November 6, 2015

To: Chancellor Nick Zeppos
To: Provost Susan Wente
From: Richard Willis, Chair of the Faculty Senate

On November 5, 2015, the Senate approved the attached revisions to the Vanderbilt University Faculty Manual by a vote of 39-YES; 0-NO; 0-ABSTAIN. This memorandum forwards those proposed revisions to you for your review and, we hope, approval. The revisions pertain to Part VI, "Faculty Benefits." Chapters 1 through 4. I attach two exhibits:

Exhibit 5a: Track changes copy

This exhibit contains the proposed revisions to the current version of the above referenced sections with changes tracked.

Exhibit 5b: Clean copy

This exhibit presents the proposed revisions to the current version of the above referenced sections without changes tracked.

The Faculty Senate hopes that you will approve the proposed revisions. Please let me know if you have any questions or if I can provide additional information.

Richard H. Willis, PhD
Chair, Faculty Senate (2015-2016)
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Exhibit 5b, Re: Motion 5

Part VI Faculty Benefits

Full-status members of the faculty (excluding those with the prefixes “adjunct,” “adjoint,” or the suffixes “emeritus,” “emerita,” or “in-residence”), general officers, members of the executive administration, and senior exempt staff are eligible for insurance, benefit, and retirement coverage under various plans administered by the university, although in some instances there are waiting periods (see pages following). Benefit arrangements for coverage of faculty with full-status partial-load appointments are explained in Part II, Chapter 2, Section G.

Benefit programs administered through the Benefits Office of Human Resources are health care plan, retirement plan, dental insurance, vision insurance, group life insurance, accidental death and dismemberment insurance, long-term disability insurance, and flexible spending accounts. For details, faculty members should contact the Benefits Office of Human Resources and may view information provided by insurance carriers about the various plans and benefits on the HR Web site (http://hr.vanderbilt.edu/forms). Costs quoted may change from time to time.

Other benefits offered include Social Security, Workers’ Compensation, salary supplement, liability insurance and travel accident insurance. For more information on these benefits, contact your department.

New full-time faculty members should complete a Benefits Enrollment Form within 30 days of their appointment date (the date their employment by Vanderbilt begins). These forms are available on the Human Resource Website.

The following descriptions are general and do not serve as a contract. Any inconsistencies between these general descriptions and the terms of the plan documents are governed by the plan documents.

Chapter 1: Insurance Programs

Section A

Health Care Coverage

Vanderbilt offers extensive health care options. These plans compare favorably in rates and benefits with those offered by most other institutions. New full-time faculty members should complete a Benefits Enrollment Form within 30 days from their appointment date (the date their employment by Vanderbilt begins). These forms are available on the Human Resources Website (http://hr.vanderbilt.edu/forms). Health care coverage is effective on the appointment date. For additional information, see the summary.

Faculty who are employees of the Vanderbilt University Medical Center do not receive employee. Faculty who are employees of Vanderbilt University Medical Center do not receive employee benefits discussed in Part VII-V which are linked to employment, including but not limited to retirement, health care and insurance benefits, from the University. Those benefits are provided by the Vanderbilt University Medical Center. Such faculty should confer
with the appropriate officials at the Vanderbilt University Medical Center for information regarding their employee benefits.

*All benefits are subject to change in the discretion of the University.*
plan description on the HR Web site or on file in the Benefits Office of Human Resources. Faculty who continue full-time employment beyond the age of 65 remain in the Vanderbilt health care plan. Upon attaining age 65, faculty members should enroll in Medicare. Vanderbilt’s active plan health care benefits continue and will be coordinated with benefits from Medicare. The local office of Social Security should be notified several months in advance of age 65. A faculty member retiring from Vanderbilt at age 65 or older may enroll in a Medicare Supplement Plan. Supplemental plan enrollment forms may be obtained directly from the applicable insurance plan.

Section B

Group Life Insurance

Vanderbilt’s term life insurance plan offers a benefit equal to four times the base annual rate of pay, up to a maximum of $500,000 with no medical underwriting. The plan begins for a full-time faculty member immediately on the appointment date. Vanderbilt pays the basic benefit equal to the base annual salary. The voluntary part of the plan offers the faculty member the option to purchase an additional one, two, or three times the base annual salary up to a maximum of $500,000 (or $1,000,000 if evidence of insurability is provided and salary allows). The faculty member pays the cost for the voluntary portion elected.

