

ZOOM

FACULTY SENATE MEETING

- Stay muted unless you are called upon to speak.
- Use 'Raise Your Hand' to request permission to speak. Stay muted until recognized. Once unmuted, you have 2 minutes to pose a question or make a statement. Remember to state your name and department.
- You can submit online questions or comments via the Chat or Comments function. Be brief. Time permitting, questions/comments will be read to all participants.
- 'Gallery View' within Zoom allows you to see this slide and the participants

Faculty Senate

April 15, 2020

To promote the communication of opposing views and to serve as a free-speech-with-respect model for the rest of the campus, all discussion in the Faculty Senate must be conducted in a civil fashion that is free of any intimidation or personal attacks.

- the University Faculty Committee

Elections Coming Up: April 20-29

Faculty Trustee

Abby Cohn, Chris Ober, Tracy Stokal

University Faculty Committee

Rosemary Avery, Courtney Roby, Mike Thonney, Charles Walcott,
Alan Mathios

Nominations and Elections Committee

David Levitsky, Alison Power

Senator-at-Large

TT: Brook Duffy, Yuxin Mao, Alex Ophir, Kerry Shaw

RTE: Rod Getchel, Kim Kopko



Cornell Law School

Lawyers in the Best Sense

Clinical Tenure

April 15, 2020



Cornell Law School



Key Moments in Clinical Legal Education

ABA Standard 405(c) (1996): “A law school shall afford to full-time clinical faculty members a form of security of position reasonably similar to tenure, and non-compensatory perquisites reasonably similar to those provided other full-time faculty members.”

NYS Bar Pro Bono Requirement (2012): Applicants who successfully pass the bar examination in New York State must demonstrate that they have performed 50 hours of qualifying pro bono service before applying for admission to practice. (NY Court of Appeals Rule 520.16)

Carnegie Report (2014): “Most law schools give only casual attention to teaching students how to use legal thinking in the complexity of actual law practice. Unlike other professional education, most notably medical school, legal education typically pays relatively little attention to direct training in professional practice. The result is to prolong and reinforce the habits of thinking like a student rather than an apprentice practitioner.”

- Key recommendation: Make clinical education more central to legal pedagogy.

NYS Skills Competency Requirement (2015): Applicants must establish that they have acquired skills and professional values necessary to competently practice law through one of five curricular or apprenticeship pathways. (NY Court of Appeals Rule 520.18)

ABA Experiential Requirement (2016): Six credits of experiential learning required for JD degree.

Evolution of Clinics at Cornell Law School: Clinics in 1999-2000

- Capital Punishment Clinic
- Legal Aid Clinic

Evolution of Clinics at Cornell Law School: Clinics/Practicum Courses in 2019-2020

