Leave Act Policy~~, II-2.31(A); **and**
 2. Workload modifications, to the extent authorized by the institution and feasible within the faculty member's department, which may include:
 - a. Part-time employment;
 - b. Redistribution of duties to substitute a teaching assignment with other departmental or academic service; and/or
 - c. Other options identified by the institution or department.
- C. Eligibility: All faculty who meet the eligibility standards of Section II.D.1 ~~through~~-5 are eligible for the benefits of a Modified Duty Family Support Plan, subject to terms and conditions stated below:
1. Faculty with Instructional Responsibilities are entitled to a release from classroom teaching duties and service responsibilities for one semester in the period in which ~~p~~**P**arental ~~L~~**L**eave is taken. For example, faculty taking ~~p~~**P**arental ~~L~~**L**eave for the initial twelve (12) weeks of an academic semester shall be eligible for a Modified Duty Family Support Plan during the remaining weeks of the semester, i.e., no classroom teaching responsibilities.
 - a. During the period of the Modified Duty Family Support Plan, faculty members with instructional responsibilities are expected to continue to perform other non-classroom instructional duties for which they are ordinarily responsible, such as advising graduate students, as well as to sustain their research/creative activities as applicable.

2. Faculty without Instructional Responsibilities are entitled to a Modified Duty Family Support Plan for a period of up to six (6) weeks in addition to the twelve (12) weeks of paid Parental Leave, subject to any limits established by contract or grant by the funding agency responsible for a research faculty member's salary support. The exact nature and schedule of the Modified Duty Family Support Plan shall be defined and approved by the Chair or Unit head as set forth in Section III.A.
 3. Faculty utilizing a Modified Duty Family Support Plan pursuant to this policy shall not be required to offset the reduced workload during the period of modified duty by making up the workload in another semester.
- C. Plan Timeline: The period of the Modified Duty Family Support Plan will normally extend from six (6) months prior to six (6) months following the birth or placement of a child for adoption, foster care, or legal guardianship.
1. The combined period of Paid Parental Leave and the Modified Duty Family Support Plan must be concluded within six (6) months of the birth or placement of the child for adoption, foster care, or legal guardianship.
 2. **A If both parents are faculty and are eligible for** Modified Duty Family Support Plans ~~is available to both faculty parents, and is they are~~ typically taken on a sequential basis by both faculty parents. A Modified Duty Family Support Plan may be available to both faculty parents on a simultaneous basis when the health or personal situation of one or more family members requires it, provided the faculty members adhere to the eligibility requirements noted above regarding primary caregiver.
 3. Both faculty parents are expected to coordinate leave arrangements so that the combined period of Paid Parental Leave and the Modified Duty Family Support Plan are not exceeded.
 4. To minimize hardship of the department/unit, faculty are expected to notify their chair or unit head, and, if applicable, the Dean, at least two (2) months in advance of the date of expected use. Notice should include the projected date of **the child's** birth ~~of the child~~ or **the** expected date of the child's placement through adoption, foster care, or legal guardianship, as feasible.

IV. Extension of Time for Tenure/Permanent Status Review

Faculty are entitled to an extension of time before mandatory tenure review or review for permanent status in accordance with II-1.00(D) University of Maryland Policy on Extension of Time for Tenure Review Due to Personal and Professional Circumstances ("UM Tenure Extension Policy"). Among other provisions, the UM Tenure Extension Policy provides that any tenure-track faculty member or faculty member eligible for permanent status who becomes the parent of a child by birth ~~or~~, adoption, **foster care, or assuming legal guardianship** will automatically be granted a one-year extension of the deadline for review by the provost, upon

mandatory written notification by the faculty member's department. A second automatic extension for the **addition of another child through birth or, adoption, foster care, or assuming legal guardianship of another child** will be granted as long as the total number of ~~all~~ extensions does not exceed two.

V. Supports for Nursing Mothers

The University shall provide space at reasonable locations on campus where faculty who are nursing mothers may breastfeed or express milk.

- A. The areas must be shielded from view and free from intrusion by others.
- B. A bathroom or restroom may not be designated as a lactation facility.
- C. The space may be a private area in a larger room, or a private room that is reliably made available for nursing mothers whenever needed but may otherwise be used for different functions.
- D. The area shall be equipped with seating, a table or other flat surface, an electrical outlet, and nearby access to a sink.
- E. The requirement for lactation facilities and their availability for the purpose of breastfeeding a child are subject to University policies governing the circumstances when children of employees may be present in the workplace.

