The Curriculum and Academic Standards Committee proposes for the faculty’s consideration two changes in existing grading policies:

- **An adjustment of the recommended grading curve** that reflects the increases in quality of Law Center students since 1994 when the faculty adopted the current recommended grading curve, is consistent with the grading curves adopted by peer law schools in recent years, and would, accordingly, allow our students to compete more fairly with graduates from peer law schools. Like the existing recommended curve, the proposed recommended curve applies to classes other than seminars, clinical courses, and trial practice.

- **The establishment of a grade of A+ to be recorded on official law school transcripts, in recognition of truly extraordinary academic performance in a law school class.** Virtually all of our peer schools with letter grades currently allow for the A+ grade. Unlike the practice of many of our peer institutions, however, the Committee does not recommend that the A+ grade receive a score different from an A grade for the purposes of calculating GPA. We instead favor maintaining the current 4.0 grading scale and limiting the significance of the A+ grade to its appearance on the transcript. The Committee believes that increasing our grading scale from a 4.0 to a 4.3 scale would disadvantage our students more than it would aid them and would also raise a host of complex and difficult questions surrounding fair implementation of a 4.3 scale.

Described below are both the recent history of the Committee’s consideration of possible shifts in existing law school’s grading policies and the reasons for the Committee’s recommendation in support of the two changes described above.
I. Recent History of Curriculum and Academic Standards Committee's Consideration of Changes in Grading Policies

As you may recall, the Curriculum and Academic Standards Committee last year reviewed recent changes in grading policies at peer law schools to consider whether Georgetown should change its own grading policies. The options discussed in a memo sent by the Committee to the faculty last spring (Appendix A) were wide-ranging. They included three options:

- **Option 1:** Retaining the current system but with a new recommended curve
- **Option 2:** Adopting a Honors/Pass System that allowed for significant differentiation in designations between "Honors" and "Pass" (the Boalt system)
- **Option 3:** Adopting a Honors/Pass system with no such further differentiation between those two basic grades (the Stanford, Harvard, and Yale systems).

The faculty held a brown bag discussion of all three options on April 17, 2009. As summarized in a memorandum prepared by Carol O'Neil (Appendix B), most faculty at that brown bag harbored significant concerns about a move to Option 3. Some of those concerns related to its fairness in differentiating between student exams of different quality. And other concerns were more broadly based on whether the Honors/Pass System would disadvantage our students seeking employment when they were competing for jobs with students at law schools with traditional letter grades. By allowing for greater differentiation, Option 2 reduced some of the former concerns, but did not alleviate concerns about the potential adverse impact on student employment of moving away from a grading system used by most of our peer schools. The only law school currently using Option 2 is Boalt; Stanford, Harvard, and Yale all use Option 3, which Harvard moved to last year.

Following preliminary conversations with the Dean's Office and Career Services on the pitfalls of any dramatic change in grading systems in the current job market, which might either in fact hurt student employment prospects or be perceived by students as doing so, this year's Committee decided early on to focus on the viability of Option 1 – an adjustment of the existing recommended curve rather than a major overhaul of the current grading system. The Committee this fall also considered the second issue raised by last year's Committee and also discussed at the faculty brown bag last spring: whether the Law Center should add the A+ grade to our existing grading system. During Committee and faculty discussions last year, there was considerable support for the addition of the A+ grade, but also concern about the potential for its disproportionate impact on relative student GPAs, especially if awarded by some individual faculty more frequently than by others and in courses offered for a substantially higher than normal credit hours.
Finally, this year's Committee decided to propose any changes in grading policies for the faculty consideration during the fall semester so that, if approved, those changes could be implemented this academic year. The Committee's view was that if we were to conclude that changes in grading policies were warranted to guard against our students being disadvantaged relative to students at peer law schools, we should be ready to move more quickly on our recommendations rather than have committee recommendations be considered during the normal course of events this spring. Of course, the Law Center's ability (especially the Registrar's) to effectuate changes in grading policy quickly depends on the nature of the recommended change, but it is our understanding that at least changes in grading curves can be accomplished with relatively little administrative effort.