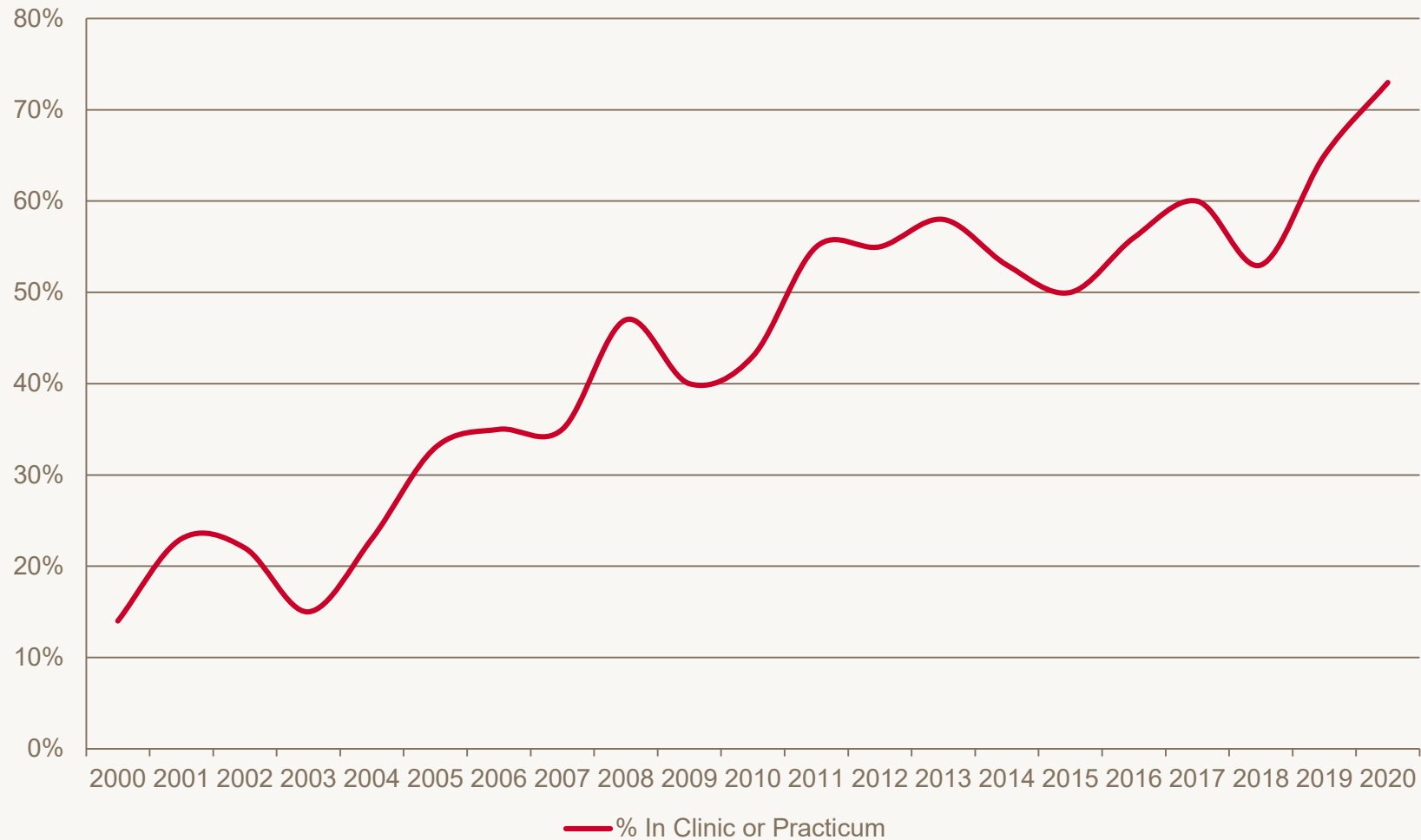
CLINICS

- Asylum & Convention Against Torture Appellate
- Capital Punishment
- Child Advocacy
- Entrepreneurship
- Farmworker Legal Assistance
- First Amendment
- Gender Justice
- Immigration Law
- International Human Rights: Litigation and Advocacy
- International Human Rights: Policy Advocacy
- Labor Law
- Securities Law

