

Memorandum

July 10, 2006

To: Law School Faculty and Administration

From: Dean Aaron D. Twerski

Re: Grading Curve

At the request of the faculty, I summarize our recent decisions regarding new grading policies that will take effect as of the Fall semester of 2006. The formal policies are laid out in the Attachment.

I. Grading Curve

1. No requirement for any particular distribution of grades exists for the following, which are however subject to GPA caps as indicated:

A. Cap of 3.1

- Legal Writing

B. Cap of 3.2

- Appellate Advocacy

C. Cap of 3.3

- First Year Small Sections
- Any course whose grade is primarily determined by an evaluation mechanism involving significant individualized interaction between the student and teacher (e.g., paper courses and clinical or simulation courses dependent on an evaluation of student skills in the performance of lawyering tasks)

D. No Cap

- Any course with an enrollment of 10 or fewer students.

2. Subject to waiver by the Dean for good cause shown, all other courses must have a class mean GPA in the range 3.0 - 3.2 and also comply with the following:

A or higher No more than 10%
A- or higher No more than 25%

C+ or lower At least 15%
C- or lower At least 6%*

As has been discussed, these limits will permit grading curves to come in anywhere in the 3.0-3.2 range. That said, the distribution required to attain a 3.2 GPA requires that roughly 75% of the grades in a class be B+ or better.

The registrar's office will provide a spreadsheet that automatically tallies your grades, shows if they comply with the curve, and if they do not, shows what the problem is. For categories that depend on class size, enrollment will be counted as of the end of the drop/add period so that you (and your students) will know what category applies by the end of the first week of classes. Finally, note that the curve applies to the final grades assigned in the course after any adjustments that may be applied for class participation or the like.

There was considerable concern about whether our new grading policies would put our students at a competitive disadvantage relative to graduates of other area schools. We examined this issue by reviewing the grading curves appended to the proposal more closely, to examine the GPAs they typically generate. The charts below show the grades that come out by applying the grades curves on the low end, in the middle, or at the top.

To summarize: Cardozo has the most generous grading policies from the comparison group. In classes to which the curve applies, our grade policy is more generous than those of Brooklyn, Seton Hall, and St. John's. However, Brooklyn and Seton Hall exempt classes with 25 or fewer students from their curves, subjecting them to caps of 3.7 and 3.67, respectively. We only exempt classes of 10 or fewer students, but put no cap on those classes.

*As a reminder, this means that the total percentage of grades of C+ and below must be at least 15%, *of which* at least 6% must be C- or below. It does not mean that 21% of the grades must be at C+ or below.

| Low Curve | | | | | | |
|-----------|-------------|-------------|-------------|--------------------------|---------------------------|-------------|
| | Hofstra | Cardozo | Brooklyn | Seton Hall (Required) | Seton Hall (Electives) | St. John's |
| A | 8 | 8 | 10 | 5 | 5 | 5 |
| A- | 12 | 12 | 10 | 10 | 10 | 8 |
| B+ | 25 | 25 | 10 | 25 | 25 | 18 |
| B | 21 | 35 | 25 | 10 | 10 | 25 |
| B- | 18 | 12 | 22 | 8 | 18 | 17 |
| C+ | 6 | 3 | 11 | 7 | 7 | 10 |
| C | 4 | 2 | 3 | 15 | 15 | 6 |
| C- | 3 | 2 | 4 | 10 | 5 | 5 |
| D+ | 1 | | | | | |
| D | 1 | 1 | 4 | 9 | 5 | 4 |
| F | 1 | | 1 | 1 | | 2 |
| | 3.00 | 3.12 | 2.87 | 2.63 | 2.78 | 2.77 |

| Middle Curve | | | | | | | |
|--------------|-------------|-------------|-------------------------------|---------------------------------|--------------------------|---------------------------|-------------|
| | Hofstra | Cardozo | Brooklyn (40+ students) | Brooklyn (26-39 students) | Seton Hall (Required) | Seton Hall (Electives) | St. John's |
| A | 10 | 10 | 13 | 17 | 10 | 10 | 6 |
| A- | 14 | 14 | 10 | 11 | 10 | 10 | 10 |
| B+ | 25 | 30 | 16 | 16 | 23 | 23 | 20 |
| B | 25 | 26 | 21 | 21 | 20 | 22 | 28 |
| B- | 10 | 10 | 25 | 20 | 10 | 13 | 14 |
| C+ | 6 | 5 | 6 | 6 | 8 | 9 | 8 |
| C | 4 | 2 | 5 | 5 | 7 | 7 | 5 |
| C- | 3 | 2 | 3 | 3 | 6 | 3 | 4 |
| D+ | 2 | | | | | | |
| D | 1 | 1 | 1 | 1 | 6 | 3 | 3 |
| F | | | | | | | 2 |
| | 3.07 | 3.16 | 3.02 | 3.08 | 2.89 | 2.97 | 2.87 |

