To: Faculty Senate Executive Committee

From: Faculty Senate Diversity Subcommittee
       Dr. Antonio Cepeda-Benito, Chair

Re: Proposed Parental and Probationary Extension Rules for Faculty Members at Texas A&M University

Attached please find a proposal for new parental and probationary extension rules for Texas A&M faculty. We move that the Faculty Senate approve this resolution and forward to President Gates for implementation.
OUTLINE OF PROPOSED PARENTAL AND PROBATIONARY EXTENSION RULES FOR FACULTY MEMBERS AT TEXAS A&M UNIVERSITY

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I. RESOLUTION RATIONALE

In 1993 Congress passed the Family and Medical Leave Act (FMLA), which was intended to minimize the potential for employment discrimination based on gender and pregnancy and to promote equal employment opportunities for men and women, while accommodating employers’ needs for workplace efficiency. The FMLA provides, however, for only 12-weeks of unpaid leave, which, as the American Association of University Professors (AAUP) points out, can be inadequate. The AAUP encourages “educational institutions to go beyond the minimum coverage prescribed by the FMLA.”

The AAUP also notes that the demographics of higher education have changed significantly since the 1970s. This makes accommodating faculty members’ parental needs important for many reasons. Firstly, family-friendly policies and benefits are increasingly important criteria by which academics – both women and men – evaluate their career options; thus, higher education is joining other employment sectors in offering greater numbers of such benefits to its employees. As institutions of higher education seek to hire and retain high quality faculty, they compete not only with other colleges and universities but also with employers outside the academy.

The second reason that the Faculty Senate should support this resolution is a matter of fairness and non-discrimination. As the AAUP notes, the conflict between work and family burdens that many faculty experience tends to fall more heavily on women than men, thereby ensuring that many women who are tenure-track faculty either have no children or have fewer children than they wanted to. It should be the goal of every institution to create an academic community in which all members are treated equitably, families are supported, and family-care concerns are regarded as legitimate and important. These proposed rules are an important first step in achieving such a goal. In this regard, it is also important to note that individual colleges and departments on the TAMU campus already have parental teaching relief policies in place. This proposal would formalize a set of rules for the campus, thus ensuring equitable treatment across colleges and departments.

Thirdly, the development and implementation of institutional policies that enable the healthy integration of work responsibilities with family life in academe require renewed attention because the University, its colleges, and departments have a vested interest in the long-term productivity of their faculty. These policies are designed to protect the University’s investment in its faculty members. As Joan C. Williams notes in The Chronicle of Higher Education:

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It makes no sense for universities to hire a female professor, spend thousands of dollars setting up her lab, only to have her depart because she needs a maternity leave or a part-time schedule [. . .] We’re not talking gender equity here. We’re talking raw economics. Outside the sciences, the costs of attrition are those that apply to all professionals. According to standard estimates, replacing departing workers costs from 75 to 150 percent of their annual salaries.

Williams also points out the following potential pitfalls for universities with unfriendly family policies: loss of a good portion of the talent pool; poor morale, resulting in low productivity; the high cost of health insurance due to stress, burnout and high rates of infertility; and finally, the potential for litigation. According to Williams, “lawsuits alleging discrimination on the basis of pregnancy have increased 131 percent in 12 years.”4 Thus, the implementation of family-friendly policies is not only the right thing to do, it also makes good sense from a business perspective. The following recommendations describe options that will help to attract and retain more top scholars, teachers, and researchers and aid Texas A&M in achieving the goals outlined in Vision 2020.

II. INTRODUCTION
A. Purpose. This document describes the proposed parental rules for faculty at Texas A&M University. These rules are modeled after policies developed at Harvard Law School and include provisions of the Family and Medical Leave Act (FMLA).

B. FMLA. The FMLA allows an eligible employee up to a total of 12 workweeks of unpaid leave during any 12-month period for one or more of the following reasons: (1) for the birth and care of the newborn child of the employee; (2) for the adoption or foster care of a child with the faculty member; (3) to care for an immediate family member (spouse, child, or parent) with a serious health condition; or (4) to take medical leave when the employee is unable to work because of a serious health condition.