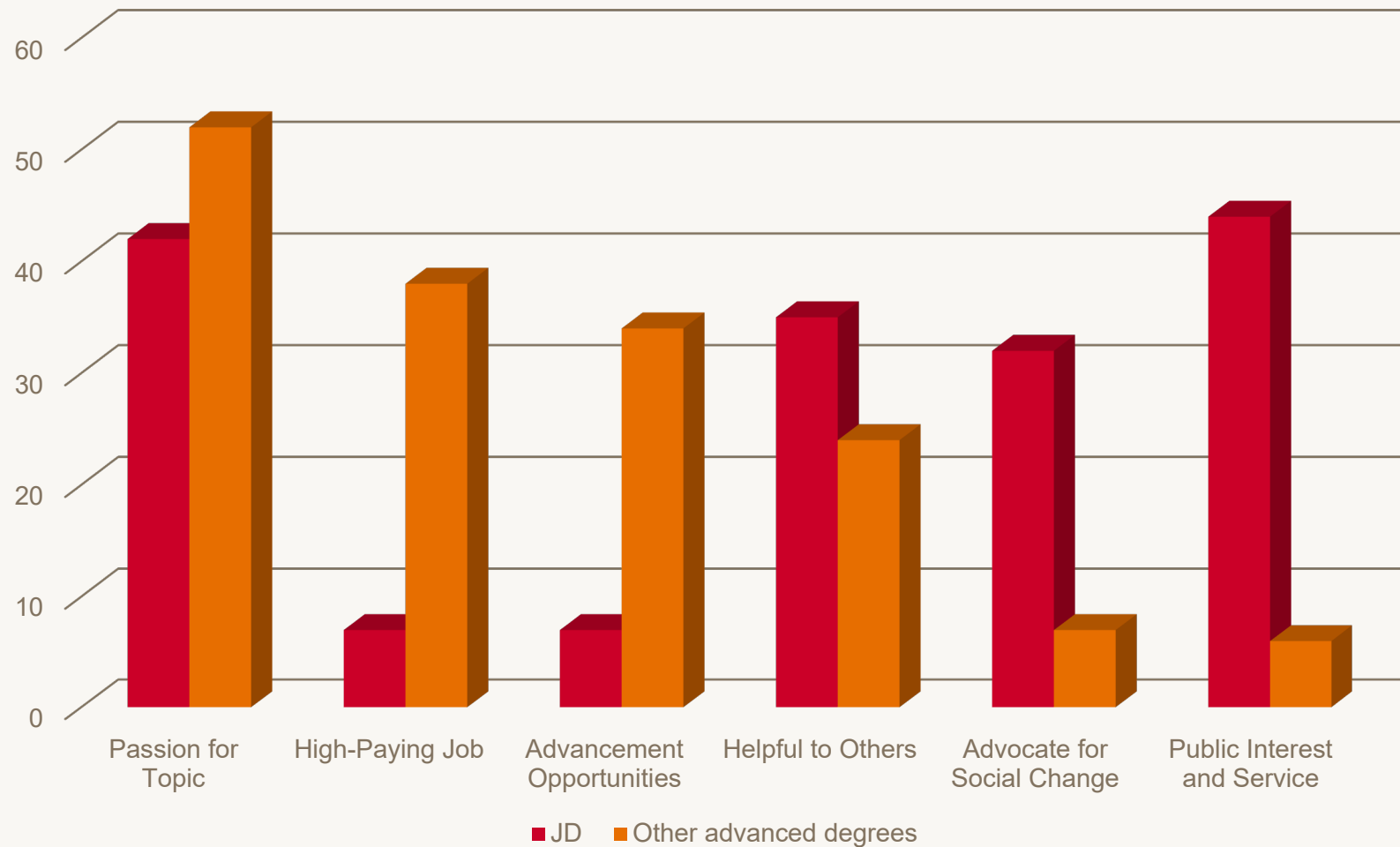
PRACTICUM COURSES

- Advocacy for LGBT Communities
- Campus Mediation
- Criminal Defense Trial - Local Court
- Estate Planning
- Low-Income Taxpayer
- NY Attorney General
- Protest & Civil Disobedience
- Racial Justice
- Saginaw-Chippewa Disenrollment
- Women's Decarceration

