**Proposed Academic Policy 1200.50**

**Distance Education Online Standards for Courses taken for Academic Credit**

1. **Overview**.

The University of Arkansas complies with federal and state definitions of a credit hour and federal and state definitions of instruction for distance education courses taken for academic credit. Distance education courses, denoted as online courses, are defined by Academic Policy 1622.12.

The U.S. Department of Education (ED) expects that each institution of higher education facilitates “scheduled and predictable opportunities for substantive interaction between students and instructors” in online courses and “create[s] expectations for instructors to monitor each student’s engagement and substantively engage with students on the basis of that monitoring.”[[1]](#footnote-1)

This policy meets the federal expectation by ensuring that instructors teaching online courses for academic credit understand and abide by expectations of federal requirements for those courses. [[2]](#footnote-2) Instructors must define how their online course meets these federal requirements in their syllabus. These requirements apply uniformly in all academic semesters and terms.

1. **Requirements and Definitions**.

The regulations associated with Part 600 of the Higher Education Act of 1965, amended in 2020 (34 CFR § 600.2), require that online courses provide regular and substantive interaction between the instructor and the students enrolled in the course. These interactions must be initiated by the instructor, be regular and consistent, and be focused on the content in the course. Interactions between students and graduate assistants (GAs) assigned to a course count towards the federal requirements but interactions between students and class assistants or other individuals who have not met the faculty qualifications defined in Academic Policy 1435.50 do not count towards meeting the federal requirements.[[3]](#footnote-3)

**Regular interactions** are interactions that “provide the opportunity for substantive interactions” between the instructor and the student “on a predictable and scheduled basis commensurate with the length of time” of the course, “the amount of content in the course,” and the academic level of the course (lower-level undergraduate, upper-level undergraduate, or graduate).[[4]](#footnote-4) “Interactions initiated by students” cannot be counted towards meeting the regular interaction requirement.[[5]](#footnote-5)

The instructor must, as part of this regular interaction requirement, “monitor the student’s academic engagement and success.” The “instructor is responsible for promptly and proactively engaging in substantive interactions with students when needed on the basis of such monitoring” of their academic success “or upon request by the student.”[[6]](#footnote-6) The instructor must share with students the course’s expectations and norms for how the instructor will monitor their academic engagement and success as well as how they will promptly and proactively engage in substantive learning interactions with each other.

**Substantive Interactions** are those that “engage students in teaching, learning, and assessment consistent with the content under discussion and also includes at least two of the following:”

1. “Providing direct instruction.”
   1. This may be accomplished through synchronous technology such as Blackboard Collaborate, Zoom, or the like. Asynchronous instruction (recorded lectures or other activities) do not meet the federal threshold for direct instruction. Only synchronous direct instruction is considered substantive interaction as per federal guidelines. Per Academic Policy 1622.12, direct instruction is not an option in 100% asynchronous online courses.[[7]](#footnote-7)
2. “Assessing or providing feedback on a student’s coursework.”
   1. “An automated grading system that provides feedback based on a programmed response, interactions with artificial intelligence, adaptive learning systems or other forms of interactive computer-assisted instructional tools do not meet” the definition of substantive interaction per federal guidelines.[[8]](#footnote-8)
3. “Providing information or responding to questions about the content of a course or competency,” in a scheduled interaction to align with the regular interaction requirement.
4. “Facilitating a group discussion regarding the content of a course or competency,” in a scheduled interaction to align with the regular interaction requirement.
5. “Other instructional activities approved by the institution’s or program’s accrediting agency.”[[9]](#footnote-9)
   1. The University’s accrediting agency, the Higher Learning Commission, has not approved any additional instructional activities under this definition. A department head/chair must notify the Office of the Provost of the addition of an instructional activity by a program’s accrediting agency.

In general, it is recommended but not required that instructors provide at least one substantive interaction, as defined above, in every week of instruction for a three-credit course delivered over fifteen weeks. The exact number of regular and substantive interactions with students is at the discretion of the instructor and/or academic unit commensurate with the length of time, amount of content, and the academic level of the course.[[10]](#footnote-10) The methods by which an instructor elects to meet the federal regular and substantive requirements must be recognized by faculty members in the instructor’s discipline at peer institutions as sufficient for meeting the expectations for federal requirements at those institutions. Academic unit practices and BOT 405.1 affords faculty academic freedom in determining how to develop and deliver online courses in a way that complies with this policy and the federal requirements it implements.

