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## 23.1 Definitions

~~Distance education is defined as instruction in which the instructor and student are separated by distance and interact through the assistance of communication technology. A class in which any portion of the instructional class hours are delivered in this mode is considered a distance education class. Except as provided herein, a distance education class shall be treated the same as an on-ground course.~~

For the purposes of this Article, the definitions below apply to the following words or phrases:

- 23.1.A. Asynchronous is defined as a mode of online learning which does not require students to participate in scheduled or live virtual meetings.
- 23.1.B. California Virtual Campus – Online Education Initiative (CVC-OEI) is a collaboration among California community colleges to increase access to online courses.
- 23.1.C. Distance education (DE) is defined as instruction in which the instructor and student are separated by time and/or distance and interact through the assistance of communication technology (5 CCR § 55200).
- (1) A course in which any portion of the instructional class hours are delivered in this mode (e.g., asynchronous online, flipped classroom, hybrid, HyFlex, synchronous online) shall be considered a DE course. Except as provided herein, a DE class shall be treated the same as an on-ground course.
  - (2) Classes that use web-based technology such as a Learning Management System to facilitate an otherwise in-person class or lab shall not be considered a DE class.
- 23.1.D. Flipped classroom is defined as a course in which students get their first exposure to course content through readings and video lectures before attending a regularly scheduled, in-person meeting.
- 23.1.E. Hybrid course is defined as a course that is taught using a combination of traditional in-person instruction and web-based online instruction (e.g., video lectures, online discussions, or activities). The amount of in-person instruction versus online instruction may vary depending on the class, discipline, and learning objectives. The online portion of a hybrid course may be delivered in either synchronous or asynchronous formats. Hybrid courses may deliver in-person content in a traditional manner or utilizing a flipped classroom model.
- 23.1.F. HyFlex (hybrid-flexible) course is defined as a course that allow each student to choose whether they wish to attend class in-person or online. Instruction in HyFlex courses is “live-streamed” for students to access remotely. Students can choose their preferred method of learning on a daily basis.
- 23.1.G. Learning Management System (LMS) is defined as a software application for the administration, documentation, tracking, reporting, automation, and delivery of educational courses.
- 23.1.H. Online course is defined as a course that is taught using web-based online instruction with no in-person or on-campus meetings. Online courses may be delivered in either synchronous or asynchronous formats.

- 23.1.I. Peer Online Course Review (POCR) is a process through which a faculty member can voluntarily request to have their course reviewed by their peers to make it aligned with the CVC-OEI Rubric
- 23.1.J. Synchronous is defined as a mode of online learning which requires students to participate in scheduled or live virtual meetings.

## 23.2 Rights and Limitations

All Contract faculty members have the right to decline a distance education assignment as part of their contract load without impacting their assignment in accordance with Article 5 except in cases where a demonstrated need for offering online instruction in the discipline is established and no other existing in-person options are available.

Any contract faculty member hired June 30, 2023 or later shall not have the right to decline distance education assignments.

- 23.2.A. Instructor created content delivered using a district LMS shall remain the property of the instructor and shall not be utilized by the district or other instructors without the permission of the creator, except in cases where a formal agreement exists between the instructor and the district for the sharing of the created content.
- 23.2.B. Subject to the following exceptions, instructional technologists shall not, without the expressed permission of the instructor, access or edit any portion of an instructor's course other than to make minor changes in the course settings. Accessing or editing courses is allowable under these unusual circumstances:
  - (1) When checking that online courses have been published on the scheduled course start date.
  - (2) In emergency circumstances when Instructional technologists need to make a minor change (e.g., change a date to match the syllabus), but only when the faculty member has not responded to communications regarding a problem with the course after a period of at least 72 hours.
- 23.2.C. Subject to the following exceptions, instructional technologists shall not share any information regarding a faculty member's distance education course with administrators or other faculty members without the faculty member's consent:
  - (1) In the event an online course has not been published on the scheduled course start date.
  - (2) If the appropriate dean or supervisor has been contacted by 1 or more students indicating non-responsiveness from the instructor and the faculty member has not responded to communications from the appropriate dean or supervisor after a period of at least 72 hours.
- 23.2.D. Courses that provide content using distance education but that also provide regularly scheduled on-ground instruction (e.g. Hybrid, HyFlex), may be considered on-ground for the purpose of meeting any on-ground instructional quotas.

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### 23.3 DE Quality Standards

- 23.3.A. All DE courses shall comply with Title 5 regulations pertaining to course quality standards (5 CCR § 55202), instructor contact requirements (5 CCR § 55204), course approval (5 CCR § 55206), and faculty selection and workload (5 CCR § 55208). DE courses shall also comply with the Americans with Disabilities Act, Section 11135 of the California Government Code, and the policies implemented by the California Community Colleges Chancellor's Office and the Governing Board.
- 23.3.B. The District and Federation agree that the development of local DE standards shall be considered an academic and professional matter under 5 CCR § 53200. Local DE standards shall be based on the recommendations provided by the Academic Senate/Curriculum Committee.
- 23.3.C. The Academic Senate, through its subcommittees, shall approve local DE standards as part of the participatory governance process (BP 2510).
- (1) DE standards shall be consistent and comparable across all District worksites and shall comply with the conditions set forth in this Agreement.
  - (2) When the Academic Senate and District disagree on a newly proposed DE standard, the current DE standards shall remain in place until an agreement is reached. This subsection shall not apply in cases where the current DE standards do not comply with changes in accreditation standards and/or Local, State, or Federal regulations.
  - (3) DE standards that have been developed outside of the VCCCD (e.g., POCR, Peralta Equity Rubric, CVC-OEI Rubric) shall not be used in place of local DE standards to determine whether a course may be offered in a distance education modality within the VCCCD. This does not preclude the Academic Senate from including aspects of such outside standards in the locally approved standards.
  - (4) Faculty may use DE standards that have been developed outside of the VCCCD to voluntarily assess their own courses (e.g., to determine whether their course meets the standards to be offered on the CVC-OEI).
- 23.3.D. Faculty must be DE certified to be assigned a DE course.

