

# CAMBRIDGE UNIVERSITY REPORTER

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*End of the Official Part of the 'Reporter'*



UNIVERSITY OF  
CAMBRIDGE

## NOTICES

## Calendar

- 7 February, *Tuesday*. Discussion by videoconference at 2 p.m. (see below).  
 13 February, *Monday*. Lent Term divides.  
 25 February, *Saturday*. Congregation of the Regent House at 10 a.m.  
 26 February, *Sunday*. Preacher before the University at 11.30 a.m., The Revd Dr Nicholas Austin, SJ, Master of Campion Hall, University of Oxford (Hulsean Preacher).

Discussions (Tuesdays at 2 p.m.)	Congregations (Saturdays at 10 a.m.)
7 February	25 February
21 February	25 March
7 March	1 April
21 March	

## Discussion on Tuesday, 7 February 2023

The Acting Vice-Chancellor invites members of the Regent House, University and College employees, registered students and others qualified under the regulations for Discussions (*Statutes and Ordinances*, 2022, p. 111) to attend a Discussion by videoconference on Tuesday, 7 February 2023 at 2 p.m. The following item will be discussed:

1. Report of the Council, dated 12 December 2022, on the transfer of parts of Statute concerning the Chest to Special Ordinance (*Reporter*, 6680, 2022–23, p. 214).

Those wishing to join the Discussion by videoconference should email [UniversityDraftsman@admin.cam.ac.uk](mailto:UniversityDraftsman@admin.cam.ac.uk) from their University email account, providing their CRSid (if a member of the collegiate University), by 10 a.m. on the date of the Discussion to receive joining instructions. Alternatively contributors may email their remarks to [contact@proctors.cam.ac.uk](mailto:contact@proctors.cam.ac.uk), copying [ReporterEditor@admin.cam.ac.uk](mailto:ReporterEditor@admin.cam.ac.uk), by no later than 10 a.m. on the day of the Discussion for reading out by the Proctors,<sup>1</sup> or may ask someone else who is attending to read the remarks on their behalf.

In accordance with the regulations for Discussions, the Chair of the Board of Scrutiny or any ten members of the Regent House<sup>2</sup> may request that the Council arrange for one or more of the items listed for discussion to be discussed in person (usually in the Senate-House). Requests should be made to the Registry, on paper or by email to [UniversityDraftsman@admin.cam.ac.uk](mailto:UniversityDraftsman@admin.cam.ac.uk) from addresses within the cam.ac.uk domain, by no later than 9 a.m. on the day of the Discussion. Any changes to the Discussion schedule will be confirmed in the *Reporter* at the earliest opportunity.

General information on Discussions is provided on the University Governance site at <https://www.governance.cam.ac.uk/governance/decision-making/discussions/>.

<sup>1</sup> Any comments sent by email should please begin with the name and title of the contributor as they wish it to be read out and include at the start a note of any College and/or Departmental affiliations held.

<sup>2</sup> <https://www.scrutiny.cam.ac.uk/> and [https://www.admin.cam.ac.uk/reporter/regent\\_house\\_roll/](https://www.admin.cam.ac.uk/reporter/regent_house_roll/).

## International Working Policy consultation: Responses by Monday, 6 March 2023

Views are sought on a draft International Working Policy by Monday, 6 March 2023. It is proposed that the policy will replace the existing Global Mobility Policy<sup>1</sup> to provide the framework for any paid activity which will take place outside the UK (including fieldwork/research, secondments and sabbaticals). Background information, the draft policy and links to the online surveys are available on the HR Division's webpages<sup>2</sup> (Raven log-in required). The consultation is open to all employees and institutions, but is particularly relevant to those employees that have worked or carried out activities outside the UK in the past, are currently outside the UK or believe they may have a requirement to carry out activity outside the UK in the future.

<sup>1</sup> <https://www.hr.admin.cam.ac.uk/policies-procedures/global-mobility-policy>

<sup>2</sup> <https://www.hr.admin.cam.ac.uk/international-working-policy-consultation>

**NOTICES BY THE GENERAL BOARD****Academic Career Pathways, 1 October 2023 exercises: Committee amendments**

Further to the Notice published on 7 December 2022 (*Reporter*, 6679, 2022–23, p. 182), amendments have been made to the membership of two of the Faculty Committees for the Academic Career Pathways 1 October 2023 exercises, as follows:

## FACULTY COMMITTEES

**1. School of the Physical Sciences**

*Physics and Chemistry*

Professor Mete Atature has been appointed as a member of the Faculty Committee, in place of Professor Michael Payne.

**2. School of Technology**

*Business and Management*

Professor Janet Marillyn Lees has been appointed as the external member of the Faculty Committee.

**OBITUARIES****Obituary Notice**

The Right Honourable RALPH THOMAS CAMPION GEORGE SHERMAN, 7th Baron CAMOYS, GCVO, DL, Honorary Fellow of St Edmund's College, sometime Lord Chamberlain of HM Household and a Permanent Lord-in-Waiting, died on 4 January 2023, aged 82 years.

**GRACES****Grace submitted to the Regent House on 1 February 2023**

The Council submits the following Grace to the Regent House. This Grace, unless it is withdrawn or a ballot is requested in accordance with the regulations for Graces of the Regent House (*Statutes and Ordinances*, 2022, p. 112), will be deemed to have been approved at **4 p.m. on Friday, 10 February 2023**. Further information on requests for a ballot or the amendment of Graces is available to members of the Regent House on the Regent House Petitions site.<sup>§</sup>

**1.** That, on the recommendation of the Council and the Nominating Committee, PROFESSOR ANDREW BRIAN WATHEY, CBE, FRHistS, FSA, be appointed a member of the Council in class (e) for four years from 1 March 2023.

<sup>§</sup> See <https://www.governance.cam.ac.uk/governance/key-bodies/RH-Senate/Pages/RH-Petitions.aspx> for details.

**ACTA****Congregation of the Regent House on 28 January 2023**

A Congregation was held at 10 a.m. All the Graces submitted to the Regent House (*Reporter*, 6684, 2022–23, p. 295) were approved.

The following degrees were conferred:

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*This content has been removed as it contains personal information.*

E. M. C. RAMPTON, *Registrar*

**END OF THE OFFICIAL PART OF THE 'REPORTER'**

## REPORT OF DISCUSSION

**Tuesday, 24 January 2023**

A Discussion was held by videoconference. Deputy Vice-Chancellor Professor Johan van de Ven, *CTH*, was presiding, with the Registry's deputy, the Senior Proctor, the Senior Pro-Proctor and fifty other persons present.

The following item was discussed:

### ***Topic of Concern to the University: Forced retirement***

(*Reporter*, 6679, 2022–23, p. 180).

Professor R. J. ANDERSON (Department of Computer Science and Technology and Churchill College):

Deputy Vice-Chancellor, in 2010, the Equality Act outlawed discrimination on the grounds of a protected characteristic such as age, disability, race, sex, religious belief or sexual orientation, except as a proportionate means of achieving a legitimate aim. This allowed an 'Employer Justified Retirement Age' or EJRA, intended for firms like airlines which sack pilots at 60 when they lose their licenses.

Oxford and Cambridge were the only universities in England to introduce an EJRA for academic staff. Our scheme was intended by the then Registry to give us a few years' breathing space to deliberate a career-long performance management system; we rejected that, but the EJRA stuck. It was copied by Oxford, and justified at both places with claims that it would increase gender equality, promote inter-generational fairness, produce career opportunities for younger academics and improve the age structure of the workforce. Cambridge added innovation and academic freedom to the list of excuses, and pivoted to push the EJRA as the only alternative to career-long performance management. After a consultation in May 2011 and a Report in December 2011, there was a Discussion in January 2012, after which a majority of us voted for the policy.

When the EJRA was reviewed in 2016, I was an elected member of the Council. We were assured that academics who wanted to stay on – and could raise money to pay their salaries – would be able to continue as contract staff. But academics soon started finding that we were not allowed to apply for research grants or contracts that would run past our scheduled retirement date. In my case, I wanted to apply in 2018 to renew a five-year grant from EPSRC for the Cambridge Cybercrime Centre, which supports half a dozen postdocs and research students and collects data used by over 150 researchers at over fifty universities worldwide who investigate online wickedness. Despite the assurances given to the Council, I was not allowed to apply for a grant for 2020–25 as I was due to retire in 2023. We now hear that the University had obtained a legal opinion that the EJRA was dubious in law, and the fewer exceptions were allowed, the easier it might be to defend.

In Oxford, the physics professor Paul Ewart duly took a case to the Employment Tribunal, winning compensation and an order for reinstatement. His victory was based on a statistical analysis that compared Oxford and Cambridge with 21 other Russell Group universities. It concluded that the data showed no evidence of any benefit from forced retirement – and on gender equality, Oxford and Cambridge had actually done worse. That analysis is now online at <https://www.freecambridge.org>. Oxford reacted to the case by restricting forced retirement to senior Professors and raising the retiring age. What should Cambridge do?

The Equality Act 2010 prohibits discrimination based on any of nine protected characteristics. Cambridge now speaks out against discrimination based on eight of them, but still discriminates against its employees based on age. What is more, whenever the current excuses for the EJRA are debunked, new ones are substituted. This requires the University to maintain, develop and extend an ageist narrative, just as the empires of past centuries sustained racist narratives. In that sense, the EJRA is morally corrosive.

The EJRA also places Cambridge at a competitive disadvantage as we lose many of our highest income and research generators. As well as those who leave at 67, others go elsewhere in their early 60s once they cannot apply for grants, while yet others mark time, winding down before they want or need to.

So our retirement policy is not only unlawful and immoral, but commercially foolish. What sensible business would sack thirty of its top sales executives every September?

I therefore selected fifty Professors at random and contacted them. About two-thirds want the EJRA abolished, and one quarter want substantial reform, such as setting the retirement age to 75 – the same as for judges, as one law Professor put it. Only one supported the status quo. In the process I heard many tales of research groups broken up, of stars lost to competitors and of bureaucratic incompetence. Other speakers will tell their own stories.

We must not forget our academic-related colleagues. Given the difficulty of hiring good people on University salaries, it makes no sense to sack loyal, long-serving lab technicians and computer officers for the sin of being 67, when they are willing and able to continue. It would be hard to replace some of them even at double the salary. Even Oxford has stopped sacking anyone other than senior Professors for being old.

It is past time for the Council to produce a Report with a proposal to abolish the EJRA. For now, the Old Schools seem to be following their standard Fabian tactics. A working group has been set up, we are told, that will report to the HR Committee and perhaps we will have a Report some year real soon now.

However, it is unlawful to sack someone unless for a fair reason and following a fair process. The excuses advanced from time to time to support the EJRA do not amount to a fair reason, and we hope that the Employment Tribunal will find so in March in a case brought by a further four Oxford Professors. However, as Oxford's new VC was once responsible for the EJRA, she may appeal and delay a definitive court judgment for years.

Here in Cambridge, our retirement policy provides at section 4.2 that staff must be invited to a meeting with their Head of Department or Institution two years in advance of forced retirement so that the options can be discussed. Although we do have a process for delaying retirement, it has been made complicated and time is needed to prepare a case. I should have been called in for such a meeting no later than September 2021, but I was not. I have since discovered that 66-year-olds in other Departments and Non-School Institutions are in the same position, as is a former member of staff who was sacked at the start of October last year without being consulted in September 2020.

In consequence, an employment lawyer assures me that should the University sack me this September, I will have a case at the Employment Tribunal for reinstatement and compensation. It would be folly for the University to conduct a mass, unlawful sacking in the full glare of the

current press interest. The resulting conflict would also blight our incoming Vice-Chancellor's tenure of office just as the Intellectual Property policy conflict blighted that of Professor Dame Alison Richard.

I therefore ask the Council, first, for a moratorium on sackings under the EJRA until the Regent House has had time to consider and vote on the abolition or replacement of this unfortunate policy; and second, to instruct the Research Office that staff eligible to apply for research grants must be allowed to do so forthwith regardless of any retirement dates.

To those who ask what sort of retirement policy we will have after the EJRA, the simple answer is none. Vice-Chancellors of other universities with whom I've discussed this don't see the need, as they don't experience retirement as a problem.

