Dear Mr. Clark:

It strikes me that the new Standard 310 & 311 is almost perfectly ambiguous.

Take the typical law school with fourteen 50-minute classes per credit hour, plus a three-hour exam in a three-credit course. With fourteen weeks of classes, we have 700 minutes of classroom instruction rather than the needed 750 minutes for a credit hour. But maybe we can count one-third of the exam under your “one week” of exams’ interpretation.

Then take your proposal:

**Standard 310. DETERMINATION OF CREDIT HOURS FOR COURSEWORK**

(b) A "credit hour" is an amount of work that is represented in intended learning outcomes and verified by evidence of student achievement, and comprises: (1) not less than one hour of classroom or direct faculty instruction and two hours of out of class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time; or (2) at least an equivalent amount of work as required in subparagraph (1) of this definition for other academic activities as established by the institution, including simulation, field placement, clinical, co-curricular and other academic work leading to the award of credit hours.

**Interpretation 310-1** For purposes of this Standard, fifty minutes suffices for one hour of classroom or direct faculty instruction. An "hour" for out-of-class student work is sixty minutes. The fifteen-week period may include one week for a final examination.

The interpretation says you can count one week of exams, but fails to say what you can count it as. The ambiguity is whether you can count one-third of the exam as a unit of work, either as 50 minutes of “classroom instruction” or 60 minutes of “equivalent amount of work,” rather than simply as a week. I would say yes, but there are difficulties.

Is an exam “classroom instruction”? I doubt it.

Is an exam “equivalent work”? If so, why is this apple not listed with the oranges of “simulation, field placement, clinical, co-curricular and other academic work”?

Can the school combine “classroom instruction” and “equivalent work” to satisfy Standard 310? Its words seem to say no, but common sense says yes.

So I conclude that the typical school will meet Standard 310 by adding 700 minutes of classes with 60 minutes of equivalent work in the exam room, per credit hour.
But that conclusion just starts a new round of difficulties. Assume the course instead gives a 12-hour take-home exam. It now has 700 minutes of classes with 240 minutes of equivalent work, per credit hour. The school can then cancel nine of the course’s classes, and still meet Standard 310 with 550 minutes of classes with 240 minutes of equivalent work, per credit hour. That is ridiculous.

You simply have to rewrite “The fifteen-week period may include one week for a final examination” so that it says what you meant it to say.

Kevin M. Clermont
Ziff Professor of Law
Cornell Law School