

Update on 2005 Policy Recommendations

Submitted by

The Joint Impact of Technology Committee

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Table of Contents

Background

Considerations for TMI Policy

General Recommendations

- Recommendation 1: Credit courses the work of the bargaining unit
- Recommendation 2: TMI beyond the normal work conforms to Article 38
- Recommendation 3: Develop agreement templates and policy statements

Policy Context for TMI Course Development

- Recommendation 4: Develop appropriate academic policy and approvals
 - Policy Statement 1: TMI Interaction Policy, Senate
 - Policy Statement 2: TMI best practices
 - Policy Statement 3: TMI Editorial Policy
- Recommendation 5: Joint Standing Committee responsible for policies
- Recommendation 6: Reference to policy in CA and Joint Standing Committee

Incentives for Course Development

- Recommendation 7: In a contract faculty is creator, administration is publisher
- Recommendation 8: Elements of TMI Course Development Agreement
- Recommendation 9: Standard compensation to course creator
- Recommendation 10: Alternative compensation in case of 3rd contractual party

Course Approval

- Recommendation 11: Dean responsible for approving TMI course development
- Recommendation 12: Adhere to normal collegial approval processes
- Recommendation: 13: Peer review of content when significant TMI added
- Recommendation 14: Equivalence of learning, student opinion surveys

Course Administration

- Recommendation 15: TMI not restricted to any unit
- Recommendation 16: Course administration not restricted to any unit
- Recommendation 17: All TMI to follow consistent agreements

TMI Course Delivery:

- Recommendation 18: All TMI to follow Course Delivery Agreements

Saint John and Fredericton Coordination

- Recommendation 19: Coordination Between Two Campuses

Other Issues

Recommendation 20:	Quality Control
Recommendation 21:	Workload Issues and Communication
Recommendation 22:	Contracting In and Out

Background

Following an MOU signed between the University of New Brunswick (UNB) and the Association of University of New Brunswick University Teachers (AUNBT) in December of 2002, the Joint Impact of Technology Committee (IoT) has been meeting since 2003. The last two iterations of the IoT committee have been asked to review the twenty-two recommendations found within the 2005 report produced by the 2003-2005 committee, and to provide an updated status on each one. This report accomplishes that goal and also provides a summary of recommendations and responsible parties in Appendix 1.

The 2015-16 committee members, building on significant work provided by previous committees, have undertaken to examine the recommendations of the 2005 report in light of a number of changes to influencing documents and circumstances, including but not limited to the current AUNBT collective agreements (Group 1 and 2), the creation of UNB Online and all of its policies and procedures, the move to a new Learning Management System (LMS) – Desire to Learn (D2L), updated financial and human resource processes, the changing landscape in the entire area of the use of technology to enhance learning and student experience and expectations.

The IoT committee is aware that there are other UNB committees that intersect/overlap on the broad technology topic, and has been diligent in being inclusive, while being adamant that the scope of the work that the MOU references for the IoT is to lead conversations and consultation in a collegial manner to improve UNB.

Considerations for the Future

There is no doubt that much has been accomplished at UNB since the 2005 report and that the learning environment here and at other post secondary institutions around the world is evolving in dramatic fashion.

Despite the fact that the collective agreements still make reference to Technologically Mediated Instruction (TMI), that term is both too vague and too specific to be useful. TMI is too vague in that almost every course, online or not, uses the D2L learning management system to some

degree or other. TMI is too specific with regard to instruction given that there are support groups and systems that need consideration such as library services, use of cloud computing, network access and so forth. The IoT committee has not yet come up with a recommended replacement for this term but recognize its limitations.

As we turn our attention to the future, our work on the 2005 report reveals that many of the twenty-two recommendations have been fully or partially addressed. Some others have been overtaken by current practice and a few still need some work in order to build effective and appropriate processes and policies for the university.

