EMERITUS STATUS

According to the bylaws of the university, the “...functions of the University Faculty shall be to consider questions of educational policy which concern more than one college, school or separate academic unit, or are general in nature...”

Responsibility of: Committee on Academic Freedom and Professional Status. The Committee considers matters relating to academic freedom and responsibility; freedom of teaching and learning; professional status of the faculty, including policies and procedures relevant to faculty appointments, promotion, retirement, separation, and tenure; and receives and reviews written complaints brought by or against a faculty member when other specific procedures have not been designated for hearing those grievances. It reports to the Faculty Senate.

The following is extracted from the Faculty Handbook, 2002 edition, pp. 64-68:

4.2 UNIVERSITY POLICIES FOR EMERITUS FACULTY

Retirement Policies

The following policies are intended to provide emeritus faculty with information relative to their status and affiliation with the university. Some policies exist as the result of University Bylaws or Faculty legislation. Others (identified with an asterisk) were outlined in a memo of August 19, 1993 to Academic Deans and Executive Staff by then Provost Malden C. Nesheim who stated that the policies may be subject to change as circumstances dictate, but not without approval of the provost. Additional policies are stated below under the Provost’s Policy Statement on the Transition of Faculty to Emeritus Status.

*Athletic Facilities: Emeritus faculty will have access to athletic facilities on the same basis as active faculty and they will have free admission to athletic events except for hockey.

*Chronicle: The Cornell Chronicle shall be delivered to the home addresses of the emeritus faculty without a campus office.

- Those with a campus office will receive copies in the same manner as active faculty.

- Those who wish to receive copies at their home address need to contact the Chronicle office. Copies are available at the Community Center for those emeritus residing at Kendal.
*Computer Services:* Allowances for the use of central university computing services shall be the same as for active faculty.

- Network IDs are assigned by Records Administration, Office of Human Resources.

*Courses:* Emeritus faculty can enroll and attend classes free, subject to space availability and approval from the instructor.

*Directory Listing:* Emeritus faculty shall be listed in the University Telephone Directory. Faculty should inform their department office of any change in address.

*Identification Cards:* All emeritus faculty should have a Cornell Identification Card, which indicates status as an emeritus member of the faculty. The Office of the University Registrar in Day Hall issues all Cornell photo ID cards. Be sure that “emeritus” appears on the card.

*Legal Defense and Indemnification:* Cornell University provides legal defense and indemnification to eligible individuals with respect to claims that arise from activity within the scope of university employment and/or in the performance of authorized duties. To qualify, an individual must also request such defense and/or indemnification and cooperate in the defense of any action or proceeding as provided in the University’s Legal Defense and Indemnification Policy. A copy of that policy can be found on the Cornell University Policy Library website (http://www.policy.cornell.edu/vol4_9.cfm)

*Library:* Emeritus faculty will have full use of the library and library resources.

*Mail:* Mail services shall be provided by the department for emeritus faculty.

*Parking:* Free parking will be provided to emeritus faculty in certain specified areas. For those who are involved in university programs in a substantial way, free parking will be provided in lots that are generally used for others associated with the same work place.

*Principal Investigator Eligibility:* Participation as a Principal Investigator is conditional on the availability of departmental resources as determined by the department chairperson or center director.

*Statler Club:* Emeritus faculty receive free membership in the Statler Club. Cost of meals may be paid by check, credit card, or cash.

*University Faculty Voting and Committee Status:* According to the Bylaws of the University (Article XII), emeritus professors are voting members of the University Faculty. Therefore, they are eligible to serve on elected or appointed
University Faculty committees. (Note: For college/school and department status, please refer to paragraphs 7. and 8. below.)

Provost’s Policy Statement on the Transition of Faculty to Emeritus Status

The following extracts from the Provost’s Policy Statement on the Transition of Faculty to Emeritus Status are intended to be retroactively effective for all faculty who retired on or after January 1, 1997. (The entire provost’s statement adopted May 8, 1998, as amended June 17 and December 10, 1998, is available on the CAPE website (http://www.emeritus.cornell.edu/).

The current departmental, college, and university policies and procedures related to granting an individual faculty member emeritus status remain in effect. (See section 2.1 on Academic Appointments.)

