

# REPORT OF THE UNIVERSITY SENATE TASKFORCE ON DOMESTIC PARTNER BENEFITS

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## Executive Summary

### Charge and Membership

The University Senate assigned the Taskforce on Domestic Partner Benefits (TDPB) the charge:

Identify the necessary steps that the University of Kansas would need to follow to adopt domestic partnership benefits for employees of the University.

- a. Note the sources of authority for any changes in benefits policy that might be recommended, e.g., changes in statute, Regents policy, or KU policy.
- b. Note how KU's peer institutions have implemented domestic partnership benefits.
- c. Determine if there is evidence that domestic partnership benefits could affect KU's competitiveness in recruitment and rates of retention of faculty and staff, giving particular attention to matters of diversity and equity.
- d. Report plan and recommendation for action to SenEx by Spring 2010.

### Taskforce members

- Natalie Parker (unclassified staff), co-chair
- Steven Maynard-Moody (faculty), co-chair
- Lori Messinger      faculty
- Paul Farran          unclassified staff
- Peggy Palmer        support staff
- Saida Bonifield     student
- Madi Vannaman     HREO

The taskforce met throughout the fall of 2009, solicited evidence about the recruitment and retention of KU faculty and staff, reviewed documents from other institutions, and interviewed experts with experience in providing domestic partner benefits. The taskforce sent an email to Deans, Department Chairs, and Directors asking for them to share experiences in the recruitment of faculty and staff with domestic partners. These responses are included in Appendix D. The issues presented in the charge were difficult. While full equality in benefits may require long-term change in Kansas law and policy, the taskforce focused on near-term achievable goals with the desire to encourage a long-term engagement with these issues.

## Taskforce Recommendations

The taskforce recommends that KU extend the full array of benefits that are currently provided to married KU faculty and staff to faculty and staff with domestic partners. This will require initial steps and long-term engagement. Both are described below.

### Recommended Initial Steps

The Taskforce recommends:

1. that the University Senate accept, and ask the Chancellor to adopt, as KU policy, the definition of domestic partner provided below. We further recommend that KU create a University register for domestic partners.
2. that the Office of the Chancellor direct that all benefits and services not covered by the Kansas Health Care Commission, but are currently available to spouses of employees, be made immediately available to registered domestic partners of employees. These services and benefits include bereavement and FMLA leave, faculty housing, and parental leave.
3. that the University Senate recommend to the Office of the Chancellor that KU provide additional monetary compensation to KU employees with a registered domestic partner to defray the cost of health benefits. Legal and Policy barriers described below prevent KU from including domestic partners in the state health system or creating a separate group for DPB. Based on our analysis, the only reasonable next step to bridge this gap in employee benefits is to provide direct compensation to KU faculty and staff with domestic partners. The equitable amount of this compensation requires further analysis, and we recommend that the Chancellor instruct HREO to investigate and propose an appropriate amount.

### Next Steps

In addition to the short-term steps of providing monetary compensation for health insurance and expanding university-controlled benefits to KU employees with domestic partners, we recommend the Chancellor lead the way in making long-term changes to KU policy. To this end, the TDPB recommends that the Office of the Chancellor work with other Regents institutions to achieve the following:

1. to lobby for a change in the Kansas Health Care Commission's definition of family to include Domestic Partner's of employees and their children.
2. to separate Regent institutions employees from state employee restrictions so that insurance benefit decisions may be made within the university.
3. to lobby for a change in Kansas statute or Board of Regents' policy in the definition of family for the use of sick leave.

## Taskforce Findings

### KU's Commitment to Equality—A Work in Progress

The third paragraph of KU's Nondiscrimination Policy states:

The University of Kansas, Lawrence, is committed to the full participation of previously excluded or neglected classes of people. Thus, it is also the policy of the university to prohibit discrimination on the basis of sexual orientation, marital status, parental status, gender identity, and gender expression. The university's nondiscrimination policy extends to employment practices, conditions of employment, personnel actions and all other educational programs and activities of the university and its affiliates. Leaders in the university community continuously examine all areas of the institution, make policy decisions, and implement strategies to eliminate and prevent discrimination wherever necessary.