The attached report details the status of each recommendation, including those outstanding ones that will feature prominently in the future work of the IoT Committee. Much of the near term future work of the IoT Committee will need to focus on Recommendations 4 to 6 which fall under the heading “Policy Context for TMI Course Development”. Appropriate policy development and subsequent standardized implementation across faculties, programs and campuses will help address a number of concerns identified in the report review.

Having said that, the Committee is keen, as well, to begin deliberations on a whole new set of issues in the “online category” such as creation of priority activities, effective communications to faculty and staff, inclusive discussions on both campuses regarding the use and growth of technology in dissemination of knowledge, examples of success, technology as an opportunity and a barrier, and more.

The IoT Committee members recognize the fact that there is no over-arching strategy or academic plan that incorporates online as another normal mode of delivery, that drives development of online content or that addresses student expectation. It is our hope that we can inform the discussion in the university community and help shape the way ahead in a cooperative manner.

REVIEW OF PREVIOUS RECOMMENDATIONS

General Recommendations

2005 Recommendation 1: The Committee recommends that no future development of TMI should challenge the well-accepted principle that all credit courses are the work of the bargaining unit. All UNB credit courses, however offered, fall under the authority of the dean responsible for the program of which the credit course is a component.

2016 Response

Both the Group 1 and Group 2 Collective Agreements, and current practice, are in compliance with this recommendation.

2005 Recommendation 2: As all work of the bargaining unit is subject to the Collective Agreement as agreed to between the two parties (the AUNBT and the Administration), the Committee recommends that in cases where TMI facilitates expanding beyond the normal work of the bargaining unit (geographically, temporally, or in terms of internal or external revenue generation, involvement of a third contractual party or of a licensing agreement), that the contract between the parties involved in developing such TMI should conform to Article 38 in the Collective Agreement. Given its focus on revenue generation, the College of Extended Learning is considered a third contractual party for purposes of this document.

2016 Response

Both Group I (Art 38 & 39) and Group II (Art 28 & 29) Collective Agreements are in compliance with this recommendation. However, given Art 39.03(a) of the Group I CA, the Impact of Technology Committee recommends monitoring the statistics on such contracts and notes that in the 2013-14 collective bargaining process, both bargaining teams have addressed the issue of external partnerships and an MOU has been signed between UNB and both Group I and II of AUNBT.

2005 Recommendation 3: In order to provide clarity in situations where so much complexity is possible, the Committee recommends that we be given the mandate to develop templates for two specific agreements between UNB faculty and the Administration: a) a TMI Course Development Agreement, and b) a TMI Course Delivery Agreement. The parameters for these are further discussed below. The Committee recommends that we also be given the mandate to

develop two major Policy Statements needed for the successful integration of TMI based courses into mainstream academic programs at UNB. These include: a) expectations that might be reasonably held by and for students, faculty and Administration in terms of instructional interaction in the TMI context, and b) guidelines and standards considered reasonable for the Administration to apply as “publisher” of TMI materials. These are also further discussed below.

2016 Response

Course agreements templates exist for both development and delivery.

With respect to policy development and Recommendations 3-6, however, the issues remain outstanding. Questions remain, for example, on how to make practices broadly consistent across both campuses, especially as relates to technology fees, revenue streams, course approval processes. The Impact of Technology Committee recommends a policy framework for curriculum development in online format and consistency for courses that are offered in face-to-face, blended or completely online formats. As these policies and procedures must protect academic freedom as well as the imprimatur of UNB, the Impact of Technology Committee will work in close cooperation with CEL, CETL, IT and representatives from both Campuses to develop these.

POLICY CONTEXT FOR TMI COURSE DEVELOPMENT

This section addresses questions raised by UNB and AUNBT presidents about TMI course development, including provision of resource support for development, development of fair incentives, and the provision of technical and other support. It also addresses the question of whether or not to restrict which units can authorize development of such courses. These questions are addressed through the general policy context for TMI development.

