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# Statement on Online Education

(JANUARY 2024)

*This statement was approved under the title Statement on Distance Education in March 1999 by the Association’s Special Committee on Distance Education and Intellectual Property Issues. It was adopted by the Association’s Council and endorsed by the Eighty-Fifth Annual Meeting in June 1999 and subsequently renamed Statement on Online and Distance Education. The revised text that follows was approved by the Association’s Committee on Teaching, Research, and Publication and adopted by the Association’s Council in November 2023.*

In the 1999 statement, the AAUP established principles with regard to what was then known as “distance education.”<sup>1</sup> Despite significant technological changes in the last twenty-five years, these basic principles continue to apply: (1) the use of new technologies in teaching should be for the purpose of advancing the basic functions of colleges and universities to preserve, augment, and transmit knowledge and to foster the abilities of students to learn and (2) as with all other curricular matters, the faculty should have primary responsibility for determining the policies and practices of the institution with regard to online education.

## **I. Academic Freedom and Shared Governance**

Faculty members engaged in online education are entitled to academic freedom in accordance with the provisions of the AAUP-AAC&U 1940 *Statement of Principles on Academic Freedom and Tenure*. Under the principles of academic government set forth in the AAUP’s *Statement on Government of Colleges and Universities*, the faculty has primary responsibility for decisions regarding curriculum and instruction, which include the technological infrastructure for all courses, whether online, in-person,

or a hybrid of the two. The faculty also has primary responsibility for determining the appropriate ratio of in-person to online and hybrid courses. No course should be offered online or in a hybrid format without the consent of the instructor of record and the faculty in the department or program to which that course belongs.

As faculty members may wish, for pedagogical or other reasons, to teach in different modalities at different times, the faculty and administration should work jointly toward reconciling an instructor’s pedagogical preferences with institutional interests. The modality of a course may change from one semester to the next, or even during a semester, but no change in modality should be made without the consent of the instructor of record. Moving a course or a program online should not be used to circumvent the faculty’s primary responsibility for curriculum and methods of instruction.

*The Freedom to Teach*, a statement by the AAUP’s Committee A on Academic Freedom and Tenure, provides that the faculty has the right “to select the course materials, determine the approach to the subject, make the assignments, and assess student academic performance in teaching activities for which faculty members are individually responsible, without having their decisions subject to the veto of a department chair, dean, or other administrative officer.” This right applies to online and hybrid courses as much as it does to in-person courses.

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1. See *Statement on Online and Distance Education* in AAUP, *Policy Documents and Reports*, 11th ed. (Baltimore: Johns Hopkins University Press, 2015), 254–56.

An institution's administration should provide faculty members with any necessary professional development in order to facilitate online courses and online components of in-person and hybrid courses. An institution's instructional technologists should assist faculty members in making informed decisions about their courses but should not make course-related decisions for them, as it is faculty members who have the chief competence for making such decisions. The preparation necessary to create new online and hybrid courses, and to revise existing ones, should be incorporated into the calculation of teaching loads. Faculty members who teach exclusively online should be eligible for tenure under Association-recommended principles and standards.

## **II. Learning Management Systems and Virtual Classrooms**

Learning management systems, such as Blackboard, Canvas, and Moodle, enable instructors to create, manage, and deliver online courses. While such systems have become ubiquitous in higher education, additional tools have emerged to help create other types of virtual classrooms.

As the institutional component with primary responsibility for curriculum, subject matter, and methods of instruction, the faculty must participate in the formulation and implementation of policies governing the selection, installation, and use of a learning management system (LMS) or virtual classroom. The financial interests of an LMS provider should be subordinate to the educational interests of faculty members, students, and the institution. Language in a contract with any technological vendor, especially the company that provides an LMS, should never limit faculty members' academic freedom or participation in institutional governance. Faculty members should have the freedom to utilize those aspects of the LMS they find helpful to their teaching and decline to use those that they do not find helpful. Faculty members should also be free to employ technological tools outside of the LMS, including electronic textbooks which may not be compatible with the LMS or might be hosted on servers that are not under the institution's control.

The data generated by learning management systems should be employed only for the sake of improving pedagogy. Faculty members have a reasonable expectation of privacy when teaching online or employing online tools in an in-person class. The faculty member offering the course should be responsible for the evaluation of student work and, under normal circumstances, is the sole judge of the grades received by the students in that course.

## **III. Intellectual Property in Online Education and Open Educational Resources**

The Association's *Statement on Intellectual Property* articulates the following principles: "Course syllabi at many institutions are considered public documents; indeed, they may be posted on universally accessible websites. It is thus to be expected that teachers everywhere will learn from one another's syllabi and that syllabi will be disseminated as part of the free exchange of academic knowledge. Faculty lectures or original audiovisual materials, however, unless specifically and voluntarily created as works made for hire, constitute faculty intellectual property." These principles also apply to courses taught online or in a hybrid format. Classroom lectures should not be recorded without the instructor's prior knowledge and consent. The right to use an instructor's words or images in subsequent courses should be controlled by that instructor, though much of what faculty members distribute to students online or write in email messages may legally be redistributed by students for noncommercial uses under the "fair use" principle. Recordings of course materials are academic documents, and, as with other works of scholarship, these should have their author or creator cited accordingly. Instructors who utilize their academic expertise to create new course materials that will be used by others should be acknowledged and, if appropriate, compensated for that work.

The internet has proven to be an incredibly effective educational tool because of its size and general ease of access. Linking to teaching and research materials from an institution's servers, however, does not give the institution any control over or ownership of that work. Faculty members should be free to share their work on the internet. The faculty and administration should jointly formulate policies governing ownership of works that faculty members may wish to share on the internet.

The US Department of Education defines openly licensed educational resources (more commonly, open educational resources or OER) as "teaching, learning, and research resources that reside in the public domain or have been released under a license that permits their free use, reuse, modification, and sharing with others."<sup>2</sup> Their use should be encouraged since they are created with the express purpose

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2. "Openly Licensed Educational Resources," Office of Educational Technology, US Department of Education, accessed January 11, 2024, <https://tech.ed.gov/open/>.

of disseminating knowledge. However, the decision whether to use OER should remain with the instructor of record unless the course in question has multiple sections taught by several faculty members and responsibility is shared among the instructors for identifying the texts to be assigned to students.<sup>3</sup>

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3. Under such circumstances, according to *The Freedom to Teach*, “[t]he shared responsibility bespeaks a shared freedom, which trumps the freedom of an individual faculty member to assign a textbook that he or she alone considers satisfactory.” The same principle applies to the assignment of OER in multisection courses with several instructors.