II. Recommendation for Changing the Recommended Grading Curve

The Committee favors changing our existing recommended grading curve (reproduced at Appendix D) for two basic reasons. First, there is good reason to believe that the quality of our students has significantly increased since we adopted our current grading curve approximately 15 years ago in 1994. In the mid-1990s, our overall class size was six to seventeen percent larger than it is today, and the number of applicants for those fewer slots has risen by as much as 46 percent during that same time period. Our median LSAT of enrolled students has increased from 166 to 170 and our median GPA has increased from 3.51 to 3.68. Appendix F sets out this information, supplied by the Admissions Office.

Second, as described in the Curriculum Committee memo of last spring (Appendix A), and as supplemented by a further report on the grading policies of peer schools (Appendix C), there is reason to worry that our students are currently disadvantaged by our existing recommended grading curve. During the past several years, many of our peer law schools have raised their grading curves to allow for significantly higher percentage of A- and above grades. Our existing recommended grading curve caps such high grades at 25 percent, with 10 percent A's and 15 percent A-'s. By contrast, NYU, Northwestern, and Michigan allow their faculty to award as many as 39, 37, 31 percent of the students in a class with a grade of A- and higher.

Although the practices of our peer schools and increasing student quality since 1994 were the two major reasons for our recommendation, a shift in the recommended curve finds further support in the significant gap that currently exists between the recommended curve that applies to most Law Center classes and the distinct curve that applies to our seminars, clinical courses, and trial practice. The Law Center's current policy for those other classes is to distribute to the faculty member responsible for grading students a "Historical Grade Survey" that guides the faculty member's grading by showing the breakdown of grades historically given in those types of classes. A copy of the latter curve, which is based on historical practice in grading such classes is attached (Appendix E). There are, of course, good reasons for these latter types of classes to be graded based on a different curve, because of their size, their self-selected nature, and the greater and inherently more flexible opportunities they offer for all students to produce
excellent results. But, in any event, the Committee this year has not taken on the issue of whether that practice should be altered. Nor has the Committee, in its new recommended curve for the majority of law school classes, sought to eliminate the significant gap that exists in the grade distributions for these two types of classes. But we do view the fact that our new recommended curve would reduce some of that existing gap between the two curves as a positive development.

The Committee also decided that prior to making any recommended change in our current recommended curve that we should consult with the Office of Career Services to ensure that any such change would not unwittingly hurt rather than help our students. In particular, we wanted to consider the possibility that any change would disproportionately hurt recent law school graduates whose grades were based on the current system and not actually help in any significant manner students in competing with graduates of other law schools. We asked the Assistant Dean for Career Services, Gihan Fernando, a series of questions seeking both his own thoughts and input from informal contacts he could make with trusted employers with close ties to the Law Center. As described in a memorandum from Dean Fernando (Appendix G attached), neither he nor the prospective employers with whom he consulted believe that there is significant downside risk to our students. They instead believe that an adjustment of our curve that formally recognizes the higher quality of our student body would appropriately help our students.

Nor do we conclude that the transitional effects of changing the grading system should serve as an impediment to change. Of course, the possibility of some transitional unfairness exists whenever one makes a change in grading systems or policies. One generation of students will be graded under a different recommended curve than another. After discussing this issue, and again consulting with Dean Fernando (Appendix G attached), the Committee concluded that any such intergenerational problems fall far short of that necessary to recommend against any change in the existing curve. The extent of such intergenerational competition is, as a practical matter, not that great. In addition, the likelihood of significant unfairness seems quite small. To the extent that upper class students and recent graduates would have received potentially lower grades under the existing recommended curve, those same students and graduates would, in contrast to 1Ls, have received the benefit of obtaining the higher grades awarded in those classes not subject to the recommended curve, which the 1Ls generally cannot take their first year in law school. And, in all events, such transitional matters quickly diminish with the passage of a couple years while the advantages of the new recommended curve would apply to students over the longer term.

