

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs

AGENDA ITEM: 6 – B
DATE: October 2-3, 2024

SUBJECT

Revised BOR Policy 2.3.8 – Distance Education (First and Final Reading)

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2.4.5](#) – Externally Funded Courses for Academic Credit

[AAC Guideline 2.3.8.A](#) – Student Location

[AAC Guideline 2.3.8.B](#) – Online Course Quality Assurance

AAC Guideline 2.3.8.C – Programs Leading to Professional Licensure/Certification

BACKGROUND / DISCUSSION

This policy has as been updated to include references to the new professional licensure program federal regulations, as well as the proposed AAC Guideline 2.3.8.C – Programs Leading to Professional Licensure/Certification. Previously, there was general language about licensure programs, but this reference adds more specificity and allows us to tie the new AAC guideline to an existing BOR policy. This revision can be found on the second page of the policy and has been updated to the following:

- 2.3. For academic programs that lead to licensure and certification, personnel with direct oversight of the academic program are responsible for assessing compliance with the licensure and certification requirements for ~~states outside of South Dakota all states and territories. Alignment of program requirements to states outside South Dakota shall be shared by program personnel with continuing education and admission offices at the respective campus. Institutions must comply with all federal regulations, especially as it pertains to student admission into distance education professional licensure programs. BOR processes are outlined in AAC Guideline 2.3.8.C – Programs Leading to Professional Licensure/Certification.~~

This policy update is to align the language to new federal regulations, therefore, a request for a first and final reading approval is recommended.

IMPACT AND RECOMMENDATION

The Academic Affairs Council (AAC) approves of this change.

Board academic staff supports the recommended revisions to BOR Policy 2.3.8 – Distance Education.

(Continued)

DRAFT MOTION 20241002_6-B:

I move to (1) waive the two-reading requirement of By-Laws Section 5.5.1, and (2) approve the first and final reading of the proposed revisions to BOR Policy 2.3.8 – Distance Education, as presented.

ATTACHMENTS

Attachment I – Proposed Revised Draft of BOR Policy 2.3.8 – Distance Education

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Distance Education

NUMBER: 2.3.8

A. PURPOSE

To regulate the programs and courses offered for college credit through correspondence, electronic delivery, and off-campus delivery, in order to provide broader access to credit bearing college level educational opportunities and to assist communities in making effective use of the resources of South Dakota's public universities.

B. DEFINITIONS

1. **Distance Education Course:** As defined by federal regulations¹, distance education courses use one or more of the technologies listed below to deliver instruction to students who are separated from the instructor or instructors and to support regular and substantive interaction² between the students and the instructor or instructors, either synchronously or asynchronously. The technologies that may be used to offer distance education 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.) audio conference, or 4.) other media used in course in conjunction with any of the technologies listed previously. As further defined by SARA policy, distance education also includes interactive video and correspondence courses or programs. Additionally, refer to AAC Guideline 2.4.3.B – Delivery Method Code Guidelines.
2. **Distance Program:** Any academic program (i.e., certificate, minor, or major) with curriculum approved by the Board of Regents to be offered through correspondence or online delivery.
3. **Off-Campus Center:** Any location approved by the Board of Regents other than the six designated campus locations where programs (certificate, minor, or major) are offered by one or more institutions within the system to meet demand within the area served.

¹ 34 CFR § 600.2

² Per federal regulations, when used in the definition of “distance education”, “substantive interaction” means: “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 the 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.

C. POLICY

1. **Applicable Policies, Standards and Guidelines**

Unless specifically exempted, all Board and campus policies, standards and guidelines for on campus instruction, including admissions requirements, course evaluation requirements, course prerequisites, faculty qualifications, access to appropriate student support services and instructional equipment, and student rights and responsibilities, also apply to distance education instruction.

