Santa Claus, The Tooth Fairy, and the “Excused” Absence

There seems to be a misunderstanding of the attendance policy at STU law. As required by the ABA, STU law has an attendance policy that mandates that students have actual class hours (time spent in class) tied to the credit hours earned in the class. The ABA also requires that the law school have a policy to see to it that students attend class.

In accordance with the mandate of the ABA, STU law adopted a policy whereby students must attend at least 80% of the class hours in a term in each class. That is, a student cannot miss more than 20% of the class hours in each term associated with a class in order to earn credits in that class. The 20% allowance for attendance breaks down as follows for the regular fall and spring terms.

- For a class that meets 3 times per week, a student may miss no more than 8 classes.
- For a class that meets 2 times per week, a student may miss no more than 5 classes.
- For a class that meets 1 time per week, a student may miss no more than 2 classes.

(The allowable absences in the summer are less due to the fact that the classes meet for only 7 weeks).

Once the student has exceeded these absences, he or she has missed more than 20% of the class hours associated with the class. Except as provided below, the STU law rule then requires that the student be given an Administrative F. So, in essence, all of these allowable absences are “excused.” However, once a student has met these limits, he or she has missed more than 20% of the classes and any subsequent absence will cause the student to have missed more than 20% of the class hours. The administration does not have the authority to “excuse” additional absences (i.e., to somehow treat the student as present in a class he or she missed).

Simply put, there is no such thing as an “excused” absence. The need to miss classes is already built into the allowance of missing 20% of the classes. If you get sick, have a family emergency, or car problems, you may miss a class. The attendance policy takes into account that such events occur. The school will take no negative action as a result of an occasional absence. From the Administration’s standpoint, no action is taken, unless you exceed the 20% limitation, and once you do, you have simply missed too many class hours to be deemed to have successfully participated in the class. Note, however, that each professor can have his or her own more strict attendance policy, and how he or she addresses the issue of absences that are less than 20% of the classes is within his or her discretion.

That being said, there are a few factors you may need to keep in mind. If you encounter a health or family emergency (not of your own making), and you know it will cause you to miss class(es) in the future, sometimes (with the Professor’s permission) we can tape the class and allow you to view the tape. The viewing of the taped version of the class can be treated as being present on the date the class was taped. But this “remedy” is only available in exceptional circumstances, only if the absence has not yet occurred, and only if the professor will allow you to view the class in this manner. Obviously, viewing a tape is not the same as being engaged and present for the class. The other exception is that we do not count students as absent on days they miss due to observance of particular religious holidays. There are notifications sent out in advance of these dates, and students must comply with the reporting requirements for those days to not count in the absence total. Last, if a student misses class(es) due to some extraordinary circumstances beyond his or her control (e.g., health issues, family emergency, etc.) then he or she may be allowed to withdraw from the class (or all his or her classes), rather than receive an Administrative F. If this situation confronts a student, he or she needs to contact the Assistant Dean for Student Affairs at the earliest time possible.
So, what should you do? Do not think of the 20 percent absences permitted as classes that can be missed. Each student should make every effort to be in every class. That way, if you do have an emergency that necessitates missing a class, you have absences in the bank. If you get sick, get a flat tire, have to attend a funeral, want to attend your cousin’s wedding, etc., you can miss a class and have no consequence.

Plan so that you can avoid missing classes. Do not schedule doctor’s appointments, social events, extended vacations, etc. that will cause you to miss class(es). These are absences, and they count. If you “schedule” an absence and then get sick or need to attend to some serious business, you have already used an absence that would have been available for that purpose. If you get called for jury duty and it will cause you to miss class(es), you can request a letter from the office of the Assistant Dean for Student Affairs that we routinely send to the court. This usually acts to allow you to defer the jury duty.

Remember that although you can check your absences as recorded online by using WebAdvisor, you should not rely on the information there. That information is current only if the professor has turned in all of his or her attendance sheets and the Registrar has input all the attendance sheets turned in by the professor. Each student should know whether he or she missed a class and how many classes in total.

Given that each student can miss up to 20 percent of the classes in any class, most “excess” absences can (and should) be avoided. The entire attendance policy is set out in the student handbook. If you have further questions, see Assistant Dean for Student Affairs John F. Hernandez.

**Barristers’ Ball**

This year’s Barristers’ Ball was held at the Hyatt Regency Pier 66 in Fort Lauderdale on Saturday, March 26, 2011, with over 400 guests in attendance. Ticket entry included a one hour cocktail reception, an elegant three-course sit down dinner, with dancing and entertainment all evening long.

At the Barristers’ Ball the new SBA Executive Board Officers were introduced. The student body elected Professor Stephen Plass as first-year faculty; Professor John Kang as upper class professor; and Professor Todd Sullivan as staff of the year. The Business Law Society was named organization of the year, and the Mock Trial Board received honorary organization of the year. Jason Silver was named student of the year.

**Law Day and Donor Scholarship Luncheon**

The Law Day and Donor Scholarship Luncheon is scheduled for April 5, 2011, at 12:00 p.m. in the Convocation Hall (University Library). At this event, we honor our named scholarship donors and their student recipients, and students evidencing outstanding achievement in academics and community service, and we distribute book awards to students. Any student who received a book award during the 2010 calendar year will be recognized in the program. If a student wants to have his or her name called so that they can be recognized during the ceremony, he or she must check in upon arrival to the Convocation Hall at the Student Affairs table.

The speaker for this event will be Scott G. Hawkins, the President-Elect for The Florida Bar. The entire law school community is invited to this event.

**Corrections**

In last week’s newsletter, we announced that the Florida’s Third District Court of Appeal (DCA) will convene and hear cases in the Moot Courtroom at St. Thomas University on April 12, 2011, and we stated the late session is scheduled for 10:00 a.m. when it is actually scheduled for 10:40 a.m. We are sorry for this misprint and for any confusion this statement may have caused.

We also incorrectly stated that the newly elected SBA officers immediately assumed responsibility. The new SBA officers and the new SBA elected class representatives do not officially assume responsibility until they are sworn in, which will take place in May.