

## **Leaves of Absence and Tenure Clock Relief -- Medical or Parental**

### **Temporary Medical Leaves<sup>1</sup>**

A faculty member shall be granted temporary medical leave with pay in the event of illness, injury, or other temporary medical restriction if the restriction will exceed four weeks. Temporary medical leave may be extended up to one year. A letter requesting such leave, accompanied by a physician's statement that the faculty member has a continuing medical problem, must be submitted to the appropriate dean with a copy to the chair and the provost, or, if appropriate, to the chancellor for health affairs. The department chair (in the School of Medicine) or the dean (elsewhere) then will send a letter to the dean or vice chancellor for health affairs or the provost indicating whether the leave will necessitate provision for replacement of instructional time. If replacements for instructional time are needed, the salaries for those replacements will be paid from university funds. The university will continue to pay the employer's share of the cost of fringe benefit programs such as health care insurance, group life insurance, or the Faculty/Staff Retirement Plan for a faculty member on temporary medical leave. A faculty member returning from a temporary medical leave must provide evidence from his or her physician that he or she is able to return to work.

Nothing in this policy shall be construed to preclude a part-time temporary medical leave if such a leave takes better account than a full-time leave of the particular nature of a faculty member's temporary medical restriction and the particular needs of his or her department. However, in no event shall a faculty member who has temporary medical leave be compelled to waive any part of the temporary medical leave to which he or she is entitled under this policy.

If the illness, injury, or other temporary medical restriction extends longer than four months, the Office of Benefits Administration should be contacted (see Long-Term Disability Leaves).

### **Temporary Parental Leaves – Regular Rank Faculty<sup>1</sup>**

A regular rank faculty member on a multiple-year appointment (regular rank faculty in the School of Medicine and School of Nursing<sup>2</sup>) shall be granted a one-semester (up to 3 months, for the School of Medicine and School of Nursing) leave with pay in the event of the birth of his or her child, the adoption of a child (under 6 years of age), or the birth of a domestic partner's<sup>3</sup> child. The leave must be taken within the first 9 months of birth or adoption (proximate to birth or adoption for the School of Medicine and School of Nursing<sup>4</sup>). Outside of the provisions for temporary medical leave, only one paid leave per child per household will be granted to the primary caregiver of the child. If only one parent is a Duke employee, they must be the primary caregiver to qualify for the leave. Approval of primary caregiver status (School of Medicine and School of Nursing only) will be made by the department chair (School of Medicine) or the dean (School of Nursing). A letter requesting parental leave must be submitted to the appropriate dean with

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<sup>1</sup> Time away under this policy counts as leave time under the Family Medical Leave Act.

The parental leave policy becomes effective July 1, 2003.

While we use language consistent with one child at a time being born or adopted, we recognize that multiple births, or multiple-child adoptions, will occur in some cases. These will not affect either the parental leave or the tenure clock relief policy.

<sup>2</sup> This benefit will not be available to faculty who have received appropriate notice of intent not to renew their faculty appointment.

<sup>3</sup> The term "domestic partners" specifies that the partners: (a) live in a committed family relationship; (b) share joint responsibility for one another's common welfare and basic needs; (c) are each other's sole spousal equivalent and intend to remain as such or as spouses indefinitely; (d) are not of any blood relation which would bar marriage under the laws of the state.

<sup>4</sup> The Schools of Medicine and Nursing would allow for a delayed start if an infant spent time in the intensive care nursery.

a copy to the chair and the provost. In the School of Medicine and the School of Nursing, the department chair and associate dean for academics, respectively, will develop a plan for management of clinical and teaching responsibilities that will be approved by the dean. The department chair (School of Medicine) or the dean (elsewhere) then will send a letter to the dean or vice chancellor for health affairs or the provost indicating whether the leave will necessitate provision for replacement of instructional time. As above, if replacements for instructional time are needed, the salaries for those replacements will be paid from university funds. The university will continue to pay the employer's share of the cost of fringe benefit programs such as health care insurance, group life insurance, or the Faculty/Staff Retirement Plan for a faculty member on temporary parental leave.

