

**THE NATIONAL LAWYERS GUILD AT
THE CITY UNIVERSITY OF NEW YORK SCHOOL OF LAW**

July 26th, 2020

The CUNY Law chapter of the National Lawyers Guild writes to the administration and faculty of our legal institution in the interests of student safety, access, and the integrity of our mission as leaders in social justice here at CUNY Law. The CUNY Law NLG calls attention to the following:

The student body at CUNY Law has consistently raised concerns around traditional A-F grading policies since the beginning of the COVID-19 pandemic. As faculty vote for the Fall 2020 grading policy tomorrow, we would like to highlight the magnitude of evidence in support of universal P/F grading policies, in addition to other concerns we have, proceeding into the fall:

1. In March 2020, [310 students and 16 student organizations](#) signed on to the [CUNY Law Universal Pass \(UP\) Petition](#), advocating for a universal pass grading system. This petition was sent to CUNY faculty and administration on 3/26/20. Students mobilizing around the issues of equity in grading identified the following points as central to grading concerns:

“A universal grading system is necessary to ensure equity across the law school. An opt-in system allows comparatively privileged students—who have the resources to focus solely or primarily on school—to gain an advantage over students who do not have this same luxury.

Additionally, an opt-in system introduces a signaling function to employers—specifically, employers may view students who opted in for grades more favorably than students who did not, or may draw negative inferences about students’ social circumstances due to their decision to opt-out. This undoubted signaling function may cause students to feel pressured to opt-in despite their dire circumstances, and therefore undermine the purpose of any disaster policy that is enacted.”

- CUNY Law Universal Pass Petition

On March 26, 2020, Dean Bilek sent an email stating “faculty voted unanimously” to approve a mandatory P/F grading system for both Spring and Summer 2020 semesters. Faculty came to that unanimous decision after a 90-minute discussion considering “accreditation and University rules, the disparate conditions under which our students are trying to learn, the absence of ‘choice’ in those conditions that lead to unequal opportunity for learning, and the effects of the proposal on students on probation and on students’ efforts to seek employment.” All of the things that faculty took into account

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will still be at issue in the fall, as we continue to deal with personal and economic fallout from the ongoing COVID-19 crisis.

2. In June, a plurality of 48% of 324 of students voted for an unconditional P/F as their first choice for the Fall 2020 grading policy in a survey sent out by Allie Robbins on behalf of the Fall Academic Planning Working Group. The individual explanations provided in the survey responses echo the reasoning and demands of the March 2020 Universal Pass Petition.
3. On July 6, 2020 CUNY held a town hall regarding the Fall 2020 grading system.
 - a. Therein, students (not wholly representative of the student body; in particular, the part-time class was not as well-represented) were met with a presentation by the Career Planning Office outlining how a P/F grading system would hurt CUNY Law students.
 - b. Representatives from the CUNY Law Career Planning office spent the meeting warning students that P/F would hurt their career prospects as CUNY Law students when up against students from other law schools, but failed to answer student questions about how an opt-in P/F system would hurt CUNY students.
 - c. After warning students at-length that employers would hold a mandatory P/F system against CUNY students, administrators called for a vote on student grading preferences. This vote was not inclusive of the entire student body, and failed to account for the aforementioned survey initially sent out by Allie Robbins.
 - d. As time ran out at the Town Hall, students were told that questions posed in the Zoom “chat feature” would later be addressed by administration, that students would receive an email FAQ, that the chat and video of the town hall would be sent to both the student body at-large and to faculty, preceding the vote on grading. As of today, CUNY has failed to follow up with the student body, and none of these things have been sent out.

Since the start of the pandemic, the student body has continually filled in the gaps left by the administration's lack of urgency and their less-than-timely support of students.

4. In March 2020, a group of self-organized CUNY students developed a robust CUNY Law Mutual Aid system. CUNY Law Mutual Aid arose out of the administration's overreliance on bureaucratic administrative processes and subsequent failure to meet urgent student needs. To date, CUNY Mutual Aid has mobilized over \$9,500 to support students.

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5. CUNY and the State of New York have a pattern of using students as a source of revenue. At a time when students are facing economic strife along with limited access to law school facilities and services (its classrooms, library, faculty and administrative support services) CUNY School of Law has increased tuition—\$500 for in-state students and \$1000 for out of state students.

