

Academic Affairs

Revisions by COM Distance Education Committee proposed March 2022

Revisions due to changes in 34 CFR 600.2 Distance Education and Title 5 section 55204 effective 07/01/2021

Added CCLC 39 reference updates but not revised language. September/October – AS/ASC to review legal updates. Mici 5-10-2022

AP 4105 DISTANCE EDUCATION

References:

Education Code Sections 66700 and 70901 et seq;Title 5 Sections ~~53200~~, 55200 et seq.;Title 5 Sections 55260 et seq;

34 CFR Section 602.17; (U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended);

~~42 U.S. Code Sections 12100 et seq.;~~~~29 U.S. Code Section 794d;~~

ACCJC Accreditation Standard II.A.1.

Per Title 5 Section 55200, distance education means instruction in which the instructor and student are separated by time or distance and interact through the assistance of technology. All distance education is subject to the general requirements under Title 5 as well as the specific requirements of articles 55200 and 55204. In addition, instruction provided as distance education is subject to the requirements that may be imposed by the American with Disabilities Act (42 U.S.C. Section 12100 et seq.) and section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 794d).

The U.S. Department of Education defines distance education as education that uses one or more technologies [outlined listed in paragraph (1) through ~~(4)~~ (2)(iv) of the definition] to deliver instruction to students who are separated from the instructor and to support regular and substantive interaction between the students and the instructor, either synchronously or asynchronously. (Title 34 Subtitle B, Chapter IV Part 600 Subpart A section 600.2)

College of Marin offers Distance Education courses via two delivery modes: online asynchronous and hybrid:

- 1) Online **Asynchronous**: a course in which 100% of instruction takes place online. No **mandatory** in-person or online synchronous meetings occur.
- 2) Hybrid: a course in which instruction occurs both online and in-person with a minimum of one mandatory on-campus meeting during the semester. The required on-campus and/or synchronous online meetings dates and times must be published in the College of Marin Class Schedule. A hybrid class cannot have some students attending in-person and others in Zoom simultaneously.

Course Approval Process

Step 1: Department Approval

Online course proposals must be discussed and vetted by the academic department to determine that the course objectives and learning outcomes can be met in an online modality before going to curriculum. Some

additional considerations:

- 50% threshold for accreditation (does the program then require a substantive change approval?)
- Articulation (is the course still transferable if offered in an online modality?)
- Balance of in-person and online/hybrid offerings in the schedule

Step 2: Course Outline of Record and DE Addendum

Each new proposed or existing course offered in a distance education modality shall be reviewed and approved separately. Separate approval is mandatory if any portion of the instruction in a course or a course section is designed to be provided through distance education.

The review and approval of new and existing distance education courses shall follow the curriculum approval procedures outlined in AP 4020 titled Program and Curriculum Development. Distance education courses shall be approved under the same conditions and criteria as all other courses.

Each new or existing distance education course shall be reviewed and approved separately by the District Education Committee (DEC). Separate course outlines are required for each online asynchronous or hybrid version of a course. Each course outline must include the Distance Education addendum of the Course Outline of Record (COR) template.

When approving distance education courses, the Distance Education Committee (DEC) will certify the following:

- Course Quality Standards: The same standards of course quality are applied to the distance education courses as are applied to in-person classes.
- Course Quality Determinations: Determinations and judgments about the quality of the distance education course were made with the full involvement of the Distance Education Committee and Curriculum Committee's approval procedures.

In addition to addressing how course learning outcomes will be achieved in a distance education mode, the addendum shall, at a minimum, specify how the portion of instruction delivered via distance education meets:

- (b) Regular and ~~effective contact~~ substantive interaction (RSI) between instructors and students and among students as referenced in Title 5, section 55204(a), and
- (c) Requirements of the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.) and section 508 of the Rehabilitation Act of 1973, as amended, (29 U.S.C. § 749d)

The addendum shall be separately approved according to the district's adopted curriculum approval procedures. (5 CCR Section 55206).

Duration of Approval: All distance education courses approved under this procedure will continue to be in effect unless there are substantive changes to the course outline.

Step 3: Course Content

Course content must be fully developed and reviewed prior to scheduling. The deadlines are as follows: for spring courses, instructors must successfully complete the POCR process no later than September 1st. For summer and fall courses, instructors must successfully complete the POCR process no later than December 31st. The course will be submitted to the Distance Education Committee (DEC) for formal review using the Peer Online Course Review (POCR) process applying the CVC-OEI Course Design Rubric

(Refer to Faculty Certification Process).

Faculty Certification Process

Once the department has determined that a faculty member may be assigned to teach a distance education course, the faculty member must complete the following steps:

Faculty Training:

Per Title 5 Section 55208 *Instructors of distance education shall be prepared to teach in a distance education delivery method consistent with local district education policies and negotiated agreements.*

Before a distance education course is assigned, faculty must complete training in online standards and best practices and the OEI rubric either through course work provided by the CCC @One Online Network of Educators or equivalent professional development.

The cost of the registration/training will be paid from the Distance Education budget and all requests for training must be routed through the Distance Education Coordinator prior to registration.

