

Memorandum

To: UNM Teaching Faculty

From: David Herring and Eileen Gauna

Subject: Attendance Policy

Date: November 21, 2013

ABA Standard 304(d) requires “regular and punctual class attendance.” The interpretation of this provision (Interpretation 304-6) requires the law school to demonstrate that it has adopted and enforces policies insuring that individual students satisfy the requirements of this standard, including the implementation of policies relating, among other things, to class attendance. Our student Handbook takes the first step in complying with this standard by requiring that students must be in regular and punctual class attendance in courses in which the students are registered, including clinic office hours. Bulletin and Handbook of Policies 2013-14, at 6. Under the Handbook, faculty members can enforce the requirement in any manner they deem appropriate, including assigning a failing grade in the course, assigning a lower grade for the course, or requiring a student to withdraw from the course. These attendance requirements, the manner of taking attendance, and the penalties for excessive absences should be clearly stated by the faculty during the first week in class. In addition, as a matter of good practice, the attendance policies should also be clearly stated in the course syllabus.

During the last reaccreditation, the site evaluators were concerned that at UNMSOL it was unclear how the regular and punctual class attendance policy actually is enforced. It is clear that simply having a policy is not sufficient. We must provide evidence that the policy is enforced. During a recent survey to faculty members, as well as in informal discussions, it became apparent that enforcement ranges from having students sign an attendance roster with clearly stated point deductions in grades, to methods that rely on class structure (such as frequent in-class quizzes), to no inquiry whatsoever. While the Handbook reflects a faculty policy of affording flexibility in implementing the policy, this flexibility should not be interpreted to suggest that faculty can opt not to have an enforced attendance policy for their courses.

Some schools require that attendance sheets be signed and turned into the law school administration, and that after a certain number of class absences (such as 20% of the total classes), the student is administratively withdrawn from the course without inquiry as to the reasons for the absences. In contrast to this, we would like to maintain our existing flexibility while complying with the ABA standard. In this light, we propose the following.

1. Each professor is responsible for keeping track of student attendance in a manner of his/her choosing, as long as individual attendance can be verified (for example, in a small class, the professor can note the absences on a spreadsheet, while larger classes may require that students sign an attendance roster or that a teaching assistant take class attendance).

2. Once a student misses more than 20% of classes, the student is not deemed to be in compliance with the requirement and will be given a withdraw/passing or withdraw/failing at the professor's discretion. In addition, when the student has missed 20% of classes, the professor is to notify the Assistant Dean for Student Services who may want to counsel the student and, if circumstances warrant, advise the student to take a leave of absence from school. However, the Professor should notify and perhaps counsel the student long before this point, for example after the student has missed 10% of the classes in a course. Absences below this 20% threshold may, at the professor's discretion, warrant a lower grade or other actions. For purposes of this policy, the student must be present in the classroom unless the course has been approved as a distance education course (currently, there are no such courses offered by the law school) or special accommodations have been formally approved by main campus.
3. At the time that the Professor turns in his or her grades to the Registrar, the professor must also certify in writing that all students in the class have attended class in a regular and punctual manner, and that the professor maintains adequate evidence of individual class attendance by all students in the course in order to demonstrate enforcement of this policy.

We hope that you will consider adopting this uniform method of enforcing the attendance policy, as we would be hard pressed to demonstrate compliance with ABA standards if students are allowed to miss more than 20% of class. We also believe that students will benefit from a more uniform standard of attendance.