
SENATE DISTANCE LEARNING and e-LEARNING COMMITTEE ([charge](#) and [members](#))

1. Issue. On August 8, 2020, the Senate Council (SC) tasked the DLeL committee to review a newly promulgated set of U.S. Department of Education regulations related to distance education. Specifically, the SC asked for feedback about how the regulations “may affect the Senate Rules and the Senate’s curricular proposal forms/process, as well as provide other recommendations as appropriate.” Assigned reading included a 10-page overview memo ([here](#)) and a 396-page excerpt from the Federal Register ([here](#)). The final [Distance Education and Innovation Regulations](#) are published in the Federal Registrar.

2. Objectives. This proposal is motivated, in part, by this new set of federal regulations which [aim](#) to ensure that instruction delivered via distance education methods (hereinafter, “distance learning instruction”) incorporates sufficient (i.e., “regular and substantive”) interaction to justify federal financial aid (i.e., Title IV) support on par with traditional instruction. While distance learning instruction has some unique features that continue to attract regulatory oversight, it is also true that the pandemic has accelerated instructors’ skilled delivery of distance learning instruction. Courses increasingly mix traditional and distance learning instruction (i.e., “hybrid” courses). This continuing move towards hybridization aligns well with the DLeL committee’s long-standing preference to advance, to the extent permitted by UK’s regulatory oversight bodies, common course policies that are invariant to the instructional method.

3. Definitions. *Distance learning instruction* is a special kind of instruction delivery method while a *distance education course* is a course that utilizes distance learning instruction for a majority of the instruction.

(A) Distance Learning Instruction. In relevant part, the new federal government regulations apply to distance learning instruction which occurs when instructors use specific technologies (e.g., the internet) “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.”¹ For comparison, traditional instruction presumptively supports regular and substantive interaction between students and the instructor by having students regularly attend in-person, face-to-face class meetings (e.g., three 50-minute meetings weekly) where students interact directly with the instructor, discuss course content, submit assignments, and complete exams. The Senate currently requires instructors to do nothing special if they want to deliver *not more than a majority* (i.e., up to 50%) of a course’s instruction via distance learning.

(B) Distance Education Courses. UK’s regional accrediting body (SACSCOC) defines a “[distance education course](#)” as a course *where a majority* of instruction occurs via distance learning. In other words, in distance education courses, more than 50% of the synchronous and asynchronous interactions between students

¹ The Department of Education defines distance education specifically as “education that uses one or more of the technologies listed [hereafter] 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.” Approved technologies “may include: (1) the internet; (2) one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices; (3) audioconferencing; or (4) video cassettes, DVDs, and CD-ROMS, if the cassettes DVDs, or CD-ROMS are used in a course in conjunction with any of the technologies [just previously listed].”

and instructors and among students occur when students and instructors are not in the same place. The Senate currently requires distance education courses to go through multiple levels of substantive peer review before approval. Upon approval by the Senate, the UK Registrar maintains a list of approved distance education courses and distinguishes them with section numbers that start with the number two (e.g., AEC 305-201).

4. Background. The Senate is charged to make and has made academic policies and procedures to ensure the academic merit of courses. For credit bearing courses, these policies and procedures include peer review of both the fixed and discretionary elements of courses as evinced in a course proposal. Course drift occurs as instructors make changes to the discretionary elements of courses over time. When course drift occurs, college deans through their faculty are responsible for ensuring the ongoing quality of courses.

(A) Senate Charge to Make Academic Policies. According to [GR IV.C.1](#), one function of the University Senate is to “determine the broad academic policies of the University, including the *similar academic policies* that may be made necessary by governmental or *accreditation agencies*, and to make rules to implement these policies” (emphasis added). UK’s accreditation agency (SACSCOC) requires in [Standard 10.1](#) that UK has policies and processes to ensure that “all coursework taken for academic credit has rigor, substance, and standards connected to established learning outcomes.” As part of this standard, SACSCOC requires that UK documents how it implements and enforces its academic policies and whether or not its general academic policies also pertain to distance education courses.

