MEMORANDUM

TO: All Law Students

FROM: Stephen C. Ferruolo, Dean and Professor of Law

DATE: April 7, 2020

SUBJECT: Spring 2020 Grading Policy

On Friday, April 3, the faculty adopted the Spring 2020 Grading Policy (Policy), which we summarize here. The Policy made changes to our current grading rules in response to the COVID-19 pandemic, the impact it has already had on our students and faculty, and the uncertainties we will face for the remainder of the semester. I appreciate the patience and engagement of so many of our faculty and students in coming to this important decision. Our School of Law’s decision on grading in these extraordinary times was not an easy one for any of us.

As I previously announced, the Policy establishes that Spring 2020 courses will be graded on a Pass/No Credit basis for all students and for all courses.

Before providing more details about the Policy, I want to summarize the process that we underwent to reach this important decision. On March 20, I appointed a faculty Task Force to consider the grading issue and make recommendations to the faculty. The Task Force considered extensive information, including the national debate on the issue that has taken place among deans and law school faculties, the policies announced by other law schools, and, above all, the extensive input we received from our students in classroom discussions, emails, Town Hall comments and questions, and social media.

Many different views and opinions were expressed and there were many suggestions for how best to equitably assess student performance under the extraordinary and unpredictable circumstances that we all face. We received compelling accounts of how the pandemic is impacting students and their families, as well as many expressions of the more pervasive anxiety about physical, mental, and financial well-being. At the same time, many students expressed concerns about how changes in grading would affect their scholarship retention and renewals, GPAs and class rankings, recognitions like Latin honors and Order of the Coif, and interview and job opportunities. Assessment and grades matter for a lot of reasons. My charge to the Task Force was to fully consider all the input, to be deliberate and comprehensive, and to do their best to come up with a policy that addressed as many of the variables and concerns that we could.
During their extensive deliberations, the Task Force considered several different options, with many variations among them, before making recommendations to the full voting faculty. After a lengthy and robust discussion, one of the Task Force’s recommendations, a Pass/No Credit grading policy, was approved by a significant majority.

The prevailing view among the faculty in making this grading change for the Spring 2020 semester is that a mandatory Pass/No Credit system for all classes would remove the unnecessary anxiety about grades and put all students, especially those most directly and acutely impacted by this crisis, in positions as fair, humane, and equitable as possible under the circumstances. Our sincere hope is that this Policy will enable as many of our students as possible to complete their current coursework successfully, whatever their individual or family situation.

The FAQ also being sent to you today provides more details about how your GPA, class ranking, academic standing, scholarship renewal, and other matters will be impacted by this Policy. One important aspect of the Policy I want to note here is that it mandates Pass/No Credit, not Pass/Fail, grading. In contrast to Fail or an F grade, the receipt of a No Credit or NC grade will have no effect on a student’s cumulative grade point average (GPA). However, as a student who gets a No Credit grade will not receive any credits for the course, they will need to repeat the course, if it is a required course, or may need to take another course to meet the credit requirements for graduation.

Many student opinions we received expressed a concern that changing the grading system could have the effect of putting our students, particularly current 1Ls, at a competitive disadvantage in the job market. My own concern about this potentially negative impact of a grading change has been mitigated for several reasons. A large majority of law schools nationally, including all of our major competitors in California, have adopted a mandatory Pass/Fail or Credit/No Credit grading policy for this semester. Further, it now looks increasingly likely that many employers will follow the lead of the law firms that have already announced that they intend to defer the on-campus interview (OCI) process until early 2021, when fall semester grades are available. During Friday’s faculty meeting, many of our faculty also spoke of their willingness to find other ways to recognize individual performance and advocate for their students in the OCI process.

I recognize that there is no perfect solution or policy that would have pleased every one of you. No system of assessment could possibly address all of the particular difficulties and challenges you and your families may face during this pandemic, nor be without potential consequences for the opportunities you will have and the competition you will face in the future. But I strongly believe that the incredible resilience and fortitude you have demonstrated under these extraordinary circumstances will be recognized and valued throughout your careers.

Finally, I want to tell you that, in my nine years as your dean, I have never been prouder of our law school than this semester as I have witnessed how our entire community, students, faculty and staff alike, have risen to the occasion in the face of the COVID-19 pandemic. Working together collaboratively, we have successfully changed the way we teach and learn, as well as conduct classes, meetings, clinics and competitions. We have completed a robust and
deliberative process to establish a fair and equitable grading policy, and we are now firmly on track to complete our classes, papers and exams as this semester comes to an end. None of us knows what may happen in the coming weeks or what new and unexpected challenges we may yet face and have to adapt to, but I am confident that all of us will continue to do our very best to support and care for each other.