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MEMORANDUM

DATE: February 9, 2010

TO: Marilyn Sheerer, Provost and Senior Vice Chancellor  
for Academic and Student Affairs  
Phyllis N. Horns, Vice Chancellor for Health Sciences  
Deirdre M. Mageean, Vice Chancellor for Research and Graduate Studies

FROM: The Women's Studies Program Executive Committee:  
Cheryl Dudasik-Wiggs, Director  
Lynn Caverly  
Donna Kain  
Donna Lillian  
Sue Luddeke  
Holly Mathews  
Rebecca Powers  
Christa Reiser  
Marieke Van Willigen  
Karin Zipf

Cc: Steve Ballard, Chancellor  
Katrina DuBose, Chair of the Faculty Welfare Committee  
Jim Mullen, Chair of the EPA Personnel Policies Committee  
Marianna Walker, Chair of the Faculty

SUBJECT: Proposed Changes to the  
"Serious Illness and Disability Leave for Faculty Policy"

The Women's Studies Executive Committee is writing to voice its collective concerns about changes proposed to the existing "Serious Illness and Disability Leave for Faculty Policy" in your draft document presented to the Faculty Welfare Committee on January 14, 2010, and later amended in a memo to Mariana Walker, Chair of the Faculty, dated January 25, 2010. Not only do the proposed changes seriously weaken the benefits and protections offered to faculty members under the current policy, but they are also being undertaken without allowing sufficient feedback from the people who will be directly affected by them. We would like to share our concerns with you along with our recommendations for ways in which the existing policy might be improved. We stress that particularly in the absence of available and affordable child care on campus, the implementation of a policy to limit paid parental leave will impact negatively our ability to recruit as well as to retain highly qualified faculty members. Furthermore, attempts to hastily amend the existing policy in the absence of data demonstrating a need to do so may lead to unanticipated problems in the future.

The current policy, approved on May 6, 2005, was drafted after extensive input from the faculty and with the participation of the appropriate faculty senate committees. A great deal of time was spent researching existing policies at our peer institutions while considering the need to accommodate the unique features of our own. The majority of faculty members are unaware that the administration is proposing changes to the current policy, and they have not had the

opportunity to comment. Indeed, we only became aware of the proposed revisions because one of our members serves on the Faculty Welfare Committee. We have seen no rationale for the proposed changes, and no systematic data have been presented to demonstrate that the present policy is not cost effective.

In the spirit of shared governance and cooperation, we would like to summarize briefly our major concerns with the proposed revision and our suggestions about changes that do need to be made in existing policy. We hope that you will take these into account and that you will also reconsider rushing these changes through the Board of Trustees without soliciting input from the faculty.

**1) Reduction in paid leave for mothers from 15 to 12 calendar weeks (section 3.2.1.2 and memo of January 25, 2010).**

No rationale has been provided for the need to reduce paid leave time. In response to a question asked at the January 2010 Faculty Senate meeting, Provost Sheerer cited issues with clinical health sciences where faculty members taking parental leave are being paid a salary but while on leave are not working in the clinics to generate revenue. It would seem that the lost revenue is the main concern being addressed by the reduction of paid leave. Obviously, this is not an issue for most units of the university, and the proposed change does not make sense in a semester system. Faculty on 9-month contracts teach 15-week semesters. In most departments and units, a replacement will need to be paid to teach the entire 15-week course even if the faculty member returns after 12 weeks. The reduction of paid leave will create more confusion than currently exists and is not likely to reduce the costs of the program overall. If there is a significant argument to be made for cost reduction, then it is incumbent on the administration to provide the data to demonstrate this. The recounting of individual anecdotes is not sufficient to justify a policy change. We have a larger institute whose mission is to collect and analyze data in order to inform policy decisions. Surely it would be a good use of their time and within the purview of their mission to do this. We strongly recommend that this aspect of the policy be clarified and consideration be given to the situation of 9-month faculty before any action on the policy is taken.

The statement was made at the January 14, 2010, meeting of the Faculty Welfare Committee (as recorded in the minutes) that no campus in the UNC system provided 15 weeks of paid leave and that most provided only 60 days of paid leave. This statement appears to be inaccurate. The policy in place at the University of North Carolina at Chapel Hill, which separates out provisions for faculty members on nine months service from those on twelve months service, does provide 15 weeks of paid leave and might be a good model for us to examine as revisions are debated. Other campuses such as UNC-Charlotte, Appalachian State, and UNC-Wilmington, our peer institutions, provide 12 weeks of paid leave. A more systematic examination of all such policies would seem to be a necessary first step before proposing to amend our own.

