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SR-03-04-26 BAPC

Marshall University

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**BUDGET & ACADEMIC POLICY COMMITTEE
RECOMMENDATION**

SR-03-04-26 BAPC

Recommends approval of the attached "Executive Policy Bulletin #13: E-Course Policy" as amended on December 15, 2003.

RATIONALE:

Marshall University's participation in the newly created West Virginia Virtual Learning Network (WVVLN), a statewide consortium of institutions, and its adoption of an enterprise version of an online course management system have made it essential that the University revise the policy regulating online courses. The Chancellor of Higher Education has set ambitious goals for online delivery of courses and programs that will better prepare West Virginia citizens to compete in the workforce, thereby improving the state's economic development prospects. As a result, a concerted statewide effort is underway to develop online programs at all levels and within all subject areas. The HEPC negotiated a statewide contract with WebCT and established the WVVLN. Before moving to an enterprise level of course creation it was essential to clarify issues of faculty ownership of course content. In addition, with recent changes in copyright legislation in regards to online classes, the Technology, Education, and Copyright Harmonization Act (TEACH Act) requires that the institution have an approved policy addressing copyright in online classes.

FACULTY SENATE PRESIDENT:

APPROVED

BY SENATE:

Larry M. Stickle

DATE:

2/27/2004

DISAPPROVED

BY SENATE:

DATE:

UNIVERSITY PRESIDENT:

APPROVED:

David A. ...

DATE:

3/9/04

DISAPPROVED:

DATE:

COMMENTS:

Marshall University E-Course*

EXECUTIVE POLICY BULLETIN #13

Alphabetical Listing of All Policy Recommendations

- Admissions
- Advising
- Audits
- ~~Authentication~~
- Computer Accounts
- ~~Computer Literacy Requirements~~
- **Computer/Software Requirements**
- Course Completion Timetable
- **Course Enrollment Limits**
- **Course Approval**
- ~~Course Content~~
- ~~Course Enrollment~~
- ~~Courses Offered~~
- Course Schedule
- Credit Hours
- ~~Distribution of Tuition and Fees~~
- Electronic Course Agreement
- E-course/T-course Format
- Evaluations
- ~~Exams~~
- Expiration of E-Course Agreements
- Faculty Compensation for **Developing an E-Course Development or T-course**
- Faculty Compensation for Teaching an E-Course
- **Faculty Incentives**
- Faculty Load Time
- Faculty Support
- Financial Aid
- ~~Hardware/Software~~
- Hiring Policy
- Intellectual Property/Ownership of Course Content
- **Intellectual Property Committee**
- Library
- Prerequisites
- **Proctoring**
- Recognition
- Registration
- Repeats
- Review and Update of ~~E-Course Content~~ **Online Course**
- Student Load Time
- Syllabi and Course Documentation
- Tuition and Fees
- Withdraw Timetable

Scope of the Policy

This policy addresses a variety of issues related directly to the development and teaching of for credit E-courses and T-courses and to multimedia created supplements for use in credit or non-credit courses or in support of university-funded research. Ownership and copyright issues are discussed here as well as what resources the university will provide to course developers and instructors. This policy also addresses the guidelines that should be followed when a course has commercial potential, who should take the lead in marketing and licensing the course, and how the profits should be shared.

1. An "E-Course" is a course in which the content is delivered 100 percent by remote electronic means; there is no requirement that students attend mandatory on site or synchronous class sessions.
2. A "T-Course" is a course in which the content is delivered at least 80 percent by remote electronic means; instructors may require students to attend on site or synchronous class sessions. (This allows for laboratories, discussions, oral presentations, etc.)
3. A "Course Supplement" is a part of a course (not to exceed 79 percent of the course content), which consists of electronic media to supplement/enhance traditional classroom instruction.

Online courses are defined as either E or T courses.

Electronic media consist of software, electronic courses, web pages, video and audio productions, CD-ROMs, DVD's, digital imagery, and other creations stored or published in electronic formats.

Admissions

[Back To Listing](#)

~~Students taking E Courses will be admitted to the University. Information, advice, and the opportunity to ask questions and receive answers regarding admissions requirements and procedures will be available to students applying for electronic courses, synchronously via telephone and asynchronously via the world wide web and e-mail. A space for the potential student's e-mail address will be added to online admission forms for electronic courses.~~

Students wishing to register for online courses must first be admitted to the University. They can apply online and can obtain information online or via telephone.

Advising

[Back To Listing](#)

~~Comparable advising services, as determined by the college and/or department, will be available to students both on and off campus. This will be accomplished synchronously by telephone at specified, published times, and asynchronously by e-mail and fax. Students will be responsible for long distance telephone or internet access costs incurred. Frequently requested advising information will be made available via the world wide web.~~

Off campus and on campus students will receive comparable advising services as established by their colleges/departments. Advising can be provided by telephone, email, postings to the Web, and through printed materials. Students will be responsible for long distance telephone or internet access costs.

Audits

[Back To Listing](#)

Students may choose to audit the course and not receive a letter grade. These students will be

covered by the same university regulations governing audit enrollment that pertain to traditional university courses.

**Authentication-
Back To Listing-**

~~Students registering for electronic courses may be required by the professor to designate an approved proctor from an educational or other approved institution who will administer their examinations. The student will also be responsible for paying any fees required by the proctor. The following will be the process when a proctor is selected:~~

~~* Before the first exam for which a proctor is required, the student will be responsible for having the proctor forward a statement to the professor stating that the proctor is NOT related to student whose exams he or she will proctor.~~

~~* Exams will be sent directly from instructors to proctors, and individual instructors and proctors will determine the method of delivery of the exams (web-based, e-mail, fax, standard mail, etc.).~~

~~* When an exam is proctored, proctors will be required to sign a statement stating that 1) they were presented with a photo I.D. by the student taking the exam at the time of the exam; 2) the student finished the exam in the allotted amount of time (equal to the amount of time a student would have in a traditional class period); 3) and the proctor was physically present during the entire time the student had the exam in his or her possession; and 4) to the best of the proctor's knowledge the student finished the exam and that all exam regulations as specified by the instructor were followed.~~

Computer Accounts

Back To Listing

~~Students taking electronic courses will be entitled to standard Marshall University student computer accounts on systems such as Hobbit. However, upon registration, students may designate an alternate e-mail account. All students taking E-Courses must have access to a computer with Internet access, a web browser (variety, version, and configuration as required by course), an e-mail account, and other software necessary to complete course requirements.~~

Students taking online courses will receive an MUNet computer account at no extra cost. University and course-related email may be sent to this account unless students choose to forward their email to an alternate e-mail account.

