

## 4.0 RETIREMENT, UNIVERSITY POLICIES FOR *EMERITUS* FACULTY, AND SEPARATION

*NOTE: In many cases, policies governing the Joan and Sanford I. Weill Medical College and Graduate School of Medical Sciences of Cornell University differ from policies governing Cornell's Ithaca campus. Faculty at the Medical College and Graduate School of Medical Sciences should consult with the Office of the Provost for Medical Affairs for the relevant policies.*

### 4.1 RETIREMENT

Retirement policies and benefits for the academic employees of the university's endowed and contract units are not identical. Furthermore, benefit programs offered in retirement do differ in many ways from those offered to regular full time employees. Questions related to the benefit program should be addressed to Benefit Services.

Faculty and academic staff should consider attending one of the Pre-Retirement Planning Seminars offered by Benefit Services in the spring and fall of each year. The seminar is a series of meetings anchored by a full day of planning advice delivered by registered financial planners from an independent company with no products to sell. Ernst & Young, LLP, one of the largest accounting and personal financial planning firms in the U.S., currently holds the contract for the Pre-Retirement Planning Seminar and supports the program with software and phone consultations for program participants. The program is free to benefits-eligible faculty and staff who are at least age 55. Spouses and partners are encouraged to attend. Please contact Benefit Services for more information and for the current dates the seminar series will be offered.

#### **Retirement Policy**

In 1986, the Age Discrimination and Employment Act of 1967 was amended to eliminate mandatory retirement on the basis of age effective January 1, 1987 with limited exceptions. A provision in the legislation exempted tenured faculty members and executive officers from the prohibition. The exemption for tenured faculty expired on December 31, 1993 and mandatory retirement of tenured faculty is no longer permitted.

The Retirement Policy for the university, adopted by the Board of Trustees, effective August 21, 1956 and last modified on December 5, 1985, is as follows:

1. No employee shall be subject to retirement from employment on the basis of age except as described below or as otherwise permissible by law.
2. Any executive employee of the university who may be entitled to a university-funded retirement benefit in an amount designated pursuant to the federal Age Discrimination in Employment Act (presently \$44,000 per year) shall continue to be subject to involuntary retirement at the discretion of the university as of June 30 following the individual's 65th birthday or at anytime thereafter.

3. The period of service or term of appointment of all members of the instructional and research staff with indefinite tenure who are not members of the New York State Retirement System shall terminate on June 30 following their 70th birthday.
4. The period of service or term of appointment of all members of the instructional and research staff with indefinite tenure who are members of the New York State Retirement System shall terminate on the first day of the calendar month succeeding their 70th birthday. Continuation of services or terms of appointment until June 30 following their 70th birthday shall be permitted upon recommendation of appropriate university officials and approval by the State Civil Service Commission.
5. For the purpose of qualifying for full retirement pension benefits, normal retirement shall continue to be age sixty-five.
6. Employees who have completed ten years of service at Ithaca (five years at Medical College and Graduate School of Medical Sciences) may retire from Cornell following attainment of age fifty-five and be eligible for certain group insurance and other benefit programs.
7. The university may continue the service of an individual after retirement upon such terms and conditions as may be agreed upon by the university and the individual.

### **Phased Retirement Program**

The university's phased retirement program permits eligible professors and associate professors with full-time appointments in the endowed and contract colleges at Ithaca to reduce their teaching, research, and administrative duties prior to retirement by allowing a gradual transition of a specified duration of time. Separate policies exist for employees in the endowed and contract units, and a copy of either policy may be obtained from the Cornell Association of Professors *Emeriti* Office (CAPE).

### **Retirement Benefits**

The following statements are brief descriptions of the benefit programs generally offered to eligible academics upon retirement. Some variation in coverage may occur depending on the circumstances of the academic employee. Please address any questions about benefits in retirement to Benefit Services.

#### *Cornell Children's Tuition Scholarship*

Benefits are available to children of retired academic employees if the retiree is over fifty-five years of age and has ten years of full-time service with the university prior to retirement.

#### *Health Coverage*

Cornell University currently provides continuing health care coverage for academics that retire after age 55 with at least ten years of service. In addition, academics may be eligible for a lifetime monthly credit, called sick leave credit, which is applied toward their health plan contributions. Detailed information is provided at retirement by the Office of Human Resources, Benefit Services.

