

American University Washington College of Law Distance Learning Policy*

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1. Purpose and Scope

This policy is designed to guide American University Washington College of Law (“AUWCL”) in the development, delivery, and evaluation of quality distance learning education in accordance with the requirements of American Bar Association’s Standard 306 and other applicable standards and requirements.

2. Definitions

2.1 *Distance Learning*

The American Bar Association (ABA) defines a distance learning course as one in which students are separated from the faculty member or each other for more than one-third of the instruction and the instruction involves the use of technology to support regular and substantive interaction among students and between the students and the faculty member, either synchronously or asynchronously. In accordance with Interpretation 306-1 of the ABA Standards, various technologies may be used to support instruction in a distance learning course, including the Internet, audio and video conferencing, open or closed circuit broadcasting or wired/wireless communication, and various physical media technologies.

* This Policy was approved by the Washington College of Law Faculty on March 26, 2018.

2.2 Distance Learning Course (“Course”)

A Course is a discrete product of developed material, including but not limited to, syllabi, introductory material, articulated learning goals, assigned materials (readings, podcasts, web links, text assignments, prepared PowerPoints, etc.), assignments, and assessment mechanisms. A Course is a completed unit that may be taught multiple times.

2.3 Distance Learning Course Section (“Course Section” or “Section”)

A Course Section is the particular version of a course that is delivered to students by a particular professor. There may be multiple Sections for a single course. Course Sections may be delivered either asynchronously or synchronously. See sections 2.7 and 2.8 below.

2.4 Course Developer

A Course Developer is the person who designs and prepares a course, paying particular attention to developing appropriate materials, activities, and assessments tied to learning goals.

2.5 Teaching Faculty

A Teaching Faculty member is a person who executes and delivers a specific Course Section. Teaching Faculty interact with students, provide feedback, coordinate assessments, and deliver other appropriate material to facilitate student learning and evaluation.

2.6 Office of Online Education

The Office of Online Education is responsible for the training of Teaching Faculty on the techniques and best practices for the creation of materials for and delivery of distance learning courses. The Office of Online Education operates under the supervision of the Assistant Dean, Part-time & Online Education.

2.7 Asynchronous

An asynchronous course or component of a course is one in which the instruction is delivered at one time and the work can be completed at different times. In asynchronous courses or components of courses, students and teachers use e-mail, discussion boards, listservs, wikis, video or audio posts, and other technologies that allow them to communicate without having to be online at the same time.

2.8 Synchronous

A synchronous course or component of a course is one in which teachers and students are in different physical locations, but conduct two-way communication with virtually no time delay, allowing participants to respond in real time.

2.9 Hybrid or Blended

A hybrid or blended course is one that includes components of both live, in-person sessions and additional asynchronous and/or synchronous distance learning sessions.

3. Programs

3.1 *Approval process for for-credit Programs*

The approval of any new for-credit online Program follows the same procedure as on-campus for-credit programs at AUWCL, except that the Office of Online Education must first review and approve the proposed distance learning methods.

3.2 *Approval process for not-for-credit Offerings*

The approval of any new not-for-credit online offering, such as CLE and certificate courses, follows the same procedure as similar not-for-credit on-campus offerings at AUWCL, except that the Office of Online Education must first review and approve the proposed distance learning methods.

4. Distance Learning Courses

4.1 *Use of available technology*

Each Course to be delivered through distance learning by the law school will be designed to utilize the technological resources available at the institution, supportable by the institution, and reasonably available to students.

4.2 *Determination of credit hours for coursework*

Following ABA Standard 310, one credit hour of any distance learning, for-credit Course will require not less than one hour of direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time, or an equivalent amount of work in the form of other academic activities, such as simulations, co-curricular, and other academic work.

4.3 *Definition and assessment of Course outcome goals*

Each Course will maintain outcome standards consistent with ABA Standard 302. All Courses will include student-based outcome goals and assessments and evaluations of student outcomes.

