

A: Scholarly Leaves of Absence³

Scholarly leaves of absence may be granted at the discretion of the Provost upon the recommendation of the appropriate dean or, in the case of faculty in the School of Medicine Clinical Departments, granted at the discretion of the Dean of the School of Medicine. Such leaves are for the purpose of advancing scholarship to the benefit of the faculty member and the University. They are granted in recognition of the productivity of the faculty member and are not an entitlement such as may exist in other institutions that have sabbatical leaves. A paid leave of absence may be granted to a faculty member-by the Provost, or the Dean of the School of Medicine for faculty in the School of Medicine Clinical Departments, for research or other academic pursuits by the faculty member. Such research can consist of special projects, including out-of-town research, study, writing for publication, or some other activity consistent with a scholarly purpose.

Each college and school should provide a statement of principles and procedures regarding its leave policy. The granting of leaves is determined after taking into consideration department and school staffing requirements, availability of funds from all sources, and other factors, such as scholarly productivity (including publications) and the outcome of previous research leaves.

In some cases, leave may be granted to pursue appropriate scholarly activities that may benefit the faculty member and a third party, such as collaboration in a research project with a colleague at another institution or appointment to service for a governmental agency for a defined period. Such leaves may be paid or unpaid, depending on the specific activity and on whether outside funds are available to support the faculty member. When granted, such leave does not normally affect eligibility for salary raises or promotion.

As a matter of University policy, requests for scholarly leaves of absence are generally not granted more frequently than once every four years, and a longer minimum interval may apply in individual schools and programs. Leaves will not be provided to tenure-track faculty members if the leave would be taken in the terminal year. The period between leaves begins with the first full academic year after the leave.

Generally, a faculty member on a scholarly leave is granted half-salary and full benefits for a full year or full salary and full benefits for a half-year. All faculty members returning from research leaves are expected to submit to the dean a report of their scholarly activities and accomplishments. Unless waived in writing by the provost or, for the clinical department in the School of Medicine, the Dean of the School of Medicine, a faculty member who is granted a scholarly leave is obligated to return to active status for at least an equivalent period immediately following such leave.

Scholarly leaves are not cumulative. If more than four years have passed between leaves of absence, that fact will not shorten the required interval between subsequent leaves or allow a full year's paid leave instead of one semester.

Procedures for Requesting Scholarly Leave

Requests for leaves of absence are acted upon by the department chair or division director. Any recommendation to grant the leave request will be reviewed by the appropriate dean and, if they/she/he concurs, by the Provost or, in the case of faculty in the School of Medicine Clinical Departments, only by the Dean of the School of Medicine. The decision of the Provost or the Dean of the School of Medicine is final.

B: Parental Leave⁴

1. Availability of Parental Leave

When a full-time faculty member who is tenured or tenure-track, or a full-time faculty member who is non-tenure track and on a renewable, multi-year appointment, or that faculty member's spouse, becomes the parent of a child, either by childbirth or by adoption of a pre-school-aged child, the faculty member shall, upon written request to their/her/his department chair or dean, be entitled to a parental leave of one semester at full pay for purposes of serving as the child's primary caregiver. If a faculty member and their/her/his spouse would otherwise both be eligible for parental leave under this policy, either one, but not both, may take this parental leave.

2. Notification

In order to minimize the administrative burden of ensuring adequate coverage of responsibilities, an eligible faculty member must give her or his department chair or dean at least three (3) months' written notice of her or his intention to take parental leave, the anticipated date of departure and the expected date of return to full-time work. Medical emergencies or the uncertainties of adoption that prevent the giving of three months' notice will not disqualify an eligible faculty member from obtaining parental leave.

3. Agreement

Any agreement for a parental leave under this policy shall be in writing. The agreement shall include each of the following:

1. certification by the faculty member that the purpose of the leave will be to serve as the primary caregiver for that child during the period of leave or for faculty on nine-month appointments to recapture time spent as the primary caregiver during the preceding summer;
2. certification that the leave period will not be used to actively pursue other employment opportunities or to work full- or part time for another employer;
3. the anticipated start and end of the leave period;
4. a commitment to return to active status for at least an equivalent period immediately following the paid parental leave; and
5. for tenure-track faculty, the revised schedule of intermediate and major promotion and tenure reviews. Salary, Benefits, and Responsibilities During Leave – A faculty member who takes

parental leave under this policy shall receive the same salary and benefits that they/she/he would have received that semester if not on leave, and shall be relieved of their normal duties and responsibilities during the period of leave as follows:

A. Teaching.

The faculty member shall be relieved of the obligation to teach during the semester in which the leave is taken. If the semester during which leave is taken is one in which the faculty member would otherwise have taught more than half of their/her/his normal annual teaching load, the faculty member may be required to teach one additional course in another semester to be agreed upon by the faculty member and their department chair or dean.

