

WCET & SAN Member Policy Series: Practical Approaches to Compliance, Part 1

Regular and Substantive Interaction

December 1, 2021

Transcript

Megan Raymond:

Hi, everyone. Thank you so much for joining us for part one of the policy series. We're glad you're here. My name is Megan Raymond. I'm the senior director of programs and membership for WCET. You are participating in regular and substantive interaction and we're looking at the practical approaches to dealing with RS and I. As we go through, if you have any questions today, go ahead and enter them into the Q&A, and we'll make sure to get to those questions as we can and try not to enter them into the chat, because it's hard for us to keep track if there's a lot of conversation going on. So put them in the Q&A and we'll make sure to get to those.

Megan Raymond:

So we have someone that I'm sure you all are, it's a familiar face for all of you. Cheryl Dowd, who's our senior director of policy innovations for the State Authorization Network at WCET. Welcome, Cheryl.

Cheryl Dowd:

Hi, Megan. Thank you very much for that very nice introduction. I appreciate that. I have the pleasure of being able to introduce some people as well. So today, we have benefit of having my colleague, Kathryn Kerensky, who's the director for digital learning policy and compliance with WCET State Authorization Network. And also, Erika Swain, who's the assistant director for compliance and authorization at the University of Colorado Boulder.

Cheryl Dowd:

And so, they're here today. Kathryn will tee us up with some looks at the rules that are in place with the federal regulations. And then, the practical aspects will be shared by Erika. So I have a fun fact to share about Kathryn first, before I turn it over to her. Kathryn, believe it, she is a long distance runner. I have a huge respect for this. So she is running several half marathons and a full marathon, and she eventually plans to run a race in every US state. She says she has a little ways to go, but I am sure that she will make that goal. I think that's a very, that's a great fun fact about Kathryn. And with that, I would like to turn it over to Kathryn who will share with us about the regulations regarding regular and substantive interaction.

Kathryn Kerensky:

All right. Thank you for that nice introduction, Cheryl. It's nice to share a little bit more about me that people may not know. But today we're going to talk about the federal regulations defining distance education and why it's important to communicate the need for RSI and lead the necessary changes at your institution. When we get to Erika, she'll have a lot of great and helpful information into how her university has developed strategies for implementing a plan, providing evidence of compliance. Next slide, please. Thank you.

Kathryn Kerensky:

In this first part of the webinar today, I'm just going to give a brief introduction of regular and substantive interaction where I'll highlight the federal definition of distance education and provide some context into why RSI is a critical component of distance education courses. Next slide, please.

Kathryn Kerensky:

Now, to the definition of distance education. The US Department of Education defines distance education as education that uses one or more of technologies to deliver instruction to students who are physically separated from the instructors and to support regular and substantive interaction between the students and the instructors, either asynchronously or synchronously.

Kathryn Kerensky:

In July of this year, the last set of the distance education and innovation regulations went into effect. These included updates to this definition. And most notably these terms here that I've emphasized regular and substantive interaction were defined. Now, you may know that the terms regular and substantive interaction were not previously defined by regulation, which meant that institutions had to do their best to piece together guidance from the department or from the Office of the Inspector General, in order to determine what is necessary for compliance.

Kathryn Kerensky:

This was very difficult and could be cost lead institutions found to not be in compliance. This is because RSI is needed for a course to be distance education and not correspondence education, which is critical when it comes to determining eligibility for federal financial aid. Institutions risk losing access to student financial aid if more than 50% of their courses are classified as correspondence or more than 50% of their students are enrolled in correspondence courses. Next slide, please.

Kathryn Kerensky:

Now, to break down these two terms a little more. What is substantive interaction? In previous WCET frontier blog posts addressing this definition, we provided an overview of how a department may interpret the meaning of the term based on OIG audit reports. And those audit reports defined it as relevant to the subject matter and provided examples of what is not substantive interaction. But as we can see in the definition on this slide here, the department has now defined substantive interaction with specific examples of what it is and requires institutions to meet at least two of the listed requirements.

Kathryn Kerensky:

There have been questions about, in particular, what constitutes direct instruction or really any pieces of this. We just want to note here that even if the department defines direct instruction as synchronous only, most distance educations should still meet the substantive requirement by meeting two of these other four criteria. And it is important to remember that for all of these criteria, the interaction must still be related to the content of the course or competency. Meaning, it needs to be relevant to the subject matter or of an academic nature. Next slide, please.

Kathryn Kerensky:

What is regular interaction? Our previous understanding based on dear colleague letters and such was that instructors were expected to interact with students on a fairly set schedule with those communications not too far apart. With the new definition in effect, the department required institutions to meet two criteria to demonstrate regular interaction. The first being providing the

opportunity for substantive interactions with the student on a predictable and scheduled basis, commensurate with the length of time and the amount of content in the course. And next slide, please.

Kathryn Kerensky:

Monitoring the students' academic engagement and success, and ensuring an instructor responds promptly and proactively and upon request of the student. To shorten this a bit, there are basically four elements for regular interaction. The first being providing opportunities for interactions, that those opportunities for interaction are predictable and scheduled. The instructor monitors student success and engagement and engaging with students as needed and requested.

Kathryn Kerensky:

A common question was about office hours and could those be used to fulfill regular interaction requirements? The regulations preamble indicated that the requirement could be met if instructors made themselves available at a specific time and modality regardless of whether the students chose to attend. The department and the negotiator, they agreed to frame this requirement as an opportunity and asserted by doing so that it allows institutions to demonstrate compliance at the program design level without requiring documentation of every single interaction between students and instructors. Next slide, please.

Kathryn Kerensky:

So now that I've talked about what RSI is, it's important to put compliance into context with who will actually review an institution's compliance, and there are essentially three sources of review for institutional compliance. The first is the US Department of Education. The US Department of Education enforce the laws and regulations that are under their charge and department staff conducts reviews and audits of institutions to ensure that they're in compliance.

