NUMBER: ACAF 1.60

SECTION: Academic Affairs

SUBJECT: Modified Duties Semester for Faculty

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Policy for: All Campuses
Procedure for: Columbia and Regional Campuses
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Issued by: Provost's Office

I. Policy

The University of South Carolina is committed to fostering an educational community with a flexible and supportive work environment where faculty can thrive in both their professional and personal lives. Periodically a faculty member may need relief from some level of academic duties in order to respond to an anticipated or unanticipated personal event or situation.

All full-time faculty members are eligible for modified duties, automatically in the case of childbirth or adoption, or by request in other circumstances. The University encourages faculty to utilize this policy as needed. Additionally, academic unit heads, deans and college/school leaders and administrators are expected to work with faculty to accommodate these situations, in accordance with this policy and other applicable Academic Affairs (ACAF) and Human Resources (HR) policies. This policy is not intended to diminish the rights and benefits of the Family Medical Leave Act or any other state or federal law.

A. Modified Duties Semester Related to the Birth or Adoption of a Child

In the case of the birth or adoption of a child, a full-time faculty member will be automatically granted the equivalent of one semester of modified duties.

1. Notification is required through the submission of the Modified Duties Semester form. If the academic unit head and those in the review/approval process have not been notified in this manner, the faculty member's academic duties and responsibilities remain unchanged.

2. During an automatically granted "modified duties semester," the modified duties will be defined as follows:

   a. Modified Duties for Birth/Adoptive Mother or Primary Caregiver

      If the faculty member is the birth or adoptive mother, or the primary caregiver of the child, the faculty member is released from onsite duties such as classroom teaching, clinical field placement, and teaching, research or clinical laboratory duties for one semester or the equivalent of one semester distributed over two semesters. Additionally, the faculty member's departmental or administrative committee work and undergraduate advising duties should be modified to suit the needs of the individual and the academic unit. Faculty responsibilities for research, scholarship and professional service that do not require onsite activities remain unchanged.

      Additional modified duties may be assigned in lieu of onsite duties where applicable. Examples of modified duties include research, scholarship, professional service, and the development of curriculum and/or course materials, accreditation and/or certification materials, departmental operation manuals, communication materials, undergraduate or graduate student recruitment materials, etc.

   b. Modified Duties for Secondary Caregiver

      If the faculty member is the birth or adoptive father, or the secondary caregiver, then the modified duties will be defined in consultation with the academic unit head. Modified duties may include partial or complete release from teaching or other onsite duties, or partial or complete release from other responsibilities for one semester or the equivalent of one semester distributed over two semesters.

      Additional modified duties may be assigned in lieu of onsite duties where applicable. Examples of modified duties include research, scholarship, professional service, and the development of curriculum and/or course materials, accreditation and/or certification materials, departmental operation manuals, communication materials, undergraduate or graduate student recruitment materials, etc.

   In all cases, the spirit of the modified duties must be to accommodate the needs of the faculty member within the institutional ability to grant relief.

3. The faculty member is not required to "bank" or teach additional courses, to serve on additional committees or advise additional undergraduate students in other semesters in order to receive this benefit.

4. The faculty member receives full pay and benefits during this semester.

5. The academic unit should make an effort to provide the necessary equipment to facilitate these modified duties as appropriate.

6. If the faculty member needs to be completely released from duties during this period, sick or some other type of leave must be taken. If the faculty member is disabled, long term disability or some other type of leave should be taken.

   In either situation, the faculty member should contact Human Resources for further guidance regarding which type of leave is appropriate for his/her individual situation.

7. The faculty member is not required to take a modified duties semester even if eligible. The faculty member, in consultation with his/her academic unit head, should determine the best definition of modified duties to suit his/her needs.

B. Modified Duties Semester In All Other Circumstances

A full-time faculty member may request one semester of modified duties in order to respond to special personal or family circumstances or other unexpected life challenges which require the faculty member to be off campus during his/her usual teaching or laboratory hours. Examples of such situations include the serious illness of the faculty member, or the serious illness or death of the faculty member's spouse/partner, child or parent.

1. All requests must be submitted using the Modified Duties Semester Form.

2. During the "modified duties semester," the details of the modified duties should be defined in consultation with the academic unit head. The modified duties should be designed so as to provide sufficient time and flexibility for the faculty member to respond to his/her personal or family circumstances as necessary.