B. Research and Scholarship.

The faculty member shall be relieved of research and scholarship expectations for one semester.

C. Service.

The faculty member shall be relieved of all faculty service responsibilities, including committee work and student advising, for one semester.

4. When Taken

At the option of the faculty member, the parental leave provided by this policy may be taken during the semester in which the child is born or placed for adoption, or during any subsequent semester that begins no later than six months after the birth or adoption placement. For purposes of this policy, each semester shall run from the first day of classes to the last day of examinations. Unless waived in writing by the provost, a faculty member who takes a parental leave is obligated to return to active status for at least an equivalent period immediately following such leave in order to retain the benefits of the leave including salary paid.

5. Effect on Probationary Period

A tenure-track faculty member who takes parental leave under this policy shall receive an automatic one year extension of the tenure clock. In order to opt-out of an automatic extension of the tenure clock, a faculty member must notify the department chair or Dean in writing within six months after the birth or adoption and no later than six months prior to the academic year in which tenure review would occur. If the parental leave occurs during the period when the tenure dossier would be created, then the faculty member may not opt-out of the extension due to her/his unavailability to participate in the construction of the dossier. The total of all extensions to the tenure clock cannot exceed two years. Family and Medical Leave Act ("FMLA") and Tennessee Maternity Leave Act, as amended ("TMLA") The benefits afforded faculty under this policy are intended to be consistent and not in conflict with rights afforded under the FMLA and the TMLA. Any leave taken under this policy, to the extent that it also qualifies for FMLA or TMLA leave, will count as FMLA or TMLA leave, and the written agreement should clearly state that intention. (See Sections C and E, below, for further discussions of FMLA and TMLA.)

6. Additional Leave

This policy is intended to describe the minimum level of benefits available for faculty members to whom it applies. This policy is not intended to constrain the faculty member and department chair or dean from developing other arrangements that meet the spirit of this policy and its minimum level of benefits and that fulfill the needs of all involved in some other manner. The dean of a school or college may establish policies extending these benefits to other categories of faculty. Any parental leave taken under this policy shall be in addition to any leave granted because of medical incapacitation (as described in Section C below).

7. Limitations

The parental leave benefit may be used once per child and no more than three times during a faculty member's employment at Vanderbilt.

8. Multiple Births/Adoptions

For purposes of this policy, parental leave in the case of multiple birth (twins, triplets, etc.) or simultaneous adoption of multiple children shall count as one leave event, resulting automatically in the availability of one semester of paid leave. Thus, the birth of triplets would not use up the faculty member's eligibility for parental leave for future births or adoptions nor would it necessarily entitle the faculty member to three consecutive semesters of paid leave. In such unusual circumstances, the faculty member and their/her/his chair or dean are encouraged to devise an arrangement suitable to the unique needs of such a situation and consistent with the spirit of this policy. Benefit Beyond Three Children If, after obtaining this benefit three times, a faculty member gives birth to or adopts an additional child(ren), that faculty member shall only be entitled to FMLA or TMLA leave (both unpaid) unless the leave is for short-term illness or other incapacities, in which case it may qualify as a paid leave (see Section D, below). The medical condition of the faculty member, as evidenced by the written statement of her physician, will establish the length of leave for short-term illness. Normally, unless unusual medical complications exist, the leave for short-term illness related to child birth does not exceed six weeks. Additional personal leave (unpaid) may be requested. The duration of personal leave must be negotiated between the faculty member and her dean and must be consistent with the FMLA and the TMLA.

9. Schools of Medicine and Nursing

A full-time faculty member who becomes the parent of a child, or whose spouse becomes the parent of a child, either by childbirth or through adoption of a minor child, shall be entitled to a leave of up to twelve weeks. If a faculty member and their/her/his spouse would otherwise both be eligible for parental leave under this policy, both may take this parental leave, but not simultaneously and not for more than a combined total of twelve (12) weeks.