Kathryn Kerensky:

Reviews found not to be in compliance, could result in fines or loss of financial aid, repayment of tuition or reclassification of courses. Another source of the creditors, so some accreditors may have specific requirements related to compliance or have RSI included in their policies and reviews that don't find RSI could result in sanctions from institutional or programmatic accreditors.

Kathryn Kerensky:

The last is from internal institutional reviews or audits. So internal offices at your institution, they may conduct risk assessments or audits depending on the procedures with policy management. And then, any student complaints they may result in review of practices, either just internally with institution departments or if depending on the number or severity potentially in a creditor or department. But again, that is not likely, most likely to be in the internal review or might be in a regular review or program within the department. But Erika will have a little more to say about that I believe.

Kathryn Kerensky:

So when it comes to determining how these requirements may be interpreted or defined, like I referred to, you may find some insights into the departments interpretations in the preamble, to the regulations, it's in the federal registrar or departments webinars covering these regulations. So although these are not official and they're not determinative, they are illustrated of how the department may interpret the definition going forward.

Kathryn Kerensky:

WCET has a blog post that walks through some of these insights from the department and a blog post from August of this year. The good thing about these regulations that they provide more guidance than previously existed while also allowing room for instructors and institutions to develop policy that best suit their needs. The key is that you want to make a reasonable good faith effort of interpreting and monitoring compliance, and that's going to look different at every institution.

Kathryn Kerensky:

So with that, I'd like to pass it over so that Erika can walk us through an example of her institution of how they interpret it, implement these requirements. Erika has a wealth of experience and we're grateful to have her to share her strategies and experience with us today.

Erika Swain:

Hi, everyone. It is so grateful to see you and I was super excited to see Cheryl and everyone, shared a list of all the people are here. So it was really great to see a bunch of names that I recognize and a bunch of names that I don't. So it's awesome to be here. And I really want to thank everyone for letting me join in. So next slide, please.

Erika Swain:

At Boulder, the name of the game is training, sharing and the availability of more training and assistance. We focus on giving support, examples and options on the need for, in facilitation of regular and substantive interaction in distance education, in the design of our courses and programs. We do so by making sure that whatever the instructor chooses, it checks all three of the boxes that you see here on the screen.

Erika Swain:

Now, nothing in that new language from the department should be seen as unusual and honestly, I was actually really happy to see this laid out. The concept of regular and substantive interaction, much like Megan just told us, it's been around for a while. What is in the regulation is for the most part, what takes place in an on-ground course or classroom? And you're going to get re really tired of me saying that throughout this presentation, but presenting new ideas within the context of known or lived experiences has really helped to calm the nerves of many people working on this in this area.

Erika Swain:

And yes, I agree. Distance education is different from on-ground education and many are used to, but the difference should only be in the delivery itself. If you offer a bachelor's degree in English on ground, and one via distance education, the program learning outcome should be identical. Think of it like using Google maps. You're going to drive from point A to point B, there's two different routes, but they both end in the same place and roughly the same amount of time.

Erika Swain:

Indeed, the department indicated in the original proposal of the revised definition that things listed represent traditional methods and tasks associated with teaching and learning. And in no way do these tasks listed intended deemphasize learning in favor of administrative check-ins with students. These additions or clarifications continue to allow for the flexibility of our instructors and academic

engagement by the instructor while staying true to accountability measures necessary to assess student learning and academic performance.

Erika Swain:

So what does this mean at the University of Colorado Boulder? Well, for us, regular and substantive interaction for all distance education courses and programs can be characterized as interactions between students and instructor that are initiated by the instructor. So like the face-to-face classrooms, our instructors take an active part in initiating and guiding the discussion or facilitation of the conversations, personalized comments and responding to student work.

Erika Swain:

Now, this doesn't mean [inaudible 00:12:11] that the instructor is responsible, like they would be in the traditional classroom for providing the opportunity for the interactions. These interactions are frequent and consistent. There's a regular cadence in the communication and interactions with the students in the courses, instructors regularly post announcements, facilitate discussions or hold office hours.

Erika Swain:

It should be noted that scheduled opportunities are not scheduled interaction. Opportunities are optional, interactions are mandatory. That is not all students will or will need to take part in all of the opportunities for substantive interactions available for a course. I can count on one hand the number of times I used office hours as an undergraduate, but their academic engagement and success will still need to be monitored, exactly as we would or how we might in an in-person or on ground course. As for how much and how often, that really depends on the academic calendar, your term length, course credit hour allocations, and the course itself. What would be appropriate or reasonable approximation for the activities and expectations of the course?

Erika Swain:

The interactions also need to be focused on the course. They are connected to the subject and contribute to the students' progress toward the learning objectives. For example, sending students a message or posting a video that previews or introduces concepts or objectives for the next unit and listing questions to have in mind when completing the week's assigned readings or something that would not be unusual in a traditional classroom experience is actually an excellent example. Next slide.

Erika Swain:

The language used by the department to define regular interactions, attempts to codify behavior and procedures that we actually take for granted in our traditional classrooms. This particular definition forced us to prove that the education we're delivering by an alternative modality is being delivered, reviewed and assessed as would the same course or program offered in a different modality.

Erika Swain:

Again, interactions with students should be reasonably frequent and consistently repeated throughout the course. The concept did cause a stir here as there was a fear that we were just moving everything to asynchronous method using the internet. And that's absolutely not the case. This doesn't mean that a once asynchronous course now has to happen synchronously. Daily communication isn't required any more than it would be in any other course, but working with our instructors and course designers to

understand how to establish a minimum threshold, and then instructors should be interacting with students on that regular basis needed to be done.