2005 Recommendation 4: We recommend the development of appropriate academic policy statements as set out below, and their approval by the appropriate university bodies, including the two Senates:

- **Policy Statement 1:** a clear, concise statement to students, faculty and administrators as to reasonable expectations in the design of and participation in TMI education. Such

issues as appropriate parameters of interaction between instructor and student (e.g. frequency of contact, methods of communication/student submissions, maximum periods for response to student submissions, exam policy, acceptable forms of student evaluation, modes of student feedback to faculty, periods of availability for student consultation, among others); on-line access to the instructor, and turn-around time on emails, as well as a host of other issues, must be clarified so that the parties do not have unreasonable expectations of each other for the TMI educational experience. This policy will be referred to below as *TMI Interaction Policy*. We assume such policy will be approved by the appropriate committees and the two Vice Presidents (Fredericton and Saint John).

- **Policy Statement 2:** a clear, concise statement to faculty as to best practices for materials developed for TMI applications, including appropriate technical criteria and standards (adapted as necessary to respond to technological change, accessibility standards, testing and evaluation procedures – see Recommendation 13).
- **Policy Statement 3:** a clear, concise policy should be developed that will be referred to as the *TMI Editorial Policy*. In cases where the parties involved have decided that a development or teaching contract is required, the resulting TMI materials should conform to a set of appropriate technical criteria and required standards. Those interested in developing on-line courses with commercial application should be aware that such courses might be required to conform to more stringent UNB “publication” standards. The appropriate Administration official(s) will decide whether these standards have been appropriately applied, and the TMI Editorial Policy would assist in making such standards transparent. The names of specific individuals or offices responsible for supplying the specific technical criteria, standards, etc. referred to above should be made available to all parties to the contract, as should the collegial academic processes for resolving conflicts between these standards and academic merit.

2005 Recommendation 5: a Joint Standing Committee should be charged with responsibility for maintaining the currency of the above policy statements.

2005 Recommendation 6: Reference to this policy should be included in the Collective Agreement as well as reference to the above Joint Standing Committee [which may require its own MOU].

2016 Response

See response to Recommendation 3. Recommendations 4-6 in particular have not been dealt with. Recommendation 6 may require an MOU with AUNBT.

INCENTIVES FOR COURSE DEVELOPMENT

The Committee believes that creating proper incentive structures for TMI course development will involve careful consideration. For example, in cases where credit courses involve substantial TMI, and may therefore have potential for third party licensing, a written agreement between the parties involved in the development of that course is essential so as to clarify the financial and intellectual contributions (as is consistent with Art. 38 of the CA), and the financial rewards to the respective parties. In such cases, we recommend the following development model.

2005 Recommendation 7: In any situation where the parties involved have agreed that a contract is required, we recommend that the UNB faculty member(s) should be treated as the *creator(s)* and the UNB Administration should be treated as the *publisher* of any credit course involving TMI. It is expected that both creator(s) and the publisher will follow the above TMI Interaction and TMI Editorial Policies (see Recommendation 4) in the negotiation of this contract and of their respective roles.

It is recognized, as is specified in Article 38.02F of the Collective Agreement, that the creator(s) of TMI course materials will receive more than “normal resources” from UNB; these resources will be specified as part of a TMI Course Development Agreement.

2016 Response

While policies have not yet been developed, the spirit of Recommendation 7 is covered in practice, and is consistent with the language of the two collective agreements.

2005 Recommendation 8: A model TMI Course Development Agreement would resolve many normal questions that might arise in negotiating such agreements. The Committee recommends that such a model agreement should be developed and should respect Articles 38 and 39 of the Group 1 Collective Agreement and relevant language in the Group 2 CA, including Articles 29 and 30. Further, the Committee recommends that the Dean of the academic unit or equivalent for which the credit course is developed, should be responsible for arranging such agreements with the faculty member or members involved.

