

AFPSF Committee Review
Cornell Law School Clinical Tenure Proposal

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Academic Freedom & Professional Status of the
Faculty Committee (AFPSF)

AFPSF Charge

Among other things, this standing Senate committee deals with all matters that pertain to the tenure process.

The Process Followed by the AFPSF

- Provided informal feedback on an early draft of the Cornell Law School (CLS) proposal for a tenure option in its [clinical professor track](#).
- Coordinated with the CLS to produce this [1-page overview](#) of the proposal for the busy reader.
- Carefully reviewed the [Final CLS Proposal](#) .
- Articulated concerns to the CLS which responded with this [elaboration](#) of key points.
- Met with the CLS team that subsequently [presented](#) at the 4/15 Senate.
- Produced this [report](#) for the Senate that explains lingering concerns and the Committee's final vote: 2 in favor, 6 not in favor, 1 abstention.

The following slides describe the opinions and concerns laid out in the [AFPSF Report](#) and is informed by the [CLS response](#) to it.

The goal is to have a fully educated Senate when the time comes to vote.

Preface

The AFPSF enthusiastically supports the CLS effort to strengthen the clinical component of its operation and to better prepare its graduates for careers in public service.

The AFPSF appreciates the importance of self-governance within the context of “decentralized Cornell”.

The AFPSF appreciates the level of detail in the CLS proposal and the comprehensive answers that the CLS provided to its questions.

AFPSF Consensus is for a Unitary Tenure System

The CLS proposal argues for having a second path to tenure within the clinical professor track. The criteria for promotion are such that clinical work is tenurable work.

The “regular” tenure track produces tenured *doctrinal faculty*. It will have connections to the proposed clinical track. For example, tenured doctrinal faculty will be involved in clinical promotion cases.

To have a *unitary system*, the CLS would have to adjust its current promotion criteria so that there is *one tenure system* that “works” for both doctrinal faculty and clinical faculty.

Unitary Tenure. Why?

1. The vast majority of tenure-granting units across campus have adjusted their promotion criteria over time by taking into account new definitions of what's important to their strategic directions. That is to say, they have successfully managed to have unitary systems of their own without sacrificing high standards of excellence.
2. A unitary system that unambiguously embraces clinical work sends a more positive message about the value of clinical work than does the creation of a second track.

The AFPSF duly considered and respects counter-arguments based on rankings, recruiting, and evidence of the CLS's current enthusiasm for clinical work.

AFPSF is Concerned about “Environmental Impact”

1. Consideration of the CLS proposal leads to a fundamental question: What makes an RTE title “tenure worthy”? The tenure system protects academic freedom. That said, shouldn’t tenure be given to qualified senior lecturers and senior researchers who teach or research controversial topics? This points to a “slippery slope”.
2. There needs to be “enabling legislation” that creates a framework so that subsequent proposals from other colleges are handled systematically.

Why?

1. The AFPSF is concerned that the slippery slope will lead to an erosion of the tenure system. One of the few common denominators across the colleges is the belief in a single common tenure system.
2. If indeed it is important for Cornell to create RTE tenure paths, then the AFPSF thinks that there has to be a measure of consistency across the colleges. That argues for having University-level enabling legislation that establishes criteria that need to be satisfied before a college is authorized to make such a move.

The AFPSF duly considered and respects counter-arguments based on analogies to clinical tenure at our medical school and experiences at peer institutions.

Summary

This CLS proposal concerns tenure and is therefore deserving of very careful consideration.

Senators need to:

- review the [1-page overview](#) , the [AFPSF report](#), and the [CLS response](#).
- share the pros and cons of the proposal with their unit.
- prepare for a likely final discussion at the May 13 meeting.
- anticipate an e-vote soon thereafter.