

Longwood University Faculty Senate
**PROPOSAL/POLICY COVER
SHEET**

This cover sheet is intended to provide information to members of the Faculty Senate about a new proposal/policy or about revisions to an existing proposal/policy. **If you are proposing a new policy, then attach the text of the policy to this form. If you are proposing a change to an existing policy, then attach the text of the current policy with any deleted language marked by a strikethrough and with new language marked by an underline. If you are deleting a policy, then attach the text of the policy to be deleted.**

COMMITTEE(S) that authored or sponsored this proposal: Ad hoc committee on Parental Leave

TOPIC: Revise Parental Leave policy in the light of changes to statutory entitlements for leave for state government employees. Merge Maternity and Parental Leave policies to bring greater clarity and to provide a single point of reference for both policies.

BACKGROUND (Provide a brief statement describing the origins of this proposal, the nature of the problem it addresses, and the work completed to devise the proposal): The governor's executive order, followed by changes to the relevant statute, provided an entitlement to eight weeks of parental leave for mothers and fathers of natural born, adoptive and foster children. This necessitated a change in the existing parental leave policy. The current maternity leave policy provides guidance for expectant mothers and administrators as to the timing and amount of leave to be taken in order to provide for appropriate time to take care of childbirth and immediate post-natal needs of the mother, and to address continuation of students' academic progress. The revised parental leave policy should also address the timing of parental leave and management of students' academic needs. As both maternity leave and parental leave are connected, merging the two forms of leave into a single policy should provide greater clarity on how both policies interact and how both can be managed to ensure disruption to students' educational programs is minimized.

SUMMARY OF NEW POLICY OR PROPOSED CHANGES OR DELETIONS TO AN EXISTING POLICY (Provide a brief list or statement describing the content of the policy or the proposed changes or deletions): The Parental Leave policy is revised to provide eight weeks of parental leave to parents of newborn children, adopted children, and children placed in foster care. The revised policy addresses the timing of parental leave for faculty. The Maternity Leave policy is unchanged, but has been merged with the revised parental leave policy.

RATIONALE FOR THE POLICY OR PROPOSED CHANGES (Provide a brief statement as to why the new policy, the changes, or the deletion is needed): To address changes in state law regarding parental leave for government employees, and to provide greater clarity on both maternity and parental leave for faculty.

Routing information and signature lines:

Date submitted to Senate Executive Committee for Consideration:

Action(s) Taken:

Date first read at Faculty Senate:

Action(s) Taken:

Date final action taken by Faculty Senate:

Action(s) Taken:

Senate Chair: _____

Date submitted to the PVPAA (within 5 working days of Senate approval):

Action(s) Taken:

PVPAA: _____

Date: _____

Date submitted to other administration:

Action(s) Taken:

Administrator: _____

Date (within 15 working days of PVPAA's signature): _____

Date submitted to the Board of Visitors:

Maternity and Parental Leave

Definitions:

Maternity Leave: Maternity leave is a type of paid sick leave and is intended to allow pregnant faculty members to attend to the immediate demands precipitated by the birth of a child.

Parental Leave: Parental leave is a type of paid leave of up to 8 weeks provided to parents of a child through birth, fostering, or adoption of a child under 18 years for the purpose of bonding and adjustment to the significant family change.

Family Medical Leave Act: The Family Medical Leave Act (FMLA) is a federal law that provides for up to 12 weeks of unpaid or paid family and medical leave per year to eligible employees.

Eligible faculty: For maternity leave eligible faculty include all full-time faculty. For parental leave, eligible faculty include full-time tenured and tenure-track faculty, senior lecturers, and senior clinical educators. Lecturers, clinical educators, and visiting faculty of any rank who are eligible for FMLA are also eligible for parental leave.

Commented [BR1]: Current policy is 36 contact hours. Parental leave also applies to birth mothers and is awarded in addition to any maternity leave (This is a change as the current policy prevents birth mothers who receive maternity leave from also receiving parental leave).

Commented [BR2]: Maternity leave eligibility is unaltered and includes all full-time faculty, including new hires. Parental leave eligibility includes all full-time faculty who meet FMLA eligibility, which basically requires them to be employed for at least one year.

Rationale:

Longwood University recognizes that birth mothers require leave that is associated with the birth process itself and the consequent recovery period, and that all parents of newborn, adoptive and foster children need time to bond with the new addition to the family and to manage this significant life change. The policy addresses these needs, and strives to ensure that such leave is managed to minimize negative effects on students' educational progress; and to comply with Virginia Code 2.2-1210 with regards to parental leave.