Erika Swain:

The mode of interaction can actually vary throughout the course of program, depending on the aim and the needs of the students, but the regular cadence should be established and should remain as consistent as possible. The regularity of the interaction stops short of being overly prescriptive and allows for the various pedagogical techniques employed by our instructors or required by that particular course or program.

Erika Swain:

The department noted in the federal register that instructors should ensure that students are aware that there will be planned occasions when they'll be able to interact with the instructor about course content. So again, just like our on ground courses or programs, the course syllabi should clearly delineate expectations, instructional activities, regular meeting patterns or opportunities for meeting per university guidelines. Nowhere has the department or our creditor noted that we're expected to measure or document the exact amount of time that a student spend on any particular type of interaction, much like we're not responsible for monitoring the amount of time students actually spend interacting with us in a physical classroom or attending physical office hours. Next slide.

Erika Swain:

Now, the other key aspect of this definition in order to count as regular and substantive in structures need to be engaging students in teaching and learning and the assessment of their work in the course or program. Again, this doesn't mean that students are discouraged from being the proactive and contacting our instructors or asking questions. What it means is that our instructors are expected to take an active part in initiating and guiding a range of interactions with students throughout the courses and program, which really that's no different than any other course being taught on our campus.

Erika Swain:

The part of this definition is there to ensure that interactions are not left up to students individual discretions. Interactions between student and instructor are even in the digital classroom, a vital part of the instructional plan for the course. Lack of faculty engagement or lack of opportunities for students to engage with others and their instructor in distance education is as someone noted in a blog post, and Megan, if it was you in a course, in our blog post that was mentioned. I apologize, because I did not note who it was. But it's like having students sit in an empty classroom with the next week's homework just written on the board.

Erika Swain:

I know I'm really kind of preaching to the choir here, but initiating and providing for interactions with students doesn't mean that the instructor would be providing feedback on every single post in a discussion board or detailed feedback on every single assignment. I don't think I ever had that in an on ground. Oh, it was Kathryn. My apologies, Megan.

Erika Swain:

What it means is that the role of the faculty or instructor in a distance education classroom is expected to be very much like that of the one in the on ground classroom, providing information on the course

and the topics at hand, managing and moderating discussions and engaging the class as a whole. Next slide.

Erika Swain:

Now, fortunately or unfortunately, there's no one size fits all answer to how much and how often each institution, each program, each instructor, maybe even each course is going to have to work to make that determination. There's really too wide a variety of different types of courses, pedagogical techniques and term lengths used to make a blanket requirement. But this was never really meant to be wildly difficult to satisfy.

Erika Swain:

In fact, our instructors can easily assist and comply with this definition by routinely posting announcements and sending messages, having presentations and guidance in the course material content available for their classes, actively facilitating a required online discussion for every course, hold a required one hour online review session every other week for a course, assessments and assignments with deadlines spread throughout the term or creating a communication plan.

Erika Swain:

And this is really one of my favorite recommendations, much like a lesson plan and a regular face to face course, a communication plan for a distance education course can really assist our instructors in deploying and managing interactions with their students. To a certain extent, we're really kind of back where we started. That is to say whatever definition of regular is that you employ, you need to be consistent with your institution's mission, your student needs and documented with evidence of how you're able to satisfy those pieces. Next slide.

Erika Swain:

At this point, I really hope I am starting to sound repetitive as much as I don't like to repeat myself. I hope that you're starting to realize that a lot of this is not that difficult. At Boulder, a lot of what we do is about making sure the faculty instructors have tools and technology that they need to build and deliver their courses. And in that remember the form of the course synchronous or asynchronous shouldn't matter when it comes to supporting and monitoring regular and substantive interaction. In either case, much as one would for a course offered synchronously, the instructors need to set clear expectations for interactions.

Erika Swain:

You know what? Maybe they do have an attendance or a grading policy in their syllabi. Well, that's fine. Instructors can put expectations relating to interactions and participation in the syllabus as well. Let the students know what you expect from them and what they can expect from you. Much as it would in any other classroom, your syllabus can then act as the contract with the students.

Erika Swain:

Send course announcements and other messages at regular intervals and actively facilitate discussions and chats. If the only voice regularly present in a discussion is that of the students, then the course is missing a valuable mode of instruction. Regular participation by the instructor and online chats, discussion boards or forums or other activities with students providing summary or additional content,

correction of fact, keeping the discussion on topic as well as adding their expertise to the content of the discussion really boosts the class.

Erika Swain:

Provide feedback on student work. It sounds so simple, but again, like with any other course or program, effective feedback assist the student in understanding what they've accomplished, examples of what they can do further in learning and where they need to improve. Conduct regularly scheduled opportunities for interaction. In the digital environment office hours can also be used to supplement instruction in more intentional ways. Such as a brief lecture or a skill tutorial at the beginning of an open ended study session or review sessions throughout the semester.

Erika Swain:

Use tools that aid the learning environment and make assessment documentation and interactions easy. When possible, tools that are selected by the institution should aid instructors and documented communication. Thankfully, many of those tools were already in use, chats, discussion boards, emails, the grade book in the learning management system, in canvas. They all do this automatically. Being able to utilize canvas to the fullest extent has really allowed our university to comply with these regulations. Next slide, please.

Erika Swain:

Now, I've talked a lot about the various ways we give the instructors this wide space that they need to deliver their courses within the context of the regulation, but how do university oompa-loompas like myself monitor and measure this? Well, instructors of Boulder are not required to take attendance and course is offered by distance education. We're not required to take attendance for courses offered on ground either.

Erika Swain:

The department, in fact, acknowledged that taking attendance isn't a federal requirement for courses offered in a physical classroom. So it's not here either. The university instructors instead are, we ask that we give the student the opportunity for interaction. As the department noted in the federal register, it's the job of the institution to provide set opportunity. It's the job of the student to take it.

