



February 21, 2012

Hollie Swanson, PhD
Chair, University of Kentucky Senate
CAMPUS

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Dear Dr. Swanson:

I am writing in response to the request from the Senate Council that the SACPT consider the overload policy of the University of Kentucky, communicated in an email from Sheila Brothers on October 18, 2011. This request is based on concerns raised by Professor Craig Miller, DMD, Department of Oral Health Practice, Oral Medicine Section, College of Dentistry, University of Kentucky.

At the January 9 meeting of the SACPT, Dr. Miller presented several issues of concern related to the Academic Regulations regarding Faculty Consulting and Other Overload Employment (AR 3:9) and provided a written summary (copy attached). On January 23, 2012, James Geddes (SACPT chair), met with Sharon Turner; Dean of the College of Dentistry; Mark Thomas, Department Chair for the Department of Oral Health Practice; Richard Greissman, Assistant Provost; and Cliff Iler, Associate General Counsel, Medical Center Legal Office. Faculty overload was further discussed at the SACPT meeting on February 3, 2012.

In AR 3:9, it is recognized that there are occasional circumstances where it may be necessary for a faculty member to undertake responsibilities and assignments beyond their normal responsibilities. The examples given include conducting continuing education classes, the grading of correspondence classes, and sponsored activities outside of the faculty member's educational unit. However, there may also be occasions when a faculty member is requested to assume additional responsibilities within their educational unit, such as teaching a required course on a short term basis following the departure of or illness of another faculty member. To determine when such added responsibilities constitute overload, it is necessary to describe the normal workload of a faculty member taking into consideration contributions to teaching, research, and service. The determination of faculty workload is outlined in AR 3:8 Faculty Workload Policy Statement, which includes the expectation, "That each academic unit should clarify and formalize their criteria and procedures to assure that all faculty members within the unit have comparable workloads."

Based on the concerns raised by Dr. Miller and review of the ARs pertaining to faculty workload and faculty overload, the SACPT recommends the following:

1. That AR 3:9 be modified to include examples of faculty overload within an educational unit.
2. That AR 3:9 be modified to include reference to AR 3:8 when determining when additional faculty assignments within an educational unit constitute overload.

The conclusions contained in this letter were reviewed and affirmed by all SACPT members. The letter is thus submitted on behalf of the SACPT members Michael Braun, Tricia Browne-Ferrigno, Nirmala Desai, Scott Prince, Catherine Seago, Bruce Swetnam, and Stephen Testa, and me.

Sincerely yours,

A handwritten signature in blue ink that reads "Jim Geddes". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

James W. Geddes, Ph.D.
Chair, SACPT
Professor, Dept. Anatomy & Neurobiology

Senate Advisory Committee on Privilege and Tenure (SACPT)

TOPIC: ARII-3.9 (Formerly, ARII-1.1-1) "CONSULTING AND OTHER OVERLOAD EMPLOYMENT".

Issues of concern:

1. The definition of overload (Paragraph II page 3 and 4) is insufficient and lacks clarity. It advantages the department, college and University over the individual faculty member.
2. Need for consistent interpretation and handling of internal overload amongst the colleges.
3. Need for guidelines that address the assignment of additional responsibilities that do not appear in the faculty member's Distribution of Effort (DOE).
4. Lack of recourse for an affected faculty member.

1. Definition of overload. The current AR reads, "The University recognizes that there are occasional circumstances when a faculty member may be the most appropriate person to undertake University assignments which are beyond the scope of that individual's normal departmental, college, and University-wide responsibilities. Examples include the conducting of continuing education classes, the grading of correspondence courses, and participating in various types of sponsored activities for which the basic responsibility lies outside the faculty member's educational unit."

The current definition can, and has been interpreted to, mean these are the only examples exclusive of other examples. Thus, administrators have used the statement "outside the faculty member's educational unit" to overload faculty with duties that fall within the educational unit. The classic example that occurs regularly is when another faculty member is absent (i.e., due to retirement, health issues, sabbatical) and another faculty member within the unit is overloaded with the duties of the absent member. Often this is done under the request to help the unit, department or College on an "interim basis". However, what is unclear is the University's responsibility for paying the faculty member who steps in and perform tasks of that absent faculty member while continuing to perform their usual tasks as described on their DOE.

