

Professor Harry Zarin  
President  
Montgomery College Chapter  
American Association of University Professors  
Rockville, MD

February 1, 2019

Dear Professor Zarin:

This confirms the understanding reached between the College and the Chapter regarding E-learning course offerings and instructional materials. After review and good faith discussion, the parties have modified the 2015 agreement regarding distance education offerings based on experience over the last three years. It is the intent of the parties that these provisions shall be effective from February 1, 2019 until February 1, 2022 and can be modified or revised by mutual agreement. If negotiations for a new agreement are not complete by February 1, 2022, the current agreement will continue to be in effect until a new agreement is reached. Thereafter, the provisions can be incorporated into the negotiated Agreement between the parties by mutual agreement.

The E-learning Side Letter applies to courses and online instructional materials that are defined as follows:

*Blended Online Section:* A blended online section combines face-to-face classroom instruction and online internet-based learning using a course management system. The amount of instruction that takes place online may range from 10-99 percent of the total instructional minutes.

*Online Section:* An online section provides 100 percent of instruction solely through a course management system. Assessments and/or orientations may be completed online or at an on-campus/proctored location, based on faculty preference. Neither is considered part of instruction.

*Blended Synchronous Classroom Section:* A blended synchronous classroom section combines face-to-face classroom instruction and synchronous classroom learning using software, such as Collaborate. The amount of instruction that takes place within the synchronous classroom may range from 10-99 percent of the total instructional minutes.

*Online Synchronous Classroom Section:*

An online synchronous classroom section provides 100 percent of instruction entirely through a course management system and a synchronous classroom program, such as Collaborate. Assessments may be completed online or at an on-campus/proctored location, based on faculty preference.

*MOOC:* A massive open online course (MOOC) is a model for delivering learning content online to any person who wants to take a course, with no limit on attendance.

*Open Educational Resources (OER) Materials* - Open Educational Resources are freely available teaching materials that the author has licensed in an open format, such as, but not limited to Creative Commons. The open format allows others to re-use and adapt the materials with little or no restrictions. The materials can include (but are not limited to) full courses, textbooks, lecture notes, slides, videos, handouts, tutorials, assignments, assessments, or other relevant course instructional materials.

*Z-course* - course sections that do not require students to purchase a textbook (or other course materials) because the instructor has chosen to use Open Educational Resources (OER), or other course instructional materials, which have no cost to students.

### *Emerging Technologies*

Because of the swiftly changing nature of E-learning technologies, new formats for online teaching in addition to those defined above may emerge, for example, but not limited to, MOOCs. It is assumed that all emergent distance formats are covered under the provisions of the current side letter, until additional negotiations to include those new technologies take place.

In addition, most E-learning issues fall under the purview of collegewide area Deans or a designated member of management to discuss and resolve in a manner that best fits the individual disciplines.

### E-Learning Remuneration:

In recognition of the additional training and time needed for the development of courses and instructional materials delivered through online technology, faculty may choose to apply for remuneration:

1. For the development of fully online or hybrid classes listed in the existing catalogue or for the development or adaptation of a fully OER course or course textbook by a single faculty member for his or her use only in a specific semester
  - a. A faculty member will be paid at 1 ESH per course hour during the semester in which he or she is developing the course(s) or OER materials for the first two courses.
  - b. A faculty member will be paid .5 ESH per course hour during the semester in which he or she is making significant adaptations to existing OER materials or textbooks for inclusion in a course.
  - c. A faculty member who is developing a distance education course for the first time must complete the development of the course at least one semester prior to offering it.
  - d. A faculty member who has been remunerated for the development of an online course or courses, may request additional remuneration for the redesign of the course as a fully OER course or for the design of an OER textbook provided that a minimum of 2 years has elapsed between the development of the course and the development of the OER.
  - e. A faculty member can negotiate payment for the development of additional courses and/or OER material or significant redevelopment of existing courses and/or OER materials with his or her Dean and Vice President of E-Learning, Innovation, and Teaching Excellence.
  - f. A Faculty member who accepts remuneration for course development and/or OER development is subject to the Montgomery College Intellectual Property policy (PNP 68001)  
<http://www.montgomerycollege.edu/verified/pnp/68001.doc>
  - g. A faculty member who chooses not to be remunerated and does not use College resources to develop an online course offering and/or OER materials is not subject to the Montgomery College Intellectual Property Policy.
  
