

University of California, Hastings College of the Law
UC Hastings Scholarship Repository

Covid-19 Community Updates

Hastings Archives and History

4-14-2020

April 14, 2020 – COVID-19 Update

UC Hastings College of the Law

Follow this and additional works at: https://repository.uchastings.edu/covid_19_community_updates



UC Hastings Law

SAN FRANCISCO

April 14, 2020

Dear JD students,

Circumstances have changed since we first announced a pandemic Spring 2020 Grading Policy on March 24. Accordingly, as we detail below, the full faculty today voted to adopt a new Policy. In brief, JD grades in all courses listed on WebAdvisor as “letter graded” (“LG”) will be graded uniformly on a credit/no-credit (“CR/NC”) scale. All scholarships conditioned upon meeting a minimum LGPA or class rank for renewal will be extended for a third semester in fall 2020, and disqualification decisions will be postponed as described more fully in the new Policy, attached.

As one faculty member who originally supported the optional CR/NC policy noted: “the shift in the perspectives of many of us on the grading issue parallels the transitions happening more broadly in society on so many matters related to COVID-19. Every day brings new information and new understandings that we must incorporate into our responses to COVID-19. Flexibility in our responses to new information is critical in just about everything related to COVID-19.” Here are some of the most significant developments to which the new Policy responds:

- Employers’ attitudes toward spring 2020 grades and hiring have changed in the past few weeks. The shift of nearly all top law schools to uniform CR/NC, described below, and the growing recognition of the pandemic’s extreme and disruptive effects have prompted a [postponement](#) of Early Interview Program (EIP) to January 2021. Many employers have decided that they will simply not give spring 2020 law school grades weight, regardless of the law school’s grading regime. They will instead wait until they have a chance to receive fall 2020 grades. That does not mean that employers believe the pandemic and its effects will dissipate by the fall term, but they believe that, by fall, law schools, their faculties, and their students will have had time to adjust and will be able to produce letter grades that provide more meaningful measures of students’ academic performance.
- Although the general arc of the pandemic was known weeks ago, researchers have now predicted that the peak of COVID-19 in California may be occurring in May, which could substantially disrupt the exam period. Though no member of our community has yet tested positive for COVID-19, many community members have experienced pandemic-related losses.
- National and state bars have started to expressly recognize that the pandemic requires extraordinary responses that might have been unthinkable even weeks ago.
 - For example, whereas the [guidance](#) coming from the ABA to law schools in February highlighted the need to maintain academic standards to the degree feasible, a more recent ABA [resolution](#) urging state courts to adopt measures to mitigate the effects of

delayed bar exams, notes that we're in the midst of a "deadly coronavirus pandemic" and that the "primary focus of virtually all government and business has turned to health and safety."

- Similarly, state courts issuing orders postponing bar exams highlight the extraordinary nature of the current disruptions, including one from the Indiana Supreme Court, issued April 8, that notes "disruptions to personal and professional lives caused by the pandemic" may make sitting for a bar exam in July impossible for some. The California State Bar is still considering this matter.
- Not surprisingly, given the foregoing, the vast majority of peer schools, many of whom were undecided about grading policy as of March 24, have now adopted a uniform CR/NC approach.
 - At the time we adopted the optional CR/NC policy, it seemed to be a middle path, given that a number of schools, including University of Chicago Law School, had declared intentions to maintain normal grading scales and curves despite the pandemic. But Chicago and other schools in that cohort have reversed course and instead adopted uniform CR/NC policies.
 - At the same time, the cohort of peer law schools that considered or adopted optional CR/NC policies has shrunk considerably. Some peer schools that indicated, informally, that their faculties were leaning toward optional CR/NC instead adopted uniform CR/NC, and a few schools that actually adopted optional CR/NC policies a few weeks ago have now reversed course, joining the vast majority of peer ABA schools who have elected to adopt a uniform CR/NC approach to grading during this pandemic semester. For example, in recent days and weeks, Georgetown, Michigan, and Cardozo, among others, have moved to uniform CR/NC after having first favored or adopted an optional CR/NC approach.

In short, the March 24 Policy now makes UC Hastings an outlier among similarly-situated schools.

- Finally, one of the goals of the March 24 Grading Policy was to reduce student anxiety about grades during a public health emergency by giving students control over whether they received a letter or CR/NC grade. However, the policy seems to have had the opposite effect, generating tremendous anxiety about grading elections and tearing at the fabric of our community at a moment when our better instinct is to stand together and with each other.

