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# Asking the Really Tough Questions: Policy Issues for Distance Learning

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Selecting technology is perhaps the easiest part of developing a distance learning program. Most colleges and universities find an array of available delivery systems ranging from interactive television to sophisticated Web-based asynchronous learning networks (ALNs). As these institutions strive to provide quality alternative instructional delivery and enter the increasingly competitive race for new students, two areas often receive little attention - policy development and planning. Soon the courses are on the air or travelling through cyberspace, and unprepared educators find themselves in legal, academic, fiscal, logistical and union controversies. "Regardless of the delivery system...the technology often precedes planning and policy development" (C.E.T.U.S., 1997, p. 7). Clearly, advanced policy deliberation and development is essential to the success of distance learning programs and their students.

As recently as a decade ago, many institutions were only marginally involved in distance learning - for purposes of this article defined as "a system and a process that connects learners with distributed learning resources" (Sullivan and Rocco, 1996, p. 1). Indeed, it is only in the past few years that a plethora of new distance learning programs and consortia are being introduced. In particular, the community college sector is experiencing significant growth in the use of (and planning for) distance education (Brey, 1991). To the general public, the term distance learning was once an unknown, reserved for academia. Now, it is the subject of advertisements that flood the mainstream public.

Asking the tough policy questions in advance can mitigate future bureaucratic problems and roadblocks. Most educators know that even a minor mid-stream policy skirmish can draw the focus away from their most critical concern - teaching and learning. Policies can provide a framework for operation, an agreed upon set of rules that explain all participants' roles and responsibilities. These policies can be grouped in several operational areas; seven are offered as an example. They include academic, fiscal, geographic service area, governance, labor-management, legal and student support services - see Table 1.

**Table 1: Policy Development Areas for Distance Learning**

<b>Policy Development Area</b>	<b>Key Issues</b>
1) Academic	Academic calendar, course integrity, transferability, transcripts, evaluation process, admission standards, curriculum approval process, accreditation
2) Fiscal	Tuition rate, technology fee, FTE's, consortia contracts, state fiscal regulations
3) Geographic	Service Area Regional limitations, local versus out-of-state tuition, consortia agreements
4) Governance	Single versus multiple board oversight, staffing, existing structure versus shadow colleges or enclaves
5) Labor-Management	Compensation and workload, development incentives, intellectual property, faculty training, congruence with existing union contracts
6) Legal	Fair use, copyright, faculty, student and institutional liability
7) Student Support Services	Advisement, counseling, library access, materials delivery, student training, test proctoring

This article will address issues covered by each of the seven areas and provide selected examples from a draft report (Feisel et al, 1998) on proposed distance learning policy developed by the University Distance Learning Panel at the State University of New York (SUNY). Although this SUNY report currently is in the "draft and comment stage" only, it is included in this article to reinforce certain key policy issues and to provide one example of ongoing distance learning policy discussion at the state level. The fifteen recommended position statements included in the SUNY draft will help guide the preparation and advancement of all SUNY distance learning initiatives, including the Web-based SUNY Learning Network.

**Academic Issues.** Institutions will need to develop policies that clarify everything from academic calendar to transferability. When a course is offered at one institution through a traditional classroom model, the academic calendar, for example, is the purview of that college or university. In certain cases, state regulations influence the calendar. But when a college enters into a consortia arrangement with other institutions on different academic calendars, it can become very confusing for the learners. In fact, some semesters or quarters end too late for courses to transfer to another college. Since distance learning models can complicate this process, flexibility is required.

An important academic issue is the overall integrity of the course, measured through campus curricular committees, accrediting agencies, learners and other educational institutions. The draft report of the University Distance Learning Panel at SUNY (Feisel et al, 1998) recommends that the responsibility for the quality of distance learning courses rests with the campus granting the credit. Access may also become complex, in light of the fact that distance learners may be away from the home institution. Admission requirements, formerly based on home campuses, assume a certain entry-level assessment based on local regulations. Distance learners may be subject to differing standards; although this is not advisable, it is a resolvable issue with appropriate policies in place. In any case, policies need to be determined in advance.

The development of curriculum and the approval process varies by state. Some states approve programs one-time only, without differentiating between delivery systems. Others require distance learning programs to be approved separately. More than one institution delivered distance learning courses away from their home campus without seeking formal permission. Abiding by state policies is obviously advisable, and if these policies are not appropriate, advocates need to seek change. To that end, the objective of the SUNY University Distance Learning Panel is to review current SUNY policies and to recommend necessary changes in order to accommodate state-wide distance learning initiatives.

Academic policies include evaluation of the learner and the instructor. If a course or program is taken at a distance, evaluation is essential for the successful continuous improvement of the curriculum and the delivery method. Learner evaluation, too, becomes more varied in light of testing, proctoring and assurance of student integrity.

