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Office of General Counsel

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Marquette University

Benefits for Surrender of Tenure Policy

What is Tenure?

Tenure is a faculty status that fosters an environment of free inquiry without regard for the need to be considered for reappointment. Tenure is reserved for Regular Faculty who are recognized by the University as having the capacity to make unique, significant, and long-term future contributions to the educational mission of the University. Tenure is not a reward for services performed; it is a contract and property right granted in accordance with section 304.02 of the Statutes on Faculty Appointment, Promotion and Tenure.

What does tenure mean?

Effectively, tenure consists solely of the right to receive an offer of appointment to the full-time regular faculty of the University each and every year until tenure is lost or surrendered. Tenure may be lost by death, disability, resignation, acceptance of other full-time employment, actions inconsistent with tenure resulting in de-tenuring, or voluntary surrender with consideration (payment or other value provided by the University).

What does tenure mean?

The University has no duty to compensate faculty members for the loss or surrender of tenure. The circumstances and criteria for doing so are entirely within the discretion of the Provost. Any programs to compensate faculty members for the loss or surrender of tenure may be changed or withdrawn by the Provost at any time.

What policies govern surrender of tenure?

The Provost has consolidated all aspects of compensation for faculty members for surrender of tenure into a single “Benefits for Surrender of Tenure” policy on the Provost Web site. The revised policy was submitted to, and approved by, the Academic Senate.

What are the criteria for surrender of tenure with compensation?

- Hold tenure and be eligible for retirement under UPP 4-18
- This means the faculty member must be 55 or older and have a combined age and years of service of 70 or more
- For example, faculty members could be 55 years old with 15 years of service at Marquette or 60 years old with 10 years of service at Marquette

What are the criteria for surrender of tenure with compensation?

- Be actively engaged and be capable of continuing as a member of the Regular Faculty through the academic term in which notice of intent to surrender tenure is given and the following fall or spring academic term
- Death, long-term or short-term disability, sabbatical leave, personal leaves of absence, or any other leave from regular teaching and research duties taken or approved prior to approval of surrender of tenure means that the faculty member will no longer be eligible for compensation for the surrender of tenure
- Resignation or death prior to retirement also terminate any duty to pay benefits for surrender of tenure

What are the criteria for surrender of tenure with compensation?

- Apply not later than 4:30 PM by February 1 for full or partial retirement effective at the end of the fall academic term and by 4:30 PM on December 1 for full or partial retirement at the end of the spring academic term
- Late applications are accepted at the sole discretion of the Provost
- Application must be made using the prescribed forms
- Faculty submitting applications must meet with a representative of the Office of Provost before submission will be considered complete

Why do faculty have to meet with the Office of the Provost?

- Once the application is submitted, it cannot be withdrawn by the faculty member
- The Provost has no discretion not to approve the application if the faculty member meets all of the eligibility requirements
- If the faculty member is not absolutely certain that he or she is prepared to surrender his or her tenure, he or she should not sign and submit the application
- Purpose of meeting is to confirm this understanding

What must faculty do once the application is approved?

- Sign the required Resignation and Release within fourteen (14) days of receipt of the document from the Office of the Provost
- The University has no obligation, and therefore no ability under the policy, to make payment if the Resignation and Release is not timely signed, even though the surrender of tenure is deemed to occur at the time that the application is submitted
- Sign and return the Resignation and Release immediately and make sure it is returned!

What are the types of benefits available for surrender of tenure?

Benefits come in only two flavors:

- Full Benefits consist of a percentage of current annual salary, depending upon the age of the faculty member in full years as of the date of retirement
- Phased Benefits consist of a part-time appointment for three years

How are Full Benefits determined?

Age of Faculty Member	Amount of Cash Payment
64 or less	100% of Salary
65-67	75% of Salary
68-70	50% of Salary
71 or more	40% of Salary

How are Full Benefits paid?

- Full Benefits are currently paid in a single lump sum for those who retire at the end of the fall academic term, on the next January 4 or the following business day
- Full Benefits are paid in two equal installments for those who retire at the end of the academic year, one of the effective date of retirement and the other on the next January 4 or the following business day

How are Phased Benefits paid?

- Phased Benefits consists of 50% part-time appointment to the faculty for three years, at 50% of the last year's salary, plus \$14,400 stipend to cover the cost of benefits should the faculty member choose to purchase them
- Stipend paid *pro rata* with salary

How are part-time duties determined?

- Faculty members, chairs, and deans must agree on the part-time responsibilities no later than March 1 of the year of application
- Duties must include some element of continued teaching and must legitimately reflect 50% responsibilities for full-time duties in order to qualify faculty member for the right to purchase benefits

What if agreement on part-time duties can't be reached?

- If there is no agreed-upon description of part-time duties that has been approved by the Provost by March 1, the faculty member will be notified in writing and be given ten (10) days to submit an application for Full Retirement Benefits
- If no timely application for Full Retirement Benefits is made, faculty member will be tendered a letter of appointment to the full time regular faculty, and no surrender of tenure will be deemed to have occurred

Questions?

- For questions concerning ongoing applications, contact Sally Doyle in the Office of Provost
- For questions on interpretation of the Benefits for Surrender of Tenure Policy, contact Doug Smith in the Office of General Counsel