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Annex to: Decision by the vice-chancellor of 26 April 2016, SLU ID ua 2016.1.1.1-1563

Guidelines for awarding the title of emeritus professor

Those employed as professors, either through a promotion or recruitment, can, when they retire and following an application, be awarded the title of emeritus professor. An emeritus professor is appointed by the dean of the faculty where they were last employed before retiring. To be awarded this title, an emeritus professor must be connected to a department at the faculty in question. The head of department must submit the emeritus professor application, and it must include an account of the department's needs, what the candidate will do and which considerations have been made. In order to be appointed emeritus professor, the candidate in question must be a good representative for SLU. The head of department is responsible for annually calling meetings to plan and follow up activities.

The head of department can end the appointment by sending an application to the dean stating that there no longer are any resources for an emeritus professor at the department, or that the department has decided to end the relationship with the emeritus professor. The dean must then decide on the matter.

Considerations

When an emeritus professor is appointed, the university must assess what the person in question will do. What explicitly has applied at SLU – at least at certain departments – is that following the termination of their employment at age 67, a professor can be allowed an office at the university, take part of department operations as emeritus professor and be given personal external funding – the only type of funding available to them. No changes to this practice are proposed. An emeritus professor cannot be appointed principal supervisor, but they can be assistant supervisor, conduct research and teach. Normally, changing departments is considered inappropriate.

A starting point is that an emeritus professor cannot be principal supervisor or have any other managerial function. They can only be an ancillary at the department. This means that they must work in such a way that their appointment as emeritus professor can be terminated should the head of department or dean deem this necessary. If the retiring professor still has important matters to attend to, they must be given a new fixed-term employment in order to conclude these matters. An emeritus professor is not allowed to be principally responsible for applying for external research funding in SLU's name. However, they can participate as promoters in applications. They cannot be formally responsible vis-à-vis students, employees or funding bodies.

It can be concluded from previous regulations (a royal letter from 1942) that the title requires the candidate to retire as well as submit an application to become emeritus professor. In addition, the head of department has the right to veto things that occur at the department. However, they should not make decisions on this issue.

Transitional regulations are not necessary since the issue has been unregulated for the past few years.

Significance

Considering that resources are taken from the department in question, the head of department must be able to influence the issue, but not necessarily make the final decision. In addition to the title of emeritus professor, the person in question stays connected to SLU and can continue to conduct research and publish in the university's name. In this respect, it is important that the emeritus professor appointment is clarified in various systems, for example in order for the SLU library to ensure that the person in question still officially has a title and rights. This may be important in regard to e.g. what you are allowed to deposit in the Epsilon Archive and which documents only SLU employees are allowed to deposit.¹ The title does not involve any employment conditions, pays no salary or have other salary benefits. However, they must be given access to a workplace² and infrastructure (computer, IT support). Infrastructure access also involves access to electronic periodicals and other scientific information resources that SLU has license to use. Special insurance can be taken out for professors emeriti since they are not covered by the regular employee insurance.

¹ According to a new policy proposal for the SLU library and storage in Epsilon, the head of department decides if a person is considered active at SLU.

² "Workplace" means a space to write, which may be a small desk in a room shared with others.



Background to the guidelines for awarding the title of emeritus professor

This annex includes a historical and legal account and acts as a background to the decision. The English version has been shortened.

History

The emeritus professor title at the Forestry, Agricultural and Veterinary Colleges was initially regulated in a royal letter from 30 June 1942. Today, however, the letter is no longer included in the Swedish Code of Statutes and has no legal status. A consequence of this could be that the government has left it to the higher education institutions (HEIs) to handle the issue of emeriti professors.

The royal letter states that the term is not only linguistic but also includes certain obligations and privileges. Item 1 of the letter states that professors who retire with pension have the right, as emeriti professors and following an application to the teacher council (the modern-day equivalent would likely be the faculty boards), to teach within their disciplinary research domain, provided this does not hinder ordinary teaching.

Item 2 states that the head of department, following a request, can allow the emeritus professor to continue using the workplace, unless this is inconvenient.

Other higher education institutions

Other HEIs do not have much material specifically on the role of emeritus professor. However, several HEIs have guidelines concerning what applies to employees over 67 years of age. Sometimes, professor emeritus information is included in those guidelines.

According to Uppsala University's guidelines, retired professors can take part of departmental operations as emeriti professors without being employed or paid a salary. This only applies if it is desirable and possible based on financial and work-related reasons, and following an agreement with the head of department concerning certain resources.

Labour legislation for employees over the age of 67

The Employment Protection Act (LAS)

Section 5, paragraph 1, item 4 A contract of employment for a fixed term may be concluded when the employee has reached the age of 67.

Section 5a, paragraph 1 and 2 General fixed-term employment is transformed into indefinite-term employment when an employee has been employed by the employer in a general fixed-term position for a total of more than two years: 1. during a five-year period; or 2. during a period in which an employee has been employed by the employer in fixed-term periods of employment in the form of general fixed-term employment, temporary substitute employment [...]

Section 32a An employee is entitled to remain in the employment up to the end of the month when he or she attains the age of 67, unless otherwise prescribed by this Act.

Section 33 An employer desiring an employee to leave their employment at the end of the month when the employee reaches the age of 67 shall give the employee at least one month's written notice of this. An employee who has reached the age of 67 shall not be entitled to more than one month's notice of termination and shall not have a preferential right to re-employment under Section 22, 23, 25 or 25a.

As stated in Section 32a of LAS; an employee is entitled to remain in the employment up to the end of the month when they attain the age of 67. If the employer wishes to terminate the employment when the employee turns 67, the regulations in Section 33 of LAS must be followed: i.e. the employer must notify the employee at least a month beforehand. Should the employer fail to do this, or if they have consented to a continued employment after this time, ordinary termination regulations apply¹. However, what constitutes an objective justification for termination after the age of 67 must have changed to some extent, as well the notice period of one month (LAS Section 33, paragraph 3).

LAS, Section 5, paragraph 1, item 4 states that an employer can draw up a contract of employment for a fixed term with those who have turned 67, and that the regulation concerning the right to an indefinite-term employment in accordance with the same section, paragraph 2, does not apply. The needs of the employer govern new assignments or employments after the age of 67. An assignment agreement or a fixed term agreement can be entered into if suitable to a purpose.

¹ Lunning, Toijer, *Kommentaren till LAS* (comments on LAS), page 722.

The employer solely decides this – the only exception is if the decision is considered ageist.²

In conclusion, it is only allowed to employ someone over the age of 67 for a fixed term, not indefinitely. It must always be stated that the reason for such a fixed-term employment is that the employee is over 67 years old (LAS Section 5, paragraph 1, item 4).

Emeritus professor and LAS

The Higher Education Ordinance clearly states that an *employment* as professor cannot be a fixed-term employment based on the ordinance or LAS. However, the title of emeritus professor is not a form of employment but an honorary title given to professors who have retired. Employees with a fixed-term employment after the age of 67 often have the prefix “senior” in front of their previous title, such as senior researcher.

² For example, see case AD 2015 no. 51 from the Swedish Labour Court.