The TMI Course Development Agreement will include, at least:

- 8.01. the names of all individuals working as creator(s);
- 8.02. a description of the required materials;
- 8.03. the name of the specific course for which the materials are intended;
- 8.04. a time-frame for delivery of the materials

2016 Response

Recommendations 8.01- 8.04 are part of current practice.

- 8.05. a list of the specific resources (including training), from UNB and elsewhere, that are beyond those normally provided to members of the Bargaining Units, that will be made available, without charge, to the creator(s) as part of UNB's commitment to such development activity;
- 8.06. a list of the specific resources, from UNB and elsewhere, that will be the responsibility of the creator, with an attached estimate of charges;

2016 Response

Recommendations 8.05 and 8.06 require more discussion in the Impact of Technology Committee. It is unclear how provision of support "beyond that normally provided" is covered in the current CA language, especially as that relates to revenue sharing. Current practice needs review here.

- 8.07. assignment of responsibility for obtaining permissions for use of intellectual property owned by third parties;

2014 Response

Recommendation 8.07 is covered under existing practice.

- 8.08. a statement that development of TMI materials may be recognized as evidence of academic competence as per the Collective Agreement (Article 25D.06);

2016 Response

The Group 1 Collective Agreement still does not explicitly refer to development or delivery of online courses in Article 25D.06. The Group 2 Collective Agreement does not refer to development or delivery of online courses in 18A.03. There is reference in Art 29.03 c and e although not as evidence of competence. The Committee recommends that future amendments to the Collective Agreements should explicitly recognize development of TMI materials as evidence of academic competence and as criteria for right of first refusal. The committee further notes that while the asynchronous character of some online courses creates challenges for the current Student Opinion Survey, mechanisms to overcome these challenges should be possible (ie. grouping SOS response dates).

- 8.09. a concise statement of the TMI Development Agreement that will be provided to AUNBT and to the Official File.

2016 Response

Practice is unclear with respect to placement of contracts in official files, particularly with respect to Contract Academic Employees. The Impact of Technology committee agreed that if a copy is consistently placed in official files, a copy to the AUNBT offices would be unnecessary.

The Committee recommends, however, that total numbers of contracts awarded should be information made available on an annual basis to AUNBT.

The TMI Course Development Agreement will further specify:

- 8.10 a period of time, normally three years, during which UNB has:

- a. exclusive rights to the developed materials for use with the contracted UNB credit course, and
 - b. the right to negotiate agreements with third parties for use of the materials provided any such agreement and associated compensation is acceptable to the creator(s);
- 8.11 that, consistent with Article 38.07d, the creator will not undertake to develop a course that is substantially the same for any UNB competitor, during the life of this agreement unless such is approved by UNB;

2016 Response

Recommendations 8.10 and 8.11 are current practice; however, with respect to 8.11 the Impact of Technology Committee recommends updating the Group II Collective Agreement (Art 29.08) to be consistent with Group I.

- 8.12 that, as is consistent with Article 10, a TMI Course Development Agreement will only be offered to members of the Bargaining Unit except as provided under that clause;
- 8.13 that the creator will endeavor to maintain the currency of all material delivered as part of this agreement;
- 8.14 that it is the responsibility of the two parties to notify of an intention to renew the contract six months prior to the expiry of any agreement;
- 8.15 that the TMI Course Development Agreement will terminate no later than one year following voluntary or involuntary termination of employment at UNB (excluding retirement) of the creator;
- 8.16 that in cases where it is consistent with Article 38.04(f), UNB may use the materials for one year following the termination of the TMI Course Development Agreement if a replacement agreement for that course has not been signed;
- 8.17 that a TMI Course Development Agreement involving any entity outside the Bargaining Unit cannot have a term lasting longer than 1 year including the payment of royalties or residuals in any form;
- 8.18 that a creator who is a member of the Bargaining Unit has the right to an Instruction Agreement with UNB for any course for which they were the most recent creator unless they specifically waive that right.