Based on this information regarding our peer school grading policies, the rising quality of our student body, and Committee consultation with the Office of Career Services, the Committee favors changing our current recommended grading curve. As described, this change would apply only to the Law Center’s recommended grading curve, which does not apply to seminars, clinical courses, and trial practice classes.
The Committee further considered the precise extent to which the existing recommended curve should be adjusted. In debating various possibilities, the Committee sought to consider carefully the competing considerations related to the propriety of an increase in A and A- grades, the importance of maintaining the academic significance of a student being awarded a high grade, and the less compelling nature of a relative curve in application to grades lower than a B- in light of the improved quality of our current student body. The Committee ultimately decided to recommend in favor of a new recommended curve that allowed for a slight increase in A grades, a slightly greater increase in A- grades and B+ grades, and increased faculty discretion in the assigning of grades of B- and below based on the faculty member’s more absolute assessment of the quality of the poorer exams in that particular class. The precise percentage of B grades awarded would depend on that assessment.

Reproduced below are the current existing recommended curve and the Committee’s recommended change to that curve:

<table>
<thead>
<tr>
<th>Existing Recommended Curve</th>
<th>Committee Recommended Curve</th>
</tr>
</thead>
<tbody>
<tr>
<td>A 10%</td>
<td>A 12%</td>
</tr>
<tr>
<td>A- 15%</td>
<td>A- 19%</td>
</tr>
<tr>
<td>B+ 25%</td>
<td>B+ 28%</td>
</tr>
<tr>
<td>B 30%</td>
<td>B 31%*</td>
</tr>
<tr>
<td>B- 15%</td>
<td>B- 5-10%*</td>
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<tr>
<td>C+</td>
<td>C+</td>
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<tr>
<td>C</td>
<td>C</td>
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<tr>
<td>C- 5%</td>
<td>C- 5-10%*</td>
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<td>D</td>
<td>D</td>
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<tr>
<td>F</td>
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</tbody>
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* Because the target percentage of grades of B- and below is a range, rather than a specific number, the target percentage of B grades can increase by one percent for every percent below 10 percent that a faculty member decides to award grades of B- and below.

As outlined above, the Committee’s recommended curve differs from the existing recommended curve in three significant respects: one at the high end of the curve and the other
two at the low end. At the high end, the Committee’s recommended curve allows for an increase in the percentage of A and A- grades from 25 percent to 31 percent. The new target generally reflects the practice of our peer schools. Of that six percentage point increase, twice the percentage is allocated to the A- grade rather than the A grade in keeping with the Committee’s overall desire to maintain the academic significance of the A grade.

On the low end of the curve, the Committee’s recommended curve eliminates altogether the practice of curving as a separate block any grades of C+ and below. The new curve would instead classify as one block for curving purposes grades of B- and below, eliminating any formal expectation that a faculty member should have a specified percentage of grades of C+ and below. Under this new approach, a faculty member would instead make more of an absolute judgment of the quality of the poorer exams in a class, rather than a relative judgment, in determining grades of C+ and below. This change is responsive to the Committee’s conclusion that with the rising quality of the student body it is no longer appropriate to have a formal presumption that there will be a certain percentage targeted for grades below B-.

The change is also responsive to the Committee’s surmise that this change is otherwise occurring in practice and it is best, to avoid unfairness between classes, to have any such actual change in practice formally expressed in the recommended curve.

The third significant change is to similar effect and also at the lower end of the recommended curve. Instead of having a target percentage number applicable to grades of B- and below, the Committee’s recommended curve provides for a percentage range of 5-10 percent. The reason for this change is similar to that underlying the Committee’s recommendation of eliminating a separate curve for grades of C+ and below. The Committee believes that the recommended curve should formally recognize that faculty assignments of grades of B- can properly be the product of more of an absolute judgment about the quality of exams receiving those lower grades, especially in light of rising student quality. Here too, this is likely the practice that faculty already follow in distinguishing between upper level classes where a higher rather than a lower percentage of students taking the course harbor a particular career interest in the subject matter. The 5-10 percentage target range responds to the likelihood of such distinctions, while also adhering to the Law Center’s current presumption that there will be some percentage of exams in a class at the lower end.

