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The sub-committee members above have been asked to respond to the current faculty handbook language regarding family and medical leave policies (including "stop the clock" policy for tenure track faculty) and to share that response (and any suggested revisions/actions)

**Current Policy 1308
Family and Medical Leave**

**Date of Current Version: July 2011
Responsible Office: Director of Human Resource**

PURPOSE

It is the objective of James Madison University to provide eligible employees with up to 12 weeks of paid or unpaid family or medical leave following the birth of a child or the placement of a child with the employee for adoption or foster care, because the employee is needed to care for a family member (child, spouse or parent) with a serious health condition, because the employee's own serious health condition makes him or her unable to do his or her job, or because of any qualifying exigency (as defined by the Department of Labor) arising out of the fact that a spouse, child or parent of the employee is called to active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation; or up to 26 weeks of leave to care for a spouse, child, parent or being the nearest blood relative to the injured service member with a illness or injury incurred in the line of duty while in the Armed F

Problems with JMU's Implementation of the FMLA Policy:

1. There is no centralized administration or description of how this policy actually works. Who decides how long of a leave one will get and whether it is paid or unpaid? The HR web-site does not give any specific examples of how one might request this leave or who to contact to find out more information. There does appear to be one person in HR who specializes in explaining FMLA, Dianna Jarrell, but this information was only gleaned from personal interviews. As a result, faculty who are expecting a child (one of the most common occurrences to invoke FMLA leave) usually contact other colleagues to find out what their experience was with parental leave. This

information is scattered throughout many sources and colleagues we spoke with often followed a labyrinthine path before finding out how to proceed or what they might expect.

2. If leave is granted, with pay or without pay, and for how long, seems to be a decision made at the departmental level. This leads to inconsistent experiences campus-wide. Department heads, thus, are left to define the FMLA policy as they see fit and as their budgets allow.
3. The current lack of clarity of how the FMLA policy might be uniformly implemented creates a culture with an expectation that one is asking for a privilege or a favor to ask for FMLA leave. In addition, the JMU default to ask for peer coverage is problematic. People are less likely to ask for time off if they know that they will be asking more of their already over-burdened colleagues. The sub-committee talked to several colleagues who suffered some negative repercussion from not taking leave after the birth of a child such as depression and anxiety, a feeling that they could not maintain progress on tenure. Some felt that their decision to ask for FMLA leave might negatively impact their careers. The decision of some colleagues to **not** take leave also sent a message to other colleagues that they might be perceived negatively for asking for and taking such leave. A clearly defined policy takes away pressures felt at the individual and departmental level about asking for and taking leave. A clearly defined default policy that is well publicized would alleviate these issues.
4. Most junior colleagues were unclear on how to stop the tenure clock or if they were entitled to. It is difficult to find any information on the stop the clock policy. One colleague went to directly to the University lawyer, Susan Wheeler, for clarification.

Recommendations:

1. That the university evenly implement FMLA by providing a clear starting point of time off for faculty members. Also so the university specify what would be paid and what unpaid—or how long the university would pay for FMLA leave. During an FMLA leave, a faculty member will be released from professional duties, but may choose to continue some professional activities (e.g., meeting students, doing research, participating in hiring). So there should be a baseline ‘given’ with the faculty members and department heads also being able to negotiate ‘up’ from that baseline.
2. That Human Resources clearly publicize such a policy and list a contact person on their web-page who specializes in FMLA leave and who can walk the faculty member through the process of requesting such leave. Many universities specify information on parental leave, often distinguishing between care-giving leave, parental, and maternity leave with the first two areas being FMLA and the maternity definition relates specifically to a woman, who, due to childbirth, receives a declaration of medical disability from the doctor or midwife.

3. That FMLA leave comes with an option to stop the tenure clock if desired on the part of junior faculty members. (Some on the sub-committee wanted this to be automatic, others did not agree).
4. FMLA leave only applies to faculty members who have been here for more than one year. JMU might want to think about a policy which outlines how leave would be dealt with for those colleagues who are new.
5. Clarity on adoptive parent policy – colleagues know what FMLA provides for but there is a question about how JMU would apply FMLA policy to adoption.
6. James Madison University might research how our peer institutions and other Virginia public institutions of higher education have progressed on the matter. If we find one has moved ahead on the matter, it might be easier to convince the administration to follow suit.
7. That the Madison Caucus for Gender Equality maintain an on-going conversation about these issues and research into them with the university community and administration.