**2) Amending the time frame for leave with pay for pregnancy and/or birth to be consecutive weeks at or near the birth of the child.**

This proposed change, stated in the memo of January 25, 2010, is not well defined as the phrase, "at or near," does not indicate if leave must begin the day after birth, a week after, a month after or longer. Clearly, for faculty on 12-month contracts, it is easier to specify an applicable interval. However, a faculty member on a 9-month contract who has a baby in the summer while not working for the University, might be unable to take paid leave at all, even if the baby was born in August. This seems inequitable and violates the spirit of the existing policy to provide for the welfare of the child.

In addition, it fails to take into account the possibility that faculty members may, in consultation with their unit administrators, agree to finish a particular task or course prior to taking leave in order to meet the needs of the unit. In the example cited by Dr. Sheerer at the Faculty Senate Meeting, a woman who taught summer school took maternity leave during the fall semester. Since her unit administrator obviously approved

the plan, the possibility exists that it was in the best interests of the unit that she teach in the summer and defer the leave until fall. The entire context of the example would need to be examined before any conclusions could be drawn. This is why we urge the reliance on systematic data and not anecdotes in order to develop reasoned policy recommendations.

Other institutions such as UNC-Chapel Hill, UNC-Charlotte, UNC-Wilmington and Appalachian State University specify that the leave must be taken within 12 months of the birth or adoption of a child. This language would enable flexibility in the timing of a leave to meet the needs of both the caregiver and the unit, and we recommend its adoption.

**3) Provision for 21 calendar days for parental leave with pay (section 3.2.1.3.).**

"Parental" leave in the proposed policy revision means "paternity" leave.

Unfortunately, the language of both the existing policy and the proposed one is ambiguous, confusing and rooted in gender stereotypes based on the assumption that the mother will take 12-weeks paid leave and that the father, if he wishes to care for the child, should be limited to 21 calendar days. It also fails to take into account the reality of most faculty members' responsibilities that tend to occur on semester-based cycles. The restriction of paternity leave to 21 days may effectively make it impossible for male faculty to take time off, since to do so would wreak havoc with course instruction, particularly since such leave must be approved by the unit administrator.

**4) Concerns about the welfare of adopted and foster children (section 3.2.1.4).**

We are deeply troubled that paid leave to care for adopted or foster children is being classed in the proposed policy revision as "parental leave," subject to the 21-day limitation. The effect of this change is to classify the adopted or foster child as a "second class" citizen requiring less care than a birth child. We see no reason to argue that adopted children need less care than birth children; indeed, an argument could be made that more time is needed to make the transition to parenthood with these children. Our peer institutions in the UNC system treat birth and adopted children in the same way. Therefore, we strongly recommend restoring the longer paid leave for the care of birth, adopted and foster children.

**5) Possible need for dual policies.**

If data do demonstrate a unique cost issue for the clinical units on campus, then perhaps we should consider one policy to fit those unique circumstances and another for the remaining faculty. We would emphasize, however, that systematic data must be examined in order to assert that this is the case. While not ideal, separate policies do exist for a host of other issues that affect one side of campus and not the other.

**6) Possible reconfiguration of the existing policy into one for serious illness and disability and another for parental leave.**

If we are going to undertake a major revision of the existing policy, we recommend revising the current serious illness and disability policy to include only the provision of paid leave for the physical complications of childbirth that limit a woman's ability to work. Then, instead of treating infant care as a serious illness or disability rather than as a natural event, we further recommend writing a separate policy to cover the entire spectrum of Parental Leave.

Assuming that there is a serious financial need to restrict parental leave—an assertion that has not been well substantiated to the faculty—we respectfully offer an alternative that would allow the University to recoup some savings. Viewing the policy from the perspective of the welfare of the parent(s) and the child, it seems more logical to label paid leave, "Parental Leave." The new policy could specify that the "Primary Caregiver of a birth, adopted or foster child be eligible to take up to 15 weeks of paid leave, whether this caregiver is the mother, the father, or an individual serving in loco parentis." It could further specify that "The secondary caregiver would be eligible for an additional 21-days of paid leave." Again, if we approach the spirit of the policy from

the perspective of the child's welfare, it only makes sense to amend the language to allow flexibility in the determination of the caregivers eligible for paid leave.

As our letter suggests, there are a number of complex issues that need to be worked through carefully with input from all constituencies if we are going to do a full revision to the Serious Illness and Disability Leave for Faculty Policy. Making ad hoc amendments to this document on the basis of anecdotal evidence could result in more problems down the line with its implementation.

We, the undersigned, thank you in advance for considering our concerns, and we urge you to consider appointing a task force or using the Faculty Welfare Committee to work on revisions in a more systematic way before making any final recommendations to the Board of Trustees.

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