The request for this leave should be in writing to their/her/his department chair or, in the School of Nursing, the program director and appropriate associate dean. A copy of the agreement shall be submitted to the dean of the school. The agreement shall include a letter from the faculty

member indicating that the purpose of the leave will be to serve as a primary caregiver for that child during the period of leave. The request should be made as soon as reasonably possible after the need for a leave becomes known in order to minimize the administrative burden of ensuring adequate coverage. The parental leave will ordinarily be taken in the perinatal period or near the time the child is placed for adoption. Special circumstances may be agreed upon with the approval of the department chair or, in the School of Nursing, the program director and appropriate dean. Such special circumstances must also receive endorsement from the dean of the school. The faculty member will be relieved of their/her/his normal duties and responsibilities during the period of leave. A faculty member who takes a parental leave is expected to return to active status.

The benefits afforded faculty under this policy are intended to be consistent and not in conflict with the rights afforded under the Federal Family and Medical Leave Act (FMLA). Any leave taken under this policy is intended to count as and run concurrent with FMLA leave, and the written agreement should clearly state that intention. Under the Tennessee Maternity Leave Act (TMLA), faculty who give birth may request up to four weeks of additional leave beyond the twelve weeks defined by this policy.

A faculty member who takes parental leave under this policy shall receive salary and benefits for up to six (6) weeks. For faculty on variable or performance salaries, the salary to be paid will be the average of the salary paid during the four months prior to the effective date of the leave. If additional weeks of leave are requested, full benefits but not salary will be maintained for up to a maximum of an additional ten weeks.

For purposes of this policy, parental leave in the case of multiple birth or simultaneous placement for adoption of multiple children counts as one leave event.

C: Family Leave (FMLA and TMLA)

The Federal statute known as the Family and Medical Leave Act (FMLA) and the Tennessee Maternity Leave Act, as amended (TMLA) provide for leaves of absence for periods of time on account of adoption, pregnancy, childbirth, and nursing of an infant.⁵

Because conditions of eligibility and lengths of leaves of absence are different under these laws, they will be discussed separately in this section. Neither FMLA nor TMLA requires that the person taking leave for infant care be the primary caregiver.

1. Family and Medical Leave Act (FMLA)

Pursuant to the Family and Medical Leave Act (29 U.S.C. 2601, et seq.), a faculty member who has been employed at Vanderbilt for at least twelve (12) months and who has worked at least 1,250 hours within the immediately preceding twelve (12) month period, may be entitled to family leave related to adoption, pregnancy, childbirth, and nursing an infant for a period of up to three (3) months. This three (3)-month period of leave may be taken at any time during the first twelve (12) months following the date of birth or, in the case of adoption, custody of the child.⁶ Unlike the TMLA, if a faculty member and their/her/his spouse would otherwise both be

eligible for parental leave under this policy, the combined period of parental leave may not exceed twelve (12) weeks. Except to the extent that a faculty member is entitled to pay on account of the University's parental leave policy or under the short-term medical leave policy, FMLA leave is unpaid. Any medical leave (under Section D below) that a faculty member takes that would qualify as permissible leave under the FMLA will automatically count as part of the twelve (12) weeks of leave allowed under the FMLA. However, if a faculty member wishes, they/she/he may seek to take leave under the Tennessee Maternity Leave Act, as well as under the FMLA. This will allow the faculty member an additional thirty (30) days leave over and above the twelve (12) weeks of leave under the FMLA. The additional thirty (30) days provided under the Tennessee Maternity Leave Act is unpaid, and, unlike the case with leave taken under the FMLA, Vanderbilt normally will not continue to contribute toward the health insurance coverage of the faculty member during this period. For more information about these acts, contact the faculty member's dean.

2. Tennessee Maternity Leave Act, as amended (TMLA)

Pursuant to the Tennessee Maternity Leave Act (Tennessee Code Annotated §4-21-408, et seq.), full-time faculty members with at least twelve (12) months of continuous employment at Vanderbilt

may be entitled to obtain parental leave related to adoption, pregnancy, childbirth, and nursing an infant for a period of up to four months. In the case of adoption, the four month period begins with the date the faculty member receives custody of the child. Unlike the University's parental leave policy, described in the preceding section, if a faculty member and their/her/his spouse would otherwise both be eligible for parental leave under this policy, they may both take this parental leave but the benefits of the University's parental leave policy (e.g., compensation and extension of the tenure clock) are available to only one of the faculty members. Except to the extent that a faculty member is entitled to pay on account of the university's parental leave policy or under the short-term medical leave policy, TMLA leave is unpaid.

