

Introduction

For many years, U.S. Department of Education regulations required institutions to engage in regular and substantive interactions with students in distance education to be eligible for Title IV financial aid. Unfortunately, those regulations neglected to define this critical term leading to institutional confusion and departmental enforcement inconsistency.

In 2019, the Department of Education addressed regular and substantive interaction (RSI) in its negotiated rulemaking resulting in a definition that focuses on “predictable and scheduled” interactions between instructors and students that provide direct instruction, feedback, responses to content related questions, facilitation of group discussion, or “other instructional activities as approved by the institution’s or program’s accrediting agency.” This brief provides an overview of regular and substantive interaction (or RSI), including affected stakeholders, scope and impact, background, impact on students, and recommendations for actions.

Scope and Impact of the Issue

Failure to comply with federal regular and substantive interaction regulations can have a profound impact on an institution’s eligibility for Title IV federal financial aid. Institutions for which a significant percentage of courses are found to be out of compliance during a Department of Education audit may be required to repay past Title IV financial aid and become ineligible for future Title IV financial aid.

When conducting an audit focused on regular and substantive interaction, the Department of Education will specifically sample distance courses and review instructor qualifications, the frequency of student interactions, and the substance of those interactions. Institutions will be expected to produce institutional policies around regular and substantive interaction and instructor qualifications.

The institution will be asked to provide evidence that distance education courses are in compliance with those policies and federal regulations. Additionally, institutions out of compliance with regular and substantive interaction regulations may also endanger accreditation since accreditors may require compliance with regular and substantive interaction regulations as a part of institutional accreditation.

Affected Stakeholders:

- Students eligible for Title IV financial aid,
- Financial aid officers and staff,
- Distance education faculty,
- Academic administrators, especially distance education administrators.

“

Institutions for which a significant percentage of courses are found to be out of compliance during a Department of Education audit may be required to repay past Title IV financial aid and become ineligible for future Title IV financial aid.

”

Background

In the early 1990s, due to concerns relating to consumer protection and potential fraud in correspondence education and the growth of distance education, Congress created a distinction between the definitions of “distance education” and “correspondence education” for purposes of federal financial aid eligibility. The distinction is that distance education courses include “regular and substantive interaction,” whereas correspondence courses do not. However, until 2021, the term “regular and substantive interaction” was not defined by regulation. Over the years, institutions pieced together requirements from departmental guidance, federal audits of institutions, and Office of Inspector General (OIG) audit reports.

In 2021, the definition of “distance education” in Chapter 34, §600.2 was updated, including specifically defining the terms: instructor, regular, and substantive.

According to these definitions, regular and substantive interactions include activities such as (at least two of these constitute “substantive” interactions):

- Direct synchronous instruction,
- Assessing or providing feedback (ex. providing personalized comments on a student’s assignment or exam),
- Providing information or responding to questions,
- Facilitating a group discussion (ex. an instructor-moderated online discussion forum).

Additionally, “regular” interactions must include all of these:

- Providing predictable and scheduled opportunities for interactions (ex. weekly office hours),
- Monitoring student success and engagement,
- Engaging with students as needed and requested.

Although the Department of Education defined regular and substantive interaction in 2021, institutions continue to have a number of questions. In response to a 2021 inquiry by WCET, the Department has informally responded to several of those questions. Specifically, as used by the Department, “direct instruction” means “live, synchronous instruction where both the instructor and the student are online and in communication at the same time.” (Note that regular and substantive interaction does not have to include “direct instruction;” asynchronous instruction, when it fulfills the above requirements, can be considered as regular and substantive interaction.) Otherwise, the Department noted that many other nuanced questions will have to be addressed on a case-by-case basis. Therefore, at this time, we do not expect more specific direction for how institutions should interpret and apply definitions of regular and substantive interaction. More information will be learned as institutions undergo program reviews, departmental audits, and accreditor reviews.

Impact on Students

A failure to comply with Departmental regulations on regular and substantive interaction can have a profound impact on students. Institutions found out of compliance run the risk of having their Title IV financial aid eligibility revoked by the Department of Education.

Call to Action

- Develop policies and procedures to implement regular and substantive interaction requirements. Examples could include:
 - Create syllabus guidelines that document the expected interactions in the course,
 - Document policies, procedures, or actions taken to establish expectations around faculty substantively interacting with students.
- Develop internal controls necessary to monitor and evaluate compliance with the institution's policies and regulatory requirements. Some examples of how this may be done include:
 - Leverage data collected by the institution's current learning management system as evidence of both interactions in online courses and of monitoring of student's academic engagement and success,
 - Develop protocols for addressing noncompliance with policies,
 - Conduct a review of syllabus and courses for evidence of regular and substantive interactions.
- Engage faculty and administrators. Ensure all faculty teaching in online courses are familiar with your institution's regular and substantive interaction requirements. This may involve modifying existing professional development to include information on regular and substantive interaction.

Further Resources

- [Regular and Substantive Interaction, WCET Policy Page.](#)
- [Regular and Substantive Interaction Update: Where Do We Go from Here?](#) (WCET Frontiers, November 8, 2022).
- ["Clarity, Confusion on 'Regular and Substantive Interaction,'" Inside Higher Education, November 17, 2022.](#)
- [Regular and Substantive Interaction Refresh: Reviewing & Sharing Our Best Interpretation of Current Guidance and Requirements](#) (WCET Frontiers, August 26, 2021).
- ["Regular and Substantive Interaction," OSCQR-SUNY Online Course Quality Review Rubric.](#)

Authors & Further Information

Van L. Davis,
Chief Strategy Officer, WCET
vdavis@wiche.edu

Kathryn Kerensky,
Director, Digital Learning Policy & Compliance,
State Authorization Network, WCET
kkerensky@wiche.edu

This work is licensed under a **Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License**.



Contact



WCET (wcet@wiche.edu)

SAN (san-info@wiche.edu)



<https://wcet.wiche.edu/>

<https://wcetsan.wiche.edu/>



wcet



SAN

STATE AUTHORIZATION NETWORK

a division of WCET