**Computer Literacy Requirements-
Back To Listing-**

~~Courses will be made available to provide the skills students need to utilize electronic courses (such as computing fundamentals, internet fundamentals, and distance learning techniques). Students registering for electronic courses must possess basic computer literacy skills as determined in the course syllabus. Students will be made aware that faculty teaching courses electronically will not provide support or help time with topics covered in the fundamental courses (such as using Netscape).~~

Computer/Software Requirements

Back To Listing

Students who enroll in online courses must have basic computer skills as described in the course syllabus and on MUOnline. They must have access to a computer on the Internet, a web browser (variety, version, and configuration as required by course), and other software necessary to complete course requirements. Technical support for course navigation will be available on MUOnline and through the Computing Services Help Desk. Instructors will not provide course technical support.

Course Approval

[Back To Listing](#)

Only existing Marshall University courses may be considered for conversion to an online course. Online courses created from already existing courses must meet the same content standards as courses offered on-campus. MU courses converted to online courses must be approved by the college dean and comply with the Southern Regional Education Board's Principles of Best Practices. In addition, all E-Courses and any T-Courses for which the faculty receive a development stipend must be approved by the Faculty Development Committee for Online and Multimedia Instruction in accordance with their published guidelines.

Course Completion Timetable

[Back To Listing](#)

~~Students will be required to complete an electronic course within the timeframe of the semester for which they enrolled. The instructor may specify a later deadline in the syllabus but not to exceed one year from the end of the semester during which they enrolled. For enrollment purposes any student who has not completed the E-course by the end of the semester in which he or she registered will receive an "I" grade. On completion of the course or at the end of the period specified in the syllabus, the student will be assigned a grade. For a semester timeframe course, the "I" grade will be assigned in accordance with the policy for a traditional course.~~

Online courses may parallel the semester schedule for regular courses or they may differ from regular semester courses in the start and end dates. The course syllabus for each individual class and the Official Schedule of Courses will indicate the beginning and ending date. If the instructor specifies a deadline that goes beyond the end of the regular semester, that deadline will not exceed one year from the start of the course. Students enrolled in courses with end dates that go beyond the regular semester will receive an "I" (Incomplete) at the end of the regular semester. When the end date of the course is reached the "I" will be replaced by the grade the student earned for the course. Hours of enrollment are reflected in the actual term in which the student is registered. For all verification purposes, hours of enrollment are counted only in the term in which the student is registered.

Course Content

[Back To Listing](#)

~~The only difference in the curriculum of an electronic course as compared to the equivalent on-campus course will be the delivery mode. The electronic course content will meet the same standards as courses offered on-campus. Courses will go through the same review and approval process as traditional, on-campus courses.~~

Course Enrollment Limits

[Back To Listing](#)

~~The maximum number of students that may enroll in a section of an electronic course will be determined by the faculty member's college / department in the appropriate academic unit. There will be no minimum number of registered students required for a class to "make." Faculty members administering electronic courses designated "writing intensive" will be limited to 24 students. The next 24 students registering for a writing intensive course will be assigned to another faculty member, and so on.~~

The college/department of the instructor will determine the enrollment limit for an e-course that is taught in load. No minimum number of registered students is required for an e-course taught as an overload. Online courses designated "writing intensive" are limited to 24 students.

~~Courses Offered~~

~~Back To Listing~~

~~Only courses approved by the appropriate dean and E-Course Development Committee in accordance with published guidelines as E-Courses will be offered electronically.~~

~~Any course that has not been offered (with a class limit consistent with the class size shown in the original proposal) at least two times within the past three years will have to be re-approved by the appropriate dean and the E-Course Development Committee before it can be offered again.~~

Course Schedule

[Back To Listing](#)

~~A new Electronic Classes section will be created in the main course listing which will list all electronic classes offered. Electronic classes will also appear in the discipline appropriate section of the listing, as well as the School for Extended Education.~~

A separate section for e-courses will be published each term in the Official MU Schedule of Courses. E-courses will also appear within the department listing offering the class.

Credit Hours

[Back To Listing](#)

Courses offered electronically will carry the same number of credit hours as sections of the same course / equivalent courses delivered traditionally.

Distribution of T-Courses and E-Courses

[Back To Listing](#)

~~The university will establish for budgeting purposes an account for the development and delivery of E-courses. Compensation of faculty teaching Electronic Classes as overloads will be paid in two halves, the first upon registration of a student for the course, and the second half upon student completion of the course or the ending date of the course as specified in the syllabus. If students are carried over from one instructor (see Expiration of Electronic Course Agreements) to another, the instructor picking up the carry-over students will be compensated and will be paid upon completion of the course.~~

Departments may not assign instructors to teach a course with content created by another faculty member without the express written consent of the faculty creator of the content. A departmental policy guiding distribution, published prior to the initial approval of the course, shall supercede this restriction. Any remuneration for distribution will be negotiated on a case-by-case basis or shall be guided by departmental policy. A signed contract shall take precedence over departmental policy.

In instances where the faculty member retains exclusive ownership rights, the university may NOT distribute the online course without express written consent of the faculty creator. Any remuneration for distribution will be negotiated on a case-by-case basis.

Based on the curricular needs of the academic unit and pending all required approvals, a faculty member can develop a different version of an existing online course and teach that course. Different versions of the same online course can be offered simultaneously at the discretion of the academic unit.

In the interest of currently enrolled students, the university may continue use of electronically delivered courses developed by a member of the Marshall University community throughout the duration of the current grading period and for up to one year beyond the current grading period to ensure completion of the course by all students enrolled at the start of the semester regardless of ownership.

E-Course Agreement

[Back To Listing](#)

Instructors who wish to offer an e-course as an overload will be required to sign an Electronic Course Agreement, which obligates them to perform their duties as instructor of the course

throughout the period specified in the syllabus.

E-Course/T-Course Format

[Back To Listing](#)

Student access to online courses must be through the official course management system. Exceptions must be approved in writing by the appropriate Dean and the Provost.

Evaluations

[Back To Listing](#)

Student evaluation of instructors will be consistent with University policies. ~~The technology component of online courses—evaluation of the use of technology within a course will also be evaluated via with the "Flashlight" tool located on the home page of all E-Courses.~~

Exams

~~[Back To Listing](#)~~

~~E-Course exams, if used, will have content and coverage comparable to similar courses taught on campus. The proctor for those exams will be designated by the student at the beginning of the course. Once a student has begun an exam, he or she must finish it within the allotted time period. (See Authentication).~~

Expiration of Electronic Course Agreements

[Back To Listing](#)

If the faculty member is unable to complete the course, the department will address the matter in its normal and customary way.

