

Women's Classical Caucus Newsletter

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In Memoriam  
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# Further Discussion of Classicists and Family Life

## INTRODUCTION

The spring edition was focused on family and children. The discussion is continued in this edition with a broader focus on how being a professional classicist is part of family life, and vice versa. The articles include the tortured history of an (ostensibly) simple plan to bring family leave to faculty at UT Austin, as described by Tom Palaima. This is followed by a number of personal reflections on the expected and unexpected intersections of family life and the priorities demanded of the professional classicist.

This discussion caused me to think about my own professional and family lives. Those of you who know me probably also know Gail Cabisius, who hired me at Agnes Scott and retired this last year after 30 years of service to the field. Gail was an incredible teacher, with a quiet presence which inspired generations of devoted young classicists. Many times she was the calm in the midst of storms, as several colleagues noted, the person at a meeting who could be counted on to say what needed to be said with a wit which disarmed conflict. With her absence, I became acutely aware of the importance of colleagues. When she retired and I had to set about saving what was suddenly "my" department, I realized that for 22 years I had lived in a bright and kindly bubble. I never had to think about whether my decisions would be supported, my opinions heard, my priorities honored. Our differing sexual orientations and family structures were sources of delightful conversation and sharing for both of us. She represented my entire professional life: there is nothing that I did in those years that is not tinted with a glow of being shared with her.

As I read these articles and think again of how lucky I have been I see that most important to anyone in any part of her life is the support of friends, family and institution for whatever one brings to the job.

## Family Leave at UT Austin

If you have ever taught or done research work in European social democracies, you have experienced rights and public services conspicuously absent in the United States. This was true even before the inauguration of president 43 spread the current virulent strains of the 'big bad government' and 'good unfettered capitalism' viruses throughout our governmental systems. When I was a Fulbright Gastprofessor at the University of Salzburg eleven years ago, I was amazed that I could receive expert medical treatment for a severe bronchial flu, including x-rays and prescription medications, without any payment or even showing any kind of official identification documenting my employed visitor's status or personal insurance coverage. (Admittedly in hyper-class-conscious Salzburg the mere phrase 'Fulbright Gastprofessor' worked magic like notes from Mozart's *Zauberflöte*.)

Since my wife and I were then contemplating having a child, I could not help but notice daily the clear advertisements on public buses advising young Austrians on how to plan their families, not just personally to take full advantage of the national family leave program, but to make sure that the children they brought into the world were well nurtured. The state-funded plan guaranteed to one person within every couple nine months of fully paid leave after the birth of their first child, nine months of half-paid leave after the birth of a second child, and nine months of leave without pay after the birth of a third child, all with a guarantee of resumed employment.

There are many reasons why countries like Austria and Sweden can offer such national programs, while in the United States advocates for children and parents take solace in the federal guarantee of six weeks of unpaid leave for either parent of a newborn child. Chief among them are size and homogeneity of population, tighter restrictions on who is eligible for citizen status, rights and privileges, longstanding traditions that governments exist to look to the common good, and a grudging willingness to support such programs through high levels of taxation.

Even before the turn-of-the-century economic train wreck that has, together with intentional government-shrinking tax cuts, created revenue deficits at the city, state and federal levels, the deep-rooted American philosophy of 'do it yourself' made it almost impossible to persuade legislators or key administrators within public institutions to do anything to improve upon the federally mandated Family Leave Act.

What happened to a proposal to try to do more for faculty at UT Austin is a good illustration of (1) the challenges facing any individuals or groups who try to improve upon the guaranteed six weeks of unpaid leave, (2) the tactics that will be used by those who oppose any such changes to the status quo, whether philosophically, politically or fiscally, and (3) the sheer force of inertia that absorbs whatever energies advocates of improved family leave provisions might muster.

First, let me make several points clear. At UT Austin the initiative to seek better terms for leave upon the birth or adoption of a new child came from faculty who were working in very pragmatic terms with an administration that from the president and provost downwards is well-intentioned, broad-minded, and willing to work with faculty and staff to improve their conditions of employment. In fact key figures in the upper administration gave positive signals as this issue moved through the Faculty Council's faculty welfare and executive committees because they grasped how effective an

improved UT family leave plan would be in recruiting new young faculty. On this grounds and because of practical views of budgetary, legal and public-relations implications, the proposed leave changes were crafted and supported without high-minded appeals to the welfare of newborn or newly adopted children or the overall social benefits of happier parents who would be happier employees and happier citizens.