   Additional modified duties may be assigned in lieu of onsite duties where applicable. Examples of modified duties include research, scholarship, professional service, and the development of curriculum and/or course materials, accreditation and/or certification materials, departmental operation manuals, communication materials, undergraduate or graduate student recruitment materials, etc.

3. The faculty member receives full pay and benefits during this semester.

4. The academic unit should make an effort provide the necessary equipment to facilitate these modified duties as appropriate.

5. If the faculty member needs to be completely released from duties during this period, sick or some other type of leave must be taken. If the faculty member is disabled, long term disability or some other type of leave must be taken.

   In either situation, the faculty member should contact Human Resources for further guidance regarding which type of leave is appropriate for his/her individual situation.

C. Timing

1. Academic unit heads should be alerted as soon as possible about a potential need for a "modified duties semester." The Modified Duties Semester form should normally be submitted at least four months before the start of the proposed semester or as soon as possible when it is less than four months.

2. The modified duties semester may occur during the fall or spring semester of a given academic year. Alternatively, the equivalent of one semester of modified duties, including teaching relief when applicable, may be distributed over two semesters.

3. In the cases of birth or adoption, the "modified duties semester" must be concluded within the twelve-month period following the birth or adoption. A faculty member is eligible for a "modified duties semester" even if the birth or adoption occurs during the summer months (May to August).

   If both parents are full-time faculty members employed by the University, they are both eligible for an automatic modified duties semester following the birth or adoption of a child. The two modified duties semesters, with one person being the primary caregiver and the other the secondary caregiver, may be taken either simultaneously or consecutively, depending on the needs of the individuals and the academic unit(s).

   If both parents are full-time faculty members employed in the same academic unit at the University, however, in most cases the two faculty members would not take their modified duties semesters simultaneously.

D. Eligibility

All full-time tenured, tenure-track, clinical or research faculty members, librarians, instructors and lecturers of either gender are eligible for a "modified duties semester." Eligibility begins on the date of hire.

In cases of childbirth or adoption, eligible faculty members are entitled to the equivalent of one "modified duties semester" per event, if they attest that they are primary or secondary caregivers of the child(ren). The University reserves the right to revoke

modified duties status or make other adjustments to duties as appropriate if this statement is proven false.

E. Tenure-Track Faculty

Tenure-track faculty members should not be penalized for utilizing this policy.

1. Tenure Review

The receipt of one or more semesters of automatic or approved modified duties semesters should not reflect negatively on the faculty member's evaluation during his/her tenure review.

2. Tenure Progress Review and Tenure Clock Extension

Consistent with University policy ACAF 1.31, a tenure-track faculty member is eligible to receive a one-year extension of his/her probationary period for tenure automatically in the case of childbirth or adoption, or by request in other situations.

Additionally, consistent with University Policy ACAF 1.05, when a tenure clock extension is granted before the end of second semester of the third year, the timeline of the tenure progress review (third year review) is extended for the same period of time.

The full policies and procedures are available at www.sc.edu/policies.

F. Review and Approval Process

All notifications and requests for modified duties semesters must be submitted on the Modified Duties Semester form and forwarded through the appropriate chain of approval for each campus as outlined below.

1. Columbia Campus

On the Columbia campus, the forms must be reviewed and/or approved by the faculty member's department or unit chair (in departmentalized units), the college/school dean, the vice president for research and health sciences where appropriate, and the vice provost for faculty development.

2. Senior Campuses

On the senior campuses, the forms must be reviewed and/or approved by the faculty member's academic unit head and the executive vice chancellor for academic affairs.

3. Regional Campuses

On the regional campuses, the forms must be reviewed and/or approved by the faculty member's academic unit chair, the campus dean, and the vice provost for system affairs.

G. Notification and Records

As appropriate by campus, the offices of the vice provost for faculty development, the executive vice chancellor for academic affairs, or the vice provost for system affairs will be responsible for communicating the decision or result to the faculty member, the academic unit head and all others in the chain of approval. These offices will also keep a record of all modified duties semester approvals and denials, and forward copies of the signed forms to the USC Division of Human Resources in Columbia for the official personnel file.

On the Columbia and regional campuses, the office of the school/college dean or campus dean will be responsible for maintaining the official record of any changes to faculty member responsibilities during the academic year. On the senior campuses, these changes will be monitored by the office of the executive vice chancellor for academic affairs.

