

## I. The Academic Program

### B. General Rules

#### 11. Distance Education Course Policy

##### a. Review of Distance Education Courses

A regularly constituted Faculty committee will be assigned by the Dean to evaluate all Distance Education Courses approved for law school credit. A regular and ongoing evaluation of Distance Education Courses shall begin with the 2019-2020 academic year and continue for as long as the Law School offers Distance Education Courses. This review demonstrates the commitment of the Dean and Faculty to comply with ABA Accreditation Standard 315.

For purposes of this provision, the obligation to evaluate all Distance Education Courses will apply only to those classes that did not become Distance Education Courses for reasons attributable to the COVID-19 pandemic. The same committee will, however, evaluate generally the implementation of the courses that became Distance Education Courses for reasons attributable to the COVID-19 pandemic.

##### b. Distance Education Requirements

All Distance Education Courses shall comply with ABA Accreditation Standards and shall be approved through the regular curriculum review and approval process discussed in Section I.B.10.

1. 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.
2. The Faculty have approved the use of synchronous, asynchronous, or hybrid courses as acceptable methods of course delivery for Distance Education Courses. Grading of Distance Education Courses shall follow the same rules and procedures as established in Section I.A.5. Assessment in distance education courses shall follow the rules for assessment for any other course. If a final examination is used, it shall comply with the rules and procedures established in Section I.C Final Examinations, and any additional rules promulgated under this section.
  - a. To ensure that any approved accommodations are afforded to a student in a Distance Education Course, the Dean or Dean's designee will designate an appropriate staff member to communicate through Blackboard and/or any University testing/assessment partner the

necessary accommodations approved under Section IV.A Students With Disabilities.

- b. To preserve student anonymity in a blindly graded course, the Dean or Dean's designee will designate an appropriate staff member to be responsible for managing anonymous grading in Blackboard. If the Faculty member communicates to students that any portion of the course grade is blindly graded, the Faculty member will not have the ability to unblind the numbers anonymously assigned to student submissions through Blackboard, in Examsoft, or utilized by an approved University testing partner for that portion of the course. Faculty must grade the blindly submitted work and then work with the Dean's designee to attach student names to submitted work.
3. The Teaching Transformation & Development Academy at the University of North Dakota will provide training and support to all law faculty responsible for a Distance Education Course. Students will have access to staff dedicated to technical support at the University and the law school and available by internet or mobile devices to provide technical assistance.
4. Credit earned in all Distance Education Courses will count toward the 76 credit hours of regularly scheduled classroom sessions or direct faculty instruction required by section I.A.1 because:
  - a. All Distance Education Courses provide an opportunity for regular and substantive interaction between the faculty member and the student, and between students, by using a discussion board, class listserv, shared email addresses, group work, synchronous classroom components, recorded presentations, and/or regular assignment deadlines to ensure ordinary course progression.
  - b. The faculty member will regularly monitor the effort of all students by monitoring and/or participating in group discussion boards, grading regularly assigned quizzes, and/or developing other classroom policies which ensure regular communication with all enrolled students.
  - c. The learning outcomes for each course will be included in the syllabus and will be consistent with ABA Accreditation Standard 302.
5. No student shall be permitted to earn more than 20 credits toward the J.D. degree through Distance Education Courses. No student shall be permitted to take more than 10 credits through Distance Education Courses until they have successfully completed at least 30 credits toward their J.D. degree.

For purposes of this provision, any course that became a Distance Education Course because of the COVID-19 pandemic will not be deemed a Distance

Education Course for purposes of applying this policy language. The Office of Student Life will designate courses that did not become Distance Education Courses for reasons attributable to the COVID-19 pandemic.

6. Students in a Distance Education Course will have their identity regularly monitored and verified.
  - a. Blackboard: Student identity will be verified for purposes of regular coursework by using a secure login and password combination associated with Blackboard.
  - b. Participation: In any synchronous component of a Distance Education Course the faculty member delivering the course content will verify the identity of the student using a photograph associated with the student account, a secure login to the synchronous component of the course which includes a login and password combination, or other effective method developed by the University of North Dakota and approved by a vote of the Faculty.
  - c. Examinations: Students taking a Distance Education Course that includes a final exam may be assessed an additional student fee to cover the verification of their identity through the University of North Dakota's selected contractor. If any fee is charged, students will be notified at the time they register for the course. If a fee is assessed, students have the option of taking the exam in person at the University of North Dakota School of Law at a time designated by the Registrar. If the student chooses to take the exam in person, no fee will be charged.

c. Distance Education Coursework

Distance Education Courses will comply with ABA Accreditation Standard 310. Each credit hour earned in a Distance Education Course will constitute at least fifteen, fifty minute hours, of classroom or direct faculty instruction and at least thirty, sixty minute hours, of out of class student work.

