

## **Ethical and Legal Aspect of Professors Emeriti and Retired Researchers Contribution in Public Goodness.** Lucija Čok, Zoom meeting on 02/06/2021

### **General: status and possibilities, potential of EP.**

In the discussions of this EAPE University eLearning & eEducation group and beyond, it would be meaningful and useful to reflect on what are the minimum common formal and cultural standards and real conditions for the functioning of emeriti professors (herein EP) for the public good. It is not so much financial aspects that are important, but rather the "social and intergenerational" dimension. This means that retired academic experts should be given basic opportunities so that they can do something good for the community. For this to be possible for them, basic material conditions should be created, such as the allocated space at the university where they can meet with colleagues or students, the technical and digital infrastructure of the university accessible to them (email, personal websites, access to journals), their expertise, knowledge and experience offered in educating younger generations in collegial meetings. Ethical - to allow them from time to time to feel part of the institution and retain a minimal status within it. Therefore, entrenchment in legislation should be ensured to make all this possible.

Early or even forced retirement of academic staff, where age is the only criterion, is harmful, both to the individual and to the community. At a time of the financial decline in European state systems, which led to limited funding for higher education and research, the solution to allocate places in universities and research institutes to younger colleagues was the retirement of older professors. Slovenia experienced this in the 2009 financial crisis through a special law on mandatory retirement. The interpretation that older people are "stealing" jobs from younger people is highly problematic, as there is great potential for intergenerational cooperation. It is possible to establish mutual solidarity in a joint effort to find better solutions. For example: specific intermediate solutions that increase the quality of academic work are undoubtedly periods of parallel activity of juniors and experienced seniors. In Slovenia we have experienced this possibility in the past. Five years before a retirement, the full professor received

his successor or selected him for his team. So, there was no need to wait until the full professor died for his place to become vacant, nor was there the need to forcibly withdraw the senior in favour of the junior. Today, when this possibility no longer exists, there is an inflation of emeriti at some Slovenian universities - out of "bad conscience" and as a kind of compensation for early retirement.

The formal status of EPs varies widely around the world. In the United States, for example, retired professors are those who have worked at a university for most of their working lives. In Europe, on the other hand, their special contributions to the university are also taken into account. Obviously, older universities with tradition respect this status more and mainly provide a "soft" transition from working life to full retirement. This is basically a cultural attitude of academia towards older people. However, it is more typical of northern and central European universities. In the South, the attitude towards older professors is much more ruthless, especially in the newly established universities without academic tradition.

But there are also exceptions. The fledgling University of Sarajevo (70 years as a university, however much older roots) has a very detailed set of rules starting in 2019, setting out the procedure, criteria, duties and rights, as well as the exact conditions for appointments of EPs. These include the merits of the person, from moral and ethical stance to contribution to university excellence in research and teaching, work with young people and community engagement and international resonance. In an academic year, the university appoints up to 18 emeriti; automatic appointment could apply only the members of the Academy of Sciences. At the university, the emeritus can be a member of the working committees, teach at the second or third level of the degree, but in parallel with the employed titular of the subject.

I have just chosen this foreign case as an example. The participants of this meeting will tell us more about the Austrian, Italian, Canadian and American experiences.

### **The Slovenian case**

Slovenian legislation is very deficient regarding the status, rights and duties of EPs and retired university teachers and researchers in general. The Higher Education Act (Novella 2020) mentions retired professors only in the title; they can keep

their academic title upon retirement, so their title remains permanent (Article 58 of the HE Act). This does not apply to the research field, where only a retired scientific councillor is recognised as an active researcher upon retirement. Since legislation in the field of higher education and research in Slovenia advocates equivalence of titles (full professor = scientific councillor, etc.), a retired EP can participate in national research agency (herein NRA) projects, but only with 0 hours, being paid for his/her work on an honorary basis. He/she cannot be the leader of a research programme (longer term national research). NRA regulations state that he/she must agree to be replaced before retirement, he/she can even participate in the selection of a future leader of his/her research project or research programme. The Eps are much freer to operate outside publicly funded research projects (industry projects, local community projects as well as EU projects).

Can we understand the nomination EP as an award?

In the regulations of Slovenian Universities (UL, UM, UP, UNG), emeriti are conferred in view of special recognition of their extraordinary achievements, merits and accomplishments. The title is awarded only to retired full-time professors, for the result of their extraordinary achievements over many years, which constitute their life's work. Only the University of Maribor adds to this definition the phrase "because they are still so active in retirement that the University of Maribor wishes to continue working with them". The UM specifies the scope of the collaboration: research activity, supervision of PhD students and project management. This is also what it says on the UP. But there are two pitfalls: a) the need for collaboration must be demonstrated by the member of the university and b) the NRA's policy, which funds national research from public funds, does not allow them - as already stated - to be project leaders. Emeriti are rarely appointed as members of university working committees, except on the thesis defence committee.

