

Guidelines for Unit Heads on Discussion of Retirement

All faculty members have the right to remain on active status for as long as they are able to carry out their responsibilities. For many faculty members, however, there comes a point at which making a transition to emeritus/emerita status becomes an attractive option. For such faculty members, the University of Maryland is taking steps to facilitate and support a smooth transition to the next phase of their faculty career.

In a number of cases, faculty members will wish to talk with their unit heads (chairs, deans, directors) about their plans, needs, and options for their transition. The outcome of the discussion will often be the creation of an individualized plan spelling out how the faculty member considering retirement can remain involved with the University at their desired level. The information below is intended to provide guidance to faculty and unit heads in these discussions.

APPLICABLE LAW

The Age Discrimination in Employment Act of 1967 applies: mandatory retirement for professors has been prohibited since 1994.

RAISING THE ISSUE OF RETIREMENT

Unit heads should avoid asking individual faculty members when they are planning to retire, because this question could be perceived as form of pressure or coercion, as well as age discrimination. Instead, they should adopt a standard, neutral, and even-handed way of broaching the issue.

For example, Unit Heads might either:

- Ask all faculty members about their plans for the coming three years, or
- Ask all “retirement eligible” faculty (e.g., members who are at least 60 years of age with 20 years of service about their plans for the coming three years.

It is reasonable for unit heads to make this kind of broad inquiry as a matter of routine once or twice a year, especially in connection with departmental planning for hiring or annual workload assignments (e.g., course or committee assignments).

CONVERSATIONS BETWEEN UNIT HEADS AND POTENTIAL RETIREES

Unit heads who have been informed by faculty members of an interest in retirement may invite a conversation about the subject, and faculty members are free at any time to bring up the possibility of retirement with their unit heads. The ensuing discussion may include an exchange of ideas about opportunities, both pre- and post-retirement, to support a smooth transition for the faculty member and the unit. Both the faculty member and the unit head may wish to consider collaborating on the creation of a retirement or transitional terminal leave agreement that would document agreed-upon provisions.

As these conversations may unfold, unit heads should not:

- Offer their opinion about what is best for the faculty member to do.
- Ask questions of a personal nature (e.g., about health or finances).
- Make references to a faculty member's age, even if the comment is intended to be sympathetic, humorous, or helpful.

Unit heads should instead listen for the ways in which the faculty member is describing their academic aspirations or challenges connected with retirement and should give thought to the ways in which the unit could support the faculty member's research, teaching, or service interests before retirement, after retirement, or both. Pre-retirement provisions should be considered only when the faculty member is ready to commit to a separation date within one or two years' time. This commitment would be provided via a retirement or transitional terminal leave agreement.

A common topic for conversations about retirement is recall for post-retirement teaching, research, or administrative service. Note that a faculty member may not be rehired by the University for at least 45 calendar days after their effective retirement date.

Chairs or faculty members who would like assistance in initiating or advancing discussions of pre- or post-retirement provisions should feel free to contact the Associate Provost for Faculty Affairs (John Bertot, jbortot@umd.edu).