1. The mode of address for retired faculty will be Professor X, Emeritus or Professor Emeritus in order to assist retired professors in seeking grant and contract funding.

2. By vote of their graduate fields, emeritus faculty will be granted the title Graduate School Professor of (field). This designation, which can be used on external grant and contract applications, will permit an individual to retain the rights of other graduate faculty in the field and to submit grant and contract applications which could provide for up to 50 percent of the individual’s final pre-retirement salary. The General Committee of the Graduate School has approved this title for renewable five-year terms.

Note: The following extract from Graduate School policy further clarifies the status of Emeritus Faculty in the Graduate School:

A "Graduate School Professor of (Field)" is an emeritus professor who retains all the rights of other Graduate Faculty. A "Graduate School Professor of (Field)" may continue to serve as a member of special committees, as a chair, as a co-chair, or as a minor member. This can happen in two ways:

• The retired faculty member may continue as either chair or as a minor member of those special committees on which she or he was serving at the time of retirement.

• If the faculty in the field so vote, a retired Graduate Faculty member may be appointed to a five-year term in the field and hence on the Graduate Faculty, during which time that professor may serve as a minor member or co-chair of a
special committee. To become a committee co-chair or minor member after retirement, the Graduate faculty member must reside in the Ithaca area. The student must have a second, minor member of the committee in the major field. The five-year terms are renewable.

3. All retired faculty who remain in the Ithaca area (or Geneva area for those who were faculty at the Geneva Experiment Station) and desire office space on campus will be guaranteed a minimum of a desk, file cabinet, book case, basic telephone connections in shared office space, with a continuation of basic clerical support. Space will be allocated by the department chair taking into account departmental needs and space availability. When office space is unavailable within the department, the dean will make space available as close to the department as possible. The allocation policy will treat faculty who have retired on an equitable basis with non-retired faculty based upon post-retirement levels of teaching, research/scholarship, and outreach/extension activities.

4. Laboratory/experimental space is not an entitlement for all faculty who make the transition to emeritus status. Rather, such space will be provided by department chairs whenever possible for those individuals who maintain an active research program that is characterized by:

   a. sufficient external funding to support their research activities including the support of technical assistants, post-doctoral fellows, and graduate students;

   b. continuing contributions to the department’s academic mission and vision; and

   c. demonstrable contributions to the discipline through the propagation of the products of their research in relevant mediums (e.g. books, articles, chapters, patents, presentations, etc.)

5. Upon retirement, faculty will receive $2,000* per year from their college for a period of five years after retirement in an account for reimbursement of professional activities. Money not spent in a particular year may be carried forward into subsequent years, but not beyond the fifth year.

   *Note: The Office of the Dean of Faculty recommends that eligible faculty contact their department chair and then the dean of their college or school to begin this process.

6. Retired faculty will be eligible for hire-back arrangements for specified periods of time.
7. Each college and school has been requested to consider revising their policies to permit *emeritus* faculty to retain all of the college/school rights and privileges of active faculty members, including voting rights in the college/school faculty.

8. *Emeritus* faculty are to be welcome to attend departmental faculty meetings. Each department will set its own policies regarding voting rights and privileges, but these policies will be put in writing.

9. Each college and school has been requested to form a standing Committee on *Emeritus* Faculty. The committee will advise the faculty and dean on matters of importance to *emeritus* faculty. The committee should consist of an equal number of *emeritus* faculty to be selected by the *emeritus* faculty of the college/school and active faculty members appointed by the dean. The chair of the committee will be an *emeritus* faculty member.

10. The Cornell Association of Professors *Emeriti* (CAPE) will be encouraged to:

   a. create an exhaustive roster of past and present academic and non-academic roles performed by *emeritus* faculty on and off of the campus. This database will serve as a clearinghouse of opportunities, and as a resource for faculty considering retirement.

   b. facilitate the development of additional service roles retired faculty can play, including, but not limited to, “university without walls” programs, town-gown seminar series, etc.

   c. develop a World Wide Web page for *emeritus* faculty, with a link to this new clearinghouse (described in a and b, above).

11. The Faculty Senate will be asked to reserve one seat for CAPE to be elected by the membership of CAPE, so that the views of *emeritus* faculty will always be represented in the Faculty Senate.