C. Current TAMU Rules. Texas A&M University currently follows the federally mandated FMLA guidelines. In addition, Texas A&M University allows for extensions to the probationary period that may be granted upon petition by the faculty member, recommendation by the Department Head and Dean, and approval by the Dean of Faculties. Extensions are usually for one year, but a longer period may be requested in compelling circumstances. Any extension greater than one year must be approved by the Provost. A faculty member may petition for an extension in the following cases:

1. The faculty member is taking leave without pay, or a reduction in service to 50% time for a semester or academic year, provided the leave is not taken solely for the purpose of pursuing activities that will enhance the faculty member’s qualifications for tenure and promotion.

3 Ibid.

4 Ibid.
2. The faculty member has encountered circumstances that may seriously impede progress toward demonstration of qualification for the award of tenure and promotion. Such circumstances might include (but are not limited to):
   a) serious illness or injury
   b) having responsibility for the primary care of an infant or small child
   c) having responsibility for the primary care of a close relative who is disabled, elderly or seriously ill
   d) any serious disruption of the probationary period for unexpected reasons beyond the faculty member’s control.

**D. Definition of Terms**

1. **Dean of Faculties.** In this document, the term “Dean of Faculties” refers to the university level Dean or the Dean’s designate who works with faculty members in all colleges and university divisions to implement the university’s parental and probationary extension rules.

2. **Dean.** In this document, the term “Dean” refers to the Dean of any College or the Dean’s designate for the implementation of the university’s parental and probationary extension rules.

3. **Department Head.** “Department Head” refers to the administrative head of department where the faculty member resides.

4. **Teaching Faculty.** The term “teaching faculty” includes: (a) persons holding tenure-track or tenured appointments at Texas A&M University; (b) persons holding titles with the word “professor” in them who teach and/or supervise research under a multiyear contract of employment with the University of not less than three years duration, and who carry teaching loads of at least 9 course credit hours per academic semester, and (c) persons employed by the University as lecturers for not less than three years or who hold the title of “senior lecturer”. Faculty in category (b and c) will be referred to as “other qualified faculty members.”

5. **Non-Teaching Faculty.** The term “non-teaching faculty” includes: (a) persons holding tenure-track or tenured appointments at Texas A&M University who perform non-teaching related functions for the university, including, but not limited to administrators, librarians, and clinicians; and (b) persons holding positions at the university with the word “professor” in them under a multiyear contract of employment of not less than three years duration, and who perform non-teaching related functions, including, but not limited to administrators, librarians, and clinicians.

6. **Partner.** Consistent with the University’s Equal Opportunity Employment Policy, the term “partner” will be used to refer to either the spouse or the domestic partner of a faculty member, including the domestic partners of unmarried faculty irrespective of sexual orientation.

7. **Child.** The term “child” refers to the dependent child of the faculty member and/or her/his partner.

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8. **Primary Caregiver.** The term “primary caregiver” refers to a faculty member who is the sole caretaker of his or her newborn or newly adopted child at least 20 hours a week during the faculty member’s normal working hours.

**E. Timely Notice.** The faculty member must provide as much advance notice as possible when the need for teaching relief or probationary extension can be anticipated (e.g., based on an expected birth, placement of a child for adoption or foster care). When the situation is unanticipated (e.g., unanticipated notification of adoptee availability), the faculty member must provide notice as soon as possible, typically within one or two business days. The Department Head and Dean of Faculties should be informed of the semester(s) when the teaching relief will begin and end. Parental teaching relief requests should be made in writing to the Department Head and Dean of Faculties, whereas requests for extensions to the probationary period should be made in writing to the Dean of Faculties.

**F. Integration with Existing System Rules and Laws.** The proposed rules in this document are designed to be consistent with the provisions of the Texas A&M Faculty Manual, the written employment policies and practices of Texas A&M University, and applicable state and federal laws. Questions about the rules in this document should be directed to the Office of the Dean of Faculties.

**III. PARENTAL RULES**

**A. Parental Teaching Relief Rule For Teaching Faculty**

1. **Purpose.** The University’s parental teaching relief rule is designed to provide relief from teaching obligations to faculty members who are the primary caregivers to their newborn infant, or to their newly adopted infant or child (up to age 12). This rule is also designed to protect the University’s investment in new faculty (e.g., start up packages, space, recruiting expenses, etc.) by allowing new hires serving as primary caregivers to give priority to their research program during their probationary period. Although junior faculty will have ample opportunity to demonstrate their competency as teachers during the probationary period, their research careers can be seriously compromised by the loss of one or two semesters of research and scholarly activity during this critical period of professional development. This rule also applies to tenured faculty because research productivity continues to be a main criterion for promotion to full professor. After the probationary period, time for research is significantly limited by additional duties (e.g., supervision of graduate students, committee work, national service, etc.), which can compromise promotion to full professor for faculty who have decided to delay parenting until after they have tenure.