Erika Swain:

So how can we monitor student academic engagement in this classroom, in the digital classroom? The expectation for monitoring is much like you would find, "Surprise." In the physical classroom. In fact, the requirement to monitor students' academic engagement is written by the department is no different than any other course modality. And as they stated in the federal register, it's common to nearly all post-secondary programs and has been performed before the internet existed.

Erika Swain:

And I feel I can say with pretty good certainty that there's no intention by the department to have instructors or the university monitor all student engagement throughout every aspect of the course. Instead, the expectation is that the university and our programs have sufficient systems, including appropriate academic policies and procedures, which are the absolute key to documenting your compliance from monitoring periodically evaluating the distance programs to ensure that instructors

continue to generally monitor whether a student is engaged and successful throughout a given course competency and takes appropriate actions as needed.

Erika Swain:

This allows our instructors to maintain their autonomy in their teaching and the university as a whole to remain compliant with these new requirements without having to document every interaction. Monitoring under these regulations could include, and again will likely vary by program or instructor the things that you see here bulleted on the screen. Evaluating the level of student engagement and/or understanding the course content and material during interactions with instructor and performance on exams is something that every instructor should do when they're assessing their courses, when they're assessing their students learning, when they're adding grades.

Erika Swain:

So I think a lot of times we're getting confused and thinking, maybe we're turning this into something more than it really needs to be. When in fact, if we take a step back and look at what we're already doing, we may actually already be satisfied. Next slide.

Erika Swain:

So part of the regulatory language that did make many people perk up was this requirement that institutions would provide the opportunity for substantive interaction, but also monitor this engagement. But again, how is that different from what we're already doing? Now, I would never insert myself in the faculty's business and tell them how to design their classes. So while I will never poke into a digital classroom just like I would never poke into a physical classroom. I can't imagine they'd be terribly pleased to have me dictating how they should do their teaching. So instead, what are we doing? Next slide.

Erika Swain:

As a university, we maintain academic policies and procedures that create expectations for the instructors regarding substantive interactions with students and the subsequent monitoring and follow up. Many of these policies and procedures already existed at the university prior to July 2021 in the form of credit hour definitions, policy on course outcomes, and procedures relating to instructional design and assessment.

Erika Swain:

That's it. That's our big secret to success. Maintaining policies and guidelines, reviewing these procedures, knowing how they all fit and tied together and providing training and tools for our instructors and course designers. How the evidence is compiled will be unique in some ways to each program. What we do for history would be different for how we collect information for say, mechanical engineering and mechanical may even be different from electrical.

Erika Swain:

And what we do at Boulder is undoubtedly going to be different for what works best at your institutions, but gathering data from the LMS, collecting and archiving as we should be anyway, the syllabi, assessing students achievement in the courses and programs, collecting learner assessments is what works best for Boulder. Thinking about the examples that we saw in the previous slides relating to the types of interaction and keeping available tools and technologies in mind, instructors will be able to assess the

interaction method, assess the interaction methods used and what types of documentation they produce.

Erika Swain:

To go a step further, in our program proposal documentation if a program is being proposed to be delivered in a distance modality or is opting to include distance modality options, program leads are asked questions about how they'll work to satisfy regular and substantive interaction requirements. Yours truly along with our senior vice provost for online education are cogs in that approval process wheel. By the way, for those of you who work in state authorization and professional licensure, I also get to do that part of the program approval. So it's kind of a twofold fun time. Next slide, please.

Erika Swain:

So when I first started talking about this on my campus, I was met with a combination of crickets and horrified stares. But the reality is that ensuring regular and substantive interaction is entirely consistent with our university's mission and values as an educational institution and as a hallmark of effective teaching. I'd be shocked if it wasn't something that tied in with all of yours as well. I'm sure we've all seen in some capacity the decades of research that's established that teacher-student interactions are essential components of learning.

Erika Swain:

So while it may be tempting to see the department's mandate as a burden imposed from outside of our institutions, I think we can all agree that providing for and ensuring regular and substantive interaction for our distance education courses and programs is 100% consistent with our purposes and values of our institutions. Since our university is committed to providing programs wherever offered and however delivered with appropriate content and rigor that are consistent with our mission, culminate an achievement of clearly identified student learning outcomes.

Erika Swain:

The challenge really was looking at the education we provide from this digital classroom perspective or phrase differently, how can we use our technology to help mitigate interactions for academic engagement on a predictable and substantive basis? And I'm sure a lot of you are sitting here and thinking, "Well, I'm not faculty and I'm not an instructor so I really don't have to worry about that, right?"

Erika Swain:

No. That's why you're here. Regular and substantive in some ways has become a hallmark of effective teaching in distance education. That is for years, evidence of regular and substantive interaction has been a stand-in for quality assurance in distance ed. And while we all know that's really not the case and quality assurance should be measured by outcomes, the reality is quality assurance can, actually, be in some ways derived from the evidence gathered to support our institution's compliance with these regulations. And we're really excited to be able to do that. Next slide.

Erika Swain:

And one of the ways that we do that is by reaching out to other offices. So what can those of us that are not instructors, we're not faculty, how can we assess our instructors, our faculty, our administration in ensuring that our distance education courses and programs are, in fact, compliant? Well, we at CU

needed to make those who need assistance aware of what's available and what we can do to facilitate these interactions and insist our... Excuse me, assist our instructors in using the tools.

Erika Swain:

It's important to note and to emphasize that we're not using technology to replace teaching and learning. Instead, we're working together the design learning centered management of technological resources in order to comply with these regulations. And developing new pathways to potential solutions or enhancements to current activities and interactions with students in the digital classroom.

Erika Swain:

Indeed, as one of my colleagues noted in a recent forum, you can't develop these types of programs in a vacuum and expect anyone to be happy about having to comply. However, most faculty are excited to improve the quality of their teaching if they have the opportunity to do so in a collaborative way that values their professionalism as a faculty member. So how do we do that? Next slide.