Any program, traditional or through distance learning, is likely to be more successful if developed on a foundation of strong needs assessment and program review. Policies to assure that these processes are followed will inherently improve a distance learning program. It must be determined whether or not conventional program evaluation addresses all delivery formats at once, or, if distance learning efforts require separate review and assessment.

Another issue, transcripts, may seem simple at first, but this too requires sound planning to serve learners fairly. The transcript usually does not designate the course as offered through distance learning. However, will this be the same rule/policy in light of the growing number of full programs? Further, universities such as the University of Phoenix are known as providers of distance learning. How will student transcripts in conventional institutions handle grades and course outcomes from non-conventional instructional delivery methods?

Attention to academic issues is essential when developing effective policies at the local, state and consortium levels. Students need our guaranteed commitment to offering the highest level of quality education, regardless of delivery format.

**Fiscal Issues.** How much will the courses cost? Will there be a technology fee? If more than one institution participates in a distance learning consortium, do policies cover revenue sharing? To whom does the student send the tuition? Perhaps the most central issue is "who owns the FTE (full time equivalent student)?" The SUNY draft report (Feisel et al, 1998) recommends that the tuition revenue, student FTE and applicable chargebacks be retained by the campus granting the credit. This is a sound recommendation since the campus offering the course shoulders the fiscal burden for course development, the academic integrity of the curriculum, course delivery, requisite information systems support (not an inconsequential item), and student services support.

Most fiscal policies fall into the categories of establishing costs and fair distribution of revenue among participating institutions. Some consortia include colleges with varying tuition rates, which requires either changing to a standard rate, or clearly identifying the tuition variances to learners. Often state regulations will dictate necessary fiscal decisions. The SUNY draft report (Feisel et al, 1998) suggests that credit-bearing distance learning tuition be no greater than New York State resident tuition. However, the report wisely recommends that campuses also have the flexibility to set reasonable, competitive fees for distance learning courses.

One certain way to guarantee problems in a distance learning program is to overlook the role of receiving institutions - those who do not offer the courses but provide the resources for learners to participate. This includes "receive" sites for interactive television courses and colleges that provide their computer laboratories to learners not enrolled at that institution. Contractual arrangements often provide a source of revenue to these receive sites, but in some cases policies do not provide, or prohibit, revenue sharing. Eventually, these receive sites become a source of frustration and potential revenue loss, which can diminish an otherwise well-run program. Distance learning policies must address the issue of equitable fiscal arrangements with receive sites and all other partners. These issues must be clarified in advance of program offerings, for without them, sound fiscal planning is impossible.

**Geographic Service Area (GSA) Issues.** In the early days of learning at a distance, geographic service areas were more relevant than today. However, many colleges and universities still operate under regulations that define their physical boundaries for recruiting and serving learners. Community colleges, in particular, are often expected to stay within a certain GSA. However, cyberspace respects no borders, and new policies are needed to modernize higher education's definition of service areas. The SUNY draft report (Feisel et al, 1998) recommends that campuses providing distance learning courses not be restricted by geographic service areas. However, these campuses are strongly encouraged to collaborate and establish partnerships with other institutions. The SUNY Learning Network (SLN) -- a state-wide, Web-based initiative -- is a prime example of a collaborative course delivery system that operates without GSA restriction.

Setting tuition clearly is a fiscal issue, however, it also is a key aspect of the geographic service issue. Is "out-of-state" currently a relevant categorization for learners? Will "out of country" rates still apply? If we are to recognize the overarching reach of today's distance learning, existing policies need close examination and new policies may be needed to redefine tuition rates and service area

restrictions.

**Governance Issues.** Distance learning programs usually fall under the governance rules of the home campus. However, consortia arrangements challenge many of these regulations. Will the college or university's board of trustees or regents oversee distance learning? Yes, in most cases. However, when consortia are formed among many institutions, several boards become involved. In some cases, existing structures are reconfigured or new governance structures are formed e.g., the Western Governors University (WGU), to oversee the new models of instructional delivery.

Staffing is also relevant to governance policies. One model allows for the traditional institutional structure to oversee the distance learning program. Others add a similar, but new, department or division with responsibility for oversight. Still others set up a "shadow college" or enclave that provides opportunities for revenue and for hiring of faculty not necessarily on the current staff. Well-run programs take the time to develop or reformulate strong governance infrastructures before the courses are offered. Again, advance policy deliberation and development is extremely important.

