

Grading Policies

The faculty of the UNT Dallas College of Law has adopted the following grading policies. In adopting these policies, the faculty has taken into consideration extensive literature relating to assessment and grading (in higher education generally as well as in law school), and input from experts in assessment. Further, in adopting these policies, the faculty has taken into account the College of Law's core educational design principles (including program-level learning outcomes based on competencies; course learning outcomes mapped to program outcomes; and use of multiple formative and summative assessments tied to course outcomes and program outcomes).

GRADING SCALE AND GPA

The grading scale at the UNT Dallas College of Law consists of the following letter grades, along with the numerical equivalent used for calculating grade point average (GPA).

A+	4.30	B+	3.30	C+	2.30	D	1.00
A	4.00	B	3.00	C	2.00	F	0.00
A-	3.70	B-	2.70	C-	1.70		

The lowest passing grade is a D.

In addition, the College of Law uses the following grades:

HP	High pass
P	Passing grade in a class graded on a pass/fail basis
W	Drop or withdrawal without penalty
WF	Drop or withdrawal with a failing grade
I	Incomplete
IP	In Progress. For multi-term courses or a series of courses in which the final grade will not be given until the completion of the multiple terms or series; the final grade when assigned at the end of the series will be applied to all courses within the series.
Credit/ No Credit	A grade of "no credit" will not be calculated within the grade point average; however, if a student receives a grade of no credit, he or she does not earn the credit for that course and, if the course is required, the student must repeat the course. The faculty may authorize a course to be graded on the basis of credit/no credit when, in the faculty's judgment, this method of grading is appropriate given the nature and purpose of the course.

Grade point average is calculated by dividing the total number of grade points by the total number of semester hours attempted. The grade point average is reported to the third decimal. The number of semester hours attempted includes all courses with grades from A through F, and WF.

In general, letter grades will correspond to the following levels of achievement: A=Exemplary; B=Good; C=Fair; D=Poor; F=Failure. Because the grading scale includes “plus” and “minus” for A, B, and C, the use of plus or minus corresponds to a level of achievement deemed plus or minus the level just noted.

The College of Law has several non-credit-bearing requirements; specifically, the Community Engagement Requirement; the Mentorship Requirement; and the Practice-Related Technology Requirement. The Faculty member or members responsible for overseeing these requirements will indicate whether a student has completed a requirement in a given semester, in a given year, or in its entirety, as applicable. The Office of the Registrar, through its processes and degree audit, will maintain ongoing tracking of student progress towards completing these requirements. If a student has not completed work or activities for the requirement at the end of a semester in which such work or activities must be completed, a hold will be placed on the student’s registration for the next semester.

GRADING PRINCIPLES AT THE COL

For ease of reference, the following is divided into two sections: (1) statement of the principles that guide grading at the College of Law, and (2) statement of each principle along with the rationales underlying it.

A. Principles Guiding Grading at the College of Law:

1. A student’s grade in a course will reflect input from multiple assessments in the course.
2. In general, assessments will be criteria-referenced assessments—that is, evaluations of how a student performed relative to criteria or outcomes expected in the class or the assignment.
3. The College of Law will not use a “curve” in grading. That is, the COL will not specify that a certain percentage of students will receive As, Bs, Cs, etc. The COL agrees with the position of *Best Practices in Legal Education*: “Mandatory grade curves are not consistent with best practices for assessing student learning.”¹
4. The College of Law will enact practices—other than a mandated curve—to reduce inter-instructor variability in grading and to ensure validity in grading. These practices include the use of collaboratively developed rubrics, use of common items on multiple-choice tests to the extent appropriate, and ongoing assessment of our assessment and grading practices.

¹ Roy Stuckey, et al, *Best Practices for Legal Education* 244 (2007) (Best Practices). See also Barbara E. Walvoord & Virginia Johnson Anderson, *Effective Grading* 100-101 (1998) (identifying flaws with grading on a curve).

B. Principles followed by Underlying Rationales:

1. A student's grade in a course will reflect input from multiple assessments in the course.

Rationale. Legal educators now widely recognize the drawbacks of basing grades solely or primarily on a single test at the end of the semester. As summarized by the Carnegie Foundation in its study of legal education, much of the legal education literature and studies of law students criticize the one-shot, high stakes exam in the first year “for privileging speed and an unreflective manipulation of legal doctrine, for providing insufficient practice and feedback, and for undue reliance on a single examination format.”² In the words of *Best Practices for Legal Education*: “As currently used, the end-of-the-semester essay exam is neither valid, nor reliable, nor fair.”³

2. In general, assessments will be criteria-referenced assessments—that is, evaluations of how a student performed relative to criteria or outcomes expected in the class or the assignment.

