

II-2.25 – POLICY ON PARENTAL LEAVE AND OTHER FAMILY SUPPORTS FOR FACULTY

(Approved by the Board of Regents on June 22, 2012; Amended on April 20, 2018, Amended on June 21, 2019.)

I. PURPOSE

This Policy is intended to support faculty in balancing professional and family demands during and after the birth or adoption of a child through a combination of measures to promote a family-friendly environment on each University System of Maryland (USM) campus. These measures include:

- A. A minimum assured period of paid parental leave of twelve (12) weeks;
- B. The adoption of Family Support Plans at each Institution;
- C. Minimum requirements to extend the time for tenure review for new parents; and
- D. The availability of lactation facilities on each campus.

II. ASSURED MINIMUM PARENTAL LEAVE

Each eligible faculty member shall be assured a period of up to twelve (12) weeks of continuous paid parental leave to care for a new child, as follows:

A. Nature of Leave

The parental leave period shall consist of any form of annual and personal leave available for use under USM BOR Policy II-2.40 – Policy on Annual Leave for Faculty, holiday leave for holidays observed during parental leave, or discretionary paid administrative leave granted to an institution’s employees by the President for institutional closures that occur during an 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. If none of these categories of leave is available to the faculty member, supplemental paid leave days shall be provided by the Institution to attain the twelve (12) week paid parental leave assurance. As a matter of institutional policy, Institutions may permit employees to substitute use of accrued sick leave for annual leave in order to qualify for supplemental paid leave.

B. Interaction of Leave with the Family and Medical Leave Act

All leave taken during the parental leave period (annual, personal, sick, collegial, holiday, administrative or supplemental paid parental leave) shall run concurrently with any available FMLA leave (“FML”) per Section IV of 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. The Institution shall administer both policies concurrently.

C. Applicability

The twelve (12) week paid parental leave assurance shall be available on a continuous basis during a six- (6-) month period surrounding:

1. The birth of a child;
2. The adoption of a child; and
3. At the discretion of the Institution's chief academic officer and subject to any limitations established by the Institution, the assumption of other parenting responsibilities, such as foster parenting or legal guardianship of a child under the age of six (6).

D. Eligibility

At a minimum, the paid leave assurance shall apply to tenured and tenure-track faculty, and non-tenure-track faculty with multi-year contracts, upon written affirmation that the faculty member will be the child's primary caregiver during the parental leave period, subject to the following:

1. Institutions may offer assured minimum paid leave to other categories of faculty as a matter of institution policy;
2. Leave shall be pro-rated for eligible part-time faculty; and
3. If a child's parents are employed by the same Institution, both parents may be eligible for paid parental leave as follows:
 - a) Both parents may concurrently use accrued annual, sick, holiday, collegial or personal leave with the birth of a child or adoption of a child; and
 - b) A parent may use supplemental guaranteed paid leave under II.A. of this Policy only during a period when that parent is the child's primary caregiver.
4. A faculty member shall be eligible for assured minimum paid parental leave after six (6) months of employment with the Institution, except to the extent that institution policies permit, and the terms of the faculty member's appointment establish a lesser eligibility period.
5. A faculty member may be eligible for paid parental leave under this Policy on one occasion in any twelve- (12-) month period.
6. Parental leave for faculty must be used continuously; it is not available on an intermittent basis.

III. FACULTY FAMILY SUPPORT PLANS

USM Bylaws, Policies and Procedures of the Board of Regents

Each Institution shall assure that each eligible faculty member, as defined below in Section III.C, has the opportunity to establish a “Family Support Plan.” These plans are intended to provide support for new parents while assuring that continuity in student instruction and other critical faculty duties are not disrupted during periods of parental leave.

A. Plan Development

The plan shall be developed jointly by the faculty member and department chair, or the designee of the chair or the dean, upon request of the faculty member.

1. If the faculty member and department chair are unable to finalize the plan, or if an agreed-upon plan requires additional resources, the appropriate dean or other academic affairs administrator shall participate in completing the plan.
2. Each completed plan shall be shared with the appropriate dean or other academic affairs administrator.

B. Plan Content

The plan shall allow the faculty member to reduce or otherwise modify workload, especially teaching duties, during parental leave, though a combination of:

1. Leave, including:
 - a) Exhaustion of all available annual, personal, and holiday leave;
 - b) Additional paid parental leave, as needed, up to the twelve (12) week total; and
 - c) Any additional leave for which the faculty member may be eligible under USM BOR policy II-2.31 – Policy on Family and Medical Leave for Faculty.
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) The spreading of the semester’s teaching responsibilities over multiple terms preceding and succeeding the parental leave period;
 - c) Redistribution of duties to substitute a teaching assignment with other departmental or academic service; and/or
 - d) Other options identified by the Institution or department.

C. Eligibility

Each tenured or tenure-track faculty member whose responsibilities are primarily

instructional is eligible for a Family Support Plan, subject to the eligibility standards of Section II.D.1 through .5 of this Policy. Institutions may offer the opportunity to develop a Family Support Plan to other categories of faculty as a matter of institution policy.

IV. EXTENSION OF TIME FOR TENURE REVIEW

A. Minimum Requirements

Each USM Institution shall establish policies and procedures to permit faculty members who become new parents with the birth or adoption of a child to extend the time for tenure review. At a minimum, institution policies shall provide for:

1. A one- (1-) year extension of the time for tenure review upon the birth or adoption of a child to run concurrently with any extension provided under USM BOR policy II-2.31 – Policy on Family and Medical Leave for Faculty; and
2. The ability to obtain such an extension twice during employment with an Institution.

B. Institution Procedures

Institution procedures may include requirements related to the timing and content of applications for the extension, documentation of eligibility and other aspects of the process for requesting and administering extensions of the time for tenure review.

C. Additional Institution Provisions

An Institution's policies to extend the time for tenure review may be broader in scope than the minimum eligibility and duration requirements specified in this Policy.

V. SUPPORTS FOR NURSING MOTHERS

A. Lactation Facilities

Each Institution shall provide space at reasonable locations on campus where employees who are nursing mothers may express milk.

1. The area must be shielded from view and free of intrusions from others.
2. A bathroom or restroom may not be designated as a lactation area.
3. 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.
4. The area shall be equipped with seating, a table or other flat surface, an electrical outlet and nearby access to a sink.

B. Breastfeeding

USM Bylaws, Policies and Procedures of the Board of Regents

The requirement for lactation facilities on each campus and their availability for the purpose of breastfeeding a child are subject to institution policies that govern the circumstances under which the children of employees may be present on campus.

VI. PROTECTIONS FOR FACULTY

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 Policy.

IMPLEMENTATION PROCEDURES

Each President shall identify his/her designee(s) as appropriate for this Policy; develop procedures as necessary to implement this Policy; communicate this policy and applicable procedures to employees at his/her Institution and the general campus community; and post this Policy on the institutional website. Each President shall forward a copy of such designations and implementation procedures to the USM Chancellor.