Erika Swain:

The next two slides are examples of some of the things that we have available to our faculty and our instructors. And by the way, when I say instructors, at CU, this also means our graduate students. Graduate students who teach classes have access to all of this information as well, to help them build their teaching portfolio.

Erika Swain:

So not to be cheeky, but we created some regular and substantive interaction opportunities for our faculty instructors to assist them in the creation, the design and the management of their distance education courses or programs. Next slide.

Erika Swain:

In keeping with the language of the department, the folks in continuing education, OIT, the Center for Teaching and Learning have created opportunities, but it's still up to our faculty and instructors to take it. In fact, a lot of the slides from today that I'm using, if you see in the bottom left hand corner, the Online Pedagogy Café. I actually got to present at that a few months ago. And one of the things was just bringing everyone up to speed and reminding them that this happens to exist.

Erika Swain:

It's a really great service every month or a couple of times a month there's these new sessions. You can see we just had one on the 19th about creating an asynchronous group lab course. How exciting is that? I had to miss it. I'm super excited to listen to it. They recorded it for us. But we have all of these opportunities available. Faculty can sit down and it's great working with the center for teaching and learning, not only can they help design these classes, they can also then turn to the next person and learn how to effectively assess all of them as well. It's fantastic. Next slide.

Erika Swain:

So now that we've looked at the basics on what's required and how CU Boulder is starting to build that compliance file and really beef it up. What kind of information can we be composing and cataloging? Again, policies and guidelines, these are our foundational pieces. They're developed alongside the

instructors and professionals who need to carry out these changes in the digital classroom and are integral to forming your institution's language and stance on how these courses and programs are created, managed, and assessed under this revised definition.

Erika Swain:

For example, what's your institution's policy on a credit hour? Does it include how you calculate credit hour in the distance education classroom? Mine does. It's important to know and to communicate as you're developing guidelines for establishing regular interactions. If I can put my registrar hat back on for a second, when I first read the proposed language relating to regular and substantive interaction, I made a note on the side because I absolutely printed out federal register and wrote and highlighted all over it, because I'm a nerd like that.

Erika Swain:

I wrote a note on the side that reads, "Amount of work represented in intended learning outcomes and verified by evidence of student achievement." That phrase comes directly from the current federal definition of a credit hour and I believe the phrase is apropos here. In a traditional three credit course, what does evidence of student achievement look like in the context of regular and substantive interaction? How are you providing the opportunity for that achievement through those substantive interactions?

Erika Swain:

And those are the types of things that we work with our instructors to help them flesh out in their syllabi, giving those students the expectations. They understand the timeline in which the course is being offered. They see when it is that things are due. They see when they have to talk, when they'll be working together on particular items, when the faculty will be available for questions, and they see they can actually, in many cases, see how are going to be assessed, they're graded. Because a lot of times instructors put that in their syllabi as well.

Erika Swain:

How do your instructors interact with students in the digital classroom right now? What are they doing today before you come in and sit down with them and say, "These are the rules," what are they already doing? You might find that a lot of the stuff that's already happening is actually stuff that fits well within the guidelines. And what tools do your faculty and instructors have at their disposal? How are they trained in the use of their tools? It's all well and good to get a brand new LMS and just throw it at them and say, "Have a good time." But if you don't sit down and show them how to best utilize the tool, you're not going to be able to get that evidence of compliance you're looking for.

Erika Swain:

And that I believe, next slide. I would love to take questions. I actually have had the Q&A and the chat open the whole time, because my brain's a little neurotic. And I know I didn't address some of them. I think I got one of them.

Cheryl Dowd:

Well, that's fine. Because we've got time to be able to take these questions. So Erika and Kathryn, we'll just tee them up for you. Those of you who have been looking at the Q&A and the chat, may I ask you to please put the questions in the Q&A so we don't miss them in the chat. The chat, it's great some folks

have shared some comments and it's been a place where we've put some of the resources, the links to the resources, but if you have questions, please put them in the Q&A.

Cheryl Dowd:

And so, I'm going to reach back to a little bit earlier in the session. So this is referring back to the office hours that actually both of you discussed. So our colleague here is asking, does this mean if a program has mandatory office hours for every course that the RSI requirement is met?

Erika Swain:

Well, I mean, and please, Kathryn jump in. Office hours are just one thing that could satisfy. Remember if you read the definition, it's you have to pick two. Office hours are part of a way that instructors can initiate a regular interaction. Again, it's the student's job to take that. Now require office hours by program would be unusual. It's usually an instructor's choice on how that works, but that would be one of the ways. Sure. But it wouldn't be the only way.

Erika Swain:

And I do want to go back to the point where I had said that some of these things are going to differ from course to course from program to program. I would hedge on not making something like that, you must hold office hours a hard and fast requirement, because maybe not every course needs that. Maybe not every instructor needs that. So again, it's an option and it would definitely help you get towards compliance, but it's not the end all be all.

Cheryl Dowd:

Okay. So our next question, given the most recent guidance on regular and substantive interaction, would detailed automated feedback provided from the instructors via rubrics, quiz questions, et cetera, would that qualify as substantive?

Erika Swain:

I want to go with no, but only because of one word and the word is automated. Now, I don't believe and it's been maybe two weeks since I've read the register, because when I can't sleep at night, take a melatonin and read it. I believe that it's going to end up being kind of like some of the regulations around professional licensure where there's amount of personalization that's required.

Erika Swain:

So I would hedge away from the term automated. Now, getting that, hey, I think one of the examples I use on my own campus, writing on the side of a paper to a student, "Good job." And giving them a B is not helpful. Saying this is a good point that you think about X, Y, and Z is a little bit more. And I think that's one that you almost want to go back to your folks in your own teaching and learning centers if this is something that you have and have those conversations about how it exactly feedback is given. What does that, how does that rubric work on your campus?

