



SCHOOL OF  
L A W

March 25, 2020

Dear Students,

I hope this letter finds you safe and secure at home with your loved ones. As we all continue to navigate the challenges of the COVID-19 pandemic, I am writing to provide you with a number of important updates on decisions we've made regarding grading and related academic policies, exams, and graduation. I sympathize with our students who are feeling overwhelmed by the sheer volume of information and the number of communications you're receiving, but we want to make sure you have timely information, and the nature of this crisis and our physical separation necessitates more frequent communication than usual. This is a long letter, but I ask that you bear with me and read it in its entirety.

### **Impact of Governor Inslee's "Stay Home" Order**

Governor Inslee's most recent order is effective today, Wednesday, March 25, and currently runs through Wednesday, April 8. That order requires that we stay in our homes at all times unless we are engaging in an essential activity. As a result of the order, Sullivan Hall and the Lemieux Library 24/7 space are closed to students. I'm sorry that we can no longer provide these spaces for students who don't have reliable access to internet or whose home environments are not conducive to attending class or studying. I ask that you do the best you can at home until the governor lifts the order and we can reopen these spaces for your use.

### **Grading and Related Academic Policies**

After a discussion via Zoom yesterday, which was informed by a great deal of input from students and faculty as well as a review of other law schools' responses to the crisis, the School of Law faculty voted (almost unanimously) to adopt mandatory Pass/Fail grading for Spring semester. What this means is that all students in all programs – including JD, LL.M., and Master's students – will receive a grade of P or F for each course this semester. We want to minimize the impact this temporary shift to a P/F grading system for the Spring semester has on students in relation to other academic policies that are tied to cumulative GPA or class rank, so we're also making one-time adjustments to the administration of some related policies.

There are a number of components and effects of this decision:

- **Definition of Pass/Fail:** A grade of "Pass" denotes successful completion of the course with credit. There is no cap on the number of "Pass" grades that may be assigned in any course.

**OFFICE OF THE DEAN**

901 12<sup>th</sup> Avenue, Sullivan Hall P.O. Box 222000 Seattle, WA 98122-1090 [www.law.seattleu.edu](http://www.law.seattleu.edu)

Grades of “P” are not factored into a student’s GPA. A grade of “Fail,” as in the Law School’s regular grading policy, indicates that the student failed the course and will receive no academic credit. A grade of “F” will be factored into a student’s cumulative GPA as a 0.0.

- **Determinations of Class Rank:** With regard to upper level students, your class rank will be based on your cumulative GPA at the end of the fall semester. First-year students will not receive individual class ranks. You have already been provided with percentile cut-offs based on your fall grades, and you may use these cut-offs on applications and resumes. You will then receive individual class ranks at the end of the fall 2020 semester (assuming we are awarding letter grades). If it would prove helpful at any point in your academic or professional career, the law school will provide a letter explaining our grading and ranking processes during this time of unusual upheaval.
- **Effect on Fall 2019 Torts B Grades:** Students in Torts B in the Fall semester were given a choice of grading options because of a serious problem with the exam. For those students who chose the option to have their spring semester Torts grade count for all 5 credits, we will now give those students the option to go back and elect to take their fall Torts grade for those 2 credits.
- **Effect on Feedback, Assessment, and Learning:** While faculty will not be assigning letter grades going forward, they’re committed to continuing to provide high-quality instruction and feedback on your work, including your performance on final exams or other summative work product. I encourage you to discuss with your professors what would be most helpful in terms of feedback. In addition, we will explore providing “refreshers” for our soon-to-be graduates, as well as ways that continuing students can revisit bar-tested course material from this semester, including the possibility of permitting students to audit those courses next year.
- **Effect on Scholarship Retention and Recovery:** Determinations of whether students holding conditional scholarships have attained the percentile class rank targets necessary to retain their scholarships (usually a top 50% or top 75% requirement), which are ordinarily conducted in May, will be deferred until May 2021, at which time we will return to making our usual assessment. As a result, students holding such scholarships will automatically retain them, at their current amounts, for the next academic year. Rising 3L students (current 2Ls) who have previously had their scholarships reduced or rescinded on the basis of 1L grades and who have now (based on their Fall grades) attained the percentile targets needed to qualify them to recover their original scholarships will have their original scholarships restored. Rising 3Ls who do not currently meet the terms for renewal will continue to be eligible to petition for reinstatement.
- **Effect on Honors & Journals:** For 1Ls, we expect that some adjustments will be made to the usual selection mechanisms for participation in journals in light of the decision to move to P/F grading for this term. For 3Ls, we will reevaluate the usual GPA cut-offs for determining Latin honors at graduation (i.e., summa cum laude, magna cum laude, cum laude) to address any risk that the exceptional circumstances of this semester would have caused a graduate to narrowly miss the mark for honors. We will run a Dean’s List per our usual processes.