The judgment of the Taskforce is that current State of Kansas and University of Kansas benefits policies discriminate against KU faculty and employees with domestic partners. Foremost among these benefits is health insurance, but married employees receive a wide range of benefits that are not available to employees with domestic partners; these are summarize on Table 1. The lack of medical and other benefits for domestic partners creates a meaningful financial loss to same-sex or unmarried different-sex couples.<sup>1</sup> The taskforce agrees with a recent report from the University of Texas-Austin, which states, "Lack of DPB creates a two-tiered system of compensation ... that fosters a climate many perceive as unfair and not in keeping with the university's best traditions and stated commitments to excellence and diversity."<sup>2</sup>

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<sup>1</sup> Tara Siegel Bernard and Ron Lieber, "The High Price of Being a Gay Couple," *New York Times* (3 October 2009):

<sup>2</sup> Domestic Partner Benefits Subcommittee, The University of Texas at Austin, *Questions and Answers About Domestic Partner Benefits* (April 2008): 14.

**Table 1. Comparison of other benefits coverage**

	Legal Spouse	Domestic Partner
Accidental Death and Dismemberment (TEA)	X	
Bereavement Leave	X	
COBRA Coverage	X	
Dental Insurance	X	
Employee Assistance Program	X	
Family Medical Leave*	X	
Faculty Housing*	X	
Flexible Spending Account	X	
Life Insurance (TEA)	X	
Long Term Care (TEA)	X	
Parental Leave*	X	
Recreational Facilities*	X	X
Sick Leave	X	
Vision Insurance	X	

(\*These items are not regulated by the state and could be extended to employees with domestic partners by the Chancellor.)

Without domestic partner benefits, KU is limited in its ability to create and foster a diverse workforce. An employee with a spouse, who is eligible for insurance coverage and other benefits, enjoys significantly greater overall compensation than an employee with a domestic partner, even though the two employees may perform identical work. Major employers, including peer institutions, have chosen to provide DPB in order to remain competitive (see Appendices E and F). Moreover, the rapid and widespread adoption of DPB in corporate America, as well as by universities and other employers, demonstrates how such benefits are increasingly seen as critical to attracting and retaining the best employees. This tension is visible in experiences of KU faculty and staff (reported in full in Appendix D).

As Mary Ellen Kondrat, Dean of the School of Social Welfare shared with us:

*In 2006, we lost a highly productive young scholar who went to Rutgers because that institution had partner benefits. I was incoming dean, and I spent time trying to convince her to stay. She loved it here – but the partner benefits were a major problem.*

*One never knows how many others did not apply because of this feature.*

In the words of a long-term senior staff person:

*I have worked at KU for 10 years. My partner is a teacher here in Lawrence, and she is eligible for retirement based on age and years of service. But she hasn't been in the Lawrence school district for 15 years, so she would not be eligible for insurance benefits if she retired now. Because current policy does not allow her to be covered by my*

*insurance, she has to keep working for another six years. It makes me angry that we're being denied this health care benefit that is afforded my heterosexual colleagues. I love working at this university, but this issue causes me to keep an eye on the vacancies in my field at other institutions...as a matter of fairness to my partner who has earned her retirement and as a matter of equity for me as an employee who should have employment benefits equal to that of all other employees.*

## **Taskforce Recommendations**

The taskforce recommends that KU extend the full array of benefits that are currently provided to married KU faculty and staff to faculty and staff with domestic partners. This will require initial steps and long-term engagement. Both are described below.

### **Recommended Initial Steps**

The Taskforce recommends:

1. that the University Senate accept, and ask the Chancellor to adopt, as KU policy, the definition of domestic partner provided below. We further recommend that KU create a University register for domestic partners.
2. that the Office of the Chancellor direct that all benefits and services not covered by the Kansas Health Care Commission, but are currently available to spouses of employees, be made immediately available to registered domestic partners of employees. These services and benefits include bereavement and FMLA leave, faculty housing, and parental leave.
3. that the University Senate recommend to the Office of the Chancellor that KU provide additional monetary compensation to KU employees with a registered domestic partner to defray the cost of health benefits. Legal and Policy barriers described below prevent KU from including domestic partners in the state health system or creating a separate group for DPB. Based on our analysis, the only reasonable next step to bridge this gap in employee benefits is to provide direct compensation to KU faculty and staff with domestic partners. The equitable amount of this compensation requires further analysis, and we recommend that the Chancellor instruct HREO to investigate and propose an appropriate amount.

