

December 17, 2020

Dear Students and Faculty of the Delaware Law School:

I have taught at some dozen American law schools throughout my career, and I have never been at a law school in which students are as conscientious about attending classes. Delaware Law students value attendance, and rarely miss.

I have been asked by the Student Bar Association to clarify the attendance rules for the academic year 2020-2021, which I am happy to do. As I expressed to the SBA leadership, however, we are fortunate in that this is largely a non-issue at our Law School, because our students so rarely miss classes. Even so, for clarity, here are the rules:

- Class attendance is mandatory. Pursuant to § 701 of the Academic Code, students may not receive credit for a course in which they miss more than 20% of the live class sessions.
- However, a student who misses class due to technology failure or health concerns related to COVID-19 may apply for an excused absence by filing a Dean's Action Request form with the Dean of Students, Professor Alice Eakin.
- In this period of remote instruction, "live class sessions" means sessions conducted synchronously, and does not refer to watching asynchronous recordings that may be assigned in lieu of live classes.
- "Attendance" in a live synchronous class means participation with a video camera on and the capacity and willingness to participate in class activity as called upon.
- All classes should be recorded by faculty members, but watching a recorded version of a class is not equivalent to attendance at the live class. (Note there may be sporadic instances in which a class is not successfully recorded.)
- The Delaware Law School will not impose any uniform rules on the availability of recorded classes, other than the rule that any student who misses a class because of an excused absence will of course be granted access to the recording, if the class was successfully recorded. Beyond that, faculty members have different views on whether and when to make class recordings generally available. Individual faculty members are free to make their own pedagogical decisions on this issue.

Best regards,

Dean Rod Smolla