- **Effect on Academic Dismissal:** Students are required to have a minimum cumulative GPA of 2.3 at the end of each academic year or they will be dismissed from law school. Because students won't have had the opportunity to raise their GPAs based on their spring semester performance, we will suspend our dismissal policies for this academic year. However, for those students who would otherwise have been dismissed based on their cumulative GPA at the end of this year, we will require individual counseling sessions with Dean Deming and/or Dean Siegel so these students may elect whether to continue with their studies or voluntarily leave law school. We will also work individually with students who are currently on academic probation and/or are subject to meeting particular GPA requirements for the Spring semester. We will return to making our usual academic dismissal decisions at the end of the 2020-21 year.
- **Effect on Academic Warning and Academic Probation:** While we are doing a one-time suspension of our conditional scholarship and academic dismissal policies, we will apply the Student Handbook provisions with regard to Academic Warning and Academic Probation. Those policies, which entail completing Academic Action Plans, working closely with our Academic Resource Center/academic support staff, and taking specified foundational and bar-tested courses, are intended to provide academic assistance and are not punitive in nature. However, because students will not have had the chance to raise their GPAs based on spring semester performance, those who are close to the GPA or class rank cut-off line for these academic support requirements will be permitted to petition to be relieved of these obligations.
- **Effect on Bar Exam Eligibility:** We have been in contact with the Washington State Bar Association and have received assurance that having a semester of P/F grades will not impact our students' ability to take the Uniform Bar Exam in Washington. Law schools in other states are working with their bar authorities to ensure that this won't be a problem with other states' bar exams.
- **Effect on Employer or Government Reimbursement:** Students whose employers or government sponsors won't subsidize or reimburse for P/F credits should contact Dean Deming, who will work with students individually on those issues.
- **Effect on Other Law School Programs:** We will work with the Legal Writing Program, which ordinarily uses letter grades in Legal Writing II as a basis for determining eligibility to compete in the Bond and Tausend competitions, to adjust their selection processes to account for the lack of Legal Writing II grades this semester. There are undoubtedly other areas where we will need to make accommodations, and we will deal with these as they arise on a case-by-case basis.

### **Exam Policies**

We have made the decision that all exams will be, by necessity, open book. We've heard from many students who are concerned about the absence of exam security and the impossibility of policing exams that are either closed book or which allow limited access to outside materials. All exams will be administered electronically, with faculty having the choice between: 1) timed, open book exams given on the day/time listed on the exam schedule; or 2) untimed, open book take home exams, distributed

and due back according to our usual take home exam policies. Please note that the School of Law Academic Integrity Code will still be in full force for the administration of these exams and that reports of students cheating or collaborating with others in ways not permitted by the exam instructions will be taken very seriously and investigated under the Code.

### **Commencement**

I'm saddened to report that we've made the difficult but necessary decision to cancel the May 2020 Commencement Ceremony and corresponding graduation festivities. Given current circumstances, we just couldn't imagine a scenario where our graduates and their families (at least 2,000 participants and guests) would be able to gather in Seattle on May 16<sup>th</sup> to celebrate. We have already been brainstorming alternatives—a virtual graduation, rescheduling the ceremony to August, etc.—but we will make sure to involve the graduates in these decisions. Dean Deming will coordinate the process going forward and work with the Student Graduation Committee that's already been assembled. If you want to join this working group, please contact Dean Deming. We'll also ensure that the Graduation Committee involves the entire graduating class through surveys and Zoom meetings so that everyone has a chance to weigh in.

### **Our Reasoning and Analysis**

I recognize that the adjustments to the grading and related academic policies described above will not satisfy every student, and indeed, no policy could. Faculty and students who expressed support of mandatory P/F grading emphasized the level of disruption caused by the current pandemic, the inequitable way in which the burden of this disruption falls upon some of our students, the degree of anxiety and mental stress caused by the current crisis, the unavailability of stable technology and quiet workspaces for some of our students, the inability to predict how events will transpire in the time between now and exams, and the impossibility of maintaining exam security. These students and faculty also emphasized that optional pass/fail systems would fail to eliminate the inequities implicit in competitively evaluating differently situated students, present lingering issues of incommensurability, and force students to make difficult choices at a moment of particular stress. Those who preferred optional pass/fail grading (and the few faculty who would prefer to retain standard letter grading) emphasized the practical importance of grades as a signal to employers, to the school, and to the students themselves; the degree to which grades serve as a motivator for learning; and the psychological value of allowing students to receive tangible rewards for their hard work. Although no policy we could develop would achieve equity and fairness for everyone, we believe that the decisions explained above satisfy several of the most compelling concerns advanced by students and faculty on their behalf.

