

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 5 – B
DATE: October 2-3, 2024

SUBJECT

New BOR Policy 2.7.3.1 – Learning Management System (Second Reading)

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2.7.3](#) – Syllabi and the Learning Management System

[AAC Guideline 2.7.3.B](#) – Learning Management System Administration Guideline

BACKGROUND / DISCUSSION

The Board of Regents manages a systemwide learning management solution. This solution is Desire2Learn (D2L). The Academic Affairs Council (AAC) initially developed a guideline to manage the procedural content for the system. However, AAC determined at their December 2023 AAC meeting to move that guideline to a policy. The system requires that each course has an active shell in D2L. Therefore, with the onset of the syllabi policy, this new policy will complement the system solution and the requirements for course content.

The content for this policy will be migrated from the guideline to a new policy.

Sections:

1. Purpose
2. Definitions
3. Policy Statements
4. LMS Compliance
5. System Administration
6. Third-Party Tools and Functionality Policy
7. User Accounts
8. User Roles and Course Access Requests
9. LMS Designated Use
10. Course Purging

This policy ensures compliance with federal and state rules and regulations, especially confidentiality. The Technology Affairs Council (TAC) and AAC have evaluated this draft

(Continued)

DRAFT MOTION 20241002_5-B:

I move to approve the second and final reading of the new draft policy BOR Policy 2.7.3.1 – Learning Management System, as presented.

policy. This policy, in summary, clarifies the role of the system administrator, campus administrator, roles for the students and faculty as well as retention of course content.

IMPACT AND RECOMMENDATION

The Academic Affairs Council (AAC) and Technology Affairs Council (TAC) have reviewed the policy revisions for the second reading and approved these changes. Revisions have been made since the first reading at the August 2024 BOR meeting and are highlighted **yellow** within Attachment I.

The Board academic staff supports the movement from guideline to policy for the new proposed draft of BOR Policy 2.7.3.1 – Learning Management System.

ATTACHMENTS

Attachment I – Proposed New BOR Policy 2.7.3.1 – Learning Management System

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Learning Management System

NUMBER: 2.7.3.1

A. PURPOSE

This policy outlines the governance and administration of the Learning Management System (LMS), which serves a vital role in the delivery of course content and instruction to students across all modalities.

B. DEFINITIONS

1. **Board of Regents (“BOR”)**: The constitutional body responsible for governing the Unified System of Public Higher Education in South Dakota, which encompasses its supervision, coordination, management, and regulation. BOR 1.1.1, 1.1.2 and SDCL § 13-49 through § 13-53 provides the authority to govern academic programming.
2. **Regental Institution(s)**: One of the six (6) universities: Black Hills State University, Dakota State University, Northern State University, South Dakota School of Mines and Technology, South Dakota State University, and University of South Dakota.
3. **Instructor of Record (“Instructor”)**: The individual assigned by the institution with overall responsibility for the development and implementation of the course syllabus, delivery of the course, and issuing grades for a given course.
4. **Learning Management System (LMS)¹**: A comprehensive, integrated software-based system that supports the development, delivery, assessment, and administration of courses in traditional face-to-face, blended, or online learning environments.
- ~~5. **Course Catalog**: The student information system catalog for student registration to include the course title, course subject and number, credit hours, instructor of record (if/when assigned), academic term and year, course meeting schedule, building location, delivery method, and campus.~~
- 5. Student Information System (SIS)**: The system that manages all student information managed through the Regents Information Systems department of the Board of Regents.
- 6. Cross-Listed Sections: Defined in AAC Guideline 2.4.4.A.**

C. POLICY STATEMENTS

¹ 2014, EDUCAUSE. Retrieved from <https://er.educause.edu/articles/2014/4/selecting-a-learning-management-system-advice-from-an-academic-perspective>

1. The BOR utilizes a centralized LMS for all institutions to serve as the primary platform for the delivery of **academic** course content tools used to enhance the teaching and learning environment.
2. Institutions shall provide training for students, faculty, and staff training on the system's LMS. Instructors teaching online courses through the LMS are subject to the training requirements stipulated in [AAC Guideline 2.3.8.B](#).
3. Courses within the LMS shall be made available per [BOR Policy 2.7.3](#).
4. **Instructors may not require students to participate in any assessments or activities before the course's start date in the [Course CatalogSIS](#).**
5. Students shall have access to their course(s) up to thirty (30) days after the course's end date in the [Course CatalogSIS](#).
6. Institutions shall have their own branding **in the LMS** to uniquely identify their courses; however, institutions must all use the same core navigation and layout as established by the **[committeeLMS Management Committee \(see Section E\)](#)**. This ensures similar student experiences across the Regental system.

D. LMS COMPLIANCE

1. System and institutional policies pertaining to copyright of intellectual property, software and instructional materials govern ownership of course content on the LMS. All copyright regulations will be observed. See also [BOR Policy 4.9.1](#).
2. Family Educational Rights and Privacy Act (FERPA) shall be adhered to in accordance with BOR Policy ([BOR Policy 3.3.1](#), [BOR Policy 3.3.2](#), [BOR Policy 7.7](#)).
3. The LMS shall adhere to the policies on acceptable use [BOR Policy 7.1](#).
4. Integration into the LMS shall adhere to [BOR Policy 7.4](#) as well as internal procedures and practices.
5. Federal laws on assistive technology shall be followed.