### **Definition of “Domestic Partner”**

Universities and other businesses label, define, and verify domestic partnerships in a variety of ways. Some, such as the University of Michigan, have created a status called “other qualified adult” for the adult in a domestic partnership, whereas Ohio State University calls the relationship a “domestic partnership.”

Most university and college employers require employees and their domestic partners to complete an affidavit of domestic partnership. Further, they often require some proof of the relationship between the two individuals in the domestic partner relationship. This proof can

include joint rental agreements or mortgages, joint bank accounts, shared insurance, or claiming a partner as beneficiary on life insurance.

Based on a review of definitions and requirements from various universities and colleges, we propose the following definition and requirements:

Domestic Partners are defined as two individuals who are not in a marriage recognized by the state of Kansas and who, together, each meet all of the following criteria. They:

1. Are 18 years of age or older.
2. Are competent to enter into a contract.
3. Are not legally married to, nor the domestic partner of, any other person.
4. Are not related by marriage.
5. Are not related by blood closer than permitted under marriage laws of the State of Kansas.
6. Have entered into the domestic partner relationship voluntarily, willingly, and without reservation.
7. Have entered into a relationship which includes all of the following:
  - living together as a couple
  - mutual support of each other
  - mutual caring and commitment to each other
  - mutual responsibility for each other's welfare
  - joint responsibility for the necessities of life
8. Have been in this relationship for at least six (6) months prior to registration with the University of Kansas.
9. Intend to continue the domestic partner relationship indefinitely, with the understanding that the relationship is terminable at the will of either partner.

#### **Proof of relationship**

Domestic partners will prove their relationship by providing documentation of one of the following:

1. Partnership affidavit (as defined by the employer/insurer)
2. Municipal domestic partnership registration
3. Domestic partnership registration or civil union license from another state or country

Same-sex couples could also provide:

4. Marriage license issued in another state or country

#### **Change in Domestic Partner Status**

Domestic partners agree to notify the University by filing a Statement of Termination if there is any change in status as domestic partners as attested to in this Affidavit. After termination of this relationship, they understand that a subsequent Affidavit of Domestic Partnership cannot be filed for at least six months.

#### **Acknowledgments**

Domestic partners have provided the information in this Affidavit for use by the University for the sole purpose of determining eligibility for Domestic Partner benefits. They acknowledge and agree to the terms stated herein and they understand that any misrepresentation may result in loss of benefits and/or termination of employment.

#### **Legal Barriers to Providing Domestic Partner Benefits**

State and local laws provide a challenging context for the University of Kansas to extend medical benefits to the domestic partners of its employees. These statutory issues, outlined below, are related to three areas: (1) the definitions of marriage and family in Kansas and local laws; (2) the definition of qualified participants in state health care benefits plans, and (3) the provision of healthcare benefits to state employees. The taskforce acknowledges this context in its recommendations.

The Kansas statute defining “marriage” excludes same-sex partnerships:

“The marriage contract is to be considered in law as a civil contract between two parties who are of opposite sex. All other marriages are declared to be contrary to the public policy of this state and are void.”<sup>3</sup>

In addition, another statute reiterates this expression:

“It is the strong public policy of this state only to recognize as valid marriages from other states that are between a man and a woman.”<sup>4</sup>

By statute, the Kansas State Employees Health Care Commission is granted the legal authority to

“designate by rules and regulations those persons who are qualified to participate in the state health care benefits program, including active and retired public

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<sup>3</sup> K.S.A. 23-101 (a).

<sup>4</sup> K.S.A. 23-115

officers and employees and their dependents as defined by rules and regulations of the commission.”<sup>5</sup>

In its regulation, the Commission has defined an “eligible participant” to include “the primary participant’s lawful wife or husband.”<sup>6</sup> As noted above, state law has defined as void any marriage other than one between two parties of the opposite sex.

