

Report on Domestic Partner Benefits (3/26/96)

Faculty Compensation Committee

compiled by Susan Basow

Lafayette College provides many benefits to the partners of its married employees, including health benefits, access to library and athletic facilities, and tuition coverage. Health benefits for partners are particularly important when the partner is not otherwise covered, whether because s/he is a student, primary caretaker of children, physically unable to work, or temporarily unemployed. Such benefits enhance the commitment and morale of the college's employees to the college, and serve to support the family unit.

There is one class of partnered employees who are excluded from these benefits: those with same-sex partners, who are unable (as of this date) to legally marry regardless of their desire to do so and commitment to each other. Unmarried heterosexual couples, although also excluded from these benefits, at least have the legal option to marry. It is the opinion of the Faculty Compensation Committee that, in the interests of fairness and equity, domestic partner benefits should be made available to employees who meet the criteria for such relationships (see below). Such a policy would be consistent with our Mission statement of nondiscrimination on the basis of sexual orientation, in addition to enhancing employee work performance and loyalty and aiding in competitive staff recruitment.

There is ample precedent for this step. As of March 1995, more than 100 institutions of higher education offered some domestic partner benefits. See Appendix A for a listing, based on the results of a survey conducted by the Standing Committee for Lesbian, Gay, Bisexual Awareness of the American College Personnel Association (SC). This list is not comprehensive. It should be noted that many schools offer benefits in practice, rather than by formal policy. We believe there are advantages to a formal policy.

Many of the benefits offered to domestic partners do not include health coverage; only 38 out of the 104 institutions listed in Appendix A cover medical benefits. There are more schools than on this list, however. M. V. Lee Badgett, in a 1994 article in *Academe*, listed 19 more schools as offering such benefits, including all the Ivy League institutions: American, Brown, Chicago, Clark, Columbia, Cornell, CUNY, Harvard, Middlebury, Minnesota, MIT, Northeastern, Pitzer, Pomona, Smith, Stanford, Swarthmore, Wesleyan, Yale. Several insurance providers have refused to cover unmarried domestic partners, but this situation appears to be changing (Badgett, 1994). We have been assured by Leslie Muhlfelder, Director of Personnel and Human Resources, that any health-care provider engaged by the college would offer such benefits without a surcharge.

Domestic Partner Criteria:

Based on the policies of other employers, as well as TIAA-CREF, we recommend the following criteria be met for a couple to qualify as a domestic partnership (modeled on Stanford U.):

1. share the same regular and permanent residence for at least 3 months;
2. have an exclusive mutual commitment similar to that of marriage;
3. are financially responsible for each other's well-being and debts to third parties. This can be demonstrated by joint ownership of assets (such as home, car, bank

accounts, naming the partner as a beneficiary of life insurance or pension plans) and/or joint liability for debts (such as joint tenancy, mortgages, major credit cards);

4. are not married to anyone else nor have another domestic partner;
5. are each eighteen (18) years of age or older; and
6. are not related by blood closer than would bar marriage in their state of residence

An employee registering for such benefits will have to sign a declaration or enrollment form certifying that the preconditions for qualifying for benefits have been met (see Appendix B for an example of Stanford University's form).

Possible Concerns:

1. Concerns about fraud and abuse:

Requiring employees to meet the above-stated criteria should minimize possible misuse of this benefit, probably more than the current criteria do (currently, an employee simply checks off that s/he is married). Most plans report little evidence of fraud or abuse (Badgett, 1994; Fried, 1994).

2. Cost concerns

The benefit turns out to be very inexpensive because most domestic partners are in a situation where both partners are employed and entitled to benefits, and because many same-sex couples are reluctant to come forward to claim the benefit (Badgett, 1994; Fried, 1994; SC, 1995). If the benefit were to include unmarried heterosexual couples, more would be eligible, but the cost still has not been significant. One study of 15 employers found health plan enrollments increased by only 0.3% on average when same-sex partners were eligible and 3.4% when both same-sex and mixed partners were eligible (Badgett, 1994). Even concerns about increased costs due to including potential HIV sufferers have not been justified, perhaps because lesbians have a much lower than average risk of HIV infection. Because domestic partner benefits are fundamentally a matter of fairness and non-discrimination, cost should not even be an issue.