Finally, if the working group, the HR Committee and the Council seriously entertain any reform other than the complete abolition of the EJRA, then I call on them to provide this House with full data on how the EJRA has really operated so far, including the value of research grants and contracts won by staff over 60 broken down by age; early retirements from age 60–66 by staff who were previously effective fundraisers and their subsequent destination where known; how many exceptions are given per year, together with the proportion who were men in Grade 12 and whether these were more likely to get an extension than women or people on lower salary grades, and the proportion who were academic versus academic-related or administrative officers; and finally how many Professors and other senior staff have been hired with a confidential agreement that the EJRA would not apply to them.

Professor U. C. GOSWAMI (Department of Psychology and St John's College), read by Professor Anderson:

Deputy Vice-Chancellor, I am a female Professor aged 62 years, and I'm one of those members of the Regent House who previously voted in favour of the forced retirement motion. I believed that it prevented 'job blocking', that is the prevention of the election of new University Teaching Officers (UTOs) because older and inactive UTOs didn't retire. I still believe that it is important for Departments to be able to appoint young UTOs, but based on the evidence amassed by Professor Anderson, I no longer believe that forced retirement facilitates this process.

Now that other universities do not force the retirement of active older UTOs, Cambridge is at a clear competitive disadvantage by retaining this policy. I personally currently hold substantial grant funding, with grants running for six and eight years respectively. In 2022 my lab employed twelve young contract researchers. Yet due to my age I am now unable to apply for further long-term funds without a guarantee that I will be retained as contract staff. I have learned that I can only apply once for contract status, meaning that by age 70 my time is up. Yet at a recent conference in Stanford I discovered that the other two female keynote speakers were both aged 76 (one at Stanford, one at Washington). Both were horrified to hear that I can no longer apply for long-term funding because of Cambridge policies regarding my age. Given the Equality Act 2010, it is clearly wrong that Cambridge discriminates on the basis of age.

Professor K. A. MUNIR (Pro-Vice-Chancellor for University Community and Engagement, Chair of the HR Committee, and Homerton College):

Deputy Vice-Chancellor, when the Employment Equality (Age) Regulations were first introduced in 2006, employers were able to retire employees compulsorily at or over the default retirement age of 65, provided they followed a statutory retirement notification procedure.

The default retirement age was abolished in April 2011. Since then, employers have been able to operate a compulsory retirement age provided it can be objectively justified as a proportionate means of achieving a legitimate aim. This is called an Employer Justified Retirement Age or EJRA.

The University currently operates an EJRA for University Officers only, which is at the end of the academic year (30 September) in which the officer reaches the age of 67. This is contained within the University's Retirement Policy,<sup>1</sup> introduced in 2012.

The University does not operate a retirement age for assistant, unestablished research, unestablished academic-related and unestablished academic members of staff.

Since its introduction, the Retirement Policy was reviewed in 2015–16. That review concluded that the EJRA should be maintained at 67 for University Officers. A further substantive review was planned in 2019–20, but this work was postponed due to the Covid pandemic.

On 20 October 2022, the Human Resources Committee agreed that this review would now take place during the 2022–23 academic year, commencing in Lent Term 2023.

The HR Committee will propose a Retirement Policy and EJRA Review Group, which will be academic-led. It will review the terms of the current Retirement Policy and the operation of the EJRA to determine whether they remain fit for purpose. The Council and the General Board expect to publish the Review Group's terms of reference and membership in the *Reporter* by the end of Lent Term 2023.

The Review Group will seek the views of the University community on the current arrangements and any proposed changes, to ensure that feedback is sought from a spectrum of age groups and will report on its findings to the Council and General Board in the first instance.

<sup>1</sup> <https://www.hr.admin.cam.ac.uk/policies-procedures/1-retirement-policy>

Professor R. BOURKE (Faculty of History and King's College):

Deputy Vice-Chancellor, I would like to add some information to this debate based on my own experience. Before coming to Cambridge, I worked at Queen Mary University of London. There we hired three post-retirement historians, two from Cambridge. Both went on to write very major works. They represented a substantial addition to the department in which I worked – in terms of teaching, recruitment and research. One explanation for this lies in the fact that, among outstanding historians, research dividends often come late in careers. In many cases, cumulative experience counts in favour of achievement.

My department in London expanded at the early- and mid-career ends of the profession. In fact, the main expansion happened among early-career academics. Moreover, this was the pattern across London generally: for instance, King's College London and University College London expanded dramatically during the same

period, mainly recruiting early-career historians. This can be seen from their online profiles today. These departments are still well balanced in terms of age. They are not, and have not been, gerontocratic in complexion. Nobody wanted or wants that.

Our experience in London was as follows: some historians retired early, most at the usual age, and some stayed in post beyond 65/67. The latter therefore made up a fairly small minority. Those who remained made very large contributions in terms of what I would call ‘moral leadership’. They also tended to go on fractional contracts – thereby releasing funds for junior posts. In addition, they had strong records of attracting outside funding. Those who wished to work beyond, say, 67 tended to be dynamic. That, I take it, is one reason why they kept going. ‘Dead wood’ might be a worry, but it did not apply in our case. Those who contributed least were in fact mid-career colleagues who had not fulfilled their promise. The most senior (in terms of age) never dominated departmental business: because they were fractional, they got on with their own research and teaching. Given the opportunities for new appointments, combined with the contributions of senior faculty in terms of prestige, inter-generational relations were harmonious. I believe this to be marginally less the case at Cambridge, which, for whatever reason, I have found to be more hierarchical, more conservative, and more trepidatious about new hires.

The main reason for imposing a compulsory retirement age at Cambridge was to increase opportunities for younger scholars. This was a noble ambition. The reverse has been the case. But this is less striking than the situation elsewhere: the retirement cap was lifted everywhere outside Oxbridge in England, and the result has not been *rigor mortis*. On the contrary, as my London examples show, the field was opened up to new talent.

Professor M. H. KRAMER (Faculty of Law and Churchill College):

Deputy Vice-Chancellor, although I very gratefully signed the request for a Discussion that was circulated by Professor Anderson, I respectfully disagree with a couple of the statements in that request. I did not believe in 2011 or 2012 that the retention of a mandatory retirement age by Cambridge was lawful. I argued sustainedly for a contrary view in the May 2011 and February 2012 Discussions. Likewise, I did not think in 2011 or 2012 that most universities would follow the lead of Cambridge and Oxford in trying to preserve a mandatory retirement age. I correctly predicted that very few if any universities would follow that lead.

At the time of the May 2011 and February 2012 Discussions on this matter, the paramount concern which animated most of the people who spoke in support of an EJRA – and which also animated most of the members of the Regent House who subsequently voted in favour of an EJRA – was the putative absence of a system of performance management that would supposedly be crucial if an EJRA were not in place. That concern was prominently expressed in some of the fly-sheets that were circulated for the subsequent vote on the EJRA by the Regent House. I addressed that concern at some length in the 2011 and 2012 Discussions.

For example, I pointed out that in January 2011 the Department of Business, Innovation and Skills (BIS), on behalf of the government, stated in its response to consultation about the 2011 Repeal of Retirement Age Amendment that ‘[t]he Government does not believe that

the [Default Retirement Age] should be used as an alternative to fair and consistent performance management.’ On behalf of the government, BIS simultaneously published a detailed cost/benefit justification of its position against a mandatory retirement age. These official documents make clear that one of the purposes of the 2011 Amendment to the 2010 Equality Act was to disallow the use of a mandatory retirement age as an alternative to an adequate system of performance management.

I also pointed out in 2011 that the main components of an adequate system of performance management for academics of all ages are already in place and operating in Cambridge: procedures for probation, procedures for promotion, procedures for inclusion in the REF, and course-evaluation forms. Although those components might need to be tweaked slightly, they are familiar and of long standing. They obviate the need for any new system that would be heavy-handedly managerial.

Another concern invoked by the supporters of the retention of a mandatory retirement age in 2011 and 2012 was the possibility that large numbers of senior academics would stay in their positions well beyond the age of 67 if the mandatory retirement age were to be eliminated. As all or nearly all participants in this Discussion will be aware, that concern figured saliently in Oxford University’s unsuccessful effort to defend itself against litigation pursued by Professor Paul Ewart. Ewart triumphed against Oxford in large part because he adduced statistical evidence to show that the effect of the retention of a mandatory retirement age on the availability of academic positions at Oxford for younger scholars was trivial. Oxford adduced no satisfactory countervailing evidence, just as Cambridge has heretofore not.

In the 2011 and 2012 Discussions, I impugned the notion that large numbers of Cambridge academics would remain in their positions for substantial periods of time after reaching the currently mandatory retirement age. I pointed to data from the United States, where the mandatory retirement age for academics (and many others) was eliminated in the early 1990s. Across the American university sector as a whole, the percentage of academics staying in their positions past the previously mandatory retirement age of 70 has been slightly under 2%. Since those earlier Discussions, nearly all universities in this country have similarly operated without any mandatory retirement age for academics. There should be ample data pertaining to the proportion of academics at those UK universities who have remained in their positions past the previously mandatory retirement age, and there should be data pertaining to the effects on the availability of entry-level positions for younger academics. If Cambridge University’s administrators believe that their rationale for the retention of a mandatory retirement age is bolstered by those data, then they should present the relevant findings. So far, no such findings have been adduced in support of the University’s position. The data which I have seen are contrary to that position.

Though I have made quite a few other points in my contributions to the 2011 and 2012 Discussions, I will close here with two observations that pertain specifically to our current circumstances. First, at a time when the sluggishness of the national economy is due in part to the substantial decline in the number of people above the age of 55 who are in employment – a decline which was largely precipitated by the Covid pandemic but which has persisted thereafter – the University is operating quite curiously by insisting on excluding academics from employment after they have reached a certain age.

Second, there is no doubt that the retention of a mandatory retirement age has impaired the international competitiveness of Cambridge and Oxford. It has been one significant factor behind the great difficulty encountered by Oxford in filling its endowed Chairs within my main areas of philosophy (political, legal, and moral philosophy). When I unsuccessfully sought last year to encourage a couple of eminent American legal philosophers to apply for the Chair in legal philosophy that was being advertised by Oxford, each of them independently referred to the mandatory retirement age as a major reason for not applying. One of them mentioned that he would probably want to retire at the specified age but that he took exception to the prospect of being forced out if his inclinations were to change. If the administrators at Oxford and Cambridge are endeavouring to change each of those institutions from a leading global university to a regional university, then the retention of a mandatory retirement age is an apt technique for the furtherance of such a perverse aim.

Professor T. W. ROBBINS (Department of Psychology and Downing College):

Deputy Vice-Chancellor, I retired at age 67 in October 2017, vacating then the Chair of experimental psychology and Head of Department posts, but was subsequently employed at 70% FTE until 2020 as an Academic Lead for REF2021 in the School of Biology. I have been treated reasonably well by both Department and College since retirement and am financially solvent through my USS pension (rather fortunately in view of current trends). However, my criticism of the EJRA is not primarily addressed at personal financial concern so much as its possible detrimental impact on the University.

First, I think it has prevented some crowning achievements that might have resulted from the cumulation of highly successful lines of research. In my case, I regret not being allowed by the University to apply to renew my five-year Wellcome Trust Investigator Grant (£3m) as the sole Principal Investigator (PI) for the full period of five years. I was only permitted in 2021 to submit an application for the disadvantageous period of three years and only as a co-PI, which were major reasons cited by the Trust for its rejection. I still fail to see why this application was limited by this University to three years only. The previous Investigator grant, which has led to some quite highly cited work, only finally ended on 30 September 2022.

Second, the University has nevertheless benefited from my loyal and unsalaried contributions in several ways, although not to the maximal extent. Since 2021 I have formulated and applied successfully (as a 'co-Investigator') for three other grants to various organisations for funds totalling over £1m and employing three individuals (two postdocs). I have also been contributing significantly for several years to a strategically important Cambridge–Singapore major collaborative award involving the Cambridge Centre for Advanced Research and Education (CARES), devoting an average of approximately one day a week to this in the last two years. However, as a co-Investigator with no University contract, I can make no formal managerial contribution to these projects, and, in the case of CARES, not help to fulfil a mandatory residential requirement of the University for this research programme (despite travelling twice to Singapore on request to present to Review Committees). I understand that being a co-Investigator doesn't even qualify you to be an unsalaried Director of Research.