2. **Rule.** A faculty member who is serving as a primary caregiver for his or her newborn or newly adopted child for 20 hours a week during the faculty member’s normal working hours would qualify for full relief from teaching for one semester or half-time relief for two semesters, while remaining in active service status. The teaching relief must be taken within one year of the birth or adoption. However, when dealing with a newborn or adopted child with special needs, the faculty member may petition the department head to take the teaching relief at a later time. The timing of the teaching relief will be determined by the faculty member in consultation with her/his Department Head. A faculty member serving as primary caregiver for 10 hours a week
during the week can request half-time teaching relief rather than the full relief that is
allocated to faculty members with a 20 hour a week primary caregiver role. In cases of dual
career faculty couples, the couple can decide whether to split the teaching relief, with each
partner receiving half-time teaching relief for one semester. Alternatively, the couple may decide
to allocate the teaching relief to one partner. During the period of teaching relief, the faculty
member will receive her/his full pay throughout the year and will be considered to be in active
status. The teaching relief allocation for birth or adoption does not change in cases of multiples
(e.g., twins, triplets) or for the adoption of multiple children within the same semester. Rather,
the teaching relief allocation is determined by the “event” of birth or adoption of either single or
multiples, and the number of hours during the workweek that the faculty member serves as the
sole primary caregiver.

3. Other Non-Teaching Duties Not Affected. When a faculty member receives teaching relief
under the parental teaching relief rule she/he is required to satisfy all non-teaching job-related
obligations, including but not limited to research and scholarly activities, supervising graduate
and undergraduate research, holding office hours, attending meetings of the faculty, and service
on departmental, college, and university level committees.

4. Faculty Parents Who Are Not Primary Caregivers. Faculty parents who decide not to serve
as a primary caregiver for their newborn or newly adopted child are ineligible for the benefits
under this rule if someone else is providing the primary care (e.g., a partner, parent, other family
member, or a child care provider).

5. Application. When faculty apply for parental teaching relief, whether paid or unpaid, they
must discuss their plans with their Department Head and Dean of Faculties at the earliest
opportunity, as discussed in Part I(E). The goal of this meeting is to determine the faculty
member’s eligibility as primary caregivers and the potential impact the teaching relief will have
on the department’s teaching plan. In order to receive the teaching relief benefit, the faculty
member claiming status as primary caregiver should be prepared to sign a written statement
attesting that this is true.

B. Parental Workload Reduction Rule For Non-Teaching Faculty

1. Purpose. The University’s parental teaching relief rule is designed to also provide a workload
reduction for non-teaching faculty members who are the “primary caregivers” to their newborn
or newly adopted children. The percentage workload reduction should be equivalent to the
reduction provided to teaching-related faculty receiving teaching relief as described in Part III
(B). For most university teaching faculty, the percentage workload involved in teaching a single
course is 20%. Thus, relief from one course would translate into a 20% workload reduction for
non-teaching faculty, while relief from two courses would translate into a 40% workload
reduction. All other definitions, criteria, and language described in Part III (B) apply to this
section, except where specified below.

2. Rule. A faculty member who is serving as a primary caregiver for his or her newborn or newly
adopted child for 20 hours a week during the faculty member’s normal working hours would
qualify for a 40% workload reduction for one semester or a 20% workload reduction spread
across two semesters. The distribution of the workload reduction will be determined by her/his
Department Head in consultation with the faculty member and the Dean of Faculties. Alternatively, a faculty member serving as sole primary care for 10 hours a week during the work week for one semester can request a 20% workload reduction. When requesting the workload reduction, the faculty member designates that he or she will be a “primary caregiver”. In cases of dual career faculty couples, the couple can decide whether to split the workload a reduction, with each partner receiving a 20% workload or teaching relief from one course for teaching faculty partners. Alternatively, the couple may decide to allocate the 20% or 40% workload reduction to one partner. During the workload reduction period, the faculty member will receive her/his full pay throughout the year and will be considered to be in active status. The workload reduction allocation for birth or adoption does not change in cases of multiples (e.g., twins, triplets) or for the adoption of multiple children within the same semester. Rather, the workload reduction is determined by the “event” of birth or adoption of either single or multiples, and the number of hours during the workweek that the faculty member serves as the sole primary caregiver.