2016 Response

Recommendations 8.12-8.18 are in current practice, however, with respect to 8.16, the current contract language stipulates 6 years, not one.

2005 Recommendation 9: We recommend that the two parties agree on standard forms of compensation to the course creator. Such compensation will normally include one of the following:

- workload credit with recognition of the work as part of a normal workload in units suitable to the academic unit of the creator and taking into account, among other things, the time required to become competent in the use of the required technologies, the time required to integrate the technologies and the specified course content, and the extra resources provided by UNB without charge;
- a stipend, no more than that specified in the Collective Agreement for a term course, paid in addition to normal salary and taking into account, among other things, the time required to become competent in the use of the required technologies, the time required to integrate the technologies and the specified course content, and the extra resources provided by UNB.

2016 Response

Recommendation 9 is generally the current practice. However, the Committee recommends a review of the range of compensation practices as some course agreements pay the employee above the rates stipulated in the two CAs. Also, the Committee recommends that “the extra resources provided by UNB” needs clarification.

The Committee also flagged a concern that relates to library resources to meet course requirements, as there is currently no process for having a review by library staff. One such issue might be the impact the course has on licensing on a per use basis. Several of these issues are problematic and require further investigation in order to find solutions.

2005 Recommendation 10: In cases where TMI facilitates expansion beyond the normal work of the bargaining unit (see Recommendation 2), we recommend that the parties may wish to consider alternative forms of compensation for course developers, in a way consistent with Article 14, 38 and 39 of the CA.

2016 Response

The Joint Committee on External Partners should be consulted on Recommendation 10.

The above recommendations specify the Dean as the level of administration responsible for arranging the development of TMI courses. In this capacity the Dean could act on behalf of his/her own office or any other administrative level of the university subject to arrangements for necessary fiscal or other resources. The Dean is also responsible for such negotiations with any other Dean or Director (as with CEL or Library Services).

COURSE APPROVAL

This section of the document deals with those questions regarding responsibility for decisions to develop a course and/or for revision of courses, course approval processes and/or developer commitments where such courses are parallel to other courses bearing the same course designation.

In the recommendations that follow, nothing should be taken to contradict the most recent UNB Guidelines for New, Modified and Terminated Academic Programs.

2005 Recommendation 11: Given Recommendation 1, the Dean in the Faculty for which the credit course is offered (after approval at the department level where a Faculty has departments), is responsible for approving the development and the revision of TMI courses. Courses offered through CEL will also require CEL approval.

2016 Response

Currently in place.

2005 Recommendation 12: We recommend that in all situations of credit course approval, it is important that the normal collegial approval process is followed, including department and/or Faculty, and Senate levels of approval. New courses developed for web delivery, or courses modified so that their instruction delivery includes a significant new TMI component, should follow standard curriculum change procedures as set out in the UNB policy and procedures.

2016 Response

Practice is inconsistent across faculties. The Committee recommends that face-to-face courses being developed for online delivery should be flagged for curriculum review. That review should take place at the department level, or at the faculty level in non-departmentalized faculties.

2005 Recommendation 13: In cases where an existing credit course is modified to be offered with a significant TMI component, we recommend that the approval process should involve a description of the course (as usual), and in addition should also include a peer review of content.

2016 Response

Practice is inconsistent. Perhaps policy development can provide parameters for this decision (see recommendations 4-6).

2005 Recommendation 14: Where credit courses are offered in both traditional and TMI formats, we recommend that students should find them equivalent learning experiences in terms of curriculum content, assessment requirements, and solicitation of student opinions. This offers a measure of curriculum control to units, particularly in contexts where the course is a prerequisite to other courses. Student opinion surveys should be conducted on all such courses (as for example, with OALP), and the introduction of the online student opinion survey (if the pilot is accepted) may facilitate this.

2016 Response

This is current practice, however, as the student opinion survey is under revision, it provides an opportunity to check online responses.