An eligible faculty member must give their/her/his department chair or division director (or dean if there is no departmental organization) at least three (3) months' written notice of their intention to take TMLA leave, the anticipated date of departure and the expected date of return to full-time work. A medical emergency that prevents the giving of three months' notice will not disqualify an eligible faculty member from obtaining TMLA leave. However, the faculty member should state in writing, as soon as possible, their intention to be on TMLA leave for a specified period and their intention to return to full-time work by a designated date within four months. For faculty members on academic-year appointments, if the expiration of the period of TMLA leave occurs between the spring and fall semesters, the faculty member will not be required to return to work until the start of the fall semester.

The period of TMLA leave for faculty members will generally be composed of leave for short-term illness (paid) and personal leave (unpaid), with the division determined by the appropriate dean. In the case of pregnancy and childbirth, the medical condition of the faculty member, as evidenced by a completed Certification of Health Care Provider form submitted to Occupational Health, will establish the length of leave for short-term illness. Normally, unless unusual medical complications exist, the leave for short-term illness does not exceed six weeks.

After an eligible faculty member has given notice of their/her/his intention to take TMLA leave, the appropriate department chair or division director, or dean will begin efforts to cover temporarily the responsibilities of the faculty member while on TMLA leave. If, after reasonable efforts, a temporary replacement cannot be found, the faculty member may be notified that position has been determined to be unique and, for that reason, their TMLA leave is limited to a specified period of less than four months, i.e. the faculty member may be required to return to work in less than four months.

D: Other Nonacademic Leave with Pay

1. Illness or Other Incapacities of Short Duration (Medical Leave)

When a faculty member must be absent from their/her/his duties because of their own illness or incapacity of short duration (six months or less), other members of the faculty, with knowledge of the department chair or division director and the dean, customarily assume their duties on a temporary basis. If the illness becomes extended so that this is no longer feasible, other arrangements are made by the department chair in consultation with the Dean and the Provost or the Dean of the School of Medicine in the case of Faculty in the School of Medicine Clinical Departments. Like family leave, the period of illness or incapacity runs concurrently with leave under FMLA and Occupational Health must receive a Certification of Health Care Provider form.

Intermittent Leave

In certain cases, FMLA may be taken on an intermittent basis rather than all at once, or the faculty

member may be entitled to work a part-time schedule. Intermittent leave requires Occupational Health to determine from a Certification of Health Care Provider form that a qualifying medical condition necessitates the requested schedule. The faculty member must provide medical certification and advance leave notice. Leave may be denied if these requirements are not met. The faculty member ordinarily must provide thirty days' advance notice when the leave is foreseeable. Additional information is available from Occupational Health or the dean's office.

Jury Duty

A faculty member is asked to notify the department chair (or dean, in schools without departments) as soon as they/she/he is called by a court of law for jury duty to determine whether arrangements can be made to handle academic responsibilities during this absence.

E: Nonacademic Leave Without Pay

1. Personal Reasons

Requests for leave for personal reasons (including family-related matters) are considered on an individual basis, and should be submitted to the department chair (or dean, in schools without

departments) as far in advance of the proposed absence as possible, so that neither instruction nor research programs will be unnecessarily interrupted. Specific dates for the leave should be stated in the request. Such leaves usually do not extend beyond one year. If approved by the Dean, the request for leave for personal reasons is handled in the same way as academic leave, going to the Provost for review and approval. The Dean of the School of Medicine will consider and approve such leaves for faculty in the School of Medicine Clinical Departments. Faculty members must confirm with Human Resource Services in advance of the unpaid leave whether they want benefits to continue, and, if so, make arrangements to pay for them.

2. Military Duty

Certain faculty members may have rights under the Uniformed Services Employment and Reemployment Rights Act (“USERRA”). USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment to undertake military service or certain types of service in the National Disaster Medical System. USERRA prohibits employers from discriminating against past and present members of the uniformed services and applicants to the uniformed services. If a faculty member has questions about their/her/his rights relating to military obligations, they should communicate with the dean of their school.

