MEMORANDUM

DATE: March 26, 2014

TO: Dr. Walter Daugherity
    Speaker, Faculty Senate

FROM: Dr. David W. Parrott
       Chair, Rules and Regulations Committee

SUBJECT: Proposed Revisions to the Texas A&M Student Rules

Attached please find proposed revisions to the Texas A&M University Student Rules as approved by the Rules and Regulations Committee. These are three proposals for changes in Rule 7. All three proposals have been incorporated in the main body of the rule. Separate justifications and submission information has been provided for each proposed change, following the main body of the rule.
PROPOSAL 1

Rule 7.0: The School of Law requires regular and punctual attendance of students in all courses. Juris Doctorate (JD) students are not required to seek an excused absence from an instructor or equivalent, but students will be administratively dropped from a class for excessive absences as defined in the School of Law Academic Standards. JD students are expected to take examinations as scheduled. Requests to reschedule an examination must be submitted to the Associate Dean for Academic Affairs in accordance with the process set forth in the School of Law Academic Standards.

JUSTIFICATION 1

Rule 7.0: Attendance: Pursuant to ABA accreditation standards, the law school requires regular and punctual attendance in classes. The faculty has promulgated different attendance policies over the years and we find that our current policy best accommodates administrative and student needs. A student who is not on probation or academic warning may miss no more than 25% of the regularly scheduled class days each semester. Students on probation or academic warning may miss no more than 15% of classes. For example, if a class meets two days during the 14-week semester, a student may miss no more than 7 classes. A student who exceeds the maximum number of absences is administratively withdrawn from the course.

There are no excused or unexcused absences. The number of maximum allowed absences takes into account possible days missed for illness of the student or family member, Religious Holy Days, emergencies, school competitions, and employer interviews. The faculty concluded that once 25% of classes were missed for any reason, a student lacks the minimum knowledge and background necessary to satisfactorily complete the course (and to pass the bar). There is an appeal process for students who have excess absences due to extraordinary circumstances: students may petition the Academic Standards committee for relief from the automatic withdrawal rule. Having a system of excused absences is not feasible for the law school. First, there are courses with multiple sections taught by different professors. For example, in a first-year Torts class with three sections, a student in one section may be excused by a professor for an absence while a professor in another section would not excuse a student’s absence for the same reason. Leaving decisions about excused vs. unexcused absences and whether the student has “excess” absences (undefined) to individual professors is unfair to similarly situated students. Finally, we once used a system that tracked excused absences and found it administratively unworkable.

RULE 7.0 PROPOSAL 1 CHANGES SUBMITTED BY:
Name: Ms. Maxine Harrington
Phone: 817-212-4028
E-Mail Address: mharrington@law.tamu.edu
Department: Law
Mail Stop: 8500

PROPOSAL 2

Wherever “instructor” is mentioned throughout the document, add “or equivalent” so the policy reads “instructor or equivalent.”

JUSTIFICATION 2

Rule 7.0: Many courses at the Health Science Center are team taught so there is a “course coordinator” and a “course
director.” Thus, adding the term changing the title “instructor” to “instructor or equivalent” will address the variance in titles.

**RULE 7.0 PROPOSAL 2 CHANGES SUBMITTED BY:**
Name: Ms. Linda Brannon
Phone: 979-436-0184
E-Mail Address: Brannon@tamhsc.edu
Department: HSC Division of Student Services
Mail Stop: 1359

**PROPOSAL 3**

Rule 7.1.10 In accordance with Title IX of the Educational Amendments of 1972, Texas A&M University shall treat pregnancy (childbirth, false pregnancy, termination of pregnancy and recovery therefrom) and related conditions as a justification for an excused absence for so long a period of time as is deemed medically necessary by the student's physician. Requests for excused absence related to pregnancy should be directed to the instructor or equivalent; questions about Title IX should be directed to the Title IX Coordinator.