The plan also provides, at university cost, $5,000 in life insurance for the faculty member’s spouse or certified domestic partner and $2,500 for each dependent child. Dependent children are covered from 0 days to age 19 (to age 23 if a full-time student). When both husband and wife are employed at Vanderbilt and eligible for dependent life benefits, the dependent life benefits are provided to each.

The premium changes as age and salary advance for the faculty member. Benefits increase automatically with salary increments. However, active employees ages 65 and older will have coverage equal to a prorated percent of the amount of coverage elected.

Term insurance terminates upon retirement and it has no cash value. Life insurance after retirement is provided for faculty members who were enrolled in the group life program before May 1, 1971. Faculty members who qualify for this insurance can obtain specific provisions from the Benefits Office of Human Resources.

In order to take advantage of the waiver of a health statement or physical examination, new faculty must apply for group life insurance within 30 days after the appointment date.

If the individual should decide to cancel participation in the voluntary part or to enroll at a later date, the change should be made in writing to the Benefits Office of Human Resources. For enrollment after 30 days past appointment date, evidence of insurability is required.

Faculty members who leave Vanderbilt may convert the group life term insurance to another type of individual insurance without questionnaire or medical examination, if application is made with Metropolitan Life Insurance Company within 31 days of leaving the employ of the university. Faculty
members who under an earlier plan converted term coverage to whole life may continue that coverage after leaving Vanderbilt.

For additional information, see the summary plan description on the HR Web site or on file in the Benefits Office of Human Resources.

Section C

Long-term Disability Insurance

Each full-status member of the faculty of Vanderbilt University is eligible for disability insurance after one year of employment. The plan covers continuous, total disability, caused by sickness or injury incurred while actively employed. The existence of “continuous, total disability” is determined by the insurer.

Benefits begin on the first day of the month following six months of continuous, total disability. Compensation from Vanderbilt University will not, in any event, continue beyond that time. Benefits are paid so long as the faculty member remains totally disabled in accordance with policy provisions or until attainment of age 65. However, for a period of total disability beginning after attainment of age 60, benefits continue during the total disability for a prorated period of up to five years.

For additional information, see the summary plan description on the HR Web site or on file in the Benefits Office of Human Resources.

Section D

Accidental Death and Dismemberment Insurance

Accidental death and dismemberment insurance is available to all full-time faculty members for a reasonable premium.

For additional information, see the summary plan description on the HR Web site or contact the Benefits Office of Human Resources.

Section E

Workers’ Compensation

Faculty members, as well as other employees at Vanderbilt, are covered by the Workers’ Compensation Law of Tennessee. The Workers’ Compensation Act covers accidental injuries and occupational diseases that arise from and in the course of employment at Vanderbilt. A copy of the Workers’ Compensation Law is available from the Workers’ Compensation Division, Department of Labor, State of Tennessee.
Any disease or injury that may be covered by the Workers’ Compensation Law should be reported immediately to the office of the department chair or dean. Failure to report the injury or disease in a timely manner may render one ineligible for workers’ compensation benefits. Within 24 hours of this report, the department should send the Employer’s First Report of Work Injury form to the Risk and Insurance Management Office, 610 Oxford House, by campus mail. This form may be obtained through the Purchasing Department. The form must be completed and signed by the supervisor or department chair, not by the injured person. The supervisor or department chair should keep a copy of the form.

Additional information is available from the Office of Risk and Insurance Management or the Workers’ Compensation Division, Department of Labor, State of Tennessee.

Section F

Liability Insurance

Members of the faculty with specific questions about liability insurance, including for injury or damage arising out of use of automobiles on university business, should consult the Office of Risk and Insurance Management.

Section G

Travel Accident Insurance

Faculty members traveling on business of the university are covered by business travel accident insurance purchased by Vanderbilt. This applies to travel to and from any point inside or outside Davidson County, Tennessee (or the county where one is assigned to work). Commuting to work is not covered. Since the coverage is restricted to business travel, faculty members should have on file an approved Travel Authorization Form prior to any business trip to a location outside Davidson County.

Restrictions exist on the use of private or chartered aircraft, with details available from the Office of Risk and Insurance Management.

Chapter 2: Retirement Programs

Section A

Retirement Plan Effective January 1, 2009

The Vanderbilt Retirement Plan offers a choice of funding through TIAA-CREF (Teachers Insurance and Annuity Association of America – College Retirement Equities Fund), Vanguard, VALIC (Variable Annuity Life Insurance Company), and Fidelity Investments.