Faculty Compensation for E-Course Development

[Back To Listing](#)

~~In order to encourage the development of quality electronic courses, faculty will be paid separately for the development of electronic courses. Development will be compensated at a rate negotiated between the developer and the appropriate administrative official. The faculty member who develops the class does not have to be the faculty member who teaches the class. (See Distribution of Tuition and Fees and Tuition and Fees.)~~

E-course and t-course development are both eligible for compensation. Faculty who may choose to develop these courses without compensation may still be compensated for teaching an e-course as an overload and Departments may still be compensated for faculty who teach these courses inload.

Development will be compensated at a fixed rate published by the Faculty Development Committee for Online and Multimedia Instruction. The faculty member who develops the course has first right of refusal, but does not have to be the faculty member who teaches the course. The committee will make its decisions on course proposals on the basis of the institution's curricular needs and available funds. Different versions of the same course may qualify for development funds depending on curricula needs and available funds. Contract agreements between departments and faculty supercede this policy.

Faculty Compensation for Teaching an E-Course

[Back To Listing](#)

~~In order to encourage the teaching of quality electronic courses, faculty will be paid separately for the teaching and administration of electronic courses. Teaching of E-Courses will be compensated on a per student basis if taught on an overload basis. The final decision regarding compensation of the faculty member for the overload or part-time pay remains the decision of the appropriate administrative officer. (See Distribution of Tuition and Fees, Tuition and Fees and Electronic Course Agreement).~~

Faculty who teach E-courses as an overload (an overload course is one taught in addition to a

faculty member's regular teaching load) are compensated on a per student basis in two payments. The amount per student who completes the course is a published fixed rate established through a recommendation from university Information Technology Committee to the provost. The faculty senate shall review the rate recommendation. Any changes proposed by the Senate are subject to approval by the provost. The first payment is based on enrollment at the close of schedule adjustment. The second payment is based on the number of students who receive a grade for the course. If students are carried over from one instructor (see Expiration of E-course Agreements) to another, the instructor picking up the carry over students will be appropriately compensated. When faculty teach E-courses in load, the faculty member's department will be compensated on a per student basis as described above.

Faculty Incentives

[Back To Listing](#)

Consistent with state law, the institution will establish faculty incentives and rewards to encourage instructional development and participation in distance education. This includes (but is not limited to) the acknowledgement of e-course development as a category in the Instruction/Advising area of faculty annual performance.

Faculty Load Time

[Back To Listing](#)

~~Electronic courses will be offered either as part of in-load, overload or by adjunct faculty.~~

E-courses may be offered either as part of regular load, overload or by part-time faculty. Extra compensation will not be paid for e-courses taught within load.

Faculty Technical Support

[Back To Listing](#)

~~A faculty support staff will provide support and training to faculty developing electronic course content. This group will be headed by full-time Instructional Technologists. Full-time Instructional Technologists will provide formal training and just-in-time support to faculty who develop electronic course content. The Center for Instructional Technology and innovations will provide support and training to faculty developing E-Courses.~~

The Center for Instructional Technology will provide support and training to faculty developing online courses. This support includes formal workshops and one on one support.

Financial Aid

[Back To Listing](#)

~~Students registering for E-Courses will be eligible to apply for financial aid just as traditional, on-campus students are. Information, advice, and the opportunity to ask questions and receive answers regarding financial aid opportunities will be made available to students registering for electronic courses. Frequently requested financial aid information will be made available via the world wide web.~~

Students registering for online courses are eligible to apply for financial aid in the same way as all other students. They can obtain information online or via telephone.

~~Hardware/Software~~

~~Back To Listing~~

~~Students signing up for electronic courses must have access to hardware and software required for the course for which they are registering. Each course syllabus will state the hardware and software required for the course.~~

Hiring Policies

Back To Listing

Possession of skills in the delivery of course content using distance technologies will be considered a criterion in the hiring of faculty for ~~E-courses-online courses~~.

Intellectual Property/Ownership of Course ContentBack To Listing

~~When any employees of the University, whether faculty or support staff, or any outside contractor, have been given a specific commission from the University (i.e. reassigned time, faculty development grants, special project moneys, and other time or money granted specifically for development purposes) to create or enhance specific electronic instructional content, the latter shall routinely require that all participants in the project waive in writing ownership of and any financial interest in the product that might otherwise accrue, except as specified in Executive Policy Bulletin Number 9. The University maintains the right to make backup copies of this specific electronic instructional content in order to protect against accidental or other deletion /- corruption.-~~

~~If the work leading to creation of a specific piece of electronic instructional content is sponsored by a contract between the University and a government agency, business firm, foundation, or other external institution, the provisions of the contract under which the work is performed take precedence over this policy.-~~

~~In recognition of the special relationship among the University and its employees (including faculty) and students and the practical difficulty of defining the equities in the various circumstances under which electronic instructional content may emerge, the University shall have the absolute, unrestricted right to use without charge, for any purpose, any electronic instructional content created by or through the efforts of its personnel.-~~

~~When the revision of electronic instructional content becomes appropriate, the original developer of the content will be granted the first right of refusal to the work of revision. If the original developer refuses, the University may agree with another party to perform the revising, at which point the original developer loses any ownership of or financial interest in the content.-~~

~~Under ordinary circumstances, and as a general premise, the creator (or creators) of electronic instructional content shall be deemed the owner of the content in the sense that the creator has the right to market the content directly or through arrangements with commercial enterprises or the University. However, the University owns the course number, course title, catalog description and course syllabus. The creator is not obligated to share any part of the revenue from the sale or licensing of the content with the University or, except as provided otherwise in this policy, with any office or organization within the University.-~~

~~In addition, the University shall have a non-exclusive right to market or license any software created by its faculty and staff (and students when participating in University sponsored or University-related projects.) If the University invokes its marketing option, whether acting alone or in concert with an external developer, its net revenues shall be allocated in accordance with the Executive Policy Bulletin Number 9.-~~

~~The creator of any electronic instructional content may petition the University to waive its non-exclusive marketing rights. The determining official for this action is the president of the university. Such a petition should include a description of the content sufficient to enable the president to make a tentative judgment as to whether commercial potential exists.-~~

~~When electronic instructional content is developed through the efforts of two or more persons, the potential financial interests of the various parties shall be made clear in advance by a private agreement or understanding. Under such joint undertakings, faculty members have a special obligation to deal fairly with junior faculty and students. If the content is created by a research center or other recognized entity of the University, the entity may adopt a stated and consistently applied policy of vesting all rights to the software in the entity, preempting the more general rights of the University.-~~

Definitions

Ownership and Qualifying Conditions
Ownership/Disclosure
Dispute Resolution of Ownership Rights
Development, promotion and licensing of electronic media
Allocation of Intellectual Property Revenues

