

Attachment 2

MODIFIED INSTRUCTIONAL DUTIES FOR FACULTY*

It is the policy of Kansas State University to assist faculty members by modifying their work assignments when personal circumstances prevent them from being able to perform their instructional duties and when such modifications are found to be in the best interest of the University's mission. This policy applies immediately upon employment at the University to all full-time faculty members on regular appointments with instructional duties.

Eligibility Requirements

Full time faculty members on regular appointments with instructional duties on or off campus may apply for modified duties if they are the primary caregiver for a child, by birth or adoption, through the foster care placement of a child, or are required to care for or assist a member (or members) of their immediate family who is ill or disabled, and requires the help and attention of the faculty member. The primary caregiver is defined as the person who provides the majority (more than 50%) of the care for the family member during the modified instructional duties period. The Modified Duties (MD) policy is not a leave policy since faculty members are still working, only under a modified arrangement of their work assignments. If eligible, a faculty member with instructional duties may request a modified duties arrangement instead of or in addition to, using FMLA leave. Faculty under a modified duties arrangement are still required to use sick leave when they are not able to perform their duties.

Period and Scope of Modification

- Modifications to duties shall be for the period of one semester (i.e., fall or spring) or for not more than four months.
- If two members in the family household are employed by the University as full-time faculty members with instructional duties, a total of one semester or not more than four months of modified duties may be taken for a particular child or family member either for the primary care-giver or split between co-equal care-givers.
- The period of modified duties must be taken within 12 months of a child joining the family, whether by birth, adoption, or foster care placement or within 12 months of an event requiring care for a family member. This limit applies even in the case of a multiple births as well as the simultaneous adoption or foster care placement of more than one child. If the situation is not an "event", the faculty member and department head will meet to determine an agreed upon beginning date. If an agreement cannot be reached, the College Dean will determine the beginning date.
- Modified duties may be used only twice in the course of an eligible faculty member's career at K-State.
- The number of faculty members in the University to whom modified duties will be granted in any fiscal year shall not exceed four percent of the total number of full-time equivalent faculty members.
- A faculty member given Modified Duties for either one semester or not more than four months agrees to resume his or her regularly assigned duties at K-State for a minimum of two semesters or at least 8 months following the period of Modified Duties. Tenure-eligible faculty may request MD for a semester in the year they are reviewed for tenure;

however, faculty denied tenure are not eligible for MD for either semester of the year of employment following the denial of tenure. Likewise, faculty members who have been given notice of non-reappointment are not eligible for MD in the terminal year of employment.

- Tenure-eligible faculty members whose requests for modified duties are granted can delay their tenure clock if necessary. The faculty member makes this request to the department head. If an appeal is necessary, it is made to the Dean of the College.
- Faculty members granted modified duties are not removed from the unit's budget; likewise, faculty members are expected to fulfill all of their assigned duties.
- The salary of the faculty member on modified instructional duties will be the same as it would be absent the modified instructional duties arrangement.

Application Requirements

An eligible faculty member must submit a written request for a modification of duties for the endorsement of his or her unit head. The request should be submitted at least five months prior to the starting date of the modified duties, except in unusual circumstances. The request must include the following information:

1. A statement describing the faculty member's status as the primary or co-equal caregiver of the child or ill or disabled family member;
2. A statement explaining the need for modified instructional duties; and
3. A proposal describing normal instructional duties from which the faculty member would be relieved.

Application Review

The unit/department head to whom the written request for modification of duties is submitted shall review it to determine that:

1. The faculty member is eligible to apply for modified duties;
2. The proposal is in the best interest of the unit/department/program's and the school/college's mission; and
3. The full range of the unit/department/program's responsibilities can be met without additional resources during the period of modified instructional duties.
4. Should the faculty member and unit/department head not be able to reach an agreement regarding any of the above issues, an appeal may be made to the Dean of the College. The Dean's decision will be communicated in writing within 10 working days to the unit/department head and faculty member.

It is the responsibility of the unit head to work with the faculty member to identify and implement an appropriate modified workload. The unit head will forward the request, along with a plan for implementing modified duties for the faculty member, to the Dean or Director. Within thirty working days of receipt of the request, the dean or director shall submit the request and plan and the results of his or her review, in writing, to the Provost. Upon final review, the

Provost will communicate his or her written decision to the applicant and the appropriate dean and/or unit head/director. The decision of the Provost is final.

All workload modifications will be granted in compliance with the department's or unit's expected workload requirements for faculty.

* The Modified Instructional Duties policies of the University of Texas at Austin, the University of Kansas, and Iowa State University provided the models for this policy, and Kansas State University gratefully acknowledges these sources.