I have published about 180 articles (according to the Web of Science) since the age of 67 (about 20% of my lifetime output) and I remain in some citation lists at the top internationally in my fields of Psychology and Neuroscience. Although not wanting to blow my own trumpet, I do wish the University was better able to take credit for these reputational esteem markers. Publications based on my previously funded work are still appearing but will be a waste for future possible University REF submissions, as many of them will not include HEFCE-funded individuals. My William James Fellow award (2021) from the (prestigious) Association of Psychological Sciences presumably will also not figure as a mark of institutional esteem in the next REF.

I am frequently invited to give research lectures, apply to major funding schemes and supervise Ph.D. applicants, many of which I have to decline – and so often nominate younger faculty colleagues in my place to take advantage of these opportunities (which they may otherwise not have). I do continue to advise (and effectively supervise) some Ph.D. candidates (six graduating in the last two years) and several young postdoctoral fellows. I have marked undergraduate dissertations and research projects and helped to organise a regular graduate seminar. I consult for Cambridge Enterprise. So far as I can assess, I am not obstructing other individuals' research or opportunities by using their resources or space.

Hence, I think this contribution to University scholarship, research and mentorship would have made some case for continuing appointment beyond the age of 67, at an appropriate level. Overall, given the examples and experiences of many distinguished retired colleagues, I believe the practice of the EJRA in Cambridge to be anomalous, institutionally damaging (in both the material and reputational sense), disrespectful and discriminatory.

Professor M. S. ROBINSON (Department of Clinical Biochemistry):

Deputy Vice-Chancellor, I have more anecdotal things to say. I am 71. I officially retired at the age of 67 and I did everything I was supposed to in terms of asking to stay on. I said I would not get a salary and it was contingent on my getting a five-year Investigator award from the Wellcome Trust. Both of these were successful, so that's all very well.

But the clock is ticking. I have less than a year and a half on my Investigator award and I will not be able to apply for another grant under the current rules because only one extension is allowed. I get no salary and I've deliberately downsized my lab because I do feel that the younger people should be the ones getting the best students and expanding, but I do need the use of a lab to continue to do original research. So I'm not depriving anybody else of anything. In fact in my Institute, the Cambridge Institute for Medical Research, the junior scientists and academics really wanted me and a couple of other academics in the same sort of category to stay on because we're so useful: we've got experience; we can advise them; we read their manuscripts; we are always open for discussion. So that's one positive thing.

Another positive thing is that for the last couple of years in particular, I've been taking part in several volunteer schemes aimed at talented young A-level and university students from disadvantaged backgrounds to help them either get into a good university or possibly have a career in research. This has included having these young people spend anywhere from one to eight weeks in my lab. But



after a year and a half, I won't have a lab anymore. I won't be able to take part in this kind of volunteer project, introducing young people to hands-on research.

I was just using myself as an example and I'm hardly unique, but I think the problem is that you could be doing your best work ever, you can tick all the boxes of people who are underrepresented, you could be doing a fantastic job for the community at large, and yet you're still booted out at a particular age. Whereas it used to be possible to apply for another extension, this is no longer possible. So I'm out for good and I just feel this is wrong for all of us.

Professor S. BARON-COHEN (Department of Psychiatry and Trinity College):

Deputy Vice-Chancellor, Professor Anderson has mentioned that the EJRA has failed to meet its goals of increasing diversity and so is no longer a justified exception to the Equality Act. I want to focus on the fact that forced retirement on the grounds of age is discrimination and is no different to any other form of discrimination. As Professor Anderson mentioned, there are nine 'protected characteristics' under the Equality Act. These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. All of the nine characteristics, including age, need protection from discrimination.

I spend much of my working life doing outreach, talking about neurodiversity and the need to ensure that work places and educational institutions do not discriminate against people with disabilities, including autistic people. For example, I gave the keynote speech at the United Nations in New York in 2017 on the topic of *Autism and Human Rights*, documenting how autistic people are being discriminated against in almost all parts of society. I do this human rights work because I believe we should strive to achieve a society based on equality, diversity and inclusion. So I find it indefensible, contradictory and embarrassing that although Cambridge University says it believes in equality, diversity and inclusion, it actually discriminates against people based on their age.

We have multiple performance measures, such as the REF and the appraisal system, to end people's contracts if they are not performing their job well, but it is morally wrong to end people's contracts if they are performing well in their job, purely because they have one of the nine protected characteristics.

Professor Anderson mentioned that it makes no economic sense to sack Professors who every year bring in far more income in grants than it costs to employ them – I myself have brought in £10m in the last three years – and it is crazy that we force our top Professors to move to a competitor university a few years before they hit their 67th birthday. The competitor university welcomes them because they do not discriminate on the basis of age.

Of course we would all like to see more Assistant and Associate Professorships created, but these should not be funded by sacking people on the basis of age. I brought in £4m for an endowed Professorship just last year, and this philanthropic donation was made because donors trust senior leaders with strong track records when they are considering making donations on this scale.

But I want to underline the moral case: there would rightly be an outcry if we sacked academics on the grounds of race or gender or because they are disabled or gay, and today we are finally hearing the same moral outrage about age discrimination. All forms of discrimination based on a protected characteristic are equally morally repugnant.

It took our University until 1948 to abolish gender discrimination and to allow women to be awarded degrees and to study here. It is time to abolish the EJRA as a policy based on age discrimination, to bring our University in line with modern views of human rights, as enshrined in the Equality Act.

Professor D. COYLE (Department of Politics and International Studies and Churchill College), read by Professor Baron-Cohen:

Deputy Vice-Chancellor, the EJRA policy has no obvious advantages and several disadvantages to the University. The ones I would like to emphasise are as follows:

First, it makes terrible academic and commercial sense for Cambridge to require unwilling, research-active people bringing in lots of money – which is used for hiring younger researchers – to leave when they are so productive. I am personally concerned that as I approach 67 it is going to be increasingly difficult to raise funds for growing our Institute if it's known I might be forced to leave at that deadline.

Second, only a small number of people would be likely to want to stay on for much longer; and if they are genuinely unproductive that is a management question; a forced-retirement sledgehammer is inappropriate.

Third, the policy has done nothing to improve diversity, so Cambridge should introduce a scheme that works instead. The EJRA has perhaps even let the University get away with not reflecting on genuinely effective diversity policies as early as it could have.

Dr N. J. HOLMES (Department of Pathology):

Deputy Vice-Chancellor, the question of whether the University should have a fixed retirement age is one which arouses considerable passion within our community. I have come here today to speak in favour of the retention of a default retirement age for academic staff. I expect to find myself in a minority of speakers but that does not necessarily mean that my view is held only by the same minority of members of academic staff or the Regent House, which are – self-evidently, though overlapping – different constituencies.

I think it vital, in order to discuss this emotive issue objectively, to try and look at the position in general, not as it may apply to this or that individual or indeed to ourselves. We need to understand that the issue of whether an employer can and should justify a default retirement age is predicated on what the employer can legitimately claim is required in the interests of their 'business'. It is not about what is best for the individual employee or the desires of employees generally.

I spoke at the Discussion, exactly eleven years ago today, on the Joint Report which introduced the current retirement policy including our Employer Justified Retirement Age (EJRA). Statistics then suggested that were we to not introduce an EJRA to perpetuate our long-term retirement policy we would immediately diminish the annual recruitment of academic faculty by about 40–50%. This policy did not introduce retirement at the end of the academic year in which the office-holder turned 67; this requirement was in our Ordinances when I joined the faculty in the 1980s.

I will draw on the experience of my own Department since the EJRA was established in 2012. Earlier this month my Department held a research away-day for Principal Investigators to which we had invited three external

advisors. Their feedback emphasised the vibrant, dynamic intellectual culture on show and one commented specifically on the comparatively young age distribution of our PIs. This has been the result of our ability to recruit many new academic staff in the past ten years. Twenty-one established academic staff have vacated their offices since October 2012; only five of these departures were unrelated to retirement. The proportion of retirements which would have been delayed if the EJRA had not been in place is obviously somewhat uncertain but, from my knowledge of the views of these colleagues – averaging over 20 years – I conservatively put it at about 50%. I do not suggest that these notional eight delaying-retirees would not have done good work had they stayed on, indeed a number were friends with whom I enjoyed a valuable intellectual interaction and in fact miss personally. However, I do assert that in all cases we have recruited excellent young academics to fill their vacancies and that the intellectual environment of the Department has been clearly invigorated as a result. Not only that but our new faculty are driving the Department's research in directions which will sustain our competitiveness over the next ten or even twenty years. It is this injection of new ideas and the advances which the newly-recruited faculty will achieve within their future careers at Cambridge that form the main justification for our EJRA policy.

In order to recruit the best early-career independent Principal Investigators, we must be able to offer them not only genuine independence but also a real prospect of a tenured position, subject only to the normal probationary arrangements. I believe that this need applies to all academic disciplines. It is noticeable that we are experiencing significant problems in recruitment in other areas including fixed-term research staff, but not generally for faculty positions.

Furthermore, though it may not be so in all disciplines, in biomedical research the confidence to tackle the most important research problems depends on a reasonable expectation of security. Not only does the ability to offer this security help us to recruit the most ambitious and innovative young investigators but it helps fulfil the University's mission.

However, our ability to offer tenure-track or tenured positions to new faculty depends on the turnover of academic staff and the evidence, both statistical and anecdotal, argues this recruitment will diminish by 40–50%, at least in the medium term, if we abandon our EJRA. Many contributions from other speakers have suggested that the effects of abandoning our default retirement age will be benign, based on experience of other UK HEIs; I am not convinced that the same effects will necessarily be seen here in Cambridge as there are locally specific factors; to give only one relevant example, most Cambridge faculty have much lower teaching loads than is normal elsewhere.

Having defended ardently our use of a default retirement age, let me say a few things about what I perceive as faults in its detailed operation. When I spoke at that Discussion eleven years ago, I also stressed the importance of not placing unreasonable barriers to staff wishing to carry on working after vacating their offices either in a voluntary capacity or as unestablished Investigators on external funding. These arrangements have become more and more difficult to achieve and I believe that this is one of the key grievances among some staff approaching retirement. At least part of the reason why continued working arrangements have been restricted is concerns about legal challenges to our policy and our usual risk averse legal approach. However, if we accept that the main justification

for the EJRA is to continue recruiting young academics at an adequate rate, to refresh the intellectual environment and to provide a balance of age and experience, then allowing even all those who can present a reasonable case for continuing their research to do so without holding a University Office would still achieve that goal. The exact age at which our EJRA should operate is also a detail which it seems appropriate to review periodically and although I personally think that 67 or 68 is probably the right age at present, clearly this could change, though demographic factors have shifted somewhat in the past eleven years so that a continued increase in life expectancy or state pension age is no longer certain.

Finally, if I may, I will reiterate another point I made eleven years ago. The fairness and feasibility of any EJRA is dependent on the quality of the pension scheme on offer. USS benefits have been reduced twice in the past eleven years. USS is now in surplus and Cambridge has been vocal in advocating bold long-term thinking to enable the sustainable restoration of more generous benefits. To quote from my final paragraph then 'I consider that the restoration of USS pensions to an adequate level of support is an important *quid pro quo* to accepting the EJRA'<sup>1</sup>; I say the same today.

<sup>1</sup> *Reporter*, 6253, 2011–12, p. 428 at p. 437, <https://www.admin.cam.ac.uk/reporter/2011-12/weekly/6253/section7.shtml#heading2-11>

Professor M. GROSS (Department of Pure Mathematics and Mathematical Statistics and King's College):

Deputy Vice-Chancellor, I would like to share my own perspective on the EJRA, having been recruited roughly ten years ago from an American university to a Chair in Cambridge. At the time, the EJRA policy was quite new, and it is clear in retrospect that I was not given good information about its impact. In particular, as there had been no experience in my Department with the policy at that point, I was led to expect that it should be straightforward to obtain an extension. Further, I felt sure that such a clearly discriminatory policy would be quickly seen as barbaric, and would not survive until my dictated retirement age in any event.

Part of this expectation was informed by the US experience, where age discrimination issues have been long settled in law. From 1982 to 1993, universities could not set the retirement age below 70, and then, as a consequence of legislation passed in 1986, all mandatory retirement ages in universities became illegal from 1994. Given also that mandatory retirement age had disappeared at almost all UK universities, it was hard to imagine that such a policy could remain in place for long. Unfortunately, after arriving in Cambridge, I have witnessed any number of disheartening developments.

First, I was shocked by the general nature of the ageist rhetoric being used to justify the retirement age. Given the University's efforts in recent years to avoid discriminatory policies, this was especially jarring. That there were, until now, no visible arguments being presented in favour of ending the EJRA policies was especially discouraging.