**Cornell Association of Professors *Emeriti* (CAPE)**

CAPE was established in 1982 (formerly called the Association of Cornell University *Emeritus* Professors) to establish social and professional community among retired individuals who share the experience of being Cornellians; and to facilitate the use of their skills and knowledge in the service of the university.

The CAPE Office is responsible for routinely circulating information to *emeritus* faculty and for coordinating CAPE’s many activities. It also maintains current information on retirement policies that are prepared in cooperation with Benefit Services and the Office of the Dean of Faculty. CAPE has office hours from 9:30 a.m. to 1:30 p.m., Monday through Friday. Further information can be accessed on their website ([http://www.emeritus.cornell.edu/](http://www.emeritus.cornell.edu/)).

EMERITUS STATUS
In addition to other activities held throughout the year, there are two general meetings of CAPE. Persons are eligible for membership on the basis of their inclusion in any one of the following three categories:

- Those who have been awarded the title of professor *emeritus* by presidential action.
- Those retired from the professional staff at Cornell who performed an academic function (e.g. taught or researched, were librarians or extension associates, academic counselors or advisors).
- Those from the nonacademic staff of the administration or extension who have been granted *emeritus* status by the Cornell University Board of Trustees (e.g. director of the budget, *emeritus*; director of admissions, *emeritus*; university counsel, *emeritus*; and so forth).

The following are extracts from discussion and legislation regarding Emeritus Status:

- May 14, 1997, Records, pp. 7887-7892S
- September 10, 1997, Records, pp. 7905-7913S
- October 8, 1997, Records, p. 7923S, Appendix A
- December 10, 1997, Records, pp. 7957-7961S, Appendix A
- February 11, 1998, Records, pp. 7980-7984S
- March 11, 1998, Records, pp. 8011-8019S, Appendix A

At the May 1997 meeting, Vice President Ronald Ehrenberg formed a Provost’s Committee to look at transitions to retirement. The Faculty Senate was asked to consider the report and advise the Committee. A general discussion ensued on the report.

Professor Emeritus Albert Silverman, Physics, member of the Committee, said the report deals with two important questions: (1) how to make life better for Emeritus Professors and, in particular, how to make it easier for them to continue their personal and professional relationships with Cornell, and (2) how to increase the number of tenure track appointments.

Professor William Fry, Plant Pathology, and member of the Committee, said the report contained four categories of recommendations:
1. Faculty should do proper economic planning so that the economic constraints to retirement would not be as significant.

2. There should be regular analysis of workload so that younger faculty members are not doing extraordinary amounts of work and that older faculty members have cushier jobs than younger faculty members.

3. We should remove the disincentives of loss of space; i.e., provide faculty members with offices.

4. Provide the phased retirement option to everyone.

Vice President Ehrenberg said that his Committee is also seeking input from the Trustees, the Academic Affairs and Campus Life Committees, and Emeritus Faculty before finalizing the report.

In September 1997, Dean Stein indicated that the administration was seeking the Senate’s response to the Transition Report. The following resolution was presented from the University Faculty Committee:

WHEREAS, the “Provost’s Committee on the Transition from Faculty to Emeritus Status”, jointly appointed by the administration and the faculty, has issued a preliminary report with a series of recommendations, and

WHEREAS, the administration has sought the Senate’s advice on those recommendations prior to implementation,

BE IT RESOLVED,

1. That the Senate endorses recommendations A-1 to A-6, B-1 to B-2, C-2 to C-5, D-1, D-2, D-4 to D-6, and E-2;

2. That the Senate supports the notion (i.e. recommendation D-7) of formal participation in the Senate by the Association of Cornell University Emeritus Professors (ACUEP), and instructs the UFC to work with the ACUEP to accomplish that goal;

3. That the Senate is not prepared to endorse recommendations B-3, B-4, C-1, D-3, and E-1 and VII-C at this time, and asks the administration to carry on discussions with the Committee on Academic Freedom and Professional Status of the Faculty (AFPS) concerning these items.
4. That AFPS report to the Senate in a timely fashion on the results of those discussions.

BE IT FURTHER RESOLVED, that the Administration is requested to refrain from implementing any recommendations until such time as the Senate has acted on the AFPS report.

