

Cornell Chapter of the AAUP Statement in Support of the Cornell Law School Proposal for Clinical Tenure

May 11, 2020

The Cornell University Chapter of the American Association of University Professors supports the Cornell Law School's proposal to expand tenure-track lines to include clinical professors of law. This proposal recognizes that clinical law faculty need the job security of tenure to protect their academic freedom to carry out the sensitive and often-times controversial work involved in law school clinical programs. As the Cornell Law School states in its proposal, "[T]he justification for tenure extends to clinicians. In light of the sensitive nature of the work that our clinics sometimes perform in representing under-served or politically unpopular clients and the retaliation that clinics at other law schools have sometimes encountered, clinical faculty may have as great a need for the protection that tenure affords to academic freedom as tenured traditional faculty enjoy."

The Cornell Law School faculty engaged in careful and thorough study and deliberation before proposing the tenure model for clinical law faculty. We are persuaded that the proposed structure is an appropriate and workable model for expanding tenure-track positions in the law school. This model supports the Cornell Law School's ability to attract and retain excellent clinical faculty in positions that provide strong job security and protects academic freedom. The proposed bifurcated tenure system of "clinical tenure" and "doctrinal tenure" is consistent with the approach used by the highest ranked U.S. law schools with tenure-track lines for clinical faculty. Further, the proposed tenure structure for clinical faculty is consistent with a model appropriate in professional schools, including Weill Cornell Medicine.

Expanding the scope of tenure-track positions shows respect for our faculty colleagues. We commend the Cornell Law School for taking the path toward extending tenure-track lines to clinical law faculty. We encourage all academic units at Cornell to consider ways to expand tenure-track eligibility to include Research, Tenure and Extension (RTE) faculty positions. Depending on the context of the particular colleges and schools, either the "bifurcated tenure system" or "unitary tenure system" may serve as an appropriate model that protects the job security and academic freedom of RTE faculty.