Percentage of Cornell Law Students Participating in Clinical Courses: 2000-2020



AALS/Gallup Study: Why Students Go to Law School



Law Schools Ranked by Clinical Program

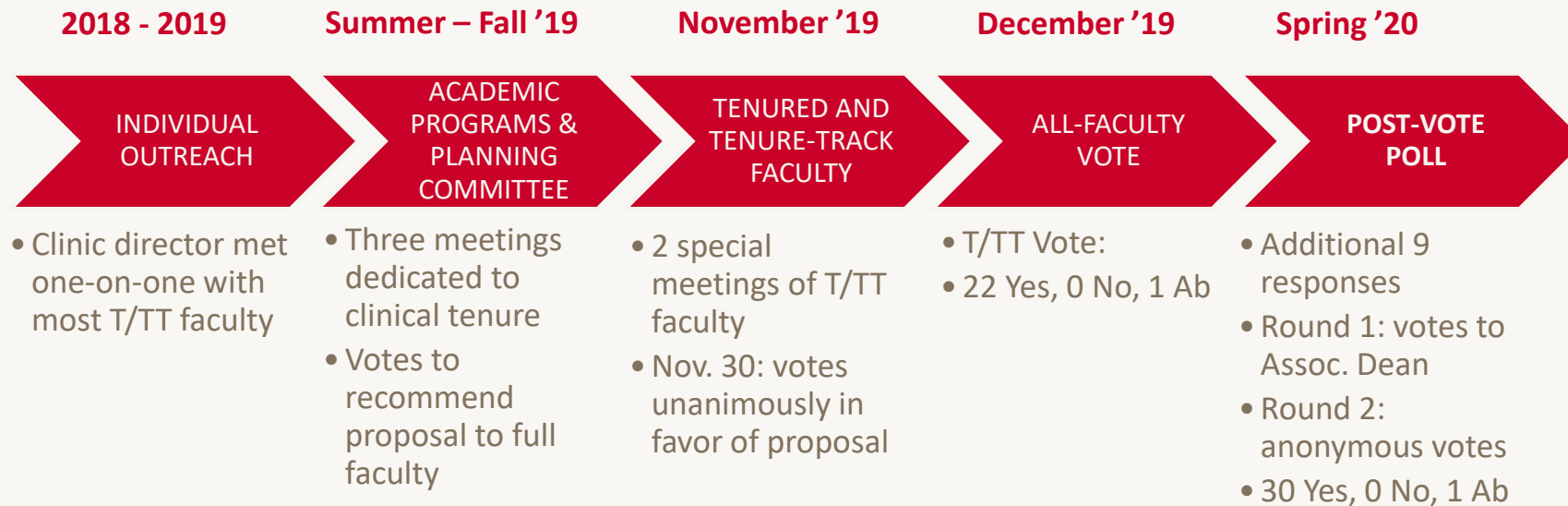
School	Clinical Program Rank	Clinical Tenure	Unitary Tenure	US News Rank
Georgetown	1		Y	14
American	2		Y	76
CUNY	2		Y	107
NYU	2	Y		6
Yale	5	Y		1
Maryland	6		Y	47
Northwestern	6			9
Stanford	8	Y		2
UC Berkeley	8	Y		9
UC Irvine	8	Y		27
Denver	8		Y	74
Michigan	8			9
UDC	8		Y	unranked
Cornell	44			13



Top Law Schools With Top Clinical Programs

School	Clinical Program Rank	Clinical Tenure	Unitary Tenure	US News Rank
Georgetown	1		Y	14
NYU	2	Y		6
Yale	5	Y		1
Northwestern	6			9
Stanford	8	Y		2
UC Berkeley	8	Y		9
Michigan	8			9
Cornell	44			13

LAW SCHOOL PROCESS 2018-2020



Law School Vote

40 T/TT law faculty eligible to vote at the December meeting.

December 4 meeting: 22 yes, 0 no, 1 abstain.

2 TT/T faculty on leave, 1 recused from the issue, and 2 in the process of leaving Cornell, bringing the pool of TT/T faculty reasonably expect to vote on this issue down to 35.

Including the non-attendees canvassed after the meeting, **new vote total:**

30 yes, 0 no, and 1 abstain.

A photograph of a long, arched stone hallway, likely in a university or institutional building. The hallway is filled with people walking, and the architecture features high, vaulted ceilings and stone walls. The image is overlaid with a red gradient, and a white rectangular box is centered in the middle, containing the text "THANK YOU".

THANK YOU

Proposed Policy for
Pausing a Tenure Case When a Misconduct
Allegation Targets the Candidate

Academic Freedom Professional Status of the Faculty Committee

February 2020

The Central Question

What should happen if a serious misconduct allegation is made against the candidate before or during their tenure review?

Sample allegation venues:

[Policy 1.2](#) (academic/research misconduct)

[Policy 6.3](#) (consensual relationships)