3. Loss of alumni and donor support

Although there may be some drop-off in support from some donors, others (especially lesbian, gay, and bisexual alumni) may be more likely to contribute.

4. Unmarried heterosexual couples

Although an argument can be made that extending benefits to unmarried same-sex couples and not to unmarried heterosexual couples is in itself unfair because it privileges the marital state, nonetheless, the reality remains that it is mainly same-sex couples who are excluded from benefits. Since unmarried heterosexual couples can marry, their exclusion can be rectified if so desired; not so for same-sex couples. Furthermore, because there are more unmarried heterosexual couples than same-sex couples, the addition of this group would add to the expense of the program. Although we have no objection to extending benefits to both types of couples, for economic reasons we recommend extension to same-sex couples only at this time.

References

Badgett, M. V. Lee. (1994, May-June). Equal pay for equal families. Academe, 26-30.

Fried, Barbara (1994). Domestic partner benefits: A case study. Human Resource Monograph available from the College and University Personnel Association, 1233 20th Street, NW, Washington, DC 20036-1250.

Standing Committee for Lesbian, Gay, Bisexual Awareness of the American College
Personnel Association. (1995, February). Domestic Partners--Employment
Benefits. Report available from Resource Clearinghouse Coordinator, University
Student Commons, VCU Box 842032, Richmond, VA 23284-2032.

Appendix A

**DOMESTIC PARTNERS PROJECT
GENERAL EMPLOYMENT BENEFITS**
Standing Committee for Lesbian, Gay, Bisexual Awareness
American College Personnel Association
Survey Information current as of: 3/23/95

Policy = employment benefit provided to domestic partner by official policy. Practice = benefit provided by informal practice. Blank = do not provide this benefit. In some cases of "do not provide", this benefit is also not provided to married spouses.

INSTITUTION & STATE	Insurance & Tuition Waiver						Events & Facilities					
	Medical	Dental	Vision	Life	Tuit Waiv	Tickets	Library	Gym/Rec	Union	ID Card		
AZ Northern Arizona Univ, 3/95							Practice	Practice	Practice			
AZ University of Arizona								Policy				
CA Occidental College, pr						Practice	Practice	Practice	Practice			
CA San Jose State University	Policy	Policy	Policy	Policy	Policy		Policy	Policy	Policy	Policy		
CA Sonoma State University							Practice	Practice	Practice			
CA Univ of Cal. @ Berkeley							Practice	Policy	Practice			
CA Univ of Cal. @ Davis							Practice	Practice	Practice			
CA Univ of Cal. @ Los Angeles							Policy	Policy				
CA Univ of Cal. @ Santa Cruz							Policy	Policy				
CO The Colorado College, pr						Practice	Practice	Practice	Practice			
CT Eastern Connecticut State Univ, 3/95	Policy	Policy	Policy		Policy	Policy	Policy	Policy	Policy			
CT Teikyo Post Univ, pr, 3/95							Practice	Practice	Practice			
DE Golden-Beacon College, pr					Policy		Practice	Policy	Policy			
DE University of Delaware												
DE Wesley College, pr						Practice	Practice	Practice	Practice			
DE Wilmington College, pr						Practice	Practice	Practice	Practice			
GA Young Harris College, pr	Practice	Practice			Policy	Practice	Practice	Practice	Practice	Practice		
HI Hawaii Community College, 3/95					Practice	n/a	Practice	n/a	Practice			

	INSTITUTION	Medical	Dental	Vision	Life	Tuit Waiv	Tickets	Library	Gym/Rec	Union	ID Card
HI	Hawaii Pacific Univ, pr, 3/95	Policy	Policy	Policy		Policy	Practice	Policy	n/a	n/a	
HI	Honolulu Community College, 3/95						Practice	Practice	n/a	n/a	
HI	Kapio'iani Community College, 3/95					Practice	n/a	Practice	n/a	n/a	
HI	Kaua'i Community College, 3/95							Practice	n/a	n/a	
HI	Maui Community College, 3/95							Practice	n/a	n/a	
HI	Univ of Hawaii @ Hilo, 3/95							Policy	Policy	Policy	
HI	Univ of Hawaii @ Manoa, 3/95					Practice		Practice		Practice	
HI	Univ of Hawaii - Leeward Community College, 3/95						n/a	Practice	n/a	n/a	
HI	Univ of Hawaii - Windward Community College, 3/95					Practice	Practice	Practice	n/a	n/a	
IA	Grinnell College, pr						Policy	Policy	Policy	Policy	Policy
IA	Iowa State University	Policy	Policy	Policy	Policy		Practice	Practice	Practice	Practice	
IA	University of Iowa	Practice	Practice	Practice	Practice		Practice	Policy	Policy	Policy	
IL	Elmhurst College, pr				Practice	Policy		Practice	Practice	Practice	
IL	Wm. R. Harper College						Practice	Practice	Practice		
IL	Rockford College, pr						Policy	Policy	Policy		Policy
IL	Roosevelt University, pr						Practice	Practice	Practice	Practice	
IL	So. Illinois Univ @ Carbondale						Policy	Policy	Policy	Policy	Policy
IL	Univ. of Illinois @ Urbana Champaign							Policy	Policy		