Whether teaching hybrid and/or online courses, faculty must demonstrate proficiency in the technical and pedagogical aspects of such courses using the approved District Learning Management System (LMS) before being assigned to teach such a course. Prior to the launch of the course, faculty are required to meet at intervals with the Distance Education Coordinator and Instructional Technologist to review their curricular plan, receive appropriate training on course design, and review their final course product.

The instructor must create a fully-developed (semester-length) course and then proceed through the Peer Online Course Review (POCR) process. Refer to Step 3 of Course Approval Process above.

Waivers and Evidence of Equivalency

Faculty who have completed equivalent professional development **learning** in online pedagogy and teaching best practices at an accredited institution within the past three years may be exempt from the required professional learning. **Evidence of prior professional learning must be submitted to the Distance Education Coordinator and Instructional Designer.** ~~Faculty will need to arrange a meeting with the Distance Education Coordinator and Instructional Designer to demonstrate that a course they have developed aligns with the CVC-OEI rubric.~~

All courses are required to go through the POCR process regardless of the faculty member's professional learning equivalency.

Instructor Contact

Each section of the course that is delivered through distance education will include **effective contact regular and substantive interaction (RSI)** between instructor and students, as well as among students, either synchronously or asynchronously.

~~**Addendum to Course Outline:** An addendum to the official course outline of record shall be made if any portion of the instruction of a new or existing course is provided through distance education. The addendum must be approved according to the District's curriculum approval procedures. The addendum must address the following:~~

- ~~• How course outcomes will be achieved in a distance education mode;~~
- ~~• How the portion of instruction delivered via distance education provides regular and **effective contact and substantive interaction** between instructors and students; and~~

- How the portion of instruction delivered via distance education meets the requirements of the Americans with Disabilities Act (ADA) and Section 508 of the Rehabilitation Act of 1973.

Title 5 sections 55204 and 53200 require “regular and ~~effective contact~~ substantive interaction” in all distance education courses. ~~Federal regulations require not only regular and effective contact, but also “substantive” interaction between the students and instructor.~~ Each course or portion of a course delivered through distance education ~~will demonstrate instructor to student(s), student to student, and student to content interactions.~~ ensures regular and substantive interaction between the instructor(s) and students, (and among students where applicable) either synchronously or asynchronously as defined in §55204 (a) through (e).

(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

- a) Providing direct instruction;
- b) Assessing or providing feedback on a student's coursework;
- c) Providing information or responding to questions about the content of a course or competency;
- d) Facilitating a group discussion regarding the content of a course or competency; or
- e) 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—

- a) Providing the opportunity for substantive interactions with the student on a predictable and regular basis commensurate with the length of time and the amount of content in the course or competency; and
- b) 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 on the basis of such monitoring, or upon request by the student.

Best practices for Establishing Regular, Effective, and Substantive faculty-initiated contact (course outlines must demonstrate a minimum of two):

- Specify course policy in the syllabus regarding frequency and timeliness of all contact initiated by the professor.
- Provide response time in syllabus for student questions and assignment feedback (e.g. 24–48 hours)
- Explain course policy regarding student-initiated contact (where to post questions, assignments, etc.) in the syllabus
- Clarify important dates, such as assignment and assessment deadlines, not only in the beginning but also throughout the course

Best Practices for Ensuring Ongoing Regular and Effective Contact:

- Assign and monitor weekly assignments and projects that promote collaboration among students
- Pose questions in the discussion boards that encourage critical thinking skills and promote interaction among all course participants
- Participate regularly in discussion activities with students and ensure that discussions remain on topic
- Monitor student engagement to ensure that students participate with depth
- Include means for varied types of interaction in the course design
- Maintain an active presence in discussion boards, chat rooms, and other interactive forums
- Give frequent and substantive feedback throughout the course

Methods of Establishing Regular and Effective Contact

- Course announcements (e.g., videos, weekly summary, weekly review, textbook readings)
- Personalized feedback on assignments
- Interactive discussion boards (e.g., question and answer forums)
- Videoconferencing (e.g., Skype, ConferZoom)
- Collaborative projects (e.g., group blogs, group discussions, wikis)
- Instructor-created lessons and documents
- Instructor-created modules or lectures (e.g., recordings, streaming videos, slides with audio narration, podcasts, webinars, screencasts)
- Emails, private messaging, and chat sessions

Accessibility Compliance

All distance education is subject to the requirements of Title 5 as well as the requirements of the Americans with Disabilities Act (42 U.S. Code Sections 12100 et seq.) and Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S. Code Section 794d). Distance Education courses will be reviewed by Student Accessibility Services (SAS) to determine ADA compliance. The College's Assistive Technology Specialist and Instructional Designer will assist faculty in meeting ADA compliance obligations when needed. Faculty must engage in relevant training from the College to ensure that they understand accessibility as it relates to instruction and curriculum. Likewise, any material or technology in support of any instructional activity must be vetted for accessibility compliance by a designated campus authority.

The term "accessible" means that a person with a disability is given the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and integrated manner, with equivalent ease of use (Office of Civil Rights (OCR), 2011).