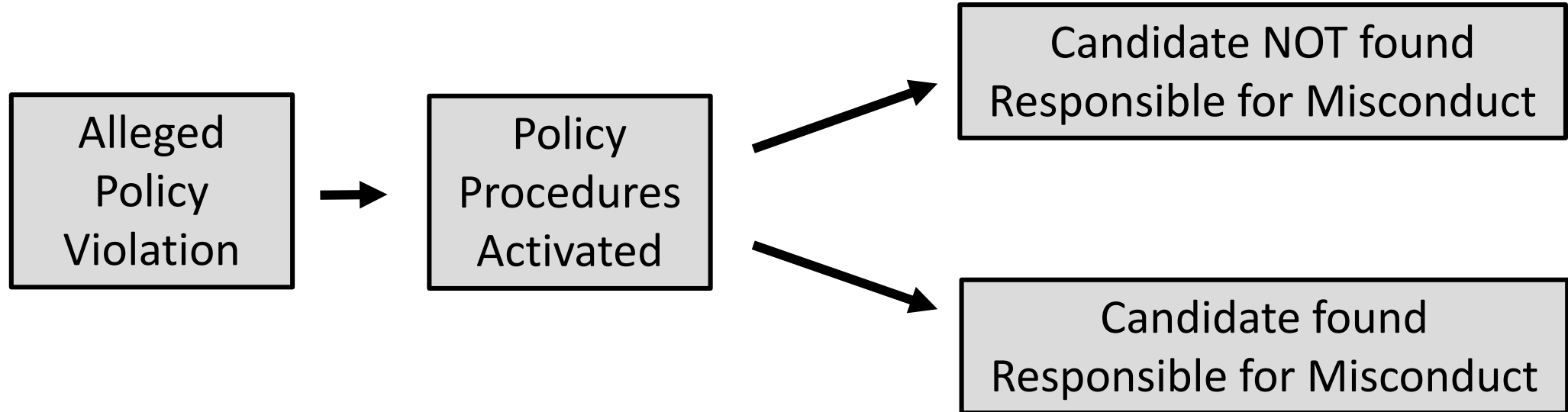
[Policy 6.4](#) (bias, harassment, sexual misconduct)

The allegation can surface in a number of ways:

- a letter solicited as part of the tenure review by the department,
- an unsolicited letter sent to the chair or dean,
- the Title IX Office, Cornell ethics hotline, etc

What Happens When These Sequences Collide?

The misconduct policy sequence:



The tenure review sequence:



Basic Idea Behind the Proposed Policy

To preserve the integrity of both the misconduct adjudication and the tenure review, it may be necessary to “**pause**” the latter while the former plays out. Two outcomes assuming the candidate is not dismissed:

1. Candidate is not responsible for any alleged misconduct.

Tenure review resumes at the pause point w/o reference to allegations.

2. Candidate is responsible for some alleged misconduct.

Tenure review restarts with a *misconduct summary* in the dossier.

The Policy Talks About These Things

The Pause Panel

The **Pause Panel** consists of the candidate's chair and dean together with the provost and the dean of faculty.

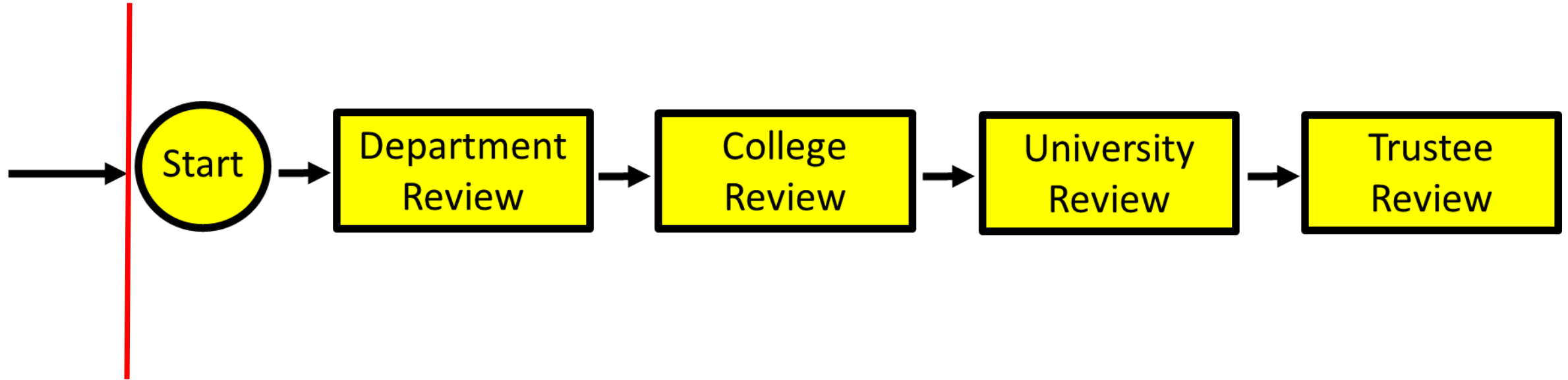
The Pause Panel decides if a case is to be delayed/paused or not.

The Pause Panel has access to the final report of the misconduct investigation.