E. SYSTEM ADMINISTRATION

The Board of Regents **~~developed~~ established a the** system LMS **~~management~~ Management [Ceommittee](#)**. Representatives include each institution's LMS administrator and functional staff.

1. The committee reports to the system Academic Affairs Council and the Technology Affairs Council. Therefore, the committee will be co-chaired by one appointee from the Academic Affairs Council (AAC) and one appointee from the Technology Affairs Council (TAC).
2. This committee shall oversee operational decisions and may make policy recommendations to the appropriate council.
3. Each BOR institution may have one academic representative and one technical representative. Each institution shall have only one vote. Additional institutional personnel may participate in an advisory role on the committee.

4. Committee Responsibilities

- Ongoing management and maintenance of the LMS.
 - Developing recommendations as to the proper academic and technical management of the system.
 - Reviewing, recommending, and maintaining the integration of third-party tools.
 - Third-party tools are subject to student privacy, data use and protection, and compliance with applicable BOR policies and guidelines (i.e., [BOR Policy 3.3.1](#), [BOR Policy 3.3.2](#), [BOR Policy 7:6](#), etc.).
 - If there is a cost involved with the add-on or third-party tool, institutions making the request will be expected to secure funding for any one-time and on-going cost.
 - Such integrations may require additional approval from one or more of the BOR standing councils (AAC, BAC, SAC, or TAC).
 - Establishing and managing an archiving/purging process for course and student content within the context of BOR policy for document retention and requirements by system, institutional, departmental, and program accreditors.
 - Periodically reviewing the marketplace to ensure the selected LMS and its integrations continue to meet the future needs of the BOR and its institutions.
5. In addition to management and maintenance, the LMS management committee will develop, maintain, and enforce a consistent interface and experience for all users.
6. The committee shall review, recommend, implement, and manage digital accessibility tools to ensure that content within the LMS is accessible, per federal and state rules, BOR Policies and AAC Procedures.

F. THIRD-PARTY TOOLS AND FUNCTIONALITY POLICY

Many vendors produce tools that can be integrated into the LMS. This allows them the capability to link their services and/or materials into the LMS and can provide both faculty and students with supplemental information or functionality to complete coursework.

Requests for integration will go through a process of approval and implementation prior to being available, and if there is a cost associated with a tool, that cost must be justified, and a funding source identified. The LMS Management Committee reserves the right to reject any request for a third-party tool that does not comply with the system standards.

Additionally, Regental Institutions may utilize third-party tools outside of the LMS for other non-academic activities—such as community education, externally-funded activities, etc.—when the LMS does not have the functionality or capabilities necessary to facilitate such activities.

All third-party tools must comply with all applicable BOR Policies and Guidelines, including 7.4, 7.6, and 7.7.

G. USER ACCOUNTS

User accounts ~~shall be considered~~ any account created and listed in the learning management system (LMS), making the account available for course, institution, or system use as governed by roles assigned to the account. All members of the Regental community that need access to the LMS will utilize their institutional email and password assigned.

H. USER ROLES AND COURSE ACCESS REQUESTS

The LMS Management Committee (see AAC Guideline 2.7.3.B) manages the LMS and user roles to ensure users have the appropriate level of access. If an individual needs access to a course and is not the instructor of record, they must request access as outlined in the guideline.

I. LMS DESIGNATED USE

1. ~~The LMS shall be used for the following purposes:~~The LMS shall be used to create, manage, and deliver content related to and/or supporting the delivery of credit and non-credit bearing courses, and to facilitate extension services, training, orientation, or other learning and outreach relevant to Regental Institutions.
 - a. ~~Instructors teaching credit or non-credit bearing courses that lead to degrees offered by one of the Regental institutions;~~
 - b. ~~Master Teachers instructing high school courses for the NSU Center for Statewide E-learning;~~
 - c. ~~Employees providing training courses to Regental system employees and/or enrolled students;~~
 - d. ~~Extension services and other outreach offered through Regental institutions;~~
 - e. ~~Students auditing the course and non-students are eligible to take courses using the LMS through the Class Visitor Program.~~
2. [BOR Policy 2.7.3](#) requires institutional courses to have a course shell regardless of modality. Exceptions to this ~~shall be are~~ outlined in ~~BOR Policy 2.7.3~~that policy.
3. Courses in the LMS shall be used to provide the syllabus and is highly recommended to distribute course content, send course notifications, and to manage grades.
4. Grade synchronization with the SIS will be automatically integrated for those faculty who utilize grading in the LMS.
5. Cross-listed ~~courses-sections~~ shall automatically be merged into one (1) course shell. It shall be at the discretion of the instructor of record to use the merged or the individual shells.

J. COURSE PURGING

SIS courses will be purged from the LMS seven (7) years after the end of the course's assignment term, though exceptions will be provided as detailed in the procedural guidelines.

FORMS / APPENDICES:

None

SOURCE:

BOR October 2024.

DRAFT