
Approaching the EJRA

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PROBABLY as most of your readers of age 60+, I have read with increasing interest the various exchanges in *Oxford Magazine* relating to EJRA. I present here a few observations and thoughts from someone who is now thinking of assembling an application to EJRA (obviously for the first time) and beginning—only beginning—to grasp how it operates or appears to operate.

As far as one can understand, this process relates only to Oxford and Cambridge in, for example, the Russell Group of universities. In a piece from Cambridge University, May 3rd 2012*, a Matthew Knight (chair of the body for HR professionals in the university sector) states that the case for upholding EJRA at Oxford and Cambridge,

“...reflects their particular system for promotions and tenure, so it’s much clearer to make the case for an EJRA”.

One question, of course, what such a statement means. For example, one might ask...“What precisely is the (apparently) different and “particular” system for promotions and tenure that we have in place in Oxford (and in Cambridge) that is so fundamentally different from all other Russell Group universities who have dismantled the EJRA?”

I can think of no other way of approaching this entire process except to take the view that the EJRA Panel is an Appointment or Recruitment Panel. It is, of course, just that. Now, having appointed some 11 new University faculty to posts in Inorganic Chemistry at Oxford since my arrival just over a decade ago (and I would imagine having sat on 15 or so other appointments in MPLS Division during that time), where the interests of the department, the division and the University are central to the process, I am therefore approaching the EJRA process anticipating a fair, transparent and rigorous (i.e. defensible) process. Equally, I do realize that the decisions are currently being made, and will be made, with a developing case law rather than rigid, formulated rules, and this is why, presumably, no firm “selection criteria” are advanced for the EJRA process, but rather “...types of matters that the panel will usually take into account in making their decision”.

“Intergenerational fairness” and the spirit of “fairness across all generations”

One must say of course that the issue of “Intergenerational fairness” is most noble. Who could ever argue against such a laudable ideal in (apparently) hoping to “refresh” academic thinking and enquiry? Since EJRA is currently the formal Oxford University position, it appears that this aim is only best served for Oxford by incumbent faculty retiring at age 67. Thus, in my own submission, I will need to respond to an enquiry: “Does my application create sufficient clear advantage to the University so as to justify an exception to the general

rule” (this “general rule” now being the EJRA as the formal position, of course). One also reads: “The panel will weigh the advantages of extended appointment.... against the opportunities arising from creating a vacancy....”

As D. J. Galligan has noted (*Oxford Magazine*, No. 355, Noughth Week, Hilary Term 2015): “That (achieving legitimate aims such as intergenerational fairness) requires balancing the aims (of EJRA) against the effects of discriminating against older staff”.

On “types of matters”

It is clear that applications from all incumbent academics wishing to continue in post after age 67 will only succeed if various demanding criteria or “types of matters” are satisfied, and the list below outlines the various types of matters that the panel will usually take into account in making their decision.

Two of these “types of matters” centre on the enquiries:

“How would extended employment compared with the opportunity arising (if relevant) from a vacancy fit with the future academic and business needs of the department or division over the proposed period”

And;

“How would any financial commitments or benefits which would accrue from extended employment compare with those which might accrue from the opportunity arising from a vacancy?”

These explicit references to “...business needs of the department or division...” and “...financial commitments or benefits...”, then apparently opens the door (and, indeed, in my case has already opened the door) to specific enquiries centred around the proportion of an applicant’s (my) salary—post-EJRA—that will be covered by current—or future—grant income and overheads. This may come as a surprise to many colleagues thinking of applying for EJRA. However, this may perhaps be seen as a reasonable stance (see below)—if indeed it is officially, and clearly communicated, in good time, and, presumably in the cause of fairness and equality, applied across all EJRA applications (and indeed beyond).

