

A Critical Analysis of Family Leave Policies Across U.S. Universities

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Thesis submitted to the faculty of the Virginia Polytechnic Institute and State University
in partial fulfillment of the requirements for the degree of

Master of Science

In

Sociology

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May 9th, 2023

Blacksburg, Virginia

Keywords: gender, gender essentialism, institutional isomorphism, family leave policies

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ABSTRACT

The purpose of this study is to critically examine family leave policies across universities in the United States to determine whether and to what degree they rely on traditional notions of motherhood and family. Conversations surrounding the lack of equitable and adequate family leave should be continued by researchers, advocates, and policymakers, but the inclusivity of current family leave policies warrants critical attention. The reliance on reproduction to define motherhood excludes individuals who cannot or choose not to give birth. This reliance also attaches mothering behaviors and norms to feminine bodies which works to reify gender inequalities. This project utilizes a mixed methods approach. Using a qualitative content analysis of family leave policies from different universities, I examine if and how they rely on aspects of physical birth, heteronormativity, and gendered language. I compare family leave policies across states that are (and are not) considered LGBTQ+ friendly. Secondly, I used a binary logistic regression analysis to test institutional isomorphism, specifically examining to what extent coercive and mimetic pressures affect family leave policy inclusiveness. I found that most policies are gender neutral and do not rely heavily on reproduction, but the implications of those that are highly gendered and rely on reproduction are enlightening. I found that only 8% of policies included LGBTQ+ specific protections. The regression model revealed that isomorphism is not the greatest predictor of policy inclusiveness, and that universities in less progressive states are more likely to have inclusive policies

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GENERAL AUDIENCE ABSTRACT

The purpose of this research is to examine to what degree university family leave policies rely on traditional gender norms, biological reproduction, and heteronormativity, thus determining how inclusive family leave policies are of adoptive and LGBTQ+ families. Notions of traditional gender norms, biological reproduction, and heteronormativity can potentially exclude adoptive and LGBTQ+ families, as well as gender-nonconforming individuals. I compared universities in both progressive and conservative states to determine if state politics have any effect on family leave policy inclusiveness. I used a content analysis to examine these policies, where I individually coded each policy for gendered language, notions of biological reproduction, and LGBTQ+ protections. I also ran a statistical analysis to determine what variables have an effect on overall policy leave inclusiveness. I found that most policies are gender neutral and do not rely heavily on reproduction, but the implications of those that are highly gendered and rely on reproduction are enlightening. I found that only 8% of policies included LGBTQ+ specific protections. The statistical analysis revealed that state politics (i.e., informal pressures) are not the best indicator of policy inclusiveness, as universities in less progressive states are more likely to have inclusive policies.

ACKNOWLEDGEMENTS

There are several people I would like to thank for helping me make this thesis possible. Thank you to my co-chairs, Drs. Ovink and Sedgwick, for your continued support and encouragement and for pushing me to make my project better. Thank you to my committee members, Drs. Zare and Donley, for believing in me and the vision I had for this project. A special thank you to Dr. Sarah Donley is in order. Thank you for being my mentor throughout my undergraduate studies, and thank you for your continued support in my graduate education. Thank you, now, for being my friend and colleague.

I would also like to thank Eve Coleman for her continued friendship and support. You have been an absolute blessing these past two years. Thank you to my other friends and family for supporting me through the roughest parts and pushing me to be my best.

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INTRODUCTION

Most Western, developed nations offer paid family leave, but the United States federal government does not (Dengate 2016). In fact, the United States is the only wealthy nation to not offer some form of national paid leave and is only one of six other nations in the entire world that does not offer paid leave (Miller 2021). While this is an important issue on its own, the family leave policies that do exhasut warrant critical attention. The family unit is no longer dominated by the nuclear family model, and our theoretical understandings of family and gender must overcome this assumption (Averett 2021). The institutions of family and the workplace continue to be social spaces in which gender inequality is reified, and it is important to understand how “assumptions about motherhood within these institutions contribute to gender inequality” (Averett 2021: 285). While Averett (2021) uses case studies of parenting to demonstrate how assumptions of motherhood (specifically equating motherhood to “typical” female anatomy) may contribute to inequality, I address how these assumptions inform family leave policies.

Institutional isomorphism describes why similar organizations will both resemble each other (mimetic pressures) and follow the precedent of the state (coercive pressures) (DiMaggio and Powell 1983). Universities may feel mimetic pressures from other universities to enact diversity initiatives but also deal with conflicting coercive pressures from the states they reside in. It is possible that some universities have policies that restrict maternal leave to individuals based on traditional notions of motherhood, which is equated to the ability to reproduce, especially those universities in states that lack legal LGBTQ+ protections. Therefore, such policies will not fully encompass fathers, queer families, adoptive families, transgender mothers,

and cisgender women who are unable to become pregnant. Policies that lack such inclusivity reify a traditional/exclusive family unit. In other words, exclusive policies assume that families consist of a cisgender mother, a cisgender father, and their biological kids, which is a limited definition of family.

LITERATURE REVIEW

The Need for Comprehensive and Inclusive Family Leave

Plentiful research has been conducted on the relationship between paid time off and mother/child well-being. For instance, Bullinger (2019) found that the implementation of California's paid leave program positively impacted child health and maternal mental health. Additionally, the introduction of paid family leave correlates with decreases in neonatal, infant, and under-five mortality rates (Khan 2020). Reasoning for both of these findings may be due to increased parental engagement, decreased parental stress levels, and increased attention given to a child's medical needs (Bullinger 2019; Khan 2020). Taking time away from work allows parents to be more involved with the new arrival of a child. This time is important because a child's early years are linked to a child's development.

Bullinger (2019) outlines research that suggests the amount of care a child receives during infancy is fundamental for behavioral development. Furthermore, Khan (2020) discusses findings that demonstrate the importance of an infant's first fourteen weeks of life. In this time, infants begin to recognize their caregiver's voice, smell, and face, which suggests that consistent parental care is crucial. Increased quality of parental care, which as Bullinger (2019) notes is linked to paid family leave, allows parents to establish family routines that can benefit young children. How a child is cared for in the first few years of their life can have important implications. Khan (2020) highlights research that exemplifies how providing stable and warm

caregiving is crucial to the social, emotional, and intellectual development of children, and how a lack thereof can have lifelong implications.

Like the research demonstrating the effects of paid family leave on child and parent well-being, research examining the adjustment to parenthood for biological parents is ample. Yet, research on this transition to parenthood and experiences of adoptive parents is sparse (McKay, Ross, and Goldberg 2010). Using family stress theory, which indicates that the transition to parenthood is marked by demands and stressors that can be balanced by different support and resources, McKay et al. (2010) conducted a systematic literature review of research detailing this transition for adoptive parents. To stress how little research has been conducted in this area, the authors only found eleven articles that fit their inclusion criteria. Their search led to the conclusion that adoptive parents face unique consequences that warrant resources designated for adoptive families. Most resources for new parents are implicitly targeted towards biological parents, and adoptive parents may need specific resources that differ from those aimed at assisting biological parents (McKay et al. 2010).

These studies are all limited by their reliance on heteronormative notions of family and gender essentialism. Only one article examining the transition to parenthood for adoptive parents included lesbian and gay experiences (McKay et al. 2010); however, this is due to the fact that these were articles that fit the researchers' inclusion criteria. Other articles have been written about lesbian and gay adoptive parents, but not specifically about the transition to parenthood through adoption. (McKay et al. 2010). Additionally, the studies examining the effects of paid family leave relied on birth mothers and two-parent households (i.e., how maternity leave may differ from paternity leave). In doing so, this research provides a limited understanding of how policies affect LGBTQ+ and adoptive families. Considering the importance of an infant's early

years, it is imperative that families who do not want to or are unable to have biological children are afforded the same amount of time off as those that do.

Family Diversity

Families are incredibly diverse and no longer mirror the nuclear family model. From 1960 to 2016, there was a 22% decrease in the number of children living with two parents, suggesting that families consisting of a single parent are on the rise (Pearce et al. 2018). There has also been a notable increase in same-sex partners having children. In 2012, an estimated 16% of children lived with same-sex parents (Vespa, Lewis, & Kreider 2013), and with the number of same-sex relationships increasing, that number has continued to grow (Pearce et al. 2018). Additionally, adoption among both same-sex and heterosexual couples is on the rise as well. Statistics show that around 2-4% (or 1 in 25 families) of Americans have adopted a child. Adoption in same-sex families nearly doubled from 2000-2009 (US Adoptions Statistics). Furthermore, nearly 43% of same-sex couples have adopted children and are 4 times more likely to have adopted children and 8 times more likely to have foster children than heterosexual couples (LGBT Adoption Statistics, 2022). Because families are continuing to diversify, policies that directly affect families, such as family leave policies, should be examined to ensure they are using language that equitably encompasses LGBTQ+, adoptive, and foster families.

Cultural Gender Beliefs

In order to understand why family leave policies may reflect heteronormative, nuclear families and prioritize cisgender mothers and birth, it is imperative to investigate long-standing traditional gender norms, where they come from, and how they affect families and worklife. There are several cultural beliefs about gender that guide individual behavior. Cultural gender beliefs that reflect common sense understandings of gender and gender essentialism can be considered

hegemonic gender stereotypes (Ridgeway 2009). The expectations from these beliefs and norms are felt at the macro level, as they are institutionalized in most aspects of social life. They are embedded in the media, family, and organizational practices and policies (Ridgeway 2009). For instance, the expectation that women should be caretakers, while men should be breadwinners still infiltrates social life.