Kathryn Kerensky:

I would just echo what Erika said as well. In the preamble to the regulations, the department, they specifically mentioned that assessments via technology, the automated technology would not suffice for regular substantive interaction. It may suffice for other related requirements, maybe academic

engagement, but for these purposes like Erika saying, they're looking for that personalization. So unless guidance came out to the contrary, that's the best that we have at this point is what they addressed in the preamble to regulations.

Cheryl Dowd:

Great. Thanks, Kathryn, for that additional information. So going back to the presentation, Erika, you indicated that course materials that facilitate interactions between students and instructors, that was slide 18, would count as substantive interaction including recorded lectures, however, previous WCET policy updates have stated that recorded lectures do not count as an interaction in the eyes of the Department of Education. Can you clarify about that please?

Erika Swain:

Sure. So it's kind of in the concept of that idea of providing direct instruction. And so, direct instruction can happen either synchronously or asynchronously. And obviously, if you're going to be doing direct instruction asynchronously, either you're offering that direct instruction 30, 40 times in a week or you're giving a prerecorded lecture.

Erika Swain:

What you're doing beyond that though is where it's going to count. What are you doing with that? Are you also providing the students with questions to address? Are you providing them with feedback? Are you giving them some sort of information or access to course materials that give them information about how the material is interpreted or how they should be looking at it?

Erika Swain:

I think it's important to remember that when you're looking at the idea of substantive interaction, it's a variety of things kind of piled together. So you're providing instruction, you're assessing or providing feedback, providing information, responding to questions, facilitating discussion, and "other instructional activities as approved by our crediting agency." Which is a whole other ballgame. But I do think, again, it's one of those, it's not just the recorded lecture, it's what else are you doing with it? What else are you providing alongside of it?

Erika Swain:

Cheryl, am I off base on that one?

Kathryn Kerensky:

Yeah. I wrote that blog that I'm sure is being referred to there. So where that came from, again, in a webcast that the department did on the regulations. They had questions about direct instruction, because direct instruction is not defined any further in the regulations. So kind of open to interpretation there. And one of the questions was the recorded lectures and the department said that they view direct instruction as a situation in asynchronous environment where both instructor and student are present at the same time, but they also said that's a version of direct instruction.

Kathryn Kerensky:

So there could be other ones. And so, our best interpretation right now is basically exactly what Erika said, is that alone it wouldn't suffice, but it's the other things you do with it. So having additional

questions for them to answer, having group discussions about the lecture, like those combined is what makes the substantive interaction.

Erika Swain:

Yeah. And to go back to a point that I, to build off that, a point that I made earlier. If you are just giving them a video and walking away, it's the same thing as writing the homework on the board for the next week and not showing up in the physical classroom. You wouldn't do that. So how else then are you supplementing the information being provided?

Cheryl Dowd:

So we have a follow up from another colleague that's indicating, what about embedded questions? It sounds like that's an example of what you were saying about you have this video lecture, but you have embedded questions to check for understanding.

Erika Swain:

Exactly.

Cheryl Dowd:

So that's an example. Okay. Okay. Great. So let's see. So Erika, could you please expand on how UC Boulder is proving compliance? You mentioned archiving data and what other types of things?

Erika Swain:

Well, archiving the syllabi, first of all. I mean we're required to do that anyway. So collecting the syllabi every semester, providing that, getting that information so we're able to sit back and say, "Okay. Well, what did the instructor tell the students we're doing?" And then, being able then to go into our learning management system when needed, when required, either by our accreditor, by other internal reviews. We have an internal review process for our programs, looking and using that at that time as well, and going back and saying, "Okay. Did this actually happen?"

Erika Swain:

Okay. That it did. And working with our institutional research department, as well as our registrar's office to make sure that things start to match up. And again, we're still in a little bit of infancy when it comes to some of this, but because regular and substantive really wasn't new per se, it's really just reusing the information in a new way. How can we better catalog our compliance?

Cheryl Dowd:

Great. Okay. So shifting just a little bit here. One of our colleagues is asking, if you had any difficulty with faculty buy-in in trying to implement policies and processes?

Erika Swain:

Hi, Janet. It's nice to see you too. So did I have... Yeah. Again, and I know I saw it go by in the chat really quick. Holly, I really am an oompa-loompa of higher education. I really only ever show up if someone falls in the chocolate river and I sing a song about how I told you not to do that. So, of course, when I show up in some sort of meeting with the faculty, or I say, "Hey, this is something we need to do." That's where I get mad with those crickets.

Erika Swain:

Part of the success that we've had with our folks in OIT, continuing education and center for teaching and learning is, A, they've been trying to talk about this for years, and B, we try to make sure that they understand that this really isn't different than what they're already doing. It's just using technology to assist them in doing it. We're trying to make sure that they understand we're not asking anything above and beyond what they're already required to do.

Erika Swain:

I mean fact of the matter is we have a 10-year system at Boulder. I can't tell them to do certain things. That's not part... I'll get the, that's not part of my job. I've been kicked out of enough faculty Senate meetings in my lifetime. I don't need to be kicked out anymore. So making sure that they understand that this really isn't different than what they already do, that we're giving them new technology to help them do it, helping them learn.

Erika Swain:

And if they come up with a new idea, something that we haven't thought of, letting them test it out, does it work? Will this satisfy? How can we maybe use this in another class? Is this something we can learn from each other? And making sure that it's not just siloed. We're giving them those wide open options to really kind of stretch their muscles. They know their course and their subject matter better than I do. So I would never tell them how to do their job. I'm really kind of giving them new ways to hopefully incorporate into what they already do.

Cheryl Dowd:

So along those lines of not directly, not directing them to what they have to do, we have a question here about, are there random checks or are there are monitors that you see Boulder does to confirm?