**JUSTIFICATION 3**

Rule 7.1.10: The following proposed changes are in response to the DOE/OCR Dear Colleague Letter (June 25, 2013) about pregnant and parenting students. The proposed wording has been reviewed by the Graduate Operations Committee, the AOC Deans, and the System and University Title IX Coordinator

**RULE 7.1.10 PROPOSAL 3 CHANGES SUBMITTED BY:**
Name: Dr. Cynthia Hernandez
Phone: 979-845-4728
E-Mail Address: Cynthia.hernandez@tamu.edu
Department: Office of the Vice President for Student Affairs
Mail Stop: 1256

Approved by the Student Rules and Regulations Committee on 3/21/2014.
Existing Rule with Changes in Bold and Underlined.

7. Attendance

(Revised: 2013)

Introduction

The university views class attendance as an individual student responsibility. Students are expected to attend class and to complete all assignments. Instructors or equivalent are expected to provide notice of the dates on which major exams will be given and assignments will be due on the course syllabus, which must be made available by the first class period. Graduate students are expected to attend all examinations required by departments or advisory committees as scheduled formally.

The School of Law requires regular and punctual attendance of students in all courses. Juris Doctorate (JD) students are not required to seek an excused absence from an instructor or equivalent, but students will be administratively dropped from a class for excessive absences as defined in the School of Law Academic Standards. JD students are expected to take examinations as scheduled. Requests to reschedule an examination must be submitted to the Associate Dean for Academic Affairs in accordance with the process set forth in the School of Law Academic Standards.

Students who are requesting an excused absence are expected to uphold the Aggie Honor Code and Student Conduct Code (See Rule 24).

Excused Absences

7.1 The student is responsible for providing satisfactory evidence to the instructor or equivalent to substantiate the reason for absence. Among the reasons absences are considered excused by the university are the following: (Muster)

7.1.1 Participation in an activity appearing on the university authorized activity list. (see List of Authorized and Sponsored Activities)

7.1.2 Death or major illness in a student’s immediate family. Immediate family may include: mother, father, sister, brother, grandparents, spouse, child, spouse’s child, spouse’s parents, spouse’s grandparents, stepmother, step-father, step-sister, step-brother, step-grandparents, grandchild, step-grandchild, legal guardian, and others as deemed appropriate by faculty member or student’s academic Dean or designee.

7.1.3 Illness of a dependent family member.

7.1.4 Participation in legal proceedings or administrative procedures that require a student’s presence.

7.1.5 Religious holy day. (See Appendix IV.)

7.1.6 Injury or Illness that is too severe or contagious for the student to attend class.

7.1.6.1 Injury or illness of three or more days. For injury or illness that requires a student to be absent from classes for three or more business days (to include classes on Saturday), the student should obtain a medical confirmation note from his or her medical provider. The Student Health Center or an off-campus medical professional can provide a medical confirmation note only if medical
professionals are involved in the medical care of the student. The medical confirmation note must contain the date and time of the illness and medical professional’s confirmation of needed absence.

7.1.6.2 Injury or illness less than three days. Faculty members may require confirmation of student injury or illness that is serious enough for a student to be absent from class for a period less than three business days (to include classes on Saturday). At the discretion of the faculty member and/or academic department standard, as outlined in the course syllabus, illness confirmation may be obtained by one or both of the following methods:

b. Confirmation of visit to a health care professional affirming date and time of visit.

7.1.6.3 An absence for a non acute medical service does not constitute an excused absence.

7.1.7 Required participation in military duties.

7.1.8 Mandatory admission interviews for professional or graduate school which cannot be rescheduled.

7.1.9 Mandatory participation as a student-athlete in NCAA-sanctioned competition.

7.1.10 In accordance with Title IX of the Educational Amendments of 1972, Texas A&M University shall treat pregnancy (childbirth, false pregnancy, termination of pregnancy and recovery therefrom) and related conditions as a justification for an excused absence for so long a period of time as is deemed medically necessary by the student’s physician. Requests for excused absence related to pregnancy should be directed to the instructor or equivalent; questions about Title IX should be directed to the Title IX Coordinator.

7.2 The associate dean for undergraduate programs, or the dean’s designee, of the student’s college may provide a letter for the student to take to the instructor or equivalent stating that the dean has verified the student’s absence as excused.