IN	Mariah College, pr						Policy		Policy	Policy	
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	INSTITUTION	Medical	Dental	Vision	Life	Tuit Waiv	Tickets	Library	Gym/Rec	Union	ID Card
NY	Cazenovia College, pr, 3/95	Policy	Policy							Practice	
NY	Hamilton College, pr, 3/95	Policy	Policy	Policy	Policy	Policy	Policy	Policy	Policy	Policy	Policy
NY	Ithaca College, pr, 3/95u								Practice		
NY	New York Institute of Technology, pr, 3/95	Policy	Policy	Policy							
NY	New York University, pr	Policy	Policy			Policy	Policy	Policy	Policy	Policy	Policy
NY	LeMoyn College, pr	Practice		Practice	Practice	Policy	Policy	Practice	Practice		Practice
NY	SUNY @ Canton, 3/95	Policy	Policy	Policy	Policy			Practice	Practice	Practice	
NY	SUNY @ Cortland, 3/95u	Policy	Policy	Policy	Policy			Policy	Policy	Policy	
NY	SUNY @ New Paltz, 3/95	Policy	Policy	Policy	Policy			Policy	Policy	Policy	
NY	SUNY @ Oswego							Practice	Practice	Practice	Practice
OH	Antioch College, pr							Practice	Practice	Practice	Practice
OH	Baldwin Wallace College, pr				Policy	Policy	Policy	Policy	Practice	Policy	Practice
OH	Central State Univ	Policy	Policy	Policy							
OH	College of Wooster, pr							Practice	Practice	Practice	Practice
OH	Denison University, pr						Practice		Practice	Practice	Practice
OH	Heidelberg College, pr							Practice	Practice	Practice	
OH	Kenyon College, pr						Policy	Policy	Policy		Policy
OH	Marietta College, pr					Practice		Practice	Practice	Practice	
OR	Reed College, pr, 3/95u					Policy					
OR	University of Oregon, 3/95u							Practice	Practice	Practice	Practice
OR	Willamette Univ, pr, 3/95							Practice	Practice	Practice	
PA	Carnegie Mellon Univ, pr							Policy	Policy	Policy	Policy
PA	Dickinson College, pr						Practice	Practice	Practice	Practice	Practice

PA	East Stroudsburg University																		
PA	Franklin & Marshall College, pr																		
PA	Gettysburg College, pr	Policy	Policy	Policy	Policy														
PA	Haverford College, pr	Practice																	
PA	Indiana University of Penna																		
PA	Muhlenberg College, pr	Policy	Policy	Policy															
PA	Penn State @ Erie, 3/95																		
PA	University of Pennsylvania, pr, 3/95	Policy	Policy	Policy	Policy	Policy													
PA	West Chester University	Policy	Policy	Policy	Policy														
SC	College of Charleston	Policy	Policy	Policy	Policy														
UT	Weber State University																		
VA	Christopher Newport College																		
VA	Lynchburg College, pr																		
VA	Old Dominion University																		
VT	Castleton State College	Policy	Policy		Policy														
VT	University of Vermont	Policy	Policy																
WA	Western Washington Univ.																		
MI	Beloit College, pr																		
MI	Concordia Univ, pr	Policy	Policy	Policy	Policy	Practice													
MI	Edgewood College, pr																		
MI	Univ Wisconsin Madison																		
MI	Univ Wisconsin - Stevens Point																		

Appendix B

ENROLLMENT INFORMATION FOR DOMESTIC PARTNERS OF EMPLOYEES

As a Stanford University employee, you may enroll an unmarried same sex Domestic Partner and/or your Domestic Partner's child(ren) in Stanford University Medical, and/or Dental coverage, and your Domestic Partner for Accidental Death & Dismemberment Insurance, and your Partner's child(ren) for Tuition Grant Program. The University reserves the right to change or terminate all aspects of its benefit plans.

