

William S. Richardson School of Law

Distance Education Policy

Approved by the Faculty, November 18, 2016

1. Purpose

This Distance Education (DE) policy is designed to guide the William S. Richardson School of Law (Law School) in the development, delivery, and granting of credit for distance education, in accordance with American Bar Association (ABA) Standard 306.

2. Definitions

2.1 Distance Education. Distance Education is delivered through a course 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.¹

2.2 Distance Education Course (DE Course). A DE Course is a discrete product of developed material, including, but not limited to, syllabi, introductory material, learner outcomes, assigned materials, assignments, and assessment mechanisms, taught via distance education. A DE Course is a complete unit that may be taught multiple times.

2.3 Distance Education Class (DE Class). A DE Class is the version of a DE Course that is delivered by a Teaching Faculty member and taught to students during a particular academic period, e.g., a semester. DE Classes may be delivered asynchronously, synchronously, or as a hybrid or blended version.

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

2.5 Asynchronous. An asynchronous DE Course is one in which the instruction is delivered at one time and the students' work can be done at a different time. In asynchronous classes, students and teachers use email, video, discussion boards, listservs, wikis, and other technologies, which allow them to communicate without having to be in the same virtual or physical space at the same time.

2.6 Synchronous. A synchronous DE Course is one in which the DE Teaching Faculty and students are in different physical locations, but conduct multi-way video or audio communication with virtually no time delay, allowing participants to respond in real time.

¹ ABA Standard 306(a).

2.7 Hybrid or Blended. A hybrid or blended DE Course is one that includes both live, in-person sessions and additional asynchronous and/or synchronous sessions.

3.0 DE Courses

3.1 Each DE Course developed will be designed to utilize the technological resources available at the Law School and the University of Hawai‘i at Mānoa, supportable by the institution, and reasonably available to law students.²

3.2 Each DE Course will comply with the Law School Student Learning Outcomes and ABA Standard 302.³

3.3 Each DE Course will provide faculty instruction and student work per credit hour that is consistent with ABA Standard 310 and Law School course hours policy.⁴

3.4 Each DE Course will include sufficient interactive tools and course design elements that provide regular opportunities for significant and meaningful student-faculty and student-student interactivity.

3.5 All DE Courses offered by the Law School will be approved through the Law School’s normal course approval process, including an evaluation of the academic content, the method of course delivery, and the method of evaluating student performance.⁵

3.6 The Law School will establish a policy for verifying the identity of students participating in DE Courses that also protects student privacy.

4.0 DE Student Privacy and Verification

4.1 Each DE 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 DE Classes will be provided through secure websites, and all required course elements that require student identification will be limited to those websites.⁶

4.2 Each DE 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.⁷

4.3 All required assignments and examinations will be administered subject to the Law School’s Academic Regulations and in a manner to ensure that the student who registers for a DE Course is the same student that complete the assignments and takes examinations.⁸

5.0 DE Faculty

² ABA Standard 306(c).

³ ABA Standard 302.

⁴ ABA Standard 301.

⁵ ABA Standard 306(b).

⁶ ABA Standard 306(g).

⁷ Id.

⁸ Id.

5.1 DE Teaching Faculty members who develop a DE Course, or who teach one or more DE Classes, will have access to appropriate training and ongoing support for the use of the technology employed for the DE Course.⁹

5.2 DE 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). DE Teaching Faculty will alert students in advance if it appears that they will deviate materially from that response time.¹⁰

5.3 In accordance with ABA Standard 306, Teaching Faculty will provide regular monitoring of student effort and progress and take steps to intervene regarding student learning as needed.

6.0 Students

6.1 All students who participate in a DE Course will have an appropriate orientation to train students in the use of the technology employed for the DE Course and DE protocols appropriate to the DE Course.

6.2 Students may count a maximum of 15 credits of DE Courses towards the J.D. degree at the Law School as part of the 64 credit hours of regularly scheduled classroom sessions or direct faculty instruction required by ABA Standard 311(b).¹¹

6.3 Students in the J.D. program must complete 28 credit hours toward the J.D. degree and be in good standing prior to being enrolled in a DE Course.¹²

6.4 All student work that occurs in a DE Course may be monitored and reviewed by the DE Teaching Faculty and other Law School personnel as necessary for the delivery of the DE Course and compliance with this Policy.

6.5 All students in DE Classes will abide by the Law School's Academic Regulations and this DE Policy.

6.6 Law School J.D. students may enroll in DE courses offered at other ABA-approved law schools only with prior permission of the Law School's Associate Dean of Academic Affairs, and only when the law school offering the course has in place a policy that encompasses the same or similar requirements as this policy.

6.7 Law School LL.M. and S.J.D. students may only take DE courses offered by the Law School and must seek approval prior to enrollment from the LL.M. Director or S.J.D. Director respectively. A

⁹ ABA Standard 306(d).

¹⁰ ABA Standard 306(c).

¹¹ ABA Standard 306(e).

¹² ABA Standard 306(f).

maximum of 4 credits from DE Courses can be applied toward the LL.M degree, and a maximum of 6 credits from DE Courses may be applied toward the S.J.D.

7.0 Administration.

7.1 The Law School's DE Courses will provide reasonable accommodation opportunities to comply with the Americans with Disabilities Act requirements and all relevant Law School and University policies.

7.2 The administration of the Law School DE program is the responsibility of the Associate Dean for Academic Affairs, who may consult with a DE Committee.

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