(B) Senate Policies Ensuring the Academic Merit of Courses. The Senate has established specific rules and procedures to ensure that courses at UK are rigorous, substantive, and connected to established learning outcomes. Senate course approval procedures ([SR 3.2.2](#)) rely on multiple layers of peer review² to evaluate the academic merit of proposed educational activities.³ To assist with these reviews, all new course and major course change proposals must include a syllabus. The syllabus is the most concrete evidence of how a proposed course or changed course will be taught. At its 2/8/21 [meeting](#), the Senate revised [SR 6.1.1.1](#) to include a list of the required elements of syllabi.

(C) Fixed versus Discretionary Elements of a Course. While all syllabi must include all of the required elements, the Senate allows some elements of the originally proposed syllabus to change. Once the Senate approves a course, instructors must not change certain *fixed elements* without additional Senate review (e.g., the course prefix, number, name, and description).⁴ Senate policy, however, does not restrict instructors from changing any course element that is not fixed. These *discretionary elements* of a course include the course learning outcomes, the course activities, assignments, and exams, the required course materials, and the course grading practices.

(D) Course Drift. When instructors make changes to a course’s discretionary elements, the result over time is *course drift*. The weighting of major assignments in a course may, for example, change over time. Or, the delivery mode of a course may drift from *100% in-person instruction* (original proposal) to *50% distance learning instruction* (current practice). Or, the delivery mode of a course may drift from *100% distance learning instruction* (original proposal) to *100% in-person instruction* (current practice). None of these changes would currently require additional Senate review. Course drift occurs as instructors innovate and improve how they teach in keeping with academic freedom, college rules, and local program rules.

² The typical routing for course proposals is from the proposer who is often the instructor, to a curriculum committee of the local educational unit, to the faculty body of the local educational unit, to a college faculty body, to one or more university-wide councils, to the Senate Council office, and to the University Senate.

³ For instance, see the [Undergraduate Council Committee Handbook](#) (2019-2020).

⁴ Some other required syllabus components that cannot be changed without additional Senate review include the course credit hours, transcript title, prerequisites, cross-listings, and credit type.

(E) Deans Ensure Ongoing Quality of Drifted Courses. In part because the discretionary elements of courses may change, the UK Board has charged college deans with responsibility “for the implementation of the curricula of the college, [and] for ensuring through the faculty the quality of instruction given therein” ([GR VII.F.2.c](#)). The University Senate “is not assigned any management or administrative functions” ([GR IV.C.1](#)).

5. Proposals. The DLeL committee proposes four changes.

(A) Modify a document that is currently referenced in the Senate’s “New Course” and “Major Course Change” proposal forms called “[University-Level Distance Learning Statements](#)” (see [here](#)). Rename this document “Distance Learning Instruction Requirements.” Make this document a comprehensive list of the requirements specific to distance learning instruction, subsuming information on the “[distance learning course syllabus template](#).” Include on this document the date when it was last updated and approved by the Senate Council and to whom the Senate has delegated final approval authority for all Senate curricular forms. As appropriate and in consultation with the Office of Teaching, Learning, and Academic Innovation ([TLAI](#)), include in this revised document links to additional clarifying information about these requirements and related best practices.

(B) Require that all distance learning instruction in credit-bearing courses conforms to the requirements specified in the newly renamed “Distance Learning Instruction Requirements” document.⁵ Currently, the Senate does not specify any distance learning requirements for courses that do not meet the SACSCOC definition of a distance education course (i.e., if not more than a majority of the instruction is conducted via distance learning).

(C) Encourage the UK administration as part of its managerial function (see [GR VII.F.2.c](#)) to establish a process⁶ overseen by college deans and working through the faculty to ensure that instructors who engage in any amount of distance learning instruction have read and understood⁷ the Senate-approved distance learning instruction requirements.⁸

(D) Continue to distinguish distance education courses from other courses, but simplify the Senate approval process by delegating final authority on distance education course approvals, including course change approvals, to local unit and graduate program faculty bodies. When these faculty bodies want Senate approval to teach a new or existing course as a distance education course, only require that proposers document for the Senate Council staff (i) that all voting members of the local faculty body have read and understood⁹ the “Distance Learning Instruction Requirements” document, and (ii) that the faculty body approved the course as a distance education course as per local educational policy making procedures.

