

## Proposed RTE-Related Cap Legislation (Final Draft 06/10)

### Titles and Numbers

This proposed legislation is concerned with certain RTE titles and how the number of individuals holding those titles compares to the number of tenured/tenure track faculty in each of the colleges<sup>1</sup>. Having the right mix of the two faculties is important to Cornell as documented in this 2019 [report](#) from the Committee on Academic Titleholder Representation.

Here are the titles and the numbers<sup>2</sup>:

Title	AAP	CALS	CAS	CHE	COE	ILR	CIS	JCB	CVM	LAW
Tenured/Tenure Track (TT)	50	295	501	92	196	55	57	148	117	38
Clinical Professor				2				3	20	15
Professor of the Practice	6	2	4	3	9			6		2
Research Professor		3	1	1	2				8	
Senior Lecturer	1	16	96	7	20	5	8	33	17	
Lecturer	3	21	58	28	15	2	7	16	19	2
Senior Research Associate		32	12	2	7	3	1	2	14	
Research Associate	1	66	20	11	22	5	1	7	25	1
Senior Extension Associate		66		7		23		4	12	
Extension Associate		83		15		17		2	12	
Research Scientist				1						
Senior Scientist/Scholar			1							
	22.0%	97.9%	38.1%	83.6%	38.2%	100%	29.8%	49.3%	108.5%	52.6%

The displayed percents are obtained by summing the number of designated RTE titleholders and dividing by the number of TT faculty. RTE titles that do not involve multiyear departmental appointments are outside the purview of this discussion<sup>3</sup>.

### Percent Limitation Caps

The number of RTE titleholders in a given college was never subject to formal, university-imposed constraints until the creation of the clinical professor (CP) title in 2002. Enabling legislation for that title was established in [Resolution 30](#). Colleges seeking authorization to use the clinical professor title produce a proposal that must be approved by the Faculty Senate

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<sup>1</sup> CIS is treated as a college in this document.

<sup>2</sup> Data obtained from Institutional Research and Planning on 5/31.

<sup>3</sup> These titles include librarian (all ranks), archivist (all ranks), instructor, teaching associate, visiting fellow, visiting critic, visiting scholar, visiting scientist as well as all titles that are modified by adjunct, visiting, courtesy, acting, or emeritus/a. The Faculty Handbook contains descriptions of all [titles](#) and [modifiers](#).

before it can be implemented. Certain conditions must be satisfied including one that imposes a limit on the quotient #CP/#TT:

The percentage of positions bearing the titles may not exceed 25% of the existing tenure-track faculty positions in the college or 25% of the tenure-track positions in those departments or programs where those positions are located.

There was intense debate about the limitation constraint that revolved around the importance of maintaining tenure track numbers. It spans 15 pages in the [transcript](#) of the September 2002 meeting and provides insight into the range of faculty opinion about professorial titles outside of the normal tenure track. The choice of 25% is somewhat arbitrary and appears to have been chosen with an eye towards winning over Senators who were anxious about the erosion of the tenure system.

Enabling legislation for the [Professor of the Practice](#) (2014) and [Research Professor](#) (2015) titles also have percent limitation caps, the latter being 10 percent. Over the years the colleges have used these enabling legislation procedures to authorize the use of these titles:

Resolution	Date	College	Percent Limitation Notes
<a href="#">46</a>	5/05	LAW	CT <= .25 TT (College)
<a href="#">89</a>	9/11	JGSM	CT <= .25 TT (College)
<a href="#">91</a>	12/11	CVM	CT <= .25 TT (Dept))
<a href="#">100</a>	10/13	SHA	CT <= .10 TT (College)
<a href="#">103</a>	2/15	JGSM	(CT + PoP) <= .25 TT (College)
<a href="#">104</a>	2/15	CHE	CT <= .20 TT (Dept)
<a href="#">106</a>	4/15	COE	(CT + PoP) <= .25 TT (College)
<a href="#">111</a>	9/15	CALS	PoP <= .10 TT (College) and PoP <= .20 TT (Dept)
<a href="#">114</a>	12/15	AAP	PoP <= .20 TT (Dept)
<a href="#">116</a>	2/16	CAS	PoP <= .10 TT (College) and PoP <= .25 TT (Dept)
<a href="#">118</a>	4/16	CVM	RP <= .10 TT (College) and RP <= .10 TT (Dept)
<a href="#">119</a>	5/16	CHE	RP <= .10 TT (College) and RP <= .10 TT (Dept)
<a href="#">120</a>	9/16	CALS	(PoP + RP) <= .10 TT (College) and (RP + PoP) <= .10 TT (Dept)
<a href="#">122</a>	11/16	COE	RP <= .10 TT (College)
<a href="#">132</a>	4/19	CAS	RP <= .10 TT (College) and RP <= .10 TT (Dept)

