

## Curriculum Coordinating Council

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Have questions?  
Need Help?

Contact Brad  
Yoneoka for CAC  
questions (587-  
6947).

Contact Kayleen  
Oka for PRC  
questions (587-  
2913).

## Attendance Policy

The following information was gathered at a Seattle Community Colleges District orientation offered to new faculty members. Please continue to end of this document to read about the issue of academic freedom and attendance policy.

### South Seattle Community College Occupational Teacher/Trainer Education

#### Attendance

Student attendance in your class obviously is important. Often, it is absolutely imperative. If your class requires students to complete the bulk of work during class time (Technical/occupation or art classes, for example,) or if discussions or oral assignments are critical, your students need to be there. Also, certain students in specially funded programs may require that a weekly attendance record be signed by you for submission to that program.

The topic becomes sticky, however, as it relates to grading. You must take care when lowering a student's grade based solely on time lost.

On April 11, 1989, the state Attorney General's office handed down a written opinion on this topic. Generally, the opinion recommended cutting students some slack. The opinion stated that students can't help missing class occasionally, and we should not penalize students for what they cannot control.

**The opinion suggested that instructors should not penalize students for the first 20 percent of classes missed. In other words, if a student's attendance stays at 80 percent or higher, you should assess no penalty. If attendance drops below 80 percent, use your discretion and good senses.**

#### Attorney General's Opinion on Attendance

(Condensed Version)

1. May class attendance be used as a criterion in assigning student grades?

Contact Bruce McKenna for IAC questions (587-2036).

2. May class participation be used as a criterion in assigning student grades?
3. May a teacher have a policy of no makeup tests or quizzes for a student who fails to attend a test or quiz?

There is very little case law on grading criteria. The most analogous situation seems to be student suspensions or expulsions for failing to meet academic standard. In general, the U.S. Supreme Court has shown strong deference to the judgment of school administrators and faculty members.

Academic discretion, however, is not absolute. Courts will still review an academic decision to determine if it is arbitrary or capricious or, perhaps, clearly erroneous. In setting up criteria, the courts would probably make a determination as to whether the criteria are "rationally based or related to the quality of a student's work." The court will also determine whether the criteria are reasonable in fact. Therefore, in setting up criteria, the school must stay within the constraints of a rational relationship to student performance and reasonableness.

The following are recommendations:

### **Attendance.**

An attendance policy in and of itself would probably not be considered arbitrary or capricious as long as the policy is not particularly unreasonable or burdensome, and as long as the policy is communicated to the students in writing.

#### **1. Reasonableness.**

An attendance policy which was unduly burdensome might be struck down by the courts. determining what is unduly burdensome is fairly discretionary. A policy which required attendance every day of the quarter in order to receive an "A" would probably be considered unreasonable as it does not allow for illness or to the extenuating circumstances. Conversely, a policy that states that student's grade will drop one letter grade if the student fails to attend 80 percent of the scheduled classes would probably meet a reasonableness standard as it allows for some flexibility in attendance.

#### **2. Rationally related to student performance.**

This standard does not seem to pose much of a problem as in the majority of cases, class attendance is highly correlative of student performance. However, the appearance of being rationally related can be strengthened by a statement on the syllabus expressing why class attendance is important. Examples might be: "Negotiations is a class requiring handson experience. Much of class time will be devoted to acting out different negotiation techniques. Therefore, class attendance

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is vital to a full understanding of negotiation concepts." Or; "Because the textbook is supplemented in class by outside materials, class discussions and/or lectures, class attendance is critical for a full understanding of the course."

### 3. Notice.

**It is extremely important that students be given notice of the policy at the beginning of the course so that they know what is expected of them.** The best way to accomplish such notice is by including the policy on the syllabus that is distributed at the beginning of the course. The faculty member should be sure to draw the student's attention to the policy when the syllabi are handed out.

The difficult question on notice is how specific the policy must be. The key is to make sure the students are fully informed as to what is expected of them, but once again, it is a highly discretionary call. On the one hand, a teacher probably does not have to go so far as to say that for every two days just stating that attendance will affect the final grade is probably inadequate to give students fair notice. The best tactic is somewhere in the middle. For instance, in listing the breakdown of points on the syllabus, the teacher can determine the relative weight given to attendance in the final grade.

### Class Participation.

Much of the discussion on class attendance is the same for class participation. The students must be given adequate notice in writing and the policy must be reasonable. However, there may be a great danger in class participation that the criterion would be deemed not to be rationally related to whether each class is one in which class performance really matters in terms of student understanding of course materials.

In a class involving a great deal of simulations, role playing or group decisionmaking, class participation is probably a reasonable and relevant criterion for grading. This also is true of courses requiring lab work and/or other hands-on experience. Conversely in a lecture-only type class, class participation points become much more subjective, and thus more susceptible to criticism as being arbitrary and capricious. Students may feel the need to make comments or ask questions only to demonstrate that they are participating. These questions and comments can often detract from the lecture, rather than supplementing it. In addition, students who are too intimidated to speak in class will be penalized even though they may be playing close attention to the lecture, and may be learning more than someone formulating possible comments and questions. Therefore, teachers need to consider their class style and determine whether participation is actually appropriate as a criterion.