When applicable, the faculty member will be responsible for placing a copy of the completed form and any accompanying documentation in his/her tenure and promotion file.

H. Denials and Appeals

All Modified Duties Semester forms should be submitted and forwarded through each level of the appropriate campus-based chain of approval. If the faculty member's request for modified duties is denied at any point in the process, the reasons for denial must be outlined in an attachment to the Modified Duties Semester form.

If the request is ultimately denied or an agreement cannot be reached regarding the definition of the modified duties, the faculty member may submit a written letter of appeal to the Provost for Columbia and regional campuses or to the Chancellor for senior campuses for review and final decision. The written appeal must be submitted within 20 working days of the date of denial. After receipt of the appeal, the Provost or Chancellor must reply within 10 working days. The decision of the Provost or Chancellor shall be the final decision of the University.

I. Effective Date of Policy

This policy will be effective as of August 16, 2007. Life events, including births and adoptions, which occurred on or after May 16, 2007 will be considered eligible events under this policy.

II. Procedure

A. Procedure for Senior Campuses

Each senior campus should develop individual campus-based procedures to implement this policy.

B. Procedure for Columbia and Regional Campuses

The following procedure should be followed on the Columbia and Regional Campuses.

1. Funding

In departmentalized academic areas, individual departments are normally expected to fund this benefit, although the deans may provide replacement funds for faculty members on modified duties upon request. In all non-departmentalized academic areas, the deans are expected to fund this benefit. Additionally, individual centers and institutes are normally expected to fund this benefit. In cases where undue financial hardships are placed upon the college or school, the dean may request assistance from the Provost's Office.

For the regional campuses, the individual campus is expected to fund this benefit. The vice provost for system affairs will serve as a liaison with other campuses to assist with the identification of faculty teaching replacements, usually graduate students or post-doctoral fellows, when possible.

2. Required Form and Documentation

A faculty member who is eligible for an automatic modified duties semester or who needs to request a modified duties semester should notify the academic unit head by completing the Modified Duties Semester form, attaching a letter of explanation and submitting the appropriate certification of the relevant event or circumstances. In accordance with federal law, please note that letters of request and certification documents should not include any specific information regarding medical history of faculty member or family member, including specific manifestation of diseases or disorders.

In addition, in the case of birth or adoption, the faculty member must submit a letter attesting to his/her responsibilities as primary or secondary caregiver. In all other cases, the faculty member should submit a letter of request outlining the reasons for the request.

a. Modified Duties Semester Form

In all cases, a Modified Duties Semester form should be completed by the faculty member and signed by the faculty member's academic unit head followed by the appropriate individuals delineated in the review and approval process for that campus (see Section F). The form should normally be submitted at least four months before the start of the proposed "modified duties semester" or as soon as possible when it is less than four months. The form is available on the Provost Office website at www.sc.edu/provost/forms.

b. Letter of Explanation or Request

In the case of a birth or adoption, the faculty member should also attach a statement attesting to his/her responsibilities as primary or secondary caregiver for his/her child(ren) during the modified duties semester. In all other situations, the faculty member should attach a letter addressed to the academic unit head explaining his/her eligibility and need for modified duties. As outlined above, the letter of request should not include any specific information regarding medical history.

c. Documentation

In addition to the form and letter, the faculty member must submit documentation or certification of the relevant event or circumstances. As outlined above, documentation or certification should not include specific information regarding medical history. Examples of documentation include:

i. a copy of the birth certificate, adoption papers, or letter from the attorney or agency handling an adoption or foster placement;

ii. a copy of the death certificate;

iii. certification from the health care provider in the case of a serious health condition of the faculty member or family member; or

iv. documentation of other situations as appropriate.

III. Related Policies

See also:
University Policy ACAF 1.31 Extension of Faculty Tenure-Track Probationary Period
University Policy ACAF 1.05 Tenure Progress Review of Faculty: Third Year Review
University Policy HR 1.06 Sick Leave

University Policy HR 1.07 Family and Medical Leave
University Policy HR 1.09 Other Leave with Pay
University Policy HR. 1.12 Leave Without Pay

USC Columbia Faculty Manual, Section 2: Regulations and Policies, Leave
USC Regional Campuses & Continuing Education Faculty Manual, Section E-1: Leave

IV. Reason for Revision

Revised to reflect requirements of Title II of the Genetic Information Nondiscrimination Act of 2008.