The following are selected excerpts and paraphrases from the Vanderbilt University Retirement Plan and
the Vanderbilt University Retirement Plan for New Faculty, which set forth the provisions of the retirement plan.

Eligibility

With the following exceptions (members of the faculty with the prefixes “adjunct,” “adjoint,” “visiting,” or the suffixes “emeritus,” “emerita,” or “in-residence” in their titles or the title “research associate” or “senior research associate”), all full-status members of the faculty, general officers, members of the Executive Administration, and senior exempt staff who do not meet the Internal Revenue Service definition of “highly compensated” employee are eligible at the time of their employment with the university to receive university matching contributions as described below. Full-status faculty members with the title of research associate or senior research associate become eligible for the university matching contribution after 12 months of full-time employment. Most newly hired faculty will not meet the IRS definition and therefore will be eligible on the date of their employment to receive the university matching contributions. Even if a particular faculty member is treated as “highly compensated” under this definition, he or she will be eligible to receive the matching contribution on the first day of the month after the date of completion of 12 months of full-time employment with Vanderbilt.

Under Internal Revenue Service definition, a faculty member is “highly compensated” for a particular calendar year (the “determination year”) if in the year preceding or in the determination year the faculty member received compensation from Vanderbilt in excess of a specified index amount ($110,000 in 2009). The gross compensation paid during the determination year is counted. Faculty members seeking more specific information regarding their own situations or wishing to review the plan document should contact the Benefits Office of Human Resources.

Plan Contributions

Contributions under this retirement plan will be made on a monthly basis during years of participation, except for months in which no salary is paid. Participation in the Vanderbilt retirement plan is mandatory. For all faculty members except those who are in the School of Medicine Clinical Departments (and those faculty who are in the Basic Sciences Departments and who also participate in the Vanderbilt Medical mandatory contribution amount is three percent of salary. Faculty who are in the School of Clinical Departments are employed by Vanderbilt University Medical Center. They consult the Benefits Office of the Vanderbilt University Medical Center’s Human Resources current amount of their mandatory contribution. Contributions will be made on a tax deferred basis under an agreement with the university for salary reduction to reduce a participant’s salary by an amount not less than $200 in a plan year nor more than the limit allowed under the Internal Revenue Code (excluding from this calculation the salary supplement, described in Section B, below). No elective deferrals may be made to the Vanderbilt plan in excess of the annual limit imposed by the Internal Revenue Code, which in 2009 is $16,500. Only an election for Roth IRA contributions may be made to this plan on an after tax basis.
Subject to the eligibility requirements described above, the university will make matching contributions to the plan for each participant equal to at least three percent (3%) of his or her salary. An additional elective two percent (2%) may be made and will be matched. (The term “salary” means the amount of base salary during the plan year paid to the participant, excluding such items as bonuses, overtime pay, and any salary supplement paid to a faculty participant. “Salary” includes a participant’s elective deferrals and elective contributions to Flexible Spending Accounts.) The matching contributions are also capped by the recognizable pay limits of Internal Revenue Code section 401(a) (17).

It may be necessary to distribute each year to faculty members who are “highly compensated” under the Internal Revenue Service definition a portion of the university matching contribution (including investment earnings). Any such distribution must be treated as taxable income.

Faculty members should consult the Benefits Office of Human Resources for more information.

Investment of Contributions

Plan contributions will be forwarded to TIAA-CREF, Vanguard, VALIC, and/or Fidelity to be applied to premiums on regular retirement annuity contracts or deposits for mutual fund shares in any proportion elected by the participant. Matching contributions on behalf of a participant will be divided in the same manner as the respective designations by such participant for the first three percent (3%) and the first additional two percent (2%) of his or her elective deferrals.

Administrator

The associate vice chancellor for human resources of the university is the administrator of this plan and is responsible for enrolling participants, sending plan contributions for each participant as premiums to annuity contracts issued on the participant’s life, and for performing other duties required for the operation of the plan. The administrator may designate in writing other persons to carry out duties under this plan.

Section B

Salary Supplement

Subject to the conditions stated in Section A, above, Investment of Contributions, the following will receive a taxable salary supplement equal to five percent (5%) of their salary, up to $10,500: professors, associate professors, assistant professors, professors of the practice, lecturers, senior lecturers, principal senior lecturers, and instructors; collegiate and pre-collegiate faculty members in the Blair School of Music; research professors, research associate professors, research assistant professors, and research instructors; School of Medicine ranks designated by the words “assistant in,” “associate in,” and “senior
associate in," each followed by a departmental designation; general officers, members of the Executive Administration, and senior exempt staff.

