

## **Lewis & Clark Distance Learning Policy**

(Revised Sept. 26, 2019; Effective for classes beginning after Sept. 26, 2019)

### **1. Purpose.**

This policy is designed to guide Lewis & Clark Law School (“Law School”) in the development, delivery, and granting of credit for distance learning for its LLM, MSL, and JD students, in accordance with the requirements of the American Bar Association’s Standards.

### **2. Definitions**

2.1 Distance Learning. Distance Learning occurs when 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, or as a hybrid version.

2.2 Distance Learning Course (Course). A Course is a discrete product of developed material, including, but not limited to, syllabi, introductory material, articulated learning goals, assigned materials, assignments, and assessment mechanisms. A Course is a complete unit that may be taught multiple times.

2.3 Distance Learning Class (Class). A Class is the version of a Course that is delivered by a Teaching Faculty member and taught to JD, LLM, and/or MSL students. There may be multiple Classes for a single course. Classes may be delivered either asynchronously, synchronously, or as a hybrid version.

2.4 “Distance Learning Option” is a method for students to obtain the LL.M. or MSL degree in Environmental, Natural Resources & Energy Law from Lewis & Clark Law School via Distance Learning Courses.

2.5 “Residential Learning Option” is a method for students to obtain the LL.M. or MSL degree in Environmental, Natural Resources & Energy Law from Lewis & Clark Law School via courses taught primarily on the Lewis & Clark Law School campus

2.6 Teaching Faculty. A Teaching Faculty member is a person who executes and delivers a Class. Teaching Faculty interact with students, provide feedback, assessment, and other appropriate material.

2.7 Asynchronous. An asynchronous course is one in which the instruction is delivered at one time and the work can be done at a different time. In asynchronous classes, students and teachers use e-mail, discussion boards, list-servs, wikis, and other technologies, which allow them to communicate without having to be in the same virtual or physical space at the same time.

2.8 Synchronous. A synchronous class is one in which Teaching Faculty and students are in different physical locations, but conduct two-way communication with virtually no time delay, allowing participants to respond in real time.

2.9 Students may complete the LL.M or MSL degrees at Lewis & Clark through the Distance Learning Option, or through the Residential Learning Option.

2.10 Distance Learning Administrator. The Distance Learning Administrator is one or more employees of the law school who is/are responsible for administration of Distance Learning at the Law School, including faculty development, quality review of courses, ongoing evaluation and review of Classes, and overseeing all aspects of marketing and admissions for degrees that may be offered via distance learning

2.11 Hybrid or Blended. A hybrid or blended Class is one that includes both live, in-person sessions and additional asynchronous and / or synchronous Distance Learning sessions. A hybrid or blended Class may also be composed of asynchronous and synchronous Distance Learning sessions, with no live, in-person sessions.

### **3.0 Courses**

3.1 Each Course developed to be delivered through Distance Learning by the Law School will be designed to utilize the technological resources available to Lewis & Clark, supportable by the institution, and reasonably available to student populations.

3.2 Each Course will maintain learning outcome standards consistent with ABA Standard 302, but Courses built exclusively for non-JD programs such as LLM or MSL degrees may deviate from that standard.

3.3 Each Course will provide faculty instruction and student work per credit hour that is consistent with ABA standards and Lewis & Clark credit policy, but Courses built exclusively for non-JD programs such as LL.M. or MSL degrees may deviate from those standards.

3.4 Each Course will include sufficient interactive tools and course design elements that allow faculty and students interactive opportunities that equal or exceed the interaction found in a traditional classroom setting.

3.5 All new Courses developed by the Law School and offered via Distance Learning by the Law School must be approved by the curriculum committee, and in accordance with the Law School's normal approval process, including an evaluation of the academic content, the method of course delivery, and the method of evaluating student performance, even if the Course is already offered in the residential program.

3.6 The Law School will establish a policy for verifying the identity of students enrolling in Distance Education Courses that also protects student privacy. If any additional charges are associated with verification of student identity, students will be notified at the time of enrollment or registration.

### **4.0 Classes**

4.1 All Classes will meet the minimum design requirements of Courses described in section 3, Courses, above.

4.2 Each Class will protect student privacy according to federal and institutional Family Education Rights and Privacy Act (FERPA), and Health Insurance Portability and Accountability Act (HIPPA) guidelines. All Distance Learning Classes will be provided through secure websites,

and all required course elements that require student identification will be limited to those websites.

4.3 Each Class will require students to have, at minimum, a unique login and password, issued to the student through the Law School's standard student verification protocols.

