

Synopsis of the Clinical-With-Tenure Proposal for the Cornell Law School

Executive Summary

For reasons that are articulated in the [full proposal](#), the Cornell Law School (CLS) requests that the [University Bylaws](#) be modified so that its Clinical Professors can be awarded indefinite tenure. Currently, appointments on the [Clinical Professor Track](#) are for up to five years. There is no limit on the number of renewals. The CLS [plan](#) to offer clinical professorships in the first place was approved by the Senate in 2005.

The Bylaws currently stipulate that all [RTE Faculty](#) have limited-term appointments. However, the Bylaws exempt certain units from this limitation and the CLS wishes to be included in that group. To that end the CLS is requesting **this Bylaw change**:

The foregoing provisions with respect to maximum periods of service shall not apply to the Medical College, the **Cornell Law School**, the Department of Military Science and Tactics, the Department of Naval Science or the Department of Air Service. (Article XVII, Section 2i)

Note: This Bylaw modification would not enable other units on campus to offer indefinite tenure to any RTE titleholder group.

Approval Process

The Academic Freedom and Professional Status of the Faculty (AFPSF) Committee makes a recommendation to the Senate. If the proposal is approved by the Senate, then it goes to the Provost. If the Provost approves the proposal, then it goes to the Board of Trustees who act on the requested Bylaw change.

Offered Justifications

Professional School Status. The CLS should be accorded the same level of flexibility that is accorded WCM.

Excellence. Clinical education in the best Law Schools is increasingly important due to the ABA's new requirement that all JD students complete six credits of "experiential" instruction prior to graduation, leading to increased demand for clinical faculty. Clinical-with-tenure is necessary if we are to recruit and retain the best.

Equity. It will help address CLS's gender imbalance problem: 80% of doctrinal faculty are male, 80% of Clinical faculty are female.

Efficiency. The reappointment of fixed-term clinical faculty is an administrative overhead.

Leadership. Clinical-with-tenure is a statement about the importance of clinical instruction. With that statement Cornell will be in a leadership role as this component of legal education grows across the country.

Implementation Details

Doctrinal Faculty Controls Doctrinal Tenure, with Clinician Participation. The proposal describes who can vote on what with the CLS. The doctrinal faculty with tenure would vote in doctrinal tenure cases with tenured clinical faculty participating but without voting rights. All tenured faculty would vote on clinical tenure promotion cases.

Scholarship Standards. Clinical faculty metric = teaching + service + professional role + scholarship with scholarship not weighted as much as it is with doctrinal faculty.

Opting In or Out. All new clinical hires required to be on the clinical tenure track. Current clinical faculty have a choice.