Rationale. Criteria-based assessments are more appropriate than norm-based assessments in an outcomes-based education aimed at developing professional competencies. The ABA's Standards and Rules of Procedure for Approval of Law Schools (ABA Standards) have recently adopted an “outcomes based” approach to legal education, with the required outcomes tied to professional competencies. Specifically, under revised Standard 302, law schools shall “identify, define, and disseminate each of the learning outcomes it seeks for its graduates and for the program of legal education,” and these learning outcomes must include “competency as an entry-level practitioner” as to areas of knowledge, understanding, and skills specified in Standard 302. Criteria-based assessment is the approach that best fits an outcomes-based education: such assessment measures students in relation to criteria that identify the knowledge, understanding, or skills that the student should be demonstrating.

3. The College of Law will not use a “curve” in grading. That is, the COL will not specify that a certain percentage of students will receive As, Bs, Cs, etc. The COL agrees with the position of *Best Practices for Legal Education*: “Mandatory grade curves are not consistent with best practices for assessing student learning.”⁴

Rationale. As summarized by the Carnegie Foundation's study of legal education, in “most law schools a predetermined and rigid distribution of A's, B's, C's, and so on, is the norm” in first year classes.⁵ Required distribution policies also commonly apply to upper-level courses, although the courses subject to required distribution and the distribution itself often differ from the distribution policy for first-year courses. There is considerable variation among schools about the required distributions, however.

² William M. Sullivan, Anne Colby, Judith Wegner, Lloyd Bond & Lee S. Shulman, Carnegie Foundation for the Advancement of Teaching, *Educating Lawyers: Preparation for the Profession of Law 167* (2007) (Carnegie Report).

³ *Best Practices*, at 238.

⁴ *Best Practices*, at 244. See also Walvoord & Anderson, *supra* note 1, at 100-101 (1998) (identifying flaws with grading on a curve).

⁵ Carnegie Report, at 168.

According to a nationwide study of law school grading practices:

Some broad areas of consensus seemed to emerge from this patchwork array of policies. More than three-quarters of the schools with formal policies (seventy-six of the ninety-seven, or 78%) made some distinction between the types of courses to which their policies would apply. Those distinctions ran in various directions, such as distinctions made between first year and upper level courses, courses of particular size, elective courses, limited enrollment courses, seminars, and skills, paper, research, or performance courses. Fifty-six schools (or 58% of the ninety-seven) created some distinction in grading standards between first year and upper level courses, with various types of schemes. Most schools making a distinction created different distributional requirements or means for the first year and upper level courses. Others applied their grade normalization policy only to first year courses, while a few schools required compliance for first year courses and merely recommended it for upper level courses.⁶

The common practice of using a curve in law schools is closely tied to the use of a single, end-of-semester exam. As noted by the Carnegie Foundation’s study of legal education, “like so much else in contemporary legal education, grading on the curve is traceable to a practice begun at Harvard in the 1870s—the use of first-year tests and their resulting rankings to decide editorial positions on its law review.”⁷ Further, a mandated distribution seems to go hand-in-hand with basing grades entirely or mostly on a single exam at the end of the semester. On a single end-of-semester exam, student performance will spread across a spectrum. Whether the professor uses detailed scoring sheets to assess issues spotted and quality of answers, or whether the professor uses more “gestalt” scores for individual sections of the exam, the raw points earned by students will form a range. Thus, it is possible to assign a pre-determined distribution of As, Bs, Cs, etc., to this range of raw points. Indeed, the use of a distribution is arguably necessary to help reduce what otherwise might be significant inter-section variability in final grades for different sections taking a single final exam, especially given that different professors give different exams.

Despite its historical compatibility with a single end-of-term exam, use of a required distribution is not consistent with best practices for legal education.⁸ First, use of a curve reflects several incorrect premises: that grades, and the learning they represent, “are a limited commodity dispensed by the teacher according to a statistical formula;” that “learning is a demographic characteristic that will show a statistical distribution in a sample population,”⁹ and “that each class is a sample population.”