Second, based on the cases I have witnessed, it is far harder to make the case for an extension of contract than I had been led to believe. While I had come to Cambridge under the assumption that there would be no difficulty in staying on until age 70 (the age I had set in my mind a long time ago as a good retirement age), it became clear this could not be counted on.

Third, there has been significant degradation of the USS pension situation. Again, when I decided to come to Cambridge, I was able to rejoin USS on the most favourable terms as I had previously been a member. From this, I was able to more or less compute precisely how much I should expect to earn if I retired at age 70. Now it is impossible to make any such predictions, creating a great deal of financial anxiety. This is quite likely to impact younger academics even more. Even the position of the UUK is that we should all be working longer to save more. But what if our employer does not allow us to do so? Given this uncertainty, having the flexibility as to when to retire becomes more important than ever.

I think it goes without saying that if I had been aware of all of these points it would not have been possible for Cambridge to recruit me. Admittedly, the pension situation was not easily predictable, but I feel let down that I was not fully apprised on the first two points.

I have also learned a great deal in finally hearing from others who rightly oppose the EJRA. The situation appears to be even worse than I had imagined. It seems effectively we become second-class employees come age 62 or 63, no longer able to apply for grants or take Ph.D. students. It is very hard for me to understand the logic of these policies, or to understand what benefit such a policy brings to the University or its members.

Professor N. J. GAY (Department of Biochemistry and Christ's College):

Deputy Vice-Chancellor, the EJRA was introduced in 2011 as a response to the abolition of the statutory retirement age. A very thorough Report<sup>1</sup> was produced that identified potentially lawful justifications that were now required for a mandatory retirement policy. These justifications included inter-generational fairness, to complement rights of academic freedom and autonomy, and to compensate for the lack of performance review in Cambridge. The Report was subject to extensive discussion and a ballot of the Regent House attracted a very large majority in favour.

One provision of the EJRA policy is that there should be biennial reviews and it is regrettable that successive Vice-Chancellors, Pro-Vice-Chancellors and Registraries have abdicated this responsibility. After twelve years in operation there has only been one review in 2015<sup>2</sup> which can only be described as 'light touch'. In order to stifle discussion, it was published as a Notice rather than a Report. The conclusion was to double down on the EJRA policy and indeed to make it even more restrictive.

In 2018, responding to two Employment Tribunal cases, the University sought detailed legal advice from a leading Counsel in employment law. At that time Counsel advised that the University had only a 50% chance of winning the Tribunal cases. They also emphasised that in defending the EJRA it was necessary for the University to show that the justifications were not only lawful in themselves but were proportionate and able to achieve the intended goals. In the event the University settled one of the claims and the second case was discontinued.

The only other English university that has an EJRA is Oxford, where it has generated considerable unrest. There have been a number of Employment Tribunal cases and two of these have now been considered by the Employment Appeal Tribunal (EAT).<sup>3</sup> In upholding physicist Professor Ewart's Tribunal decision that he was unfairly dismissed, the EAT commented that the justifications for the Oxford EJRA, which are mainly the same as ours, are potentially

lawful but are found to be disproportionate to the severe discriminatory impact on the employees affected. Explaining its decision in more detail the EAT concluded *inter alia*:<sup>3</sup>

the discriminatory impact on the employees concerned was 'severe', observing that this directly discriminatory measure gave rise to 'a lasting and final impact on the basis that someone is highly unlikely to be able to return to an active research career at a university once dismissed at that age' [emphasis in the original]

and

because even those who were granted an extension suffered a detriment in having to vacate their substantive post and move to a time-limited position, which could (as the evidence demonstrated in Professor Ewart's case) impact upon their ability to obtain funding for (and thus participate in) particular research projects.

Prof Ewart was also able to present evidence that after ten years of operation the EJRA had caused an increase in vacant tenured posts of just 2.5%, a figure described by the EAT as insignificant and disproportionate to the very severe age discrimination that the policy causes. We do not know what the corresponding figures are for Cambridge because the UAS and HR keep this information strictly secret. Nevertheless, it is highly likely that the Cambridge EJRA will also be found disproportionate. The Employment Appeal Tribunal is a superior court of record having the same legal authority as the High Court. Therefore, given that the objectives of the Cambridge EJRA are almost indistinguishable from those of Oxford, it is also likely to be unlawful.

I would also like to respond to Dr Holmes' point that the EJRA caused a 40% increase in young recruitment. In actual fact Professor Ewart found that those who would have wished to stay on only wanted to stay for two or three years and therefore the system would reset very quickly and come to an equilibrium that would be the same as it was before unless new posts are created. So if there is an effect, it's temporary and time limited.

More than a year has elapsed since the EAT judgment was published and I am disappointed that the University has only now instituted a review of the policy. I hope and expect that the members of the Review Committee will be representative of the Regent House, that the review will be thorough and transparent and that it will report in timely fashion. As it is clear that on the balance of probabilities the current EJRA policy is unlawful, I also call on the Council to suspend its implementation until the outcome of the review is known.

<sup>1</sup> *Reporter*, 6249, 2011–12, p. 347, <https://www.admin.cam.ac.uk/reporter/2011-12/weekly/6249/section6.shtml#heading2-22>

<sup>2</sup> *Reporter*, 6435, 2016–17, p. 2, <https://www.reporter.admin.cam.ac.uk/reporter/2016-17/weekly/6435/section1.shtml>

<sup>3</sup> [https://assets.publishing.service.gov.uk/media/6151f054e90e077a3078f960/The\\_Chancellor\\_Masters\\_and\\_Scholars\\_of\\_The\\_University\\_of\\_Oxford\\_v\\_Professor\\_Paul\\_Ewart\\_EA-2020-000128-RN.pdf](https://assets.publishing.service.gov.uk/media/6151f054e90e077a3078f960/The_Chancellor_Masters_and_Scholars_of_The_University_of_Oxford_v_Professor_Paul_Ewart_EA-2020-000128-RN.pdf)

Mr D. J. GOODE (Faculty of Divinity and Wolfson College): Deputy Vice-Chancellor, back in 2012 I, like many others, voted in favour of retaining our Employer Justified Retirement Age (EJRA), having been persuaded that it would do the job it was touted as being intended to do. Since then, I have seen plenty of colleagues and friends retire. Some were glad to go; others less so; and some had to be – metaphorically speaking, of course – shoved unceremoniously out of the door against their every wish.

I don't think that the EJRA has worked to the advantage either of individuals who do not want to go, or the University as a whole, and I am pleased we are now revisiting it. I hope that the Council and General Board's review of the policy results in a straightforward 'Do you support the University's continued discrimination against its members on the grounds of a protected characteristic – *Placet* or *Non placet*' ballot of the Regent House, so we can ensure that it is the EJRA, rather than yet another cohort of talented and experienced and willing colleagues, that is shown the door.

Mr R. S. HAYNES (University Information Services):

Deputy Vice-Chancellor, I am a University Senior Computer Officer based in the University's Information Services, and a long-standing UCU member.<sup>1</sup>

With much appreciation for those who helpfully raised this Topic of Concern, it is good to mention both University and union here, because together we commit ourselves to matters of justice, along with the well-established concerns for EDI – that is equality, diversity and inclusion. More recently, other universities and institutions have been adding justice to the other key concepts of EDI to form an even more memorable acronym of JEDI. It is for matters of justice, as well as equality, diversity and inclusion that we must seriously rethink the principles as well as the impact of continuing to try to justify discrimination on any basis, including that of age.

In the article 'It's Time to Retire Retirement', a McKinsey award-winner in the *Harvard Business Review* of March 2004,<sup>2</sup> the authors Dychtwald, Erickson and Morison indicate that institutions have

largely neglected a looming threat to their competitiveness: a severe shortage of talented workers. The general population is aging and with it, the labor pool. People are living longer, healthier lives, and the birthrate is at a historical low.

We know that we have challenges with recruitment and retention, including as was alerted by Pro-Vice-Chancellor Kamal Munir last term – and of course we are not alone among UK institutions. Given that, we also know that some of our older, very experienced and productive staff have accepted their forced retirement here and taken up posts at Oxford and elsewhere where they are not so hampered by the EJRA.

The *Harvard Business Review* article is succinct in indicating that: 'It's not good business to push people out the door just because your policies say it's time.' It is even more emphatic in stating that:

The problem is pretty clear. Workers will be harder to come by. Tacit knowledge will melt steadily away from your organization. And the most dramatic shortage of workers will hit the age group associated with leadership and key customer-facing positions. The good news is that a solution is at hand: just as companies are learning to market to an aging population, so they can also learn to attract and employ older workers.

We know from the Employment Tribunal cases involving Oxford colleagues that it will be difficult to be convincing in the courts that there is any remaining justification for the EJRA. Professor Paul Ewart showed that, given the statistics, the key aim for the retirement policy had 'trivial' impact in actually recruiting younger staff. In addition, the tribunal found that:

There can hardly be a greater discriminatory effect in the employment field than being dismissed simply because you hold a particular protected characteristic.<sup>3, 4</sup>

We would do well to take the moral and likely legal high road here and end this discrimination, serving our commitment to staff and our grounding in justice. It will show our willingness to review and learn, as a community itself dedicated to learning, and to constructively manage change when time and circumstances press us to do so. Given the number of exemptions we have to the EJRA, which have grown along with the intentional growth of unestablished staff posts, the prime focus for discrimination is on those appointed as University Officers. This surely would make any attempts to justify continuance of the EJRA even less tenable in the courts, or in our own community.

A failure to swiftly rescind the EJRA and adapt to the now clearer and fairer JEDI position will without doubt mean a series of expensive legal challenges, as others have had, at least one of which cannot help but to win, given those experiences elsewhere. In addition, we can expect reputational damage given apparent opposition against the public principles of justice and staff support, which would be unavoidably interpreted from that stance.

Just as Oxford has done, we plan to review the EJRA, and according to HR's retirement policy website<sup>5</sup> that review was delayed by the pandemic, so is overdue. We are promised a working party during this academic year, and it will be helpful to hear more about those plans, including its scope and hopefully concentrated timetable. As a query to HR and the Council, how soon will we hear more about those plans, and echoing other contributors can we suspend the now dubious EJRA until completing that review?

<sup>1</sup> University and College Union, <https://www.ucu.org.uk>.

<sup>2</sup> <https://hbr.org/2004/03/its-time-to-retire-retirement>

<sup>3</sup> <https://www.belfasttelegraph.co.uk/news/education/oxford-reinstates-ni-professor-paul-ewart-after-he-is-forced-to-retire-at-70/39626024.html>

<sup>4</sup> <https://cherwell.org/2020/01/26/university-ignore-tribunal-ruling-on-discriminatory-retirement-policy>

<sup>5</sup> <https://www.hr.admin.cam.ac.uk/policies-procedures/1-retirement-policy>

Professor B. J. EVERITT (Department of Psychology, former Master of Downing College, and former Provost of the Gates Cambridge Trust):

Deputy Vice-Chancellor, I was 67 in 2013 when I was required to retire from my University Professorship. I was given an initial Voluntary Research Agreement (VRA) so as to be able to continue leading my research group since my five-year £3m MRC Programme Grant still had three years to run (the VRA had been approved prior to my submitting this grant proposal two or so years earlier when I was 65). This allowed four postdocs to continue in employment and two Ph.D. students to complete; the grant also supported three co-Investigators in the Department and several independently funded visiting postdoctoral researchers. I continued working in the Department at what might conservatively be estimated to be 50% of full

time without a stipend. However, the conditions of the VRA were completely incompatible with leading this research as it precluded line management of postdoctoral research staff (required by the terms of the MRC grant) and the supervision of graduate students, so my capacity as a mentor was intentionally constrained by the University.

Two years into my 'retirement', when I was 69, a new Programme Grant proposal had to be submitted if the group's research on the neuroscience and psychology of drug addiction was to continue (this was the only programme grant in this area of research in the UK). I contacted the MRC to inform them that, as my VRA was about to expire, my intention was to be a co-applicant on the application that would be led by a more 'junior' co-Investigator. In a detailed discussion with a Programme Manager at the MRC, it became clear that the MRC would be very unlikely to consider a large Programme Grant application from colleagues who had no experience in managing such a large programme or, indeed, smaller MRC project grants. So, either I had to submit the application, or my co-Investigators would each have to submit independent, smaller, three-year applications and not a much more extensive five-year, group-consolidating programme renewal.