An amendment had been received from Professor William Lesser, Agricultural, Resource, and Managerial Economics that the body immediately discussed:

(deletions underlined, additions in bold)

1. That the Senate endorses recommendations A-1 to A-6, B-1 to B-2, C-2 to C-5, D-1, D-2, and D-4 to D-6, and E-2;

3. That the Senate is not prepared to endorse recommendations B-3, B-4, C-1, D-3, and E-1, E-2 and VII-C at this time, and asks the administration to carry on discussions with the Committee on Academic Freedom and Professional Status of the Faculty (AFPS) concerning these items.

Rationale:

The wording of E-2 is almost identical to the requirements for applying for and awarding a grant of leave under 3.2, Sabbatic Leave, in the Faculty Handbook. The restating of existing procedures is at minimum cumbersome and at worst conducive to an understanding that a fundamental change is being made in a basic component of our employment agreement.

The amendment was seconded, and there being no discussion, it was voted on and carried.

Discussion then ensued on the resolution put forward by the UFC. Concerns were raised that the policy would create a bureaucratic monster, that it is punitive in nature, and that it seemed to be an attempt against age discrimination legislation.

Dean Stein then interjected that he made a mistake that he was supposed to ask for unanimous consent from the body to change the resolution as follows:

The UFC proposed amending the last paragraph of the resolution to clarify that it only applies to paragraph 3. The paragraph would then read as follows:

(deletions underlined, additions in bold)
BE IT FURTHER RESOLVED, that the Administration is requested to refrain from implementing any of the recommendations listed in paragraph 3 above until such time as the Senate has acted on the AFPS report.

Vice President Ronald Ehrenberg reiterated that if the Senate would like to influence the report, recommendations would have to be received before the Committee’s next meeting since the final report was due to the Provost by November.

A motion was made to cease discussion on the amendment. On a vote call, the amendment was defeated.

Professor P.C.T. deBoer, Mechanical and Aerospace Engineering, moved to refer the matter to the Committee on Academic Freedom and Professional Status of the Faculty. The motion carried.

At the October 1997 meeting, Dean Stein, on behalf of the Academic Freedom and Professional Status Committee, introduced a resolution concerning the Transition Report. The motion carried as follows:

WHEREAS, the Administration requested a response from the Faculty Senate to the preliminary report of the “Provost’s Committee on Transition from Faculty to Emeritus Status”, and

WHEREAS, on September 10, 1997, the Faculty Senate referred the report to the Committee on Academic Freedom and Professional Status (AFPS) for further review,

THEREFORE, BE IT RESOLVED, that the Faculty Senate recommends that the Transition Committee modify their report in light of the following comments and recommendations.

I. Preface

The Senate supports the efforts the administration is making to understand the effects of the end of mandatory faculty retirement and to find solutions to whatever problems it creates for Cornell. Moreover, it views the transition report as a useful starting point in considering solutions to these problems. However, the Senate has the following concerns about the approach taken by the report.

A. The overall tone of the transition report strikes many as condescending and disrespectful, particularly to older members of the faculty. Not only is such a tone unwarranted, it is likely to prove counter-productive.
B. Cornell, like other American employers, is in general forbidden by law from making rules that only apply to individuals beyond a certain age. This legislation is an expression of a national consensus that age discrimination is improper. The report appears to treat the prohibition of age discrimination as a legal obstacle to be surmounted, rather than as a statement of a moral principle. The Senate believes that Cornell is bound by the spirit, as well as the letter, of the Age Discrimination Act.

II. Framing Issues and Concerns:

A. The report seems intended to deal with at least the following three problems:

1. The need to make space for “new blood” in a system with tenure and without mandatory retirement.
2. The need to control the costs associated with an increase of high salaried senior people.
3. The productivity of senior professors.

B. The approach to solving these problems taken by the report is (largely) to recommend a set of steps to ensure that faculty are able and willing to retire and that those who do not do so in the traditional time period continue to contribute to the welfare of the university. The solutions proposed fall roughly into 6 classes.

1. Steps to ensure that faculty are financially able to retire.
2. Career course planning
3. Phased retirement
4. Steps to enhance the status and professional opportunities of emeritus professors
5. Steps to ensure the productivity of senior professors.
6. Steps to control the costs of retirement

C. The evidence that suggests that the elimination of mandatory retirement has significantly increased the amount of time that professors continue in their roles beyond age 70 or that those who do so are systematically less productive is often anecdotal, meager and speculative. Nevertheless, many of the proposals of the report are worth serious consideration even if the problems they are intended to solve are not as pressing as the report assumes.