Gender norms that inform gender roles, such as the breadwinner/caretaker model, date back several centuries. Barbara Welter described what it meant to be a woman in the 1800s, sarcastically naming the traits set aside for women as “true womanhood.” Those four defining traits are piety, purity, domesticity, and submissiveness (Roberts 2002). This understanding of what it meant to be a woman informed sociological understandings of gender and capitalism in the mid to late 1900s. Prior to the 1960s, there was a firm distinction between family and work life, as well as an understanding of where men and women “belonged” in each (Baca Zinn 2000). These ideals informed Parsons’ understanding and observations of family under capitalism. Parsons (1951) coined the terms *instrumental* and *expressive* roles to describe the behaviors men and women completed in order to have the most efficient family and work lives under capitalism. Parsons assigned instrumental roles to men and expressive roles to women. For example, achieving goals and completing tasks were assigned to men (Gill, Stockard, Johnson, & Williams 1987; Johnson, Stockard, Acker, & Naffziger 1975; Matlin, 1987), ascribing men characteristics of being go-getters and goal-oriented. Women’s expressive roles included emotional labor and maintaining relationships (Gill et al. 1987; Johnson et al. 1975; Matlin, 1987). Thus, characteristics such as caring or nurturing were assigned to women.

The nuclear family was assumed to be the “normal” and best way to function as a family. The nuclear family is an ideological family formation. The Standard North American Family

(SNAF) posits that a family is composed of a married man and woman, in which the man's main role is to earn an income and the woman's is childcare (Smith 1993). This was believed to be so because it was thought that women's expressive roles in the family complemented the instrumental roles men fulfilled in the workplace (Baca Zinn 2000). Feminists pushed back against this narrative in the 1960s and 1970s (Baca Zinn 2000). For instance, *The Feminist Mystique* by Betty Friedan, described the lives of housewives in America as "stifling, repressive and even dehumanizing" (Boucher 2003:2). This work ignited the second-wave of the feminist movement in which middle-class, heterosexual, white women sought equal opportunities. Notably though, this movement did not take into consideration the plight of poor, working women of color. (Boucher 2003).

Contributions made by Black feminists and women of color propelled women's rights. The notion of "waves" of feminism blurs the presence Black women had throughout the women's movement; it is not that Black women were not present, but that they were not being heard or seen (Howard-Bostic 2008). The Combahee River Collective statement regarding black feminism is all-encompassing, aiming to address interlocking oppressions on the basis of race, gender, sexuality, and class ("Combahee" 1983). Others drew attention to compulsory heterosexuality and how becoming mothers is an illusion of choice for women. Adrienne Rich (1980) grapples with the erasure of lesbian existence and why "women's choice of women as passionate comrades, life partners, co-workers, lovers, tribe, has been crushed, invalidated, forced into hiding and disguise" (Rich 1980:632).

Despite the work and critical thought of past women, the general belief that men should be breadwinners and women should be the sole caretakers (even when employed) still persists. To speak to such a claim, women continue to do most of the unpaid labor even when employed

(Pailé, Solaz, & Stanfors 2021). This gap in labor is known as the second shift, in which women take on the burden of housework and child care (Hochschild 1989). It is hard to shake the consequences of such long-held stereotypes, especially when these stereotypes are essentialized (i.e., assume that men's and women's roles are biologically determined). For example, it is often believed that women are inherently more capable than men of nurturing behaviors (Bobbitt-Zeher 2011). These stereotypes and beliefs still have impacts on work and family life.

The Workplace as a Gendered Organization

Although it may be a common assumption, the workplace is not a gender-neutral zone. Cultural gender beliefs and stereotypes are deeply intertwined with workplace culture, policies, and procedures. Gender is not an afterthought; rather, it is an organizing factor of the workplace. In more specific terms, a gendered organization centers around the divide between the masculine and the feminine (Acker 1990). Therefore, inherent assumptions about the behaviors of men and women (i.e., gender essentialism) are salient in the workplace. Men and women are expected to fulfill different roles and positions, and these differences are tied to cultural gender beliefs assumed to be biological rather than socially constructed.

For example, consider how the breadwinner/caretaker assumption continues to dominate work life. Speaking in terms of the gender binary, men are often still viewed as the main provider of their households (whether this be true or not) in workplace culture. We know this for several reasons. Firstly, women are often penalized in the workplace for the *possibility* that they may one day be a mother (if they are not already). Women face what is called the motherhood penalty (Budig & England 2001; Correll, Benard, & Paik 2007), in which they are passed up for promotions, turned down for jobs, and are viewed as less competent workers than their male

counterparts. Women are assumed to be less dedicated to their work because motherhood and caretaking are seen as their sole responsibility. Therefore, women are not “ideal workers.”

The ideal worker, taken at face value, does not seem like a gendered term. However, a more critical approach reveals that complete dedication to one’s work (i.e., working long hours, having a flexible schedule, etc.) is only possible for those that are not assumed to be caretakers (Acker 1990; Acker 2006). Therefore, men are more often seen as the ideal worker and more competent and dedicated than women. Men do not face the same caretaker bias as women because they are assumed to be the main provider. This assumption actually benefits fathers in the workplace, as long as they are not displaying any caretaking responsibilities (Ridgeway 2011). Known as the fatherhood bonus, fathers are favored more than childless men and mothers in the hiring and promotion process and are thought to be more loyal and dedicated to their work (Correll, Bernard, & Paik 2007). The breadwinner/caretaker model continues to dominate worklife by upholding men as ideal workers and placing women on a caretaking pedestal.

This idea of gendered organizations connects to the current study’s focus on family leave policies in several ways. Gender is a salient organizing factor in the workplace, and gendered stereotypes and assumptions can be latently interwoven into a workplace’s policies and procedures (Ridgeway 2011). Because gender biases and stereotypes inform general workplace procedures, I suggest they inform policy that revolves around a highly gendered task: parenting. Because cisgender women are thought to have maternal bodies, they may receive the most benefits from family leave policies. Women are expected to be home with their children, and such an assumption could easily inform family leave policies. If this is the case, men will not receive as much time off to be home with their children, and diverse family units (LGBTQ+ families, adoptive families, foster families, etc.) will be left out of the equation completely.

If family leave policies are heavily informed by gendered assumptions, there are several consequences. First of all, family leave policies that center cisgender women as birth mothers uphold the idea that only some bodies are capable of mothering abilities, essentializing caretaking as an inherently feminine trait. Secondly, if birth mothers are centered in family leave policies, the notion that men must be financial providers is reified, which reproduces gender inequality. This also continues to promote the industrialized nuclear family model as the most legitimate form of family, when in reality, families are incredibly diverse and do not necessarily fit this mold. The goal of family leave is to promote a healthy family life and dynamic. However, when workplace policies are informed by such strict interpretations of gender, only some families are supported. Parenting takes place in a variety of different ways. Therefore, workplace policies that rely on strict understandings of gender and sexuality do not encompass the reality of families today.

Towards a Gender-Neutral Definition of Parenting

Feminist theory and literature often focus on the experience of motherhood to understand gendered social structures and inequality, but this assumption equates motherhood to women. This assumption inherently assigns mothering behavior to women's bodies, essentializing gender (Averett 2021). This assumption contributes to the idea that only those who can give birth can perform mothering. However, Lorber (1993) states "menstruation, lactation, and gestation do not demarcate women from men. Only some women are pregnant and then only some of the time; some women do not have a uterus or ovaries" (Lorber 1993:570). By removing sex characteristics from the definition of motherhood, it is apparent that any body can perform mothering (i.e., nurturing) behavior.

Recognizing this false equivalence is imperative for moving past ideals that centralize heteronormativity, cisnormativity, and the nuclear family (Averett 2021). This is especially important when considering family leave policies because parenting takes place in a variety of ways. For instance, lesbian families may have one mother that gives birth, and therefore they must conceptualize motherhood in a way that does not prioritize physical birth (Averett 2021). Adoptive families must do this same reconceptualization, as adoptive mothers remove giving birth from the equation (Park 2006). Averett (2021) describes the parenting of two gay male parents, in which one father performs traditional care-taking tasks. Consider another case of lesbian parents, where one parent is transgender. She is comfortable using both feminine and masculine pronouns but presents more androgynous or masculine. Her wife gave birth to their baby but was the primary breadwinner. The partner with a masculine body fulfills the “mothering role,” thus showing that feminine bodies are not required for nurturing behaviors (Averett 2021). Parenting is expansive and caretaking responsibilities are not solely performed by cisgender, biological mothers. This expansiveness highlights the need for family leave policies that do not rely on reproduction for extended time off. Policies that rely on reproduction are not inclusive of queer families, adoptive families, transgender mothers, and cisgender women who are unable to become pregnant.

USING UNIVERSITIES TO STUDY FAMILY LEAVE POLICIES

American universities are ideal places to examine family leave policies for several reasons. First, a university’s policies are easily accessible and available to the public through the institution’s website. Second, universities often boast ideals of diversity and inclusion (Moody 2020). Therefore, I am interested in whether or not the policies that directly affect their employees and students uphold ideals of diversity and inclusion.

Neoinstitutional Organizational Theory, Diversity Policies, and Universities

Universities and colleges, as institutions of higher education, are an ideal site to examine institutional isomorphism. These institutions constitute an organizational field because they are similar institutions that fulfill “a recognized area of institutional life” (DiMaggio and Powell 1983). They all produce a similar “product,” which is a college-educated, institutionally trained adult. It is important for universities to present a sense of legitimacy, so they continue to receive investments (Meyer and Rowan 1977). In this case, the investments are students. One way universities have attempted to maintain their legitimacy is by introducing and implementing diversity and inclusion policies and programs.

Diversity programs have become the norm for most universities. For instance, seventy-five percent of university mission statements mentioned some type of diversity (National Association of Student Financial Aid Administrators [NASFAA] 2014). Of course, this was not always the case. Some universities implemented affirmative action programs in the wake of the Civil Rights Movement in the 1960s. However, certain race-based affirmative action policies were eventually ruled unconstitutional, and in response, universities adopted a more general diversity rationale (Lipson 2001). This organizational change (from affirmative action to diversity initiatives) has attempted to be explained in two different theoretical ways: capture theory and neoinstitutional organizational theory. Most relevant to the current study is neoinstitutional theory. To illustrate the use of this theory, I give a brief overview of a case study and how neoinstitutional theory and isomorphism are applicable.

Berrey (2011) critically examined one of the earlier examples of a diversity program to determine how these policies became the norm and how effective they are. The University of Michigan was one of the first to implement a diversity admissions goal where the university

aimed to admit and support students of color (Berrey 2011). This program began with the intent to foster racial equity, but due to backlash and changing organizational goals, the diversity discourse shifted to encompass multiple forms of diversity, placing race on the backburner. DiMaggio and Powell's (1983) theory of institutional isomorphism can help explain why such changes took place.