Fortunately, I was given an extension to my VRA that covered the full five years of the new £4m MRC Programme Grant which was submitted and funded in full. This therefore supported three co-Investigators who were HEFCE-funded members of the Department and six different postdoctoral researchers over what turned out to be six years, as I received a one-year Covid extension. Hence, since my enforced retirement, I have been able to fund and conduct research, publish regularly, and employ or support the research of some eight postdoctoral researchers, enabling them to develop their careers. All this was without a University stipend, which meant that many of my research outputs (77 papers to date with several in process of being written or submitted) could not be included in the recent REF unless a co-author was a HEFCE-funded member of the Department.

Had I not been allowed a second VRA, which I understand is now against the University's policy, the last six years of successful research would not have been possible, and several postdoctoral researchers would have been denied an important early career opportunity. But in any case, the University has not been able fully to benefit from my research publications and achievements through inclusion in the REF.

On a more personal note, during the nine years since my enforced retirement, I was elected President of the Federation of European Neuroscience Societies (2016–2018), and subsequently elected President of the Society for Neuroscience (2019–2021) – the first non-US neuroscientist ever to be elected to this role in the world's largest international neuroscience society in its 50-year history. I was also awarded the Croonian Medal and Lecture in 2021, the Royal Society's premier award in the biological sciences. I mention these awards and honours not to be boastful (there are many more distinguished than I in the University), personally pleasing though it is to have this recognition, but to emphasise that the University was unable to take any pleasure or gain from them as 'esteem indicators' in the REF, as I am not HEFCE-funded and not, therefore on the University's books.

The excellence of the University is rooted in the achievements of the individuals that are members of the academic body, but it forfeits the full value of their achievements in enhancing its reputation by its forced

retirement policy. Surely there is more to be gained than lost by continuing to employ internationally renowned and active academic staff. If this employment were at a suitable part-time rate, it would not prevent recruitment of younger faculty.

The University has not benefited from enforcing retirement at the young age of 67 (something my US colleagues view with amazement), which causes the loss of high-level research and the publications arising from it, the loss of mentorship of postdoctoral and graduate student researchers, and reputational loss as it cannot bank the internationally recognised success of 'volunteer' researchers. This is not about money, as I am fortunate to have a good pension as a time-served academic, but that will not obviously be the case for those who follow. The EJRA has damaged the University and its reputation while not delivering what was suggested to be its benefits. It should be abandoned.

Professor E. F. BIAGINI (Faculty of History and Sidney Sussex College):

Deputy Vice-Chancellor, I am a historian and I would like to add to this debate from my own experience and from the perspective of the humanities. Historians sometimes explore counterfactuals, which are described as our equivalent of experiments; for a discipline like ours, *real* experiments cannot be carried out or would be very expensive if they could.

In the case of a mandatory retirement age for academics we have the perfect counterfactual – not a thought experiment, but a real-life large-scale experiment, and an expensive one. What would happen if we removed the compulsory retirement age for academics? This has been done in most other universities to the extent that Cambridge and Oxford stand out as the exception. Perhaps *we* are the experiment after all!

What we see is that in London and the United States academics carry on research, teaching and leading research groups without a compulsory retirement age. Is there any evidence of these universities suffering as a consequence? *Anecdotally*, we can all think of colleagues who, upon retiring from Cambridge, moved to London or to some university in the US, where they continued to produce major works and remained as productive as ever.

*Statistically*, this impression that academic output is *not* affected by age is confirmed by various studies published since 1990. In fact, a considerable proportion of academics in Britain and elsewhere start slowly in terms of publication output, before spiking late in their careers. Others publish steadily over time with ups and downs related to life cycles, for example, the need to look after young families in mid-career before peaking up when they join the group of the 60-year-old.<sup>1</sup> In particular, this is the case in the humanities and the social sciences for various reasons which would be too long to explore here. But as one academic commented when he was interviewed by the *THE* in 2017:

If I look at my own work, I'm much more productive now, approaching retirement, than I was when I was younger, and the work is more significant now – you can get a 'view from the bridge' as you gain experience and knowledge of the field.

With accumulation comes perspective. So quality changes as well as quantity. In the early stages of my career, I would take a narrower and more cautious approach – trying to press the right buttons. Now, I'm more focused on what is important.<sup>2</sup>

This is also my experience. I would add that I am now more interested in exploring new techniques, innovative methods and ambitious research projects, partly because I know that I can take risks, and partly because at this stage in my career I enjoy a wider perspective on my field and this provides me with a greater ability to see opportunities for collaboration across disciplinary boundaries.

One old argument in favour of mandatory retirement was that about ‘inter-generational fairness’, i.e. that mandatory retirement created more opportunities for young academics to obtain posts. This was predicated on the assumption of a primarily *national* labour market for academics – but nowadays we have a *global* one, for both junior and senior academics. Moreover, the ‘inter-generational fairness’ argument assumed that academics were primarily *individual* researchers, and their retirement was somebody else’s chance in a zero sum game. However, the situation is nowadays very different. Many of us have secured major research grants and are successfully fundraising. A colleague of mine based in London has secured two major research grants for a cumulative value of over £3m, and has now been shortlisted for a second ERC grant. This happened since she turned 60 several years ago. Meanwhile, this same colleague established a whole new privately-funded institute, which gives permanent employment to one other academic and offers three postdocs. This person is obviously exceptional, but even I – and I operate on a more modest and perhaps typical scale for the humanities – have submitted or prepared my main research grant applications since turning 60, and I have been successful enough in attracting funding that I have secured the long-term employment of one junior academic and the temporary employment of one postdoc and one digital humanities assistant.

I have argued that there are solid *academic* reasons to remove the current mandatory retirement age, but there are also *economic* reasons. If we consider the increase in national life expectancy and the crisis of the USS scheme, I would say that the case for abolishing the mandatory retirement age becomes unanswerable.

<sup>1</sup> For example, S. Kyvik, ‘Age and scientific productivity. Differences between fields of learning. Age and scientific productivity. Differences between fields of learning’, *Higher Education*, 19:37–55 (1990); Sharon G. Levin and Paula E. Stephan, ‘Research Productivity Over the Life Cycle: Evidence for Academic Scientists’, *The American Economic Review*, March, 1991, Vol. 81, No. 1 (March, 1991), pp. 114–132.

<sup>2</sup> Cited in R. Pells, ‘Scientists bust myth that academic productivity declines with age’, *Times Higher Education*, 20 October 2017, <https://www.timeshighereducation.com/news/scientists-bust-myth-academic-productivity-declines-age>

Professor S. M. OOSTHUIZEN (Professor Emerita of Medieval Archaeology and Wolfson College):

Deputy Vice-Chancellor, I am a Senior Fellow of the MacDonald Institute in the Department of Archaeology and an Emeritus Fellow of Wolfson College. I note that I am one of the few women participating in this debate.

The EJRA additionally discriminates against women whose academic careers are already adversely affected by their gender. My testimony, while personal, is representative of the experience of many other academic women in the University.

In the summer of 1976, when I was in my early twenties, I was planning to begin my Ph.D. in the following autumn and to complete it in 1980. Those plans were disrupted by the birth of the first of my three children in 1977, and the

last ten years later. For the next 28 years, until the youngest left home, sole weekday caring responsibilities lay with me. I do not regret that responsibility; I do regret my gender.

Unable to follow the traditional route into full-time academic employment, where time permitted I undertook part-time undergraduate teaching for the University and carefully focused independent research projects, allowing me against the odds to build up a solid publication record.

It was not until 2000, when my youngest child went to secondary school, that I was finally able to begin my Ph.D. My dissertation was submitted in 2002 under the dispensation of the General Board. In 2018 I was promoted to Professor, something that I might have expected in 1996 had my gender been different.

As it happens, personal reasons – once more gender-related – forced my early retirement at the end of 2018. Yet even had that not been the case, the EJRA would still have put an end to my career within another two years. The double whammy of gender and the EJRA would have reduced the length of my academic career to just 18 years rather than the 40 years that I might have expected had I been a man. That only one in four Professors in the University is a woman offers an indication of the potential double impacts of gender and the EJRA.

At the time that the EJRA was imposed, I was convinced by the argument for inter-generational fairness. But the experience of implementation here and in Oxford, discussions with colleagues, and reflection on the combined impacts of gender and the EJRA, together brought into an unforgiving light the principle fudged by the EJRA that there can never be any justification for discrimination. Today offers an opportunity to put that error right. I hope the University will withdraw the EJRA.

Professor J. A. CROWCROFT (Department of Computer Science and Technology, and Wolfson College):

Deputy Vice-Chancellor, the University’s exceptional policy of forced retirement has a negative impact long before the incept date.

I have just shy of three years to the end of my current contract with Cambridge University, but already, for the last two years, I have been prevented from applying for five-year grants. This rules me out from several sources of funding, including the prestigious ERC advanced grants, and also UKRI programme grants.

I have been contacted by colleagues around Europe and the UK asking if I want to lead, or be a partner in, various such projects, e.g. for recent calls for communications and AI hubs, for which I would be a natural Principal Investigator (PI), and I have had to decline. This, coupled with the fact that I cannot take on new Ph.D. students as of this year (and I have had 58 successful Ph.D. students in my career of 40 years) means that my research in Cambridge is almost completely stalled.

Far from being able to work up until the age of 67, this means that the end of my research activities with the University started when I was 62.

In the presence of such a planning blight, like many others I have sought positions elsewhere; almost anywhere else would, of course, take me on.

As well as the usual funding agencies, I have also been very happy to receive, for Cambridge University, significant unrestricted gifts from a number of sources. These will all, of course, cease when I leave. In all cases, I have always strived to involve junior colleagues in past

activities, funding up to four Ph.D. students for them, each year, and the negative impacts I have described will have a far more serious effect on them than on me.

I cannot believe that this is the right way to manage the so-called ‘twilight years’ of a research career, years I would like to stress in which by any measure, my activities abound (REF return, annual professorial report, student feedback, exam results for Tripos and Masters courses I teach).

It seems that the EJRA is being employed with very poor justice by my employer, and in a way that displays no form of self interest, enlightened or otherwise...

Professor S. D. GUEST (Department of Engineering and Trinity Hall):

Deputy Vice-Chancellor, I support the retention of a fixed retirement age for many reasons, most of which were rehearsed in some excellent contributions to the Discussion on this topic eleven years ago. Unlike the signatories to the request for this Discussion, I do not consider that anything fundamental has changed since then.

Today, I want to discuss a key consequence of removing the fixed retirement age – the ‘Performance Management’ that we have heard about earlier. Academic staff who are University Officers at Cambridge are allowed unrivalled latitude in plotting their own paths through an academic career, and this is a key element of the vibrant success of the University. We are remarkably free of the managerialism that I see in many other universities. A fixed retirement date is a necessary part of that bargain.

Consider the situation if there were no retirement age. It would, on occasion, be necessary to tell someone that it was time to go. But how will the necessary assessment of competence be made? For we cannot assess only older University Officers, as this would be discriminatory. Rather, we will have to be prepared to make regular assessments of all University Officers, and be prepared to sack those who were not performing, whether due to declining capability in old age, or for any other reason.

At present, the University of Cambridge is good at finding, nurturing and hosting outstanding academics. The University of Cambridge is not good at management. The intrusive management of all academic staff that would be necessary following the removal of the retirement age would undermine the excellence of the University.

I am perfectly in favour of allowing University Officers to continue to contribute to the University after their retirement age, but this must not be at the expense of the freedoms that we now enjoy before the retirement age.

Dr M. K. SZUBA (Department of Applied Mathematics and Theoretical Physics):

Deputy Vice-Chancellor, although I still have quite a few years to go until my own retirement, I was shocked to learn that mandatory retirement is still in effect at the University. I hadn’t seen it practised anywhere for quite a long while, and frankly speaking, it reminded me of my youth in the Eastern Bloc.

One of the reasons for me to consider this policy harmful to the University is that in the case of fields in which a lot of research and development is conducted by the private sector, such as information technology, it might steer researchers away from academia and into industry. It used to be that while private research offered better funding and higher salaries, university researchers benefited from other

perks such as greater freedom. Many of these perks – increased job security for instance – have already been lost. I feel strongly that the policy of forced retirement further deprives the work environment of the University of what should make it unique – which can and likely will make many decide that if they’re going to be treated the same way here and there (sadly, ageism is not uncommon in IT companies), they’d rather go where they can earn more money before being forced out.