The impacts of COVID-19 have not lessened their hold on our communities. When CUNY Law students log-in to classes this Fall, they will be doing so from all over the country in the midst of growing health, economic, and political crises. Students are not only materially impacted by COVID-19 but also by the public health crisis that is white supremacy. As our economy reels, unemployment skyrockets, housing becomes more precarious, people continue to experience loss, and violence against Black communities and protestors mobilizing in the Movement for Black Lives increases, we implore our faculty and administration to consider the following demands, crafted with concern for issues of equity and academic justice¹:

1. CUNY Law faculty must vote for a mandatory P/F grading system with the additional requirement of clear criteria for what it means to pass a course AND uniform standards for student feedback, in the interest of student growth, access, and safety.²
2. CUNY Law administration must create transparency and clarity around distance-learning, decisions regarding our grading system, tuition increases, support services and support infrastructures being offered to students, staff, and faculty.
 - Decision-making processes must be publicly disclosed to students, including timelines for decision-making (e.g. faculty voting on grading).
 - Decisions must be relayed to students in a more timely manner than they have been so far. It is now less than one month until the start of the Fall semester, and students have received no confirmation about what to expect.
 - Students must have access to decision-making bodies and relevant administrative personnel in order to voice their concerns in a timely, effective manner. For an example of ineffective channels for student voices, see the above description of July's grading Town Hall.

¹ In thinking about how CUNY Law upholds its commitment to social justice and law in the service of human needs, let this [Checklist for Institutional Accountability](#) serve as a guide. Credit for finding this resource goes to CUNY student, Indigo.

² Placing students in a position where they will potentially have to account for decisions to choose P/F over a letter grade is antithetical to student safety. It forces students experiencing crisis and students with disabilities to effectively “out” themselves to future employers.

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3. The administration must publish clear criteria for the Emergency Grant process at CUNY Law, especially with regard to the scope of needs covered and what recipients need to demonstrate in order to receive emergency grants.
 - If such money has been underutilized, we believe it is for reasons of inaccessibility, and we demand that CUNY make applying for this aid much easier and more transparent.
 - CUNY Law must broaden the criteria for what is covered by emergency grants to include other exigencies associated with COVID-19, though not necessarily directly implicating educational access, including but not limited to: rent, medical bills, emergency long-distance travel.
4. In times of economic hardship, CUNY Law can no longer rely on the unpaid labor of students, staff, and outside organizers—particularly BIPOC students, staff, and organizers—to do the necessary work and planning around school-wide racial justice initiatives. Increased funding must be further allocated for students, student organizers, and speakers, to do the work of bringing racial justice education to our campus.
5. CUNY Law administration must publish a transparent/detailed budget accounting for the allocation of funds related to Fall 2020 tuition increases.
 - We demand funds from the institution’s outside fundraising be used to issue a full refund of at least the tuition increase. In the alternative, amounts equivalent to Fall 2020 tuition increases must be redistributed amongst CUNY Law students and staff in need, going towards CUNY Law Mutual Aid and emergency student grants. (*See* the paragraph above on student labor filling administrative gaps, and demand #4).
6. CUNY Law must offer and fund workshops to students, put on by qualified professionals, related to effective distance-learning strategies, and remote learning skills.
7. CUNY Law must offer and fund intentional workshops / healing spaces, put on by qualified trauma-informed practitioners, to account for student trauma and grief related to COVID-19 and racial violence (as separate, ongoing initiatives). Student voice must be central to such planning. Practitioners must be steeped in the work of [healing justice](#).
 - a. In the same vein, CUNY Law must hire diverse, trauma-informed mental health professionals to provide individual counseling services in support of student mental health and wellness in times of instability, panic, and violence.
8. Finally, we demand that plans for building usage and other CUNY-provided student support be made available to students by **August 1st**. While there have been rumblings, rumors, and vague promises made, we cannot be left in limbo any longer. CUNY

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students must know as soon as possible what policies and procedures will be put in place during the Fall semester so that they may make informed decisions and have the necessary time to plan accordingly.

- a. While we recognize that many of these decisions remain outside of CUNY's decision-making authority, we ask CUNY Law to establish transparency around the planning and decisions within their control.

Faculty must acknowledge the unique power they hold as educators during this unprecedented time of social turmoil. We challenge them to hold themselves accountable and refuse to fail any student, regardless of the outcome of tomorrow's vote and the direction the university takes at this time.

In solidarity,

CUNY NLG 2020-2021 E-Board

[TO SIGN ON IN SUPPORT OF THIS LETTER, PLEASE DO SO HERE.](#)

Alternatively, add your name below as a comment

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APALSA 2020-2021 E-Board

RSJO 2020-2021 Planning Committee

OUTLaws 2020-2021 Steering Committee

Jewish Student Law Student Organization (JLSA)

CUNY Law Housing Rights Project

WOCC 2020-2021 E-Board

CUNY If/When/How

Krystin Hernandez, SGA 20-21 Rep, Director of Disability Issues, CUNY-NLG E-Board

Roxanne Zech, CUNY-NLG E-Board, OUTLaws Steering Committee, RSJO

Indigo Owens, If/When/How, OUTLaws Steering Committee

Mathias J. Melo, LALSA, RSJO

Natasha Bynum, CUNY-NLG E-Board

Kristin Maglabe, CUNY-NLG E-Board, APALSA

Ignacia Lolas Ojeda, CUNY-NLG E-Board

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Molly Pearlman, CUNY Law 2021

Gerald Koch, 2020 CUNY Law Grad

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