Definitions

1. **Intellectual Property** includes inventions, discoveries, processes, unique materials, copyrightable works, original data, electronic media, and other creative or artistic works which have value. It is protectable by statute or legislation, such as patents, copyrights, and trademarks. It also includes the physical embodiments of intellectual effort such as software.
2. **Traditional Academic Copyrightable Works** are a subset of copyrightable works created for traditional academic purposes. Examples include class notes, books, theses and dissertations, educational software, articles, non-fiction, fiction, poems, musical works, dramatic works, pictorial, graphic and sculptural works, or other creative works.
3. **Developers** are those who contribute to the creation of the intellectual property.
4. **Creators** are individuals or a group of individuals who make, conceive, reduce to practice, author, or otherwise make a substantive intellectual contribution to the creation of intellectual property.
5. **University Resources Usually and Customarily Provided** include such support as office space, library facilities, ordinary access to computers and networks, or salary. In general, it does not include use of students or employees as support staff to develop the work, or substantial use of specialized or unique facilities and equipment, or other special resources provided by the University unless approved as an exception. Individual exceptions may be approved on a case by case basis.

Today the growing use of the Internet as a means of course delivery to a wider body of students has led to a review of traditional intellectual property/course content ownership practices and to a call for a redefinition, in certain cases, of the relationship between a course developer and the institution. This redefinition is driven to some extent by the commercial potential of new course technologies. Faculty currently enjoy royalties on their traditional scholarly copyrightable works such as texts, books, articles, creative works, instructor's manuals, study guides, etc. This scholarly and creative work exception should not change. The University does not claim ownership of books, articles, dissertations, papers, study guides, syllabi, lecture materials, tests or similar items, novels, poems, musical compositions, or other creative works. The university recognizes that faculty should benefit from the results of their work. With this thought in mind, and in keeping with its mission, the university seeks to support faculty efforts to develop new teaching technologies and methods of course delivery. The university will make every effort to ensure faculty retain intellectual property rights, credits, and associated benefits and to support faculty interests in the distribution of digital materials for the enrichment of the faculty, the institution, and the students.

Ownership and Qualifying Conditions

While the faculty member owns the course materials he or she has created, there are specific qualifying conditions noted below. (If the content is created by a research center or other recognized entity of the University, the entity may adopt a stated and consistently applied policy of vesting all rights to the software in the entity, preempting the more general rights of the University.) The University maintains the right to make backup copies of electronic instructional content in order to protect against accidental or other deletion / corruption. All E-Course and T-Course content shall reside on Marshall University servers within the Marshall course content management system except in instances where content is leased or use by

the university is otherwise authorized from an outside vendor. (Physical presence of instructional content on university servers does not automatically assign ownership to the university.) The University shall have the absolute, unrestricted right (except as otherwise limited in this document), to use without charge, for any purpose, any electronic instructional content created by or through the efforts of its professional staff (non-faculty employees) All work created by university staff is a work for hire and belongs to the university except when the university waives claims to the material.

1. **Exclusive ownership by the creator:** Electronic courses or electronic media are considered to be the exclusive property of the creator if the university's contribution to the development of the media has not exceeded those resources usually and customarily provided (see definition above). In all cases, the university retains exclusive right to course number and description as listed in university catalogs. All contributing developers of the electronic media work including junior faculty or students shall have a limited claim to joint ownership of the work unless agreed upon beforehand in writing. The creator retains copyright and rights to distribute the work and is not obligated to share any part of the revenue from the sale or licensing of the content with the University or, except as provided otherwise in this policy or state or federal law, with any office or organization within the University. The creator has sole responsibility for the registration of copyrightable material for which the University has no proprietary interest.
2. **Proprietary interest of the University:** Electronic courses or electronic media created for academic use are considered to be a proprietary interest of Marshall University if the creator made significant use of university resources. In these cases, the creator must share (see Executive PB #9), with the university any royalties or other benefits from commercialization of the work. Significant use of university resources includes a development stipend, release time, specialized technical support, specialized hardware/software (purchased by university for specific project), copyright clearances, student employee support, and graduate assistant support. In these instances, the creator of the electronic media shall retain the rights to intellectual property (copyright) contained there-in but distribution or commercialization of the work requires consent of the creator and the university. As the intellectual property owner the creator of an electronic course has the exclusive right of revision and/or creation of derivative works. Revisions of course content would be required solely at the discretion of the academic unit that offers the course or in response to changes in the technology used to offer the course. The University has responsibility for the registration of copyrightable works for which it has a proprietary interest.
3. **Exclusive ownership by the University:** Electronic courses or electronic media developed by faculty as a "work for hire" and commissioned by the university and specified as such in a written contract or developed by a non-faculty employee within the scope of his or her employment and/or specially ordered or commissioned for use by the university shall be owned solely by the university both in copyright and distribution. The University has responsibility for the registration of copyrightable works for which it has exclusive ownership.

- **Ownership Disclosure**

Marshall University desires to assure that all ideas, discoveries, and electronic media are properly disclosed and utilized for the greatest possible public benefit. All members of the Marshall community with intent to market or distribute E or T courses in part or in whole for commercial or non-commercial reasons shall disclose the nature and detail of their electronic media to the Vice President for Research, or his/her designee at the earliest possible date.

Within 120 days after such disclosure, the Vice President for Research or his/her designee shall notify the creator in writing whether it is the university's intention to retain its interest and to acquire assignment of all ownership rights of the electronic media. If such notification cannot be made during that time period, the creator shall be

notified as to the reason for the delay and the additional time necessary to make such determination.

If the university decides not to request assignment or ownership rights, and there are no restrictions by the sponsor of the electronic media, the university will release its proprietary interest to the creator.

- **Dispute Resolution of Ownership Rights**

In cases where there is a disagreement between the creator and the university as to ownership rights or the retention of such rights by the university, the appropriate University committee dealing with copyright issues shall recommend to the President what further action the university should take.

The creator of any electronic instructional content may petition the University to waive its non-exclusive marketing rights. The determining official for this action is the President of the university. Such a petition should include a description of the content sufficient to enable the president to make a tentative judgment as to whether commercial potential exists.

- **Development, promotion and licensing of electronic media**

Upon assignment of ownership and with consent of the intellectual property owner, the Vice President for Research or his or her designee shall act to bring to the public all electronic media in which the university has distribution rights. In doing this he or she shall use whatever means appropriate for development, promotion and licensing of each creation, consistent with the expressed goals of the Intellectual Property Policy.