In my instance, the College was seeking a new radiologist, as our previous radiologist left the position vacant. The Chair and Dean requested of me to teach 2 additional courses and assume the responsibilities of the radiologist (i.e., supervising technical staff + administrative duties associated with this position) while not adding those duties to my DOE, nor were they willing to approve internal overload upon my request. During the 2010-2011 academic year in which this occurred, the College of Dentistry advertised that they were seeking employment of a radiologist in peer-reviewed publications and on the UK website. Thus, by the very nature of advertisement, the College indicated that they were willing to pay another hired faculty member to do those duties – just not me in the interim. I requested overload from Dean Sharon Turner and was denied. Further, I met with Assistant Provost, Richard Greisman and my Chair, Dr. Mark Thomas regarding this issue and was told that the University was within their rights to deny me overload. I disagree. What is at issue here is that the College administration can coerce faculty to perform duties that are overload in nature, not document those activities on the DOE, and not pay faculty for this effort. Of note, this is not the first time I have been required to do this. From 1994-1999, I also assumed the role of the radiologist while maintaining my normal job activities. During these time periods I have been course director of multiple courses, held numerous NIH funded grants and served on many College, University and national committees.

In my opinion the current AR definition allows the administration to take advantage of faculty to fill in and teach courses without additional remuneration, as long as those duties fall within the “educational unit”.

The committee should consider the following.

- A) What is the definition of internal overload and should this definition be revised, since many faculty come and go and often faculty are required to “fill in” within their ‘unit’ during the period in which new faculty are sought? Note teaching within the ‘unit’ is considered different in the AR than teaching activities outside the unit. For example, teaching a continuing education class is considered overload, but teaching a course to students within your college is not. Is that fair and equitable?
- B) Should there be an amount of time consideration built into the AR to accommodate the definition of overload? For example, faculty could potentially fill in for a few lectures, however if a faculty member is asked to teach a semester long course and s/he is not relieved of other duties, this would seem to be overload. However, this currently is not case, since the current AR stipulates teaching in the ‘unit’ does not qualify for overload. Since I taught radiology for 5 years without additional compensation, yet continued to perform my usual duties the only option was to expand my work week without pay. Thus this begs the question: Is one semester, one year, or five years of the performance of additional duties sufficient time to qualify for overload? To date, I have provided six years of overload. I guess that is why I was nominated and received the Provost Distinguished Service Professorship.

2. Need for consistent interpretation and handling of internal overload amongst the colleges. I investigated this further by interviewing administrators of other colleges at the University of Kentucky and was told that internal overload has been routinely paid to faculty who have performed additional teaching duties within their unit. However, as mentioned, my Chair and Dean were unwilling to approve overload for my performance of teaching duties than fell within the unit. This suggests that the internal overload policy is not being applied evenly, fairly and equitably across all colleges at the University. Further, the inconsistency amongst the colleges suggests that the AR definition of overload lacks sufficient clarity.

Proposed request: that the AR definition of overload be revised to indicate 1) that the previously stated ‘examples’ are not exclusive of other examples, 2) that overload is based on the number of hours, or duties with respect to the DOE, whether or not they fall inside or outside the “educational unit”, 3) that a consistent policy regarding overload is enforced across colleges.

3. Need for guidelines that address the assignment of additional responsibilities that do not appear in the faculty member’s DOE. At issue here is whether it is appropriate for UK administrators to not accurately document faculty job activities on the faculty member’s DOE and by doing so avoid the requirement for fulfilling the criteria for internal overload? In my case, my signed DOE does not show the correct amount of effort regarding the additional courses I taught nor the radiology duties I performed. And, I requested to my Chair the need for correction of my DOE, but this was never done. Thus, I remain perplexed as to the reason for completing and signing the DOE if it does not need to be accurate. Further, the new certification process puts faculty at odds with certifying an inaccurate DOE.