The proposals also focused exclusively on faculty and on ways of using the unique conditions and responsibili-

ties of faculty members as state employees to cull them out from the state employee pool. That is, it was recognized a priori to be a losing battle vis-a-vis the legislature to argue that all state employees in Texas or even within the University of Texas system should be eligible for improved family-leave provisions. Finally, it should be acknowledged that Texas has become openly now what it always has been, namely a politically and culturally conservative state deeply suspicious of government intervening in our private lives and of using public funds to do what Texans, still a Trent-Lottish code word in these parts, can and damn well should do by and for themselves.

Still the history of the UT proposal, given that it was put forward during a financial boom and with strongly pro-faculty conditions in place, offers a clear lesson of the chal-

lenges, *mutatis mutandis*, members of the WCC will face at their own institutions in trying to bring about any changes. If you are at a progressive college or university, like those in the University of California system, that already offers a program exceeding the federal minimum, now is also the time to burn a thank-offering to Asclepius or Hekate.

If you need further convincing that women in academia are at a severe disadvantage at any career stage if they opt to have or adopt a child, find on the web or in your library the New York Times article by Hal Cohen (August 4, 2002) entitled "The Baby Bias." What happened at UT Austin to the faculty family

leave proposal does nothing to disprove the claim of Martha West, a UC Davis law professor who works with the AAUP, that "parenting is not a welcome event in the academy." It does prove that no one in the upper administration at UT Austin cared enough to be forcefully proactive about significantly improving conditions for women faculty who choose to be mothers or for new parents of either gender.

Read on.

UT Austin has about 50,000 students and ca. 2,800 full-time faculty. It is dependent for its funding on ever-shrink-

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ing state biennial appropriations (that now cover less than 25% of the yearly cost of running the university), revenues generated by the Permanent University Fund, money generated by research grants, patents and private endowments, and until recently tightly state-controlled tuitions and fees (both kept artificially low as a popular political measure). There is no fat in the budget. For example, there is no sabbatical system (and the alternative system of competitive research grants and fellowships does not come close to approximating one). Rank-and-file faculty are eligible for a whopping \$325 per year in travel money for delivering papers at professional meetings. The once-great libraries have had their acquisition budgets slashed yearly even as prices of publications increase. Some departments still zealously control xeroxing and mailing privileges. The president of UT Austin had to cancel his plans to add a mere 30 new faculty per year over a ten-year period. The money was just not there.

Tax cuts pushed through by then governor Bush left state legislators with little budgetary wiggle-room even if they could have been convinced to fund new 'benefits' for faculty. Given that a former head of legislative appropriations proclaimed to a statewide faculty organization that he was proud that the UT student newspaper had used the Latin (sic) term 'xenophobic' to describe his position of Texas universities for Texans only, the prospects of legislators appropriating funds for 'time off for pregnant faculty women' were very slim.

Within UT Austin, the faculty has very little control over budgets or policy issues. Almost all significant decisions in these areas merely factor in official faculty opinion in an advisory and non-binding way. The executive and budgetary advisory committees of the Faculty Council (hereafter FC) meet monthly or more often with the president and provost and other administrators involved in issues at hand. But the faculty only makes recommendations and offers reports. On the budgetary side, in a given year the entire monstrous budget can have as little as \$600,000 to be moved about in pea-and-shells or finger-in-the-dike games.

Still, stalwart faculty and administrators of good will try to improve things—and have done so in significant ways even within over a decade of documented severe underfunding by the legislature. An improved family leave provision has been among the rare, but qualified, successes.