In promoting the distribution of electronic media, the university is free to enter into agreements with any outside agent, which it deems will successfully aid the university in promoting the product. If a particular media creation is to become subject to such an agreement, this shall be made known to the creator, who will also be consulted about any rules governing the relationship among the outside agent, the university and the creator due to such agreement. The creator or his/her representative shall be a member of the committee selecting the licensing agent and shall participate in the development of the licensing agreement if the creator so chooses.

The university is free to enter into any licensing agreements that it deems beneficial to the university, the creator and the public in general, provided such agreements are not prohibited by a sponsoring agency's rules or regulations. Any terms governing the relationship among the licensee, the university or the creator due to such licensing agreements shall be disclosed to the creator, the dean of the college/school, the Provost, the Vice President for Business and Finance and the President

- **Allocation of Intellectual Property Revenues**

All income received by the University for the commercialization of university-owned intellectual property will be appropriately used for the research and educational functions of the university. In the absence of any contract to the contrary and where the creator made substantial use of University resources as defined by this policy, and where the intellectual property does not fall under the "scholarly and creative work exception," net annual income from copyright will be shared as follows:

Net proceeds of each individual media project shall be distributed in accordance with the formula established in the university policy guiding patent development. Net proceeds shall be calculated on gross royalties minus documented administrative, licensing, legal and other related expenses. This royalty revenue sharing is not to be construed as wages or salary compensation to the employee from the university, but rather as separate income derived from commercialization of intellectual property. In addition, an employee's rights which have accrued to this royalty revenue sharing shall continue beyond such individual's employment with the university. Upon

decease of the creator, the creator's share of future income resulting from his/her work shall be paid to the creator's estate or designated beneficiaries. Contract agreements shall supercede this policy.

If the electronic media creation is the result of sponsored research, and the sponsoring agency regulates the distribution of royalty income, such regulations shall apply rather than those in the above paragraph. Also, if such regulations apply because of development, promotion or licensing agreements with an outside agent, they shall take precedence over those cited here.

Library

[Back To Listing](#)

~~Distance learning students will be granted access to all library resources, such as the ability to request interlibrary loan materials, as well as access to online catalogs and materials. Remote interlibrary loan book requests will be accepted only from public and community libraries.~~

Online course students have access to all library resources, including online databases. Access to these databases from off campus requires an MU login. Books and articles not available online can be requested through Information Delivery Services.

Prerequisites

[Back To Listing](#)

~~Information regarding prerequisites will be included in course descriptions, and completion of such will be required of students taking E-Courses in the same manner it is required of on-campus students. Students who have not completed prerequisites for an electronic class will not be permitted to register for the E-Course. It will be the responsibility of the institution to provide prerequisites in the same electronic format. Students who enroll in E-Courses as transient students need only meet the requirements of their home university for E-Course enrollment. E-Courses taken by transient students may not apply toward a Marshall degree without permission of the appropriate dean.~~

All students (transient students excepted), must meet all course prerequisites before they can register for an online course. For e-courses, all prerequisites must be available in e-course format either through Marshall University or through the Southern Regional Electronic Campus.

Proctoring

[Back To Listing](#)

Students in e-courses may be required by the instructor to designate an approved proctor who will administer their examinations. The student will also be responsible for paying any fees required by the proctor. Unless the instructor specifies otherwise in the syllabus, the following steps are required once a proctor has been selected:

- * Before the first exam for which a proctor is required, the student is responsible for ensuring that the proctor states in writing to the instructor that he or she is NOT related to the student whose exams he or she will proctor.
- * Proctors will send the completed exam directly to the instructor along with a signed statement noted below. Individual instructors and proctors will determine the method of delivery of the exams (web-based, e-mail, fax, standard mail, etc.).

The signed proctor verification statement indicates that:

1. the student taking the exam presented them with a photo ID at the time of the exam;
2. the student finished the exam in the amount of time specified by the instructor;

3. the proctor was physically present during the entire time the student had the exam in his or her possession;
4. to the best of the proctor's knowledge the student finished the exam and followed all exam regulations as specified by the instructor.

Registration

Back To Listing

~~A student must register for an electronic course within the published timeframes for the course (normal registration period for semester-based courses and specified period for longer-running, open registration courses). For open registration courses, students registering after July 15 but before October 25 will be counted in the Fall semester. The number of electronic course credit hours for which they register will be counted toward total credit hours for the Fall semester only. Likewise, those electronic course credits will only influence full or part-time student standing during the Fall semester. Students registering after October 25 but before March 25 will be counted in the Spring semester. Students registering after March 25 but before July 15 will be counted in the Summer enrollment.~~

During the official registration periods each term, students eligible to register can register for online courses using the online MILO Web system, telephone registration, in person at the Office of the Registrar, or by mail.

~~Recognition~~

~~Back To Listing~~

~~Faculty and administration will establish a system of incentives and rewards to encourage activity, recognize achievement, and foster continuing accomplishment in distance education. This will include (but not be limited to) adding recognition of distance education activities as being co-equal with traditional teaching in faculty evaluations.~~

Repeats

Back To Listing

Students may use ~~E~~ **online courses** to meet "D" and "F" repeat requirements even if the course was originally delivered using traditional methods.

Review and Update of E-Course Content

Back To Listing

~~The department or college will be responsible for the annual review of both the academic content and the technical content of Electronic Classes, and will update both academic content and technical content as appropriate.~~

The instructor of an online course is responsible for reviewing and updating the course content according to policies established by the instructor's department/college.

Student Load Time

Back To Listing

~~Electronic course credits count only for the Fall, Spring, or Summer C term as determined in the timetable listed under Registration. A student cannot sign up for 12 hours of electronic courses and claim full-time status for the full 12 months. University policies regarding overloads for students wishing to take over 18 hours apply to students registering for E-Courses.~~

Hours of enrollment are reflected in the actual term in which a student is registered. For all verification purposes, hours of enrollment are counted only in the term in which a student is registered. University policies regarding overloads for students wishing to take over 12 hours graduate or 18 hours undergraduate apply to students registering for online courses.

Syllabi and Course Documentation

Back To Listing

~~Electronic course syllabi will spell out clearly the following information in addition to meeting the same requirements as syllabi for on-campus courses: necessary hardware, software, technological competencies, and the nature of faculty and student interaction necessary for success in the course. A course completion date must be listed on the course syllabus.~~

Syllabi are required for online courses and must meet the content requirements which apply to syllabi for all on campus courses in addition, syllabi for online courses must specify minimum hardware and software requirements, minimum computer skills requirements, and a course start and completion date. Course syllabi must be made available for posting to the web as soon as possible before the course begins.