[6] Faculty members are eligible if they have worked for the University for at least one year and for 1,250 hours during the previous twelve months. Unpaid leave is granted for any of the following reasons: to care for the faculty member’s newborn child after birth or placement for adoption or foster care, and to care for the faculty member’s spouse, son or daughter, or parent who has a serious health condition, as documented by a Certification of Health Care Provider form submitted to Occupational Health. [6] The 12 weeks of FMLA medical leave discussed in this section run concurrently with, and are not in addition to, the 12 weeks of FMLA family leave addressed in Section C of this chapter.

3. Medical Leave for Care of Family Members

As required by the Family and Medical Leave Act (FMLA), Vanderbilt provides up to twelve weeks of unpaid,⁷ job-protected leave to eligible faculty members for care of a faculty member’s seriously ill spouse, dependent child, or parent.

4. FMLA Leave Relating to Military Obligations

A faculty member may be entitled to take up to twenty-six (26) weeks of leave to care for a service member injured in the line of duty. Occupational Health assists in determining if this leave applies. In addition, a faculty member may be entitled to up to twelve (12) weeks of unpaid leave because of a qualifying exigency arising out of the fact that the faculty member’s spouse, child, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

F: Pay During Leaves of Absence

A faculty member on an academic-year appointment on a paid leave of absence for one-half of the year under current practice receives pay in six equal payments from September through

February, or March through August, according to the period in which they/she/he works. If work is in the spring semester, eight equal checks, beginning in January, may be requested. A faculty member on leave for an entire year at full pay or some fraction of stated salary receives the salary in twelve (12) equal payments on the regular monthly pay schedule. Since there are a number of options on employee benefits for persons on paid leave, the faculty member should consult with Human Resources before beginning the leave. Faculty members granted leaves of absence without pay must confirm with the Office of Human Resources Direct Billing before beginning the leave whether or not they want to arrange continued benefit coverage. If full benefits are to remain in force, the faculty members on leave must pay their share of the costs of continued benefits as scheduled.

³ Throughout Chapter 4 references are made to the Family and Medical Leave Act (commonly referred to as “FMLA”). FMLA is a federal law with multiple applications. It provides for job protected, unpaid leave for qualified employees, including faculty, for up to 12 weeks in a 12-month period, for the following reasons: (1) the employee has a serious health condition; (2) to care for a spouse, dependent child, or parent with a serious health care condition; (3) in the case of adoption, pregnancy, childbirth, or nursing an infant; (4) on account of a qualifying event arising out of an employee’s spouse, child, or parent being on or being called to active military service; or (5) to care for an injured member of the uniformed services (in this last case, the leave may be up to 26 weeks). FMLA is a job-protection statute and does not require that an employee be paid while on an FMLA leave. Under certain circumstances, however, the University provides for such a leave to be with pay and with certain other benefits. FMLA may also apply concurrently with the Tennessee Maternity Leave Act (“TMLA”). Read this entire chapter to determine the interplay of FMLA, TMLA, and the University’s and medical center’s policies on parental leave.

⁴ VUMC Faculty Parental Leave Policy can be found in the last subsection of Section B.

⁵ This section addresses matters related to adoption, pregnancy, childbirth and nursing of an infant. FMLA matters related to medical care for a serious health conditions are addressed in Sections D and E, below.

⁶ This is unlike the TMLA which, in- the case of an adoption, requires that the TMLA leave commence on the date the faculty member takes custody of the adopted child. A faculty member on TMLA leave must not use the period of TMLA leave to pursue actively other employment opportunities or to work full- or part time for another employer.

⁷ FMLA is a job-protection statute, not a pay statute and, therefore, FMLA does not require that a faculty member be paid while on FMLA leave. However, a faculty member may be entitled to pay while on FMLA medical leave if the faculty member’s medical leave is covered as an illness or other incapacity for a short duration, as addressed in Section D of this chapter or if such leave falls under the University’s or Medical Center’s Parental Leave policies (Section B, above). [6] Faculty members are eligible if they have worked for the University for at least one year and for 1,250 hours during the previous twelve months. Unpaid leave is granted for any of the following

reasons: to care for the faculty member's newborn child after birth or placement for adoption or foster care, and to care for the faculty member's spouse, son or daughter, or parent who has a serious health condition, as documented by a Certification of Health Care Provider form submitted to Occupational Health. [6] The 12 weeks of FMLA medical leave discussed in this section run concurrently with, and are not in addition to, the 12 weeks of FMLA family leave addressed in Section C of this chapter.