1. **Controls and Compliance**.

In addition to defining expectations for instructors to monitor student engagement, the Department of Education requires that institutions establish “sufficient internal controls” and demonstrate that they have established “a system for monitoring or periodically evaluating its online” courses “to ensure that its instructors continue to observe such policies over time.” [[11]](#footnote-11) All online courses offered by the University of Arkansas meet this federal expectation by being created in conjunction with Global Campus, which during the initial instructional design process of a new course, is the unit responsible for apprising instructors of applicable federal requirements. Global Campus, in conjunction with the academic departments, schools, and colleges, will periodically assist instructors and academic units in their evaluation of University of Arkansas online courses scheduled for rebuilding for continued compliance with federal requirements.

Instructors have the primary responsibility for providing required instruction, monitoring academic engagement and performance of students, designing interactions that are appropriate and tailored to meet the needs of students, and ensuring compliance with these federal requirements, which is shared with Global Campus, Department Chairs/Heads, and designated Assistant/Associate Deans within each college or school under the supervision of the respective academic dean.

1. **Relation to Federal Definition of a Credit Hour**

As per Academic Policy 1200.40, students enrolled in distance education courses earn academic credit where instruction is regular and substantive and the student has the opportunity to demonstrate evidence of achievement of intended learning outcomes that is equivalent to the amount of instruction and student work in campus/face-to-face courses.

This equivalent instruction should approximate no less than 50 minutes per credit hour of synchronous direct instruction or an equivalent amount of time of asynchronous learning activities that the student has the opportunity to engage in each week over a fifteen-week semester. This engagement need not be monitored for each individual student in a course but instructors must regularly “monitor the student’s academic engagement and success” either through tools provided in the campus’ Learning Management System, or through the student’s academic performance and progress in the course and “promptly and proactively engage in substantive interactions with students when needed on the basis of such monitoring.” [[12]](#footnote-12)