For the sake of everyone among us who is nearing their retirement age and with whom I stand in solidarity, I very much hope that this harmful and (everything else aside) discriminatory policy will soon be abolished.

Professor B. J. SAHAKIAN (Department of Psychiatry and Clare Hall), read by the Senior Proctor:

Deputy Vice-Chancellor, the policy of forced retirement also discriminates against women, since many will have had one or more periods of maternity leave, but they must still retire at age 67.

In addition, due to delayed networking internationally and other factors associated with childcare, woman may have had a delayed career trajectory relative to their male colleagues, so just as they get into the height of their career, they are forced by the University to retire. Forcing women to retire at age 67 who have taken maternity leave is particularly against the recently established policies and programs trying to assist women in returning to work and reaching the highest grades in their career, i.e. breaking the glass ceiling.

Professor J. R. Spencer (Emeritus Professor of Law and Selwyn College), read by the Senior Proctor:

Deputy Vice-Chancellor, since retirement I have kept out of University politics. But on this occasion I thought I could make a useful contribution by giving the perspective of someone who retired under the existing rules.

In brief, I am still as strongly in favour of the mandatory retirement age as I was when the issue was last debated, shortly before my own retirement nine years ago. The need to avoid promotion blockage for the young seems just as strong as ever. And so too does the equal need to avoid the introduction of extra checks on how we do our jobs in the hope – probably a vain one – that the less useful oldies can be ‘managed out’.

What I can now add is a word of advice to those approaching the retirement age based on my own experience since retirement from the Law Faculty.

It is: ‘Come on in, the water’s lovely!’

The pension we receive enables us to live in comfort and security. For those who wish to remain academically active, the University lets us keep our University email accounts and our Raven passwords, and hence access to the University’s store of databases etc; and in the Law Faculty at least, we continue to enjoy the help and support of the computer office. These practical benefits are huge and make the transition to retirement easy for those who wish to continue working while their complement of neurones remains basically intact.

For those who are prepared to go on teaching, and are still competent to do so, the Colleges will be glad to let you go on supervising. And if the Faculty has an unexpected need it may ask you to examine, or to fill an unexpected gap in the lecture timetable – and if you do not wish to do this you do not have to, and can spend your time doing other things that you prefer.

For the few whose expertise is genuinely irreplaceable, and by the University genuinely still needed, exceptional arrangements can be made.

For the majority, of whom this is not true, the good of the academic community in Cambridge requires them to retire. And I see no good reason why they should not do so.

Professor G. R. EVANS (Emeritus Professor of Medieval Theology and Intellectual History), read by the Senior Proctor:

Deputy Vice-Chancellor, Cambridge took the decision to enforce a maximum retirement age for University Officers in response to legislative changes under the Equality Act of 2010 which came into force from 6 April 2011. Those removed age-based compulsory retirement unless an employer could justify it ‘objectively’ as a ‘proportionate means of achieving a legitimate aim’. Defining such ‘aims’ was therefore of the first importance and remains so. I want to suggest that the academic employment arrangements in the University have since changed so radically as to make the ‘aims’ still being relied on no longer defensible.

A Review was carried out in 2015–16. Its conclusions were published in a Notice in the *Reporter* on 21 September 2016. It did not suggest discontinuance of the EJRA and retained the aim of ‘enabling effective succession planning’, but a new aim was to be added, ‘helping institutions to plan their staffing structures to allow maximum effectiveness across their activities’. ‘Effectiveness’ was not defined.

The ‘Retirement Policy’ (EJRA) is at present on the HR website, dated 2019 but ‘updated August 2021’.<sup>1</sup> It sets out the four ‘aims’ at present being relied on. The first is to ‘ensure inter-generational fairness and career progression’, followed by to ‘enable effective succession-planning’; thirdly, to ‘promote innovation in research and knowledge creation’ and finally to ‘preserve academic autonomy and freedom’.

The stated ‘aims’ have to be ‘proportionate’ in order to be lawful. In *P. Ewart v. Chancellor, Masters and Scholars of the University of Oxford* (2017)<sup>2</sup> a statistical analysis was relied on as showing that there was insufficient evidence that the application of Oxford’s EJRA had resulted to any considerable extent in the vacating of posts which were then filled by younger scholars or had improved ‘career progression’. That would in itself leave the possibility of ‘effective succession-planning’ in doubt. No analysis of such effects in Cambridge has been attempted. Nor, it appears, has any connection been made between the continuation of those aims and the present academic employment scene which is now quite different from that of 2011–12.

In 2011–12 academic posts were normally University offices, with the result that ‘the number of posts at a senior level’ were ‘in practice finite and significantly fewer than at more junior levels’. ‘Succession-planning’ applied therefore to posts which continued to exist when vacated and would become available to be filled by new appointees. Note does not seem to have been taken of the fact that in the case of personal Professorships and Readerships the additional funding for the higher salary is *ad hominem* so the vacancy to be filled when the holder retired or resigned would be at that ‘more junior’ Lecturer level, simply adding to those aspiring for more senior appointments. Only in the case of a Professorship or Readership established as an Office in its own right could there be a replacement appointment at that level.

The annual promotions round requiring the established Lecturer salary to be added to to fund a Readership or Professorship has long been funded for a number of successes agreed on for that year on the advice of the General Board and Council. But recently there has been a proliferation of unestablished academic posts, opening up far more numerous possibilities of appointment and progression and automatically invalidating the ‘aims’ ensuring ‘inter-generational fairness and career progression’, and enabling ‘effective succession-planning’. Unestablished posts require funding additional to that for Offices. How is that additional expenditure being balanced against finding funding for promotion of University Officers?

Apart from University Officers, HR now lists alongside ‘assistant staff’, ‘unestablished research’, ‘unestablished academic-related’ and ‘unestablished academic’ staff.<sup>3</sup> None of these are subject to the EJRA, leaving only University Teaching Officers forced to retire at 67. A funding argument for this enforced retirement now seems hard to sustain.

A further significant change, driven largely by the continuing need to solve the longstanding problem of the perceived unfairness of the promotions procedure, has been the invention of Academic Career Pathways.<sup>4</sup> The connection was recognised by the title of a Report of the General Board on arrangements for senior academic promotions published on 10 May 2018. Transfer from an unestablished post in Teaching and Scholarship to Professorial level at Grade 11 or 12 is not possible because a Professorship has to be established by Grace. However, a shortage of these senior academic offices can be dealt with by creating some more for deserving candidates instead of forcing existing holders to retire to make space. That can be achieved by publishing a Report proposing the establishment of a ‘personal’ Professorship for a named individual. This solution has been accepted in a Teaching and Scholarship case.<sup>5</sup>

So although the first and second of the aims identified in the original proposals promised the improvement of ‘inter-generational fairness and career progression’, on the grounds that:

the removal of a retirement age in the case of established officers would lead to a detrimental imbalance in the spread of ages and experience across this core section of the University’s workforce, and would in turn adversely impact the career prospects of those at the outset of their academic careers.<sup>6</sup>

This seems no longer at all clear. Nor does ‘succession planning’ look the same as it did in 2011–12 or 2015–16.

The fourth aim, that an EJRA would tend to ‘preserve academic autonomy and freedom’, depended in 2011–12 on the assertion that Officers of the University had

the benefit of unique and specific protections which preserve academic autonomy and freedom throughout the course of their careers.

That statement relied on the provisions of Education Reform Act 1988 s.202(2) and the Statute embedding the resulting procedures, now in the Schedule to Statute C. However this protection is no longer confined to University Officers. Higher Education and Research Act 2017 s. 2(8)(c) protects ‘the freedom within the law of [all] academic staff at English higher education providers’. This can no longer be a ground for confining the EJRA to University Officers.



Surely things have changed so extensively that any continuation of an EJRA in Cambridge would now have to be justified afresh? Could it be?

<sup>1</sup> [https://www.hr.admin.cam.ac.uk/files/retirement\\_policy\\_2019\\_final\\_updated\\_2021.pdf](https://www.hr.admin.cam.ac.uk/files/retirement_policy_2019_final_updated_2021.pdf)

<sup>2</sup> Case number 3324911/2017

<sup>3</sup> <https://www.hr.admin.cam.ac.uk/policies-procedures/1-retirement-policy/9-annual-timetable-submission-applications-extend-employment>

<sup>4</sup> [https://www.acp.hr.admin.cam.ac.uk/files/acp\\_guidance\\_v1.2\\_14\\_september\\_2022.pdf](https://www.acp.hr.admin.cam.ac.uk/files/acp_guidance_v1.2_14_september_2022.pdf)

<sup>5</sup> *Reporter*, 6662, 2021–22, p. 549.

<sup>6</sup> *Reporter*, 6249, 2011–12, p. 347.

Professor D. S. ABULAFIA (Emeritus Professor of Mediterranean History and Gonville and Caius College), read by the Senior Proctor:

Deputy Vice-Chancellor, I was a member of the University Council when the decision was made to retain retirement at 67. I supported the move because I could see that opportunities for younger scholars, already limited, would become even more restricted if we did not maintain a turnover. However, I share the impression that things have not worked out as intended. In the Humanities and Social Sciences, rather than permanent posts for outstanding young scholars, we see a proliferation of short-term appointments in this and other universities, which is ironic when you consider that University Assistant Lectureships, tenable for a maximum of five years, were abolished about two decades ago. Nowadays filling in for absentee academics who have secured major grants is what provides young scholars with a basic income and experience, but it is also extremely disruptive to those with families, those seeking to purchase a place to live, and those with their own research projects that might have to be laid aside while writing scores of lectures to replace an absentee. A celebrated book about learned medieval scholars by Helen Waddell was entitled *Wandering Scholars*. Well, wandering scholars are back, and it is not necessarily a good thing. We therefore need to look carefully at the success or otherwise of the EJRA in opening the door to younger scholars.

But there are also issues concerning people at the other end of their paid career. The idea that academics should undergo some sort of assessment as they pass a certain age barrier to see whether they should go sooner or later is very questionable. Some of us have already expressed serious reservations about the prodigious expansion of so-called Human Resources departments within this University, and within wider society. The danger that academics will be assessed according to criteria derived from EDI, Critical Theory and other current pieties is acute, especially in the case of those who have had the courage in the last few years to defend freedom of speech within the University. Very strict guidelines would be needed to prevent any chance of abuse.

Retirement should be a gentle slide, not a sudden fall of the guillotine. Some of us are fortunate enough to be able to maintain close links with our College. But it was odd to discover not long ago that the History Faculty website had erased the web pages of Emeritus members, even though many of them remained active members of the Faculty – often more likely than over-worked serving members actually to attend seminars. All sorts of information about what is happening in my Faculty simply does not reach retired members, even though there is a special email list

for us. If the assumption is that we are not particularly active in research, the truth is that many of us are even more research active without our teaching obligations. Of course we should give newly appointed staff the opportunity to take on Ph.D. students who might in earlier days have come to us for supervision; but sometimes people apply to Cambridge because of us, and that often means that we are the only people here in that particular field of study, with the result that they go to a rival university instead. I am reminded of the story in the Brother Grimms' Fairy Tales where a little boy asks his parents why his grandparents don't eat at the same table, but eat their food out of a trough with a wooden spoon, and whether he should make the same arrangements when his parents are older. This shames the child's parents into inviting the grandparents to eat at the table off proper plates. Yes, we too are part of the University community, which will celebrate our prizes and other successes but otherwise easily forgets we are here.

Whatever decision the Regent House makes about the EJRA, there needs to be an arrangement by which those who are retiring can gradually reduce their participation, if that is what they prefer. I also note that Oxford has a lively Pensioners' Society, open not just to academics but to all retired employees. Making people feel valued at that stage is surely an important and humane thing to do. Some people find the experience of retirement difficult; others, like myself, enjoy it greatly. A good number of retired academics are still very active in national academies and grant giving bodies, well placed to give literally valuable advice to younger scholars. By drawing them more into the life of Faculties and Departments the University will do itself a big favour.

In conclusion, I think that the EJRA is an issue that needs to be re-assessed, and we may have got it wrong. It is important that it is re-examined now.