Tuition and FeesBack To Listing

Students who register for electronic courses will pay tuition as established by the institution. Students registering for electronic courses only will be exempt from the Student Activities fee. E-Course students who wish to pay the Student Activities Fee and receive the appropriate benefits have the option of doing so. Special fees imposed by colleges (e.g. the College of Business) are applicable to students registering for E-Courses. **/departments may apply to students registering for online courses.**

Withdrawal TimetableBack To Listing

~~E-Courses will follow Series Bulletin 22 of the University System of West Virginia Board of Trustees in regard to refund and withdrawal policies. Withdrawal from semester-based E-Courses will follow traditional course guidelines. Open enrollment course enrollees will have thirty five (35) weeks from date of enrollment to withdraw.~~

The withdrawal period for online courses parallels that of regular courses. Students can withdraw from an individual online course through 2/3 of the official course length. After that time only a complete withdrawal from the university is allowed. The refund policy for online courses also parallels that of regular courses.

~~Electronic Course Agreement~~~~Back To Listing~~

~~Instructors who wish to offer a electronic course will be required to sign an Electronic Course Agreement, which obligates them to perform their duties as instructor of the course throughout the period specified in the syllabus.~~

Adopted on the 4th day of August 1997 J. Wade Gilley, President

Adopted by Marshall University Faculty Senate on the 27th day of February 1998

Approved on the 28th day of February 1998 by J. Wade Gilley, President

Amended changes approved on the 30th day of March, 2000 by Marshall University Faculty Senate
(SR 99-00-29)

~~* An E-Course, or electronic course, is one which is delivered entirely via electronic means and is designated an "E-Course" by the appropriate administrative officer.~~

Marshall University E-Course*

EXECUTIVE POLICY BULLETIN #13

Alphabetical Listing of All Policy Recommendations

- Admissions
- Advising
- Audits
- **Computer Accounts**
- **Computer/Software Requirements**
- **Course Approval**
- Course Completion Timetable
- **Course Content**
- **Course Enrollment Limits**
- Course Schedule
- Credit Hours
- **Distribution of T-Courses and E-Courses**
- E-Course Agreement
- **E-Course/T-Course Format**
- Evaluations
- **Expiration of Electronic Course Agreements**
- Faculty Compensation for **Developing an E-Course or T-Course**
- **Faculty Compensation for Teaching an E-Course**
- **Faculty Incentives**
- Faculty Load Time
- Faculty Technical Support
- Financial Aid
- **Hiring Policies**
- Intellectual Property/Ownership of Course Content
- Library
- Prerequisites
- **Proctoring**
- **Registration**
- Repeats
- Review and Update of **E-Course Content**
- Student Load Time
- Syllabi and Course Documentation
- Tuition and Fees
- Withdrawal Timetable

Scope of the Policy

This policy addresses a variety of issues related directly to the development and teaching of for credit E-courses and T-courses and to multimedia created supplements for use in credit or non-credit courses or in support of university-funded research. Ownership and copyright issues are discussed here as well as what resources the university will provide to course developers and instructors. This policy also addresses the guidelines that should be followed when a course has commercial potential, who should take the lead in marketing and licensing the course, and how the profits should be shared.

1. An "E-Course" is a course in which the content is delivered 100 percent by remote electronic means; there is no requirement that students attend mandatory on site or synchronous class sessions.
2. A "T-Course" is a course in which the content is delivered at least 80 percent by remote electronic means; instructors may require students to attend on site or synchronous class sessions. (This allows for laboratories, discussions, oral presentations, etc.)
3. A "Course Supplement" is a part of a course (not to exceed 79 percent of the course content), which consists of electronic media to supplement/enhance traditional classroom instruction.

Online courses are defined as either E or T Courses.

Electronic media consist of software, electronic courses, web pages, video and audio productions, CD-ROMs, DVD's, digital imagery, and other creations stored or published in electronic formats.

Admissions

[Back To Listing](#)

Students wishing to register for online courses must first be admitted to the University. They can apply online and can obtain information online or via telephone.

Advising

[Back To Listing](#)

Off campus and on campus students will receive comparable advising services as established by their colleges/departments. Advising can be provided by telephone, email, postings to the Web, and through printed materials. Students will be responsible for long distance telephone or internet access costs.

Audits

[Back To Listing](#)

Students may choose to audit the course and not receive a letter grade. These students will be covered by the same university regulations governing audit enrollment that pertain to traditional university courses.

Computer Accounts

[Back To Listing](#)

Students taking online courses will receive a MUNet computer account at no extra cost. University and course-related email may be sent to this account unless students choose to forward their email to an alternate e-mail account.

Computer/Software Requirements

[Back To Listing](#)

Students who enroll in online courses must have basic computer skills as described in the course

syllabus and on MUOnline. They must have access to a computer on the Internet, a web browser (variety, version, and configuration as required by course), and other software necessary to complete course requirements. Technical support for course navigation will be available on MUOnline and through the Computing Services Help Desk. Instructors will not provide course technical support.

Course Approval

[Back To Listing](#)

Only existing Marshall University courses may be considered for conversion to an online course. Online courses created from already existing courses must meet the same content standards as courses offered on-campus. MU courses converted to online courses must be approved by the college dean and comply with the Southern Regional Education Board's Principles of Best Practices. In addition, all E-Courses and any T-Courses for which the faculty receive a development stipend must be approved by the Faculty Development Committee for Online and Multimedia Instruction in accordance with their published guidelines.

Course Completion Timetable

[Back To Listing](#)

Online courses may parallel the semester schedule for regular courses or they may differ from regular semester courses in the start and end dates. The course syllabus for each individual class and the Official Schedule of Courses will indicate the beginning and ending date. If the instructor specifies a deadline that goes beyond the end of the regular semester, that deadline will not exceed one year from the start of the course. Students enrolled in courses with end dates that go beyond the regular semester will receive an "I" (Incomplete) at the end of the regular semester. When the end date of the course is reached the "I" will be replaced by the grade the student earned for the course. Hours of enrollment are reflected in the actual term in which the student is registered. For all verification purposes, hours of enrollment are counted only in the term in which the student is registered.

Course Content

[Back To Listing](#)

The only difference in the curriculum of an electronic course as compared to the equivalent on-campus course will be the delivery mode. The electronic course content will meet the same standards as courses offered on-campus.

Course Enrollment Limits

[Back To Listing](#)

The college/department of the instructor will determine the enrollment limit for an e-course that is taught in load. No minimum number of registered students is required for an e-course taught as an overload. Online courses designated "writing intensive" are limited to 24 students.

Course Schedule

[Back To Listing](#)

A separate section for e-courses will be published each term in the Official MU Schedule of Courses. E-courses will also appear within the department listing offering the class.

Credit Hours

[Back To Listing](#)

Courses offered electronically will carry the same number of credit hours as sections of the same course / equivalent courses delivered traditionally.