| High Curve | | | | | | | |
|------------|---------|---------|-------------------------------|---------------------------------|--------------------------|---------------------------|------------|
| | Hofstra | Cardozo | Brooklyn (40+ students) | Brooklyn (26-39 students) | Seton Hall (Required) | Seton Hall (Electives) | St. John's |
| A | 10 | 10 | 15 | 21 | 15 | 15 | 10 |
| A- | 15 | 15 | 10 | 10 | 10 | 10 | 12 |
| B+ | 45 | 25 | 23 | 23 | 30 | 30 | 28 |
| B | 10 | 35 | 17 | 17 | 15 | 10 | 21 |
| B- | 5 | 10 | 27 | 21 | 10 | 18 | 11 |
| C+ | 6 | 5 | 2 | 2 | 5 | 7 | 9 |
| C | 3 | | 6 | 6 | 7 | 10 | 4 |
| C- | 6 | | | | 3 | | 3 |
| D+ | | | | | | | |
| D | | | | | 5 | | 2 |
| F | | | | | | | |

Brooklyn: Brooklyn’s basic curve applies to all first year courses and all upper level courses with 40 or more students. This basic curve generates average grades that can run from a low of 2.87 to a high of 3.13. Upper level courses with 26-39 students can use a modified curve that can increase the possible GPA to about 3.21. Upper level courses with 25 or fewer are exempt from the curve, but must be graded between 2.7 and 3.7. Thus, where the curve applies, our new standards are more generous than Brooklyn’s.

Cardozo: Cardozo’s grading policies are the most generous of the schools examined. Cardozo’s curve can readily generate grades between about a 3.01 and 3.22, but average GPAs are required to be at least 3.10. First year classes are required to come within the range of 3.10 to 3.20. The rules say that upper level classes with 25 or more students are required to average between 3.10 and 3.33, but it is basically impossible to get anywhere near a 3.33 within the grading curve; 3.22 is about a high as can be generated. Courses with less than 25 students are exempt from the curve, but must be between a 3.00 and 3.50. In short, our curve requires that grades come in between 3.0 and 3.2, while Cardozo’s appears to basically require grades to be between 3.1 and 3.2.

Seton Hall: Seton Hall’s grade curve is generally much stricter than ours. There is a mandatory curve for required courses that can result in GPA ranging from about 2.63 to 3.05. There is a recommended curve for elective classes with more than 25 students that keeps the same limits on high grades, but does not require as many low grades, resulting in GPAs that range from about 2.80 to 3.11. In elective classes with 25 or fewer students, the curve does not apply but grades cannot exceed 3.67.

St. John’s: St. John’s has very specific “guidelines”, but then says that “substantial, not literal, compliance” is expected. Applied literally, the guidelines will result in a GPA of 2.87, and it is hard to see how “substantial compliance” can move the average GPA much below about 2.75 or above 3.05. St. John’s rules do not state that there is any exemption for small classes. Thus, our grading curve appears considerably more generous than St. John’s.

II. Grades of F

Current academic Rule 4 is deleted. As a result, and without prejudice to the faculty member’s discretion to offer a make-up opportunity, a student who receives an F in a course is neither entitled to a make-up examination or paper nor able to count the credits towards the total required for graduation. A grade will be recorded for each course

each time it is taken, and be included in the calculation of the student's overall GPA.

I intend to circulate a memo to the students in August, before classes start, outlining the new policies and explaining the rationale behind them. In it, I will be emphasizing that the grade curve policy ensures consistency among classes and sections; that overall, we do not expect these new policies to lower the grades that are awarded; and that our curve is in line with those of other area schools.

If you have any questions, please let me know.

Attachment

Modifications to Academic Regulations adopted by the Faculty on May 18, 2006, to be effective as of the commencement of Fall 2006 classes.

1. Insert "(a)" before the first word ("Students") of Rule 1 and "(b)" before the words "The following grades or symbols".

2. Add the following text to the end of Rule 1.

(c) (i) In courses to which this policy applies, as set forth in subparagraphs (ii) through (iv) below, the teacher shall assign grades to the J.D. students in the course so that the mean class GPA falls between 3.0 and 3.2 and also complies with the following:

| | |
|--------------------|------------------|
| A or higher | No more than 10% |
| A- or higher | No more than 25% |
| C+ or lower | At least 15% |
| C- or lower | At least 6% |

(ii) The requirements of subparagraph (i) apply to all required courses except:

(I) small first-year sections, in which, however, the mean class GPA may not exceed 3.30;

(II) Legal Writing, in which, however, the mean class GPA may not exceed 3.10; and

(III) Appellate Advocacy, in which, however, the mean class GPA may not exceed 3.20;

(iii) The requirements of subparagraph (i) apply to all elective courses except:

(I) those in which the grade is primarily determined by an evaluation mechanism involving significant individualized interaction between the student and teacher (e.g., paper courses and clinical or simulation courses relying on an evaluation of student skills in the performance of lawyering tasks), for which, however, the mean class GPA may not exceed 3.3;

(II) those with an enrollment of 10 or fewer students.

(iv) At the request of the course instructor, the Dean may grant waivers of any rule contained in subparagraphs (i) - (iii) hereof in individual instances of extraordinary circumstances that the Dean determines to be consistent with the purposes of this policy.

3. Delete Rule 4.

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