VI. Protections for Faculty

- A. No faculty member shall be discriminated against or otherwise experience reprisals in any appointment, evaluation, promotion, tenure or other employment-related process as a result of utilizing the Parental Leave and other supports provided by this ~~P~~policy.
- B. ~~Appeals:~~ Faculty may ~~appeal~~ ~~grieve~~ ~~part time or m~~Modified ~~d~~Duty **Family Support Plan agreement** decisions for both procedural and substantive reasons. ~~The F~~faculty member may ~~bring~~ ~~seek~~ the ~~assistance~~ ~~matter to the attention~~ of the Faculty Ombuds Officer **in mediating the concern**, and seek a review in accordance with the procedures of the University of Maryland ~~Policy~~**ies and Procedures** ~~g~~Governing ~~f~~Faculty ~~g~~Grievances (~~University of Maryland Policy~~ II-4.00[A]).



II-1.00(D) UNIVERSITY OF MARYLAND POLICY ON EXTENSION OF TIME FOR TENURE REVIEW DUE TO PERSONAL AND PROFESSIONAL CIRCUMSTANCES

(Approved by President William E. Kirwan on August 13, 1996; amended June 2, 2006; March 6, 2007)

I. POLICY

Note on Terminology. In the provisions below, the term “Chair” refers to the administrator of the first level of review of a faculty person’s request for an extension. In non-departmentalized colleges and schools, this will be the Dean.

A. 1. Any faculty member may request an extension of time for tenure consideration based on personal or professional circumstances. Personal circumstances are individual or family situations that substantially impede normal professional development of the faculty member. Professional circumstances are individual, departmental, or faculty related situations that are beyond the control of the faculty member and substantially impede normal professional development of the faculty member. The University will normally grant up to two one-year extensions, each tied to a different initiating event. Such a request shall be made no later than the end of the Spring semester prior to the year in which the individual is slated to be reviewed.

2. The following shall be considered a nonexclusive list of personal circumstances that might support such a request:

- **the assumption of parenting responsibilities through** childbirth, ~~or~~ adoption, **foster care, or legal guardianship**
- personal illness or injury
- care of ill or injured dependents, including children, relatives, or any other persons who are dependent on the applicant for care
- death of a spouse, family member, or other closely affiliated person

3. If the extension is granted, an appropriate indication shall be placed in the applicant’s University personnel file and a notification will be sent by the Office of Faculty Affairs to the faculty member, the Chair and the Dean. Appropriate adjustments shall be made to the contract review timetable. All documentation regarding the rationale for the request shall be kept confidential and maintained in a file separate from the faculty member’s official institutional personnel file. This confidential file may be accessed by and must be released to the applicant upon request.

4. No person shall be discriminated against in any promotion and tenure proceedings for seeking or obtaining an extension under this provision.

5. Any faculty member who feels an extension request has been denied inappropriately may bring the case to the attention of the Faculty Ombuds Officer or appeal the decision through the Faculty Grievance Procedure.

B. Procedures for Obtaining a Delay due to ~~Childbirth or Adoption~~ **the Assumption of Parenting Responsibilities[±]**

1. The procedures for obtaining an extension for ~~reasons of childbirth and adoption~~ **the assumption of parenting responsibilities** differ from the procedures for obtaining an extension for other causes. Any tenure-track faculty member who becomes the parent of a child by birth, ~~or~~ **adoption, foster care, or legal guardianship** will automatically be granted a one-year extension of the deadline for tenure review by the provost, upon mandatory written notification by the faculty member's department. A second automatic extension for the ~~birth or adoption~~ **addition** of another child **to the family** will be granted as long as the total number of all extensions does not exceed two.

2. Normally, the process of securing tenure delay should be initiated within a month of the expected arrival of the child. After having been given notice by the faculty member of the child's expected arrival, it is the Chair's responsibility to initiate the formal process. For purposes of record keeping, the Chair shall inform the Dean, Provost, and the Office of Faculty Affairs of the extension and the reasons for granting the extension. The Office of Faculty Affairs will send a written acknowledgment of receipt of notification to the faculty member, the Chair, and the Dean, and ensure that an appropriate indication is placed in the applicant's University personnel file.

3. Although the extension of the deadline for review is automatic, faculty members have the option at any time to be reviewed earlier and obtaining the delay shall be considered normal progress in the promotion process.

C. Other Personal Circumstances

1. Tenure track faculty may request a one-year extension of time for tenure consideration based on personal or professional circumstances such as those listed in A.2.

2. To do so, the faculty member must make a request for extension in writing to the department Chair. The request for extension and the rationale for the request shall be treated confidentially. Only the granting of an extension shall be made public.