Policy:

Maternity Leave: As faculty teaching obligations generally fall into two distinct fifteen-week semesters during an academic year, the timing of maternity leave will have a bearing whether a faculty member should be excused from all teaching responsibilities during a semester in order to allow for planning to minimize disruption to students' educational experiences.

Commented [BR3]: This section restates the existing maternity leave policy in, hopefully, a clearer manner.

1. **Fall Semester:** In cases where the birth is expected prior to the thirteenth week of the fall semester, the faculty member will be excused from classroom duties for the fall semester. When the due date falls after the thirteenth week of the fall semester the faculty member normally will be expected to teach her usual course load for fall course assignments and be excused from classroom duties during the spring semester.
2. **Spring Semester:** When the due date falls prior to the thirteenth week of the spring semester, the faculty member will be excused from classroom duties for the spring semester. When the due date falls after the thirteenth week of the spring semester, the faculty member will be expected to teach her usual course load for spring course assignments.

3. Summer: When the due date falls after the thirteenth week of the spring semester and prior to July 15th, the faculty member is expected to have completed maternity leave prior to the beginning of the fall semester. In such cases the birth mother may be entitled to parental leave that affects her teaching and other duties during the fall semester (see policy statement on parental leave below). When the due date falls after July 15, the faculty member will be excused from classroom duties for the fall semester.

If the due date is in the last two weeks of a 15-week semester, the faculty member, in consultation with the department chair, dean, and Registrar, may schedule some classes early in the term in anticipation of possibly missing classes late in the term. The department chair and dean will work with the faculty member to ensure that classes are covered and examinations are given in accordance with the schedule of the university.

Prior to the due date, based on consultation between the faculty member, the department chair and the dean, the faculty member will be expected to participate in select non-classroom duties that do not require the faculty member to be on campus, such as directing independent studies, course preparation, pedagogical research, scholarship and other duties that faculty normally carry out beyond the classroom (when medically capable).

Parental Leave: Eligible faculty are entitled to 8 weeks of parental leave. Parental leave is separate from maternity leave.

The leave must be taken consecutively during a period within the first six calendar months after the birth, adoption, or placement occurs. All parental leave must be completed by the end of the six month period. Parental leave of up to 8 weeks shall be only taken once in a 12-month period and only once per child.

Similarly to maternity leave, the timing of parental leave may have an impact on a faculty member's availability during a regular semester. Arrangements for parental leave and replacing faculty during their absence should strive to minimize disruption to students' classroom instruction and learning. Thus, parental leave should be taken to coincide with the beginning or end of a semester, rather than in the middle of the semester. Additionally, two parents in the same department are encouraged to work with the department chair on scheduling leave to minimize any harm to the students' educational experience.

Faculty will be expected to participate in classroom and non-classroom duties to the fullest extent possible during that portion of the semester when they are not on leave.

Parental leave may include time between semesters. Faculty will not receive any compensation for being unable to teach course(s) during any period of parental leave taken outside of the usual fall and spring semesters.

Faculty on parental leave may not continue to work and receive compensation from external grants and contracts managed through Longwood University. Longwood will not replace any stipend/salary that would have been earned by the faculty member through the grant/contract during the faculty member's leave.

Commented [BR4]: Eight weeks is required by statute.

Commented [BR5]: The statute gives some flexibility to institutions to circumscribe the period allowed for parental leave. The policy for taking the leave in one consecutive eight week period was proposed to minimize disruption to students' classroom experiences. The statute does require completion of leave within six months, and that it only can be taken once in a 12 month period and once per child (e.g. if leave were taken for a fostered child, it could not be awarded for the adoption of the same child).

Commented [BR6]: This is proposed as a best practice.

Commented [BR7]: This is in contrast to maternity leave, in that the faculty member on parental leave is expected to be in the classroom insofar as possible during the portion of the semester they are not on leave.

Commented [BR8]: This is unlikely to ever occur as the parental leave period is for "up to 8 weeks", and the faculty member may elect to take a shorter period of leave.

Commented [BR9]: This is primarily related to faculty who have contracts that operate during the semester.

Maternity and Parental leave in the same semester and over the summer:

1. Fall semester: If a birth mother who has been excused from classroom duties for the fall semester gives birth and completes her medical recovery period by the 12th week of that semester, she shall take her eight weeks of parental leave so that the end of the leave is prior to the beginning of classes for the following spring semester. In such cases, the faculty member will inform the department chair of the beginning date of her eight-week period of parental leave.
2. Spring semester: If a birth mother has been excused from classroom duties for the spring semester, she shall take her eight weeks of parental leave to conclude prior to the beginning of the fall semester.

Procedures:

Request for Leave: With the exception of **unexpected** circumstances, faculty members must notify their department chair in writing (copying the Department of Human Resources) of their request for maternity and/or parental leave at least 90 days prior to the date the leave is to begin.