2. For the development of fully online or hybrid non-credit courses not in the existing catalogue
  - a. a course proposal should be sent through the Workforce Development and continuing Education curriculum process to determine course hour equivalency
  - b. Faculty members will be paid at 1 ESH per course hour during the semester in which they are developing the course(s) for the first two courses.
  - c. Faculty members who are developing an E-learning course for the first time must complete the development of the course at least one semester prior to offering it.
  - d. Faculty members can negotiate payment for the development of additional courses or significant redevelopment of existing courses with their Deans and Vice President of E-Learning, Innovation, and Teaching Excellence.

- e. Faculty members who accept remuneration for course development are subject to the Montgomery College Intellectual Property policy (PNP 68001) <http://www.montgomerycollege.edu/verified/pnp/68001.doc>
  - f. Faculty members who choose not to be remunerated and do not use College resources to develop an online course offering are not subject to the Montgomery College Intellectual Property Policy.
3. For the development of common courses and/or for the development or adaptation of a fully OER course or course textbook by a team of faculty
- a. Identification:-Potential common courses and OER courses or materials may be identified and recommended for development by the College administration or academic disciplines when they fit the criteria below.
  - b. Definition: A common course is a generic course that can be replicated for use by multiple instructors with minimal training. Team-designed OER courses or materials are generic OER that can be shared for use by multiple instructors or course sections with minimal training:
    - Uses-the Course Management System(s) selected by the college (online course and OER)
    - Reflects accepted discipline, departmental, and College standards (online course and OER)
    - Reflects the Montgomery College Standards for Online Teaching and the standards in the Online Course Observation Form (online course)
    - Is ideally designed and developed collaboratively by discipline faculty representing Montgomery College’s campuses that offer the course together with instructional designers from the Office of E-Learning, Innovation, and Teaching Excellence (online course and OER)
    - Is complete and usable, with only minimal editing, by any trained discipline instructor; is sufficiently detailed that no additional online or OER course materials are required (online course and OER)
    - Requires a coordinator to upload and/or maintain more than three sections taught by multiple instructors during the Fall semester, Winter/Spring semester, or collective Summer sessions (online course and OER)
    - Is customizable by trained faculty (online course and OER)
    - Meets the essential standards for well designed courses set by Quality Matters (online course)
    - Is a course developed by Montgomery College faculty specifically for our student population (online course)
  - c. Development: Faculty members will be paid at a minimum of 1 ESH per course hour divided among the faculty participants based on the work expectations during the semester(s) in which they are developing the course(s). The charts below suggest standard divisions of ESH based upon work expectations, though these may be redistributed according to the needs of the individual development team, and with the agreement of its members. In addition, with the submission of a development plan approved by the Dean and Vice President of E-Learning, Innovation, and Teaching Excellence, a team may request remuneration for additional semesters to complete the development of a common course or team-designed OER materials.

<b>Option 1: Two semester development process with Lead faculty designing and support faculty revising</b>		
	<b>Sem 1</b>	<b>Sem 2</b>
<b>Lead Faculty</b>	2/3 designated ESH	3/4 designated ESH
<b>Support Faculty (shared)</b>	1/3 designated ESH	1/4 designated ESH
<b>Option 2: Two semester development process with Lead faculty and support faculty co-designing</b>		
	<b>Sem 1</b>	<b>Sem 2</b>
<b>Lead Faculty</b>	2/3 designated ESH	2/3 designated ESH
<b>Support Faculty (shared)</b>	1/3 designated ESH	1/3 designated ESH
<b>Option 3: 1 semester development process with a preexisting course or OER designed by lead faculty member and revisions by support faculty</b>		
	<b>Sem 1</b>	
<b>Lead Faculty</b>	2/3 designated ESH	
<b>Support Faculty (shared)</b>	1/3 designated ESH	