A factor relating to this issue is what is the University's definition of the usual and customary work week? The expectation at the Medical Center is that faculty will work in excess of 60 hours. Previous discussion with college and University administrators indicates the difficulties in addressing this issue. However, the SACPT committee should be fully cognizant that the University overload form (Form S AR11-) bases overload on duties above and beyond 2080 hours (*i.e.*, the form states to calculate the hours based on 2080). This could be interpreted to indicate that the University advocates a 40 hour work week x 52 weeks. If so, then this form fails to account for the 22 vacation days provided to faculty as well as the few days surrounding the November and December holidays. If one takes all the allotted vacation days and works a 40 hour week, then the actual number of hours to calculate overload should be based on hours that exceed 1960. So one option is that the overload form needs to be revised. Alternatively, the vacation days can be subtracted from 2080 indicating there are 232 working days. 2080 divided by 232 indicates the expected working day is 8.96 hrs x 5 days per week = 44.8 hrs per week based on the statement on the current University overload form.

Another factor flying under the radar is: Will working more than 60 hours per week result in stress-related health effects after many years of this behavior? Published studies suggest it does. One would think if the University is truly invested in our employees and concerned with their health, then the University would establish guidelines for optimizing our employee's health with respect to number of hours worked.

Proposed request: that 1) Chairs and Dean's be required to certify that the DOE reflects the effort put forth by the faculty member, 2) the DOE be consistent with overload policy, 3) Chairs and Dean's be held accountable if the DOE does not properly reflect overload, 4) the University provide a statement of what defines a usual work week.

4. **Lack of recourse for an affected faculty member.** At present, there is little recourse for a faculty member who performs additional duties and is not provided overload. The current system is flawed in that the very persons (*i.e.*, administrators) that determine salary and overload are the same persons that determine if the criteria for overload is met. Thus, there is the likelihood of vested interest to deny a faculty member overload pay by select administrators in order to save money.

Proposed request: that 1) the process for approval of overload be independent of administrators that decide that faculty member's salary, 2) the grievances process regarding overload be separate and distinct from the administrative structure that oversees faculty salary.

Respectfully,



Craig S. Miller, D.M.D., M.S.
Professor of Oral Medicine,
Microbiology, Immunology & Molecular Genetics
Provost Distinguished Service Professor

Brothers, Sheila C

From: Geddes, James
Sent: Tuesday, February 21, 2012 4:22 PM
To: Brothers, Sheila C
Cc: Swanson, Hollie; Miller, Craig S; Turner, Sharon P; Anderson, Heidi Milia; Brown-Wright, Lynda; Greissman, Richard
Subject: RE: UK's Overload Policies
Attachments: SACPT reply re Overload.pdf; Senate Advisory Committee on Privilege and Tenure.docx

Dear Sheila,

The SACPT has reviewed Dr. Miller's concerns (copy attached) regarding UK's overload policy. Based on this review, changes are recommended to the Administrative Regulations as outlined in the attached letter to Dr. Swanson. I apologize for the delay.

Sincerely,
Jim Geddes
(Chair, SACPT)

From: Brothers, Sheila C
Sent: Tuesday, October 18, 2011 12:02 PM
To: Geddes, James
Cc: Miller, Craig S; Swanson, Hollie
Subject: UK's Overload Policies

Good morning, Jim. I am writing on behalf of the SC, to send an issue to the Senate's Advisory Committee on Privilege and Tenure for review.

Craig Miller attended yesterday's SC meeting to discuss his concerns about UK's overload policy. After a brief discussion, it was clear that the SC thought Miller's concern had merit, and is hereby asking the SACPT to review this issue. Please find below a snippet from the (unapproved) minutes from yesterday. Attached, please find the email Craig originally sent, to request the SC review the issue; the pertinent AR (AR 3:9); and a two-slide ppt from Miller to further explain the issue. (Just FYI, the email was sent to SC members, but was not posted with the online agenda, nor was the ppt posted. The publicly posted documentation was just the current AR language.)

The SC did not include a timeline with its request that the SACPT review this issue, but it may be reasonable to expect a report back to them by mid-January. Would this be acceptable? I do not want to disrupt your already busy SACPT schedule.

Thank you,
Sheila

Guest Craig Miller (DE/Oral Health Practice) explained his concerns that: internal overload is determined differently by different colleges; some of the problems stem from a lack of definition of "unit"; additional responsibilities are assigned to the faculty member but not included on the Distribution of Effort (DOE); and the lack of recourse for an affected faculty member.

After Miller's comments, there was very brief discussion among SC members. Wood moved that the SC refer Miller's comments and information to the Senate's Advisory Committee on Privilege and Tenure (SACPT) for their review. Wasilkowski seconded. A vote was taken and the motion passed with none opposed.

Sheila Brothers

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