Development of a Plan: In consultation with their department chair, the faculty member should develop a plan that contains details of faculty duties, addressing teaching, scholarship, and service, in that particular semester when the faculty member is on leave. Some examples of such altered duties might include:

- Teaching two courses (if a faculty member teaches a four course load) on an accelerated seven-week timeline.
- Team teaching some courses during the semester with another faculty member teaching while the person is on leave, and taking over teaching responsibilities when not on leave.
- Taking on additional significant service duties when not on leave.
- Revised expectations for scholarship productivity.

Faculty with significant service/non-teaching duties that are part of their contracts (e.g. department chairs, program coordinators, assistant deans, etc.), and whose duties would need to be covered during their absence while on leave, also should consult with their supervisors to devise strategies for coverage of these duties.

Faculty who have commitments to external grants or contracts should consult with the project director/principal investigator, the Associate Provost for Research and Academic Initiatives, and with the grant/contract sponsor when applicable to ensure adequate management of the sponsored activity during the faculty member's leave.

Interaction with Annual Evaluation: Any alterations to the criteria for the annual faculty evaluation should be included as part of the plan. Altered criteria may involve lowering minimum percentages of teaching, scholarship, and/or service in a typical faculty evaluation. The department chair and college dean must approve the plan for altered criteria, including any potential reductions in percentages.

Approvals and Notifications: The dean must approve the plans for coverage of duties developed by the department chair and faculty member. For those faculty on maternity leave, the department chair will notify the dean of the request and make any necessary adjustments to the class schedule for the following semester, making every effort to find faculty coverage for courses that were to be taught by the faculty

Commented [BR10]: In combining maternity and parental leave for a birth mother the committee felt it was reasonable to expect that one semester of leave would be sufficient in most cases. However, as the extent of maternity leave is not rigidly set, but varies depending on the individual nature of the birth and recovery process, it is possible that a birth mother could have her parental leave extend into the following semester.

Commented [BR11]: The original wording had "unusual and unexpected". Some unexpected events could be quite usual (e.g. zero notice fostering) so it was felt that "unusual" should be removed.

Commented [BR12]: The requirement for the development of a plan is currently only in the parental leave policy. The committee felt that it made sense to include developing a plan for both types of leave.

Commented [BR13]: These expectations are not to be confused with expectations for tenure and/or promotion, but are in the context of anticipated activities during that part of the semester not on leave.

Commented [BR14]: Again, this section does not address any changes in P&T, but just in the proportions related to faculty professional obligations brought on by the leave.

Commented [BR15]: Plans must now be approved by the dean. Currently the dean is only notified of plans.

member on leave rather than canceling the class. The dean will notify and work with the Provost and Vice President for Academic Affairs to ensure that the department chair will have adequate funding to pay for course coverage. The dean also will notify the Provost and Vice President for Academic Affairs of approved parental leave requests planned for the semester, along with the approved plan for activities during the portion of the semester off leave.

Interaction with Tenure: In accordance with the “Policy on Stopping the Tenure Clock,” the faculty member requesting leave may also request a stop of the tenure clock at the onset of the approved leave.

Interaction with Family Medical Leave Act: Eligible faculty may apply to Human Resources to take unpaid leave through the Family Medical Leave Act in addition to maternity and/or parental leave. However, the paid leave shall run concurrently with leave provided under the Family and Medical Leave Act.

Commented [BR16]: This is the federal law requirement. In practice any maternity and/or parental leave taken will likely use up a significant amount of FMLA leave entitlements.

Date:

EE. MATERNITY LEAVE

1. Eligibility

The following full-time female faculty members shall be eligible for paid maternity leave as specified in this policy:

- i. Tenured faculty;
- ii. Tenure track faculty;
- iii. Lecturers, senior lecturers, clinical educators and senior clinical educators.

2. Definition of Leave

Maternity leave is a type of paid sick leave and is intended to allow pregnant faculty members to attend to the immediate demands precipitated by the birth of a child without interrupting continuity of students' educational experience. In cases where the birth is expected prior to the thirteenth week of the fall semester, the faculty member will be excused from classroom duties for the fall semester. When the due date falls after the thirteenth week of the fall semester or prior to the thirteenth week of the spring semester, the faculty member normally will be expected to teach her usual fall course load for fall course assignments and be excused from classroom duties during the spring semester. When the due date falls after the thirteenth week of the spring semester, the faculty member will be expected to teach spring semester and return to teaching on the first day of classes in the fall semester. When the due date falls after July 15, the faculty member will be excused from classroom duties for the fall semester. If the due date is in the last two weeks of a 15-week semester, the faculty member, in consultation with the Department Chair, Dean, and Registrar, may schedule some classes early in the term in anticipation of possibly missing classes late in the term. The Department Chair and Dean will work with the faculty member to insure that classes are covered and examinations are given in accordance with the schedule of the university.