COURSE ADMINISTRATION

This section of the document addresses questions about potential restrictions on which units can decide to offer such courses and on which units should administer such courses. It also deals with the question of previous commitments made to instructors about the opportunity to teach such courses for extended periods of time.

2005 Recommendation 15: We recommend that TMI course development or delivery at UNB should not be restricted to any particular academic or administrative unit or units.

2005 Recommendation 16: We recommend that course administration should also not be restricted to any particular academic or administrative unit. In making this recommendation, the Committee is aware that there may be resources available in a particular unit, such as CEL, that are not available to others at the present time. However, these resources might be made generally available to other academic units on a cost recovery basis. These arrangements should be made between Deans and Directors.

2016 Response

The Committee recommends a total review of the issues surrounding recommendations 15 and 16. The Committee notes for example that there can be confusion over what type of courses are included under this policy: online, audio or video. Given the increasing use of mixed methods in course delivery, there can be problems with how any one course is categorized, resulting in communication lags or changes to the student fees charged.

There are also questions about which units can initiate and offer cost recovery courses and the affects of current practice on ability to deliver online courses through faculty offices. Currently, there are no incentives for alternative arrangements such as “service for purchase”. Resource allocations and revenue streams are also a concern. Clarification of these issues through consistent and clear policy direction should be a top priority going forward.

2005 Recommendation 17: We recommend that the administration of all TMI courses follow the TMI Course Development process described above (see Recommendations 7-10). As well, we recommend that the actual instruction of such courses follow the TMI Instructional Agreement process described below. This should be the case whether such courses were developed prior or subsequent to this document.

2016 Response

Currently in place.

TMI COURSE DELIVERY

This section of the document deals with questions having to do with TMI course delivery.

We identify at least four different administrative arrangements whereby TMI has been delivered.

These include:

1. a faculty member delivers the course as part of load or on overload;
2. a stipendiary lecturer is hired to deliver the course;
3. CEL offers the course through a stipend to either faculty or a contract employee;
4. CEL offers the course through an OALP arrangement.

Recognizing this variety of delivery administrative arrangements, we recommend:

2005 Recommendation 18: that all TMI course delivery should adhere to a Course Delivery Agreement, with the parameters for such an agreement listed below, and as is consistent with Article 39 of the Collective Agreement. The Dean of an academic unit or equivalent will be responsible for arranging the Course Delivery Agreement. The approved person (subject to Article 10 of the Collective Agreement) involved in TMI course delivery may or may not be the course developer.

The TMI Course Delivery Agreement will specify at least the following:

- 18.01. Consistency with the UNB TMI Interaction Policy (see Recommendation 4);

2016 Response

This issue is outstanding – see Recommendation 4-6.

- 18.02. whether the course will be synchronous with regular academic session term dates, asynchronous (each student starts and works on their own schedule) or based on some hybrid model with the exact parameters governing the start and end dates for the course detailed in each case;
- 18.03. an enrolment cap established for the course as appropriate for the discipline;
- 18.04. that synchronous TMI courses will not be active any longer than a specified UNB academic term;
- 18.05. that the enrolment cap will be respected in asynchronous courses for a given

section, as will the time limits for completion imposed on individual students by the Registrar;

- 18.06. that the academic freedom of the instructor permits the addition of material to the “course” that will remain as long as that instructor has an active TMI Course Delivery Agreement for the course;

2016 Response

Recommendations 18.02-.06 reflect current practice.

- 18.07. remuneration for the role of Instructor in term based courses will be the amount specified in the Collective Agreement (Article 36B.01);

2016 Response

Current practice for both synchronous and asynchronous courses as referenced in both Group 1 and Group 2 CAs

- 18.08. a limit on the number of “courses” or “sections” that an individual may teach in an academic year;

2016 Response

Current practice but a process may be developed to ensure that Deans are informed – see recommendations 4-6.