First, and most importantly, the adoption of mandatory Pass/Fail grading for this term, thus enabling our students to complete the semester successfully without undue risk to their GPAs and the pressure of the grading curve, recognizes the unfortunate reality that COVID-19 has upended the circumstances of every student. Many students are now forced to manage the usual pressures of being a law student with a range of new and unexpected challenges: caring for young children at home without access to school or daycare, job loss and other economic or food insecurity, caring for vulnerable or ill family members, quarantine, or threats to their own physical and/or mental health. We recognize that these circumstances will prevent many students from doing their best work for the remainder of the semester and that an insistence on grading all students as usual is likely to reflect this random or unequal distribution of hardships as much as it would reflect students' hard work and academic merit.

Second, we considered seriously the arguments in favor of making Pass/Fail grading elective rather than mandatory. I want you to know that we heard and empathize with those students who have been working really hard and doing well this semester, and particularly those who were depending on this semester's grades to bring up their GPAs or class ranks. Those are legitimate arguments in favor of optional P/F grading, but we ultimately came down on the side of a mandatory policy for reasons of equity and administration. There are many students facing significant and sudden hardships, not of their making, whose life circumstances will effectively prevent them from doing their best academic work. To permit other students, some of whom are relatively unimpeded, to use this semester to advance their own academic standing relative to peers who have been effectively sidelined by a pandemic raises serious equity concerns. We were also concerned about the impact in an employment setting where a potential employer was considering two of our graduates, one of whom who had chosen P/F grading and the other of whom had opted for letter grades. The risk is that the employer would draw negative inferences about the student who had chosen to take grades of "pass," given that there was an option given. These equity concerns are compounded by the realization that some of the resulting obstacles to academic performance (such as unreliable technology or internet access, disruptive caregiving responsibilities, and the lack of a home environment conducive to uninterrupted study) may be correlated to socioeconomic status or other societal factors.

In addition, there are significant challenges to the fair administration of a system that would allow some students to earn grades for a semester in which others, for all practical purposes, could not. This uneven development of student transcripts and the impact on class rank would complicate matters ranging from journal selection to honors designations. These considerations ultimately led us to favor an approach that would provide greater uniformity across student transcripts.

Third, while not the primary determinant in our decision making, I want to note that we are in good company in having chosen the mandatory P/F option. Based on a survey that is currently being completed across the country, the majority of law schools that have considered changes to their grading policies have chosen mandatory P/F (although the optional P/F system is the second most common choice among schools that have reported). In our vicinity, the law schools at UW and Oregon have both announced that they will implement mandatory P/F grading this spring, and we anticipate that other schools in our region will make the same choice. Having most schools adopt a mandatory P/F system will mitigate any employment market disadvantage that might otherwise have ensued because "Ps" will be the norm for this semester nationally. Employers, too, have suspended their on-site work and are operating remotely, so there's little chance that they will forget about or discount the hardships of this semester. Just to make sure, we're planning to add a notation to all of our current students' transcripts that will make reference to the COVID-19 pandemic for the Spring 2020 semester.

## **Conclusion**

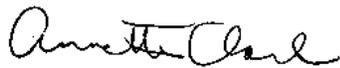
I want to thank our students for your constructive and collegial input and your patience while we worked our way carefully through the equitable considerations and practical implications of these decisions. Those of us who had the privilege of reading the many student emails we received were struck not only by the quality of the advocacy but also by the compassion and perspective reflected in those communications. Though you didn't all agree on the course we should take, your ethical reflection about the ramifications of the different choices, not only for yourselves but also for your differently situated colleagues, was awe-inspiring. A number of you explained that you were advocating for positions that were not in your own self-interest out of a sense of compassion, fairness, and obligation

to others. Others of you wrote in poignant detail about the particular challenges you or your classmates are currently facing in navigating this crisis, including challenges that go well beyond the lack of child care or functional work space, to encompass life-threatening health challenges and deep financial insecurity.

Whether or not these decisions accord with your own preferences, I hope you will recognize that it represents our earnest effort to achieve the common and collective good under highly challenging circumstances for us all. My hope is that having clarity on grading and academic policies, exams, and graduation will permit you to turn your focus to taking care of yourself and your loved ones, and to your law studies, and that this letter will have removed a source of anxiety at a time when we're all facing far too much uncertainty.

Don't hesitate to reach out to me or to other members of the administration, faculty, and staff if you have questions or need help of any sort. We care about you deeply and are here to serve you.

Sincerely,

A handwritten signature in black ink, appearing to read "Annette Clark". The signature is fluid and cursive, with the first name "Annette" written in a larger, more prominent script than the last name "Clark".

Annette E. Clark  
Dean and Professor of Law