### *\$3,000 Retiree Life Benefit (Current Program)*

Academics hired after January 1, 1980, who retire at or beyond age 55 with at least ten years of service, will receive \$3,000 life insurance coverage, currently provided at no cost. Academics hired before January 1, 1980, who were younger than age 50 on January 1, 1980, are also eligible for the \$3,000 life insurance benefit.

For academics in contract units, the \$3,000 amount will be reduced by the amount of any death benefits payable under the Survivors' Benefit Program of the State of New York Department of Civil Service, the New York State Employees' Retirement System, and the Federal Civil Service Retirement System.

### *Decreasing Retiree Life Benefit (A Discontinued Program with Some Current Participants)*

Academics hired on or before January 1, 1980, who have been continuously employed since that date and were age 50 or older on that date, will receive decreasing term life insurance coverage after retirement. The amount of the life insurance coverage for the first year after retirement will be equal to the budgeted annual salary at the time of retirement, rounded to the next highest thousand. On each January 1, coinciding with or immediately following the next four anniversaries of the retirement date, the insurance amount will be reduced by 20 percent of the original amount of retirement coverage until it reaches 20 percent of the initial, or \$3,000 whichever is greater.

The decreasing term life insurance benefit for academics in the contract units will be reduced by any death benefits payable through the New York State Survivor's Benefit Program. Participants in the New York State Employees' Retirement System (NYSERS) or the SUNY-ORP system, may receive a life insurance benefit depending on their status at retirement. Persons eligible for the Federal Civil Service Retirement System may also receive a life insurance benefit from their retirement plan. The Cornell University Basic Life Insurance Plan benefit will be offset by any life insurance benefit received from these retirement systems. The Cornell Plan was put in place to ensure that no eligible person will receive less than \$3,000 in coverage.

### *Group Universal Life (GUL) Insurance Plan*

Actively employed academics have the opportunity to apply for GUL life insurance coverage for themselves and family members. Participants/employees may choose the equivalent of up to ten times their Cornell salary (limited to \$1.5 million) in life insurance. The participant pays the full premium. GUL also has a cash accumulation feature that may be separately funded at the discretion of the participant. The coverage is fully portable to an individual policy at termination or retirement.

Participant/spouses/same-sex partners may apply for up to \$100,000 coverage on their own policy. This plan also has a cash accumulation feature and is fully portable at the termination or retirement of the participant/employee. Dependent coverage is available in amounts up to \$10,000 per dependent.

Higher amounts of coverage will require medical clearance by an insurance company-provided exam and questionnaire.

### *Medicare*

As noted above, academic employees retiring with ten years or more of service and age 55 or more, may continue their health care plans into retirement. Once retirees reach age 65, they become eligible for Medicare and the federal program becomes their primary health insurer with their Cornell plans paying secondary to Medicare. Thus, it is very important for persons to apply for Medicare on a timely basis. Local Social Security offices will take the application or the website can be accessed at [www.ssa.gov](http://www.ssa.gov).

Individuals retiring beyond age 65 must be covered under the Cornell health care plans as active employees until they do retire. The employee has the option to sign up for Medicare Part A at age 65. There is no premium for this coverage, but it will be secondary to the Cornell health plans and will usually not be used. Three months before retirement, the employee should get in touch with the Social Security Administration (see contact information in the previous paragraph) for details on Medicare eligibility and eligibility of covered dependent(s). Once retired beyond age 65, the employee will need to be registered with and covered under Medicare Parts A & B, as this coverage will become the primary health insurance.

### *Social Security*

Academic employees should contact Social Security regarding benefits at least three months before the anticipated date of retirement, or turning the normal retirement age. Under Social Security, employees may retire as early as age 62, but with reduced benefits. Full benefits are available at age 65 through age 67, depending on birth year. New rules allow Social Security retirement benefits to be paid out at the normal retirement dates without a penalty for other earnings.

### *Dental Insurance*

Academic employees covered under the state health insurance plan (NYSHIP) may continue their dental insurance into retirement. Academic employees covered under the endowed dental insurance plan may continue their coverage for 18 months only. Please contact Benefit Services for more information.

### *Personal Accident Insurance*

This insurance plan cannot be taken into retirement.

## **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 at <http://www.univco.cornell.edu/policy/Indem.for.html>, the Cornell University Policy Library website

*\*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://instruct1.cit.cornell.edu/emeritus/main.html>).

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://instruct1.cit.cornell.edu/emeritus/homepage.htm>).

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).

## **4.3 SEPARATION**

### **Dismissal**

University bylaws (Article XVI(7) provide that "all appointments to the staff of instruction and research which are funded from nonuniversity sources (e.g. federal or state appropriations, research or other service contracts or grants) shall be subject to modification or termination in the event that such funding shall cease to be available to the university for such purposes."

Article XVI, Section 10, of the bylaws states:

"The Board shall have the right to dismiss and terminate the appointment of any member of the staff of instruction and research for failure to perform the duties

required of the position which he holds or for such personal misfeasance or nonfeasance as shall make him unfit to participate in the relationship of teacher and student. Such dismissal shall be effected through such procedures as the Board may adopt. Such procedures shall provide for reasonable notice and an opportunity to be heard."

The following dismissal procedure in the case of faculty members was adopted by the Board of Trustees and the University Faculty in 1951 (Note: non-substantive changes have been made to phrase the policy in gender-neutral terms):

The university reserves the right to dismiss and discontinue the appointment of any member of its faculties, on reasonable notice and after giving such member an opportunity to be heard, for misconduct or failure to perform the duties required of the position he or she holds.

In the case of a university professor, professor, associate professor, or assistant professor the following procedure shall be adopted:

A. When complaint from any source is made against a university professor, a professor, an associate professor, or an assistant professor which might lead to his or her dismissal, the dean of his or her college, or in the case of a university professor the dean of the University Faculty, shall inform the faculty member of the complaint against him or her, investigate the case, and if the faculty member is willing, consult with him or her regarding it. The dean shall thereafter report to the president the results of the investigation together with his or her recommendations. The president shall cause the faculty member to be furnished with a written and detailed statement of the charges against him or her if, after receiving the dean's report and making such independent investigation as may seem appropriate to the president, it is the opinion of the president that further proceedings are warranted.

B. If the faculty member desires a hearing, he or she shall so request in writing within thirty days of the receipt of the written charges against him or her, and he or she shall then be entitled to a hearing before a board appointed by the president and consisting of five members of the University Faculty, of whom two shall be selected by the faculty member, two by the president and the fifth by the other four.

C. At such hearing the faculty member shall be entitled to be accompanied by an advisor or counsel of his or her own choice, to present witnesses in his or her own behalf and to confront and question the witnesses against him or her. If the faculty member so requests before or at the opening of the hearing, he or she shall after its conclusion, be furnished, without cost to him or her, a full report of the proceedings before the board, including the testimony taken, the evidence received, and the board's findings and recommendations. The board shall submit to the president a report of its findings and recommendations and this report shall be appended by the president to any recommendations he or she may make to the Board of Trustees in regard to the case.

D. The faculty member shall be free to resign at any time within thirty days of receipt of the written charges against him or her; but if he or she has neither requested a hearing nor resigned within such thirty days, the Board of Trustees shall be free to dismiss him or her without further notice or hearing.

## **Resignation**

Resignation by an academic employee, whether tenured or on a term appointment, is normally effective at the end of an academic term or on June 30 or December 31 for those on 12-month appointments. To allow the academic unit to prepare for the loss of

the staff member, the employee should notify the department chairperson or the director of the unit of the intended resignation as early as possible. Because academic policy prohibits pay for accrued vacation after the termination date of a resigned appointment (except when electing formal retirement), discussions with the chair or director should include any proposed use of vacation accrual. A minimum of a month's notice of resignation is required from the academic employee.

In some cases, when a valued member of the faculty is to leave the university, arrangements are made for a leave of absence rather than a resignation, in the hope that the person will return to Cornell. Such arrangements for up to one year require the approval of the department chair or director and the dean or vice provost. For those with joint appointments or other concurrent appointments, the approvals must be obtained from all of the relevant units and executives. To extend leave beyond one year requires approval of the provost through the Academic Personnel Policy Office. The leave should not, in any event, exceed more than one year from the date a tenured Cornell professor assumes a tenured appointment at another institution. In this situation, the department cannot recruit a permanent replacement, and a vacant formal position (including appropriate tenure status) with its budgetary commitment, must be reserved in case the person does return.

Those considering resignation or retirement for medical reasons should consult the online policy "Leaves for Professors and Academic Staff" (<http://www.univco.cornell.edu/policy/LPAS.html>) for information about short-term medical leave and federal entitlements under the Family and Medical Leave Act, as well as consulting Benefit Services in the university's Office of Human Resources regarding such options as long-term disability and its interface with retirement and social security benefits. Tenured professors may wish to consult with the Cornell Association of Professors *Emeriti* Office (CAPE) regarding the availability of phased retirement.