Further, state statute limits the ability for postsecondary institutions to purchase health insurance for its employees or students. The relevant sections in this statute read,

“any postsecondary education institution...may purchase insurance of any kind or nature except employee health insurance” and “the state board of regents provides health and accident insurance...for all students attending a state education institution.”<sup>7</sup>

A local ordinance in Lawrence, however, actually facilitates the provision of domestic partner benefits to employees. The city of Lawrence, Kansas is the only locality in Kansas that offers a Domestic Partner Registry (DPR). Adopted in August 2007, the registry provides the opportunity for two individuals to register their domestic partnership, regardless of their sex. Participation in the registry is limited to Lawrence residents. Further, the use of this local registry to provide insurance was found to be in compliance with the Kansas Statute defining marriage by the Kansas Attorney General in 2007.<sup>8</sup>

Our review of other universities facing difficult state laws and policies found that many have found a way to offer some or all domestic partner benefits to their faculty and staff. Information about these universities is provided in Appendix E.

Because of the barriers to enrolling domestic partners in the medical insurance provided to the spouses of KU employees, we recommend that the Chancellor authorize the transfer of additional funds to KU employees with qualified domestic partners to cover the cost of purchasing medical benefits. Not all qualified domestic partners will seek this benefit—many, for example, already receive medical insurance through their employment—and we recommend providing the transfer of funds only in the case when the qualified domestic partner is seeking the benefit from KU. This University Senate taskforce recommends that KU extend these benefits to faculty and staff of the Lawrence and Edwards Campuses as well as any other off-site unit that reports to the Lawrence Campus (e.g., Juniper Gardens in KCK, or the Life Span Institute at Parsons). We further encourage the Chancellor to consider extending this benefit to the KU Medical Center.

How will this work? KU is required by state law to provide health insurance to its employees only through the State-authorized plans. Kansas law does not limit additional benefits provided to employees. The benefits we are recommending are in addition to that currently offered by the state to those employees with domestic partners. The actual recipients of the funds toward health insurance are *not* KU employees, so there is no restriction in going

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<sup>5</sup> K.S.A. 75-6501(c).

<sup>6</sup> K.A.R. 108-1-1(g) (1).

<sup>7</sup> K.S.A. 75-4101

<sup>8</sup> Morrison, P. (September 10, 2007). ATTORNEY GENERAL OPINION NO. 2007-29.

outside the state system in providing this benefit. KU can only pay its employees, so the additional benefit will need to go to the KU employee. Under current IRS regulations, this benefit will in all likelihood be taxable.

### **Recommended Next Steps**

In addition to the short-term steps of providing monetary compensation for health insurance and expanding university-controlled benefits to KU employees with domestic partners, we recommend the Chancellor lead the way in making long-term changes to KU policy. To this end, the TDPB recommends that the Office of the Chancellor work with other Regents institutions to achieve the following:

1. to lobby for a change in the Kansas Health Care Commission's definition of family to include Domestic Partner's of employees and their children.
2. to separate Regent institutions employees from state employee restrictions so that insurance benefit decisions may be made within the university.
3. to lobby for a change in Kansas statute or Board of Regents' policy in the definition of family for the use of sick leave.

## Appendices: Background/Context

### Appendix A. Potential avenues this taskforce explored: Kansas University Teachers and Employees Association

The Taskforce investigated the possibility of insuring domestic partners of KU employees as a group with the University paying the health insurance premiums. The KU Endowment Association provides DPBs through their medical insurance (see Appendix B below), and the Taskforce spoke with the insurance representative for KU Endowment Association's health insurance policy. In addition, we spoke with the broker for Kansas University Teachers and Employees Association (KU T.E.A.), which offers life and disability insurance coverage to KU employees and spouses.

We discovered that the domestic partners would not constitute a "group." Domestic partners are not associated with each other and are not employees of the same organization. Furthermore, we estimated there might be approximately 50 domestic partners who might seek the health insurance coverage, but were told that 50 individuals are too few to create an "association." Thus, if the domestic partner is not covered by his/her own employer or group health plan, the only viable option would be to purchase an individual insurance policy.

The Taskforce also investigated the feasibility and costs of providing medical coverage equivalent to the current plans available to KU employees' spouses to domestic partners through a KU T.E.A. sponsored group. However, since KU employees must be on the state plan, the group would consist only of the domestic partners, not the KU employees themselves. KU T.E.A. determined that defining a group of unrelated individuals, who were not employees of KU, was not possible.