What the status EP means in Slovenia laws and how it can be justified as deficient? There are no sufficiently precise provisions on the criteria for acquiring the title, it may therefore happen that the merit of this title is seen as less meritorious or as such. At the University of Ljubljana, where they have in their rulebook the number of university awards to be given (a maximum of 30 different

university awards per year), there is no normal quota for EPs. I know from my own experience, in the case of my PhD mentor who trusted me, that the faculty wanted to pass him over and offered him the title of professor emeritus in return.

It is interesting that a Slovenian research institute can invite a foreign researcher from EU countries to participate in the project, and although he/she is retired, he/she can be regularly employed and considered an active member of the research group, by status and payment. The participation of retired foreign professors in teaching in universities is a little more complicated. The special commissions strictly check the excellence of the invited professor. Within the Slovenian Wikipedia, only the University of Ljubljana has its own list of emeritus professors with basic data.

Slovenian universities usually have associations of emeriti university professors. The association Retired University Professors on UM became a centre in 2019. Its members can develop intellectually and socially, have access to the benefits, resources and services of the university, receive support and are recognised for their academic and other contributions. The Centre seeks to encourage its members to work with the University and its staff, and to support the achievements and well-being of the Centre's members. The UL association is rather passive. On their website, the last entry about association events was in 2006. UP has no such association yet.

Independent professional associations, advisory bodies to ministries of science and higher education, include retired professors and researchers in their membership. However, this is at the sole discretion of a minister. Individual emeriti professors in each scientific discipline are recognised experts, innovators, members of international evaluation groups who are highly rewarded for their contributions outside the university walls and beyond national borders.

### **Summary in conclusion: What can EAPE do in this regard?**

The formal and social status of EPs in Europe varies widely. It reflects cultural and traditional attitudes towards older people in general. It happens that at a time when funding for higher education and research is limited, older professors are forcibly retired and essentially excluded from research activities. Even more devastating is the interpretation that older people were "stealing" jobs from

younger people instead of introducing intermediate solutions like it is a period of parallel activity of the junior and experienced senior.

- We would like to run discussions in this EAPE group to promote best practices from European universities regarding the status emeritus professors that we can all implement.
- We would suggest focusing on "minimal" standards and approaches that all universities can share as a first step. In the best case, we could even recommend the European Commission to develop appropriate recommendations for emeritus professors and researchers in their research programs.
- From this meeting we could Incentive EAPE to prepare a memorandum on **Contribution of Professors Emeriti and Retired Researchers in Public Goodness.**

To do justice to the efforts of our colleagues, I would like to remind you of some papers and initiatives and point out some links on the web:

- **Transparency and equity**, Natale Gaspare de Santo (equal partners! Members on decision making bodies, aging thoughtfully, transparency and equity) <https://www.isa-sociology.org/en/about-isa/policy-statements>
- **Mandatory Retirement from Employment because of Age** (Maierhofer, Roberta, University of Graz) April 2021  
Bearing in mind the World Health Organization's global campaign against age discrimination and the position paper "Combating Ageism in the world of work " by United Nations Economic Commission for Europe, the International Sociological Association (ISA) has developed this statement against forced retirement on the grounds of age. The ISA recognizes that older workers, including sociologists, can be disadvantaged in their efforts to retain and regain employment if they are forced out of their jobs. We recognize that there are countries, institutions, and companies that have laws, rules, and/or practices that require mandatory retirement based on age. The ISA opposes discriminatory statements and actions based on age.
- Pravilnik o dodjeli počasnog zvanja profesor emeritus Univerziteta u Sarajevu: [https://www.unsa.ba/o-univerzitetu/propisi/pravilnik-o-dodjeli-pocasnog-zvanja-profesor-emeritus-univerziteta-u.](https://www.unsa.ba/o-univerzitetu/propisi/pravilnik-o-dodjeli-pocasnog-zvanja-profesor-emeritus-univerziteta-u)

- Emeritus Professor (The University of Sheffield):  
<https://www.sheffield.ac.uk/hr/guidance/visitingtitles/emeritus/index>.
- Centre for professors emeriti and retired higher education teachers (NUI Maribor): <https://www.um.si/en/about/CZPUVU/Pages/default.aspx>.
- Università di Bologna: <https://www.unibo.it/en/university/who-we-are/professors-emeriti>.
- Professors emeriti list. University of Ljubljana:  
<https://sl.wikipedia.org/wiki/Emeritus>).
- Centre for professors' emeriti and retired higher education teachers. University of Maribor.  
<https://www.um.si/en/about/CZPUVU/Pages/default.aspx> .

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