D. However, the Senate believes that the “transition context” is not the place to deal with issues that are essentially issues of faculty productivity and management. (Recommendations B-1 and B-2 are examples.) While we do not dispute the broadly accepted principles that underlie these recommendations (equity in responsibilities and merit pay), these issues are far broader than the “transition context.” Moreover, the fact that these recommendations are made in
the transition context is a significant source of the implied suggestion that senior professors are less productive than others, an implication that many have found doubtful and offensive. Finally, these are recommendations in which “the devil is in the details.” It seems inappropriate to turn responsibility for implementing them over to central administration prior to the time that these details are more fully discussed with the faculty. We thus recommend throughout that proposals concerned with academic management and professorial productivity be dropped and considered in another context.

E. The Senate and the AFPS Committee understand their principal task in reviewing the report to be the narrow one of commenting on and recommending or not recommending an endorsement of the recommendations in the report. While we have also suggested alternatives where they seem productive we have not thought it possible or desirable for us to rethink these complex issues in detail. We view our recommendations as advice to the “Transition Committee,” and we have not wished to usurp their role.

Comments and Recommendations on the recommendations by section:

III. A-1 through A-6 (Financial Planning Throughout the Life Cycle)

A. Comments:

1. These recommendations have an “apple pie” character. There is little that is offensive in them. However, it is unclear that they solve a real problem or what they will cost.
2. It is unclear that the $2000 provided for in A-4 is necessary or that it can be profitably spent. Financial advisors often do not charge for their services. The administration should look into the possibility of supplying these services through its human resources office.

B. Recommendations:

1. Delete A-4.

IV. B-1 through B-4 (Planning Over the Course of Faculty Careers)

A. Comments:

1. B-1 and B-2 deal with questions of academic management and have the problems noted in ID. Above.
2. B-3 and B-4 seem predicated on the assumption that it is reasonable for the university to discuss matters of retirement with faculty in a timely way and that the university has an interest in reasonable notification
with respect to retirement plans. We agree. However, (a) retirement is a subset of issues of career planning that ought to be discussed; (b) the reference to the age at which discussion should commence is unnecessary; and (c) B-4 is vague and patronizing.

B. Recommendations:

1. Delete B-1 and B-2.
2. Rewrite B-3 and B-4 consistent with IV.A.2 above.

V. C-1 through C-5 (Phased Retirement)

A. Comments:

1. It is not apparent that it is necessary or desirable to link phased retirement to “voluntary” retirement. There may be cases in which it is to the mutual advantage of Cornell and a faculty member to agree to an indefinite reduction of effort. We believe that an additional option for “ratcheted down, indefinite phased retirement” is worthy of serious consideration and should be pursued by the administration. The appropriate benefits package and pension options associated with such an appointment need serious analysis, although full health benefits are probably a necessary component.
2. Similarly we see no clear advantage in mandating the length of phased retirement or the time at which it must begin so long as these matters are subject to negotiation. However, we believe that 55 should be retained as the minimum age for phased retirement.
3. Since the consequences of indefinite phased retirement are difficult to predict, these should be carefully monitored and subject to further study.

B. Recommendations:

1. Develop an indefinite phased retirement option together with an appropriate and equitable fringe benefit package including full health benefits. Include provisions to monitor and study the consequences of indefinite phased retirement.
2. Delete references to ages and time periods in C-2 except for 55 as the minimum age of eligibility for phased retirement.

VI. D-1 through D-5 (Transitioning to Emeritus Faculty Status)

A. Comments:
1. We believe that it is desirable to make the status of emeritus professor attractive and that doing so is a desirable incentive to retirement. We also believe that differential treatment of emeritus professors depending on age of retirement is both discriminatory and undesirable.

2. D-4a seems to assume that active faculty currently receive free admission to athletic events for which admission is otherwise charged. This is incorrect.

3. D-4a could be profitably expanded so as to include cultural events so long as it does not undermine adequate funding for these events. (It has been suggested that some events might be available to retired faculty at the student rate.)