4.4 *Interactivity requirements*

Each Course will include sufficient interactive tools and course design elements that allow Teaching Faculty and students interactive opportunities that equal or exceed the interaction found in a traditional classroom setting, in line with ABA Standard 306(d).¹

4.5 *Approval process for Courses*

Every new online Course, or new section of an existing course, will be submitted to the Faculty Curriculum Committee for review according to the same policies as any new on-campus Course, and if approved by the Curriculum Committee, presented by the Curriculum Committee to the faculty for approval.

¹ See note 7, below.

5. Distance Learning Course Sections

5.1 *Minimum design requirements*

All distance learning Course Sections will meet the minimum design requirements of Courses described in Section 4. Courses, above.

5.2 *Authentication of students*

Each distance learning Course Section will require students to have, at minimum, a unique login and password to access the general student portal of AUWCL (MyWCL) and the online education platform,² issued to the student through AUWCL's standard student verification protocols.

5.3 *Proctoring of examinations*

The Office of Online Education encourages Faculty to assess students in distance-learning Course Sections without involving closed-book examinations (e.g., open-book exams). If the resources are available—such as necessary personnel—proctoring may exceptionally be made available in coordination with the Registrar's Office and the Office of Online Education.

6. Students

6.1 *Student enrollment*

6.1.1 Students will register for a for-credit distance learning Course through American University's online registration platform. Once they are registered, they will automatically be enrolled in the online teaching platform.

6.1.2 Students will register for not-for-credit distance learning Courses with the individual Program or Office that offers that Course. Each program or course administrator will enroll the students into the online teaching platform. That program or course administrator will be granted the necessary authorization to act as such on the online education platform.

6.2 *Student orientation at the beginning of a Program or Course*

All students who participate in a distance learning Program or Course must participate in a mandatory orientation program, which will, at minimum, train students in the technology used, distance learning protocols and etiquette, and application of the Honor Code. This orientation will be provided by the Teaching Faculty or the Office of Online Education.

² The online education platform may change over the life of this policy.

6.3 Student support in Programs and Courses

AUWCL will provide eligible students in distance learning courses access to financial aid, learning support, library services, and other services comparable to those provided to residential students in similar programs and courses and needed by distance learning students.

6.4 Students enrolled in a J.D. Program

Students enrolled in the J.D. program may take online J.D. courses in accordance with ABA standards and limitations.

6.5 Applicability of Washington College of Law's Honor Code

All distance learning students will abide by the Washington College of Law's Honor Code³ in all Courses, and in all other relevant activities of the Program in which the student is enrolled.

7. Faculty

7.1 Faculty compensation

Before beginning development of any Program or Course, the Office of Online Education, together with the Office of Academic Affairs and the Office of Finance & Administration, will establish criteria for the compensation of Course Developers and Teaching Faculty, giving due consideration to whether these activities are done by newly hired personnel, or existing adjunct or full-time Faculty members.

7.2 Adjunct Teaching Faculty

Adjunct Teaching Faculty teaching distance learning courses will be governed by the provisions set forth in the Adjunct Faculty Handbook and any Agreement between American University and the Service Employees International Union, Local 500 that is in effect at the time of the teaching.

7.3 Course Developers

Compensation and rights regarding materials created for distancing learning courses by Course Developers who are not members of the full-time faculty of AUWCL shall be governed by a contractual relationship between the Course Developer and AUWCL. All such contractual relationships must be accomplished through the AUWCL Office of Finance in collaboration with the Office of Academic Affairs.

7.4 Mandatory training

Individuals who develop a Course (Course Developer), or who teach one or more Course Sections (Teaching Faculty), are required to attend initial and continued training on distance education technology and teaching.

³ The Honor Code may be accessed at the following link:
<http://catalog.wcl.american.edu/content.php?catoid=6&navoid=74>

7.5 Minimum time-allocation of Faculty to online teaching

Teaching Faculty will be online, will monitor and, as appropriate, participate in class delivery, for at least the number of hours necessary for the credit hour allocation made to the course in accordance with ABA Standard 310. This will include the time the Teaching Faculty is featured in a pre-recorded video lecture.

7.6 Maximum respond time to student inquiries and questions

Teaching Faculty will answer student questions and concerns within 24 hours during the regular workday period in which the Class is offered, except on weekends and holidays. If a Teaching Faculty member is unable to attend to a course for more than a 24-hour period, the Teaching Faculty will alert students in advance. If a Teaching Faculty member is unavailable due to an emergency, he or she will alert the students at his or her first possible opportunity.