1. ED provides a five-part test for determining the difference between distance education from correspondence instruction. They include (1) the institution’s online instruction is delivered through an appropriate form of media; (2) the instructors with whom the students regularly and substantively interact meet the requirements of the institution’s accrediting agency for instruction in the subject matter; (3) instructors engage in at least two forms of substantive interaction meeting the regulatory requirements for the course or competency; (4) the institution has established scheduled and predictable opportunities for substantive interaction between students and instructors and creates expectations for instructors to monitor each student’s engagement and substantively engage with students on the basis of that monitoring; and (5) instructors are responsive to students’ requests for instructional support. <https://www.govinfo.gov/content/pkg/FR-2020-09-02/pdf/2020-18636.pdf>, Page 54760 [↑](#footnote-ref-1)
2. The institution must establish “sufficient internal controls” and demonstrate “that it has established appropriate academic policies and procedures for its instructors to implement these provisions [and] a system for monitoring or periodically evaluating its online programs to ensure that its instructors continue to observe such policies over time.” <https://www.govinfo.gov/content/pkg/FR-2020-09-02/pdf/2020-18636.pdf>, Page 54760 [↑](#footnote-ref-2)
3. “Only individuals responsible for delivering course content and who meet the qualifications for instruction established by an institution’s accrediting agency can fulfill the requirements for regular and substantive interaction with students.” <https://www.govinfo.gov/content/pkg/FR-2020-09-02/pdf/2020-18636.pdf>, Page 54762 [↑](#footnote-ref-3)
4. Definition of Distance Education, section 5, https://www.ecfr.gov/current/title-34/subtitle-B/chapter-VI/part-600 [↑](#footnote-ref-4)
5. “The Department does not consider substantive interactions initiated by students to meet the requirements for regular interaction in the definition of ‘distance education.’” <https://www.govinfo.gov/content/pkg/FR-2020-09-02/pdf/2020-18636.pdf>, page 54760 [↑](#footnote-ref-5)
6. Definition of Distance Education, section 5, <https://www.ecfr.gov/current/title-34/subtitle-B/chapter-VI/part-600> [↑](#footnote-ref-6)
7. “When the Department uses the term ‘direct instruction’ it means live, synchronous instruction where both the instructor and the student are online and in communication at the same time.” ED to WCET State Authorization Network, March 10, 2022 (<https://wcet.wiche.edu/wp-content/uploads/sites/11/2022/11/RSI-Response-letter-signed.pdf>) [↑](#footnote-ref-7)
8. “Interactions with artificial intelligence, adaptive learning systems, or other forms of interactive computer-assisted instructional tools qualify as types of ‘academic engagement,’ but in this limited context those forms of engagement do not meet the statutory requirements for regular and substantive interaction between students and instructors.” <https://www.govinfo.gov/content/pkg/FR-2020-09-02/pdf/2020-18636.pdf>, page 54762.  “The Department does not consider a grade on an assignment to be ‘substantive interaction’ unless the instructor evaluates the student’s work and provides specific feedback to the student about that work. An automated grading system that provides feedback based on a programmed response to input does not count as ‘substantive’ because it is interaction with a computer, not an instructor.” ED to WCET State Authorization Network, March 10, 2022 (<https://wcet.wiche.edu/wp-content/uploads/sites/11/2022/11/RSI-Response-letter-signed.pdf>) [↑](#footnote-ref-8)
9. Definition of Distance Education, section 4, <https://www.ecfr.gov/current/title-34/subtitle-B/chapter-VI/part-600>. ED indicates that “a letter from an accrediting agency that approves one or more activities for purposes of the definition of “substantive interaction” would be sufficient to demonstrate that the accrediting agency had approved those practices. If an accrediting agency is unwilling to provide specific documentation of its approval of institutional practices, then the “approved practices” would only be those that the accrediting agency had included in its general published policies.” ED to WCET State Authorization Network, March 10, 2022 (<https://wcet.wiche.edu/wp-content/uploads/sites/11/2022/11/RSI-Response-letter-signed.pdf>) [↑](#footnote-ref-9)
10. ED proposed an option in the Negotiated Rulemaking discussion that “would have required one substantive interaction in every week of instruction for a course that was worth at least three credit hours or one substantive interaction for every two weeks of instruction for a course that was worth fewer than three credits.” However, the distance education subcommittee “expressed concerns about that proposal and any other one-size fits-all requirement for how often substantive interactions must occur.” Instead of this proscriptive nature, the compromise was that “an institution would ensure regular and substantive interactions by either scheduling substantive interactions on a predictable and regular basis or by monitoring a student’s academic engagement and promptly and proactively engaging in substantive interaction with the student on the basis of that monitoring. The committee subsequently decided to require institutions to offer predictable and regular opportunities for substantive interaction and to monitor each student’s academic engagement and success in order to ensure that instructors engage with the student as needed.” <https://www.govinfo.gov/content/pkg/FR-2020-04-02/pdf/2020-05700.pdf#page=1>, page 18648. Therefore, the general rule above is the UA’s attempt to define predictable and regular opportunities but is not a firm requirement. Instead, the instructor sets the actual requirement based on the time of the course, the content, and the level in keeping with peer institutional norms. [↑](#footnote-ref-10)
11. The institution must establish “sufficient internal controls” and demonstrate “that it has established appropriate academic policies and procedures for its instructors to implement these provisions [and] a system for monitoring or periodically evaluating its online programs to ensure that its instructors continue to observe such policies over time.” <https://www.govinfo.gov/content/pkg/FR-2020-09-02/pdf/2020-18636.pdf>, Page 54760 [↑](#footnote-ref-11)
12. ED requires the institution to “ensure that instructors are generally monitoring whether a student is engaged and successful throughout a given course” and “takes appropriate action as needed” based on that monitoring. ED states that “such monitoring could include evaluating a student’s level of participation in synchronous class sessions but it could also involve monitoring the student’s activity on course websites or materials, considering the quality of the student’s assignments or responses to questions about course materials, evaluating the level of the student’s understanding of course materials during conversations with instructors or performance on exams, or other forms of monitoring the student’s engagement and success in the course.” (<https://www.govinfo.gov/content/pkg/FR-2020-09-02/pdf/2020-18636.pdf>, Page 54757). Also see <https://www.ecfr.gov/current/title-34/subtitle-B/chapter-VI/part-600> [↑](#footnote-ref-12)