7.3 Students may be excused from attending class on the day of a graded activity or when attendance contributes to a student’s grade, for the reasons stated in Section 7.1, or other reason deemed appropriate by the student’s instructor or equivalent. Except in the case of the observance of a religious holiday, to be excused the student must notify his or her instructor or equivalent in writing (acknowledged e-mail message is acceptable) prior to the date of absence if such notification is feasible. In cases where advance notification is not feasible (e.g. accident, or emergency) the student must provide notification by the end of the second working day after the absence. This notification should include an explanation of why notice could not be sent prior to the class. Accommodations sought for absences due to the observance of a religious holiday can be sought either prior or after the absence, but not later than two working days after the absence. If needed, the student must provide additional documentation substantiating the reason for the absence, that is satisfactory to the instructor or equivalent, within one week of the last date of the absence. If the absence is excused, the instructor or equivalent must either provide the student an opportunity to make up any quiz, exam or other work that contributes to the final grade or provide a satisfactory alternative by a date agreed upon by the student and instructor or equivalent. If an instructor or equivalent has a regularly scheduled make up exam, students are expected to attend unless they have a university approved excuse. The make-up work must be completed in a timeframe not to exceed 30 calendar days from the last day of the initial absence.

7.4 The instructor or equivalent is under no obligation to provide an opportunity for the student to make up work missed
because of an unexcused absence.

7.5 See Part III, Grievance Procedures: 49. Unexcused Absences, for information on appealing an instructor’s or equivalent’s decision.

7.6 If the student is absent for excused reasons for an unreasonable amount of time during the semester, the academic Dean or designee of the student’s college may consider giving the student a grade of W during the semester enrolled or a NG (no grade) following posting of final grades.

7.7 Whenever a student is absent for unknown reasons for an extended period of time, the instructor or equivalent should initiate a check on the welfare of the student by reporting through the head of the student’s major department to the Dean or designee of the student’s college.

1 In accordance with Faculty Senate Resolution FS.14.101 (see Faculty Senate meeting minutes of Feb. 10, 1997), "faculty members are encouraged not to hold exams on the day of Muster. Any absence from classes beginning after 5 p.m. to attend Muster will be considered a university excused absence."

**PROPOSED RULE 7 WITH ALL CHANGES**

7. Attendance

(Revised: 2013)

Introduction

The university views class attendance as an individual student responsibility. Students are expected to attend class and to complete all assignments. Instructors or equivalent are expected to provide notice of the dates on which major exams will be given and assignments will be due on the course syllabus, which must be made available by the first class period. Graduate students are expected to attend all examinations required by departments or advisory committees as scheduled formally.

The School of Law requires regular and punctual attendance of students in all courses. Juris Doctorate (JD) students are not required to seek an excused absence from an instructor or equivalent, but students will be administratively dropped from a class for excessive absences as defined in the School of Law Academic Standards. JD students are expected to take examinations as scheduled. Requests to reschedule an examination must be submitted to the Associate Dean for Academic Affairs in accordance with the process set forth in the School of Law Academic Standards.

Students who are requesting an excused absence are expected to uphold the Aggie Honor Code and Student Conduct Code (See Rule 24).

Excused Absences

7.1 The student is responsible for providing satisfactory evidence to the instructor or equivalent to substantiate the reason for absence. Among the reasons absences are considered excused by the university are the following: (Muster)

7.1.1 Participation in an activity appearing on the university authorized activity list. (see List of Authorized and Sponsored Activities)
7.1.2 Death or major illness in a student’s immediate family. Immediate family may include: mother, father, sister, brother, grandparents, spouse, child, spouse’s child, spouse’s parents, spouse’s grandparents, stepmother, step-father, step-sister, step-brother, step-grandparents, grandchild, step-grandchild, legal guardian, and others as deemed appropriate by faculty member or student’s academic Dean or designee.

