Guidelines on

**Mandatory Attendance**

Part of the Handbook for Studying and Teaching

**Version 2.0**

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Please note that the English version of these guidelines is purely for your convenience and is not legally binding.

Only the German version is legally binding!

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Mandatory Attendance

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1. Legal Basis

The right to student academic freedom is outlined in Art. 12 (1), sentence 1 of Basic Law. This freedom, which is guaranteed by fundamental rights, covers the free choice of a university, the choice of courses and instructors, as well as the flexible organization of the curriculum, in particular. In principle, it also prohibits mandatory class attendance. In the State of North Rhine-Westphalia, student academic freedom is regulated in § 4 (2) sentence 3 of the Higher Education Act of the State of North Rhine-Westphalia (Hochschulgesetz; HG).

However, universities can decide in their committees in which specific courses mandatory attendance shall apply. They must, therefore, assess whether mandatory attendance is appropriate with regard to the course’s learning objective. The constitutionally guaranteed freedom of study denotes that mandatory attendance can only be justified against the background of the principle of proportionality if the learning objective of the respective course cannot be achieved without active participation from the students (see § 5 (2) ÜPO (GER)/§ 7 (2) GER LAB/§ 8 (2) GER M. Ed.

Instructors cannot, therefore, require attendance in certain courses, especially not in lectures. This is because the learning objective of a lecture can undoubtedly also be achieved through self-study. However, other course types, such as seminars, may, within limits, be formats for which mandatory attendance is appropriate.

The learning objective of seminars is typically to practice scientific discourse. However, the prerequisites for practicing scientific discourse on site only apply if a seminar is designed for the participation of 20 to 30 students. Mandatory attendance may, therefore, be applicable in these cases.

Under the aforementioned conditions, mandatory attendance may also be appropriate for remote courses, as stipulated in § 5 (2) sentence 8 to 11 GER or § 7 (2) sentence 8 to 11 GER LAB, or § 8 (2) sentence 8 to 11 GER M. Ed.

2. Implementation

There has to be a sound legal basis to require students to attend certain classes – is it not possible for instructors to introduce such a requirement whenever they deem it necessary.

The provisions of § 5 (2) sentence 1 GER, § 7 (2) sentence 1 GER LAB, and § 8 (2) sentence 1 GER M. Ed. stipulate that for courses whose learning objective cannot be achieved without active participation from students, regular attendance may be a mandatory requirement. A provision in the course of study-specific examination regulations furthermore specifies the course types that may require class attendance.
The provision merely outlines the possibilities and does not indicate that these are requirements as such. Rather, mandatory attendance (if applicable, as a participation requirement for an assessment) shall be indicated in the module handbook in the respective module description in the field "examination requirements". The field "learning objectives" should also state a learning objective that cannot be achieved without attendance or can only be achieved with considerable additional effort. However, no justification has to be specified at that stage. The introduction or adjustment of mandatory attendance in a course usually requires a proposal from the Advisory Board for Academic Affairs and the approval of the Faculty Council. If the Faculty Council does not wish to follow a proposal of the Advisory Board or would like to make a decision without a proposal, it can replace the proposal or make a decision without a proposal if it has a two-thirds majority, see § 64 (1) sentence 2 HG.

Mandatory attendance is only admissible if the above requirements are met. If students are, nevertheless, to be denied participation in an exam or a certificate of attendance on the grounds that they have not regularly attended the course in question, the Examination Board shall remedy any complaints.

3. Absences

The provisions of § 5 (2) GER and § 7 (2) GER LAB, and § 8 Abs. 2 ÜPO M. Ed. list general regulations regarding permissible absences and possible substitute coursework or exams.

Permissible absences shall be based on the learning objective of the course in question. Depending on the course content, the permissible absence rate is between 10% and 30% of the scheduled contact hours. The instructor determines the permissible absence rate as well as the admissibility and form of any substitute coursework or exams at the beginning of the course. This information shall be announced in the CMS. If the CMS does not indicate any such details, the permissible absence rate shall be 30% of the scheduled contact hours.

A weekly seminar with 10 or 15 total sessions is to be treated differently than a block seminar that takes place on a weekend. For the former, a permissible absence rate of 3 or 5 sessions would be indicated. The learning objective of a block seminar, on the other hand, may possibly only be achieved through complete attendance in individual cases. It is then not possible to calculate a permissible absence rate by the hour.

Permissible absences include those excused by a doctor’s note. Thus, no distinction is made between excused and unexcused absences when calculating the total number of absences.

However, it is possible to differentiate between unexcused and excused absences with regard to the admissibility of substitute coursework or exams. They are justifiable only
if in cases of excused absences (e.g. by a doctor’s note) substitute coursework or exams can be completed. Unexcused absences cannot be compensated for with substitute coursework or exams, or only to a lesser extent. However, the instructor must determine and announce this in the CMS before the course begins.