4.4 All required examinations will be administered through available technological means in order to verify that the student who registers for a Course is the same student that participates in the Course and takes examinations.

4.5 Teaching Faculty are expected to use appropriate methods to check for plagiarism.

## **5.0 Faculty**

5.1 Teaching Faculty members who develop a Course, or who teach one or more Classes, will participate in mandatory technology and Distance Learning orientation. This requirement does not apply to Teaching Faculty who are employed by another ABA-approved law school.

5.2 Teaching Faculty will monitor and, as appropriate, participate in online class delivery, for at least the number of hours necessary for the credit hour allocation made to the class.

5.3 Teaching Faculty will respond in a timely fashion to student questions and concerns, and they will state in written materials (such as a syllabus) what their response time is likely to be (e.g., 24 hours). Teaching Faculty will alert students in advance if it appears that they will deviate materially from that response time.

5.4 In accordance with ABA Standard 306, Teaching Faculty will provide regular monitoring of student effort and progress on a regular basis and take steps to intervene as needed.

5.5 Teaching Faculty will be required to provide regular office hours online.

## **6.0 Students**

6.1 All students who enroll in a Course must participate in a mandatory orientation program, which will, at minimum, train students in technology used and Distance Learning protocols appropriate to the Course.

6.2 Lewis & Clark J.D. students may take no more than 12 credits via Distance Learning towards the J.D. degree at Lewis & Clark, and only after successfully completing all required first year law courses. If all the provisions of this policy are met, those credits will count toward the 64 credit hours of regularly scheduled classroom sessions or direct faculty instruction required by ABA Standard 310(b).

6.3 In addition to complying with the standards above, a Lewis & Clark J.D. student may request permission to enroll in Distance Learning courses offered by other ABA-approved law schools or by an on-line course provider (iLaw, etc.) if those courses are not offered at Lewis & Clark during the academic year (summer, fall, and spring) in which the student wishes to take the course. The student must obtain prior permission to enroll from Lewis & Clark's Associate Dean for Student Affairs, and the law school or on-line course provider offering the course must have a policy that encompasses the same or similar requirements as this policy. Lewis & Clark J.D.

students may take no more than 4 credits of Distance Learning courses offered by another ABA-approved law school or by an on-line course provider, under this provision, unless the Associate Dean for Student Affairs and the Associate Dean of Faculty determine that compelling circumstances justify allowing a course or additional credits.

6.4 Lewis & Clark students enrolled in the Distance Learning Option of the LLM or MSL program may take the full number of credits required for the degree via Distance Learning. All courses for either degree must be taken through Lewis & Clark.

6.5 Lewis & Clark LL.M. and MSL students completing the degree through the Residential Option may take up to 4 credits of Distance Learning through Lewis & Clark courses, but must seek approval from the Program Administrator and the LLM/MSL Program Director prior to enrollment in the course. More credit may be allowed if the LLM/MSL Program Director determines that special circumstances support allowing additional credits. Credit for Distance Learning courses completed at schools other than Lewis & Clark will not count towards their Lewis & Clark degrees.

6.6 All student work that occurs in a Course may be monitored and reviewed by the Teaching Faculty and other persons affiliated with Lewis & Clark as necessary for the delivery of the Course.

6.7 Students must fully participate in Courses in which they enroll. The standards for student participation will be set out in the Course requirements.

6.8 All students enrolled in a Distance Learning Course will abide by the law school's honor code in all Classes and exams, and in all other relevant aspects of Distance Learning. The Lewis & Clark student handbook and Distance Learning policy will be posted online and Distance Learning students will be required to read and acknowledge the contents.

## **7. Oversight and Administration**

7.1 The Program Administrator will oversee all aspects of Distance Learning, including the creation of Courses, the delivery of Classes, and ancillary student experiences. The Program Administrator shall ensure systematic, valid, and reliable evaluation of all Distance Learning Courses and Classes to consistently improve quality of content and delivery.

7.2. The Program Administrator will ensure regular monitoring of faculty activity, including faculty interactivity with students, feedback, and assessment.

7.3 The Law School will administer the Distance Learning Option in a manner that provides students access to financial aid, business offices, learning support, library, student services, and other services comparable to those provided to residential students.

7.4 Distance Learning Courses will provide reasonable accommodation opportunities as required by the Americans with Disabilities Act.

7.5. All policies of the law school apply to Distance Learning, unless otherwise provided in this policy

## **8. Emergency**

8.1 In an emergency circumstance that affects the ability of the law school to deliver its residential curriculum in its normal course, Distance Learning Courses may be offered in ways that are not governed by this policy. In such an event, the Program Administrator will set appropriate guidelines.