The Pause Panel produces a privacy-respecting **Misconduct Summary** that is added to the dossier if the candidate is found responsible for the alleged misconduct.

The Misconduct Summary

Delay vs. Pause

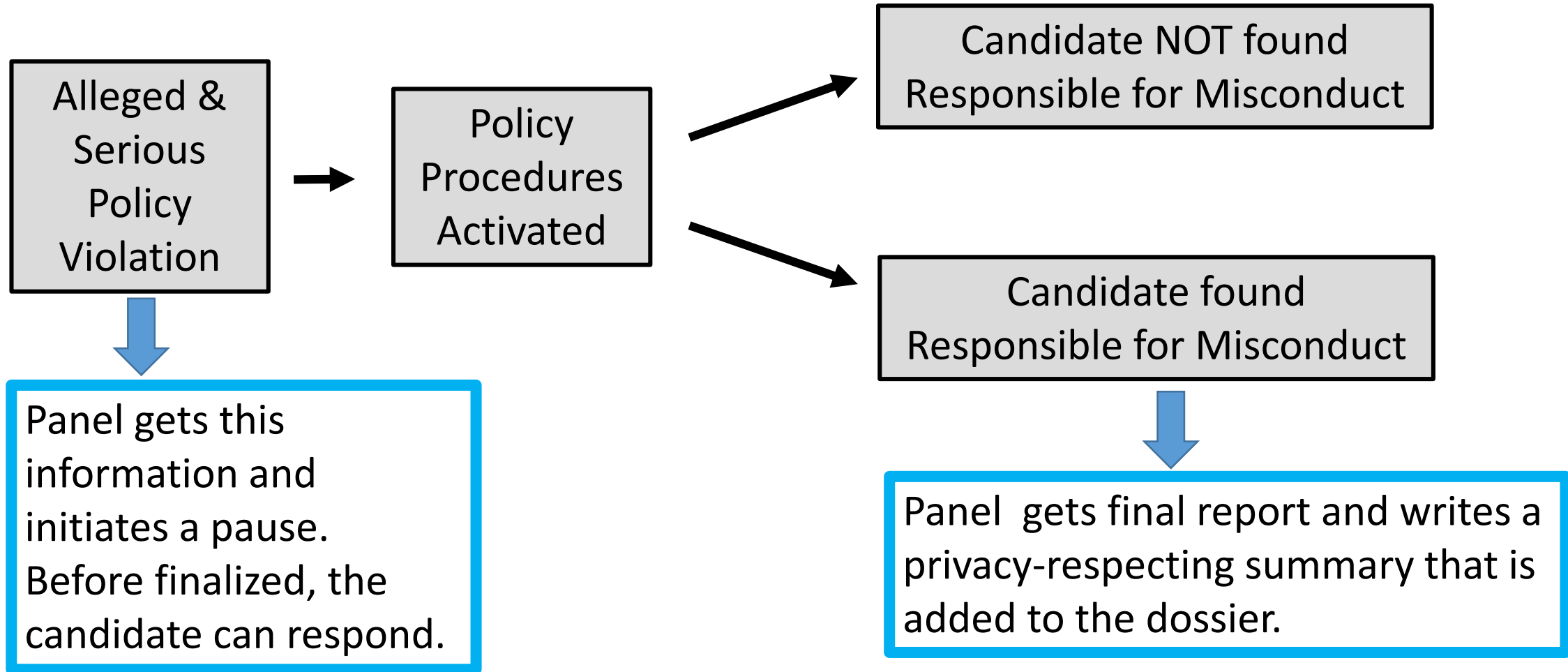


A tenure review is **delayed** if the processing of the allegation is still going on at the normal start time.

A tenure review is **paused** if an allegation arises after the start of the tenure review.

The Pause Panel & The Misconduct Proceedings

(Chair Dean, Provost, DoF)



The “Found Not Responsible” Scenario



The review resumes at the pause point.

Reference to the allegations is not allowed UNLESS the candidate gives permission.

The candidate can augment the dossier with a statement about any aspect of the allegations.

