# UNIVERSITY POLICY FOR ACADEMIC AFFAIRS

## Policy No. UPAA-6

## DISTANCE EDUCATION

### 1 General Information.

1.1     Scope: This policy addresses a variety of issues related directly to the development and teaching of distance education courses for use in credit or non-credit courses or in support of university funded research.

1.2     Authority: W. Va. Code §18B-1-6

1.3     Passage Date:  June 7, 2024

1.4     Effective Date:  June 7, 2024

1.5     Controlling over: Marshall University

1.6     History: This policy replaces MUBOG Policy IT-5 Distance Education Courses (effective 12/13/2011). The policy was converted to MUBOG Policy AA-46, updated, and approved by the Marshall University Board of Governors on December 19, 2019.

### 2 Definitions

2.1     The Code of Federal Regulations 34 CFR 600.2 defines distance education. In July 2021, it was updated to include definitions for *instructor*, *substantive interaction*, and *regular interaction*. The updated CFR definition of distance education in its entirety is quoted in italics below (bold added):

> ### *"Distance Education:*
>
> (1)     *Education that uses one or more of the technologies listed in paragraphs (2)(i) through (iv) of this definition to deliver instruction to students who are separated from the instructor or instructors and to support regular and substantive interaction between the students and the instructor or instructors, either synchronously or asynchronously.*
>
> (2)     *The **technologies** that may be used to offer distance education include—*
>
>> *(i) The internet;*
>> *(ii) One-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices*
>> *(iii) Audio conference; or*
>> *(iv) Other media used in a course in conjunction with any of the technologies listed in paragraphs (2)(i) through (iii) of this definition.*

(3)     *For purposes of this definition, an **instructor** is an individual responsible for delivering course content and who meets the qualifications for instruction established by an institution's accrediting agency.*

(4)     *For purposes of this definition, **substantive interaction** is engaging students in teaching, learning, and assessment, consistent with the content under discussion, and also includes at least two of the following—*

> *(i) Providing direct instruction;*
> *(ii) Assessing or providing feedback on a student's coursework;*
> *(iii) Providing information or responding to questions about the content of a course or competency;*
> *(iv) Facilitating a group discussion regarding the content of a course or competency; or*
> *(v) Other instructional activities approved by the institution's or program's accrediting agency.*

(5)     *An institution ensures **regular interaction** between a student and an instructor or instructors by, prior to the student's completion of a course or competency—*

> *(i) Providing the opportunity for substantive interactions with the student on a predictable and scheduled basis commensurate with the length of time and the amount of content in the course or competency; and*
> *(ii) Monitoring the student's academic engagement and success and ensuring that an instructor is responsible for promptly and proactively engaging in substantive interaction with the student when needed because of such monitoring, or upon request by the student."*

2.2   **Asynchronous Online (AO)**: Any distance education course in which all course content is delivered asynchronously. There are no synchronous online or in-person/on-location requirements, including exams and other assessments. Instructors must make class materials available through the official online course management system (see 6.1). *Complies with regular and substantive instructor interaction standards as described in 2.1.*

2.3   **Synchronous Online (SO)**: Any distance education course in which some or all the course content is delivered synchronously online, and the remainder is delivered asynchronously online. Exams are delivered online. Instructors must make class materials available through the official online course management system (see 6.1). Specific synchronous requirements should be listed at the program and course levels (including Banner schedule and the course syllabus). *Complies with regular and substantive interaction standards as described in 2.1.*

2.4   **Synchronous Choice (SC):** Any distance education course in which some or all the course content is delivered synchronously, and students have the option of attending synchronously online or synchronously in-person/on-location. There are no in-person/on-location requirements, including exams or other assessments. Instructors must make class materials available through the official online course management system (see 6.1).

Specific synchronous requirements should be listed at the program level and at the course level (including Banner schedule notes and the course syllabus). *Complies with regular and substantive interaction standards as described in 2.1.*

2.5     **Blended (BL)**: Any distance education course in which the instructor determines the blend of online (synchronous and/or asynchronous) and in-person/on-location requirements, with at least one in-person/on-location class meeting. In blended courses, online meetings or online activities reduce in-person time. Instructors must make class materials available through the official online course management system (see 6.1). Specific in-person/on-location and online (asynchronous and/or synchronous) requirements, including exams, should be listed at the program and course levels (including Banner schedule and the course syllabus). *Complies with regular and substantive interaction standards as described in 2.1*

2.6     **HyFlex (FLEX):** Any course in which students have both in-person and online options available for all learning activities, based on student preference. There are no in-person/on-location requirements, including exams. HyFlex courses allow students to choose from the following learning modalities daily:

      i. In-Person, meeting in-person/on-location
      ii. Synchronous Online, meeting online
      iii. Asynchronous Online, engaging with coursework within a window of time

Instructors should teach from their assigned classroom. Instructors should record class meetings and make class materials available through the official online course management system (see 6.1). Specific modality options should be listed at the program and course levels (including Banner schedule and the course syllabus). *Complies with regular and substantive interaction standards as described in 2.1.*

2.7     **Course creator** refers to the individual(s) who generate(s) original content for the purpose of delivering a distance course.

2.8     **Content refers** to course content and materials (intellectual property) a course creator develops for instructional delivery as a distance course.

## 3 Intellectual Property and Online Courses

3.1     The Marshall University Intellectual Property Policy (MUBOG GA-4), addresses the ownership, licensing, and income distribution rights of online course materials.

## 4 Distance Education Course and Program Approval

4.1     Distance education courses and programs must be approved by the appropriate academic dean and comply with department, college, and university policies and practices relating to distance education course quality and acceptable delivery practices.

4.2    Distance education courses must be approved by the faculty peer review committee in accordance with the university's established faculty-centered, peer review process.

4.3    Only courses and programs appearing in the current university catalog may be developed and submitted for distance education delivery.

4.4    Only approved distance education courses may be listed in the official schedule of courses. 4.5 Only approved distance education programs may be listed on the official university admissions application.

## 5 Teaching Distance Education Courses

5.1    Faculty assigned to teach a distance education course must possess the online teaching endorsement required by the university.

5.2    A faculty member can develop and teach a different version of an existing distance education course with the approval of the department chair and dean.

5.3    If a distance education course instructor is unable to complete a semester course or will not be available to follow up with students who may receive an approved Incomplete, the relevant department will ensure that the course remains available.

5.4    The department chair/division head may enter a distance education course as part of the faculty evaluation process for retention, promotion, or tenure, or if required by a student academic appeal.

5.5    The Instructional Designers or the Information Technology staff will provide access to a distance education course when access is requested according to 5.3 and 5.4 above.

## 6 Course Delivery Format and Support

6.1    Student access to distance education courses must be through the official online course management system. The appropriate dean and the Chief Academic Officer (CAO) must approve any exceptions.

6.2    The University will make best practices information for distance education course development, training opportunities, and faculty resources available through Academic Affairs and Online Learning.

6.3    Information technology personnel will provide technical support for distance education courses.

## 7 Review and Update of Content

7.1    The online faculty peer review committee will review active distance education courses every three years after the initial approval of the course or upon request of the CAO or appropriate dean. The purpose of the three-year review is to ensure that distance education courses remain current with changes in technology and best practices. The

online faculty peer review committee will facilitate the review adhering to a timetable that allows for revisions to take place.

7.2    Academic units are encouraged to review distance education course content during the initial and three-year review cycle.


Approved by:

_____

Brad Smith, President


Date:

_____
June 7, 2024