The salary supplement is a benefit intended for retirement planning purposes. This supplement is not considered a part of the base salary, and no other fringe benefits will be attached to the supplement. The salary supplement must be treated as taxable income, unless the participant elects to defer all or a portion of the salary supplement through a salary reduction agreement.

Chapter 3: Other Benefits

Section A

Flexible Spending Accounts

Vanderbilt offers two Flexible Spending Accounts (FSAs): a medical account and a dependent care account. The accounts are funded by contributions made by the faculty member through a salary reduction agreement. These accounts provide tax-free reimbursement (to the extent allowed by law) of eligible medical and/or dependent care expenses. Funding limits are established each year within federal guidelines. Faculty members are eligible to participate in the FSAs on the first of the month after three months following their appointment date. For additional information, see the summary plan description on the HR Web site or on file in the Benefits Office of Human Resources.

Section B

Social Security

Deductions for Social Security are required by law, except for exchange visitors from foreign countries and Vanderbilt students. The amount of such deductions is recorded on individual pay statements. Benefits are paid for death, total disability, and retirement, provided the person has been covered by Social Security long enough to be eligible.

Section C

Moving Expenses

Each school or college has its own policy for determining eligibility of new faculty for moving expenses. The letter of appointment will state whether the faculty member is or is not eligible and, when eligible, the amount that will be provided.

Section D

Faculty Home Purchase Plan
Vanderbilt University assists eligible employees in their purchase of a principal place of residence in the Nashville area. Those eligible for this benefit include tenured and tenure-track faculty and members of the executive administration whose appointments begin on or after September 1, 2000. Their eligibility extends for eight years following the date of initial appointment at Vanderbilt. Additionally, faculty members who are tenures or on the tenured track, and members of the Executive Administration appointed before September 1, 2000, are eligible for this benefit if they have not a purchased a home under the previous Faculty Home Purchase Plan. Their eligibility extends through August 31st, 2008.

The university will provide one-time funding of up to one-half of one percent of the value of the mortgage for eligible employees. The university's contribution is limited to a payment of no more than $2,500 (a mortgage of $500,000), except as noted below:

A. The university will contribute an additional one-half of one percent of the value of the mortgage (limited to a payment of no more than $2,500) to eligible employees who purchase a principal place of residence in the West End–Hillsboro–Belmont neighborhood. This is the area enclosed by a path along West End Avenue from 31st Avenue to the I-440 Interstate; then eastward to Belmont Boulevard, then to the north, along Belmont Boulevard and around Belmont University to Wedgewood/Blakemore, and then westward to the intersection of Blakemore Avenue and West End Avenue.

B. If both partners of a marriage or of a registered same sex domestic partner relationship (as documented to and approved by Human Resources), are eligible employees and they jointly purchase a principal place of residence under this plan, Vanderbilt University's contribution of one-half of one percent of the value of the mortgage will be available to each of the partners. The total onetime payment is limited to no more than $2,500 for each of the partners. If the principal place of residence purchased by these eligible partners is located within the geographic area (as defined above in section (a)), an additional one-half of one percent of the value of the mortgage will be available for each of the partners (limited to a payment of no more than $2,500 for each of them) and will be contributed by the university.

The one-time payments described in the previous section will be made by the school or division that is the primary base of the borrower. In the event that two eligible partners (as described in section (b), above) jointly purchase a principal place of residence under this plan and they are based in different schools or divisions, the one-time payments will be divided equally between those schools or divisions. These one-time payments will be made no more than once during the lifetime of any eligible employee.

In addition, and as a courtesy to Vanderbilt, SunTrust Bank Corporation offers loans to eligible members of the faculty at market rates, with options that include floating rate mortgages. Although SunTrust Bank normally charges one percent of the value of the mortgage as a front-end point charge, the bank has agreed to reduce this charge to one-half of one percent of the value of the mortgage for eligible Vanderbilt employees.

The university's contribution, as described above, is not contingent on the use of the SunTrust Bank as the lender. The one-time contribution will apply to loans for the purchase of a principal place of residence made by any commercial mortgage lender to an eligible employee.
Such benefits shall be subject to all appropriate taxes, including income and employment taxes, and the tax liability shall be reported to the eligible employee on his or her Form W-2, Wage and Income Statement, or an equivalent form.

