



## Spring 2020 Grading Policy

On March 26, the faculty met and approved changes to our grading policies for the Spring 2020 semester. To summarize, the fundamental change is as follows:

**All Spring 2020 courses will be assessed on a Pass/Fail basis.**

Before deciding on this policy, the deans and various faculty members received hundreds of messages from students, expressing strong, but divergent, views, with no clear consensus around any particular approach. Most students expressed an interest in pass/fail grading, either as a mandatory across-the-board rule or as an available option, though a significant number favoring the option also wanted at least an opportunity to obtain letter grades. Multiple different approaches had support and had reasonable arguments in their favor. The faculty, and its Academic Standards Committee, seriously considered various options, but ultimately narrowed their focus to three:

1. Mandatory pass/fail grading for all courses.
2. Grading as usual, but giving students the option, before taking exams, to select pass/fail for all courses.
3. Grading as usual, but giving students the option, after taking exams and receiving grades, to select pass/fail grades for all courses.

Each of these three alternatives has already been adopted by multiple schools in our area: at this writing, Columbia, CUNY, Fordham, NYU, and Rutgers have adopted the first; Pace and St. John's the second; and Cardozo, New York Law School, and Syracuse the third.

The committee, and the faculty as a whole, considered these alternative options thoroughly and debated them at length. Each alternative has its advantages and drawbacks with respect to the multiple relevant considerations and goals the faculty sought to balance, which include: addressing and reducing student anxiety; promoting equity and fairness in the face of a sudden transition to distance learning whose impact will not be experienced uniformly across the student body; respecting students' interest in improving their GPAs; maintaining a system of grading, GPA calculation, and ranking that would be accurate, consistent, and equitable, and avoid the creation of misaligned or improper incentives; and anticipating likely effects on employment prospects. In addition, the dean and faculty explored what other law schools are doing, as summarized above, to learn from their thinking and decisions and to reduce the likelihood that we will be out of step with other institutions or place our students at a competitive disadvantage.



Ultimately, the faculty’s resolution in favor of the first alternative, rather than the second or third, was driven by a conclusion that each of the latter two suffered from a flawed premise: namely that, under current circumstances, there could be anything resembling “grading as usual.” The present situation is extraordinary and, in living memory, unprecedented. Our lives have been disrupted profoundly, and unequally. Even in the best of conditions for instruction and evaluation, these personal disruptions would skew students’ relative performance in their courses for reasons having nothing to do with aptitude or effort.

And these are hardly the best of educational conditions. The format of courses and, in many cases, exams have changed in abrupt and unforeseen ways. Both teachers and students have actualized these changes with determination, resilience, and skill, and we are confident this semester’s overall educational experience will be at least satisfactory and, for some, excellent. But the impacts of these unexpected educational changes and challenges, too, are not evenly or fairly distributed among our student body.

Given all this, the faculty determined that maintaining the usual grading system for this semester, in any form and for any purpose, would be at best arbitrary and at worst unfair.

More specific implications of this change in grading policy are described below.

### **Dealing with Prospective Employers**

After numerous conversations with alumni, other lawyers in various practice settings, and other schools, we are confident that the community of employers, given the extraordinary circumstances, will understand our decision to implement pass/fail grading and will work with us, our fellow schools, and our students to maintain access to employment opportunities. As one example of this flexibility and understanding, we expect our on-campus interviewing schedule will be shifted from late summer of 2020 to January or February 2021, enabling employers to consider Fall 2020 grades in their hiring process. More broadly, employers fully expect that many or most law students will not have regular grades on their transcripts for this semester, and appreciate why this is so. As always, we will dedicate ourselves to working with you and with employers to maximize your career potential.

### **Effect on GPA and Class Rank**

Our usual rules governing Pass/Fail credits apply: a grade of “Pass” will have no impact on a student’s GPA or rank; a grade of “Fail,” as noted in Student Handbook § III.L.1, will be counted as 0.00 GPA for the relevant credits.



## **Effects on Academic Opportunities and Interventions**

First-year students will have access to academic opportunities (such as journals, as described in Student Handbook § IV.A), and will be subject to academic interventions (such as supervision, as described in Student Handbook § VI.F.3.b), based on their official GPA and class rank, which in turn will be based on Fall 2019 grades only.

### **Effect on Merit Scholarship Retention**

Under our policy, students outside the top 80% of the class after their first year do not retain their merit scholarship. Pass/Fail assessment means that class rankings are unlikely to change after Spring 2020 (unless any students receive a grade of Fail). Accordingly, first-year students whose Fall 2019 grades placed them outside the top 80% in the class will not retain their scholarship for Fall 2020.

However, to provide those students with the same opportunity they would normally have to retain their scholarships by improving their second-semester grades — as would have existed if Spring 2020 courses were graded — any current first-year student who loses her merit scholarship for Fall 2020, but enters the top 80% of the class based on Fall 2020 grades, will not only regain the scholarship going forward, but will have it retroactively reinstated for the Fall 2020 semester. As a result, only students outside the top 80% of the class based on two full semesters of grading will ultimately lose any scholarship funding, as is typically the case. (Students who fall out of the top 80% based on Fall 2020 grades will fail to retain their scholarship going forward, but will not lose their Fall 2020 scholarship retroactively.)

Additionally, be aware that Dean Cahill is creating a “Student Support Fund” whose resources will be used to help students who experience significant financial need, by virtue of a lost scholarship or for any other reason. Further details about that new fund will be forthcoming.

### **Effect on Dismissal Rules**

No students will be dismissed based on GPA at the end of Spring 2020. Dismissal rules will be applied after the Fall 2020 semester.

### **Effect on Elective Pass/Fail Option**

Non-graduating upperclass students who were planning to take a Spring 2020 course on an elective pass/fail basis, as described in Student Handbook § III.L.7, will be able to retain that option for use in later semesters.

### **Effect on UCWR**

Students taking Spring 2020 courses to satisfy the upperclass writing requirement (UCWR) will remain able to do so.