3. Other Job-Related Duties Not Affected. When a faculty member receives a workload reduction under the parental workload reduction rule she/he is required to satisfy all other job-related obligations.

5. Faculty Parents Who Are Not Primary Caregivers. Faculty parents who decide not to serve as a primary caregiver for their newborn or newly adopted child are ineligible for the benefits under this rule if someone else is providing the primary care (e.g., a partner, other family member, or a child care provider).

6. Application. When faculty apply for a parental workload reduction, whether paid or unpaid, they must discuss their plans with their Department Head and Dean of Faculties at the earliest opportunity, as discussed in Part I (E). The goal of this meeting is to determine the faculty member’s eligibility as primary caregiver and the potential impact the workload reduction will have on her or his department. In order to receive the workload reduction benefit, the faculty member claiming status as primary caregiver should be prepared to sign a written statement attesting that this is true.

C. Childcare Probationary Period Extension Rule

1. Purpose. The purpose of the University’s childcare extension to the probationary period rule is to provide flexibility in the timing of promotion review for Assistant Professors, and reappointment review for other qualified faculty members, in order to accommodate their substantial and sustained responsibility for their children. In addition, the rule is designed to reduce administrative and interpersonal barriers to requesting childcare probationary period extensions.

2. Rule. An Assistant Professor, or other qualified faculty member, who assumes substantial and sustained responsibility for the care of his or her newborn, newly adopted, or preschool child will receive support for an extension to the probationary period, with the exception noted in subsection (4) below. In cases where an Assistant Professor, or other qualified faculty member, has previously received teaching relief under the parental teaching relief rule, the faculty member will automatically receive support for a one-year extension. In cases where parental teaching
relief has not been previously allocated, the faculty member must apply for an appointment extension and satisfy the requirements described below (3). If an extension to the probationary period is granted, the faculty member may decide to decline the extension or to accept it understanding that they may choose to be reviewed for tenure at any appropriate time during the probationary period without prejudice. If the faculty member decides to decline the extension, she/he will not be considered an early tenure case and she/he will be reviewed according to normal standards.

3. Requirements. To qualify for an extension of appointment under this rule, the Assistant Professor or other qualified faculty member, must demonstrate, to the satisfaction of the Dean of Faculties, substantial and sustained responsibility for his or her child. “Substantial and sustained responsibility” refers to a faculty member who is the primary caregiver of his or her newborn, newly adopted, or preschool child at least 20 hours a week during the faculty member’s normal working hours for at least one semester during the term of the initial appointment or any previous extensions of the appointment. A faculty member shall not be deemed a “sole primary caregiver” when any part of the required 20 hours is performed by someone other than the faculty member.

4. Length of Extension. Extensions of appointments are usually granted for one year from the date of the expiration of the initial contract of employment or prior extensions, but a longer period may be requested in compelling circumstances. The Provost must approve any extension greater than one year. Additional years of extension may be granted when additional children are born to or adopted by the Assistant Professor or qualified faculty member during the probationary period.

5. Rule Exception. If an Assistant Professor or other qualified faculty member has been informed by the Department Head or Dean that his or her contract of employment will not be renewed, the benefits of this rule do not apply.

6. Application.
   a. Process. To apply for an extension to the probationary period, the faculty member should send a letter to the Dean of Faculties through the Department Head and the Dean. This letter should indicate the requested dates of extension and document the applicant’s substantial and sustained responsibility for the care of his or her child.
   b. Timing. The applicant should submit this letter as far in advance of his or her tenure or performance review as possible. The applicant’s involvement in substantial and sustained responsibility for his or her child must have begun prior to the start of tenure review for Assistant Professors or performance review for other qualified faculty. The start date of tenure or performance review will be determined by the home department’s time table for tenure and performance review and will occur during the last year of the applicant’s employment contract or any previous extensions (including extensions granted apart from the childcare appointment extension rule). However, a written statement by the Department Head to the faculty member documenting a different date for the start of tenure or performance review may be submitted.

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