Professor M. E. CATES (Department of Applied Mathematics and Theoretical Physics and Trinity College), read by the Senior Proctor:

Deputy Vice-Chancellor, I believe the EJRA is no longer fit for purpose. Therefore I signed the request for today's Discussion. However, care is needed in getting rid of the EJRA. Compared to other UK Institutions, the official duties of Cambridge UTOs are modest, mainly because so much teaching is done in Colleges (and UTO and CTO roles are not contractually linked for most people, unlike at Oxford). Therefore I doubt the view expressed by Professor Anderson in the *Times Higher* that 'people might work for an average of a year and a half to two years longer' although I do agree when he says 'this is what we see elsewhere'.<sup>1</sup>

In Cambridge, a senior UTO who steps down from (or never had) College teaching duties can in principle draw a full salary for doing a couple of lecture courses a year, a certain amount of examining, and a few other bits and pieces. It may help to appear to do research, but that is not the same actually doing it, and the difference may go undetected for several years – even by the staff member in question.

The group of staff now pushing for abolishing the EJRA are mainly fighting for the right to actively continue their world-class research, properly supported by grants and infrastructure, on approach to and beyond the age of 67. Such people have a vast amount to offer to the University, and I fully support their case. However there is a second group of academics that would also benefit from abolishing the EJRA: those who are content to draw a full salary indefinitely, even as their contribution to the University's work declines to 'baseline' levels.

A way must be found to allow the first group of staff to prolong their careers without also allowing the second group to do so. Therefore, as and when the EJRA is abolished, something else will be needed to ensure that academic careers can be gracefully and legally brought to a close, not on the grounds of age, but on grounds of no longer meeting the challenges of the job. This might require a more detailed employment contract for UTOs, tied to regular and formal assessment of their contributions. Perhaps it would be legally defensible to leave a residual EJRA in place for staff refusing to switch to such a revised contract.

<sup>1</sup> <https://www.timeshighereducation.com/news/forced-retirement-rules-face-new-challenge-cambridge>

Professor F. STAJANO (Department of Computer Science and Technology and Trinity College), read by the Senior Proctor:

Deputy Vice-Chancellor, I believe that forced retirement of academics is beneficial to the University and should be retained. It is quite proper to ask Professors to retire after they've had their turn, so that the younger blood can have a go as well.

A senior Professor who refuses to retire and continues to supervise students and bid for grants is a tree that casts a big shadow over the neighbouring area and prevents younger trees from growing. The campaign claim that established academics should be allowed to continue because they are highly skilled at winning big grants should also be read as saying that those big grants in finite supply (in a given area, from a given funding body, etc.) will be vacuumed up by the old-timers, leaving the younger faculty with the crumbs.

There is a rather concrete element of competition for finite resources. But there is also a more subtle aspect of pecking order, even in environments without officially recognised group leaders: if the senior Professor stays around forever, the younger faculty in the same research group must always remain in their shadow. In a context where the sovereign never abdicates, the heir to the throne must remain just a prince even though he's already an old man of retiring age himself.

I believe it is more dignified for the senior Professors who have enjoyed a long and brilliant career to allow someone else to have a go. That's certainly what I plan to do when my time comes. If they don't feel the urge to close their laptop and put their feet up, they have plenty more ways to put their still sharp intellectual abilities and newly found spare time to good use, from writing books to taking up advisory or leadership posts in industry or in learned societies.

On the other hand, my Japanese side has deep Confucian respect for the wisdom of the seniors. My social and intellectual interactions with retired Fellows in College have been valuable and mutually enjoyable. In the College context, I believe Fellows deserve to retain their benefits for life, both in gratitude for service rendered and for the benefit that younger Fellows get by interacting with their illustrious predecessors, who are invariably very generous with their knowledge and experience.

In the Department, however, once we have had our turn, it is graceful to give our successors some breathing space and move out. Otherwise, the people below us in the pecking order continue to remain in our shadow. After a full education to Ph.D. level and several decades of professional life we should, in my view, be willing to pass the token with dignity.

Now, what I see as the core of the problem is: *Why* would those senior academics insist on staying on beyond that? Surely a successful and well-balanced individual has plenty more interesting and fulfilling things they'd like to do: spending time with the grandchildren, enjoying the ski slopes, cycling, sailing, running, martial arts and all the physical activities worth doing while the body still can, travelling the world, playing music, writing books (or reading the ones they accumulated), woodworking, programming (as opposed to writing grants so that other people can enjoy programming), learning another language, starting another company or even just relaxing on the beach and hitting the pause button on a hectic life. It would be sad if people were so monochromatically wedded to their current work that they lost their identity and self-worth when they stopped it. But is that what's actually happening here?

I rather suspect that the true reason why they want to stay on beyond the age at which they would be able to draw a full (?) pension is because the promises about final salary pension that we got when we signed up were, later, unilaterally broken, and *that* makes them feel they will no longer have enough money to do all of those other things if they suddenly get only a small and diminishing fraction of their current salary. As a thought experiment one could test this hypothesis by asking whether they'd be willing to stay on and supervise students and mark exams and chase grants beyond age 67 but at strictly zero pay. If the theft of a big chunk of our promised pension (which I very strongly resent as much as the next colleague) is the actual explanation, then *that's* the problem that must be fixed, but that our employer and our pension provider seem unwilling to fix. We must be allowed to have a dignified retirement, as we were originally promised when we signed up decades ago and when we weighed that benefit (and the academic freedom) against the pay hit we took compared to a real world salary.

In my view, supergluing our bottoms to our professorial Chairs beyond retiring age would be a selfish act that just moves the problem onto the weaker shoulders of our successors. Allowing the University barons to entrench in their positions for life would make Cambridge a worse environment and that's why I am opposed to it.

So I believe the Employer Justified Retirement Age for academics is indeed justified. Apoptosis is a natural and beneficial process of an organism. It is only fair to ask the older kids to get off the swing, after some reasonable time, so that the younger ones can get their turn too.

Dr D. GOOD (Department of Psychology and King's College), read by the Senior Proctor:

Deputy Vice-Chancellor, other speakers whose contributions I have seen, have provided many powerful examples of the perverse consequences which result from the EJRA policy as implemented now. Looking at those consequences, one might think we have designed a decapitation strategy which harms this University and benefits others. How generous of us.

I was involved in the discussions which lead to the policy and it was always a balanced judgement. There were arguments for and against, and in the background there was a recognition that if we implemented the policy immediately it would produce difficult financial effects. It was also recognised by many that the EJRA would be changed in the future and ultimately dropped. It has, however, changed in ways that we did not foresee.

Looking at the fly-sheets in the *Reporter* (2 May 2012) for the original vote, the one I signed gave a simple summary of the reasons for having an EJRA followed by this statement:

Retirement from office does not have to mean the end of academic life: we all know colleagues whose scholarship, teaching, research and other contributions have flourished, or even blossomed, after formal retirement. Furthermore, the proposed policy allows extended employment beyond the retirement age in an unestablished capacity when it is in the mutual interest of the University and the individual. There is also the continuing option of voluntary research agreements for active researchers. The combination of new recruitment with mechanisms for retaining exceptional researchers and scholars beyond the retirement age promotes fairness across the generations.

I signed that fly-sheet as I believed it represented the culture of the University then, and how the policy would be implemented, as was initially the case. Now it seems that our implementation progressively disables our senior academics as they approach 67. They become ever lamer ducks as they age through their mid-60s. Is it any surprise that they prefer to fly away and that senior replacements are hard to attract?

The policy is long overdue for reform and most likely removal.

Professor Sir Colin Humphreys (Selwyn College), read by the Senior Proctor:

Deputy Vice-Chancellor, I was forced to retire from Cambridge because of my age on the last day of February 2018. I then moved to Queen Mary University of London (QMUL) on 1 March 2018 as Professor of Materials Science on an open-ended contract. When I retired from Cambridge, I had four current EPSRC grants totalling about £10m, and was the Principal Investigator (PI) on two of these. It is EPSRC policy that when a PI moves, his grants should move with him and, indeed, when I moved to Cambridge my substantial EPSRC grants from my previous university transferred to Cambridge. However, the then Cambridge University Vice-Chancellor did not allow any of my research grant money to be transferred to QMUL. He did not even allow me to have funding for a postdoc transferred to QMUL. I have been told that Cambridge decided on this immoral act because to transfer any money to QMUL would have weakened its legal case for forced retirement. So, Cambridge not only stopped my research at Cambridge, it also did its best to stop me doing research at my new university, so low is Cambridge prepared to stoop to enforce its Forced Retirement policy. The EPSRC was extremely unhappy about this and it told the QMUL Principal to get together some other Vice-Chancellors and give the Cambridge VC a good kicking.

Since I was forced to retire from Cambridge, and I believe because of the above event where Cambridge deliberately acted against EPSRC policy and tried to stop me establishing my research at QMUL, Cambridge has stopped its staff from applying for research grants within five years of retirement. This has a particularly damaging effect on its science and engineering staff, and it puts a severe brake on their research at age 62, not 67. Hence many world-class science and engineering staff at Cambridge are effectively forced to retire at 62. It is an act of madness.

If Cambridge is to remain a world class university, it not only has to retain its best staff, whatever their age, it also needs to recruit the best staff internationally. Top Professors in the USA have told me that they no longer consider coming to Cambridge because of its discriminatory and ageist retirement policy. No university in the USA has such an ageist forced retirement policy. Top universities like Stanford, MIT, Yale, Harvard, California, etc., operate very successfully without an ageist retirement policy. The ageist policy of Cambridge is well known among my colleagues in the USA.

The simple question the University of Cambridge must ask itself is this: does Cambridge wish to continue to have a high international reputation as a discriminatory, ageist university?

*Due to time limitations, the Deputy Vice-Chancellor ruled that the remarks received on the remaining two items listed for Discussion were not to be read out but were to be included in the formal record. Accordingly the remarks are provided below.*

***Annual Report of the Council for the academic year 2021–22, dated 7 December 2022***

(*Reporter*, 6679, 2022–23, p. 186).

Professor G. R. EVANS (Emeritus Professor of Medieval Theology and Intellectual History):

Deputy Vice-Chancellor, it is not always clear where the line is to be drawn between matters properly to be determined by the Council in its capacity of ‘principal executive and policy-making body of the University’ and matters which should be referred to the Regent House as the University’s governing body. Now there seems to be growing risk that business may be conducted by an undefined ‘senior leadership team’ without reference to either.

In this Report the Council seems confident that it knows who its members are, offering a heading on ‘Changes in the University’s Senior Leadership’. Under this heading it mentions Pro-Vice-Chancellors, Heads of Schools and two Directors, who are members of the UAS. Constitutionally speaking, Cambridge’s Directors have a role defined in a Report on the Unified Administrative Service (*Reporter*, 5842, 2000–01, p. 560), when it was proposed that these then novel unestablished appointments should become Offices, with dual ‘reporting’. ‘Operational management of the Divisions is delegated by the Registry to the Directors’, but

those principally charged with guiding development of policy, the Vice-Chancellor, the Pro-Vice-Chancellors, the Registry, the Secretary General, and the Treasurer, should, in addition to any functional relationships, receive regular briefing from Directors’.

The Offices of Secretary General and Treasurer have of course since been abolished. But no list of those ‘principally charged with guiding development of policy’ seems to have been agreed to replace this one adumbrated in 2001.

Senior Leadership seems to be unknown to the updated edition of the *Statutes and Ordinances*, recently published. Apparently knowing more than is constitutionally clear, HR runs Senior Leadership Programmes at three levels, ‘endorsed by the Vice-Chancellor’, with a ‘target audience’ at ‘head of institution’ level.<sup>1</sup> HR also feels able to publish a ‘Leadership Attributes Framework’.<sup>2</sup>

The Audit Committee is confident that a ‘Senior Leadership Team’ exists, giving it four mentions in its Annual Report (*Reporter*, 6682, 2022–23, p. 264). It says this ‘team’ is ‘responsible for identifying and managing risks across the University’s activities’, but if that Team was entrusted with this responsibility should not there be some published note of its membership and a record of the grant of that responsibility?

If this ‘Team’ constituted a committee or any recognised University Body it, and its membership, would appear in the list of *Members of University Bodies and Representatives of the University* in a Special issue of the *Reporter*. Then further published information about it could be expected. For example, the Council has a Business Committee,<sup>3</sup> ‘tasked with expediting the more straightforward items of Council business’, circulating its consideration and revisions of texts to Council members and bringing them to Council meetings for approval, though where they are ‘straightforward and so do not require consideration at a meeting, the Committee is empowered to approve items by circulation’. These are sensible protections and at least they are published, but they do remove from the sight of the Regent House a certain amount of the work done under the authority of the Council. Its Agendas and Minutes are not available to be read except by members of the Council.