4. D-2d does not consider the need for communications capacity (phone access, faxes, networked computer facilities), and D-4 does not acknowledge the need for access to communications.

5. D-2d should explicitly recognize the importance of maintaining collegial relationships as a significant factor in allocating office space.

6. D-4n is unclear and can be read as more restrictive than current Graduate School policy in that it may require permission to serve on graduate student committees on a student-by-student basis.

B. Recommendations:

1. Delete the age eligibility requirements from D-2.

2. Delete D-3.

3. Rewrite D-4a to remove the assumption that faculty currently attend athletic events at no charge and extend an appropriate form of subsidy to cultural events.

4. Include an explicit recognition of the need for adequate support of communications in D-2 and/or D-4.

5. Revise D-2d to emphasize the importance of space allocations that facilitate the maintenance of collegial relationships.

6. Affirm the current Graduate School policy on serving on graduate student committees.

VII. E-1 through E-2 and VIIC (Faculty Compensation Policies)

A. Comments

1. These have proven widely unpopular, and, we are informed, are no longer under serious consideration.

2. E-2 seems an issue of academic management best considered in another context.
B. Recommendations:

Delete E-1, E-2, and VIIIC

VIII. Other recommendations:

A. Cornell needs to make transition policy in the light of a better understanding of the decision making of faculty concerning retirement. For example, it may be that for most faculty the problem to be solved is not financial, but is rather how to stay professionally active following retirement. We recommend that a study be commissioned to better understand the decision-making patterns and needs of faculty nearing retirement.

B. On completion of a revision of the transition report's recommendations, these recommendations should be resubmitted to the Senate for further consideration.

C. The report lacks an adequate analysis of the short and long-term projection of the age distribution of the faculty. Such an analysis should precede recommendations for changes in policy.

The Transition Committee adopted nearly all the revisions that the Faculty Senate approved. It was then brought back to the Committee on Academic Freedom and Professional Status.

In December 1997, a resolution for AFPS was brought to the Faculty Senate. Lacking a quorum, no action could be taken. However, it was approved by a straw vote.

The February 1998 meeting brought discussion on the age discriminatory statement in Item 4 of Option 2 of the Transition Report. Vice President Ron Ehrenberg stated that the University Council would address this issue once an official proposal is brought forward.

A motion was made to refer the AFPS resolution back to committee. On a vote call, the motion carried.

The AFPS Committee chair, Professor Ken Strike, Education, spoke at the March 1998 meeting about the Committee report dealing with issues raised in February. The report follows:

REPORT FROM THE AFPS COMMITTEE REGARDING THE TRANSITIONS REPORT MOTION

At its February meeting the University Senate requested that the Academic Freedom and Professional Status of the Faculty Committee consider the legality of an upper age
eligibility limit of 70 for phased retirement. We have, in addition, undertaken to discuss the issue on its merits.

**Legality:** We put the question of the legality of upper age limited or age bracketed eligibility criteria for early retirement incentive plans to three lawyers: the University Counsel, a faculty member from the Law School, and a lawyer for the AAUP. The first declined comment. The second and third provided us with judgments. We also collected some legal materials on the topic.

The result of these inquiries suggest that opinion among knowledgeable people on this matter is divided. The two legal respondents disagreed although both suggested that the matter was unclear. Also, provisions of this sort currently are in effect in some institutions and have not, to date, been rejected by courts. However, legislation has been proposed in Congress that would clarify the matter by making age bracketed early retirement plans legal. It may also be that the legality of any such plan would depend on its details.

Those interested in the details might consult Peter N. Swan, “Early Retirement Incentives with Upper Age Limits Under the Older Workers Benefits Protection Act”, *Journal of College and University Law*, Vol. 19, No. 2. (1992). (Swan argues that they are legal.)

We conclude that the question of the legality of age bracketed early retirement plans is unclear and that it would be unwise for the Senate to base its opinion of such plans on legal speculation.

