

The Spring 2020 Grading Policy

The grading policy for Spring 2020 is as follows: students will receive a Credit Received / No Credit (CR/NC) for their courses with the option to select letter grades in each class not already designated as CR/NC at the start of the Spring 2020 semester.

Students will have the choice to select whether they would like to receive a letter grade for each class in lieu of a CR/NC designation after they receive their grades. A CR/NC will be applied as the default rule unless a student selects the letter grade to appear on the transcript. Also, for Spring 2020 only, a CR will apply for any letter grade of C- or higher (not the C or higher as defined in the law school's academic regulations). Among the law schools that have adopted this grading policy, including about half of the law schools in the DC-metropolitan area, it is often identified as a "modified P/F" or a "modified CR/NC" policy. We will follow this practice.

Under the modified CR/NC grading policy, if a student does select one or more letter grades to appear on one's transcript in lieu of a CR/NC for Spring 2020, it will not be counted toward the student's cumulative GPA or class rank. It will also not apply to any other academic regulations or designations, such as academic probation and scholarship status, among others, with the exception of qualifying for graduation honors as described below.

The specific administrative process for selecting letter grades will be announced before the exam period, but given the current pandemic and the negative affect that uncertainty regarding grades has had on the law school community, we wanted to adopt the new grading policy and announce it as soon as possible.

Background

Our entire community has been impacted by the pandemic and the social and legal responses to it, and it has been clear from communications with students that the challenges facing each student are varied and significant. There are no easy or clear answers in our current situation. Each grading policy choice has costs and benefits, and the faculty chose a policy it believes provides the most flexibility to students given their personal, professional, and academic experiences since the shutdown of the university and the broader quarantines that have been put into place.

The coronavirus pandemic is a global public health threat that has created several restrictions and challenges to everyday life. For Scalia Law, our classes moved online immediately at the end of spring break on March 16, made possible by the heroic efforts of the law school's IT department. Still, this created numerous difficulties for professors and students alike, including changes in teaching styles, changes in the ability of students to learn, and technical difficulties, to name just a few. Students are concerned about remote exams in a less secure

environment and potential technical or other issues associated with remote exam administration.

Students are also facing many different challenges due to personal circumstances. For example, the closing of all schools and daycare centers, and the shutting down of other support systems has dramatically increased demands on parents' time and energy to care for children. Single parents are affected even more. Students must also have to care for their parents or other family members who have been affected by the pandemic and lack of access to support services. More students than usual are facing unexpected financial stress – some have been laid off or have partners who have lost their jobs. Some students may be personally affected by the virus or are dealing with family members who are sick. Students are affected by additional strains related to mental health as access to providers and increased concerns related to isolation and uncertainty take their toll.

Students are also facing differing academic-related challenges as a result of the pandemic and the quarantines. Some students have difficulty with internet connectivity. Technical difficulties with remote teaching platforms have disrupted some class meetings. Some students are unable to return from travel. For students who were away during spring break and unable to return, they have lost access to casebooks, written notes and/or other materials they stored at the law school.

The list of different challenges is too long to fully elaborate. The simple fact is that the challenges are significant, and they vary dramatically from student to student. This created legitimate concerns about continuing to apply the regular grading policies at Scalia Law, such as assigning grades on the mandatory curve. The faculty and administration immediately recognized that it could not continue "business as usual" with its grading policy for this semester.

The Justification for the Modified CR/NC for the Spring 2020 Semester

Given the nature of the national emergency this semester, no grading policy is perfect or ideal. Any new policy has its own costs and benefits. The faculty carefully weighed these issues while recognizing at the same time that it must act as quickly as possible.

The faculty concluded that a modified CR/NC policy allows the law school to best support the student body given their varying circumstances this semester and their respective goals in law school and beyond. For instance, some students may be required by their current employers to provide grades for this semester, and thus the adoption of a mandatory CR/NC system for all classes could cause them undue hardship. Permitting the option to select grades for individual classes also allows for the ability to accommodate the unique educational experiences in each online class or to accommodate unforeseen difficulties that may arise in the exam period, whether in the administration of a specific exam or as a result of an unexpected personal or professional issue that may arise for a student due to the pandemic and quarantines. For 1Ls, the modified CR/NC policy avoids a mandatory lock-in effect of the Fall 2019 grades on their transcripts, as students each year seek to maintain or

improve their performances in their second semester of law school. A modified CR/NC grading policy provides them the opportunity to still demonstrate improvement. Other students may want grades on their transcripts in courses for which a substantial portion of the work was already completed prior to the pandemic crisis. For some students, permitting them the option to have grades on their transcript may assist them in demonstrating their strength to potential employers in a particular practice area, such as Patent Law, Tax Law, or Antitrust law.