Distance education courses must closely mirror current compliance requirements or as ADA has been interpreted by ongoing litigation and/or OCR Letters-of-Instruction. That is, distance education courses must be developed with an interface, design, and content that facilitates equitable access to all material or experiences either through industry standard assistive computer technology or any other accommodation. Additionally, instructional materials should closely align with emerging Universal Design for Learning best practices.

All course content delivered via distance education must be accessible to all persons including those with disabilities.

All activities and instructional media shall be accessible, including:

- Accurately captioned videos
- Transcribed audio files
- All objects (including images, formulas, tables and charts) have meaningful alternative text
- Readable course materials and html pages using effective font, color contrast, and spacing
- Meaningful hyperlinked text
- Documents that are accessible and reflect best practice standards (e.g. including the use of headers, alt text, a readable font, document tags, OCR etc.)
- Provision of an ADA statement and contact information for Student Accessibility Services in the course syllabus.

Accessibility also applies to websites, software, and other required course materials not contained within

the District Learning Management System (LMS). Educational technology applications must be vetted for VPAT and FERPA compliance by IT and DEC using the EEAAP form prior to adoption.

FERPA Compliance and LMS Course Merging

Faculty may ~~merge~~ combine their courses in the District Learning Management System (LMS) to save time distributing the same course content to students across multiple course sections. However, due to the Family Educational Rights and Privacy Act (FERPA) regulations, students can only have access to other students' information in the course in which they are enrolled. This means students may not interact in the LMS with students from another course section.

To comply with FERPA when distributing course content in merged courses, Faculty must restrict students' ability to view and interact with other students in another course section. Recommendations for meeting FERPA guidelines in the LMS and a Merged Course Request Form are available on the Online Learning website.

Enrollment, Attendance, and Participation in Distance Learning Courses

Students will register and enroll in distance learning courses in the same manner as traditional courses. All distance education courses follow College of Marin's attendance and drop policies (AP 5070 and AP 5075). Pursuant to Title 5 Section 58004, instructors shall clear their rosters of inactive students not later than the end of the last business day before the census day for all students. Students who are dropped by instructors after 30% of the term will receive a "W."

The U.S. Department of Education views attendance in an online class as active engagement, such as writing in discussion forums, submitting assignments, taking quizzes and/or exams, or other interactive class activities. Due to the potential for financial aid fraud in online programs, the U.S Department of Education has determined that there should be "regular and substantive interaction between students and faculty" in online courses. Hence, the "Last Day of Attendance" counted in the online classroom is the last day of class participation by the student.

Based on the aforementioned guidelines, the instructor should determine the last day of participation for students via the following methods:

- 1) Prior to the first census date, the instructor will initiate activities that require student participation.
- 2) The instructor will include various robust assessments and assignments on a frequent basis throughout the semester.

Participation and drop policies must be clarified in the online syllabus and align with the College's policies.

Scheduling Distance Education Courses

Area deans (in collaboration with department chairs) determine and approve faculty assignments for all courses, including distance education sections. Faculty will be assigned to teach distance education courses after completing the aforementioned certification process and meeting state and federal requirements.

Faculty Office Hours

For office hour obligations, faculty must refer to the UPM contract.

Student Authentication

Consistent with federal regulations pertaining to federal financial aid eligibility, the District must authenticate or verify that the student who registers in a distance education or correspondence education course is the same student who participates in and completes the course or program and receives the academic credit. The District will provide to each student at the time of registration, a statement of the process in place to protect student privacy and estimated additional student charges associated with verification of student identity, if any.

The Chief Instructional Officer shall utilize one or more of these methods to authenticate or verify the student's identity:

- Secure credentialing/login and password;
- Proctored examination; or
- new or other technologies and practices that are effective in verifying student identification

The District utilizes a Learning Management System (LMS) whereby students must authenticate their identity. In order to access the LMS, students must log into the MyCOM Portal with their College of Marin-issued student username and password.

The Chief Instructional Officer shall provide a statement of the process in place to protect student privacy and estimated additional student charges associated with verification of student identity, if any, to each student at the time of registration.

Test Proctoring

Some distance education courses may require that exams be taken in a proctored setting or through an online proctoring service (e.g., Proctorio). Faculty will clearly communicate in their syllabus if there are any proctoring requirements for the course. **Prior to using online proctoring software, faculty are expected to engage in professional learning on best practices.**

Distance Education Support Services

The District provides online assistance in the following areas:

- Learning Management System (LMS) technical support through an on-line help center
- Online writing assistance through the Online Writing Center (OWC)
- Research assistance through the Library's "Ask a Librarian" service
- Tutoring appointments through the Teaching and Learning Center
- Counseling services through "Ask a Counselor"

~~The Assessment and Testing Center provides proctored exams with an instructor's approval. Specific instructions about taking an exam in the Assessment and Testing Center can be found on the Assessment and Testing Center's Webpage.~~

Office of Primary Responsibility: ~~Vice President of~~ Student Learning and Success

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Reviewed/Revised: