



MEMORANDUM

To: Julio Frenk
University President

From: Linda L. Neider
Chair, Faculty Senate

Date: February 21, 2020

Subject: Faculty Senate Legislation #2019-60(B) –Amend the *Faculty Manual* to Revise the Definition of EMERITUS FACULTY, Section B4.11: Committee on Rank, Salary, and Conditions of Employment; Section C2.6: EMERITUS FACULTY; and C4.6: Privileges and Benefits of UNIVERSITY FACULTY, EMERITUS FACULTY and ASSOCIATED FACULTY

The Faculty Senate, at its February 19, 2020 meeting, unanimously approved an amendment to the proposal, and unanimously accepted the amended proposal, to revise the definition of EMERITUS FACULTY, and align the definition with other sections of the *Faculty Manual*. This revision comes forward with the recommendation of an ad hoc committee that was charged by the General Welfare Committee with reviewing the status of EMERITUS FACULTY.

The following revisions expand the categories of faculty eligible for EMERITUS status to include retired REGULAR faculty with the title of associate professor or full professor, and EDUCATOR, RESEARCH and LIBRARIAN faculty with the title of associate professor or full professor.

With these revisions, the Emeritus title is an honorific title. The Emeritus faculty qualifications, benefits, and approval process are described in the copy below.

In order to provide an appeal process for faculty denied the Emeritus status, or in the case where the Emeritus status must be revoked, *Faculty Manual* copy is included that modifies the charge of the Faculty Senate Committee for Rank, Salary and Conditions of Employment to include appeals from retired faculty.

Proposed Changes in ~~Strikeout~~/Underline format:

BEGIN TEXT

B4.11 The COMMITTEE ON RANK, SALARY, AND CONDITIONS OF EMPLOYMENT shall: (1) upon appeal by a member of the faculty from an unfavorable decision on promotion, or salary, or EMERITUS title designation, certify to the President whether or not, in its opinion, an unjust decision has been made; (2) report to the Committee on General Welfare any evidence of gross injustice or favoritism; (3) recommend to the Senate legislation on these matters. The

¹ #2011-23(D) – procedures

committee will not participate in the annual decisions on promotions or merit salary increases. The Chair of the Senate shall insure that, over a period of time, the membership of the committee reflects the social and professional diversity of the faculty. Only tenured full professors are eligible to serve on the Committee². A Vice Chair of the Faculty Senate shall serve as an ex officio non-voting member.³

The committee shall, upon the request of a faculty member or the President, hear faculty-administrative problems relating to a faculty member's rights and duties under an employment contract or the unfavorable decision of an EMERITUS title designation decision, or the revocation of the faculty member's EMERITUS status in the case that the individual has committed a serious infraction. The committee's jurisdiction shall include the powers to hear and to recommend to the Senate and to advise the President. The committee shall have the power after argument on a request to assume jurisdiction, or to refuse jurisdiction when the petition's resolution is not significant to the general welfare of the University or to the professional career of the affected faculty member.

The procedures the committee follows shall be written and public, and shall include the following requirements:

- (a) the committee's jurisdiction may only be invoked upon a written, factual request and ⁴only if four conditions have been satisfied, namely
 - i) all reasonable attempts at administrative resolution have failed as determined by the Chair of the Faculty Senate or the Chair of the Committee or by appeal of that determination to the General Welfare Committee filed with the Secretary of the Faculty Senate;
 - ii) the appeal is filed within 80 academic days of the action being appealed or within 60 academic⁵ days of the petitioner's reasonably being expected to have become aware of it, whichever is later. The time limit can be stayed if the petitioner has been making reasonable efforts to resolve the issues, where the reasonableness of these efforts shall be determined by the Chair of the Faculty Senate or the Chair of the Committee or by appeal of that determination to the General Welfare Committee filed with the Secretary of the Faculty Senate;
 - iii) the petitioner is not currently represented before the University by legal counsel regarding the same matter; and
 - iv) the petitioner is not currently pursuing an action before a court or non-university administrative body against the University regarding the same matter.

- (b) any petitioner may be advised by academic counsel;

² #93002(B)

³ #2003-15(B)

⁴ #2003-04(B)

⁵ #2002-01(B)

- (c) the committee, or one of its members, shall take the responsibility of developing the facts of the situation;
- (d) any person affected by the situation may be given an opportunity to make an oral or written statement to the entire committee;
- (e) the committee shall receive relevant oral or written statements upon the request of any petitioner; and
- (f) The appropriate administrators shall make known to petitioners the basis of the adverse administrative decision so that petitioners can fairly present their position to the committee.

The Committee shall forward to the Chair of the Faculty Senate a copy of its recommendation to the President. The President shall communicate the decision on each recommendation to the faculty member concerned, to the Chair of the Committee, and to the Chair of the Faculty Senate.

The Committee may, but need not, communicate directly to the Petitioner regarding its recommendation. This power should ordinarily be used only where the recommendation to the President will not urge a change in the administrative action that was the subject of the petition. Any such communication will be forwarded to the Chair of the Faculty Senate, who must concur before it is sent to the petitioner.⁶

....

C2.6 EMERITUS FACULTY. For members of the UNIVERSITY FACULTY holding the rank of Associate or Full Professor who retire effective June 1, 2022 or thereafter EMERITUS status will be conferred at the time of retirement if following conditions are satisfied:⁷is conferred at the time of retirement upon all tenured faculty⁸.

- a) the faculty member has been employed by the University of Miami for a total of at least ten years full-time service at any time prior to retirement;
- (b) the faculty member has applied to his or her relevant department or in non-departmentalized schools, the relevant voting faculty for emeritus status and the voting faculty vote to support that application; and,
- (c) the faculty member has demonstrated distinguished service to the University community through excellent scholarship, teaching or other contributions to the field and University.

Upon a favorable vote of the relevant faculty, the relevant dean shall write a letter evaluating the application and forwarding it to the Provost and President for action. Should

⁶ #2011-37(A) – Effective June 1, 2013 as approved by the Board of Trustees and a vote of the REGULAR FACULTY of the University

⁷ UNIVERSITY FACULTY members who retire prior to 2022 shall be governed by #2011-37(A) – Effective June 1, 2013 as approved by the Board of Trustees and a vote of the REGULAR FACULTY of the University.

⁸ ~~#2011-37(A) – Effective June 1, 2013 as approved by the Board of Trustees and a vote of the REGULAR FACULTY of the University.~~

the President or Provost reject the recommendation of the faculty, either or both shall explain their reasons in writing and forward that explanation to the relevant Dean for communication to the faculty.

The President may be petitioned for the award of emeritus status to retired members of the GENERAL FACULTY and academic administrative personnel. ~~who have not held tenure.~~

#

The names of EMERITUS FACULTY are listed in a separate section of the appropriate Bulletin.

....

C4.6 Privileges and Benefits of UNIVERSITY FACULTY, EMERITUS FACULTY and ASSOCIATED FACULTY^{9 10}

(a) Retired members of the UNIVERSITY FACULTY are entitled to the benefits and privileges described in the Faculty Benefits section of this Manual and to:

~~(b) EMERITUS FACULTY are entitled to the following privileges and benefits:~~

1. access to the University libraries, the Faculty Club, the Lowe Museum, and the Wellness Center,
2. continuation of UMail account, and upon request, computer access commensurate with that of active full-time faculty.
3. discounts that UNIVERSITY FACULTY are eligible to receive, such as bookstore purchases, tickets to sports events, and other discounts as permitted by law or contract,
4. identification card,
5. purchase of prescription medicines (cannot accept Medicare) at the University retail pharmacies, and
6. UM parking permit at no charge valid for lots indicated on the back of the parking permit. Access to other lots may be obtained with the approval of Parking and Transportation.

~~(eb)~~ ASSOCIATED FACULTY

are entitled to the following privileges and benefits:

1. access to the University libraries, the Faculty Club, the Lowe Museum, and the Wellness Center,
2. identification card,
3. discounts that UNIVERSITY FACULTY are eligible to receive including bookstore purchases and tickets to sports events, and other discounts as permitted by law or contract,
4. purchase of prescription medicines at the University retail pharmacies, and
5. purchase of UM parking permit.

⁹ #2009-19(D)

¹⁰ #2014-02(B)

In addition, the following ASSOCIATED FACULTY categories are eligible for the benefits listed below in accordance with University policy.

(dc) VISITING FACULTY who are full-time regular are eligible for the following benefits:

1. health insurance for themselves and their eligible dependents,
2. life and accidental death and dismemberment insurance,
3. tuition remission for themselves and their eligible dependents, and
4. Voluntary Retirement Plan.

VISITING FACULTY are not eligible for University contributions to the retirement plan.

(ed) LECTURERS and SENIOR LECTURERS who are full-time regular are eligible for these benefits:

1. health insurance for themselves and their eligible dependents,
2. life and accidental death and dismemberment insurance,
3. tuition remission for themselves and their eligible dependents,
4. University contributions to the retirement plans, and
5. Voluntary Retirement Plan.

END TEXT

This legislation is now forwarded to you for your action.

LLN/ss/rh

cc: Jeffrey Duerk, Executive Vice President and Provost
All Academic Deans
Grace Barnes, GWC Member, ad hoc committee chair

CAPSULE: Faculty Senate Legislation #2019-60(B) –Amend the *Faculty Manual* to Revise the Definition of EMERITUS FACULTY, Section B4.11: Committee on Rank, Salary, and Conditions of Employment; Section C2.6: EMERITUS FACULTY; and C4.6: Privileges and Benefits of UNIVERSITY FACULTY, EMERITUS FACULTY and ASSOCIATED FACULTY

PRESIDENT'S RESPONSE

APPROVED:  DATE: 3/10/20
(President's Signature)

OFFICE OR INDIVIDUAL TO IMPLEMENT: Faculty Senate Office

EFFECTIVE DATE OF LEGISLATION: _____
(if other than June 1 next following)

NOT APPROVED AND REFERRED TO: _____

REMARKS (IF NOT APPROVED): _____