- 18.09. the number of, or procedure for assigning teaching assistants to the course;

2016 Response

Given practice with face-to-face courses, it is unclear what resources are or can be devoted to teaching assistants for on-line courses. The policy document may comment on this – see Recommendation 4-6.

- 18.10. who will be responsible for ensuring the student has access to course materials, communications, teaching assistants, and the instructor (e.g. CEL, Department, Dean);

- 18.11. a home Department or Faculty, and
- 18.12. the resources and assistance that will be provided to the Instructor from that source;
- 18.13. that TMI courses will be recognized as a form of dissemination of knowledge per the Collective Agreement;
- 18.14. the conditions in which the Instructor could be replaced;

2016 Response

Recommendations 18.10-18.14 are currently covered under practice and in the two collective agreements, but see Recommendation 8.08.

- 18.15. a concise statement of the TMI Delivery Agreement that will be provided to AUNBT and to the Official File.

2016 Response

Providing a copy is in the official file, copies need not be provided to AUNBT.

SAINT JOHN AND FREDERICTON COORDINATION

This section of the document deals with potential inconsistencies between the Fredericton and SJ campuses with respect to the above issues.

The Committee notes that given the opportunities provided by TMI, several issues of intercampus coordination may arise. For example, CEL currently plays a significant role in TMI on the Fredericton campus, while the Saint John campus operates under a different set of arrangements. There is thus a potential for duplication of on-line courses where the same or similar credit programs exist on both campuses. There may also be confusion over which Dean should approve a credit course delivered on-line when it is accepted for credit programs on both campuses. These circumstances underline the need for coordination and cooperation among the Deans on both campuses.

2005 Recommendation 19: Given the above, we recommend that the course approval process on both campuses should include a requirement for consultation with the other campus where

there is a possibility of duplication (see also Recommendation 20). Both senates should require this in their course approval process.

2016 Response

Coordination between the two campuses is uneven across programs. The Committee recommends that this be addressed as part of the Policy Development envisaged in Recommendations 4-6.

OTHER ISSUES

This section of the document deals with questions of quality control.

The Committee notes some alarming cases where some faculty members have acquired very heavy teaching workloads when the inclusion of a number of Technologically Mediated courses are taken into consideration. We feel it is very important not to have incentives in place that encourage these types of loads (see Recommendations 9 and 10). While faculty may be making the choice to assume additional teaching responsibilities through new technological methods, whether for additional remuneration or as part of load, the university should be concerned about the quality control implications of such work loads.

Quality control is the responsibility of all concerned, including the faculty member, the department chair and the dean.

2005 Recommendation 20: Consistent with our earlier recommendations, we recommend that the Dean of the relevant faculty must ensure the high quality of course and monitor the professionalism of the instructor, after receiving recommendations by departments where those exist.

2016 Response

The Committee recommends that the Dean continue to be responsible for course quality assurance.

2005 Recommendation 21: The Dean of the relevant faculty is also responsible to advise people appropriately about the workload implications of on-line teaching or course development when it is done outside of workload parameters (see Article 10 of the Collective Agreement). To facilitate this process, we emphasize the employee responsibility under the Collective Agreement to inform their Dean when considering creating a TMI course for another institution (contracting out) (see Article 21 of the Collective Agreement).

2016 Response

Information flow may remain a problem here – policy development may assist with this. See recommendations 4-6.

2005 Recommendation 22: We also recommend that given the portability of some TMI, contracting within or across faculties of the university, or from other institutions, should only be done with the approval of the department or unit as well as of the faculties involved. Given the implications for the work of the bargaining unit (see Article 39.03a of the Group 1 Collective Agreement) copies of the departmental approvals should be forwarded to both parties. It should be recognized that the need for extensive course contracting should be viewed as a symptom that a unit requires an increase in its complement.

2016 Response

The Committee notes that this requires review and further discussion. While the posting process deals with some of these issues, it is unclear who should or is being informed.

APPENDICES

1. Table Cross Referencing 2016 Recommendations and Actions