Isomorphism refers to the process in which one unit in a population works to conform to other like units that face similar challenges and conditions (DiMaggio and Powell 1983). They assert that there are two types of isomorphism (competitive and institutional), and institutional isomorphism can help explain the changes from affirmative action to diversity initiatives. DiMaggio and Powell (1983) argue that there are three types of institutional isomorphism, but two are most relevant to the current issue. Coercive isomorphic changes in one organization often occur in response to formal and legalistic pressures, which can include legitimacy issues and funding (DiMaggio and Powell 1983). The earlier inclusion program implemented by the University of Michigan faced informal legal pressures. A similar affirmative action admissions policy at the University of California at Davis was involved in a Supreme Court case. Justice Lewis Powell's opinion codified diversity as something that benefitted all, and that universities can and should consider racial equality in their policies, but under the guise of diversity (Berrey 2011). To avoid legal troubles, the University of Michigan adopted this rationale of diversity as something everyone benefited from. This diversity rationale quickly spread and was adopted by university administrators everywhere, as the isomorphic tendencies of universities are strong (Berrey 2011). This rapid adoption of diversity initiatives illustrates a second type of institutional isomorphism: mimetic isomorphism. When there is an uncertainty in circumstances or outcomes, organizations refer to similar entities to model in the quest for organizational legitimacy

(DiMaggio and Powell 1983). When universities began adopting a diversity rationale that did not rely solely on race, they were responding to both legal pressures and the uncertainty of those legal pressures. Whether or not diversity policies are contributing to institutional change is a different question.

Neoinstitutional theory, specifically isomorphic tendencies and pressures, is a useful guiding theoretical framework for the current study for several reasons. As Berrey (2011) notes, universities have strong isomorphic tendencies, as they often rely on each other and outside pressures to implement policies and procedures. Therefore, it is possible that these tendencies influence the wording and type of family leave policies offered by universities, whether it be through mimetic forces (copying other universities of like nature) or coercive forces (from local or state government requirements, to secure funding, to remain a legitimate institution, etc).

Effectiveness of Diversity Policies

Because having diversity and inclusion policies became the norm for universities (Berrey 2011), it is possible that the adoption of such policies is largely ceremonial. Meyer and Rowan (1977:340) assert that organizations that adopt practices “defined by prevailing rationalized concepts of organizational work” are seen as more legitimate, whether or not those practices are effective. This can be equated to universities adopting diversity practices to align with institutional norms, but not committing to the ideals of diversity. Similarly, Berrey (2011) finds that the University of Michigan adopted a diversity discourse that aligned with the law and norms but did not actually change their admissions routines. Furthermore, the diversity programs developed did not target any particular minority group and the discourse adopted appealed primarily to White students. Diversity became part of the university’s brand, emphasizing to students that interacting with diverse populations increases an applicant’s competitiveness in the

job market (Berrey 2011). Additionally, after attending the university, Black students were not convinced that the university did enough to support them, but White students felt the university did support students of color (Berrey 2011).

While this is a subjective measure of how effective diversity policies are, diversity policies are meant to support students of marginalized populations. This duality between perceptions of university climate between White and Black students illustrates Berrey's argument that "diversity discourse and initiatives often incorporate, represent, and even cater to white students" (Berrey 2011: 577). Additionally, diversity regimes often address diversity broadly without actually making changes to resource and power allocation, actually intensifying racial inequality (Thomas 2018). Research corroborates this finding; members of marginalized communities are often left frustrated and discouraged after diversity conversations (Anad & Winters 2008; Evans & Moore 2015; Porter et al. 2018).

This gap between implementing diversity initiatives and actually committing to assisting marginalized communities is important to the current study. This existing gap has been noted by researchers, as programs that are implemented to ensure diversity are often derailed by standing institutional practices that uphold racial inequity (Patton et al. 2019). If diversity policies are adopted in symbolic ways, whether they were adopted under institutional pressure or to look desirable to prospective students and faculty, university policies, such as family leave policies, may not be truly upholding these ideals. Therefore, the same individuals that are used as a face of diversity are not experiencing the support promised by such ideals. Research shows that universities with lower diversity percentages are most likely to claim their "diverse" student body as a selling point to prospective students (Ford & Patterson 2019). Berrey (2011) detailed how this gap affected Black students at the University of Michigan. Similarly, I argue that

diverse family units may not be supported by actual university policies, specifically a university's family leave policies. In this way, my research will add to the literature on diversity initiatives in higher education by focusing on gender and family. Recruiting or having a diverse student population is only one aspect of the diversity equation. Universities should also be engaging in inclusion work and equity work, which involves creating a sense of belonging for underrepresented communities and correcting barriers that lead to inequitable outcomes for marginalized groups (Bensimon, Dowd, & Witham 2016; Stewart 2018). This project aims to encourage universities to engage in such work by promoting family leave policies that encompass all parents and gender identities.

Family and Medical Leave Act as a Coercive Pressure

The Family and Medical Leave Act (FMLA) of 1993 was the first form of federal family leave offered (Kim 2004). Prior to its implementation, there were no federal incentives or requirements for employers to offer any type of leave for family planning. After its passage, however, certain employers were mandated to offer FMLA. FMLA applies to large employers (i.e., those that have 50 or more employees), and only covers those employees that worked more than 1250 hours the previous year (Kim 2004). Additionally, FMLA allows for 12 weeks of unpaid leave for certain events such as birth, adoption, and placement of a child through foster care. The language of FMLA is discussed further in the results section.

FMLA works as a coercive, legalistic pressure, as employers who meet the employee threshold must offer FMLA to their employees. Therefore, after its passage, all universities with 50 or more employees had to offer this form of family leave. However, employers are not required to offer paid family leave in addition to FMLA. Without any state or federal incentives, universities do not have to offer any other form of paid leave. Those that do are exceeding

expectations, but discovering who is covered by paid leave and to what extent university family leave policies rely on gendered assumptions and reproduction is the main purpose of this study.

RESEARCH QUESTION

Explaining the Sampling Frame

In 2020, The Human Rights Campaign (HRC) labeled 25 states as areas with a “high priority to achieve basic equality” (Human Rights Campaign n.d.). These states are most likely to have religious refusal laws and other anti-LGBTQ+ laws (HRC, n.d.). Due to this lack of LGBTQ+ protections, university family leave policies in these states may be more likely to rely on heteronormative and gendered language. Considering this language would be most harmful to LGBTQ+ individuals, investigating such universities may provide insight into how these policies could exclude queer identities and families. Also in 2020, the HRC identified 20 states as “working towards innovative equality” (HRC, n.d.). These states have considerable LGBTQ+ protections, “including comprehensive non-discrimination laws, safer school policies, and healthcare access for transgender people” (HRC, n.d.). A comprehensive list of the states can be found in Table 1. The District of Columbia was included in this list, but I have chosen to omit it. I do not reflect on universities’ past family leave policies; I only consider the most up-to-date policies. For ease of comprehension, throughout the rest of the paper, I will refer to “high priority to achieve equality states” as “conservative states” and “working towards innovative equality” states as “progressive states.”

Conceptual Framework and Hypotheses

The literature on gender essentialism, adoptive families, university diversity policies, and inequalities in the Southern U.S. implies a number of obstacles individuals may face when trying to use family leave. This study takes a critical, feminist approach by examining how traditional

understandings of gender and family influence organizational policies, and thus how those policies contribute to and reproduce inequality. Gender essentialism may be one reason why family leave policies will rely on traditional notions of gender and sexuality. Averett (2021) contends that gender essentialism works to equate reproductive abilities and mothering behavior to the female body. In other words, gender essentialism implies that only cisgender women capable of reproduction can mother. This is the same argument that naturalizes nurturance as an inherently feminine trait. This essentialism can directly lead to birth mothers being provided more time off, fathers receiving less time off, and queer and adoptive families being excluded altogether. This is particularly troubling considering the research that highlights the importance of caregiving in a child's early years (Bullinger 2019; Khan 2020). Because of longstanding traditional gender norms and essentialism, family leave policies will more often rely on traditional notions of gender and motherhood than they do not, excluding families outside the nuclear, biological model. I hypothesize the following:

H1a: The majority of family leave policies will rely on biological notions of reproduction, prioritizing time off for those who are capable of physical reproduction.

H1b: The majority of family leave policies will use gendered language when determining who is permitted time off. For instance, words such as mother, father, man, woman, husband, wife, she/her/hers, and he/him/his may be used frequently in these policies.

H1c: The majority of family leave policies will not explicitly protect LGBTQ+ families.

Comparing family leave policies from universities in states with progressive LGBTQ+ policies (or lack thereof) makes logical sense, as LGBTQ+ individuals and families would be most harmed by exclusive family leave policies. Existing in a space that does not actively protect

this marginalized community may allow for universities to have exclusionary policies without experiencing any repercussions. This assumption is logical when considering coercive pressures organizations may receive from outside entities when structuring their policies and procedures. In order to receive state funding and legitimacy, university family leave policies may resemble the expectations the state government has in place regarding the LGBTQ+ community.

H2a: Universities in conservative states are more likely to have family leave policies with language denoting biological reproduction and gender and are more likely to have policies lacking LGBTQ+ specific protections than progressive states.

H2b: Due to coercive pressures, state-funded universities will be more likely than privately-funded universities to align with their state's approach to LGBTQ+ policies (whether the state is LGBTQ+ progressive or not).

Work-family studies have neglected to study the unique experiences of LGBTQ+ families and how they may be impacted by limited definitions of family (Murphy et al. 2021). The present study contributes to this literature by investigating family leave policies and, where a lack of inclusiveness exists, assessing how these policies could be altered to encompass a diverse definition of family.

