



Passed by roll call vote

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**AR 26: Concerning the Denial of Competitive Benefits to University Employees**

Authors Nathan Bunch, Muneezeh Kabir, Johanna Spencer, and John O. Woods  
Sponsors Representatives Nathan Bunch, Tim Hooper, Tarryn O'Dell, Johanna Spencer, and John O. Woods

**WHEREAS**, Full-time and twenty-hour part-time employees of The University of Texas at Austin receive benefits such as health insurance and bereavement leave; and these benefits are extended to opposite-sex spouses and certain dependents of those employees, but not to same-sex partners;<sup>i</sup> and,

**WHEREAS**, The Board of Regents currently interprets Texas law as forbidding domestic partner benefits; however, the City of Austin not only provides employment benefits but also unemployment and bereavement benefits<sup>1</sup> to domestic partners;<sup>ii</sup> and,

**WHEREAS**, Extending health insurance benefits to domestic partners was estimated to cost 0.58% (approximately \$300,000) of the current health insurance expenditures budget of The University of Texas at Austin; but the monetary cost of replacing one faculty member who leaves based on denial of benefits was estimated at between \$214,000 and \$1.2 million;<sup>iii</sup> and,

**WHEREAS**, President William Powers has said that The University of Texas at Austin should "...ensure that the Forty Acres is free from discriminatory practices, harassment and misconduct, and that all persons who come here are able to pursue their work in a fair and equitable workplace<sup>iii</sup>," and,

**WHEREAS**, Denial of benefits cripples the ability of The University of Texas System institutions to compete for talented faculty, staff, and graduate students<sup>iv</sup> — against private schools and universities which choose to extend competitive benefits — and,

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<sup>1</sup> The federal government typically provides for certain unemployment and bereavement benefits via the Consolidated Omnibus Budget Reconciliation Act (COBRA), but not to same-sex partners. The City of Austin provides COBRA-like unemployment and bereavement benefits (divorce, death, or layoffs) in addition to regular employment benefits for same-sex partners.

**WHEREAS**, Nine of eleven peer institutions of The University of Texas at Austin do not deny benefits, and more than half of those institutions are in states which have similar "defense of marriage" (or DOMA-like) laws to the State of Texas;<sup>iii</sup> and further, these states with DOMA-like laws have not acted to overrule universities that have ceased to deny benefits to domestic partners; and,

**WHEREAS**, The University of Texas at Austin must compete for faculty within the State of Texas with Baylor College of Medicine,<sup>v</sup> Southern Methodist University,<sup>vi</sup> Trinity University,<sup>vii</sup> Rice University,<sup>viii</sup> and Southwestern University,<sup>ix</sup> which do not deny benefits to domestic partners; and,

**WHEREAS**, All of the schools on *U.S. News & World Reports'* list of the top ten colleges and universities (from 2007) offer domestic partner benefits, as do all Ivy League universities;<sup>x</sup> and,

**WHEREAS**, The University of Texas at Austin must compete locally for staff with the City of Austin, Travis County, Dell Computers, Whole Foods, and many other employers which do not withhold benefits;<sup>iii</sup> and,

**WHEREAS**, The University of Texas System has had a sexual orientation non-discrimination policy for nearly two decades;<sup>xi</sup> therefore,

**BE IT RESOLVED**, That Student Government believes that the denial of full employee/retiree benefits to same-sex unions discriminates not only against partners of employees but against all dependent upon them, both psychologically and economically, serving to marginalize and deny power to fully-qualified persons.

**BE IT FURTHER RESOLVED**, That Student Government believes The University of Texas at Austin faces an uphill battle in its goal of becoming the top public university in the nation as long as it remains unable to compete for faculty and staff due to lack of competitive benefits.

**BE IT FURTHER RESOLVED**, That Student Government at The University of Texas at Austin calls for – and shall advocate for – competitive benefits to be extended to same-sex partners of employees and retirees of The University of Texas System.

**BE IT FURTHER RESOLVED**, That an official copy of this legislation be distributed to the Office of the President, the Board of Regents, the Office of the Vice President for Diversity and Community Engagement, the Faculty Council, the Staff Council, and the Graduate Assembly

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<sup>i</sup> "Benefits for Employees." The University of Texas System: Office of Employee Benefits. <<http://www.utsystem.edu/benefits/employees/>>. Accessed 15 Nov 2009.

<sup>ii</sup> "City of Austin expands same-sex benefits." *The Austin-American Statesman*. <<http://www.statesman.com/blogs/content/shared->

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[gen/blogs/austin/cityhall/entries/2009/11/02/city\\_of\\_austin\\_expands\\_samesex.htm](http://gen/blogs/austin/cityhall/entries/2009/11/02/city_of_austin_expands_samesex.htm)>. Accessed 15 November, 2009.

<sup>iii</sup> "Message from President Powers." The University of Texas at Austin: Office of VP for Diversity and Community Engagement. <[http://www.utexas.edu/diversity/about/message\\_powers.php](http://www.utexas.edu/diversity/about/message_powers.php)>. Accessed 29 November 2009.

<sup>iv</sup> "Questions and Answers about Domestic Partner Benefits." Pride and Equity Faculty Staff Association: Domestic Partner Benefits Subcommittee; The University of Texas at Austin, April 2008. <<http://www.utexas.edu/staff/pfsa/DPBreport.pdf>>. Accessed 15 November 2009.

<sup>v</sup> "Benefits Cost & Coverage Information (2010)." Baylor College of Medicine. <<http://www.bcm.edu/pdf/2010CostSupplementInfo.pdf>>. Accessed 15 November 2009.

<sup>vi</sup> "Human Resources." Southern Methodist University. <<http://smu.edu/HR/benefits/Domestic%20Partner.asp>>. Accessed 15 November 2009.

<sup>vii</sup> Trinity University. <[http://web.trinity.edu/Documents/hr\\_docs/Aetna%20Final%20Summary%20Plan%20Document%202009.pdf](http://web.trinity.edu/Documents/hr_docs/Aetna%20Final%20Summary%20Plan%20Document%202009.pdf)>. Accessed 15 November 2009.

<sup>viii</sup> "Human Resources: Benefits." Rice University. <[http://people.rice.edu/benefits.cfm?doc\\_id=12149](http://people.rice.edu/benefits.cfm?doc_id=12149)>. Accessed 15 November 2009.

<sup>ix</sup> "Faculty Benefits Summary, Effective January 1, 2009." Southwestern University. <<http://www.southwestern.edu/fiscalaffairs/stuff/hr/FacultyBenefits-2009.pdf>>. Accessed 15 November 2009.

<sup>x</sup> Russell, Alene. 2007. "Domestic Partnership Benefits: Equity, Fairness, and Competitive Advantage." American Association of State Colleges and Universities. <[http://www.aascu.org/media/pm/pdf/domestic\\_partners07.pdf](http://www.aascu.org/media/pm/pdf/domestic_partners07.pdf)>. Accessed 15 November 2009.

<sup>xi</sup> UTS105: Sexual Orientation Nondiscrimination Policy. The University of Texas System, August 1990. <<http://www.utsystem.edu/policy/policies/uts105.html>>