Over five and a half years ago on January 15, 1999, and after preliminary committee work of considerable length, the FC reported in its Documents and Proceedings:

Gretchen Ritter (Government), on behalf of

the Faculty Welfare Committee, has filed with the Secretary of the Faculty Council the resolution set forth below concerning a Family Policy. The Secretary has classified this resolution as general legislation. The 10-day circulation rule for general legislation will be satisfied on January 25, 1999. The proposal read as follows:

#### Resolution

Resolved, that the Faculty Council calls upon the President to institute procedures for modified duties for faculty members who give birth or have primary responsibility for a newborn child. Under a system of modified duties, deans and department chairs should work with the affected faculty members to allow them to meet their teaching obligations without regularly scheduled classroom meetings during the affected semester or semester equivalent.

Faculty members are expected to use all of their available paid leave (e.g., sick leave) in conjunction with modified duties. Further, faculty members would not suffer any loss in salary while on modified duty. Finally, faculty members on modified duty will normally be expected to fulfill their other professional responsibilities.

Resolved, that the administration seek to publicize leave and modified duty provisions to deans, department chairs, and faculty members. Further, a person within each dean's office should be designated to work with faculty and department chairs on creating leave and modified duty plans for individual faculty members.

#### Rationale

As mandated by state and federal law, the University's sick leave and family leave policies provide faculty with leave to assist with pregnancy, childbirth and care for newborns. However, delegating or reassigning teaching responsibilities immediately before, during, or after a leave period that runs less than a full semester may be disruptive to university operations, unnecessarily burdensome to the affected faculty member, and hence, contrary to the best interests of the University.

The proposal then effectively asked the president to set up internal mechanisms that would enable faculty to modify their teaching duties (specifically by release from regularly scheduled class meetings) during the period

(viewed as a specific semester) surrounding the arrival of a new child. This was to be done in unspecified ways that would still require that the affected faculty members would exhaust their sick leave and would perform all other professional duties. The objective was to keep said faculty members on the teaching payroll and to have this program publicized in such a way that it would become de facto a normal and regular practice, although exact arrangements would be left up to negotiations among deans, department or unit heads and faculty members on a case-by-case basis.

As such, the proposal was not asking for extra paid leave, and it kept individual faculty at the mercy of whatever ad hoc arrangements for adjusted duties their immediate administrative superiors deemed appropriate or manageable. Moreover, the university is regulated by system-wide regental rules that define the normal faculty teaching load according to a system of points and courses, so that any ad hoc adjustments in one semester would have to be 'paid for' in the next or the preceding—hardly the best scenario for bringing a new child into a family. Mom or dad would get some extra time at home in the first months and then have to disappear while working extra time at the university in the next months. In sum this was a 'no-free-lunch' and 'no-extra-funding' proposal.

What then happened to the leave proposal is symptomatic of the cumbersome bureaucratic structures at this gigantic institution and of the disempowerment of faculty here in general. By regulation, no individual faculty member can serve more than two consecutive two-year terms (four years) on the FC. Thus if deliberations on any substantive issue get bogged down or 'disappeared' in committees or administrative units for any appreciable length of time, the likelihood of the faculty initiators even being around to react to or further shepherd legislation at later stages is minimal. Exactly that happened to the family leave proposal.

Here is the time line. The Faculty Welfare Committee (FWC, headed by Ritter) made its proposal, and the FC made its resolution, entitled Resolution Concerning family Policy in January 1999 (D&P 16965 and 16966: <http://www.utexas.edu/faculty/council/1998-1999/reports/resfamily.htm>). Again, this means that they were working on the proposal well back into calendar year 1998. This is so long ago that the records are not available on the Faculty Council web site which only goes back to academic year 1999-2000.

The provost put forward an official plan based on

said proposal (and relatively in synch with it) in November 2000. It is D 938-940 [http://www.utexas.edu/faculty/council/2000-2001/legislation/teaching\\_cont.html](http://www.utexas.edu/faculty/council/2000-2001/legislation/teaching_cont.html). The lapse of 18 months demonstrates little sense of urgency. The president then approved it and shipped it to the general counsel and vice chancellor in August, 2001 (the lapse of 10 months again is to be noted).

The FC was informed by the President's Office relatively quickly (November 2001) that the Office of the General Counsel (OGC) of the UT System had disapproved of the provost's version of the proposal. This decision was then communicated via the Executive Vice Chancellor to the Office of the Vice President for Institutional Relations and Legal Affairs (VPIRLA). The latter office reviewed the five-point three-page reply from the UT System for over a year.