Individual insurance, while available, is often expensive and enrollment is subject to limits on pre-existing conditions. Nonetheless, this is the only option available at this time to provide coverage to DPs.

### Appendix B. KU Endowment Association Policy and Experience

The KU Endowment Association (KUEA) explored offering Domestic Partner benefits with their health insurance provider because a couple of staff members requested it. KUEA also felt that it was the right thing to do and would help make them more competitive in the market place for candidates from an employee-benefits standpoint.

As this option was researched, KUEA learned there was a cost associated with the Domestic Partner Benefit option, which increased premiums for all participants. It was difficult to implement at a time when premiums were steadily increasing at a 10-12% annual rate. However, KUEA continued to review this option for a couple of years and in FY09 their insurance carrier added this benefit at no additional cost. Once Domestic Partner Benefits were added to the Health Insurance Plan, KUEA also added Dental, Vision, etc.

When the Domestic Partner benefit option was announced to staff last fiscal year, KUEA heard many positive comments and have had a couple of employees utilize it. KUEA is aware of

at least one instance where a potential candidate (a trailing partner from a KU faculty member) was particularly interested in this option and learned about it from KUEA's website. KUEA indicates that on their website, under job openings, that this benefit is available.

### Appendix C. Recruitment and Retention Issues for KU

Leaders of public higher education and state policymakers need to understand what the competition already recognizes: that offering domestic partner benefit programs is a cost-effective strategy to attract and retain faculty, staff, and administrators from a greater pool of talent. Of equal importance, offering these programs is essential if the nation's public institutions are to demonstrate their commitment to social and economic justice, diversity, and inclusiveness.

Currently, the University of Kansas does not provide benefits to partners of faculty and staff members unless the relationship qualifies as a "marriage" according to Kansas law. The consequences are an inequity in compensation and an inherent message that domestic partners are "less than." As a result, tenured faculty and seasoned staff are leaving the University and potential hires are declining offers from KU due to the lack of benefits for Domestic Partners.

Research indicates that a married employee enjoys significantly greater overall compensation than their non-married counterpart even though both perform identical work. As supported by Russell's article on Competitive Advantages, "Motivated by a desire to attract and retain high-quality workers, private businesses have taken the lead in offering domestic partnership benefits to their employees, with public entities following suit."<sup>9</sup>

Across the nation, major universities are taking the lead in providing benefits to domestic partners. Below are just a few quotes from University employees of peer institutions:

"The absence of domestic partner benefits is really a serious recruiting issue for us. We know of instances where we have lost outstanding candidates because of it."  
-University of Wisconsin at Madison's provost, 2005

"Given the economic crisis our state is in, discouraging an educated workforce from staying in Michigan ... seems like a step backward instead of forward."  
-Eastern Michigan University staff member, 2007

"We are not endorsing any lifestyle. We are simply recognizing that people are people. We are recognizing the world we live in."  
-University of Louisville trustee, 2006

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<sup>9</sup> Russell, A. (2007). *Domestic Partnership Benefits: Equity, Fairness, and Competitive Advantage*. A Higher Education Policy Brief. AASCU. Available at [http://www.aascu.org/policy\\_matters/pdf/domestic\\_partners07.pdf](http://www.aascu.org/policy_matters/pdf/domestic_partners07.pdf)

## Appendix D. Narratives provided by KU Deans, Department Chairs and Directors<sup>10</sup>

Mary Ellen Kondrat, Dean of the School of Social Welfare:

In 2006 we lost a highly productive young scholar who went to Rutgers because that institution had partner benefits. I was incoming dean, and I spent time trying to convince her to stay. She loved it here – but the partner benefits were a major problem.

One never knows how many others did not apply because of this feature.

Department of Student Housing:

I have worked at KU for 10 years. My partner is a teacher here in Lawrence, and she is eligible for retirement based on age and years of service. But she hasn't been in the Lawrence school district for 15 years, so she would not be eligible for insurance benefits if she retired now. Because current policy does not allow her to be covered by my insurance, she has to keep working for another six years. It makes me angry that we're being denied this health care benefit that is afforded my heterosexual colleagues. I love working at this university, but this issue causes me to keep an eye on the vacancies in my field at other institutions...as a matter of fairness to my partner who has earned her retirement, and as a matter of equity for me as an employee who should have employment benefits equal to that of all other employees.