- d. **Course coordination:** After a common course site is developed, a course coordinator is required to maintain the course and to work towards Quality Matters Certification for quality online course design. A course coordinator must have completed or exempted from the Montgomery College Online Teaching course prior to being appointed as coordinator. ESH for common course coordination will be provided by the Office of E-Learning, Innovation, and Teaching Excellence. Because of the varying size and nature of common courses within different disciplines, every course coordinator will not necessarily do all of the same tasks (please refer to the E-Learning Common Course project document for potential tasks associated with coordination). The Common Course Coordinator and Dean negotiate which tasks will be needed. Then, the amount of ESH provided for coordinating is established in negotiation among the Coordinator, Dean, and Vice President of E-Learning, Innovation, and Teaching Excellence based upon the agreed upon tasks. Coordination ESH may range between a minimum of .25 ESH (approximately 10 hours of work) and 2 ESH (approximately 80 hours of work). The tasks, approximate hours, and amount of ESH should be agreed upon by the date of the final schedule proof for each term to ensure scheduling continuity. The Course Coordinator position is rotated between faculty every three years, and faculty can be reappointed.
- e. **OER Maintenance:** After a team-designed OER course or textbook is developed, an individual is required to periodically maintain and update the materials to ensure currency and relevance. An OER coordinator must have prior experience in developing or significantly adapting OER materials prior to being assigned as coordinator. ESH for OER maintenance will be provided by the Office of E-Learning, Innovation, and Teaching Excellence. Because of the varying size and nature of common courses within different disciplines, every OER coordinator will not necessarily do all of the same tasks. The OER Coordinator and Dean negotiate which tasks and how often they will be needed. Then, the amount of ESH provided for coordinating is established in negotiation among the Coordinator, Dean, and Vice President of E-Learning, Innovation, and Teaching Excellence based upon the agreed upon maintenance schedule and tasks. Coordination ESH may range

between a minimum of .25 ESH (approximately 10 hours of work) and 2 ESH (approximately 80 hours of work). The tasks, approximate hours, and amount of ESH should be agreed upon by the date of the final schedule proof for the term in which the materials will be updated to ensure scheduling continuity.

4. If a faculty member accepts payment for the development of an individual course or common course or OER but does not complete the development of that course within one academic year, or develops a course that is deemed unsatisfactory by his or her discipline or Dean, he or she is required, with Board of Trustees approval, to reimburse the College for all funds paid directly to the faculty member or paid on his/her behalf.
5. In the event of significant platform or version changes to the College-selected course management system that require retraining and/or redevelopment of materials, college management and the Chapter should negotiate additional compensation for faculty.
6. Additional development, delivery, support, and coordination of E-learning courses is paid for, as with any other type of course, only through mutual agreement among the faculty member, Dean, and Vice President of the Office of E-Learning, Innovation, and Teaching Excellence. Such support is not intended to be routine, but would be given when an increased workload justifies it.

#### Class size

In determining class size for courses offered in an E-learning format, strong consideration should be given to any unique features required of course delivery in this format that might significantly impact faculty workload and/or the educational experience of the students enrolled. When scheduling classes in an E-learning format, faculty members and the Dean will meet to discuss a consistent and appropriate class size for each online course offering before the deadline for the submission of the live online schedule. In addition, individual faculty members and Deans may meet to discuss whether an individual course section should have a greater or smaller class size based upon a unique teaching situation. Per the definition at the beginning of this document, MOOCs will be unlimited in terms of class size.

#### Response Time and Faculty Leave:

The following are the minimum standards for interaction between faculty and students in online courses:

1. The instructor's response policies are clearly stated and do not exceed 2 business days, excluding weekends and holidays.
2. Communication policies are clearly stated (i.e. When to expect feedback, what kind of responses, where to find those responses).
3. The course is designed to take advantage of multiple modes of communication to give feedback.
4. The instructor has multiple methods to establish "presence" in the course site.

Just as a faculty member teaching on campus must report sick, professional development, bereavement, personal, or other leave when unable to meet with a class, even when other arrangements have been made for the class to complete its work, so must E-learning faculty report sick, professional development, bereavement, personal, or other leave when they are unable to meet with their online classes. While online faculty are not expected to participate in their classes every day, the Montgomery College standard is for faculty to respond to students in online classes within 2 business days. If an instructor is not present or active

in his/her course site for more than 3 business days, he or she must submit a request for the appropriate type of leave. When a faculty member is on leave, a message should be posted to students informing them that the instructor is on leave and the expected duration of that leave. During the leave period, the faculty member is not expected to be present in his/her online course.

Additional E-Learning Standards and Procedures:

There is a series of documents posted at the ELITE website (<https://www.montgomerycollege.edu/offices/elite/resources.html>) related to E-learning procedures and standards that were developed by a joint labor/management committee and accepted by the office of the SVPAA. These procedures and standards may be reviewed or revised with the side letter, or at other times as necessary, by an appointed labor/management committee, and they are not incorporated by reference into this Side Letter.

If these terms are consistent with the discussions and meet with the Chapter's approval, please sign and return one original of this letter.

Sincerely,



Harry Zarin, President  
For the AAUP Chapter



Heather Pratt, Employee and Labor Relations Director  
For Montgomery College Management