The final “asterisk” in the Committee’s recommended curve is necessary just to make clear to faculty that the target percentage of B grades may increase should a faculty member decide to exercise discretion and award fewer than 10 percent grades of B- and below. For instance, should a faculty member decide to award 9 percent grades of B- and below, the target range of B grades would increase from 31 percent to 32 percent. Under the Committee’s recommended curve, it is only the target percentage for the B grade that would increase in such a circumstance and the faculty member would not be increasing the target percentage for any other grade (e.g., B+, A-, and A).
Finally, the Committee’s new recommended grading curve was strongly based on the notion that it is just that: a *recommended* curve. A recommended curve creates a strong presumption for grade distributions in a class, but it is not an irrefutable presumption and individual faculty may, as they currently do, seek to justify a higher or lower curve in cases when departure from the recommended curve appropriately draws scrutiny and questions from the Dean’s Office. Historically, of course, first year classes are among those in which the faculty and the Dean’s Office adhere more strictly to the recommended curve because of faculty concerns about the considerable unfairness that can otherwise arise.

III. Recommendation for Establishing the A+ Grade While Maintaining the Existing 4.0 Grading Scale

Last year’s Committee also considered the question whether the Law Center should add a grade of A+ to our grading system. As described in Appendix C, virtually all of our peer schools that have letter grades also allow for the possibility of an A+ grade. These schools include Columbia, NYU, Penn, Northwestern, Michigan, Cornell, Duke, Vanderbilt, and GW. Many of those same schools, including Northwestern, Michigan, Cornell, Duke, Vanderbilt and GW, further allow for a corresponding numerical score of 4.3 for the purposes of calculating overall GPA, thereby effectively converting their grading schools from a 4.0 to a 4.3 scale. (Penn has a 3.0 grading scale, with an A+ receiving a 3.0, and an A grade receiving a 2.48. Truly strange, but that should be no surprise. After all, it is Penn.) The Committee this fall accordingly considered both these issues raised by last year’s Committee: whether to include an A+ grade and whether to award a higher numerical score (e.g., 4.3) for A+ grades in calculating a student’s overall GPA. The Committee concluded that the A+ grade should be added to our grading system, but we should remain on a 4.0 grading scale, so the A+ grades would appear on the transcript but not count more in the calculation of a student’s GPA than does the A grade.

The Committee first easily concluded that we should add the A+ grade. It is appropriate to provide formal recognition to a student who does an especially outstanding performance in a class. The Law Center in fact already provides some such recognition, albeit to a limited extent, by allowing a faculty member to indicate on a grading sheet submitted to the Registrar the exam number that received the highest score. In our view, however, that current practice simultaneously accomplishes too little in two ways.

First, the current system accomplishes too little because the mere fact that a student’s exam is the best in the class does not answer the distinct question whether the exam and the student’s overall performance is sufficiently superior so as to warrant an A+ grade. The best exam and an A+ grade are not in other words synonymous. Whether a student’s overall performance warrants an A+ is not strictly speaking based on a relative assessment, but more of an absolute assessment. There should accordingly be no expectation that a faculty member would automatically award an A+ grade in every class or that every “best” exam in a class would
receive an A+ grade. Such an exceptional grade should instead be just that — exceptional — and be reserved for instances of truly superior academic performance. For that reason, it should be exceedingly rare that more than one student would receive an A+ grade because the fact of multiple students performing at such a level would, by itself, call into question the conclusion that either student’s performance was truly exceptional.

The current system also accomplishes too little because under our current practice there is no explicit recognition on the student’s transcript that their exam received the highest score. The transcript shows a grade of A no different from any other A in the class. At most, there might be for some classes something like a book prize, but not a formal statement immediately clear to someone reading the student’s official transcript. (Many faculty with whom we spoke did not realize that there is currently no formal recognition of the best student exam on the official transcript).

The Committee’s recommendation of adding an A+ grade addresses both these concerns. The new policy would make clear, based on written guidance to be supplied to faculty by the Dean’s Office that the A+ grade is for truly exceptional performance and not just a recognition of the “best written exam” and is also not a grade that should be automatically or frequently awarded. The new policy would also record the A+ grade on a student’s official transcript. Such an official recording would be especially useful to our students whose performance places them at the top of the class because such formal academic distinction would be particularly meaningful to those who care most about drawing distinctions at the top of the class, including judges and academic employers. Because, moreover, we are otherwise recommending an overall increase in A and A- grades, such a further distinction at the top is especially timely. Of course, any A+ grade awarded in a particular class would be counted toward the allowable target percentage of A grades in the recommended grading curve. In other words, an A+ grade counts as an A grade for the purposes of the target percentage of A grades in the recommended curve.