**Labor-Management Issues.** This is one of the most difficult areas for policy developers and includes many of the toughest questions that need to be asked. Some institutions prefer to operate distance learning programs under existing labor-management agreements, while others are struggling to create new guidelines. The faculty deserves recognition for their development and instructional expertise in working with distance learning initiatives. Students deserve strong programs with high academic integrity and ease of transferability. Administrators require educational accountability and fiscal stability. Sometimes - as is the case with conventional instructional delivery methods -- it is difficult to blend these three groups' rightful goals. Balancing this triumvirate may require a seasoned political juggler!

A variety of issues in the labor-management arena require serious consideration and may involve new policy formulation or revision of existing policies. Key issues include class size, compensation, development incentives, fair use and intellectual property, assignment of full-time or adjunct faculty, "master teachers" shared among institutions, office hours, faculty training and workload. One useful strategy for investigating these critical issues is to first assess them within the context of congruence and then variance with existing labor-management agreements and institutional policy.

Experienced educators recommend keeping these labor-management policies very flexible, allowing the programs to grow and succeed. If we force ourselves into rigid guidelines of operation, innovation is stifled and our competitors may speed past us on the Information Highway. On the other hand, lack of agreement on processes and policies can cause a program to become susceptible to detractors of distance learning. No matter how lengthy and controversial, it behooves educators to face these really tough questions head-on.

**Legal Issues.** Many faculty and staff are naïve about the legal ramifications of distance learning. A number of training programs that address the legal aspects of educational technology and learning at a distance are beginning to emerge. These programs include discussions on copyright, fair use, liability for inappropriate electronic messages, and many other complexities. As an example, Cornell University offers a comprehensive summer workshop (Computer Policy and the Law) that brings together participants from a variety of areas including representatives from higher education, information services personnel and members of the legal profession. In addition, Cornell University maintains a searchable computer policy collection on the Web (<http://www.cornell.edu/CPL/Policies/>). The site contains a categorized listing of Computer Policy and Law Policies from hundreds of educational institutions. This valuable collection provides a good reference point for those involved in a review of distance learning policies. At least one individual on every campus needs to become reasonably versed in these legal policy issues or know where to seek appropriate counsel.

**Student Support Services Issues.** The area of student support services is central to the success of any distance learning program. Often overlooked, student service policy issues directly impact prospective and current distance learning students. In particular, institutions need to develop distance learning policies on student advisement, counseling, the library, marketing, materials delivery, textbooks, training and proctoring. The SUNY draft report (Feisel et al, 1998) suggests that campuses work vigorously and cooperatively with the SUNY System Office to provide all related student support services for distance learning students. This recommendation allows campuses some flexibility with all areas - particularly with advisement, counseling and on-site library usage -- yet recognizes that a virtual library of digital resources and materials, the marketing of courses, delivery of materials and texts, and student proctoring at a distance often require collaborative efforts to succeed.

It is important that distance learning student service policies maintain the same student-centered focus as on-campus student service policy. Institutions or consortia members must determine in advance which department, campus, or institution will handle student questions (that can originate 24-hours each day) from learners who have difficulties with a number of critical areas. These include computer-related connection problems, registration glitches, undelivered textbooks, advisement options, etc. The test proctoring issue - including policies regarding proctor staffing requirements, test material delivery and test retrieval - also must be agreed to by all parties prior to course implementation.

It is critical that current student service policies be reviewed with the distance learning student in mind. It may be helpful to work through the steps that students must take to learn about, enroll, participate and successfully complete a distance learning course. The use of several distance learning scenarios may be instructive in this effort. Regardless of the delivery method employed in the instruction of our students, the learners' needs must be kept in focus. Strong student service policies can greatly increase the probability that this will continue to be the case.

Advanced policy development is a key component of a well-run distance learning initiative. The toughest distance learning policy questions often remain un-asked. At first, these issues may seem minor, yet they often become the major stumbling block to a successful distance learning model. Asking the really tough questions on distance learning policy can alleviate some potential policy

pitfalls, and contribute to the quality, rigor and strength of distance learning instruction provided to our students.

For a comprehensive look at distance education policy issues in the community college sector, see Dillon and Cintrón (eds.), *Building a Working Policy for Distance Education* (1997). Additional information on distance learning policy may be obtained from The Western Cooperative for Educational Telecommunications, the membership organization established in 1989 by the Western Interstate Commission for Higher Education (WICHE). It is suggested that subsequent investigations into distance learning policy development include follow-up on the comprehensive SUNY University Distance Learning Panel draft recommendations. In addition, a review of policies guiding the Western Governors University (WGU) may also be instructive. The WGU -- a virtual university consortium that began its initial pilot program phase in February, 1998 (Edwards, 1998) -- consists of seventeen higher education institutions and several other education providers. The continued policy development efforts of both of these initiatives most certainly will help to advance and inform future distance learning policy development and practice.

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