While many universities adopt diversity programs, it is unclear if their policies and procedures align with such inclusive ideals. Pulling insight from institutional isomorphism, I will investigate if mimetic peer forces or state coercive forces affect the inclusiveness of university family leave policies. In order to remain legitimate and relevant, similar organizations tend to look towards other peer organizations for policy and procedure adoption. In this case, I will be examining to what extent mimetic forces influence university family leave policies. For example,

because public and private universities are funded differently, they may have differing policies, as they have different audiences they are catering to.

H3: Due to mimetic forces, universities of similar nature will have family leave policies that closely resemble each other (i.e., public universities will have family leave policies that resemble each other more closely, while family leave policies at private institutions will more closely resemble each other).

METHODS

The purpose of this study is to examine family leave policies of universities across several U.S. states to determine to what degree they assume traditional notions of motherhood and family. I will specifically examine family leave policies for reliance on biologically reproductive capabilities, gendered language, and the degree to which they are inclusive of LGBTQ+ individuals and families. The primary focus of this thesis is LGBTQ+ families and parents. But because many LGBTQ+ parents rely on adoption and artificial insemination procedures to have children, the policies that negatively (or positively) affect them would most likely have the same effect on heterosexual, cisgendered parents utilizing those same methods.

Research on family and work has typically left out the experiences of LGBTQ+ employees as they interact with workplace policies (Murphy et al. 2021). Limited definitions of family may negatively impact their lives and jobs. Furthermore, Averett (2021) brings attention to the limited scope of feminist theory, as many theories rely on explicit gender differences to explain gender inequality. By doing so, there is a gap between queer and feminist theory, and by de-essentializing gender, we can begin to close that gap (Averett 2021). This study aims to use this idea of de-essentializing gender to determine to what extent university family leave policies rely on naturalized ideals of motherhood and family, therefore, also expanding research on the

potential impacts of workplace policies on queer individuals and families. I define “naturalized ideals of motherhood and family” as ideals that prioritize physical reproduction, heteronormativity, and the nuclear family model. Specifically, how do university family leave policies rely on aspects of physical birth, heteronormativity, and gendered language?

Sampling and Data Collection

To understand how university family leave policies rely on aspects of physical birth, heteronormativity, and gendered language, I conducted a qualitative content analysis of university family leave policies. Following the content analysis, I ran a binary logistic regression test to determine what factors are correlated with progressive and not-so-progressive family leave policies. My dependent variable—overall policy inclusiveness—is a binary, categorical variable. Therefore, the outcome for this variable can only have two options, either inclusive or not inclusive. Binary logistic regression is most useful when trying to predict the effects several variables, whether categorical or continuous, have on one binary, dependent variable (Patel 2021), making binary logistic regression the most appropriate for my research question.

I used purposive sampling to gather my sample. While the family leave policies are the true units of analysis, I first compiled a list of universities to serve as my sample. My sampling frame consists of the 43 states the HRC labeled as either “high priority to achieve basic equality” (conservative) or “working towards innovative equality” (progressive). (For the comprehensive list of states, please refer to Table 1). Once I had gathered the list of universities, I used the public websites of each university to gather my sample of family leave policies. For comparative purposes, I chose to include one public university and one private university from each state. Comparing the two helps us understand how public universities that are governed by state law differ from private universities that are not. Using purposive sampling, I tried to ensure that the

public and private universities with the highest student enrollment from each state is included. This was not always possible, as not all of the policies were easily accessible on the website. Some were not listed anywhere, and others required a university login to access employee benefits and policies. Three states that were originally included in the sampling frame were later cut from the study for lack of having any substantial private university for consideration. After all data collection was complete, my sample size is 80 policies (n=80).

I organized my data in two separate places. For the actual content analysis, I kept a running word document with two sections: conservative states and progressive states. For each state, I listed the public and private universities selected from each state and color-coded each for easy differentiation. Once all policies were entered into the document, I coded each line-by-line (this process will be discussed in greater detail later). After line-by-line coding, demographic information and numeric codes were organized into a spreadsheet. This included: state, whether the state was conservative or progressive, student enrollment, if the university is religious, and the numeric codes given to each policy based on pre-specified themes (this will also be discussed further later). Several control variables were also included in the spreadsheet and will be further discussed below.

I found that 29 schools only offered FMLA. Twenty universities (69%) that only offer FMLA are in conservative states, and the other 9 (31%) are in progressive states. In the conservative states, 6 (30%) are public universities and 14 (70%) are private. Of those that are both in conservative states and private, 13 are also religious. In the progressive states, 4 (44%) are public and 5 (55%) are private. Of those that are both in progressive states and private, 2 are religious. This demographic breakdown of these 29 schools are presented in Table 2 for ease of viewing.

Table 2: FMLA Only Demographics

	Conservative	Progressive
Number of Universities	20 (69%)	9 (31%)
Public	6 (30%)	4 (44%)
Private	14 (70%)	5 (55%)
Private and Religious	13 (93%)	2 (40%)

These FMLA-only policies are not included in the following analysis, because the policy language is the same for each one. (I discuss what FMLA looks like in the results section). After accounting for these 29 policies, I was left with 51 policies for analysis. Therefore, all counts in the content analysis and binary logistic regression are centered around the total number of policies being 51.

Data Analysis: Qualitative Content Analysis

While there are no previous studies of a similar nature that I can pull thematic inspiration from, the literature provided three general themes I considered while conducting the content analysis portion of this project. I used Blumer’s idea of sensitizing concepts (1954) to guide my thematic analysis. I entered the coding process with three specified themes: “gendered language,” “reliance on physical reproductive capabilities,” and “explicitly LGBTQ+ friendly.”

The first theme is “gendered language.” Because motherhood is often tied to femininity, I will examine leave policies that use explicit gendered terms, such as she/her, he/his/him, wife, husband, etc. This is important to consider because use of such language can exclude queer family units and genderqueer individuals. The second theme is “reliance on physical reproductive capabilities.” Following the logic of Averett (2021), reproduction is linked to femininity which is linked to mothering, thus implying only cisgender women who give birth are

mothers. Additionally, studies that examined the effects of paid family leave on parent and child well-being (Bullinger 2019; Khan 2020) referred to mothers in terms of pregnancy and breastfeeding, implying that cisgender females as mothers. Permitted time off is an important consideration because if those who give birth are allotted more leave, those who cannot, do not get to spend the same amount of time caring for their children. The third theme is “LGBTQ+.” For this theme, I want to indicate whether or not a policy is explicitly LGBTQ+ friendly. In other words, I will note if there are any clauses or components of the policies that guarantee time off for queer families.

The content analysis of the family leave policies consisted of multiple parts. For each policy, I took note in a spreadsheet of a couple demographics. These included the university the policy came from, the type of university (public or private), if family leave is paid versus not paid, if the school is religious or not, student enrollment, and if the state the school resides in offers a statewide family leave policy. Then, the policies were placed in a running word document and were coded line-by-line using my pre-specified themes. Once the policy was coded, I assigned numeric values to the overall codes ‘Gender,’ ‘Biology,’ and ‘LGBTQ+.’ The numeric codes for gender and biology followed a Likert-scale type of logic.

For the Gender category, a policy received a 1 if it used explicitly gendered titles and terms, such as husband/wife, father/mother, and maternity/paternity. It received a 2 if the policy had some mentions of gender, such as using gendered pronouns (he/his or she/her) but did not use gendered titles. A policy received a 3 if it was completely gender-neutral, using no gendered pronouns or titles. I followed the same logic for the Biology category. A policy received a 1 if it actively distinguished between birth and adoption, with birth parents receiving more time off than others. A score of 2 meant that the policy had mentions of birth or reproduction, but offered

the same amount of time off for adoptive or foster parents. Lastly, a policy received a 3 if there were no mentions of birth, childbirth, or biological reproduction. The LGBTQ+ category was coded as a binary variable. A policy received a 0 if there were no explicit protections for or actively excludes LGBTQ+ families and parents and received a 1 if it explicitly mentioned LGBTQ+ families and parents (i.e., same-sex partners)

Data Analysis: Binary Logistic Regression Analysis

After completing the qualitative content analysis, I created a database of the 51 university family leave policies I have gathered. Because I coded each of the policies with my qualitative themes (Gender, Biology, and LGBTQ+), I converted each policy into numeric variables. I assigned each policy the following codes: 1 (highly gendered), 2 (somewhat gendered), or 3 (gender-neutral), 1 (actively distinguishes between biological and adoption/foster parents), 2 (mentions biology, but gives equitable leave to all parents) or 3 (no biology), and 0 (no LGBTQ+ protections) and 1 (LGBTQ+ protections). I also assigned an overall inclusiveness score to each policy. A policy was coded as a 0 if it was less inclusive and 1 if it was more inclusive.

Following the logic I used in the content analysis (i.e., giving inclusivity scores in three categories: gender, biology, and LGBTQ+), I assigned an overall inclusivity score to each variable. Some policies were relatively easy to assign an inclusivity score. For example, if a policy received a 1 in the Gender category (gender neutral), a 2 in the Biology category (mentions reproduction, but all parents receive equitable time off), and a 0 in the LGBTQ+ category (no explicit protections), the policy was considered overall inclusive and received a 1. However, some nuances had to be taken into consideration. Any policy that included LGBTQ+ specific protections, even if it used gendered language, was coded as a 1.

The main dependent variable is the overall inclusivity score. The main independent variables are coded as binary variables: state's LGBTQ+ friendliness (0=conservative, 1=progressive) and type of university (0=public, 1=private). The regressions tests will show to what extent isomorphism affects the inclusiveness of a university's family leave policy. The state's LGBTQ+ friendliness is meant to test coercive pressures (i.e., funding, legality, etc.), and the type of school is meant to test mimetic pressures (i.e., do policies share more similarity depending on the type of school). Additionally, I included if a state offers some form of family leave and if the university offers a paid option in the model to determine what effects these have on policy inclusiveness. An interaction term was also added to the regression. To determine the combined effects of public/private status and a state's approach to equality on the dependent variable of overall inclusiveness of a policy, public status (in this instance, public university was coded as a "1") was multiplied by the type of state (progressive as a "1") in SPSS.