Ultimately, the faculty believes that grades for the Spring 2020 semester are potentially unreliable signals of a student's overall ability and relative ability given the disparate effects on everyone of the global pandemic. We also believe that many employers will take the same view, and some have already indicated that more emphasis will be placed on past or future semesters. But we also recognized that, given the disparate circumstances of different students, some students may have particular professional or academic needs for having grades on their transcript, and we wanted to provide students who were hoping to show improvement this semester a way to do this as well.

The faculty decided to make the selection of grades as opposed to a CR/NC designation an "ex post" choice, as opposed to an "ex ante" choice, because academic, professional, and personal circumstances continue to develop in unexpected ways. It is virtually impossible for students to know before they take exams what may happen in any particular exam, whether technical problems may arise, a medical crisis, or another unexpected development in the national or local responses to the growing pandemic in the U.S. that may affect a student's ability to study. The faculty believed that the most sensible response to this state of uncertainty was to permit students the ability to select individual grades for individual classes, opting out of a CR/NC designation.

Many law schools are modifying the grading policies for this semester in light of the unexpected changes in teaching, as all law schools are now teaching all courses online this semester. The modification in grading policies by law schools also accommodates the needs of students given the changing conditions with the pandemic and the local, state, and national responses to it.

Many law schools have adopted mandatory pass/fail and some have adopted modified pass/fail policies. A few law schools have decided to continue with their regular grading policies. Retaining the regular grading policy for Scalia Law as set forth in the academic regulations was not an option and was not considered by the faculty when it met (online) to discuss what to do. The faculty discussed at length online what it thought was the best modification of the grading policy that provided flexibility to the students, avoided undue hardships, and avoided undue complexity either in applying it administratively or in explaining it to potential employers given the results on one's transcript for this semester. The modified CR/NC policy is a hybrid version of Scalia Law's current grading policy; it will conform with the rest of a student's transcript, and employers who hire Scalia Law students will understand what they see on it.

As noted, about half of the DC-area law schools have adopted a modified pass/fail with the option to select grades after exams, including American, Catholic, the University of D.C., Georgetown, and now Scalia Law. We adopted the modified CR/NC with the option to select for grades after exams given the flexibility that this provides to students in turbulent times, accommodating the needs and incentives students face in how they would like their transcript to look for this semester.

Related Administrative Aspects of the Modified CR/NC Policy for the Spring 2020 Semester

In an effort to minimize any negative effects of the semester change to grading policy, the faculty considered, and ultimately approved, the curriculum committee's recommendations to "bracket off" Spring 2020 grades as a special circumstance. This is in part a recognition of the potentially unreliable nature of grades this semester, and the legitimate concerns about equitable treatment of students who select grades as opposed to a CR/NC. Thus, Spring 2020 grades will not affect class rank, cumulative GPA, scholarship, or academic probation. A brief explanation is provided below as to each category. More detailed information will be provided in the coming weeks.

Cumulative GPA: All Spring 2020 grades, whether letter grades or CR/NC, will be excluded from each student's cumulative GPA. While we want to allow students who are hoping to show improvement, consistently strong performance in a specific area of law in which they intend to practice, or for any other reason, we also do not want to provide any student a potentially unfair GPA advantage over others who are impacted more significantly by the pandemic and quarantines.

Class Rank: Any Spring 2020 letter grades that a student elects to keep will not affect class rank for the same reasons they will not affect a student's cumulative GPA. As an exception, however, if a May 2020 graduate chooses letter grades for all classes and, as a result, would qualify for graduation honors not earned in their penultimate semester, such honors will be awarded. Excluding Spring 2020 grades from class ranks going forward will reduce the negative impact on students faced with severe challenges this semester who will otherwise not realistically have the opportunity to maintain or improve their class rank this semester.

Current "CR" Limits in the Academic Regulations: Students retaining CR/NC in Spring 2020 as a result of this policy will not have those credit hours counted under the current CR limits in our academic regulations.

Student Scholarships: Spring 2020 grades will not impact a student's cumulative GPA and thus they will not affect a student's scholarship award if contingent on cumulative GPA. However, should a student elect NC in lieu of a letter grade lower than a "C-," scholarship dollars may not be available for additional credits beyond the credits specified in their scholarship.

Additional information and guidance will be provided in the coming weeks so students are best prepared, when the time comes, to make informed decisions about what grading option to elect based on their individual circumstances. The faculty will also separately consider changes to exam formats and other concerns raised by remote exam administration. As always, academic and career counselors will also be available to help students make a decision taking into account past grades, career goals, and other factors.