Thus the argument is, I believe, that people—actually all people (pre-and post-EJRA) in those disciplines where it may be possible—should ideally bring in sufficient research income or overheads to cover, or at least substantially cover, the costs of continuing to employ/provide space for themselves and their research group. As I know too well from my decade as Head of Inorganic Chemistry here (and previously as Head of Chemistry at Birmingham), in order for a department to be financially solvent, this may need to be the case. However, in the interests of institutional fairness and equally intergenera-

tional fairness, one could also ask that this is applied not only for post-EJRA, but also for pre-EJRA colleagues. I have found during my decade at Oxford the ready realisation that such a “policy” is in fact not applied to the overwhelming majority of pre-EJRA colleagues; indeed, there are strong arguments for why such a policy should not be adhered to! However, accepting for the moment the underlying tenet that “all people should pay their way” for a particular department to be solvent, and applying this model to the legal EJRA process, I would make the following points of principle:

- As far as I am aware this “financial requirement” is not explicitly spelt out in any of the published “... types of matters...” etc., associated with the EJRA process. If it is indeed the case that this is a critical, contributing factor to the decision process as to whether one is retained or not at the EJRA, applicants need to be made aware of this formally, and in a timely manner.
- Even recognizing the fact that any post-EJRA contract is currently viewed as a new contract of employment with the University, this sets a fundamentally different precedent in faculty now formally being required to cover all, or part, of their salary. In contrast, pre-EJRA colleagues are not, I believe, in the overwhelming majority of cases, required to cover a fraction, or all of their salary in research grants and overheads. Thus, my case (as for every other applicant for the EJRA) will of course be treated in a fundamentally different manner the day after the EJRA, as compared to the day before. That financial onus is now, apparently, on the employee as a basis of any case for extension of contract beyond the EJRA.
- I cannot see how this type of financial requirement expected of any EJRA applicant, could ever be applied to colleagues, for example, in the arts and humanities. The need to bring in all, or part of their salary, post-EJRA, will surely preclude the overwhelming majority of my colleagues in those equally-important areas of scholarship and learning from ever applying for the EJRA.
- In summary, I simply make the observation that, as far as I am aware, this type of financial requirement is not required of any member—or indeed any incoming member—of any faculty, or any member—or indeed any incoming member—of senior administration across this university, except post-EJRA colleagues.

Statistics

For such an important process as the EJRA, one should naturally expect to see a database or statistics since its inception in October 2011. In that regard, I am surprised to read of the scarcity of data—well the complete absence, apparently, of any data—on the number of EJRA applicants and the success rates associated with such applications. I am equally surprised that, apparently, Congregation is not told of such factual information. As well as my general concern about the lack of availability of any such data, I have a specific request.

The specific enquiry relates to incoming or prospective faculty or indeed senior management personnel wishing for an employment contract—at appointment—to extend to, say, age 70. Does that person therefore have to formally apply for EJRA at the time of his/her appointment? Or perhaps, any such EJRA application is waived in these cases and post-67 contracts can be, and have been issued without any formal case submitted to work beyond the EJRA? It will also be important to see the statistics of how many such cases exist and the “success rates” as compared to those of incumbent post-holders.

As the editor’s commentary in *Oxford Magazine*, No.355 notes, this type of factual information could be sought by the way of an FOI, but as noted that would indeed be unfortunate and against the spirit of transparency, free access and, above all, fairness that we all expect of our University; traditions—and indeed regulations—upholding those principles that we sign-up to, encounter, utilise and advance in every aspect of our working lives in the University. These considerations will, I am sure, be part of the Personnel Committee’s forthcoming review, noted by S. Goss in the same issue of *Oxford Magazine*. Such a major review—hopefully being conducted even now, at pace—may indeed be too late for some currently in the EJRA pipeline.

I guess at the very heart of the process is whether it is right for this university to treat people differently at age 67 as compared to those, say, at age 55 and also to treat incoming, prospective faculty differently with the EJRA than incumbent post-holders. If the University cannot treat those categories differently, then surely it cannot have an EJRA at all.

* <http://www.equality-law.co.uk/news/2305/66/Cambridge-academics-approve-compulsory-retirement-age-for-intergenerational-fairness>

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