Until September 1, 2003, either (but not both) the plan described above and the former Faculty Home Purchase Plan (described in detail in the Faculty Manual published in 1999) will be available to faculty members with tenure and members of the Executive Administration. Those employees eligible for the benefit under both the former and current plans must elect from which plan they will seek the benefit.

The provisions of the home purchase plan are reviewed from time to time and are subject to change by the Board of Trust. Further details are available from the Provost’s Office of Finance and Administration who is responsible for administering the plan.

Section E

Tuition Discounts

Children

The policy behind the Tuition Benefit Plan For Dependent Children is based upon the premise that Vanderbilt’s educational resources and facilities should be available to those children of certain full-time faculty who would qualify as their dependents for tax purposes, and that those qualifying children who do not attend Vanderbilt should receive comparable support toward the first baccalaureate degree at an accredited college or university of their choice.

The following descriptions are general and do not serve as a contract. Any inconsistencies between the general descriptions and the terms of the plan documents are governed by the plan documents.

A. Eligibility

Children of full-status faculty who would qualify as dependents for tax purposes are eligible to receive the tuition benefit commencing with the first semester after the date that the faculty member has completed five continuous years of service at Vanderbilt or another accredited college or university, with no breaks in service greater than three months’ duration (other than an authorized leave of absence). If there occurs such a break in service, all previous years of service will be disregarded.

A qualifying child of a former member of the faculty whose service with Vanderbilt was terminated by permanent disability or death within five (5) years before the child is enrolled in an accredited college or university is eligible to receive the tuition benefit, subject to the limitations and conditions applicable to all participants. In no other instance will a child be eligible to receive the tuition benefit after the parent/faculty member terminates service with Vanderbilt.

B. Amount of Benefit (see also http://hr.vanderbilt.edu/policies/dependent-tuition-assistance.php)
For faculty employed prior to 9/1/2012: A dependent child who is enrolled at Vanderbilt is entitled each semester to a discount of 70 percent of the standard tuition at Vanderbilt. Such child enrolled at another accredited college or university whose tuition is above a specified semester threshold amount is entitled each semester to a benefit equal to 70 percent of the other college’s or university’s tuition. The benefit may be as high as 100 percent of the other college’s or university’s tuition for accredited colleges or universities whose tuition is below the threshold amount for that year; however, the amount of the benefit in any case cannot exceed 70 percent of the tuition at Vanderbilt.

For faculty employed on or after 9/1/2012: A dependent child who is enrolled at Vanderbilt is entitled each semester to a discount of 55 percent of the standard tuition at Vanderbilt. Such child enrolled at another accredited college or university whose tuition is above a specified semester threshold amount is entitled each semester to a benefit equal to 55 percent of the other college’s or university’s tuition. The benefit may be as high as 100 percent of the other college’s or university’s tuition for accredited colleges or universities whose tuition is below the threshold amount for that year; however, the amount of the benefit in any case cannot exceed 55 percent of the tuition at Vanderbilt.

C. Restrictions on Participation

1. The benefits to each member of the faculty cannot exceed a total of 24 semesters for all of his or her children, and no one child can receive benefits for more than 8 semesters. The term “semester” includes the fall, spring, and summer sessions at Vanderbilt or the equivalent thereof at another eligible institution.

2. Any scholarship that is granted to the qualifying child and that is applied by the terms of the scholarship toward tuition will not be considered in determining the amount of the tuition benefit otherwise available; provided, however, that the sum of all scholarships applied by their terms toward tuition plus the tuition benefit received under this plan in any semester by the child will not exceed the tuition charged for that semester.

3. Benefits are confined to undergraduate courses leading to the first baccalaureate degree. The continuation of the benefit is contingent upon the parent’s continued employment at Vanderbilt.

4. At another institution, tuition is the charge defined as such in the catalog, and would generally exclude deposits, mandatory fees, or other special fees. The conditions of continued support are the same as for a student enrolled at Vanderbilt.

5. Faculty members who wish to apply for the tuition benefit for their children should go to the Forms and Documents page of the HR Web site to print the “Tuition Benefit for My Child” form.

Spouses (Spouse is used here as defined in the Human Resources Policy: anyone legally married to, or a same-sex domestic partner of, a faculty member http://hr.vanderbilt.edu/benefits/domesticpartner.php)

Spouses of full-status faculty members are eligible for a discount of 47 percent of Vanderbilt’s advertised tuition on one course per semester when enrolled in any of the schools or colleges of the university. For these purposes, the entire summer session is considered one semester. The discount applies to no more than three credit hours per semester, except for four-hour courses with a required laboratory. The
recipient may be enrolled part time or full time, subject to the regulations of the particular school or college. Spouses may audit one course per semester without charge, with permission of the instructor.