The Committee, however, decided to recommend against shifting the law school’s existing grading curve to a 4.3 scale or to any other scale under which the A+ grade received a higher numerical score than an A grade for the purpose of calculating a law student’s overall GPA. After considerable discussion of the pros and cons of such a shift, the Committee felt that any advantages of such a further shift were far outweighed by the disadvantages.

First, the Committee concluded that an increase in grading scale above the current 4.0 scale would, perversely, hurt far more students than it would help by making less meaningful grades of A and below, which are the only grades that almost all students would in fact be receiving. In other words, because very few student GPAs would in fact increase under the 4.3 scale — because the A+ would appropriately be awarded only rarely — all student GPAs would now look relatively worse under a 4.3 scale than they currently do under a 4.0 scale. This would be a perverse and wholly undesirable result.
Of course, one could argue that student GPAs at schools with a 4.3 scale might be higher than here at the Law Center were we to retain the 4.0 scale, but, if so, that would only be because those schools would be awarding the A+ grade far more frequently than we believe is appropriate. Some schools do just that (e.g. Northwestern has a target percentage of 3-7 percent A+ grades). But our need to pay attention to what our peer law schools are doing falls far short of our joining what seems to be an ill-advised practice. In addition, the most direct way to address any such discrepancy in law school grading scales is by the Law Center’s making it clear on its official transcripts that GPAs are based on a 4.0 scale, and the Office of Career Services can give that same advice to Law Center students in drafting their respective resumes.

Another factor counseling against assigning the A+ grade higher numerical value for GPA purposes was a host of implementation and fairness problems that would otherwise quickly arise. In particular, it would become far more important to guard against significant discrepancies in individual faculty member’s willingness to award the A+ because otherwise a few faculty members could have a disproportionate impact on GPAs in general and, more particularly, on the identity of the top 10 students in a graduating class. Were the A+ grade to be counted as a 4.3 for grading purposes, pressure would quickly develop to police against its frequent awarding by some faculty, such as the imposition of a mandatory curve (by percentage of number) on A+ grades, or by more strict guidance from the Dean’s Office concerning frequency of its awarding depending on type and number of students in a class. Relatedly, questions would also arise concerning whether there should be a cap on the number of credits allowed for an A+ class. Students in some law school classes receive more than ten credit hours for a single class. An A+ in one class for such a large number of credits based on a grade from a single professor could have a dramatic impact on overall GPA and, standing alone, virtually decide the identity of the student graduating first in the class. But any effort to eliminate this possibility, by crafting an A+ policy that drew distinctions between types of classes, credit hours for classes, and the like would be fraught with problems. This is a path that the Committee easily decided was a path wisely not taken.

For all these reasons, the Committee concluded that the best option by far was to allow for an A+ grade to appear on an official transcript but not count an A+ as any different from an A for GPA purposes. The A+ grade would still clearly be significant and could be awarded by a faculty member teaching any kind of classes. Not only would a student receiving such a grade be justly proud of their accomplishment, but the appearance of one or more A+ grades on a transcript would most certainly make a very favorable impression on prospective employers. The additional GPA boost is not necessary to accomplish that. No distinctions between classes would be drawn in any respect in the availability of the A+ grade.

The Committee, the members of which are listed below, looks forward to discussing our recommendation and any of the matters discussed above with the faculty at a faculty meeting currently scheduled for December 2.
2009-2010 Committee on Curriculum, Academic Standards, and Teaching:

William Broderick-Villa (student member)
Professor Chris Brummer
Professor Michael Cedrone
Rachel Fersh (student member)
Professor Craig Hoffman
Patrick Hughes (student member)
Professor Richard Lazarus, Chair
Dean Carol O’Neil
Professor Jane Stromseth

Appendices