Gail B. Agrawal, Dean and Professor of Law:

A member of the Law School faculty has a domestic partner who does not have employment that offers a group plan for health care coverage. For now, the individuals involved are able to purchase health care coverage for the domestic partner in the private insurance market. That could change as a result of increasing age (but less than 65) or the development of medical conditions that might make insurance prohibitively expensive or simply unavailable. This faculty member has told me s/he could be "happy at KU Law forever but" envisions a time when the issue of domestic partner coverage might take on greater significance and they will seek to move to a school that provides benefits for domestic partners.

I am also aware of a highly qualified faculty member in whom we and others have great interest who is not moveable from his present school because that school does provide domestic partner coverage. I know of at least two more highly ranked schools with more resources for salary and research support that tried, unsuccessfully, to

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<sup>10</sup> Two of these narratives are included in the body of the report. They are repeated here so that Appendix D represents a complete record. When an individual was discussing someone else's experience we included their name; when someone was recounting their own experience, we removed their name from the account.

recruit him. If the present school did not have domestic benefits, it would never have been able to retain this recruited faculty member.

#### Student Involvement & Leadership Center:

Though it worked itself out, initially when the mother of my partner of 11 years suffered a stroke and a number of body functions stopped working, she was placed in a hospital for several days with an unclear (and mostly doubtful) chance of survival. When I asked to take medical leave to be with my partner and his family, I had to wait while the 'powers that be' checked things out with HREO to make sure this was OK. It did turn out fine but the additional stress and anxiousness that accompanied what was already a very stressful time (she consequently passed away after a few days) made the situation worse. I didn't feel good about KU/State of Kansas putting me through the extra stress...had this been a legal "in-law" I don't think anyone would have questioned, or at least that's been my experience with others in the same situation.

#### Lori Reesor, Associate Vice Provost for Student Success:

I have a number of staff members (unclassified staff, not faculty) that this would apply to. We are very fortunate to have kept them at KU but I know this poses personal challenges for them and I believe is discriminatory. I think this is a very important issue and strongly believe domestic partner benefits should be provided by KU. I know many other higher education institutions offer this benefit and I am embarrassed that Kansas is not one of them. I do think it would assist us in recruiting and retaining faculty and staff as well as it sends a strong message of support to our entire community.

#### Classics Department:

My partner and I came to KU from [...] University, [...] he was hired to [be] full-time in Classics, and I [was hired to] be half-Classics, half-HWC.

So, in effect we were successful at a university that otherwise could not have accommodated us unless we were both hireable.

One of the most maddening aspects of KU is that they have a narrow, exclusive definition of inclusivity: anybody [of color] or disabled or veteran, but GLBTs are not part of KU's vision of diversity (I presume because they're not (yet) part of the federal government's vision of diversity).

Therefore, HR is not interested in LGBT diversity.

This came up when I was chair of Classics in 04-05 and we were hiring, and it's very difficult to hire minorities [who are people of color] in Classics (there are a handful of

[people of color]), but we could have easily hired gays and lesbians. But HR was not interested.

Thomas P. McDonald, Professor and Associate Dean for Research:

We lost a very promising junior faculty person three years ago directly as a result of the lack of partner benefits. She has gone on to do great things at another public university that does provide partner benefits.

Rick Ginsberg, Dean of the School of Education:

I solicited information from our department chairs. No specific examples from KU, but some very supportive comments and ideas.

- I do think the availability of domestic partner benefits is having an increasing impact on searches. We may not know it though as candidates may not always feel comfortable enough asking in an interview or they may not even apply because we don't have such benefits. A young man on our Division J program committee told me last weekend that he only applied for jobs at places that had such benefits. Presumably he would have ruled KU out because we do not have domestic partner benefits; we would not necessarily have known.
- I have asked if any of our faculty is aware of this being an issue, but I have not run into this issue in any searches at KU. I did run into this issue when I was COO at Measured Progress. The woman who raised the issue (a KU grad by the way) accepted the position despite our lack of policy. Sometime after starting she raised the question again and we implemented such a policy out of a desire for fairness more than as a recruiting tool.
- Domestic partner benefits (and messages implied by their presence or absence) have influenced the academic career moves of at least 8-10 of my friends and former students that I can think of--without much effort. Next year when my son finishes his Ph.D. in counseling and looks for an academic position, this will be a significant consideration in his decision making. As someone in this, I couldn't encourage him to apply for positions in "good places" where he is likely to experience institutional discrimination.