Erika Swain:

No. I wouldn't that... No. I wouldn't do it in a physical classroom either. I'm not going to walk into a physical classroom to make sure that someone's standing in front of the room not showing film strips. And I want to be able... And I actually fault myself for using the term traditional education, because at this point, distance education has been a long, long enough. This is traditional education as well.

Erika Swain:

I don't want them to think that we're turning this into administrative bureaucratic nightmare. So it really is coming along and checking on a program by program basis. That's the other thing. It's important to remember that this is not a course level requirement. This is a program university level requirement. So we're looking through, and are there going to be room for improvement? Some faculty may slack off a little bit. Absolutely. And we'll work with that department to see what we can do to bolster it. But it's... So random checks. No, not really. We also wouldn't random check for assessment either on a course by course basis. We're going to look more at a program by program basis.

Cheryl Dowd:

So this question then about providing instructors with guidance about what promptly and that's promptly and proactively engaging on the basis of monitoring, what does that look like then if you're not doing that kind of oversight with the courses?

Erika Swain:

Well, that actually, and Megan, if you could go back or Kathryn, sorry. Go back in the slides a little bit to... Yeah. Right in... Oh. Forward. Yeah. There we go. We provide these resources. We give the guidance to the instructor. This is how this is done. Here's your pedagogical support and your remote teaching resources. This is how we want you to do this. This is what we want it to look like.

Erika Swain:

And again, giving them those kind of wide birth to make decisions that best fit their course. Again, these are the subject matter experts, not me. I mean there's only a few courses I could teach on campus. You don't want me in the physics classroom, but I fully support the physics faculty members and the physics department to make the best decisions for how to translate their courses into a distance environment.

Erika Swain:

The big struggle that comes at Boulder that I don't think appears at other institutions often enough is we also offer programs by a correspondence education. And so, we have to make a very concerted effort to differentiate between the two. When our instructors come in and say, "I want to do X." We're like, "Okay. Where are you doing this? How are you doing this? What does it look like?" "Oh, okay. We need to be over here and you need to provide this information to students."

Erika Swain:

And, yeah. I see the anonymous, perhaps and it's part of the evaluations. It's interesting that you say that. We actually, we did a state authorization meeting yesterday and we had a couple of gentlemen join us from the Department of Education. And I asked one of them on the side. I said, "You check for the regular and substantive when you do our program reviews, right?" And he said, "Yeah." And I said, "Well, how do you do that? What are you looking for?"

Erika Swain:

And they said they actually look at individual students and they look at student evaluations too, to see if that's the kind of stuff that the institution is actually complying with their own policies and guidelines. No. Our faculty don't like training on pedagogy either, but at the same time...

Cheryl Dowd:

Yeah. So let's see. So again, in interactions with the faculty, are there concerns coming from the faculty about how to demonstrate regular and substantive interaction with HyFlex?

Erika Swain:

HyFlex, what do you mean by that? Is this-

Cheryl Dowd:

HyFlex as a modality.

Erika Swain:

HyFlex, isn't a modality. It's distance education.

Cheryl Dowd:

Okay. Okay.

Erika Swain:

That was one of the conversations we actually had on our campus, especially when we got into the COVID. They were making all of these new definitions and terms. And the director of IR, who [inaudible 00:49:25] and does our annual institution update for HLC. We kept looking at each other going, "Well, you can call it Dave. It's still distance education." And that regular and substantive interaction is still required.

Erika Swain:

And if it's a HyFlex situation where students are, and it depends on how your campus defines it, some campuses define HyFlex as having an in-person component. Well, to a certain extent, there's some of your substantive interaction right there. But again, it makes me want to go back to, how are you define it? What is your term length? What is your credit hour definition for distance education?

Cheryl Dowd:

So could you talk... I'm sorry. Please, Kathryn. Sorry. I didn't mean interrupt.

Kathryn Kerensky:

Oh yeah. It was fine. I was just going to add quickly. Just emphasizing what Erika has said that without some more concrete guidance from the department, a lot of it does kind of come down to having your own like sound policies and procedures and how you interpret that and having it documented. It seems the blog post that was referenced, we have some questions that we outlined. We also submitted those to the department, WCET and WCET SAN. We have some questions for those. Those are outlined in a blog post from a few months ago.

Kathryn Kerensky:

We hope that the department may be having some sort of responses to that soon or some further information. We have no timeline on that, but just to point that out there without that guidance, it's just important to use your own sound judgment with your policies and your interpretations as well.

Cheryl Dowd:

And so, Kathryn, that's a good lead in to my question here. Do you have any kind of crystal ball here that there could be any changes that could be coming from the department relating to regular and substantive interaction? I know you said the guidance is still forthcoming, but do you see anything else that could be, that we should be looking for?

Kathryn Kerensky:

Yeah. That's a good question. I wouldn't expect the department to change or eliminate these requirements by any stretch. And so, like I was saying, what we may see is that the department may issue guidance on the definitions or expanding on some of these things that we've talked about, like with direct instruction or assessments. They may do that in the form of Dear Colleague Letters.

Kathryn Kerensky:

So that's what I would expect to see at some point. And possibly more information from accreditors on how they work with these requirements as well. And the regulations are new and they might have to analyze their own policies and figure out how that kind of impacts that. But that's what I would anticipate. No changes. No eliminating the requirements, just kind of expanding and explaining and interpreting.

Cheryl Dowd:

Thank you. We have two questions up here talking about that this is not just a course level requirement. We're talking about a program level. So we're talking about how to apply at the programmatic level. Could you maybe expand a little bit about how this would apply on the programmatic level? The person is indicating that they thought it applied to all distance learning instructions, but is this something that we should be aware of from a programmatic level that could have both distance education and face-to-face?

Erika Swain:

Yeah. I mean, and Kathryn, feel free to correct me if I'm wrong. You're the policy expert on this. But when institutions are reviewed for compliance like this. They're not going to dig down and pull out individual courses. They're looking at your institution as a whole. They're looking at your programs and what it is you offer, because you're advertising your programs.