## Raising the Cap: Current Procedure

Part of the clinical professor debate in 2002 included discussion about how a college might go about getting a higher percent limitation if they felt it was necessary. An amendment to the enabling legislation was proposed:

A higher percentage may be afforded if, but only if, the relevant college, department, or program makes an overpowering showing that: (1) there is a need for the higher percentage; (2) the Clinical Professor positions in question would not replicate the functions of positions ordinarily held by tenured or tenure-track faculty; and (3) any additional Clinical Professor positions in a department or program would not detract in any way from the potential for adding tenured or tenure-track positions in that department or program.

The amendment was defeated thereby making the 25 percent rule on clinical professorships an absolute constraint. Interestingly, the enabling legislation for research professor *does* include a provision for raising the cap:

A higher percentage may be afforded if, but only if, the relevant college, department, or program makes an overpowering showing that: (1) there is a need for the higher percentage; (2) the Research Professor positions in question would not replicate the functions of positions ordinarily held by tenured or tenure-track faculty; and (3) any additional Research Professor positions in a department or program would not detract in any way from the potential for adding tenured or tenure-track positions in that department or program.

Even if it applied to CP's and PoP's, the above raise-the-cap provision is flawed in several regards:

1. It does not detail what constitutes an "overpowering showing".
2. It does not offer a clear, low-overhead mechanism whereby the Faculty Senate can track faculty counts and ensure that the blend of University and RTE faculties is optimal for the health of Cornell and its tenure system.
3. It does not give colleges the flexibility to involve a combination of RTE titles in its percent limitation computation.
4. It does not give the colleges explicit authority to have denser populations of RTE faculty in departments where the need is greater and may vary with time.

### **Raising the Cap: Proposed Procedure**

With these shortcomings in mind we recommend that if a College wants to liberalize its existing percent limitation constraints, then they are required to submit a proposal to CAPP that has these attributes:

- A. It identifies the subset of RTE titles whose combined numbers are to be subject to the percent limitation. The current occupancy numbers are given for those titles, other RTE titles, and the various ranks of tenure-track faculty.

- B. It specifies the criteria that must be satisfied if any of its departments in the college are allowed to exceed the limitation constraint.
- C. It explains why the current percent limitation constraints are no longer relevant or appropriate, providing historical data as appropriate. In the case of teaching appointments, information about teaching loads and its impact on the TT faculty is useful. Give an analysis of the expected change in the number of RTE instructors vs tenure track instructors that a student will see as a major.
- D. It puts the proposed request in perspective by describing corresponding policies and levels at peer schools.
- E. It confirms that none of the RTE positions in question replicate the functions of positions ordinarily held by tenured or tenure-track faculty.
- F. It confirms that additional RTE positions that are made possible by the relaxation of the percent limitation does not detract in any way from the potential for adding tenured or tenure-track positions in the college. A discussion of funding sources for these new positions could be an important part of that discussion.
- G. It specifies which titles of the RTE positions will have College voting rights and the conditions under which their voting rights do not apply (For example, RTE faculty should not vote on issues related to tenure and promotion).

As much as possible, the new proposed percent limitation constraint should be shown to be consistent with the college's current strategic direction (preferably as documented in a unit's strategic plan). There must be evidence that sections A through F of the proposal were reviewed and discussed by the faculty before there was a vote, and the vote results should be included in the document that is sent to CAPP. Separate tabulations are required for University Faculty and those RTE faculty who have voting rights in the college (Yes/No/Abstain/DNV). The Senate will only consider the proposal if the number of TT (tenured and tenure track) Faculty who vote is at least two-thirds the total number of TT faculty in the unit and at least one-half of all the TT faculty in the unit voted positive. Likewise, it must be the case that the number of RTE faculty who voted is at least two-thirds the total number of eligible RTE faculty in the unit and at least one-half of all the eligible RTE faculty in the unit voted positive.

CAPP deliberations could include a dialog with the sponsoring college as required. CAPP's report to the Senate should include the results of a committee vote (Yes/No/Abstain).

Once a year CAPP will review the tenure track faculty and RTE populations numbers provided by IRP and confirm to the Senate that the approved percent limitations are being followed.

In no case will a proposal be considered if the relaxed percent limitation makes it possible for the number of RTE faculty with voting rights to exceed the number of TT faculty in the college.