If the spouse is an undergraduate, the Admissions Office, in cooperation with the schools and colleges, is responsible for determining eligibility for enrollment in courses at Vanderbilt, based on the spouse’s prior academic record. Part-time enrollment for undergraduate credit is handled by the Division of Unclassified Studies. Enrollment for credit in the Graduate School and the professional schools is decided by the particular school. In order for Human Resources to process the tuition discount, the spouse must file an application for a tuition discount on a form available on the Forms and Documents page of the HR Web site.

Faculty

Full-status faculty may audit or enroll in courses at Vanderbilt and are eligible for a discount of 47 percent of Vanderbilt’s advertised tuition and fees on one course per semester when enrolled in any of the schools or colleges of the university. For these purposes, the entire summer session is considered one semester. The discount applies to no more than three credit hours per semester, except for four-hour courses with a required laboratory. In the case of a Vanderbilt program consisting of modules rather than semesters, the discount applies to the modules and the benefit will apply to one 2-credit course per module, up to six modules per year for a maximum of 12 credits per year. Before enrolling, the faculty member should consult with his or her department chair or division director (or dean in schools without departments). Similarly, full-status faculty may make use of the faculty tuition benefit for courses taken at another accredited university when the coursework relates to and either enhances or maintains current skills needed by the faculty member to render employment services to Vanderbilt in accordance with applicable federal income tax exclusion criteria in Internal Revenue Code Section 132. The benefit is 47 percent of tuition for courses taken, limited to one three-credit course per semester (or four-credit course in the case of labs), including summers, for a total of 3 courses per year, provided that the amount of the benefit in any case cannot exceed 47 percent of the comparable tuition charged at Vanderbilt. Use of the benefit for courses taken at universities other than Vanderbilt will require approval of the faculty member’s dean and the provost.

Interpretation of Policy on Tuition Discounts

The interpretation of policy resides in the Office of the Provost.

Chapter 4: Leaves of Absence

Section A

Scholarly Leaves of Absence [1]

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 the vice chancellor for health affairs, 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 he or she
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.

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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.

*** Please note that the sections regarding parental, FMLA, and TMLA leaves were under revision before and unrelated to the decision for reorganization of VU-VUMC. These proposed revisions will be provided separately for comment, as the changes are unrelated the reorganization. ***

Section B

Parental Leave [2]

Availability of Parental Leave

When a full-time faculty member who is tenured or tenure-track, or that faculty member’s spouse or declared domestic partner, 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 his or her 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 his or her spouse or domestic partner would otherwise both be eligible for parental leave under this policy, either one, but not both, may take this parental leave.

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.

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 he or she would have received that semester if not on leave, and shall be relieved of his or her 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 his or her 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 his or her 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.

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.
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 take advantage of all or part of such an extension, a faculty member need only notify his or her department chair or dean of the decision, within six months after the birth or placement for adoption, to take the extension. 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.)

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).

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.

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 his or her 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.

Schools of Medicine and Nursing

A full-time faculty member who becomes the parent of a child, or whose spouse or domestic partner 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 his or her spouse or domestic partner 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 his or her 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 his or her 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

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

Section 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. [3]

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.

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 r , in the case of adoption, custody of the child.[4] Unlike the TMLA, if a faculty member and his or her spouse or domestic partner 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, he or she 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.

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 (4)-months. In the case of adoption, the four (4) 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 his or her spouse or domestic partner 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 his or her department chair or division director (or dean if there is no departmental organization) at least three (3) months’ written notice of his or her 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, his or her intention to be on TMLA leave for a specified period and his or her 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.

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.

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 his or her 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 his or her position has been determined to be unique and, for that reason, his or her 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.

[3] 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.

[4] 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.

Section D

Other Nonacademic Leave with Pay

Illness or Other Incapacities of Short Duration (Medical Leave)

When a faculty member must be absent from his or her duties because of his or her 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 his or her 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, FLMA 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 he or she is called by a court of law for jury duty to determine whether arrangements can be made to handle academic responsibilities during this absence.

Section E

Nonacademic Leave Without Pay

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.

Military

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 his or her rights relating to military obligations, he or she should communicate with the dean of his or her school.
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, [5] job-protected leave to eligible faculty members for care of a faculty member's seriously ill spouse, dependent child, or parent. [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.

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.

[5] 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] 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.

Section 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 he or she 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.