7.1.3 Illness of a dependent family member.

7.1.4 Participation in legal proceedings or administrative procedures that require a student’s presence.

7.1.5 Religious holy day. (See Appendix IV.)

7.1.6 Injury or Illness that is too severe or contagious for the student to attend class.

7.1.6.1 Injury or illness of three or more days. For injury or illness that requires a student to be absent from classes for three or more business days (to include classes on Saturday), the student should obtain a medical confirmation note from his or her medical provider. The Student Health Center or an off-campus medical professional can provide a medical confirmation note only if medical professionals are involved in the medical care of the student. The medical confirmation note must contain the date and time of the illness and medical professional’s confirmation of needed absence.

7.1.6.2 Injury or illness less than three days. Faculty members may require confirmation of student injury or illness that is serious enough for a student to be absent from class for a period less than three business days (to include classes on Saturday). At the discretion of the faculty member and/or academic department standard, as outlined in the course syllabus, illness confirmation may be obtained by one or both of the following methods:


b. Confirmation of visit to a health care professional affirming date and time of visit.

7.1.6.3 An absence for a non acute medical service does not constitute an excused absence.

7.1.7 Required participation in military duties.

7.1.8 Mandatory admission interviews for professional or graduate school which cannot be rescheduled.

7.1.9 Mandatory participation as a student-athlete in NCAA-sanctioned competition.

7.1.10 In accordance with Title IX of the Educational Amendments of 1972, Texas A&M University shall treat pregnancy (childbirth, false pregnancy, termination of pregnancy and recovery therefrom) and related conditions as a justification for an excused absence for so long a period of time as is deemed medically necessary by the student’s physician. Requests for excused absence related to pregnancy should be directed to the instructor or equivalent; questions about Title IX should be directed to the Title IX Coordinator.

7.2 The associate dean for undergraduate programs, or the dean’s designee, of the student’s college may provide a letter for the student to take to the instructor or equivalent stating that the dean has verified the student’s absence as excused.

7.3 Students may be excused from attending class on the day of a graded activity or when attendance contributes to a
student's grade, for the reasons stated in Section 7.1, or other reason deemed appropriate by the student's instructor or equivalent. Except in the case of the observance of a religious holiday, to be excused the student must notify his or her instructor or equivalent in writing (acknowledged e-mail message is acceptable) prior to the date of absence if such notification is feasible. In cases where advance notification is not feasible (e.g. accident, or emergency) the student must provide notification by the end of the second working day after the absence. This notification should include an explanation of why notice could not be sent prior to the class. Accommodations sought for absences due to the observance of a religious holiday can be sought either prior or after the absence, but not later than two working days after the absence.

If needed, the student must provide additional documentation substantiating the reason for the absence, that is satisfactory to the instructor or equivalent, within one week of the last date of the absence.

If the absence is excused, the instructor or equivalent must either provide the student an opportunity to make up any quiz, exam or other work that contributes to the final grade or provide a satisfactory alternative by a date agreed upon by the student and instructor or equivalent. If an instructor or equivalent has a regularly scheduled make up exam, students are expected to attend unless they have a university approved excuse. The make-up work must be completed in a timeframe not to exceed 30 calendar days from the last day of the initial absence.

7.4 The instructor or equivalent is under no obligation to provide an opportunity for the student to make up work missed because of an unexcused absence.

7.5 See Part III, Grievance Procedures: 49. Unexcused Absences, for information on appealing an instructor’s or equivalent’s decision.

7.6 If the student is absent for excused reasons for an unreasonable amount of time during the semester, the academic Dean or designee of the student's college may consider giving the student a grade of W during the semester enrolled or a NG (no grade) following posting of final grades.

7.7 Whenever a student is absent for unknown reasons for an extended period of time, the instructor or equivalent should initiate a check on the welfare of the student by reporting through the head of the student's major department to the Dean or designee of the student's college.

1 In accordance with Faculty Senate Resolution FS.14.101 (see Faculty Senate meeting minutes of Feb. 10, 1997), "faculty members are encouraged not to hold exams on the day of Muster. Any absence from classes beginning after 5 p.m. to attend Muster will be considered a university excused absence."