

## **F1 Students and Distance Learning** 06/14/07, rev. 11/27/07

You may recall, that I recommended that we adopt a policy for MSACS F1 students and distance learning about a year and a half ago in anticipation of requirements being pushed down to us. The US government has instituted a policy regarding F1 students and as the MSACS is considered a distance learning program, we do not have an option to comply, we must comply. The Georgia BOR refers to this policy as well.

Rather than passing the responsibility to comply with the policy down to faculty, I have developed a MSACS policy to protect our F1 students, to protect MSACS faculty from having to implement policy on their own, and to protect KSU from the consequences of non-compliance. In this policy, the MSACS director is responsible for taking action when students are found to be out of compliance with government policy (the director will counsel the student and notify the Director of International Studies when needed). MSACS faculty are responsible only for taking and reporting attendance to the MSACS director (twice – once at midterm, and at the end of the course).

### **F1 Students and Distance Learning Policy**

The U.S. Citizenship and Immigration Services (<http://www.uscis.gov/portal/site/uscis>) lists a policy in regards to F-1 students and distance learning courses (67 FR 76256), which limits how much distance learning F-1 students may include in their program of study. The policy for the MSACS program:

- F-1 Visa students must attend all MSACS regular 3-hour courses physically on campus in the classroom with the professor.
- MSACS F-1 students may attend any applied-studies courses and 1 or 2-hour courses through online learning technologies (no more than 3 hours per semester).

Faculty can simply record attendance at the beginning of each formal class meeting, and record all students who are attending on campus, and all who are attending live but at a distance. That way, the faculty member is not singling out F1 students for differential treatment.

**Notes:**

There is at present no KSU policy on distance learning courses and F1 students. The BOR only refers to the US government policy.

There is currently only one distance program on campus, other than the WebMBA (which is a BOR initiative): the MSACS. We also happen to be a premium-priced cohort program, so it is understandable that KSU has not yet created a policy for distance learning premium-priced programs and F1 students, when there is only one exceptional program that the policy would apply to. We are exceptional in a number of ways, but I expect we will eventually have a KSU policy on this issue.

I have asked Lynn Black and Teresa Joyce to review this issue and provide a KSU policy and/or guidance for the MSACS program. Since they have not yet addressed the issue, I asked them to review the proposed policy for the MSACS. However, the law is in effect now, and we are required to comply now. If/when we receive guidance from administration we will of course adopt KSU policy. But the temporary lack of a KSU policy does not negate my responsibility to obey US law. I have asked Flora Devine to review the federal law and advise.

Some MSACS faculty strenuously objected to any attempt to comply with federal law in this respect, and counseled me to ignore the law, which would be both unethical and unpatriotic in light of homeland security concerns. Or I could have simply notified faculty of the requirement and left it to each of them to determine how to comply at their own legal risk. Instead I choose the path of ethical leadership and developed a policy that protects the interests of our F1 students while also protecting MSACS faculty from the requirement to implement the law on their own without guidance.

Also, it would be unfair to admit F1 students into the MSACS and then surprise them with a policy on distance learning attendance only after they have committed to the program, so this policy went into effect in time for Fall semester 2007. F1 students need to know in advance that they do not have the same options to attend entirely at-a-distance, even if the details will change in the future. To not inform students in advance of their admission and making travel plans to come to the US would be to admit them under false pretenses, since we know at the present time that there is a restriction on their distance participation. That would not be ethical.