### 23.4 DE Training and Recertification

- 23.4.A. The District and Federation acknowledge that determinations and judgments about the quality of DE courses must be made with the full involvement of faculty (5 CCR § 55202). The Academic Senate / Curriculum Committee shall approve all DE training as part of the participatory governance process (BP 2510).
- 23.4.B. Distance education training may be waived if the Dean and the Department Chair concur that the faculty member is sufficiently trained by an outside source to teach via distance education., covering common elements in the District-supported LMS, online teaching methods, regular and **substantive interaction**, and best practices.

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- (1) Certification shall not be required if a faculty member does not have a distance education assignment.

DE trainings shall be reasonable, ~~and~~ related to the ~~new~~ current LMS, and comparable in terms of workload, content, and expectations across all District worksites. Non-contract faculty who are required to complete DE certification in preparation for an assignment shall be paid for DE trainings as “small projects” as described in Article 3, with a designated number of 20 hours upon successful completion of the Online Teacher Training Course. Compensation hours shall initially be set at 20 hours. Should training requirements significantly alter, the parties shall meet and confer again regarding appropriate compensation.

- (1) Faculty granted certification as a result of training at another institution, or through any mechanism other than a District or College Initial Certification or Recertification training, shall not receive the certification payment nor shall they be able to claim College Service Hours for Certification or Recertification training.
- (2) For new contract faculty hires, the Initial Certification training may be completed in the period after hire but prior to the start of the semester in which the College Service Hours are credited. Training hours for DE can be applied to their Service Hours during the first year of their employment.
- (3) Compensation for Recertification.
  - a. Non-contract faculty, required to complete DE recertification in preparation for an assignment shall be paid as a small project as described in Article 3, with a designated number of 10 hours, upon successful completion of the Online Teacher Training Recertification Course.
  - b. Contract faculty may submit service hours for subsequent recertification.
- (4) Initial DE Certification is granted by fulfilling at least one (1) of the following:
  - a. Successful completion of a DE initial certification training at any campus within the District.
  - b. Successful completion of a DE training programs from another community college or university ~~district which~~ that has been determined by the campus Academic Senate/Curriculum committee, in consultation with ~~the~~ VCCCD Instructional Technologists/Designers, to be consistent with districtwide standards and equivalent to the VCCCD DE training program.
  - c. Faculty who have created a state-approved CVC-OEI course within the past three (3) years shall be granted DE certification. The date of the certification shall be the same date as when the course was badged as an approved CVC-OEI course.
  - d. Faculty who have fulfilled at least one (1) of the criteria in 23.3 4.C(5) shall be provided with a certificate of completion by the College that verifies the completed course content. Each College will keep a list of

those faculty members who have certificates of completion.

- (5) Faculty members who wish to continue receiving assignments in a distance education modality must be recertified once every five (5) years. Failure to recertify before the five-year (5-year) deadline will result in decertification. Decertified faculty shall not be allowed to teach DE courses until their recertification has been completed. DE Recertification is granted by fulfilling at least one (1) of the following:
  - a. Successful completion of a DE Recertification program at any campus within the District.
  - b. Successful completion of *any approved* DE training programs from another community college, university, or the CVC-OEI that has been determined by the campus Academic Senate/Curriculum/DE committee and VCCCD Instructional Technologists/Designers, to be equivalent to the campus/VCCCD DE training program. The date of the certification shall be the same date as when the course was badged as an approved CVC-OEI course.

## 23.5 DE Resources

- 23.5.A. Faculty members teaching DE classes shall use the District-supported LMS even when using publisher-provided web-based tools.
- 23.5.B. The District will provide access to technological assistance to support faculty with District-provided course learning management software and hardware.
- 23.5.C. Decisions to change or replace the LMS shall include consultation with appropriate decision-making bodies as articulated in the current VCCCD Decision-Making/Participatory Governance Handbook.
- 23.5.D. The District shall provide training in achieving ADA compliance.
- 23.5.E. Faculty shall not be required to teach in a HyFlex modality. The District shall provide training to faculty who elect to teach ~~teaching~~ a course in a HyFlex modality

## ~~DE Evaluation~~

- ~~23.3.A. Distance education courses will not be excluded from the evaluation process.~~
- ~~23.3.B. The instructor shall be notified via district e-mail when student appraisals are sent to their students in a distance education course.~~
- ~~23.3.C. Prior to any Evaluation Committee member observing an evaluatee in a distance education format, the evaluatee shall receive from each Evaluation Committee member an evaluation window of no less than two (2) but no more than five (5) days.~~
- ~~23.3.D. Effective July 1, 2018, for the purposes of evaluating a faculty member engaged in a distance education modality, all evaluators reviewing a distance education evaluatee must have previously received an orientation by designated College staff or be certified under provisions 23.2 of this article.~~

**23.4 Assignment**

~~Distance education classes shall be assigned in accordance with the provisions of Article 5 of this agreement.~~

~~23.4.A. All faculty members have the right to decline a distance education assignment without impacting their assignment in accordance with Article 5, sections 5.2, 5.3, and 5.4. A distance education course shall be assigned the same load as an on-ground course.~~