Lorraine Haricombe, Dean of Libraries:

I do know of a candidate in Public Admin (for fall 2010) and his partner, who has significant experience in development/fundraising for Libraries (both are currently at Syracuse). While the partner has talked with KUEA there is no assurance of a position for him there (yet). Not sure what effect this will have on the candidate's acceptance of Public Admin's offer to him.

Lori Messinger, School of Social Welfare:

1. We lost one very successful pre-tenure faculty member (who was co-PI on a project receiving \$250,000 in federal funds while at KU) to Rutgers University because they offered comprehensive domestic partner benefits. Her same-sex partner, a social worker, had a pre-existing condition that made insurance prohibitively expensive. This former faculty member had published numerous peer-reviewed articles and served in leadership roles in national professional organizations while at KU, and she has continued this work since she has gone. Since leaving KU, this former faculty member has established a research center and received more than \$300,000 in research grants.

*(Note: this is the same faculty member referenced above by Kondrat and McDonald.)*

2. When I was hired at the KU School of Social Welfare, I informed the dean that I was in a long-term couple and my partner was a social worker. Even though I later found out KU had a spousal accommodation policy and my partner had a degree in the area of our discipline, the dean never offered to help my partner find a job in the area. This was an issue, because my partner had no health insurance when we arrived. She was not able to secure a job in the area until 6 months after I started at KU and when she found a job, it did not offer insurance benefits—a situation that is typical in social services agencies. So, she was uninsured for more than a year. Eventually, we purchased an expensive, high deductible, independent policy for her. It was not until 3 years later that her employer promoted her and agreed to cover the costs for her high deductible health insurance policy. While she has health insurance now, it is nowhere near as comprehensive as the policy covering family members of KU employees. I have been tempted by other jobs at schools with domestic partner benefits, knowing that this would allow my partner freedom and coverage that she cannot get while we are here at KU. We struggle with the idea that our university says it does not discriminate, and yet it clearly discriminates in terms of compensation and health insurance coverage.

3. We were recruiting a strong senior scholar for a position last year, but he was unwilling to leave his current position and to accept a position here because we did not offer health insurance benefits for his partner. (His current school has those benefits.)

### **Appendix E. Trends in Higher Education**

The employer database of the Human Rights Campaign, using self-reported data, identifies 309 colleges and universities that provide healthcare benefits to same-sex domestic partners. Sixty-five members of the American Association of State Colleges and Universities (AASCU) provide these benefits, representing 15 percent of AASCU institutions.<sup>11</sup> Institutions also have expanded their definitions of family to include domestic partners and their children for university-sponsored housing, tenure clock-stopping policies, and family leave policies. Some

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<sup>11</sup> Ibid.



<b>Institution</b>	<b>City</b>	<b>State</b>
University of Alaska	Anchorage	AK
University of Alabama at Birmingham	Birmingham	AL
University Of California system		CA
University of Colorado Boulder	Boulder	CO
University of Colorado Denver	Denver	CO
University of Connecticut	Storrs	CT
University of Delaware		DE
University of Florida	Gainesville	FL
Hawaii University System		HI
University of Illinois Chicago	Chicago	IL
University of Illinois Springfield	Springfield	IL
University of Illinois Urbana-Champaign	Champaign	IL
Iowa State University	Ames	IA
University of Iowa	Iowa City	IA
Indiana University	Bloomington	IN
University of Kentucky	Lexington	KY
<a href="#">University of Maine System</a>	Bangor	ME
University of Maryland	College Park	MD
<a href="#">Michigan State University</a>	East Lansing	MI
<a href="#">University of Michigan Ann Arbor</a>	Ann Arbor	MI
<a href="#">University of Minnesota</a>	Minneapolis	MN
<a href="#">University of Montana</a>	Missoula	MT
<a href="#">University of New England</a>	Biddeford	ME
<a href="#">University of New Hampshire Durham</a>	Durham	NH
Rutgers University	Piscataway	NJ
<a href="#">University of New Mexico</a>	Albuquerque	NM
CUNY City University of New York System	New York	NY
<a href="#">Ohio State University</a>	Columbus	OH
<a href="#">Ohio University</a>	Athens	OH
<a href="#">University of Oregon</a>	Eugene	OR
<a href="#">University Of Oregon Portland</a>	Portland	OR
Pennsylvania State University	College Park	PA
<a href="#">University of Pittsburgh</a>	Pittsburgh	PA
University of Rhode Island	Kingston	RI
<a href="#">University of Utah</a>	Salt Lake City	UT