3. The Chair may ask for suitable supporting material from the applicant indicating the personal or professional circumstance and how the professional development is substantially

[±] ~~The benefits of this section of the policy are available to a tenure-track faculty member who demonstrates he or she has assumed long-term and substantial parental care-giving responsibilities for a child that are equivalent to those assumed through a legal adoption.~~

impeded, and shall afford the applicant an opportunity for a personal discussion of the extension request. In deciding to recommend the request for a tenure delay, the Chair may take into account the time elapsed since the event under consideration, but the applicant shall not be denied an extension for having attempted to maintain progress towards tenure despite hindering personal or professional circumstances.

4. The Chair shall forward the request with his or her recommendation to the Dean, who shall forward the material with his or her recommendation to the Provost for final approval.



Interim University of Maryland Policy on Faculty Parental Leave and Other Family Supports
(Senate Document #18-19-34)
Faculty Affairs Committee | Chair: Daniel P. Lathrop

Senate Bill 859 - State Employees - Parental Leave provides up to 60 days of paid parental leave up to one year following the birth or adoption of a child. As a result of the new law, the University System of Maryland (USM) revised its Policy on Parental Leave and Other Family Supports for Faculty (II-2.25) and asked all USM institutions to align their policies accordingly. President Loh approved interim changes to the University of Maryland Policy on Faculty Parental Leave and Other Family Supports (II-2.25[A]) on September 19, 2019, pending University Senate review.

Senate Chair Lanford and the Senate Executive Committee request that the Faculty Affairs Committee review the interim faculty policy. Similarly, the Staff Affairs Committee will be asked to review the interim staff policy.

The Faculty Affairs Committee should:

1. Review [Senate Bill 859](#) - State Employees - Parental Leave.
2. Review the USM Policy on Parental Leave and Other Family Supports for Faculty ([II-2.25](#)).
3. Review the interim University of Maryland Policy on Faculty Parental Leave and Other Family Supports ([II-2.25\[A\]](#)).
4. Review the University of Maryland, College Park Policy and Procedures Concerning Adoption Leave for Faculty ([II-2.30\[D\]](#)).
5. Consult with a representative of the Office of Faculty Affairs.
6. Consult with faculty members who have recently utilized the Policy on Parental Leave and Other Family Supports for Faculty about their experiences with parental leave.
7. Coordinate the review of the faculty policy with the Staff Affairs Committee's review of the staff policy in order to ensure consistency across both policies, where appropriate.
8. Consider whether there should be an age limit related to foster parenting or legal guardianship of a child and if so, what that limit should be.
9. Consider whether faculty should be allowed to use accrued sick leave as one of the forms of paid leave used towards their paid Parental Leave period, if they choose.
10. Consider whether foster parenting and legal guardianship should be valid grounds for an extension of time for tenure/permanent status review. If appropriate, review the University of Maryland, College Park Policy on Extension of Time for Tenure Review Due to Personal and Professional Circumstances ([II-1.00\[D\]](#)) and recommend whether revisions are needed.

11. Consider whether the policy should include an appeals process or if appeal rights are appropriately covered under other existing University policies.
12. Consider whether the Policy and Procedures Concerning Adoption Leave for Faculty should remain as a separate policy or if provisions within that policy are already addressed in the Policy on Faculty Parental Leave and Other Family Supports.
13. Consult with a representative of the Office of General Counsel on any proposed changes to the University's policy.
14. If appropriate, recommend whether the interim policy should be revised.

We ask that you submit a report to the Senate Office no later than **February 7, 2020**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.



II-2.30(D) UMCP POLICY AND PROCEDURES CONCERNING ADOPTION LEAVE FOR FACULTY

(Approved by the President August 1, 1991)

I. Policy

All University of Maryland System employees who are eligible to earn sick leave may use earned sick leave up to a maximum of thirty (30) days as adoption leave subject to the following provisions:

- A. Adoption leave is available only in cases of formal adoption; it is not available in any other case including but not limited to legal guardianship or foster care.
- B. Approved adoption leave shall commence on the actual date of custody of the child without regard to the date of legal adoption.
- C. Adoption leave may be authorized only for employees with primary responsibility for the care of the adoptee. In the event that both adoptive parents are State employees, adoptive leave shall be available to only one parent.
- D. As adoption is a planned event, employees planning to request adoption leave must advise their department heads in advance to minimize the effect of the absence.
- E. An employee shall be permitted one period of adoption leave for each instance of adoption. The adoption of more than one individual at any given time shall be treated as a single instance of adoption.

II. Procedures

A. Request for Leave

1. A request for adoption leave must be in writing to the department head and include:
 - anticipated beginning and ending dates;
 - a statement that the employee has primary responsibility for the care of the adoptee;
 - documentation of the adoption.
2. The department head shall recommend approval or disapproval of the request.
3. The request is forwarded to the Vice President for Academic Affairs for approval or disapproval. The decision of the Vice President shall be final.