Erika Swain:

So when you're looking at say the federal regulation, it talks about it's not... What's the word I'm trying to look for? Yes. We're talking about the delivery of course content, but it's the whole of the part, the part of the whole? Is every single course going to be following this to a tee? I'm sure there's at least one accreditor on the line today, so the answer is, yeah, absolutely. No. Not really.

Erika Swain:

So you're looking as the program of the whole. The program itself is being offered in a distance modality. Great. What does that mean? Well, it means the student will have regular and substantive interaction with the instructors about the program, about the education being provided. And the students will be able to achieve those learning outcomes in an X number of months or years or whatever. So the instructor is doing all that they can in the larger program.

Erika Swain:

And think it's important to concentrate on the program itself, because even if you had a programmatic accreditor, they're not going to come in and look at a course by course basis. Again, I'm not one of them. I've never been on a programmatic accreditor review, but from the documentation I've assisted my university in providing and the documentation that I've read from other universities, it's not looked at on a course by course basis.

Erika Swain:

What happens and where they start digging into the course by course basis is when you start getting student complaints or if there's something, if one program, something seems amiss, then they start digging deeper. And that's why I think it's important you don't, you have university or college level or department level policies and procedures, though I would hope you don't have department level policies and procedures when it comes to this. Having university level, letting the instructors know that

this is the expectation and working with your programs and your faculty on how to deliver to those expectations.

Cheryl Dowd:

Do you track the faculty at CU Boulder who attend sessions for training?

Erika Swain:

Yeah. They're tracked in various ways. Yeah. And it's more for those offices as well to make sure that they're reaching out. That way they know if, "Gee, I haven't heard from history, maybe we should poke over there and see if they need anything." Our assessment office does the same thing. "Gee, we haven't heard from anybody in the Business School in a long time. There are a number of programs over there. Let's offer them an opportunity for training."

Cheryl Dowd:

Okay. We're going to take one last question here. Do online courses go through any sort of quality review process before being taught?

Erika Swain:

No. Neither do our face-to-face. Again, these courses are being treated the same way. Learning is learning. When we start differentiating based on modality for things, for quality review, we start walking a very slippery slope, and we don't want to differentiate in that way.

Cheryl Dowd:

So just to add a comment here. We have a colleague who's indicated that the person is from a community college and heard from colleagues at other community college that they did have individual courses pulled to look at... By whom? I don't know.

Erika Swain:

I will say when it comes to putting together policies and procedures for satisfying regular and substantive interaction, my two favorite places to look for additional information is the community college sector and the proprietary sector, because the two of you have been under microscopes at institutions like I don't always end up under.

Erika Swain:

And so, a lot of times you have incredibly well documented policies and procedures that we really can learn from. And I want to thank you all for those of you in those two sectors who do put your stuff out online for those of us to peer over your fence and read.

Cheryl Dowd:

Well, before I turn it back over to Megan, I'd like to let Erika and Kathryn have last words on any parting comments that you'd like to share.

Erika Swain:

I was going to say I actually, again, I don't think any of this is really all that difficult. I think it's a very welcome thing for me. We spent so many years when somebody said, "Well, it has to be done regularly

and substantively." And then, we'd all look at each other and go, "Okay. Well, what does that mean?" And then, we'd shrug and run away.

Erika Swain:

I think that these regulations are actually really helpful. It gives us some very firm guardrails to butt up against. And to be honest with you, it's really not that hard to satisfy. I highly recommend look at what it is you're already doing, look at your policies and procedures that you already have, and see where the holes exist, and then fill those in. And I think you're going to find that you're far more successful in this than you ever thought that you were.

Cheryl Dowd:

Thank you, Erika. I appreciate that. Kathryn, any parting thoughts?

Kathryn Kerensky:

Yeah. I just want to echo what Erika just said in terms of a lot of this is probably things that institutions and faculty are already doing. I think when legal language comes up, it's just important to contextualize it for those at your campus who are not familiar with that. Give them best practices, give them examples, provide examples to how other institutions are interpreting this or other policies and language that they use and just kind of show how it can be done and how it's not adding extra requirements, extra duties to them. It's more just kind of tidying up what the institution does to document all of that.

Erika Swain:

Yeah. And I do want to say, I see Russ that made the comment. The department will sample courses and at the audit level, at the audit point, and that's true, because that's how they start to look at the student. But as Steve said yesterday, "We're not looking for compliance. We're looking for non-compliance." So they're looking to see that you're not doing something that you say that you're doing.

Cheryl Dowd:

Well, Erika and Kathryn, thank you very much for a very rich and productive session here today. We really do appreciate the work that you shared with us. So I'm going to turn it back over to Megan. Thank you, Megan.

Megan Raymond:

Great. Thank you so much. And I too want to thank, Cheryl, Kathryn, and Erika. I always learned so much from you. So thank you for sharing with our community. So just a few slides we want to run through so you have all these wonderful events and programs coming up. I do want to mention that WCET launched our new website and I think you'll find that the resources on there are easier to find, and it's a great website to navigate.

Megan Raymond:

Again, we will be sharing these recordings out with registrants, so be looking for those. And we'll also compile all the wonderful resources that were shared today and share those as well. So I hope you're registered for the December 8th webcast, which is actually next week, because somehow today's December 1st, already. So look for that. If you haven't registered, you can click that link and register.

And then, save the date, April 6th. We have declared that that will be our Virtual Summit Day, and the program is forthcoming and registration will be one launched early January, Elements of Quality Digital Learning.

Megan Raymond:

And then, I want to quickly acknowledge all of our sponsors and our supporting members that make our work here at WCET possible. So thank you all for being part of this and we'll see you on the next WCET and SAN member only policy series next week. Take care everyone.