<a href="#">University of Vermont</a>	Burlington	VT
<a href="#">University of Washington</a>	Seattle	WA
<a href="#">University Of Washington Bothell</a>	Bothell	WA
<a href="#">University Of Washington Tacoma</a>	Tacoma	WA
University of Wisconsin	Madison	WI
		30 states

\* At the time that this report was written, there are movements to obtain DP health benefits at the University of Alabama (main campus), University of Missouri<sup>13</sup>, and the University of Texas.

At KU, FMLA policy uses the federal definitions of family as “parent, spouse, son or daughter under 18 or over 18 if qualifying.” The KU *Interruption of the Tenure Clock* policy applies only to the employee’s “born or adopted child,” not the child of a domestic partner. Similarly, the modified instructional policy can be invoked by faculty members

“who are the primary caregiver or have at least co-equal care giving responsibilities for a pre-school child, by birth or adoption, or who are required to care for or assist a member or members of their immediate family who are ill or disabled.”

Sick leave can be invoked for “personal or family illness,” and funeral/bereavement leave applies only to the “death of a close relative...or the close relative of a member of your household.” These policies often leave out the domestic partner of an employee and that partner’s children or family members.

A working group on lesbian, gay, bisexual, and transgender issues at KU conducted a review of peer institutions in October 2009 to determine how many included a similar expanded definition of immediate family in FMLA, tenure-clock, modified instructional load, sick, or funeral/bereavement policies. Of the 18 peer cost study and AAU universities, 10 institutions include an expanded definition of immediate family in at least some of these policies.

## Appendix F. Trends in KS Businesses

According to the Human Rights Campaign (HRC) website, in the United States, “the majority of the largest employers (5,000+ employees) now provide benefits to same-sex partners and spouses of employees, after the first Fortune 500 company did so in 1990.”<sup>14</sup> A large number of national corporations employing Kansans offer domestic partner benefits, including Borders, Blockbuster, Home Depot, JC Penney, Office Depot, Target, US Bank, and Walgreens.

<sup>13</sup> M.R. Williams. (Jan 8, 2010). University of Missouri considers whether to offer domestic partner benefits. *Kansas City Star*. Available online <http://www.kansascity.com/115/story/1672612.html>.

<sup>14</sup> <http://www.hrc.org/issues/workplace.asp>

At the same time, according to the HRC Employer Database, there are eleven businesses headquartered in the state of Kansas that offer domestic partner medical benefits to same-sex and opposite-sex partners. These businesses are as follows:

- Aeroflex Wichita Inc.
- Bay Area Interactive Inc.
- Black & Veatch Corp.
- Boilermakers (IBB)
- Evidence Collection & Protection, Inc.
- Fairbanks Morse Pump
- Johnson County Community College
- Rockhurst University Continuing Education Center, Inc.
- Skillpath Seminars
- Sprint Nextel Corp.
- The Corridor Group Inc.

Though the number of Kansas-based businesses that offer domestic partner benefits is not expansive, it is important to note out of the twenty-five top Kansas employers, the number one employer, Sprint/Nextel, *does* offer domestic partner benefits to its employees.<sup>15</sup>

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<sup>15</sup> Book of Lists, October 2007, local Chambers of Commerce, individual companies Kansas City Business Journal Book of Lists, October 2007; Wichita Business Journal Human Rights Campaign Website (2010). *Employer Database*. Retrieved from: [http://www.hrc.org/issues/workplace/benefits/domestic\\_partner\\_benefits.htm](http://www.hrc.org/issues/workplace/benefits/domestic_partner_benefits.htm)