In addition to the dependent and independent variables, I also included several control variables in order to strengthen the validity of the regression tests. To account for the political environment in which the universities reside in, I included a control variable for whether or not the state has a Republican governor (0=Democrat, 1=Republican). Those universities in states with Republican governors are assumed to have less progressive family leave policies. At the university level, I controlled for whether or not the university has a dedicated Diversity, Equity, and Inclusion office (0=no DEI office, 1=DEI office). The assumption here is that universities with a DEI office are more likely to have more progressive family leave policies. I also controlled for whether or not a state offered some form of family leave, as in a state-sanctioned family leave program. In a few cases, a state offers an additional family leave policy aside from FMLA (0=no state family leave, 1=has state family leave). I included a control variable for

whether or not the university offered a paid leave (0=not paid, 1=paid). Other control variables included in the model are religious affiliation (0=not religious, 1=religious) and student enrollment (measured as a continuous variable). I used SPSS to run my statistical analyses.

RESULTS: QUALITATIVE CONTENT ANALYSIS

The results for the qualitative content analysis portion of this project will consist of several parts. First, I give descriptive statistics of the dataset. For example, how many schools were included from which type of state (whether conservative or progressive), range of student enrollment, percentage of private schools that are religious, and the percentages of each coding category (Gender, Biology, and LGBTQ+). Following these descriptive statistics, I dedicate a section to each major coding category to discuss the implications of policies that include highly gendered language, make distinctions between physical reproduction and adoption, and fail to account for LGBTQ+ folks and families. I also give a description of what those policies looked like and give examples of policies that are inclusive to illustrate the difference between the two.

Demographics and Counts

My preliminary sample size was 86 policies, but my final sample size ended up being 80 policies. As mentioned earlier, 3 states that were included for the original data collection were cut from the study, as they lacked private schools for inclusion (i.e., no private universities or a substantially low student enrollment). However, from what I have left, 48 schools were housed in conservative states (60%) and 32 were housed in progressive states (40%). Twenty-nine schools were also eliminated due to only having FMLA. The demographics for the 51 universities are detailed below.

For conservative states, the total number of universities is 28 with 18 being public and 10 being private. Twenty-three schools are housed in progressive states; 12 are public and 11 are private. Of the private schools in conservative states, 5 have a religious/Christian affiliation. Two of the 11 private schools in the progressive states have a religious/Christian affiliation. Student enrollment for the conservative states ranged from 2,600 to 77,881, with the lowest being a private school and the highest being a public school. For the progressive states, student enrollment ranged from 4,039 to 173,000. Once again the lowest enrollment was at a private school and the highest was at a public university. The enrollment for the higher end of the range from the progressive state school is so high because it is a university with a largely online student enrollment. Table 3 presents the demographic information for ease of viewing.

Table 3: Demographic Information

	Conservative	Progressive
Total Number of Universities	28 (55%)	23 (45%)
Public Universities	18 (64%)	12 (52%)
Private Universities	10 (36%)	11 (48%)
Private Religious Universities	5 (18%)	2 (9%)
Student Enrollment Range	2,600-77,881	4,039-173,000

For the rest of the results section, I discuss the three coding categories (Gender, Biology, and LGBTQ+) in detail giving a percentage of the policies that received a 1, 2 or 3 (or 0 or 1 in the case of the LGBTQ+ category), as well as give example of what those policies look like and their implications.

Gender

The Gender category was broken into three components. A policy received a 1 if it was highly gendered, using gendered pronouns (e.g. she/her and him/his) and titles (e.g. mother, father, wife, husband), a 2 if there were mentions of gendered pronouns, and a 3 if it was completely gender-neutral. In total, 31 (61%) of all policies received a 3 in the Gender category. Two of the fifty-one policies received a 2 (4%). Finally, 18 of the 51 were given a 1 (35%). Most of the discussion will be based around those policies that received either a 1 or a 3, as only 2 policies received a 2. For those policies, the only mentions of gender were gendered pronouns, using ‘his or her’ but never using any gendered titles. Aside from using those pronouns, the rest of the policy referred to gender neutral ‘eligible employee(s)’ and ‘eligible parent(s).’ I will now discuss the more substantial codes in the Gender category: highly gendered (1) and completely gender neutral (3).

Highly gendered policies.

The policies that are considered highly gendered used gendered terms and pronouns in either one part or throughout the entire policy. By doing so, these policies relied on the gender binary, using specific language to state what benefits were afforded to men and women. Terms in these policies consisted of ‘birth mother,’ ‘birth father,’ ‘maternity,’ ‘paternity,’ ‘female employees,’ ‘men,’ ‘women,’ etc. Gender essentialization plays a huge factor in the ways these policies use gendered language, most often only mentioning gender in accordance with birth giving and reproduction. In other words, policies that used gendered language only did so when discussing time off granted for birth mothers or maternity leave. Here are a few examples of policies that do so:

If you are a staff employee, administrator, librarian, or postdoctoral fellow who is the biological mother or father of the child, or has legally adopted the child, or is a same sex spouse of the biological mother or father of the child you are eligible. (Louisiana, Conservative, Private)

Mothers: Appropriate paid leave (sick, vacation, comp time, etc.) will be used for doctor's appointments, prenatal visits, and medical recovery after childbirth. Leave without pay will be applied where appropriate. Fathers: Appropriate paid leave (sick, vacation, comp time, etc.) will be used for doctor's appointments and prenatal visits. Sick leave for absences in excess of three continuous working days must be supported by appropriate documentation. Leave without pay will be applied where appropriate. (Texas, Conservative, Public)

An employee can request up to two weeks of paid leave in conjunction with the birth or adoption of a child, In the case of a birth mother, two weeks of paid parental leave shall be granted after the employee's disability have ended. (Minnesota, Progressive, Private)

One more basic example is as follows, "Parental Leave covers birth mothers, fathers, same-sex spouses/partners, adoptive parents of children under age 12 and parents of children born via surrogate" (Maryland, Progressive, Private). While some of these policies read as generally more inclusive, as they explicitly mention same-sex partners, they still have a reliance on the binary and gender essentialism. All of these policies, and those of similar nature, only mention gender when referring to the birth parents or birth mother.

These policies have a reliance on essentialism (i.e., equating femininity to birth giving capabilities) by simply mentioning gender when discussing birth. This is an important distinction

to make, as all of the gender neutral policies discuss birth giving and reproduction without ever mentioning a birth mother or father (which will be discussed in greater detail later). Additionally, these highly gendered policies frequently do not mention gender when discussing adoptive or foster parents, further emphasizing how gender essentialism has been entrenched within some of these policies. Policies like the examples above exemplify reliance on the gender binary, which also excludes people that do not identify as either a man or a woman. The simple mention of mother or father, even latently, illustrates how the policy assumes a heterosexual, cisgender relationship which falls within the gender binary. Similar to the idea of reliance on gender essentialism, it became important to note instances of the gender binary because more policies than not did not mention gender at all, and thus did not latently rely on the gender binary.

While the examples presented above have very obvious instances of gender essentialism and the gender binary, some policies that received a 1 were not as apparent. Take the following policy as an example:

USE OF MATERNITY LEAVE: A pregnant employee may request a leave of absence for purposes of the pregnancy, any childbirth health related condition, and care of the newborn. The employee may use accrued paid leave and unpaid leave as outlined in this policy.

USE OF PARENTAL LEAVE: Fathers and adopting employees are entitled to a leave of absence of fifteen (15) working days following the birth of a child or placement of an adopted child. Employees may use sick leave for the initial fifteen (15) days. (Montana, Conservative, Public).

Although this university used ‘maternity leave’ to describe leave for ‘pregnant employees’ (a gender-neutral term), the use of the term maternity leave has a connotative

implication, in that the term maternity is most often used in accordance with motherhood. Therefore, even though this policy describes a pregnant individual with seemingly gender-neutral terms, calling this type of leave ‘maternity leave’ still illustrates a reliance on gender essentialism. This policy also has a reliance on the gender binary, too, even if that was not the original goal. It is important to recognize that this policy is already written in a binary (maternity leave and parental leave), where different individuals are eligible for each. Furthermore, this policy invokes the gender binary in a couple of ways. Firstly, the idea of maternity leave is culturally tied to motherhood. Secondly, parental leave (which seems like a gender-neutral idea) is reserved for fathers and adoptive parents. Therefore, the binary of maternity/parental leave follows the gendered binary of mother/father. The following policy follows the same outline, but its reliance on gender essentialism and the binary are much more apparent.

Medical Maternity Leave: Medical maternity leave for female employees will be granted up to the date the mother is able to return to work, according to the advice of the attending medical provider. A total leave of eight weeks for prepartum and postpartum care recovery will be considered normal. More or less time will be granted, based on the advice of the medical provider.

Paternal Leave to Provide Care/Assistance to Mother and/or Child: Paternal leave of up to five days will be granted to the father to provide care and assistance for the newborn child and/or the mother. (Nebraska, Conservative, Public)

The two policies have similar formats, as they are both written within a binary that contrasts the birth mother, who is assumed to be cisgender and have reproductive capabilities, with the father. Again, a heterosexual relationship is implied and uses language that alienates queer families and partners. Putting these two policies next to each other, and seeing their

similarities in format, the gender essentialism and gendered language in the first becomes quite apparent.

Gender neutral policies.

The language seen in the gender neutral policies starkly contrasts the language found in the highly gendered policies. Even though all the policies mentioned some form of childbirth or a newborn, the policies in this category refrained from using any gendered language or relying on gender essentialism. Policies in this category consistently used gender-neutral terms throughout, referring to ‘parents,’ ‘eligible parents,’ ‘eligible employees,’ ‘birth parents,’ ‘non-birth parents,’ ‘birth giving parent,’ etc, rather than using word like ‘birth mother,’ ‘father,’ ‘maternity,’ and ‘paternity.’ Furthermore, some did distinguish between leave for birth givers, non-birth givers, and adoptive parents. However, even when a policy did so, there were still no references to gender. Instead, phrases such as ‘parental leave for birth giving parents,’ ‘leave for childbearing,’ or ‘leave for childrearing.’ Consider the following examples of policies that did not rely on gender essentialism or the binary:

Leave for Childbearing:

Paid leave is provided to eligible faculty members who give birth to a child. Childbearing leave will be automatically approved after providing notification to the designated administrator within the faculty member’s school Dean’s or Faculty Affairs Office (as specified in Section III below) and submitting documentation to The Hartford (see “related information” below). Faculty members who give birth to a child are eligible for a subsequent paid childrearing leave.