⁵ The revised “Distance Learning Instruction Requirements” document should address conditions when, if ever, instructors may use distance learning instruction more permissively (e.g., on an emergency basis) without, for instance, completing certain kinds of normally required training.

⁶ For example, this may be done via a regular and prescribed departmental audit of some portion (e.g., 10%) of syllabi each year or every two years to ensure compliance.

⁷ For compliance purposes and to confirm that faculty understand the distance learning instruction requirements, TLAI could create an online training module and assist with tracking. Unit or college administrators would need to provide oversight of faculty completion of the training module. Deans should work through faculty and in coordination with the TLAI to define the appropriate length and kind of training module needed and how often it should be repeated.

⁸ As part of the dean-level oversight of distance learning instruction through the faculty, colleges or departments could identify liaison(s), similar to how state authorization / licensure is handled, who would be responsible for developing and maintaining detailed understanding of the distance learning instruction requirements and who would be involved in reviewing all course proposals and / or syllabi that utilize distance learning instruction. Liaisons could work closely with designated representatives from the Senate, OSPIE, and / or TLAI to ensure full understanding of the requirements.

⁹ See footnote 7.

Eliminate discretionary reviews beyond the level of the local faculty body.¹⁰ Review this policy after three years.¹¹

6. Rationales. The changes proposed here shift the Senate’s focus from regulating distance education courses to regulating distance learning instruction. The aim is to ensure that all distance learning instruction in credit bearing courses, not just the distance learning instruction in SACSCOC-defined distance education courses, meets the U.S. Department of Education regulations related to distance learning as well as University Senate-approved standards for merit and quality. It does not make sense to have quality standards for distance learning instruction that only apply when distance learning instruction in a course reaches a certain level.

If all distance learning instruction must conform to a common set of broadly understood quality standards, it will be relatively easier for local faculty bodies to decide if any particular course should be a distance education course. The DLeL committee believes that, when distance learning instruction in a course reaches a certain level of intensity, local unit and graduate faculty program bodies should determine if the course is suited for that level of distance learning instruction. While a 50% or more level of distance learning instruction may be an arbitrary level, it is the level used by UK historically and the level that SACSCOC finds meaningful. For those reasons, we see this level as the appropriate level to trigger broader unit-wide faculty consideration, review, and approval.

However, for several reasons, the DLeL committee finds it unnecessary to require additional peer review beyond the relevant local unit faculty or graduate program faculty bodies. First, the Senate already allows without oversight significant course drift to occur in a course’s originally proposed level of distance learning instruction. Second, the widespread mandated increase in distance learning instruction precipitated by the pandemic has generally increased faculty awareness of distance learning methods, benefits, and limitations. Third, the proposed training about and oversight of distance learning instruction led by deans with faculty input should further and significantly advance faculty understanding of the same. Fourth, the Senate has a history of delegating final approval authority over certain educational activities (e.g., non-transcribed courses) to more local faculty bodies (SR 3.2.2.3.1). Fifth, if after three years the proposed review reveals concerns with this delegation of authority, modifications to the policy can be made at that time. Finally, this delegation of authority continues the DLeL committee’s long-standing preference, when possible, to advance common course policies that are invariant to the instructional method, particularly as distance learning instruction and hybrid learning are becoming the new traditional.

7. Next Steps. If/when this proposal is approved, the next step will be for the DLeL committee to propose updated language for the “Distance Learning Instruction Requirements” document for Senate Council approval.

¹⁰ Curriculog should still be used for distance education course approvals, but not in conjunction with any other form. Proposal routing for distance education courses should include, before final approval, notification to college administrators who oversee college curricular proposals. New course and major course change proposals should allow syllabi with any amount of distance learning instruction up to 50% or, if the local unit or graduate program faculty body has approved the course as a distance education course, up to 100% distance learning instruction.

¹¹ Three years following approval of this proposal, a Senate Council officer should notify the chair of the DLeL committee to begin a review of the merits and outcomes of this proposal.