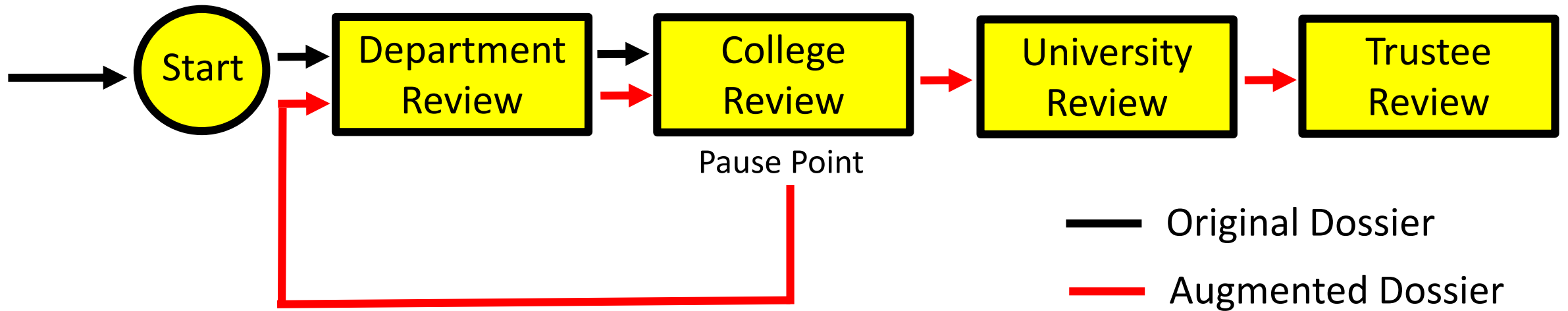
The “Found Responsible” Scenario



The review restarts from the beginning with the augmented dossier regardless of the pause point.

The candidate can augment the dossier with a statement about any aspect of the allegations.

A “Found Responsible” Example



If the pause point is at the college level, then the department will have to revisit the case with the dossier augmented with the misconduct summary. “Revisit” does not necessarily mean “start from scratch.” E.g., probably no need to re-assess the external letters.

Rationale for restarting: evaluators at the department, college, and university levels must “see” the same dossier.

When You Think About a Pause Policy Think About these Things...

1. What makes an allegation serious enough to warrant a pause?
2. How well does the pause policy deal with confidentiality issues?
3. How will a pause affect the TT voters?
4. How will a pause affect the candidate's reputation?
5. Is the pause policy consistent with "innocent until proven guilty"?

Do we have a motion to consider the resolution that authorizes the use of the Professor-of-the-Practice by the College of Veterinary Medicine

Resolution: Authorization PoP for CVM

The College of Veterinary Medicine proposes the use of the title 'Professor of Practice' to recruit and retain outstanding faculty with significant, high-level experience in veterinary medicine, public health, medicine, or biomedical or other sciences.

The proposal has been posted for commenting for 60+ days.

No concerns were voiced.

Do we have a motion to vote on the resolution?

Call For a Vote

I support this [resolution](#) that would allow the CVM to use the Professor-of-the-Practice title.

Please post your vote (yes/no/abstain) to Chat now.

Resolution on When a Student Enrolls in a Course Taught by a Family Member

Sponsored by UFC.

No crisis, just want to **avoid** conflict of interest situations as we do in Policy 6.3 (Consensual Relationships)

Does this really come up?

Occasionally. About 2% of the ugrad population have a parent who is faculty or staff.

Do we have a motion to consider the resolution concerned with the situation when a family member is an instructor

Original: Text for Policy 4.14 (Col)

A student is not allowed to enroll in a course that is taught (or co-taught) by a family member unless

1. It is required by the student's degree program and no substitute courses are available.

and

2. There are no alternative scheduling options that are free of conflict of interest concerns.

If both of these conditions are satisfied, then a recusal plan that ensures the integrity of the grading process must be developed and co-signed by the student, the instructor, and the chair of the instructor's department (or equivalent).

Modified: Text for Policy 4.14 (Col)

If student enrolls in a course that is taught (or co-taught) by a family member, then a recusal plan that effectively addresses the integrity of the grading process must be developed and co-signed by the student, the instructor, and the chair of the instructor's department (or equivalent).-The recusal plan must describe a grading process that does not involve assessments rendered by the instructor and which is fair relative to how other students in the class are graded

Do we have a motion to vote on the resolution?

Call For a Vote

I support this [resolution](#) that guards against conflict of interest when a family member is the instructor

Please post your vote (yes/no/abstain) to Chat now.