Ethical and Legal Aspect of Retired Researchers and Professors Emeriti Contribution in Public Goodness

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The US Experience.

A contribution to the Zoom meeting of the Professors Emeriti Network,
and the representatives of the network University eLearning & eEducation Group.
June 2, 2021

1. Ethics principle #1: the resources and talents built up over a lifetime of study and service by senior faculty are public as well as private goods. It is not in the interest of society to waste these resources due to an arbitrary age limit.
2. In the US, senior professors can continue to contribute their talents to the public good in two ways: either by taking advantage of opportunities provided by emeritus status or simply by not retiring.
3. Let's start with the second option: The Age Discrimination in Employment Act of 1968 protected workers between the ages of 40 and 70 from age discrimination. However, the law was amended in 1986, removing the mandatory retirement age of 70 for workers covered by the Act, including college professors. Thus, since January 1, 1994, there is no mandatory retirement age for university professors in the United States. Professors can continue to serve as active faculty members as long as they are willing and able. And this clearly supports the public good: society continues to benefit from their excellent teaching and mentoring or their research contributions or their public service.
4. Ethics principle #2: However, senior faculty members who, due to age-related disabilities, can no longer function in their assigned duties should not be allowed to continue their appointments. In essence, senior faculty members should be treated no differently than their junior colleagues who, for one reason or another, are unable to perform their duties.
5. As a dean I did experience senior faculty members who were no longer able to discharge their duties adequately. In my experience, however, this situation is very rare. Moreover, tenure and (often) union contracts give senior professors the protection of due process, so that they cannot be discharged arbitrarily.
6. Ethically, the situation of a non-performing faculty member is especially problematic in the US because, in that case, students, who often take on significant personal debt in order to attend an American university, are not receiving the high quality of instruction for which they paid.
7. Ethics principle #3: The rights of senior faculty must be balanced against the rights of novice Ph.D.s who are seeking to find a place at the table. In many academic fields in the US there is an oversupply of young Ph.D.s, (which brings up yet another ethical problem), and many of these bright young scholars cannot begin their careers when academia has no place for them, thus wasting their many years of academic preparation. The talents and training of novice Ph.D.s are just as much a public good as those of the senior faculty members.

8. The second way that senior faculty can continue to make contributions in by retiring and becoming emeriti faculty.
9. I will cite specifics from two relatively large, non-profit public universities. But there is a wide variety of American post-secondary institutions—public and private, nonprofit and for-profit, large research institutions, community colleges, and small liberal arts colleges. Specific kinds of post-retirement opportunities may not be found at all American institutions.
10. Most if not all American universities award emeritus status to retiring full-time tenured faculty, who have served the institution for a required number of years and have made significant contributions. At some institutions the awarding of emeritus status is automatic; at others there are careful reviews, and not all retiring faculty receive this status.
11. The By-laws of the University of Nebraska (I spent 16 years on the Omaha campus) state the purpose of emeritus status clearly: "Emeritus status is given … to facilitate retired faculty to continue their research and to provide advice and the benefits of their expertise to colleagues and students. … Retirement should not sever all appropriate connection between the person and the University, and emeritus members are encouraged to maintain their associations and to continue study, scholarly investigation, and professional advising of students."
12. How specifically can they do this? The Nebraska By-laws suggest that emeritus faculty can attend social affairs and public meetings, they can use university stationary when writing student recommendations, they continue to have library and email privileges, and they are encouraged to continue publishing research.
13. The By-laws of Cleveland State University, where I spent 15 years, suggest the following: emeritus faculty can continue to teach courses, they can attend appropriate faculty meetings, they may serve as *ex officio* members of certain committees, and, when faculty offices are available, they may even maintain an office on campus when this is recommended by the department chairperson.
14. Indeed, for a period of three years after retirement, emeritus faculty at Cleveland State have the right to continue teaching on a part-time basis, and they are compensated at a higher rate than ordinary part-time instructors. This compensation is in addition to their normal retirement pensions.
15. Moreover, at the request of the university, emeritus faculty can also perform administrative service. As dean, for example, I requested that an emeritus faculty member from the Department of English serve as department chairperson for a year when it became impossible to find a suitable replacement for the outgoing chair from among the then current faculty.
16. In addition, the university encourages emeritus faculty to continue to contribute new works of research or creative activity if they are willing and able. I have known many retired CSU faculty members who have continued to be active researchers, artists, musicians, or creative writers. Emeritus faculty can also continue to write grant proposals.
17. Finally, retired faculty members can continue to serve as paid consultants and as community volunteers. I know two, for example, who became heavily involved as actors in community (non-professional) theatre.
18. All retired faculty members at Cleveland State, whether emeritus or not, continue to have access to

a. free campus parking (to encourage retired faculty to remain involved on campus),
b. a current card to the CSU Library (to facilitate continuing research),
c. university email services (to encourage retired faculty to stay connected with former colleagues and professional associates beyond the campus),
d. campus recreation services (to encourage retired faculty to remain fit).

19. In sum, the current situation in the US is rich with opportunities for retired faculty who wish to remain active in their academic fields or in other kinds of community activities.