

## CODE OF ACADEMIC REGULATIONS

### Clarifications and Interpretations Regarding Attendance for Fall 2020

2.1 Class Attendance: Regular attendance in accordance with the attendance policy of the College of Law is an essential requirement of, and is fundamental to, the study of law. The rules governing attendance and the penalties for failure to attend are set forth below.

2.1.1 Attendance—The Mandatory Maximum Number of Absences Rule: The rules in this Section 2.1 are self-executing. Faculty members and instructors are not required to announce attendance rules in advance, unless they are invoking a stricter attendance standard than that set forth in this Section 2.1.

*(The present language of 2.1.1. is now supplemented by the following:)*

During any term designated by the College of Law as converting planned in-person courses to other modalities due to the COVID-19 pandemic or other emergency, students may opt to attend classes either physically in-person as usual or remotely online, in accordance with the BlendFlex or other university approved system. If a course has a staggered in-person and online attendance rotation, students may only attend class physically on the permitted days.

2.1.1.1 *Definition of Online/Virtual Attendance*: “online” or “remote” attendance means that the student is not physically in a classroom for the live synchronous class.

2.1.1.2. *Necessary requirements of “online/virtual” attendance*: Online/virtual attendance requires the following of students:

2.1.1.2.1. A student must have a computer or other device which has a camera and microphone so that the instructor and other class members can physically see and hear the student attending synchronously remotely at all times. Short absences from class remotely may be treated the same as short absences from in person attendance for attendance purposes, in the discretion of the faculty member.

2.1.1.2.2. A student attending online/remotely is expected to dress appropriately as if he/she was physically coming to class.

2.1.1.2.3. Students attending classes remotely are expected to be fully prepared to participate as if they were in class physically.

2.1.1.3. *Necessary Technical Equipment*: Students attending class online/remotely are responsible for ensuring they have the necessary technical equipment to do so. If technical problems arise with a student’s equipment, it is a student’s responsibility to solve these in a prompt fashion. Instructors are not responsible for resolving technical problems that interfere with a student’s class attendance.

2.1.1.4. *Technical Problems*: Students who experience technical problems in attending class “online/remotely” must promptly alert the course instructor about any such problems to document their difficulties impacting their attendance. Appropriate forms of communication may be set by the faculty member.

## 2.1.2. **Language Remains Same, as a Reminder:**

Effect of Exceeding the Mandatory Maximum Number of Absences: Students who miss an excessive number of classes will earn a grade of F regardless of any additional work they complete in the course. If a student exceeds the maximum number of absences but can show that his or her excessive absences were caused, in whole or in part, by extenuating circumstances, the student may petition the Associate Dean of Students, to receive a grade of W (or an I, if the I is appropriate) instead of an F. The Associate Dean of Students may then grant or deny the requested grade. If the Associate Dean denies the student’s petition, the student may appeal that decision to the Student Affairs Committee, which shall apply an abuse of discretion standard. Where there has been no such abuse of discretion, the Committee shall deny the petition. Decisions of the Student Affairs Committee about a grade under this paragraph are final and are not appealable. If the petition is granted, whether by the Associate Dean of Students or by the Student Affairs Committee, the Associate Dean for Academic Affairs may waive one or more of the first year prerequisites where necessary to allow the student to take courses in the next semester.

2.1.3. Meaning of Word “Absence”: In deciding whether a student was absent from any particular class, for the purpose of enforcing his or her attendance policy, a faculty member or instructor has the discretion to treat any physical absence from the classroom, during the entire duration of the class—including lateness in arriving, earliness in departing, and absence from the room in mid-class—as an absence. For online/remote attendance at synchronous required class sessions, a faculty member or instructor has the discretion to treat a student as absent if the student failed (1) to log into the scheduled class session, (2) to login or remain logged in for the entire class session, or (3) to meet the technology requirements of section 2.1.1.2. A faculty member may require students to sign an attendance sheet as proof of attendance. A student’s failure to sign the attendance sheet creates a rebuttable presumption of absence. A faculty member or instructor may not treat any other behavior on the part of a student—including being unprepared for class—as an absence. A faculty member or instructor who treats a physical absence for less than the full class as an absence must include those rules in the course syllabus and should treat any absences from the classroom shorter than the entire duration of the class equally between students attending in person and remotely.

2.1.3.1. *Meaning of Word “Absence” in Synchronous and Blended Online Classes*: In addition to the absence policy in section 2.1.3, a faculty member or instructor has the discretion to treat a student as absent for the applicable portion of a synchronous and blended online course if the student has failed (1) to log into the online course for one week or more, (2) to submit one or more assignments in a timely manner, or (3) has

failed to respond in a timely manner to two or more communications concerning academic progress in the course.

2.1.3.2. *Meaning of the Word “Absence” in Asynchronous or Partially Asynchronous Classes:* When a course is taught completely or partially asynchronously online, each instructor will define in the course syllabus what it means to be absent for the asynchronous portion of the course. Absences for the synchronous portion will follow the requirements of 2.1.3.1. above.

2.1.4. through 2.1.6. ***Language remains the same.***

2.1.7. ***Present language would remain. The below language would be added at the end..***

2.1.7. Additional Circumstances Justifying Waiver: Upon request, the Associate Dean of Students will waive the application of the Mandatory Maximum Number of Absences Rule for a student if the student’s absences occur as a result of complying with documented jury duty, responding to the activation or deployment of his or her military unit, or police, fire, or other civil disaster employees responding to a state of emergency declared by an appropriate civil authority. A waiver shall not be granted unless the student can successfully complete all course requirements.

In no event can a student miss attending more than 20% of a course’s classes and remain in the class. This 20% absence maximum applies notwithstanding section 2.1.2.

2.1.7.through 2.1.9. ***Present language remains the same.***