7.7 Feedback for students

Teaching Faculty will provide regular and concrete feedback on student effort and performance.⁴

7.8 Evaluation of Teaching Faculty

All Teaching Faculty will be evaluated regularly by students in accordance with the same procedures used to evaluate faculty teaching in-person courses.

8. Oversight and Quality Control

8.1 Voluntary adherence to ABA Standard 306

AUWCL will offer all Courses consistent with the quality-related criteria of ABA Standard 306.⁵

8.2 Oversight by the Office of Online Education

8.2.1 The Office of Online Education will oversee the Distance Learning activities at AUWCL, including the creation and delivery of distance learning Courses and ancillary student experiences. The Office of Online Education will work with the Offices of Academic Affairs and the Registrar to sequence courses in light of curricular needs. The Office of Online Education will present a summary of online offerings to the Curriculum Committee at least once per academic year.

⁴ See ABA Standard 306(d)(2): “there is regular monitoring of student effort by the faculty member and opportunity for communication about that effort.”

⁵ These are ABA Standard 306, letters (a), (c), (d), and (g): (a) A distance education course is one in which students are separated from the faculty member or each other for more than one-third of the instruction and the instruction involves the use of technology to support regular and substantive interaction among students and between the students and the faculty member, either synchronously or asynchronously. [...] (c) A law school shall have the technological capacity, staff, information resources, and facilities necessary to assure the educational quality of distance education. (d) A law school may award credit for distance education and may count that credit toward the 64 credit hours of regularly scheduled classroom sessions or direct faculty instruction required by Standard 311(b) if: (1) there is opportunity for regular and substantive interaction between faculty member and student and among students; (2) there is regular monitoring of student effort by the faculty member and opportunity for communication about that effort; and (3) the learning outcomes for the course are consistent with Standard 302. [...] (g) A law school shall establish an effective process for verifying the identity of students taking distance education courses and that also protects student privacy. If any additional student charges are associated with verification of student identity, students must be notified at the time of registration or enrollment.

8.2.2 The Office of Online Education, in consultation with the Teaching Faculty, will ensure that the student/teacher ratio appropriately supports faculty and student interaction, facilitation of interaction among students, and interaction with curriculum content.

8.3 *Assistance to Course Developers and Teaching Faculty*

The Office of Online Education will assist Course Developers and Teaching Faculty in the technological aspects of their course development and teaching activity, including recordation of materials, faculty interaction with students, and student assessments.

8.4 *Primary responsibility for academic quality*

The adjunct or full-time Teaching Faculty responsible for each individual Course Section assumes primary responsibility for and exercises oversight of the content and quality of the instruction.

9. Compliance

9.1 *Student privacy and data protection*

Each Class will protect student privacy according to federal and institutional Family Education Rights and Privacy Act (FERPA) and Health Insurance Portability and Accountability Act (HIPAA) guidelines. All distance learning Courses will be provided from secure sites, and all required course elements that require student identification will be limited to those sites.

9.2 *Disability support*

All credit-bearing and certificate courses will comply with the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and District of Columbia requirements regarding students and applicants with disabilities.

10. Administration

10.1 *The Office of Online Education*

The administration of the online technology-related aspects of any distance learning Programs and Courses is the primary responsibility of the Office of Online Education, in cooperation with the other offices and departments of AUWCL, as the matters relate to their responsibilities and duties.

10.2 *Applicable policies*

All policies of the law school apply to the Distance Learning Programs and Courses unless otherwise provided in this policy.

11. Distance-Learning in Non-Distance Learning Classes

11.1 *Online components of non-distance learning classes*

In classes that do not satisfy the definition of Distance Education in Section 2.1 of this Policy, online components including, but not limited to, prerecorded videos or audio files, are not governed by this policy.

11.2 *Online classes in situations of emergency in on-campus courses*

In an emergency circumstance that affects the ability of the law school to deliver its residential curriculum in its normal course (due to weather, absence of a Professor, etc.), distance learning may be used in ways that are not governed by this policy.