2. **Administration**

- 2.1. All distance education programs and courses, including correspondence study, should be coordinated in each institution under one authority.
- 2.2. Campuses should engage established curriculum processes for planning and executing distance education courses and programs.
- 2.3. For academic programs that lead to licensure and certification, personnel with direct oversight of the academic program are responsible for assessing compliance with the licensure and certification requirements for ~~states outside of South Dakota.~~ all states and territories. ~~Alignment of program requirements to states outside South Dakota shall be shared by program personnel with continuing education and admission offices at the respective campus.~~ Institutions must comply with all federal regulations, especially as it pertains to student admission into distance education professional licensure programs. BOR processes are outlined in AAC Guideline 2.3.8.C – Programs Leading to Professional Licensure/Certification.
- 2.4. For all academic programs that have field experiences, internships, cooperative education, or practica required for degree completion that occur outside South Dakota, personnel with direct oversight of the academic programs shall share information regarding these “learning placements and opportunities” with continuing education offices at the respective campus for state authorization reporting purposes.

Board of Regents approval is required to offer and market distance programs and programs offered at off-campus centers.

3. **Faculty**

3.1. **Qualifications and Appointment**

- 3.1.1. Individuals who are not regular faculty members and who are appointed to teach a distance education course must meet the same qualifications as members of campus faculty. All such appointments must have the approval of the appropriate Dean(s) and the institutional Chief Academic Affairs Officer prior to employment being offered or the course being scheduled. University policies may also require approval at the department level.
- 3.1.2. The person teaching the course and meeting classes must be the individual whose name appears on the grade report (class roster) in the office of the registrar. Any exceptions to this policy must be approved by the institutional Chief Academic Affairs Officer.

3.1.3. Only persons that the institution has approved as graduate faculty may teach graduate courses. Only persons with terminal degrees, or in special cases exceptional scholarly qualifications, may teach 700 level courses. In the latter case, exceptions must be approved by the institutional Chief Academic Affairs Officer or designee. Each course taught for graduate credit at the 500 or 600 level by faculty who do not hold a terminal degree, instructor rank, or graduate faculty standing on a campus must have the approval of the institutional Chief Academic Affairs Officer or designee.

3.2. Evaluation

Board of Regents and university policies governing faculty evaluation, including student evaluation of instruction, apply to off campus and distance education courses.

3.3. Compensation

Faculty compensation shall be consistent with Board Policy 4.4.5 – Faculty Compensation.

4. Courses

4.1. Requirements

Institutions must be able to demonstrate that graduate and undergraduate courses have intellectual demands and requirements comparable to graduate and undergraduate courses offered on campus. Distance education courses shall have equivalent standards, rigor, student outcomes, substance and assignments as courses offered on campus.

4.2. Assessment

4.2.1. Course and instructional program assessment policies of the university transcribing the course apply to off campus and distance education instruction.

4.2.2. All courses using electronic delivery must comply with system Quality Assurance evaluation requirements and be evaluated at least once every three years, consistent with the requirements of AAC Guideline 2.3.8.B(1)(A-1) – System-Wide Quality Assurance Rubric and AAC Guideline 2.3.8.B(1) – Online Course Quality Assurance Guidelines.

4.3. Class Schedules

4.3.1. The time and place for scheduling distance education classes shall be determined by each institution. The schedule for course and program offerings shall be approved by the institutional Chief Academic Affairs Officer.

4.3.2. Distance education courses in which instruction is face-to-face shall be offered over a period of time which allows for appropriate levels of instruction and out-of-class study and reflection. The adequacy of calendar and instructional contact time shall be evaluated by the following measures: (1) number of instructional contact hours, (2) number of days on which the instructor meets with the class and (3) the total length of time from the first

to the last class meeting. The following criteria shall be considered standards. Any practice that deviates downward from these standards must be approved by the institutional Chief Academic Affairs Officer.

4.3.2.1. Contact Hours: As specified in Board Policy 2.4.3 – Definition and Assignment of Credit Hours, one credit hour requires a minimum of fifteen (15) contact hours. A contact hour is fifty (50) minutes of instruction time. A minimum of thirty (30) hours of student homework is required for each credit hour.