1. Classroom or Direct Faculty Instruction will only include time spent in synchronous or asynchronous instruction led and actively directly by the faculty member, completing quizzes or timed essay exercises, engaged in face-to-face conferences with the professor either alone or in groups (the conference may be in person or electronically constituted), making a group presentation to which the faculty member provides direct and substantive feedback, watching other student presentations, engaged in a discussion post through online message boards, or taking a final formative assessment.

- a. For each credit of Classroom or Direct Faculty Instruction, at least 10 of the 15 hours must be either synchronous or asynchronous instruction led by the faculty member or face-to-face conferences as described above.
  - b. The number of minutes assigned to each Classroom or Direct Faculty Instruction task are determined by reference to studies documented in academic literature, based on established practice at other schools, and/or approved by other accreditation agencies. The details of the calculation are shared with the faculty and kept by the Dean or Dean's designee. They are subject to change by a vote of the Faculty upon a recommendation from a Faculty committee or the Dean but only in accordance with the interpretations provided in ABA Accreditation Standard 310.
  - c. Calculating the time spent on a final exam for the purpose of calculating Classroom or Direct Faculty Instruction hours will not exceed one, fifty minute hour, per credit hour assigned. However at the Faculty member's discretion the exam may actually last up to ninety minutes per credit hour.
2. Out of Class Student Work will only include time spent reading assigned materials, watching a video assigned by the Faculty member but not featuring instructional material, preparing written work to be graded or reviewed by the Faculty member, reading discussion posts provided by other students, engaged in group work as assigned by the professor, or studying for a final examination.

The number of minutes assigned to each Out of Class Student Work task are determined by reference to studies documented in academic literature, based on established practice at other schools, and/or approved by other accreditation agencies. The details of the calculation are shared with the faculty and kept by the Dean or Dean's designee. They are subject to change by a vote of the Faculty upon a recommendation from a Faculty committee or the Dean but only in accordance with the interpretations provided in ABA Accreditation Standard 310.

d. Distance Education Coursework and Experiential Credit

No Distance Education Course shall qualify as an Experiential Course for purposes of ABA Accreditation Standard 303 without a vote of the majority of Faculty certifying that the course to be offered meets all of the requirements of ABA Accreditation Standard 304. Any Faculty member offering a Distance Education Course that also satisfies the Experiential requirement of ABA Accreditation Standard 303 shall document the course's compliance with ABA Accreditation Standard 304 and provide that documentation to the Dean or Dean's designee upon request and at the end of the semester in which the course was offered.

Any Distance Education Course which is approved for the Experiential Learning Requirement under section 1.A.2.c shall not count toward the 76 credits at regularly scheduled class sessions required by I.A.1 unless it also meets the requirements for an in class course under these rules.

e. Distance Education Courses Offered for Non-Law Credit

The Law School may use part of an asynchronously designed Distance Education Course for other commercial purposes with the approval of the Faculty member who designed the course and in accordance with the University of North Dakota's Intellectual Property Policy. Material may be used to provide online/distance CLE programs, to provide practitioners with a review or survey of the subject matter, to support the Law School's certificate programs, or other commercial uses. Each use of asynchronously developed materials for non-law credit purposes must be approved by the faculty member who created the materials.

f. Credit for Distance Education Courses Offered By Another Law School

Students may not receive credit for more than 9 credits of Distance Education Courses earned at another ABA Accredited Law School and, consistent with I.B.11.b.5, may not count more than 20 total Distance Education Course credits toward the 90 credits required for a J.D. degree by section I.A.1 regardless of where they were earned.

Students may only receive credit for a Distance Education Course offered by another ABA Accredited Law School if that school certifies that the Distance Education Course meets all of the requirements of ABA Accreditation Standard 306 and the student also receives prior approval from the Dean or Dean's designee. The Dean or Dean's designee shall decide whether to approve a Distance Education Course offered by another ABA Accredited Law School for credit based upon its content and rigor; and may deny credit for courses which are also offered by UND.

Students may not earn any credit for Distance Education Courses offered outside the University of North Dakota by a non-ABA Accredited Law School.