⁶ Robert C. Downs & Nancy Levit, *If It Can’t Be Lake Wobegon . . . A Nationwide Survey of Law School Grading and Grade Normalization Practices*, 65 U.M.K.C. L. Rev. 819, 838 (1997).

⁷ Carnegie Report, at 169.

⁸ Best Practices, at 244. See generally Barbara Glesner Fines, *Competition and the Curve*, 65 U.M.K.C. 879 (1997) (drawing on educational and cognitive sciences research, examines negative impact of the tradition of the law school curve on student learning and professionalism).

⁹ Peggy L. Maki, *Assessing for Learning* 101 (2004).

Second, grading on a curve fosters “competition that encourages students to keep the other student from learning, lest that other person take one of the precious and limited high grades.”¹⁰ The Carnegie Foundation’s study of legal education noted student awareness of “the competitive atmosphere engendered by the widespread practice in legal education of grading on a curve.”¹¹

An important question is whether, despite these flaws of an enforced distribution (especially in a multi-assessment professional school), the lack of an enforced distribution will have downsides for students. Two major concerns merit attention. One is that, without a curve, there will be unfair variability among instructors or classes. This concern is addressed below, under the fourth grading principle.

A second concern is that UNT Dallas College of Law students could be disadvantaged in the marketplace if grades are not the result of the curving that is typical at other law schools. The faculty and administration at the College of Law are extremely attentive to this possible concern; we will not adopt policies that disadvantage our students. Our conclusion, however, is that our grading principles will not work to the detriment of our students. First, and most obviously, COL students will be graded. Second, the COL plans to publish information about aggregate grades and how different cumulative GPAs map against various bands denoting class performance. Third, students at the COL will have extensive information reflecting performance assessments, including the results of multiple assessments and electronic portfolios of work.

4. The College of Law will enact practices—other than a mandated curve—to reduce inter-instructor variability in grading and to ensure validity in grading. These practices include the use of collaboratively developed rubrics, use of common items on multiple-choice tests to the extent appropriate, and ongoing assessment of grading practices.

Rationale. Most educators, including legal educators, agree that the strongest rationale for a curve is to reduce inter-teacher variability in grading and, relatedly, to guard against grade inflation or deflation by “easy” or “hard” graders.¹² The College of Law will enact practices that address these and other concerns relating to lack of reliability or validity in grading. Indeed, it is worth noting the various types of scoring errors that can affect grading, because an institution should adopt practices that address these. As summarized by one authority on assessment, scoring or grading errors include the following:¹³

Leniency errors: When a faculty member judges student work as better than most of their colleagues would judge similar work, or uses only the high end of the rating scale.

¹⁰ Id. at 101.

¹¹ Carnegie Report, at 165.

¹² Fines, *supra* note 8, at 888-92 (noting concerns about inter-grader variability and exploring its weakness as an argument for a curve). See generally Jeffrey Evans Stake, *Making the Grade: Some Principles of Comparative Grading*, 52 J. Legal Educ. 583, 588-602 (2002) (arguing that mean grades should be equalized across courses and that standard deviations should be equalized across courses, but cautioning that these points are not an argument for a normalization or curve that specifies percentages of grades to be awarded in each of the grading intervals).

¹³ The material in the blocked section is only slightly modified from the text that appears in Linda Suskie, *Assessing Student Learning* 44 (2009).

Severity errors: When a faculty member evaluates student work as lower in quality than most of their colleagues would, or uses the lower end of the rating scale.

Central tendency errors: When a faculty member tends to avoid both extremes of the grading scale.

Halo effect bias: When a faculty member lets his or her general impression of a student influence the student's score (obviously, anonymous grading addresses this)

Contamination effect bias: When a faculty member lets irrelevant characteristics (such as handwriting) to influence the student's score.

Similar-to-me effect bias: When a faculty member gives higher scores to students whom they see as similar to themselves, such as a student who shares the faculty member's research interest.

First-impression bias: When a faculty's early opinions distort overall judgment.

Contrast effect bias: When a faculty member compares a student against another student rather than against a standard (for instance, the faculty member evaluates a paper more highly because he has just finished reading several poor papers).

Rater drift: When a faculty member unintentionally redefines scoring criteria over time; this can occur as fatigue sets in.

The COL faculty will adopt practices that address inter-grader variability, grade drift, and validity concerns. These include use of common test questions, development of collaboratively developed rubrics for scoring, reviewing grade distributions, and other learning analytics.