### C. Makeup Exams.

A policy in which a student was never allowed to make up an exam or quiz if not in attendance on the day given could probably be considered arbitrary and capricious as it does not allow for such extenuating circumstances as serious illness, death in the family, or unavoidable accidents. However, it is understandable that teachers do not want to hassle with makeup exams for students who do not have an acceptable excuse for missing the exam. In fact, most teachers would allow a makeup exam for the above extenuating circumstances even if they have no makeup policy. The danger is that another student suffering from the same circumstances may have come to class anyway because of the existence of the policy and has thus been treated discriminatorily.

***A better policy would be one that stated something similar to this: "No makeup exams will be given unless the absence was the result of an unavoidable serious accident, a death in the family, or a serious illness. Exceptional circumstances must be verified by an appropriate third party, i.e. police report, a funeral notice, or a note from the student's doctor stating the patient's inability to take the test."***

If the teacher is adamant about not wanting makeup exams under any circumstances, the teacher should at least afford some way for the student to make up the points. For instance, if the teacher gives several tests per quarter, the teacher could allow each student to drop one test grade. If a student missed a test, that would automatically count as his/her dropped test. The problem here is that a student may already have had a poor test that he/she anticipated dropping and will not have the opportunity of improving the score because of the missed exam. A teacher could also require the student to write a short paper discussing some of the topics covered on the missed exam. This policy is also questionable as it may require a blameless student to engage in much more work than was required by students who took the exam. Therefore, a policy allowing for extenuating circumstances is more highly recommended.

### Conclusion.

Academic institutions and faculty members have great discretion in determining academic standards. The main requirement is that the criteria be reasonable and rationally related to student performance, in order to defeat a charge of being arbitrary and capricious. Attendance is probably an appropriate criterion as long as the policy is not unduly burdensome and is communicated in writing to the student. Class participation may be an appropriate criteria for some classes, but is probably not appropriate for lectureonly type classes.

**Finally, a policy which doesn't allow makeup tests would probably be considered arbitrary, unless it is modified to allow for extenuating circumstances such as serious illness, death in the family, or unavoidable serious accident.**

Edwin McCullough  
Assistant Attorney General  
July 21, 1988

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**11/19/92 6:58 A. G. O. EDUCATION DIVISION**

File Copy  
Ken Eikenberry  
ATTORNEY GENERAL OF WASHINGTON  
900 Fourth Avenue #2000  
Seattle, Washington 981641012

**MEMORANDUM**

November 25, 1991  
TO: XXXXXXX  
FROM: Antoinette M. Ursich  
Assistant Attorney General  
Education Division, Seattle  
SUBJECT: Class Attendance Policy

You have indicated that the Academic Standards Committee has recommended that the College adopt a class attendance policy, and have asked to be advised concerning the legality and/or other issues regarding this recommendation. My suggestion, to the extent that the College wishes to adopt a schoolwide attendance policy, is that it create a general policy on this and related topics but leave the decision of whether to implement the specifics of that policy to the individual faculty members.

One part of your proposed policy allows instructors to drop from courses students who have not attended class by the second instructional day. The desirability of such a policy is apparent, given that almost all of the college's courses fill early and have lists of students waiting to enroll; however, I have one or two suggestions regarding the implementation of the policy. First, I agree that the policy must be extensively publicized. To that end, the College Bulletin should contain a provision informing students of the school's attendance policy, and perhaps highlighting that portion of the policy which requires attendance during the first two days of class under penalty of being dropped from the class. I also advise providing students the same written notice in their registration materials. The students should also be told what they must do to avoid being dropped

if they are unable to attend class during the first two days, that is, they must contact the course instructor.

Second, faculty members should be free to adopt the attendance policy as they choose. Some faculty members may feel that a mandatory attendance policy interferes with their academic freedom. By allowing them to accept or reject the school's policy, this concern should be obviated.

**UPDATE:** SCCC Communique Message: October 13 - 19, 1996

Vice President for Instruction Ron Hamberg asked that the following information be shared with faculty. Assistant Attorney General Antoinette M. Ursich, in a response to the dean of instruction at Bellevue Community College in 1994, wrote that it is not discriminatory to reduce student grades for noncompliance with a standard of attendance, "provided that students are given advance notice of the policy; that the instructor applies the policy evenly to all students; and the instructor is reasonable in his/her application of the policy by allowing excused absences for good cause." She notes that "there may be situations where disabled students are unable to comply with a standard of attendance. This does not make attendance standards 'discriminatory' per se. It does mean that such standards may not be strictly applied to otherwise qualified disabled students."