Leave for Childrearing:

Paid leave is provided to eligible faculty members who are at least an equal partner in

caring for a child. Approvals for childrearing leave will generally be granted to equal partners in childrearing. (Illinois, Progressive, Private)

Staff Parental Leave for Birth giving Parents:

Birth- giving parents are eligible for a minimum of ten (10) weeks of paid benefits for Pregnancy Disability following birth of a baby, minus a seven (7) day waiting period unless hospitalized, starting with the date of birth of the child... Birth giving parents may generally start Pregnancy Disability (4) weeks before the estimated delivery date if approved by a physician.

Staff Parental Leave for Non-Birth Parent (includes Guardianship, Foster Parent and Non-birth Giving Parent):

Non-Birth parents may be eligible for twelve (12) weeks of unpaid leave to bond with a child. Under the CFRA and the FMLA, eligible parents qualify for twelve (12) weeks bonding time and some of that time can be paid through PFL or from USC for amounts equivalent to PFL in the case of guardianship. The PFL program offers eight (8) weeks of paid bonding time that can be used anytime within the child's first year of birth or placement. (California, Progressive, Private)

The ways these gender-neutral policies and the gendered policies address birth giving and childrearing are incredibly different. Even though some of these policies differentiated between the time off for birth givers and non-birth givers, which is a different issue, they still refrain from assigning gendered qualities to the different types of parents. I include these examples to show that if places of work do choose to differentiate between birth parents and non-birth parents, it can be done so in a completely gender neutral way.

However, most policies that are gender-neutral do not make this distinction. Rather, many policies simply list all types of parents and give similar or the same amount of time off to all. This is the most inclusive and progressive way of granting time off for family leave. A few examples of this type of policy are as follows: “... will provide up to four work weeks (20 days/160 hours maximum) Paid Parental Leave to an Eligible Employee who is the birth, adoptive or foster parent of a newborn child, newly-adopted child or newly-fostered child” (Alabama, Conservative, Public), “...eligible employees who are full-time (scheduled to work 40 hours per week) receive six weeks (240 hours) of paid parental leave when they experience the birth or adoption of a child” (Georgia, Conservative, Private), and “the policy provides full-time staff with up to four weeks of leave paid at 100% ... to care for or bond with children within the 12 months following birth or placement via adoption, surrogacy or foster care” (Missouri, Conservative, Private). Policies written this way were the most common. This exemplifies that it is completely possible for family leave policies to be written in completely gender-neutral terms, as well as granting biological parents and adoptive parents the same amount of time off to adjust to a new child. The language of FMLA follows the same sentiment. Even though it does not guarantee paid time off, FMLA does give all parents the same amount of unpaid time off of 12 weeks. The FMLA policy reads:

The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to twelve workweeks of leave in a 12-month period for the birth of a child and to care for the newborn child within one year of birth, the placement with the employee of a child for adoption or foster care and to care

for the newly placed child within one year of placement...

There are other incidences covered under FMLA, but the policy's time-off guarantee for birth, adoptive, and foster parents is most relevant. Even this federal policy is completely gender-neutral, which further illustrates how unnecessary it is for individual workplaces to utilize gendered language in their policies. A separate issue of inclusivity involves giving more time off to biological parents than adoptive or foster parents. In doing so, a policy is latently assigning greater legitimacy to biological families, which can potentially alienate LGBTQ+ families and those who are unable to or choose not to give birth to a child. Policies that do so will be discussed next.

Biology

Like the Gender category, the Biology category was also assigned three scores. A score of 1 means that the policy actively distinguishes between biological and adoptive parents, as well as grants biological parents more time off than other types of parents. A policy received a 2 if it does have mentions of birth but gives equitable time off to both biological and adoptive parents. Finally, a score of 3 means the policy has no mentions of birth, biology, or reproduction. There is overlap between the policies that received 1 in the Gender category and a 1 in the Biology category. In other words, a policy with a 1 in the Gender category frequently received a 1 in the Biology category.

In total, 0 policies received a 3 in the Biology category, meaning no policy refrained from mentioning some form of reproduction. Thirty-seven policies (73%) were coded as a 2. Lastly, 14 policies (27%) received a 1. Recall what the gender-neutral policies that listed all parents together looked like: "up to six (6) weeks (240 hours) of Paid Parental Leave for Eligible Employees. Paid Parental Leave will be available following a Qualifying Event, (birth,

placement of child for adoption, placement of child for foster care)...” The majority of the policies that received a 2 followed this format, making no harsh distinctions between biological, adoptive, and foster parents, aside from just listing them separately. Therefore, I dedicate the majority of the discussion to the 27% of policies that did distinguish between different types of parents and what the implications for doing such may be.

Biologically-biased policies.

Policies that fell under this sub-category use language that distinguishes between biological, adoptive, and foster parents by splitting up the policy based on type of parent and amount of leave granted. A policy also received a 1 if it failed to mention adoptive or foster parents at all. Often, a policy was broken into several types of leave, designating different qualifications or eligibility based on parental status. Some of the policies will be repeated from earlier, and therefore, only relevant parts will be included for analysis. The following policies divide leave based on type of parent:

USE OF MATERNITY LEAVE: A pregnant employee may request a leave of absence for purposes of the pregnancy, any childbirth health related condition, and care of the newborn. “Reasonable” in the case of a normal pregnancy and delivery is deemed to be six (6) calendar weeks, and this period of leave will be granted after the birth of a child...

USE OF PARENTAL LEAVE: Parental leave is available for birth fathers or for employees who are adopting a child immediately following a child’s birth or placement... Fathers and adopting employees are entitled to a leave of absence of fifteen (15) working days following the birth of a child or placement of an adopted child.

(Montana, Conservative, Public)

Parents who meet the eligibility requirement for faculty, staff or bargaining unit are entitled to four weeks of fully paid Parental Leave. Parental Leave covers birth mothers, fathers, same-sex spouses/partners, adoptive parents of children under age 12 and parents of children born via surrogate... For eligible birth mothers, Parental Leave will begin after Birth Recovery Leave has been exhausted.

Birth Recovery Leave:

Parents who give birth and who meet the eligibility requirements are entitled to six weeks of fully-paid leave following the birth of a child. (Maryland, Progressive, Private)

Maternity leave: An eligible new mother who has given birth may receive up to eight weeks of paid parental leave immediately after birth, adoption or placement of a child/children and an additional month for transition back to a regular schedule.

Primary caregiver leave: In some case of adoption, placement or when a new mother is not available after birth, a primary caregiver may be designated. Only one parent may be designated as a primary caregiver. If leave is for birth, and both parents are available (for care/bonding) after birth, the mother must be designated as primary during the medically required portion of the leave. An eligible primary caregiver may receive up to eight weeks of paid parental leave immediately after birth, adoption or placement of a child/children.

Paternity or secondary caregiver leave: An eligible father or secondary caregiver may receive up to two weeks of paid parental leave immediately after birth, adoption or placement of a child/children. (Oregon, Progressive, Private)

Additionally, one other policy, shorter in length, reads, “Leave for Childbearing: Paid leave is provided to eligible faculty members who give birth to a child. Leave for Adoption: Paid leave is provided to eligible faculty members for adoption of a child” (Illinois, Progressive, Private). This policy was an interesting case, but time off permitted varied by the school or department the employee is housed in. Therefore, time for either a birth parent or adoptive parent could vary. However, when considering the aforementioned policies, it is apparent how birth and adoptive parents receive differential treatment.

A pregnant employee is guaranteed 6 weeks of leave, while an adoptive parent or father receives only 15 days. In other cases, the birth mother is granted medical leave in addition to parental leave. This in and of itself is not an issue. Pregnancy and giving birth is a medical issue, and time for recovery is absolutely important. However, assigning parents titles such as “primary caregiver” and “secondary caregiver” in either case of pregnancy or adoption is a startling problem. For one, there are gendered assumptions of caregiving associated with the notion of having to designate a primary caregiver, especially when the policy states that the birth mother must be assigned as primary caregiver. This notion is beyond the scope of the current paper, but it is worth further exploration. Additionally, permitting differing amounts of paid time off to a primary and secondary caregiver does not allow both parents to be equally involved in the adjustment process of bringing a new child into the home, whether through birth or adoption. Although the assumption is that a birth parent will need time for medical recovery, adoptive parents may face different obstacles and should be guaranteed the same amount of time off to care for their new child.

Other policies that give more time off to birth parents are not so separate, but do make the distinction between birth and adoptive parents. In other cases, only assistance for maternity leave

is mentioned. For example, “adoptive parents, parents taking custody of a child and fathers may use 5 sick days toward parental leave. Following sick leave, remainder of leave is unpaid. Following maternity leave, parental leave is unpaid” (Connecticut, Progressive, Public) “employees, students, and members of the community can be provided with assistance for conditions related to pregnancy, childbirth, or related medical conditions (ie: miscarriage, false pregnancy, c-section, etc.)” (Alaska, Conservative, Public), and “No more than three months (twelve weeks) of salary continuation may be applied to a maternity leave; however, if you have three or more months accrued, you are not required to use all three” (Ohio, Conservative, Private). An additional example:

The Paid Family Leave (PFL) Insurance Program provides employees covered by the State Disability Insurance (SDI) program with up to six weeks of paid leave per year to care for parents, children, spouses, and domestic partners or to bond with a new child... When women get SDI for pregnancy disability leave, the one-week SDI waiting period is credited to any subsequent baby-bonding. So, women may be able to collect six weeks of SDI during their pregnancy disability and six weeks of PFL immediately after disability ends. (California, Progressive, Public)

In these examples, much like the prior policies, birth parents (or even specifically women), are granted separate time off for medical recovery before beginning parental leave. This time is necessary because pregnancy is a medical situation and requires medical recovery. However, during the paid time off birth-giving parents receive, they are still expected to shoulder the burden of caretaking because they are home, in addition to recovering from their injuries. I am advocating for adoptive parents and non-birth partners to be granted family leave that matches the amount of time that birth giving parents receive. Therefore, caregiving

responsibilities are shared and other obstacles besides medical recovery can be attended to.