**Merits:**

*Background Assumptions:*

1. It is both legitimate and desirable for Cornell to put into place plans that provide incentives for earlier retirement.
2. Cornell should do so in a way that respects both the letter and the spirit of the Age Discrimination in Employment Act as amended by the Older Workers Benefits Protection Act. Respecting the spirit of these acts requires Cornell to avoid age discrimination regardless of whether it is illegal and to avoid age specific policies unless there is good and sufficient justification for them.
3. Neither Option I nor Option II for phased retirement create an entitlement to phased retirement. Rather, since they require agreement between a faculty member, a department chair, and a dean, they structure a bargaining situation. Were age bracketing to be removed, the consequence would be to change the question of eligibility for phased retirement after 70 to one in which eligibility is precluded by
The question we address is thus: **Is a phased retirement policy in which eligibility is determined by policy more or less desirable than one in which availability is determined on a case by case basis?** The AFPS Committee believes that the answer to this question requires that we balance considerations that are in conflict. Arguably, any policy that is age specific is, for that reason, age discriminatory. Moreover, the flexibility inherent in a case-by-case approach may have some benefits to Cornell. However, we believe that there are good and sufficient reasons to justify an age bracketed phased retirement option. Thus **we support retaining the age of 70 as the upper limit on eligibility for phased retirement.** Our reasons are:

1. **We believe that phased retirement without age bracketing is unlikely to function, on average, as an incentive to earlier retirement.** Without age bracketing it is likely that many faculty will identify an age at which they would otherwise retire and then use phased retirement to extend their employment so as to maintain some income and benefits at reduced effort. A variation on this theme is that, as faculty age, the availability of phased retirement may be perceived by those reluctant to retire, but facing diminishing energy or contemplating competing life aspirations, as a means of extending their career rather than as an inducement to retire in a timely way. Thus, apart from age bracketing, phased retirement is as likely to provide incentives that prolong careers as incentives to early retirement.

2. **We believe that attempting to determine the availability of phased retirement on a case-by-case basis is not feasible.** If administrators were required to deal with eligibility for phased retirement on a case-by-case basis, they would need to make judgments both as to how an offer of phased retirement would affect individual decisions to retire as well as decisions as to the current value of a particular individual to Cornell. Such judgments are unavoidably subjective and painful. They are also likely to be contentious, and, possibly, a source of litigation. Moreover, making such subjective decisions on a case-by-case basis offers opportunities for capriciousness, unfairness, and violation of academic freedom. These characteristics will cause conscientious and humane administrators to flee from them. A likely result of these features is that few requests will be rejected and that phased retirement, regardless of whether it promotes or inhibits timely retirement, will come to be viewed as an entitlement. Thus the attempt to determine the availability of phased retirement on a case-by-case basis is not feasible and runs the significant risk of eroding phased retirement as a retirement incentive.

3. Arguably, a policy based on age is inherently age discriminatory. However, the AFPS Committee believes that such age discrimination as is involved in
age bracketed phased retirement is at least mitigated by the fact that election of phased retirement is voluntary, and no one is forced to retire. Moreover, the policy applies to all who reach 70 in their turn. Thus it does not single out any distinct class of persons for invidious treatment.

Members of the Committee
Robert C. Fay, Terrence Fine, Ali Hadi, Melissa Hines, Robert Langhans, Maurice Neufeld, S. Kay Obendorf, Anna Marie Smith, Kenneth Strike, Chair

BACKGROUND REFERENCES ON VOTING STATUS OF EMERITUS PROFESSORS IN COLLEGES AND SCHOOLS AND DEPARTMENTS
September 27, 2005

BYLAWS

The Bylaws, Article XIII, College and School Faculties reads: “Each college or school faculty…shall be composed of the President, who shall be the presiding officer; the dean or director of the college or school; and all professors, and assistant professors in the department or departments under the charge of that faculty…Each college or school faculty may, in its discretion, grant voting or nonvoting membership to…and other professional personnel for who such membership is deemed appropriate by such faculty.”

The Bylaws, Article XV, Deans, Directors and Other Academic Officers, specify that units organized on a departmental basis have a chairperson with responsibility “for coordination and promotion of instruction, research and extension, and for supervision and coordination of personnel…”

There has been no mention of Emeritus Faculty in this latest version of the Bylaws, nor has this changed since the version of October 13, 1979.

FACULTY HANDBOOK (2002 edition)
On page 4, under Colleges and Schools, the Handbook reiterates the Bylaws as stated above, adding that individuals should consult with their college or school as to procedural rules on voting.