Surely leadership is essential in the University, it may be objected? Line management of individuals is accepted, but as a condition of the employment of individuals. The call to accord a ‘leadership’ rather than a ‘stewardship’ role to the Vice-Chancellor and others was floated during the abortive ‘governance reforms’ proposed twenty years ago. In Discussion on 8 October 2002 Stephen Cowley made a memorable speech including a warning:

If it looks like a duck, squawks like a duck, and walks like a duck, it is a duck. If the proposed amendment is passed the Vice-Chancellor will look like a Chief Executive, talk like a Chief Executive, and walk like a Chief Executive, because she or he will be a Chief Executive.<sup>4</sup>

The Regent House decided it wanted no such thing but in 2003 the number of Pro-Vice-Chancellors was increased to five and it was agreed that ‘the title of Senior Pro-Vice-Chancellor should be conferred on one of those appointed to the office, in recognition of that individual’s responsibility for leading and co-ordinating the work of the team of Pro-Vice-Chancellors’.<sup>5</sup> At a stroke that introduced ‘leadership’ and a ‘team’ in that context, with talk of ‘seniority’ at least among the Pro-Vice-Chancellors.

Statute A IV 1 gives the Council considerable powers. It appoints the Pro-Vice-Chancellors and they report to it and it may determine their powers. Some miscellaneous functions for them are dotted about in the *Statutes and Ordinances* but their Special Regulation is sketchy.<sup>6</sup> Nowhere do they seem to be constituted as that Senior Leadership Team the Audit Committee seems to know about. In a democratically governed University where the Regent House is the governing body ‘leadership’ is not a term to be bandied about. It needs far more careful definition if it is to be used at all.

May we have a Report identifying the membership, role and authority of the Senior Leadership Team with recommendations for its approval so that the Regent House may decide whether it wants one?

<sup>1</sup> <https://www.ppd.admin.cam.ac.uk/leadership-development/leadership-development-programmes/senior-leadership-programmes-overview>

<sup>2</sup> <https://www.ppd.admin.cam.ac.uk/leadership-development/leadership-attributes-framework>

<sup>3</sup> <https://www.governance.cam.ac.uk/committees/business-committee/Pages/about.aspx>

<sup>4</sup> *Reporter*, 5898, 2002–03, p. 86.

<sup>5</sup> *Reporter*, 5921, 2002–03, p. 813.

<sup>6</sup> *Statutes and Ordinances*, 2022, p. 696.

***Annual Report of the General Board to the Council for the academic year 2021–22, dated 7 December 2022***

(*Reporter*, 6679, 2022–23, p. 197).

Professor G. R. EVANS (Emeritus Professor of Medieval Theology and Intellectual History):

Deputy Vice-Chancellor, where a body of work is undertaken slightly to one side of the University’s normal governance and with limited reporting to the Regent House, it can take a good deal of rummaging in obscure corners of websites to get the picture. That is not going to encourage the active participation of busy members of the Regent House the Chair of the Board of Scrutiny encouraged in the Discussion of its Annual Report on 8 November 2022. The ‘Recovery programme’ and its dependent projects has become a case in point. The Council reminds us in its own Report that it had from an early stage ‘delegated responsibility for oversight of the Recovery Programme to the General Board’. The General Board duly reports on how it has discharged that responsibility.

It was never clear why the need for ‘recovery’ from the University’s Covid-19 difficulties should have been presented as a general programme for ‘change’ in the University. At its meeting of 4 May 2022, the General Board had already admitted to itself (B.2) that the connection no longer held:

it was no longer be (sic) relevant to have a ‘Covid Recovery Programme’, and the University would need to give thought to how to coordinate and label its change programmes in the future. The Board noted that it would be useful to put together a more detailed timeline for the impact of the implementation of projects on Schools and Non-School Institutions.

In the Report we are discussing the General Board notes that in March 2022, ‘the University’ duly established the Change and Programme Management Board as a new sub-committee of the General Board, ‘to help us manage and co-ordinate University-wide change programmes’. The Audit Committee expresses confidence in it:

The CPM Board will provide assurance to the General Board and the University over significant change programmes which aim to improve ways of working and build a stronger, more resilient University in the future.<sup>1</sup>

The remit and details for the CPMB were set out in a Notice of the General Board in the *Reporter* of 23 March 2022. This Notice did not include a Grace and the Board does not appear in the *Statutes and Ordinances*, so it was not established by Ordinance as Statute A VI 1 seems to require. The Board of Scrutiny mentioned this ‘somewhat unusual position of a Board’ in its Twenty-seventh Report (para. 10).<sup>2</sup> The General Board’s Notice seems to need correction.

The CPM ‘Board’ is described as the standing sub-committee of the General Board which it actually is, and as it is listed in the ‘Members of University Bodies’ *Reporter*. ‘In the pursuit of its objectives, the CPM Board may exercise the authority of the General Board, granted by the Council for the overall coordination and monitoring of the implementation of the change programmes’.<sup>3</sup> The Council’s ‘granting’ was done at its meeting of 20 July 2020 (Minute 372) and 22 March 2022. The reference given for this second ‘delegation’ is incorrect. It should be 22 March 2021 (Minute 479). The delegation was of ‘authority to the Business Committee to approve on its behalf a further, more detailed, Notice for publication in the *Reporter* in April’.

This took the form of the Recovery Programme Overview published in the *Reporter* of 21 April 2021. This was not framed as a Report. I commented on that in a Discussion, to which the Council replied in a Notice in the *Reporter* of 2 March 2022, where it also responded to the comments made by the Board of Scrutiny in its own Report. The response explained in retrospect some respects in which what had happened might be slotted into normal governance requirements and described plans for future published explanation.

The Notice of 23 March 2021 described a CPMB ‘Office’ as ‘part of the Unified Administrative Service that supports the CPM Board’s activities’. The UAS current list of Offices does not mention this one. Its existence seems to raise questions about the junction or overlap between the ‘academic’ and the ‘administrative’. At ‘the end of 2023, the Recovery Programme will come to an end and the remaining projects will be managed by the new Change and Programme Management Office’, says a now dated website entitled *The Recovery Programme*.<sup>4</sup>

The CPMB’s Office now has its own website, *Change at Cambridge*, listing additional ‘programmes’.<sup>5</sup> This gives details of a ‘team’, which seems to be made up of the staff of the Office, though several apparently do this work in addition to their roles in other University entities. There is an Interim Head (‘Academic Division’) appointed from summer 2022; a cluster of ‘Programme Managers’ and ‘Communications’ staff; four to provide ‘an accredited suite of Lean and Continuous Improvement training to colleagues across the collegiate University’; a few, including from HR, to ‘design and deliver positive cultural

change’ and ‘improve the employee experience’. There is a Blog and a group of ‘Change Champions’; and a Group working on ‘Cambridge Operations’, and ‘Communities of Practice’. This takes the enquirer into areas to which the reader of the *Reporter* will not find linked signposts. Nor can a website of this type necessarily constitute a part of the historical record.

This ‘Change Programme’ has ‘continued its oversight of the University’s Recovery Programme’, footnoting a link to the Programme’s own two Annual Reports.<sup>6</sup> The Programme’s first Annual Report (2021) was followed by a second (2021–22).<sup>7</sup> The busy member of the Regent House may easily not penetrate thus far without the sort of search which has been needed to put together these remarks.

The General Board’s Report discussed today states that ‘the University’ has:

recognised the need to improve the way it manages and coordinates the range of significant change programmes that are currently underway, including the Recovery Programme’s outstanding projects.

The Council and the General Board may have approved, but the Regent House as ‘the University’ (Statute A III 1) has not been invited to adopt such a policy. Can it be good governance for so much work to be initiated, funded and continued in the University and in its name without ensuring that members of the Regent House are content by asking them? They should not have to rummage for information, and retrospective explanations and hard-to-find and potentially impermanent website links are really not good enough.

<sup>1</sup> *Reporter*, 6682, 2022–23, p. 264.

<sup>2</sup> *Reporter*, 6672, 2022–23, p. 57 at p. 58.

<sup>3</sup> *Reporter*, 6652, 2021–22, p. 327.

<sup>4</sup> <https://www.cam.ac.uk/recovery-programme-report-21-22>

<sup>5</sup> [https://universityofcambridgecloud.sharepoint.com/sites/UoC\\_ChangeProgrammes/SitePages/The-Recovery-Programme.aspx](https://universityofcambridgecloud.sharepoint.com/sites/UoC_ChangeProgrammes/SitePages/The-Recovery-Programme.aspx)

<sup>6</sup> [https://universityofcambridgecloud.sharepoint.com/sites/UoC\\_ChangeProgrammes/SitePages/The-Recovery-Programme.aspx](https://universityofcambridgecloud.sharepoint.com/sites/UoC_ChangeProgrammes/SitePages/The-Recovery-Programme.aspx)

<sup>7</sup> [https://universityofcambridgecloud.sharepoint.com/sites/UoC\\_ChangeProgrammes/SitePages/Governance.aspx](https://universityofcambridgecloud.sharepoint.com/sites/UoC_ChangeProgrammes/SitePages/Governance.aspx)

**COLLEGE NOTICES****Elections****Darwin College**

Elected into a Professorial Fellowship under Title C from 6 February 2023:

Professor Eric French, Ph.D., *Wisconsin, Madison*

**Emmanuel College**

Elected into a Research Fellowship for three years from 1 October 2023:

Efthimios Karayiannides, B.Com., B.A., *Johannesburg*

Eleanor Myerson, B.A., *PET*, M.St., *Oxford*,  
Ph.D., *London*

Nikita Sushentsev, Ph.D., *CAI*, M.D., *Moscow*

**Newnham College**

Elected to a Fellowship in Category D from 1 December 2022:

Eve Lacey, M.A., *K*, M.A., *London*, MCLIP

Elected to a Fellowship in Category G from 1 January 2023:

Deborah Hodder, M.A., *K*, M.A., *London*, MCLIP

**St John's College**

Elected to a Fellowship under Title E from 17 April 2023:

Christopher Gray, M.A., *PEM*, P.g. Dip., *Royal College of Music*, FRCO

Elected to Fellowships under Title A from 1 October 2023:

Andrea Luppi, B.A., *Oxford*, M.Phil., *CHR*, Ph.D., *SE*

Brigid Ehrmantraut, A.B., *Princeton*, M.Phil., *PEM*

Rakesh Arul, B.Sc., B.Eng., M.Sc., *Auckland*

Jack Colley, B.A., M.St., *Oxford*

**Vacancies**

*King's College*: Trapnell Fellowship in Mathematics (College Teaching Officer); tenure: four years from 1 September 2023 or shortly thereafter; salary: £34,994 plus additional benefits; closing date: 20 March 2023; further details: <https://www.kings.cam.ac.uk/about/work-at-kings>

*Magdalene College*: Yip Visiting Fellowships, 2023–24; open to scholars from the USA or China; closing date: 28 February 2023; further details: <https://www.magd.cam.ac.uk/about/vacancies/academic>

*Newnham College*: The Phyllis and Eileen Gibbs Travelling Research Fellowship, 2023–24, in Biology, Archaeology, Social Anthropology, or Sociology (women applicants only); funding: up to £18,000, plus additional benefits; closing date: 27 March 2023; further details: <https://www.newn.cam.ac.uk/research/travelling-fellowships>

**Events***Jesus College***China Forum seminar series**

Sihan Bo Chen (Head of Greater China, GSMA) and Dr Paul G. Clifford (Senior Fellow, Ash Center for Democratic Governance and Innovation, Harvard Kennedy School) will each deliver a virtual lecture on the topic of '5G in China' on Tuesday, 7 February 2023 at 12 noon; further details and booking:

<https://www.jesus.cam.ac.uk/events/5g-china>

**EXTERNAL NOTICES****Oxford Notices**

*Lady Margaret Hall*: Head of Wellbeing; tenure: part-time (job share); salary: £45,000–£50,000 (pro-rata), plus additional benefits; closing date: 27 February 2023 at 12 noon; further details: <https://www.lmh.ox.ac.uk/head-wellbeing-22.5>

*St Catherine's College*: Academic Officer (Admissions); salary: £24,285–£26,396, plus additional benefits; closing date: 17 February 2023 at 12 noon; further details: <https://www.stcatz.ox.ac.uk/category/vacancies/>