In light of these developments, last week, Chancellor & Dean David Faigman asked Academic Dean Morris Ratner to move the faculty to reconsider the March 24 Spring 2020 Grading Policy. Academic Dean Ratner scheduled a special meeting of the faculty for today, and the faculty voted in favor of Dean Faigman's motion to move to a mandatory or "uniform" CR/NC grading policy for JD students. In addition, we made the following related changes:

- **Conditional Scholarships:** All scholarships conditioned upon meeting a minimum LGPA or class rank for renewal will be extended for a third semester in F20, regardless of LGPA or class rank at the end of this academic year. All scholarships that are conditioned upon meeting a minimum LGPA will be renewed in SP21 for only those students whose cumulative LGPA after F20 meets or exceeds the minimum LGPA requirement of their scholarship. Scholarships whose renewal is conditioned upon being ranked in the top 75% of the class will be renewed in spring 2021 (“SP21”) for only those students who are ranked in the top 75% of their class at the end of F20. Due to the timing of spring billing and the determination of F20 LGPA and class rankings, students whose scholarships are not renewed in SP21 will receive two billing statements for the SP21 semester and further instructions on applying for additional loans and a need-based grant for the spring semester.
- **Disqualification:** Disqualification decisions will be postponed until after Spring 2021 grades are received. Pursuant to the authority under the provisions of the Academic Regulations governing academic supervision, the Assistant Dean of Students may impose conditions on students who would have been subject to disqualification at the end of SP20 based on cumulative GPA. Such conditions may include, among other things, required classes designed to enhance academic performance and bar preparedness.

The faculty decided to make these changes after much deliberation and upon considering thoughtful reflections shared by members of our law school community and by employers. We particularly appreciated all of the input we received from students. For those students who supported the March 24 Grading Policy, we want to assure you that no single student group’s views were privileged over any others. We looked at the substance of student feedback and did not place special weight on the volume of it – particularly with regard to email campaigns. Personal emails and narrative statements were carefully read and considered by the recipients as we collectively weighed the nature, rather than the volume, of the competing equities. That said, we did poll the student body, and, though academic policy is not decided by vote of the majority of students, it is worth noting that 85% of students responded, and 67% of those students favored uniform CR/NC over the March 24 Grading Policy.

We also recognize that in the past few weeks since we announced the March 24 Grading Policy, a good number of students have prioritized their studies in the hopes of benefitting from that policy, including deciding to stay on campus to be able to better study and allocating time toward studies rather than family care or other pressing matters. Some students have expressed feeling that their resilience and work over the past three weeks is devalued by the change away from a graded option, and we hear that. Phenomenal work will still be acknowledged and vigorously promoted by faculty in the form of recommendations and other avenues, including special recognition awards we will announce in the coming days. And as - first and foremost - an institution of higher education, we place high intrinsic value on learning, whether or not accompanied by a grade.

The faculty also sympathizes with and applauds the efforts of those students who ended the fall 2020 term with lower grades than they had hoped and wished to improve their cumulative GPAs by receiving grades in SP20. For 1Ls and 2Ls, there will be opportunities to do that, building on the

foundation of the improvements you made this term in your legal writing and analysis skills. We fully expect that normal grading procedures resume after spring 2020. Summer Legal Institute classes are all online as part of our pandemic response, but the grading scales and curves will revert back to those specified in our Academic Regulations. Even if fall 2020 classes need to start or migrate online, we expect that to be less traumatic for students than was this semester's sudden and unplanned pivot. We will start the coming academic year with months of online instruction and sheltering-in-place practice under our belts, which has contributed to our ever-evolving and improving delivery of legal education.

Faced with a pandemic, our community has rallied. Our students, faculty, academic program staff, and IT department made jarring mid-semester changes necessary to ensure the continuity and integrity of our academic program. We were early adopters of public health measures that allowed us to move courses quickly online, cancel public events, and otherwise protect the health of our community while keeping classes going. And, while all of this was happening, we endeavored to tailor a grading policy for the spring 2020 semester that similarly met the needs of our students and our academic program. As of March 24, when we announced the Spring 2020 Grading Policy, an optional CR/NC grading policy that gave students discretion to elect between letter and CR/NC grades seemed like the outcome that best balanced the interests involved. But we knew that the course and effects of the pandemic had yet to be fully revealed, and so we indicated in that March 24 Grading Policy that it was subject to change in the coming weeks and months based on changed circumstances.

The COVID-19 pandemic has presented the UC Hastings community, the legal profession, and the public at large with the single greatest public health and, now, economic challenge in the last century. The College and its students have endured past crises together – wildfires; earthquakes; riots; wars; other epidemics, including AIDS, which hit San Francisco and other major metropolitan centers particularly hard; and significant market contractions, including, in recent memory, the Great Recession of 2008, and the stock market crashes of 2001 and 1987. This pandemic is different. None of us recalls an event that in such a short space of time so completely and fully upended our lives or created so much fear and hardship across such a wide swath of our students.

We stand with all of our students and all of those who are impacted by the current crisis. We want you to learn and to be professionally successful. But most of all, we want you to be healthy and safe.

David L. Faigman
Chancellor and Dean

John F. Digardi Distinguished Professor of Law

Morris A. Ratner
Academic Dean

Professor of Law