### **Temporary Parental Leaves – Non-Regular Rank Faculty<sup>1</sup>**

A full time, salaried non-regular rank faculty member shall be granted a three week leave with pay in the event of the birth of his or her child, the adoption of a child (under 6 years of age), or the birth of a domestic partner's child. The leave must be taken proximate to birth or adoption. Outside of the provisions for temporary medical leave, only one paid leave per child per household will be granted to the primary caregiver of the child. If only one parent is a Duke employee, they must be the primary caregiver to qualify for the leave. Outside of the Schools of Medicine and Nursing a letter requesting parental leave must be submitted to the appropriate dean with a copy to the chair and the provost. The Dean will then decide whether to recommend approval to the Provost for final determination of whether the person has primary caregiver status and is eligible for the leave. In the Schools of Medicine and Nursing, approval of primary caregiver status and leave will be made by the department chair (School of Medicine) or the dean (School of Nursing). In the School of Medicine and the School of Nursing, the department chair and associate dean for academics, respectively, will develop a plan for management of clinical and teaching responsibilities that will be approved by the dean. The department chair (School of Medicine) or the dean (elsewhere) will include in the letter recommending leave to the Dean of the School of Medicine or Provost an indication whether the leave will necessitate provision for replacement of instructional time. If replacements for instructional time are needed, the salaries for those replacements will be paid from university funds. The university will continue to pay the employer's share of the cost of fringe benefit programs such as health care insurance, group life insurance, or the Faculty/Staff Retirement Plan for a faculty member on temporary parental leave.

### **Tenure Clock Relief<sup>5</sup>**

A non-tenured member of the faculty shall be eligible for an extension of the tenure probationary period for life events that can reasonably be expected to markedly delay the research process. For life events 2-5 below, a maximum of two separate extensions of the tenure probationary period will be granted. There will be no limit on extensions in category 1. As described below, each extension can be for either one or two semesters. For the purposes of review, a semester is defined as 6 months in duration. Life events that can be expected to markedly delay the research process are:

- (1) a child is born or adopted into the faculty member's household (maximum 1 semester relief for biological parent, adoptive parent, or other parent; each parent in the household eligible for 1 semester relief)

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The parental leave policy becomes effective July 1, 2003.

While we use language consistent with one child at a time being born or adopted, we recognize that multiple births, or multiple-child adoptions will occur in some cases. These will not affect the parental leave policy.

<sup>5</sup> This policy becomes effective July 1, 2003. Tenure clock relief will not be afforded retroactively for life events occurring prior to the effective date of this policy.

- (2) by reason of a serious health condition (as defined in the Family and Medical Leave Act) persisting for a substantial portion of a semester, the faculty member is required to act as the primary caregiver for a parent, child, spouse, or domestic partner (1 semester relief)
- (3) by reason of a serious health condition (as defined in the Family and Medical Leave Act) persisting for a substantial portion of the period for which the extension is sought, the faculty member is unable to perform the functions of her or his position (maximum 2 semester relief)
- (4) by reason of death of a parent, child, spouse, or domestic partner (1 semester relief)
- (5) by reason of a catastrophic residential property loss (each faculty employee in the household eligible for 1 semester relief)

In the instance where the birth of a child results in a serious health condition for either mother or child (as in 2 or 3 above), the maximum relief for the birth will be two semesters.

Extensions of the tenure probationary period will also be granted for the following reasons, and will not count toward the limit in the number of extensions specified above. However, it is expected that in total, a 3-year overall limit in tenure clock relief will not be exceeded. Extensions will be granted:

- (1) by reason of specialized experience or training approved by the department chair, when during such experiences, research publications and other tenure-related activities are expected to be significantly reduced or interrupted
- (2) by reason of significantly increased administrative duties that were unanticipated at the time of tenure-track appointment, e.g., serving as an acting division chief, or establishing a new, off-site program (School of Medicine and School of Nursing only)
- (3) by reason of an approved period of part-time status (tenure clock relief would be pro-rated to the percentage of effort during the part-time period)(School of Medicine and School of Nursing only)

Requests for all extensions shall be made in writing to the chair as a first step where appropriate, and forwarded to the dean for final approval by the provost. Requests for extensions shall be made within 3 months of the onset of the life event, or as soon as practicable once the situation has been identified.

Extensions of midterm reviews when appropriate will be granted upon request as well. Finally, invoking an extension does not commit the person to wait the full extent of the probationary period before requesting tenure review.

### **Non-Tenure Track Contract Extension**

For a regular rank, non-tenure track faculty member on a multiple-year appointment, the same provisions as above shall apply to the extension of the term of their appointment.

### **Long-Term Disability Leaves**

In case of long-term disability (exceeding four months), the faculty member should contact the Office of Benefits Administration (Private Diagnostic Clinic for clinical faculty members of the PDC) for information regarding benefits under the university's long-term disability insurance program. A faculty member should notify the appropriate dean in writing, with a copy to the department chair and the provost, or, if appropriate, to the chancellor for health affairs, of the application for long-term disability. The department will be notified by the Office of Benefits Administration (Private Diagnostic Clinic for clinical faculty members of the PDC) of the approval/denial of the long-term disability insurance payments; the department should inform the dean, who will notify the provost about the status of the faculty member's application.