Page 5, under Departments: “Voting membership in a department faculty is not defined in University legislation. Some departments have procedural rules that specify who may vote on various types of questions. In professorial promotion recommendations, a vote is required to be taken of all the department faculty members at or above the level at which the promotion is being considered.

“Individuals should consult their department as to procedural rules on voting.”

As far back as 1965, the Faculty Handbook has not made any mention of voting status of Emeritus Faculty in colleges and schools or departments.

Under Academic Titles, Professor Emeritus, p. 32: “Professor emeritus is a continuing appointment status, inactive until a ‘rehire’ appointment is approved. Administrative and executive service is possible within the title professor emeritus.”

The Provost’s Policy Statement on the Transition of Faculty to Emeritus Status, Paragraphs 7 and 8 (page 67), adopted May 8, 1998, read as follows:

“7. Each college and school has been requested to consider revising their policies to permit emeritus faculty to retain all of the college/school rights and privileges of active faculty members, including voting rights in the college/school faculty.

“8. Emeritus faculty are to be welcome to attend departmental faculty meetings. Each department will set its own policies regarding voting rights and privileges, but these policies will be put in writing.”

OTHER DOCUMENTATION RESEARCHED

University Policies for Emeritus Faculty, November 1997 (See attached)
(Appendix 1 of the Provost’s Policy Statement on the Transition of Faculty to Emeritus Status)

The second paragraph of the appendix reads: “Some schools and colleges (i.e. Vet. and Engr.) have established their own policies and all emeritus should check with their particular unit to determine what policies exist.”

Further, under Voting and Committee Status, it reads:

College, School or Department. The University Bylaws grant to each college, school and department the right to determine its voting membership. These units also decide whether emeritus faculty vote on tenure or promotion decisions. Eligibility to serve on committees varies widely; individuals should check with their particular unit.
NOTE: The above paragraph was revised from a previous policies document, dated July 1996, which read: The University Bylaws grant to each college, school and department the right to determine its voting membership. However, emeritus faculty do not vote on tenure or promotions decisions. Eligibility to serve on committees varies widely; individuals should check with their particular unit.”

THE REVISION WAS MADE TO CORRESPOND TO THE PROVOST’S POLICY STATEMENT, SPECIFICALLY PARAGRAPHS 7 AND 8 (ABOVE), IN WHICH COLLEGES, SCHOOLS AND DEPARTMENTS ARE REQUESTED TO REVISE/SET OUT THEIR POLICIES REGARDING VOTING RIGHTS FOR EMERITUS FACULTY.

Report from Mary Morrison to Ron Ehrenberg, dated 7/18/95, a brief review of the many reports, committees, etc., related to retirement issues (See attached)

Page 4: “2. Privileges from Colleges. Voting rights, space, etc. are the prerogative of the colleges and departments. As a result of the 1989 report Provost Barker requested that Colleges provide information on a wide range of issues, basically to indicate how emeritus faculty might be expected to be treated. Requests were sent out in July 1989 and again early in 1990. …only three had provided a set of guidelines from the colleges indicated their policies. Both the College of Veterinary Medicine and the College of Engineering have guidelines accepted and passed by the respective faculties….no written policy has been received from any of the other colleges, schools or divisions.”

Engineering College Policy on Emeritus Faculty, adopted 2/16/93 (See attached)

“(i) Emeritus faculty members shall retain all of the college rights and privileges of active faculty members, including voting rights in the college faculty.

“(iv) Emeritus faculty members are welcome to attend departmental faculty meetings. Each department may set its own policies regarding voting rights and privileges.”

FCR Subcommittee Report, Proposed Policy on Perquisites for Emeritus Faculty, 5/91, 7/92 (See attached)

“B. College Faculty. The participation of Emeritus Faculty in College functions and meetings (including voting) shall be decided by the appropriate college faculty. Such rules shall be clearly promulgated. (Current practice in all but one college is to give voting rights)

“C. Department Faculty. The participation of Emeritus Faculty in Department functions and meetings (including voting) shall be decided (subject to college rules) by the appropriate department faculty. Such department rules shall be clearly promulgated. (Current practice varies within all colleges)”
Page 2, Executive Summary: “1. That the status of an emeritus professor in the college, division or department with respect to voting status, membership on committees, etc., be clarified and information made available to active and emeritus faculty. …Little information is readily available about college and department policies…in many instances no policies appear to exist…”