Distribution of T-Courses and E-Courses

[Back To Listing](#)

Departments may not assign instructors to teach a course with content created by another faculty member without the express written consent of the faculty creator of the content. A departmental policy guiding distribution, published prior to the initial approval of the course, shall supercede this

restriction. Any remuneration for distribution will be negotiated on a case-by-case basis or shall be guided by departmental policy. A signed contract shall take precedence over departmental policy.

In instances where the faculty member retains exclusive ownership rights, the university may NOT distribute the online course without express written consent of the faculty creator. Any remuneration for distribution will be negotiated on a case-by-case basis.

Based on the curricular needs of the academic unit and pending all required approvals, a faculty member can develop a different version of an existing online course and teach that course. Different versions of the same online course can be offered simultaneously at the discretion of the academic unit.

In the interest of currently enrolled students, the university may continue use of electronically delivered courses developed by a member of the Marshall University community throughout the duration of the current grading period and for up to one year beyond the current grading period to ensure completion of the course by all students enrolled at the start of the semester regardless of ownership.

E-Course Agreement

[Back To Listing](#)

Instructors who wish to offer an e-course as an overload will be required to sign an Electronic Course Agreement, which obligates them to perform their duties as instructor of the course throughout the period specified in the syllabus.

E-Course/T-Course Format

[Back To Listing](#)

Student access to online courses must be through the official course management system. Exceptions must be approved in writing by the appropriate Dean and the Provost.

Evaluations

[Back To Listing](#)

Student evaluation of instructors will be consistent with University policies. The technology component of online courses will also be evaluated with the "[Flashlight](#)" tool.

Expiration of Electronic Course Agreements

[Back To Listing](#)

If the faculty member is unable to complete the course, the department will address the matter in its normal and customary way.

Faculty Compensation for Developing an E-Course or T-Course

[Back To Listing](#)

E-course and T-course development are both eligible for compensation. Faculty who may choose to develop these courses without compensation may still be compensated for teaching an e-course as an overload and Departments may still be compensated for faculty who teach these courses inload.

Development will be compensated at a fixed rate published by the Faculty Development Committee for Online and Multimedia Instruction. The faculty member who develops the course has first right of refusal, but does not have to be the faculty member who teaches the course. The committee will make its decisions on course proposals on the basis of the institution's curricular needs and available funds. Different versions of the same course may qualify for development funds depending on curricula needs and available funds. Contract agreements between departments and faculty supercede this policy.

Faculty Compensation for Teaching an E-Course

[Back To Listing](#)

Faculty who teach E-courses as an overload (an overload course is one taught in addition to a faculty

member's regular teaching load) are compensated on a per student basis in two payments. The amount per student who completes the course is a published fixed rate established through a recommendation from University Information Technology Committee to the Provost. The Faculty Senate shall review the rate recommendation. Any changes proposed by the Senate are subject to approval by the Provost. The first payment is based on enrollment at the close of schedule adjustment. The second payment is based on the number of students who receive a grade for the course. If students are carried over from one instructor (see Expiration of E-course Agreements) to another, the instructor picking up the carry over students will be appropriately compensated. When faculty teach E-courses in load, the faculty member's department will be compensated on a per student basis as described above.

Faculty Incentives

[Back To Listing](#)

Consistent with state law, the institution will establish faculty incentives and rewards to encourage instructional development and participation in distance education. This includes (but is not limited to) the acknowledgement of e-course development as a category in the Instruction/Advising area of faculty annual performance.

Faculty Load Time

[Back To Listing](#)

E-courses may be offered either as part of regular load, overload or by part-time faculty. Extra compensation will not be paid for e-courses taught within load.

Faculty Technical Support

[Back To Listing](#)

The Center for Instructional Technology will provide support and training to faculty developing online courses. This support includes formal workshops and one on one support.

Financial Aid

[Back To Listing](#)

Students registering for online courses are eligible to apply for financial aid in the same way as all other students. They can obtain information online or via telephone.

Hiring Policies

[Back To Listing](#)

Possession of skills in the delivery of course content using distance technologies will be considered a criterion in the hiring of faculty for online courses.

Intellectual Property/Ownership of Course Content

[Back To Listing](#)

Definitions

Ownership and Qualifying Conditions

Ownership/Disclosure

Dispute Resolution of Ownership Rights

Development, Promotion and Licensing of Electronic Media

Allocation of Intellectual Property Revenues

Definitions

1. Intellectual Property includes inventions, discoveries, processes, unique materials, copyrightable works, original data, electronic media, and other creative or artistic works which have value. It is protectable by statute or legislation, such as patents, copyrights, and trademarks. It also includes the physical embodiments of intellectual effort such as software.
2. Traditional Academic Copyrightable Works are a subset of copyrightable works created

for traditional academic purposes. Examples include class notes, books, theses and dissertations, educational software, articles, non-fiction, fiction, poems, musical works, dramatic works, pictorial, graphic and sculptural works, or other creative works.

3. Developers are those who contribute to the creation of the intellectual property.
4. Creators are individuals or a group of individuals who make, conceive, reduce to practice, author, or otherwise make a substantive intellectual contribution to the creation of intellectual property.
5. University Resources Usually and Customarily Provided include such support as office space, library facilities, ordinary access to computers and networks, or salary. In general, it does not include use of students or employees as support staff to develop the work, or substantial use of specialized or unique facilities and equipment, or other special resources provided by the University unless approved as an exception. Individual exceptions may be approved on a case by case basis.

Today the growing use of the Internet as a means of course delivery to a wider body of students has led to a review of traditional intellectual property/course content ownership practices and to a call for a redefinition, in certain cases, of the relationship between a course developer and the institution. This redefinition is driven to some extent by the commercial potential of new course technologies. Faculty currently enjoy royalties on their traditional scholarly copyrightable works such as texts, books, articles, creative works, instructor's manuals, study guides, etc. This scholarly and creative work exception should not change. The University does not claim ownership of books, articles, dissertations, papers, study guides, syllabi, lecture materials, tests or similar items, novels, poems, musical compositions, or other creative works. The university recognizes that faculty should benefit from the results of their work. With this thought in mind, and in keeping with its mission, the university seeks to support faculty efforts to develop new teaching technologies and methods of course delivery. The university will make every effort to ensure faculty retain intellectual property rights, credits, and associated benefits and to support faculty interests in the distribution of digital materials for the enrichment of the faculty, the institution, and the students.