Adoptive parents are not even mentioned in some. Only leave for medical maternity is discussed. This exclusion of adoptive parents is worrisome. Statistics show that at least 1 out of 25 families have an adoptive child. Furthermore, adoption in same-sex families nearly doubled from 2000-2009 (US Adoptions Statistics n.d.). Therefore, when adoption is not considered for paid family leave, many families are left out of the equation. Of course FMLA guarantees 12 weeks of *unpaid* leave for adoptive parents, but this may not always be plausible. This exclusion of adoptive parents leads to the exclusion of LGBTQ+ parents as well. Few policies in this sample included explicit protections for LGBTQ+ individuals, which could have detrimental consequences.

LGBTQ+

To track progressive and inclusive language, I took note of how often policies include explicit protections for LGBTQ+ parents. Just because a policy does not include explicit LGBTQ+ protections does not mean that family leave would not apply to them, as most policies are gender-neutral. However, with explicit LGBTQ+ protections, it is clear that a policy applies to LGBTQ+ individuals and that they were included in the policymaking process. The LGBTQ+ variable was coded as a binary variable. A policy coded as 0 means there are no LGBTQ+ protections, and a 1 means there are LGBTQ+ protections. Only 4 policies (8%) included clear mentions of LGBTQ+ parents. This means 47 (92%) policies failed to include LGBTQ+ protections. When a policy did mention same-sex partners, it was very explicit and stated in one sentence. Because there are only 4 policies that did so, I will present each of them. They read as, “This paid leave may be used by the birth mother, father, adoptive parents and domestic (same or opposite sex) partners” (Arizona, Conservative, Public), “...who is the biological mother or father

of the child, or has legally adopted the child, or is a same sex spouse of the biological mother or father of the child you are eligible” (Louisiana, Conservative, Private), “an eligible parent is defined as a biological parent, same-sex spousal equivalent, or a new adoptive parent” (North Carolina, Conservative, Private), and “Parental Leave covers birth mothers, fathers, same-sex spouses/partners, adoptive parents of children under age 12 and parents of children born via surrogate” (Maryland, Progressive, Private).

While there has been some critique of the protectionist approach of LGBTQ+ individuals, especially in schools and for anti-LGBTQ+ harassment (Mayo 2004; Monk 2011; Roberts & Marx 2018), these results suggest this same sentiment may not hold true for workplace policies, especially family leave. For example, although uncommon, take the situation of transgender men who become pregnant and give birth. One study described the ways pregnant, transgender men faced hostility from the medical system throughout their pregnancies. Additionally, one transgender man never shied away from his male presentation or identity throughout his pregnancy, but when it was time to configure the birth certificate, he was not legally allowed to be called the father (Hattenstone 2019). The legal and social notions surrounding pregnancy are situated in gender essentialism, assigning reproductive capabilities to typical female anatomy. With this social constriction in mind, it becomes nearly impossible for those that actively queer the gender binary to gain desirable titles within the legal system. In the example given of a transgender father who gave birth, the legal and medical systems latched onto gender essentialism, focusing on his biology, and forcing him to be legally considered the mother (Lorber 2022). Furthermore, policies that use highly gendered language and rely on gender essentialism could potentially aid in this same discrimination. Policies that denote a mother and a father or describe a pregnant individual as a woman (without explicit LGBTQ+ protections)

latently ignore those relationships and individuals that do not fit the cisgender, heterosexual archetype.

I used this content analysis to test three hypotheses:

H1a: Majority of family leave policies will rely on biological notions of reproduction, prioritizing time off for those who are capable of physical reproduction.

H1b: Majority of family leave policies will use gendered language when determining who is permitted time off. For instance, words such as mother, father, man, woman, husband, wife, she/her/hers, and he/him/his may be used frequently in these policies.

H1c: Majority of family leave policies will not explicitly protect LGBTQ+ families.

The first two hypotheses (H1a and H1b) are not supported, as the majority of policies are gender neutral (61%) and do not prioritize biological reproduction for time off (73%). However, H1c is supported. Only 8% of policies include explicit protections for or mentions of LGBTQ+ parents and families. Therefore, 92% of policies did not include LGBTQ+ specific protections, supporting H1c.

RESULTS: BINARY LOGISTIC REGRESSION

Following completion of the qualitative content analysis, I ran a binary logistic regression in SPSS to determine what variables are correlated with policies that are generally inclusive. The total number of policies included in the regression analysis is 51 (n=51). Table 4 presents the findings from the binary logistic regression. This model is significant and has a Nagelkerke R Square of .634. Similar to R Square, the Nagelkerke R Square is a measure of model fit. A Nagelkerke R Square of .634 indicates a strong relationship between the predictor variables and outcome variables and accounts for variance within the model.

Table 4: Binary Logistic Regression Results for Overall Policy Inclusiveness

Variable	B	S.E.	Wald	Exp(B)
Progressive State	-7.544***	2.900	6.769	.001
DEI Office	-2.009	2.092	.922	.134
State FML	2.772*	1.429	3.761	15.991
University Paid Leave	5.650***	1.805	9.793	284.174
Republican Governor	-.462	1.292	.128	.630
Religiously Affiliated	-3.436	2.281	2.269	.032
Student Enrollment	.000	.000	.000	1.000
Private	3.514	2.262	2.412	33.582
Progressive State*Public	5.502*	2.860	3.701	245.192
Constant	-1.291	2.565	.253	.275

a. Nagelkerke R Square=.634; ***=p<.01, **=p<.05, *=p<.1

The regression revealed four statistically significant predictors of overall policy inclusiveness. Two are significant at the .01 level, with one being positive and the other negative. Progressive State is a significant negative predictor of policy inclusiveness with a coefficient (B) of -7.544. This indicates that universities in the progressive states are less likely to have inclusive family leave policies. On the other hand, University Paid Leave is a positive predictor of policy inclusiveness with a B of 5.650, showing that universities with a paid family leave policy are also more likely to have inclusive policies. Two other variables are significant at the .10 level. With a B of 2.772, State FML is a positive predictor of policy inclusiveness, meaning that universities in states that offer a statewide family leave policy are likely to have more inclusive

policies. The interaction term, denoted by Progressive State*Public is also a statistically significant predictor of policy inclusiveness. Although this variable seems to have a positive B (5.502), it must be subtracted from the B for Progressive State (-7.544), as this was the original variable included in the interaction term. Therefore, Progressive State*Public is a negative predictor with a B of approximately -2.0. Therefore, public universities in progressive states are still less likely to have inclusive policies.

The first hypothesis I tested with the binary logistic regression was not supported:

H2a: Universities in conservative states are more likely to have family leave policies with language denoting biological reproduction and gender and are more likely to have policies lacking LGBTQ+ specific protections than progressive states.

The model suggests the opposite of what I hypothesized. Universities in conservative states are actually more likely to use progressive language in their policies than universities in progressive states, denoted by the independent variable Progressive State in the first row. In other words, progressive state universities are more likely to have policies that denote biological reproduction and gender, and lack LGBTQ+ specific protections. This finding is significant at the 99% confidence interval with a p-value of .009.

Overall, H2b is not supported:

Due to coercive pressures, public universities will be more likely than private universities to align with their state's approach to LGBTQ+ policies (whether the state is LGBTQ+ friendly or not).

When combining the interaction effect (Progressive State*Public) with the main variable Progressive State, the overall effect is still negative (approximately -2.0). However, this shows that those publicly funded universities in more LGBTQ+ progressive states are moving towards

inclusivity, as the B value is approaching a positive value. Coercive pressures are not currently strong enough to push universities in progressive states to have more inclusive family leave policies. This finding, however, suggests that coercive pressures may be a factor in beginning the process of developing inclusive family leave policies, for those universities that are public and reside in progressive states.

H3 stated: due to mimetic forces, universities of similar nature will have family leave policies that closely resemble each other (i.e., public universities will have family leave policies that resemble each other more closely, while family leave policies at private institutions will more closely resemble each other). This hypothesis is not supported by the model, denoted by the independent variable Private in the seventh row. There are no statistically significant indicators that mimetic forces are a good predictor of a university's family leave policy format. There are no significant differences or similarities between policies at public and private universities.

DISCUSSION

The purpose of the current study is to critically examine family leave policies across several universities in the United States. This study is worthwhile for several reasons. For one, families are incredibly diverse and no longer mirror the nuclear family model (Vespa, Lewis, & Kreider 2013; Pearce et al. 2018; LGBT Adoption Statistics 2022; US Adoption Statistics, n.d.). Additionally, the early moments of an infant's life are important for several developmental reasons (Bullinger 2019), and warm, consistent parenting is crucial (Khan 2020). With the increasing family diversity and the importance of early infant care in mind, policymakers, and in my case, specifically, universities, should adopt family leave policies that are all-encompassing and equitable for all parents (regardless of gender and pathway to parenthood).

This study joins other research that is working to expand feminist theory and thought (Averett 2021). The main guiding theoretical framework of this study is gender essentialization/de-essentialization. Feminist thought and research often rely on cisgender women's experiences with motherhood to frame inequality, but this assumption inherently assigns mothering to cisgender women (Averett 2021). While research that examines and uncovers gender inequality related to motherhood is important, it can limit our theorizing to the gender binary. A complete overhaul of the binary is not necessary, but degendering behavioral processes and de-essentializing gender allows researchers to ask new questions and find ways to actively include gender queer people (Averett 2021; Butler 2022). This study aims to do so by advocating for a gender-neutral definition of parenting, a process that is heavily gendered.

