

Distance Education Policy

Preamble & Limitations: CUNY Law's ability to provide distance education is limited both by our accrediting bodies and by the requirements that some state supreme courts place on distance education. These include:

1. **ABA Requirements.** As a law school accredited by the American Bar Association (ABA), the City University of New York School of Law (CUNY Law) is subject to the ABA Standards for Approval of Law Schools. In accordance with ABA Standards, CUNY Law students may not earn more than half of the credit hours required for the JD degree through distance education courses. CUNY Law requires 86 credits to graduate, so students may take no more than 43 credits in distance education coursework.
2. **New York Bar Requirements.** The New York Court of Appeals (NY COA) maintains that students who earn more than 15 credits in distance education coursework towards their JD degree are ineligible to sit for the bar exam in New York, which is the jurisdiction where most CUNY Law students intend to practice. Also, per the NY COA, no credit shall be allowed for distance education courses until a student has completed the equivalent of 28 credit hours toward their JD degree.

In all cases, remote participation in a non-distance education course by a student as an accommodation provided under law (such as the Americans with Disabilities Act) will not cause the course to count towards the ABA or NY COA distance education credit limits. The law school will document all cases of remote participation in non-distance education courses that will not count towards distance education limits to ensure compliance with these rules.

Purpose: This policy is designed to guide CUNY Law in the development, delivery, and granting of credit for distance education courses in accordance with ABA Standards, ever mindful of the more restrictive rule set forth by the New York Court of Appeals for New York bar membership.

Definitions:

- a) **Distance Education Course.** Per ABA definition 8, a "[d]istance education course' means one in which students are separated from all faculty members for more than one-third of the instruction and the instruction involves the use of technology to support regular and substantive interaction between the students and all faculty members, either synchronously or asynchronously." A distance education course may be delivered synchronously, asynchronously, or as a hybrid or blended class as defined below.
- b) **Synchronous online course.** A synchronous online course is one that requires students and instructors to be online at the same time. Lectures, discussions, and class sessions occur at a specific time. All students must be online at that specific hour in order to participate. There is no time delay, allowing participants to respond in real time. Faculty members may require students to participate in synchronous online courses with their camera turned on.
- c) **Asynchronous course.** An asynchronous course is one in which the faculty-led instruction is not delivered at the same time that the students receive the instruction. In asynchronous classes,

students and teachers use email, discussion boards, blogs, wikis, videos, and other technologies, which allow them to communicate and for faculty to student and peer to peer engagement without having to be in the same virtual or physical space at the same time. For more guidance on which activities qualify as “classroom or direct faculty instruction” in an asynchronous course, please refer to the Credit Hour Policy.

- d) Hybrid course. Hybrid courses (also known as blended courses) include a combination of course delivery methods, which may involve face-to-face meetings in a classroom, asynchronous class sessions, and/or synchronous online class sessions. For more guidance on which activities qualify as “classroom or direct faculty instruction” in an asynchronous course, please refer to the Credit Hour Policy. This Policy applies to those Hybrid courses that fit the definition of Distance Education Course set forth in part (a) above.

Distance Education Course Requirements:

- a) All courses to be delivered as distance education courses must be approved by the Senior Associate Dean for Academic Affairs. If the intention is to offer a course in a distance education format on an ongoing basis, then the course should be approved in that format by the Curriculum Committee.
- b) Distance education courses must include interactive tools and course design elements that provide the opportunity for regular and substantive interaction between faculty and students and among students that (at least) equal the interaction found in a traditional classroom setting.
- c) Faculty must regularly monitor student effort, provide opportunities for communication, and provide regular and prompt feedback on student effort and performance. Faculty should respond in a timely fashion to student questions and concerns.
- d) Distance education courses must be designed to use the technological resources available at CUNY Law and that are supported by the IT department. For synchronous distance education courses, this includes zoom. Additionally, all distance education courses are required to use the Learning Management System (LMS) Brightspace.
- e) Each class must be set up to protect student privacy consistent with the Family Education Rights and Privacy Act (FERPA).

Student Responsibilities:

- a) Students are expected to know how to manage basic computer issues and to have reliable technologies to fulfill course requirements. An up-to-date PC or Mac computer with access to high-speed internet is required. The CUNY Law “help desk” is available to provide support to students.
- b) Students are expected to abide by all instructions and requirements regarding all facets of distance education courses, including class assignments, class attendance, Artificial Intelligence (AI) use, and assessments.

- c) Students are expected to abide by the limitations set by the ABA of no more than 43 credits earned through distance education courses out of the 86 credit hours required to graduate. Student must also ensure that they do not exceed 15 credits earned through distance education courses if they intend to sit for the New York bar.

Approved by the faculty 12.5.25