

Proposed Clinical Professor Legislation Needs Academic Freedom Protections

The primary purpose of tenure is to protect academic freedom: the freedom to teach what faculty think is appropriate and important, the freedom to pursue knowledge without restriction or interference, and the freedom to participate fully in governance of the university's academic program without reprisal from chairs, deans, presidents, governing boards, legislatures or pressure groups. In short, academic freedom denies administrative and political intrusion into, or restriction of, intellectual inquiry. Tenure is the administrative mechanism which attempts to ensure academic freedom.

That said, my knee-jerk response is to seriously question any apparent attempt to weaken the tenure system. A proposal to add non-tenure track academic titles is suspect for that reason, but this proposal even more so because it includes use of the prestigious word "Professor." On the other hand, my 17 years experience as a department and division chair allow me to understand the motivation for wanting to substitute some prestige for salary or the lack of available tenure lines. Recruiting teaching-only faculty and/or applied researchers for a professional college in a research university is difficult. So I am conflicted about the proposed enabling legislation.

My reservations about the current version of the proposed legislation center on two issues:

1. The enabling legislation appears to present a substantive basis for proposals from colleges/programs; however, it is a facade. The "requirements" are almost entirely procedural with only two exceptions: units which propose using the "Clinical Professor" title must: 1.) limit appointment terms to five years and 2.) limit such positions to 25% of the department or college tenure track faculty. A proposal from an academic unit to use the new title will be reviewed by CAPP, but the legislation clearly states that "...the committee will not substitute its judgement for the originating college or school..." In other words the committee will not pass on the substance of the proposal, only on its form. CAPP's "approval" means all the right "parts" of the proposal are included.

It is not clear what the Faculty Senate is expected to use as guidelines for its determination that "...the proposal complies with the requirements of this legislation..." Like CAPP, is the Senate restricted to approving the form of the proposal, or can it take issue with the substance of what is proposed? For example, proposers are required to show how non-tenure track positions differ from tenure track positions. But what is an acceptable difference? Another example: proposers are to specify procedures for contract renewal and promotion, but no minimum standard is suggested for those procedures. There is not even a statement in the enabling legislation clearly asserting that adequate protections for academic freedom must be evident in the procedures described.

Examining the "example" proposal for use of the clinical professor title from the College of Veterinary Medicine (also posted on the web) is instructive because it shows what can happen without better guidance in the enabling legislation. Note in the CVM proposal that the

procedures for initial appointment, and for promotion to Associate and full Clinical Professor, mimic the procedures for initial appointment and for promotion to tenure for tenure track faculty in terms of peer review, administrative review and appeals of negative decisions. That's good and guards the academic freedom of clinical professors to the point of promotion to full clinical professor, but then the process breaks down. Subsequent reviews and reappointments are handled unilaterally by the department chair. There is no continuing provision for peer review or for appeals of a chair's decision. If a chair dislikes the person being considered for reappointment or disagrees with the direction of his/her research, what then?

I believe the enabling legislation must be amended to require that peer review and appeal avenues be available at all appointment, promotion and contract renewal decision points. Only then can persons in these non-tenure positions be assured of some minimal protection of their academic freedom.

2. The FCR and now the Faculty Senate carefully considers and passes legislation which establishes procedures and standards for the conduct of academic business at Cornell. Often, however, there appears to be little oversight as to whether or not the requirements are followed. For example, faculty legislation requires that lecturers should have academic credentials equivalent to assistant professors in the respective discipline and senior lecturers should have credentials equivalent to associate professors. There are many exceptions to this requirement.

I am pleased the enabling legislation now contains the call for a committee to examine the status of all non-tenure positions at Cornell. Not only should the committee's mandate be expanded to examine the use and potential misuse of these positions campus-wide, it should examine the availability of academic freedom protections for all who hold them.

If the changes suggested above are added to the proposed legislation, I can support it. Perhaps not everyone needs to be on a tenure track line, but I believe those who serve in non-tenure positions deserve similar academic freedom protections afforded the tenure-eligible faculty.

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