Based on consultation between the faculty member, the Department Chair and the Dean, the faculty member will be expected to participate in select non-classroom duties that do not require the faculty member to be on campus, such as, directing independent studies, course preparation, pedagogical research, scholarship and other duties that faculty normally carry out beyond the classroom (when medically capable). Faculty members are expected to resume all duties in the semester they return.

A faculty member may not receive both maternity leave and parental leave. Maternity leave is intended for birthing mothers. Parental leave is designed for fathers, as well as women who become mothers by adopting or taking in foster children. In cases in which both parents work in the same department, both parents should coordinate maternity and parental leave time in consultation with the department chair in order to prevent overlapping leaves that would be detrimental to the workings of the department.

3. Process for Requesting Leave

With the exception of unusual and unexpected circumstances, faculty members must notify their Department Chair in writing (copying in the Department of Human Resources) of

their request for maternity leave at least 90 days prior to the date the leave is to begin. The Department Chair will notify the Dean of the request and make any necessary adjustments to the class schedule for the following semester, making every effort to find faculty coverage for courses that were to be taught by the faculty member on leave rather than canceling the class. The Dean will work with the Provost and Vice President for Academic Affairs to ensure that Department Chairs will have adequate funding to pay for course coverage.

The faculty member should include in their request any alterations to the criteria for the annual faculty evaluation. Altered criteria may involve lowering minimum percentages of teaching, scholarship, and/or service in a typical faculty evaluation; the Chair and college Dean must approve any such reductions.

4. Interaction with Tenure

In accordance with the “Policy on Stopping the Tenure Clock,” the faculty member requesting maternity leave may stop the tenure clock at the onset of the approved leave.

5. Interaction with Family Medical Leave Act

Faculty may take unpaid leave through the Family Medical Leave Act in addition to maternity leave.

Reference: Faculty Senate, March 8, 2012, February 1, 2018. Board of Visitors, June 2012, June 8, 2018.

GG. PARENTAL LEAVE

1. Eligibility

The following full-time faculty members shall be eligible for paid parental leave as specified in this policy:

- i. Tenured faculty;
- ii. Tenure track faculty;
- iii. Lecturers, senior lecturers, clinical educators and senior clinical educators.

2. Definition of Leave

Recognizing that fathers and women who become mothers through adoption or state placement of a child need some time to adjust to the significant family change, eligible faculty members may request flexibility in course delivery up to 36 contact hours in a semester. Should both parents be eligible faculty members, the 36 contact hours may be divided between the parents. The leave may be taken intermittently throughout the semester in which the birth, adoption, or placement occurs; the leave does not need to be taken in consecutive days or weeks.

A faculty member may not receive both parental leave and maternity leave. Parental leave is designed for fathers, as well as women who become mothers by adopting or taking in foster children. Maternity leave is intended for birthing mothers. In cases in which both parents work in the same department, both parents should coordinate parental and/or maternity leave time in consultation with the department chair in order to prevent overlapping leaves that would be detrimental to the workings of the department.

3. Process for Requesting Leave

With the exception of unusual and unexpected circumstances, faculty members requesting paid parental leave must simultaneously notify their Department Chair and the Department of Human Resources in writing of their request at least 90 days prior to the beginning of the semester in which the leave will be taken. The faculty member must provide the Department Chair with a detailed plan for covering the course content that will be missed at least 30 days prior to the anticipated first day of parental leave. Examples of alternative, flexible course delivery methods include, but are not limited to, delivering lectures via distance technology, inviting guest lecturers to class, and offering a course on a more condensed schedule. The Department Chair will notify the Dean of the request and share the class coverage plan with the Dean. The Dean will notify the Provost and Vice President for Academic Affairs of approved paid parental leave requests planned for the semester.

The faculty member should include in their request any alterations to the criteria for the annual faculty evaluation. Altered criteria may involve lowering minimum percentages of teaching, scholarship, and/or service in a typical faculty evaluation; the Chair and college Dean must approve any such reductions.

4. Interaction with Tenure

In accordance with the “Policy on Stopping the Tenure Clock,” the faculty member requesting parental leave may stop the tenure clock at the onset of the approved leave.

5. Interaction with Family Medical Leave Act

Faculty may take unpaid leave through the Family Medical Leave Act in addition to parental leave

Reference: Faculty Senate, March 8, 2012, February 1, 2018; Board of Visitors, June 2012, June 8, 2018.