ARTICLE TWENTY-EIGHT
DISTANCE EDUCATION

28.1 The purpose of distance education is to enrich and to increase the availability of the curriculum offerings of Franklin Pierce University. The purpose of the parties in adopting this Article is to expand the curriculum offerings of the University, and to promote access to these offerings.

28.2 The use of distance education technology shall not be used to reduce, eliminate, or consolidate full-time Faculty members who were employed in the bargaining unit through August 31, 2013. No prerecorded form of instruction shall be employed by the University for the purpose of replacing current full-time Faculty members who were employed in the bargaining unit through August 31, 2013, in whole or in part, regardless of the technology utilized.

28.3 Distance Education courses taught by Part-Time Franklin Pierce University Faculty, or offered by independent providers contracted by the University, shall be counted as Part-Time FLHs for the purpose of establishing the ratio of FLHs that have been taught by Full-Time and Part-Time Faculty (Article Section 11.5).

28.3.1 For courses offered by independent providers, contracted by the University, each 18 credit hours completed shall equal 1 FLH.

28.4 Definitions

28.4.1 Distance Education

28.4.1.1 Distance Education is defined as mediated communication/instruction between Faculty member(s) and student(s) other than when Faculty members and student(s) are physically present in the same classroom for 50% or more of the course. This linkage with technology allows real time or delayed interaction using voice, video, data and/or text. Examples of technological methods that can be used singly or in combination include audio transmissions, satellite transmissions, fiber optics transmission of full-motion video, video conferencing using compressed video, cable television, microwave transmission, audio graphics/computer, videotapes, electronic mail, facsimile, world-wide web and CD-ROM. It is the intent of this Article also to cover distance education by other technologies as they develop.

28.4.1.2 Distance Education does not include the use of movies, filmstrips, videotapes, computers, and their related technologies, or other forms of aural or visual recordings, to the extent that they are used as part of course instruction, by a Faculty member who is in the same classroom as the students. However, where a Faculty member is in the same classroom as the students, but
simultaneous transmission of some form regularly occurs to students in other off campus locations, this Article shall cover both the Faculty member in the classroom as well as the education of students at the off campus location.

28.4.2 Home Site

28.4.1 Home Site means the site at which the Distance Education originates. There may be more than one (1) home site for a Distance Education course, if more than one (1) Faculty member is involved. The site at which a Distance Education course is recorded or otherwise stored for later transmission or replay shall be deemed a Home Site.

28.4.3 Remote Site

28.4.3.1 A Remote Site is any site physically separate from the home site at which a Distance Education course is received. There may be more than one (1) remote site for a course. If a course, which is recorded or otherwise stored for later replay, is replayed at the same site at which it was recorded, this site shall be the Home Site for recording purposes and the remote site for replay purposes.

28.4.4 Originating Faculty Member(s)

28.4.4.1 The Originating Faculty Member(s) may be one (1) or more Faculty member(s) who develop and teach a Distance Education course.

28.4.5 Instructor of Record

28.4.5.1 For credit-bearing University courses, the Instructor of Record is the Faculty member who has the task of grading students and otherwise supervising the offering of a distance education course.

28.5 Faculty Participation

28.5.1 No Faculty member appointed prior to January 1, 2003 shall be obligated to teach Distance Education courses throughout the term of this Agreement. Such Faculty members may volunteer to do so, subject to approval of the Dean.

28.5.2 Prior to teaching a distance education course, a Faculty member shall be afforded the opportunity for appropriate training in distance education instruction or the use of a technology used by the University to offer distance education. Appropriate training shall be suggested by the Faculty member in consultation with his/her department and will be subject to approval by the appropriate University official(s).
28.6 Technical and Instructional Support

28.6.1 The University will provide technical support and training for the technology that is currently used by the University for distance education. Such technical and instructional support and training does not constitute Substantial Use as defined in 27.4.4.

28.6.2 The University will provide Faculty members with the technical resources needed to communicate with students at remote sites by telephone, voice mail, email, fax and other technological methods of communication.

28.6.3 The University shall insure that textbooks and other course materials are available to students at remote sites. Additionally, arrangements shall be made for library access, either through technology or physical access, as appropriate.

28.7 Course Approval

28.7.1 All Distance Education courses offered for credit by the University must be approved through the process defined in Article 19.

28.8 Assessment

28.8.1 The Faculty member shall write an evaluation of his/her experiences in the distance education course and suggest measures that may be taken to improve the quality of distance education in the future. Additionally, the Faculty member should include any student perceptions regarding learning through distance education that may be helpful in improving the quality of the course offerings. This Faculty Evaluation shall be submitted to the department chairperson, the department offering the course, and the appropriate Dean/management supervisor.

28.9 Intellectual Property

28.9.1 Ownership of Intellectual Property created for Distance Education shall be governed by the provisions of Article 27, INTELLECTUAL PROPERTY.

28.10 Compensation

28.10.1 Teaching Compensation

28.10.1.1 A course normally taught at Franklin Pierce University, when taught as a Distance Education course, will be awarded the same number of FLHs as it receives when taught as a traditional course.
28.10.1.2 When a Faculty member teaches a course that is only taught by Distance Education, the course will receive the same number of FLHs as credits for the course.

28.10.1.3 When the Dean and the Faculty member agree to teach a Distance Education course to one student, the course will be paid as an Individualized Instruction.

28.10.1.4 Faculty teaching credit-bearing courses via distance education shall earn workload hours pursuant to Article 10.2.1, FACULTY RESPONSIBILITIES. Teaching Compensation shall be consistent with Article 20, SALARIES.

28.10.2 Preparation Compensation

28.10.2.1 In addition to the compensation required above, a Distance Education preparation payment shall be paid to all Originating Faculty members when the Dean requests or approves the design and development of new Distance Education courses. (Preparation Compensation is to be paid for development of both Distance Education versions of existing courses and for new courses developed specifically for Distance Education.) For each Originating Faculty member, the compensation for preparing a Distance Education course shall be either one course release time or the current Overload rate per credit hour(s) of the new course. The Dean will determine the method of compensation at the time that the course preparation is assigned.

28.10.3 Redevelopment Compensation

28.10.3.1 When it is determined that the Distance Education course’s materials are no longer relevant, the Distance Education course will be re-developed with the approval of, or at the request of, the Dean. The Originating Faculty members, presuming they are still employed by the University as Faculty members, will have the right of first refusal to revise the course. Compensation will be at 50% of the rate of Preparation Compensation, 28.10.2.

28.10.4 Royalty Compensation

28.10.4.1 Each time a Distance Education course is taught at the Franklin Pierce campuses by anyone other than the Originating Faculty member(s), the Originating Faculty member(s) will be compensated for the use of their materials if the course is defined as an Independent Works or University Assisted Works.
28.10.4.2 The Originating Faculty member(s) will be paid $100 for each offering of a course they created that is taught by another Instructor of Record.

28.10.4.3 No consulting duties are tied to the Royalty Compensation.