Meanwhile the FC (since a consensus was reached, wrongly in my opinion, that the disputed legalities could not be countered point by point) disposed of the provost's version of the original proposal in February 2002 by assigning it back to the FWC with the request that the FWC look into the matter again. It should be noted that at that time no one on the FWC was a member of it when the original proposal was drawn up and presented. I.e., no one had an institutional memory of the issues or necessarily even thought this particular fight is worth fighting. (In the four years since her initial proposal, Professor Ritter had gone on leave for a year and was no longer on the FC or FWC.) The immediate past head of the FC gave me his opinion in December of 2002 that the matter would be taken up again in the new year (2003).

Even at this point no one involved in the process showed any sense of Joseph-Hellerish irony about the protracted history of this proposal. 18 months to redraft a simple proposal that had already been discussed extensively with administrators in camera? Over 12 months to 'consider' a clear and succinct 5-point legal opinion? This was simply business as usual, as the university kept putting off the opportunity to do a small, relatively cost-free good for its faculty and for a select group of children—and for itself in terms of recruitment of junior faculty.

Worse yet were the reasons advanced by the OGC in the first go-round for disapproving of the proposal. I am not a lawyer. Nonetheless the OGC's 'reading' of the provisions of the proposal in the context of state and federal law and regental regulations struck me as cursory at best and seemed, even when read charitably, to stem from a

first impulse to reach a negative or 'blocking' conclusion.

The OGC raised five points. Point one cited rules and regulations in the Texas Education Code mandating that the 'minimum workload' for full-time faculty was "eighteen semester credit hours of instruction in organized undergraduate courses each nine month academic year." But graduate teaching at UT Austin would disappear if this provision were in fact operative. It is not.

The second point stated that the university was not required to give a lesser load to men or women during these periods and that it was simply required that women not be treated differently during pregnancy. Here one can agree. No one was saying that this was required by law. But it is a fact that other institutions have managed to devise policies that assist new parents. The proponents of the measure at UT Austin, including the president and provost, were trying to go beyond doing the minimum that is 'required'. In fact that was the whole reason for the proposal in the first place.

The third point viewed the provisions as gender-biased, and therefore illegal by federal law (!!!!!), because the right of restructuring employment duties based on pregnancy and childbirth could not equally be afforded to men. This reading was to me at the time simply flabbergasting. As a non-lawyer, I wondered in the FC then and continued to wonder for a long time how other public universities, like the University of California system, got around such an obvious legal 'red herring'.

The fourth point asked for minor reconciliation of the sick-leave provision in the proposal with the institution's sick leave policies as defined in its handbook of operating procedures. This would take a committee member 30 minutes to draft and substitute.

The fifth and final objection was that the University had to have a 'decision-maker' in place who would certify that modified duties of any faculty member under this proposal offered an appropriate quid pro quo in return for salary. But regental rules already specify that the provost oversees any such release-time mechanisms granted on other grounds, for example, presidential fellowships offered as a reward for prior administrative and other service and release-time granted for scientific research. This then was also something of a red herring requiring nothing but a one-sentence statement that such a 'decision-maker' was already established in the person of the provost.

In late summer 2002, I was informed by the then head of the FC that after reading the OGC's opinion, the VPIRLA expressed both a belief that the policy could be

revised in such a way as to answer most of the OGC's objections (mirabile auditu) and a willingness to work personally with the FWC in the revision process (but obviously no time soon). An energetic member of said committee also agreed to assist in the project, even though—and I quote here—she was rotating off the FWC. Nonetheless there was no discernible movement for over half a year.

Finally on March 4, 2003, what was now called the Proposal to Modify Instructional Responsibilities Policy (D 2483-2484: [http://www.utexas.edu/faculty/council/2002-2003/legislation/mod\\_instr\\_res.html](http://www.utexas.edu/faculty/council/2002-2003/legislation/mod_instr_res.html)) was posted on the Faculty Council web site for action by the FC. The proposal was approved by the FC on March 17, 2003. The proposal was transmitted to the administration on March 18, 2003. It was then further modified and approved by the provost and transmitted to the president with modifications on May 22, 2003. These modifications were:

1. All teaching load adjustments will be granted in compliance with equivalencies set out in Part I, Chap III, Sec. 36.1 and 36.2 of the Regents' Rules and Regulations;
2. The revised policy does not provide more benefits to members of the full-time faculty than are authorized by the state law or the Regents' Rules and Regulations;
3. The policy is gender neutral in both its scope and application in that it applies to all members of the faculty who are appointed full-time on the instructional budget in a long-session semester;
4. The language of the original policy has been modified so as to insure that the revised policy is consistent with state law and University policy related to sick leave; and
5. The revised policy includes language that assures that faculty members who are on modified instructional duties status will render legitimate services to the University in exchange for their salaries.