To enroll yourself and your Domestic Partner and/or your Domestic Partner's child(ren), you must:

1. Complete the regular Health and Welfare enrollment form. In section 3, please cross-off "spouse" and write in "Domestic Partner," and in Section 4, cross-off "Husband" and "Wife," and write in "Domestic Partner." If you are enrolling your Partner's child(ren), please indicate so in Section 4.
2. Complete, sign, and have your partner sign the Certification of Domestic Partnership Form.

Definition of Domestic Partner

Stanford University defines Domestic Partner as the partner of an eligible employee who is of the same sex, sharing a long-term committed relationship of indefinite duration with the following characteristics:

- Living together for at least 6 months.
- Having an exclusive mutual commitment similar to that of marriage.
- Financially responsible for each other's well-being and debts to third parties. This means that you have entered into a contractual commitment for that financial responsibility or have joint ownership of significant assets (such as home, car, bank accounts) and joint liability for debts (such as mortgages and major credit cards).
- Neither partner is married to anyone else nor has another domestic partner.
- Partners are not related by blood closer than would bar marriage in the state of their residence.

If both partners are Stanford University employees, you have the option of completing a combined contribution form available from the Benefits Office.

Eligibility Requirements for Your Partner's Child(ren)

Eligible children include your and your Partner's unmarried natural and adopted children, or children for whom you or your Partner have legal guardianship, up to the limiting age, who are dependent upon you or your Partner for support and maintenance.

Under current Plan rules, the limiting age is age 23 for the Dental Plan and age 25 for the Medical Plan. A disabled child over the limiting age may also be eligible if the disability commenced before age 19 and the child is incapable of self-sustaining employment.

Evidence of dependency and/or disability may be required by the carrier or the plan administrator. For specific details, you should refer to the individual carrier's brochure.

CERTIFICATION OF DOMESTIC PARTNERSHIP

Employee: _____
Last Name First Name M.I. Social Security Number

Domestic Partner: _____
Last Name First Name M.I.

Partner's Dependent Children: _____
Last Name First Name M.I.

Last Name First Name M.I.

Last Name First Name M.I.

For your Partner, complete section A and section B (if it applies) below. For your Partner's child(ren) complete section C below.

A. Partner Certification

I hereby certify that the above named person and I meet all of the eligibility requirements as "Domestic Partners" under Stanford University's policy as set forth in the Enrollment Information on the reverse of this sheet, including acknowledgment of financial responsibility for each other. I understand that (1) falsely certifying eligibility or failing to inform Stanford University if we cease to meet eligibility requirements in any respect could result in disciplinary action, including termination of employment, (2) that the University may ask me to provide evidence that the eligibility requirements are being met, (3) that, unless my Partner is a tax-qualified dependent, the University's cost of providing these benefits to my Partner is considered taxable income to me, and (4) that it is possible that this Certification could be used as evidence by creditors of my Domestic Partner.

Signature of employee _____ Date: _____

Signature of Domestic Partner _____ Date: _____

B. Partner Certification as a Tax-Qualified Dependent

I have read the "Tax Information Sheet for Domestic Partners" and, based on consultation with a tax advisor, I certify that the previously named person whom I am enrolling for coverage is my legal tax dependent under IRS Sec. 152. I understand that falsely certifying dependency status could result in disciplinary action (including termination) from Stanford University, as well as potential charges of tax fraud. I further agree to notify Stanford University immediately of any change in this tax status.

Signature of employee _____ Date: _____

C. Dependent Child Certification

I hereby certify that the above-named child(ren) of my Partner meet all of the eligibility requirements, and I understand that falsely certifying as to a dependent's eligibility or failure to inform Stanford University when a dependent no longer meets applicable eligibility requirements could result in disciplinary action, including termination of employment.

Signature of employee _____ Date: _____

Approved: For Stanford University

Name: _____ Date: _____