- **Ownership and Qualifying Conditions**

While the faculty member owns the course materials he or she has created, there are specific qualifying conditions noted below. (If the content is created by a research center or other recognized entity of the University, the entity may adopt a stated and consistently applied policy of vesting all rights to the software in the entity, preempting the more general rights of the University.) The University maintains the right to make backup copies of electronic instructional content in order to protect against accidental or other deletion / corruption. All E-Course and T-Course content shall reside on Marshall University servers within the Marshall course content management system except in instances where content is leased or use by the university is otherwise authorized from an outside vendor. (Physical presence of instructional content on university servers does not automatically assign ownership to the university.) The University shall have the absolute, unrestricted right (except as otherwise limited in this document), to use without charge, for any purpose, any electronic instructional content created by or through the efforts of its professional staff (non-faculty employees) All work created by university staff is a work for hire and belongs to the university except when the university waives claims to the material.

1. **Exclusive ownership by the creator:** Electronic courses or electronic media are considered to be the exclusive property of the creator if the university's contribution to the development of the media has not exceeded those resources usually and customarily provided (see definition above). In all cases, the university retains exclusive right to course number and description as listed in university catalogs. All contributing developers of the electronic media work including junior faculty or students shall have a limited claim to joint ownership of the work unless agreed upon beforehand in writing. The creator retains copyright and rights to distribute the work and is not obligated to share any part of the revenue from the sale or licensing of the content with the University or, except as provided otherwise in this policy or state or federal law, with any office or

organization within the University. The creator has sole responsibility for the registration of copyrightable material for which the University has no proprietary interest.

2. **Proprietary interest of the University:** Electronic courses or electronic media created for academic use are considered to be a proprietary interest of Marshall University if the creator made significant use of university resources. In these cases, the creator must share (see Executive PB #9), with the university any royalties or other benefits from commercialization of the work. Significant use of university resources includes a development stipend, release time, specialized technical support, specialized hardware/software (purchased by university for specific project), copyright clearances, student employee support, and graduate assistant support. In these instances, the creator of the electronic media shall retain the rights to intellectual property (copyright) contained there-in but distribution or commercialization of the work requires consent of the creator and the university. As the intellectual property owner the creator of an electronic course has the exclusive right of revision and/or creation of derivative works. Revisions of course content would be required solely at the discretion of the academic unit that offers the course or in response to changes in the technology used to offer the course. The University has responsibility for the registration of copyrightable works for which it has a proprietary interest.
3. **Exclusive ownership by the University:** Electronic courses or electronic media developed by faculty as a "work for hire" and commissioned by the university and specified as such in a written contract or developed by a non-faculty employee within the scope of his or her employment and/or specially ordered or commissioned for use by the university shall be owned solely by the university both in copyright and distribution. The University has responsibility for the registration of copyrightable works for which it has exclusive ownership.

- **Ownership Disclosure**

Marshall University desires to assure that all ideas, discoveries, and electronic media are properly disclosed and utilized for the greatest possible public benefit. All members of the Marshall community with intent to market or distribute E or T courses in part or in whole for commercial or non-commercial reasons shall disclose the nature and detail of their electronic media to the Vice President for Research, or his/her designee at the earliest possible date.

Within 120 days after such disclosure, the Vice President for Research or his/her designee shall notify the creator in writing whether it is the university's intention to retain its interest and to acquire assignment of all ownership rights of the electronic media. If such notification cannot be made during that time period, the creator shall be notified as to the reason for the delay and the additional time necessary to make such determination.

If the university decides not to request assignment or ownership rights, and there are no restrictions by the sponsor of the electronic media, the university will release its proprietary interest to the creator.

- **Dispute Resolution of Ownership Rights**

In cases where there is a disagreement between the creator and the university as to ownership rights or the retention of such rights by the university, the appropriate University committee dealing with copyright issues shall recommend to the President what further action the university should take.

The creator of any electronic instructional content may petition the University to waive its non-exclusive marketing rights. The determining official for this action is the President of the university. Such a petition should include a description of the content sufficient to enable the president to make a tentative judgment as to whether commercial potential exists.

- **Development, Promotion and Licensing of Electronic Media**

Upon assignment of ownership and with consent of the intellectual property owner, the Vice President for Research or his or her designee shall act to bring to the public all electronic

[Back To Listing](#)

Students in e-courses may be required by the instructor to designate an approved proctor who will administer their examinations. The student will also be responsible for paying any fees required by the proctor. Unless the instructor specifies otherwise in the syllabus, the following steps are required once a proctor has been selected:

- * Before the first exam for which a proctor is required, the student is responsible for ensuring that the proctor states in writing to the instructor that he or she is NOT related to the student whose exams he or she will proctor.
- * Proctors will send the completed exam directly to the instructor along with a signed statement noted below. Individual instructors and proctors will determine the method of delivery of the exams (web-based, e-mail, fax, standard mail, etc.).

The signed proctor verification statement indicates that:

1. The student taking the exam presented them with a photo ID at the time of the exam;
2. the student finished the exam in the amount of time specified by the instructor;
3. the proctor was physically present during the entire time the student had the exam in his or her possession;
4. to the best of the proctor's knowledge the student finished the exam and followed all exam regulations as specified by the instructor.

Registration

[Back To Listing](#)

During the official registration periods each term, students eligible to register can register for online courses using the online MILO Web system, telephone registration, in person at the Office of the Registrar, or by mail.

Repeats

[Back To Listing](#)

Students may use online courses to meet "D" and "F" repeat requirements even if the course was originally delivered using traditional methods.

Review and Update of E-Course Content

[Back To Listing](#)

The instructor of an online course is responsible for reviewing and updating the course content according to policies established by the instructor's department/college.

Student Load Time

[Back To Listing](#)

Hours of enrollment are reflected in the actual term in which a student is registered. For all verification purposes, hours of enrollment are counted only in the term in which a student is registered. University policies regarding overloads for students wishing to take over 12 hours graduate or 18 hours undergraduate apply to students registering for online courses.

Syllabi and Course Documentation

[Back To Listing](#)

Syllabi are required for online courses and must meet the content requirements which apply to syllabi for all on campus courses. In addition, syllabi for online courses must specify minimum hardware and software requirements, minimum computer skills requirements, and a course start and completion date. Course syllabi must be made available for posting to the web as soon as possible before the course begins.

Tuition and Fees

[Back To Listing](#)

Students who register for electronic courses will pay tuition as established by the institution. Students registering for electronic courses only will be exempt from the Student Activities fee. E-Course students who wish to pay the Student Activities Fee and receive the appropriate benefits have the option of doing so. Special fees imposed by colleges/departments may apply to students registering for online courses.

Withdrawal Timetable

[Back To Listing](#)

The withdrawal period for online courses parallels that of regular courses. Students can withdraw from an individual online course through 2/3 of the official course length. After that time only a complete withdrawal from the university is allowed. The refund policy for online courses also parallels that of regular courses.