The president approved and transmitted the modified proposal to the vice chancellor and general counsel on June 3, 2003. On September 19, 2003, notice was received that the Office of General Counsel and Executive Vice Chancellor Terry Sullivan approved the legislation with the caveat that the policy include the sentence, "All teaching load modifications will be granted in compliance with the equivalencies set out in Part One, chapter III, Sections

36.1 and 36.2 of the Regents' Rules and Regulations."

The policy was approved by the provost and posted on his web site effective November 2003, just two months shy of five years since the initial proposal was made (January 1999).

The policy is now known as Modified Instructional Duties Policy (HOP 5.B.1). The official policy statement no longer anywhere mentions childbearing, only "certain personal circumstances." The eligibility statement reads:

Faculty members who may apply for modified instructional responsibilities are those who are the principal caregiver of a healthy pre-school child (or children), or who are required to care for or assist a member or members of their immediate family, who although not ill or disabled, needs the help and attention of the faculty member.

The procedure requires an application, preferably before the beginning of the semester 'modification' is sought. The applicant must outline to his or her department chair or dean a justification of need and a proposal of equivalent work to be done. The chair or dean then has thirty days to review the proposal, write up his or her review of it, and then submit it to the provost, whose decision is final, i.e., without appeal. His decision is to be transmitted in writing to the applicant and dean of department head.

This then is the history of 'family leave' provisions at one of the premier state-flagship institutions in the country. One may contrast what Lynn Roller of UC Davis reports:

The University of California, the largest university in the country (I think) [has the following] policy. Any faculty member automatically receives one quarter of childbearing leave (our calendar uses three ten-week quarters) with full pay, and can also receive two additional quarters of modified duty assignments upon request. The definition of "modified duties" is a little more vague, but in the Classics Department this means a one-course reduction in teaching assignments during the remaining two quarters. In addition, an Assistant Professor can request that the tenure clock be stopped for one full year because of childbearing leave. In other words, an Assistant Professor normally is evaluated for tenure no later than the seventh year of appointment, and thus an Assistant Professor with childbearing leave can request a tenure evaluation in the eighth year of

appointment.

This policy is explicitly stated in the Academic Personnel Manual of the University of California, which can be accessed at the following web site: <http://www.ucop.edu/acadaadv/acadpers/apm/apm-760.pdf>

We fought hard at UC to get childbearing rights for women. As the policy stands now, I believe that the faculty member must state that s/he has primary responsibility for child care, which almost always means the mother. A single father who adopts a child can request childbearing leave, although in practice, few do. I used this policy myself when my twins were born six years ago, and have just successfully negotiated a childbearing leave and tenure clock stop for one of my junior faculty.

The lesson here is clear in Lynn's words "[w]e fought hard." You can see from the UT case history that "fighting hard" requires sustained commitment over as long as a five-year period. If at your institution the chief administrative officers are not so relatively favorably disposed toward faculty as the UT provost and president, then the struggle will be greater. If your institutional structure places more power in the hands of faculty governing bodies, the fight might be more quickly winnable. The UT history stretches over more than five years if we factor in the period of preliminary deliberations within the FWC. In my opinion, it is a prime example of why any social changes require a few individuals willing to sacrifice large pieces of their lives to bring them about.

No strong coalition of faculty members and administrators at UT Austin was committed to doing this for the family leave provision. The results, therefore, are as I have described them. There is no child-bearing leave per se. Requests for a semester of modified instructional duties from the mothers- or fathers-to-be of anticipated 'healthy' pre-school children are subject to the approval of chairs, deans, and provost. The provost's decision is without appeal.

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