This study utilized a mixed-methods approach to examine university family leave policies. A qualitative content analysis was conducted to critically analyze the language used to determine to what extent policies rely on gender essentialism, biology, and heterosexuality. I tested three hypotheses with this content analysis. I hypothesized that most family leave policies would not include LGBTQ+ specific protections, which is supported by the data. Only 8% of policies include explicit protections for LGBTQ+ parents and families. With the increase of same-sex parents, this lack of protections is especially troubling. LGBTQ+ folks are still discriminated against in the workplace, and research suggests that there are several responsibilities employers and companies have in order to make their workplaces more LGBTQ+ friendly: inclusive workplace policies (Willis 2009; Cook & Glass 2016), creating an LGBTQ+ affirmative workplace (Willis 2009, 2010), and celebrating diversity (Wang & Schwarz 2010). Most universities in this sample have a dedicated diversity and inclusion office, or at the very least take a diversity standpoint, but still only 8% of family leave policies include LGBTQ+

specific protections. Because workplaces can still be hostile for the LGBTQ+ community, it is imperative that workplaces and universities should strive to be as inclusive as possible.

My other hypotheses assumed that most policies would use highly gendered language and rely on biological reproduction to allocate paid time off. Majority did not use gendered language (61%) and did not prioritize reproduction for time off (73%). Given that my hypotheses are not supported, there is some positivity to highlight. Most university family leave policies are equitable and guarantee the same amount of time off, regardless of gender or parental status. This is a stride in the right direction, and these policies can serve as examples for other universities or employers to model.

However, the results of the content analysis suggest some policies use language that is highly gendered or prioritize reproduction. This is no surprise as long standing, hegemonic gender roles are often institutionalized (Ridgeway 2009). The language in these types of policies can latently exclude some individuals, while also upholding gender essentialism. By singling out mothers and/or fathers, a policy latently prescribes heteronormativity (isolating same-sex partners and those that exist outside the gender binary). Additionally, when a policy does mention mothers and fathers, especially when birth mothers are allocated more time off, assumptions about gendered caretaking and who is meant to serve as the primary caretaker are invoked. This notion continues to uphold the gendered breadwinner/caretaker model. By assuming the father will be the secondary caregiver (as stated in some policies in my sample), mothers are expected to be home for a longer time. This dichotomy contributes to the notion that men are ideal workers, reifying a gendered workplace (Acker 1990; Acker 2006). Giving longer leave time to birth mothers and not expecting fathers to be as involved in caretaking furthers the gendered caretaking gap (Hochschild 1989; Pailé, Solaz, & Stanfors 2021).

Further, when birth parents are permitted more time off, it signals that adoptive and foster families are not as legitimate, and that their specific needs are not a priority. Assuming that adoptive and foster families do not need as much time off to make adjustments to a new child is a dangerous game, and future research should consider studying such families in order to understand their unique needs. Because the majority of policies are not gendered or biologically-biased, there is no need to have policies that do such. Those policies that are inclusive work to permit the same amount of time off for all parents and families, while also challenging heteronormativity and hegemonic gender roles. Degendering behaviors and roles (such as parenting) is more important than an overhaul of the gender binary (Butler 2022). Family leave policies that challenge gender norms and heteronormativity is just one way to achieve degendering processes by not relying on the binary and not assuming innate caretaking/achievement capabilities, thus also degendering a gendered institution, the workplace (Acker 1990).

The second half of this study used a binary logistic regression to test isomorphic tendencies in universities. However, the model suggested that overall, isomorphism is not a strong indicator of how inclusive university family leave policies are. I first assumed that universities in conservative states would have less inclusive family leave policies than those in progressive states. The model actually indicated a statistically significant negative relationship. Instead, universities in conservative states are more likely to have more inclusive policies than those in progressive states. To test the coercive pressure of being publicly funded, an interaction term was added to the model to determine if publicly funded universities are more likely to align with their state's approach to LGBTQ+ policies. This hypothesis was overall not supported. The model still suggests a negative relationship, but not as strong without accounting for public

status. Therefore, there may be some coercive forces beginning to push public universities in progressive states to have more inclusive family leave policies, but with the relationship being significant and negative, I am not able to support my original hypothesis.

I hypothesized both of these assumptions with institutional isomorphism as the guiding factor (Dimaggio & Powell 1983). Coercive factors can sometimes push organizations to adopt certain policies or make changes to foster legitimacy and secure funding (Dimaggio & Powell 1983). Therefore, I assumed that universities in conservative or progressive states would have family leave policies that closely match their state's approach to LGBTQ+ friendliness.

Although the first hypothesis was not supported, when I added the interaction term to directly compare public status and inclusiveness, I found some support for coercive isomorphism. It seems that publicly funded universities in progressive states are moving towards having more inclusive family leave policies, suggesting that a state's progressiveness could have an effect on policy inclusiveness. This makes sense as public universities receive their funding from the state they are in, and if the state is more progressive, there could be some incentive for universities to have more inclusive family leave policies. However, the relationship is still negative, so this conclusion cannot be supported fully.

Finally, the third hypothesis was not supported. Mimetic pressures are not an indicator of a university's family leave policy format. I hypothesized that public universities' policies would closely match other public universities, and that private universities' policies would more closely match other public universities, as similar institutions look to each other for inspiration for policy changes (Dimaggio & Powell 1983). However, there are no statistically significant differences between public and private universities. Finally, the model did present two statistically significant findings that were not originally hypothesized. If a state offers some form of family

leave, a university is slightly more likely to have an inclusive policy. Additionally, if a university offers a paid leave option, that policy is likely to be generally inclusive. Speculations regarding these quantitative findings will be discussed further in the conclusion.

CONCLUSION

To my knowledge, this study is the first of its nature and adds to the literature in several ways. First, there are several policy implications wrapped up in this study. The differences between inclusive and not-so-inclusive policies were highlighted extensively. Having the ability to compare the two side-by-side illustrates how there is no need for highly gendered and biologically-biased family leave policies. Policies that offer paid leave for all their employees, regardless of gender or pathway to parenthood should serve as an example for policies in the future, as well as those that should be rewritten. Following Averett (2021), this study presents a practical way that researchers can break down instances of gender essentialism.

Second, although my findings did not support many instances of institutional isomorphism, the binary logistic regression presented several statistically significant findings. One of the strongest is a negative relationship between a state's LGBTQ+ policy friendliness and a university's family leave policy inclusiveness. In other words, universities in progressive states are more likely to have less inclusive policies than those universities in conservative states. Although it makes sense to assume that progressive state universities would have more inclusive policies, this negative relationship speaks to a university's individual agency. Rather than letting the state's approach to LGBTQ+ guide its policymaking, a university can choose to uphold its own ideals of diversity and inclusion by having family leave policies that encompass all its employees. Additionally, these universities in conservative states could be signaling to potential students and employees that they are a safe place for marginalized communities. However, most

policies were not highly gendered and did not prioritize reproduction, so those universities in conservative states are exceeding expectations by having inclusive family leave policies.

Finally, the regression showed a significant relationship between state-wide family leave and a university's policy inclusiveness. A university is more likely to have an inclusive family leave policy when the state offers family leave than if not. Since federally-mandated FMLA may work as a legalistic coercive pressure (as in universities and employers with more than 50 employees must offer unpaid family leave), a state family leave policy could have similar effects. Thus, future research could explore whether coercive pressures are at play for university family leave policies, just for more targeted pressures connected to a state also providing family leave. In other words, while overall LGBTQ+ friendliness had the opposite effect of what was hypothesized, being in a state that offers family leave could provide the necessary coercive pressures that promotes universities to be more inclusive. These ideas should be explored further. Finally, universities in a state with a paid family leave in place are not required to offer additional paid leave, however those that do tend to have more inclusive family leave policies. These universities are exceeding expectations by having additional paid leave that is also inclusive. Having a statewide family leave program could push universities to be more inclusive, as they're not responsible for the entire financial burden.

At first glance, it may seem that if the university does not have to bear the complete financial burden of offering family leave, it would be more likely to have an inclusive policy. However, there is a positive relationship between paid family leave and a university's policy inclusiveness. Having a paid leave option is already progressive on its own, as it is not required by employers in the United States. Therefore, it is possible that paid leave options are more inclusive because paid leave in and of itself is progressive.

LIMITATIONS AND FUTURE RESEARCH

Although this study presented several interesting and important findings, there are some limitations. For one, I did not use a random sample. I purposively sampled the public and private universities with the largest student enrollment (when possible) from each state. Therefore, generalizability is not possible, but that was not the intent of this exploratory study. Additionally, I cannot say for certain how these policies would actually affect families, as I only studied the language within the policies.

Future research should illustrate how families navigate taking leave at universities with inclusive and not-so-inclusive policies by interviewing non-traditional families. By doing so, research would show the actual impact non-inclusive policies could have on LGBTQ+ and adoptive families. It could be beneficial to run similar studies with other occupations, especially those that may have a higher concentration of LGBTQ+ employees, such as psychology, occupational therapy, and mortuary sciences (Tilcsik, Anteby, Knight, & 2015).

Even given these limitations, the findings of this study are important. Understanding how policy language could potentially alienate certain people is a worthwhile endeavor. My study offers examples of inclusive policies and gives recommendations on how family leave policies should be written or amended. It is important that all parents, regardless of gender status and pathway to parenthood, be allocated the same amount of time off. By doing so, not only is gender essentialism being disrupted, but we are also signaling that all families (not just those that fit the traditional mold) are taken seriously. Therefore, the legal definition of family can be expanded to align with the current reality of family diversity.

TABLES AND FIGURES

Table 1: Comprehensive List of “High Priority to Achieve Basic Equality” and “Working Towards Innovative Equality” States

High Priority to Achieve Basic Equality	Working Towards Innovative Equality
Alabama	California
Alaska	Colorado
Arizona	Connecticut
Arkansas	Delaware
Florida	Hawaii
Georgia	Illinois
Idaho	Maine
Indiana	Maryland
Kentucky	Massachusetts
Louisiana	Minnesota
Michigan	Nevada
Mississippi	New Hampshire
Missouri	New Jersey
Montana	New Mexico
Nebraska	New York

North Carolina	Oregon
North Dakota	Rhode Island
Ohio	Washington
Oklahoma	Total: 18
South Carolina	
South Dakota	
Tennessee	
Texas	
West Virginia	
Wyoming	
Total: 25	

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