

Antitrust

University of Oklahoma College of Law

Spring 2020

Course/section no.: 5703-600

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SYLLABUS ADDENDUM NO. 2

This addendum, issued April 13, 2020, is hereby made part of the Syllabus for Antitrust with Prof. Eric E. Johnson in Spring 2020 and amends and modifies it as provided. Where the terms of the prior Syllabus (comprising the original Syllabus and Addendum No. 1) conflict with the terms of this addendum, the terms of this addendum control.

This addendum is issued because of contingencies arising from the ongoing coronavirus pandemic (SARS-CoV-2, COVID-19).

X3. EXAMINATION, BASIS FOR GRADING, SUMMATIVE PROJECT:

(a) An “examination,” as that term is understood in the original Syllabus and in applicable OU and College of Law policies will not be given. Instead, the function served by the examination in the Syllabus as a basis for grading will be fulfilled by a “summative project.”

(b) The basis upon which the examination is being replaced with a summative project is a policy announcement made by the College of Law that provides for an “Exam Alternative” as follows: “Faculty whose courses were previously scheduled to have an exam may adopt an alternative method for assessing satisfactory completion of course material for the entire semester, such as a project, paper, or series of assessments, thus eliminating their ‘exams.’ Professors adopting a final exam alternative not set forth in the original syllabus for a course should notify students no later than Monday, April 13, 2020.” See *OU Law E-Alert*, April 9, 2020, 12:41 p.m.

(c) The summative project will consist of one or more questions and require corresponding answers. There will be word limits for the answer or answers. There will be a time limit on how much aggregate time each student is allowed to spend working on the summative project. That time limit will be enforced, in part, by an affirmation that the student has complied in good faith with the time limit. I anticipate that students will be required to prepare and complete their summative project with no substantive help from any other persons. I anticipate that the summative project will be graded anonymously, as an exam would be, and therefore that the summative project

will be required to be turned in with an exam identification number and without any explicit identification by name. The summative project question-instruction booklet will be released by April 27, 2020. Students' summative projects must be turned in by noon on May 8, 2020. Students do not need to wait until May 8 and are encouraged to turn their projects in early. More information about the summative project may be released in advance of the distribution of the summative project question-instruction booklet.

X4. GRADING:

(a) *Grades of S and U assigned instead of regular letter grades:* Students in this class will be assigned grades of either "S," for "satisfactory," or "U" for "unsatisfactory." This grading method replaces the ordinary giving of letter grades ("A+" to "D-" and "F"). This shift in grading is made pursuant to an OU College of Law policy announcement, which provides: "[A]ll professors will be awarding only 'S' [for 'satisfactory'] or 'U' [for 'unsatisfactory'] grades in the Spring 2020 semester. These grades and credit hours will not count in calculating any student's GPA and signify only that the student gets 'credit' for the course or does not. Each professor has the discretion to make this determination for each course and student. Grades of 'S' are, therefore, not expressly correlated uniformly with particular letter grades and will be awarded within professor discretion." See *OU Law E-Alert*, April 9, 2020, 12:41 p.m.

(b) *How the course grade will be assessed, how the summative project grade will stand in for the exam grade, and what will be the effect of class participation, attendance, etc.:* A course grade will be assessed in the manner provided by original Syllabus (incl. §6-1, et seq.), except that the summative project grade will serve in place of the exam grade. That is to say, your course grade will be your summative project grade, unless adjusted upward or downward, such as for class participation, attendance, etc. Upward or downward adjustments will be done in a way that is analogous to letter grading. So, if a student receives an S that is sufficiently high on the summative project, a "one-step" downward adjustment will not necessarily turn the S into a U. Similarly, if a student receives a relatively low U, meaning one that is not near the S/U line, class participation that might have bumped a student up one letter-grade step will not bump that student up to an S. But for a student whose summative project grade is near the S/U dividing line, class participation, for instance, could change the grade from an S to a U, or from a U to an S, when going from the summative project grade to the course grade.

(c) ***How grades of S and U will be assessed for the summative project:*** In this course, students will be awarded an S for the summative project if they meet either of two criteria for being awarded an S.

(1) **First criterion:** A student will receive an S on the summative project if the student gets at least 60% of all possible points on the summative project. This correlates with a grade of at least “D-” according to the chart in the original Syllabus §6-3(a). The total of “possible points” will not be set at the level of the highest performing summative project. Put differently, the class is not graded on a “curve” with highest performing summative project “setting the curve.” The total of possible points will be determined by me in my discretion as the number of points an ideal student would have been able to score on the summative project within the time-limit and word-count constraints.

(2) **Second criterion:** In my discretion, I will assign an S on the summative project, even in circumstances where the student does not get 60% of possible points, if the student’s performance on the summative project indicates the student has succeeded in passably achieving all six of the enumerated specific learning outcomes in the original Syllabus §1.

(d) ***Rationale for how grades of S and U will be assessed:*** Because of the move to S and U grades, the method of assigning grades must vary as well. In deciding how I will assign S and U grades, I have endeavored to keep the method of grading as consistent as possible with the original Syllabus in letter and spirit while changing it to the extent necessary.

In the original Syllabus, two exam grading methods were disclosed, with students getting the higher grade of the two.

The first of those two methods was the method disclosed by §6-2, which was to work as follows: “When I have the raw point totals from the exam, I will use my discretion to draw grade cut-offs based on natural breaks and clumps that occur in the point totals, a developed sense of how a given letter grade corresponds to levels of performance and achievement, and precedent set by grade distributions and grade-point averages in prior semesters in this and other courses.” That method of §6-2 will not be used this semester. The reason that method will not be used this semester is that without the incentive for students to achieve high performance on the exam of the kind associated with high letter grades, I cannot expect the same kind of sorting of performance levels I am used to seeing with exam scores.

The second of the two methods was the method disclosed by §6-3, in which a grade was calculated for “for each student in terms of a percentage of possible points for the exam, according to [a] schedule.” That schedule provided for a grade of at least a D- for students getting at least 60% of

possible points on the exam. This second method will be the baseline for assessing an S or a U because it is susceptible to implementation in an essentially pass/fail context.

Notwithstanding the capacity of the §6-3 method to work in a pass/fail context, and notwithstanding the unsuitability of the §6-2 method, I note that the §6-3 method was labelled “Alternative Minimum Grading,” and was thus meant to provide a backstop for ensuring fair grading. With the backstop translating to the new primary method, I have adopted a new backstop, being the one disclosed above in §X4(c)(2).

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