4.3.2.2. Instructional: One credit hour of academic work may be awarded for instruction spanning at least three calendar days.

4.3.3. Distance education courses may be scheduled on a semester basis and require that students complete learning experiences on a particular timeline (i.e. each week). Also, distance education courses may be offered asynchronously to allow students maximum flexibility in participation. Asynchronous courses may or may not necessarily be offered on a semester basis. The required length for a distance education course is determined by course expectations and scheduling. Typically, a one credit hour course lasting for a semester equates to 45 hours of engagement by the student.

5. Intellectual Property

Universities shall ensure compliance with copyright laws and all Board policies concerning intellectual property, including Board Policy 4.9.1 – Intellectual Property.

6. Access to Appropriate Academic and Student Services

6.1. Books, journals and other library resources that are necessary to conduct a course on campus must also be available in a convenient manner to students enrolled in a distance education course. These resources may be provided by the home campus library, by local public libraries, by agreements with other cooperating institutions, and/or electronically.

6.2. All distance education related activities shall ensure that students have access to appropriate advising, counseling, and academic support assistance.

7. Contracting with Agencies Outside the Board of Regents

Refer to Board Policies 2.4.5 – Third Party Requests for University Credit, 5.5 – Tuition and Fees, and 5.17 – Instructional Funding.

8. Courses Sponsored by Another Regental Institution

8.1. A university may agree to sponsor a course taught by another university and delivered electronically to the sponsoring university's campus or to another site at which the sponsoring university is authorized to offer the instruction. Board Policy 5.17 (Instructional Funding) and 5.18 (Off-Campus State-Funded Programs and Courses) apply when a sponsored course is received at an off-campus location.

8.2. The university that requests to receive a course delivered electronically by another university is the "sponsoring" university. The university whose faculty member is

teaching the course delivered electronically to the sponsoring university is the "originating" university.

- 8.3.** The sponsoring university shall have a course that is equivalent to the course being taught at the originating university or may use variable topics to offer the course as an elective in an approved degree program.
- 8.4.** Authorization to sponsor a course delivered electronically from another Regental university does not constitute an alternative procedure for obtaining Board approval for new courses or programs.
- 8.5.** The sponsoring university shall register students for its own course and collect tuition as if it were teaching the course. The originating university shall register students taking the course on its campus and collect tuition and according to its usual procedures. Refer to Board Policy 5.5 – Tuition and Fees: General Procedures.
- 8.6.** The sponsoring university and the originating university shall agree in advance and in writing on the compensation to be paid to the originating university by the sponsoring university and on the responsibilities of each institution for library resources, instructional equipment and supplies, access to the instructor, personnel at the sponsoring university, faculty evaluation, and for compliance with other Board policies.
 - 8.6.1.** The originating university is responsible for payment of charges related to electronic delivery unless otherwise provided in the written agreement.
 - 8.6.2.** Procedures for handling complaints and grievances from students follow the process of the originating institution in collaboration with the institutional Chief Academic Affairs Officer at the sponsoring institution.
- 8.7.** A course offered as a sponsored course at one or more sites may be offered to one or more additional sites if such arrangements are provided for in the written agreement between the sponsoring and originating universities.
- 8.8.** Universities may negotiate sponsored course agreements with regionally accredited non-system institutions.
 - 8.8.1.** Such agreements shall be included on the interim action reports prepared by the Executive Director for the Board at their regularly scheduled meeting.
 - 8.8.2.** Universities shall not advertise or participate in the advertising of any electronically delivered course, register students for any course, or enter into any contracts for the purpose of implementing a sponsored course agreement with non-system institutions prior to approval by the Board.
 - 8.8.3.** Actions by the non-regental institution prior to Board approval do not establish any Board or university obligations.

FORMS / APPENDICES:

None

SOURCE:

BOR September 1989; BOR June 1992; BOR May 2001; BOR March 2005; BOR August 2016; BOR June 2018; BOR May 2021; October 2023 (Clerical); [BOR October 2024](#).

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