

Remote Options in Higher Education: The New Normal

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In the 2022-2023 academic year, many institutions of higher education attempted to return to "normal" operations – meaning the in-person, sometimes residential, and often immersive experience that characterized the prototypical college experience before March of 2020. The return to in-person operations was often met by pushback from employees and students alike. While many saw value in face-to-face learning and working, there were also widespread calls for flexibility and incorporating remote capabilities into day-to-day operations.

As higher ed grapples with how to effectively operate moving forward, colleges and universities would be well-served to consider lessons learned from the pandemic. To the extent that institutions are comfortable retaining some remote options, there may be an opportunity to attract students who are interested in learning remotely or in a hybrid fashion. Online programming can be produced relatively cheaply, and it may allow for the use of existing resources to increase revenue, expand offerings, or both.

Online instruction might be particularly suited to programs that are not targeting the traditional college student – part-time programs, or those offered to non-residential learners, or parents or other caregivers. On the other hand, offering fully remote courses may impact accreditation, and in-person learning may be required for certain disciplines or professional licenses. Institutions should also consider whether the online experience they are offering is consistent with their brand, and how it positions them relative to competitors. The choice of when and where to offer remote courses and employment opportunities should be considered as part of the overall strategic mission of a college or university and should generally not be a localized or even departmental decision.

If, after undergoing a strategic calculus, an institution determines that it wants to limit online offerings, it should clearly communicate these expectations. The institution should review student handbooks and emphasize that the educational experience is designed to be immersive and in-person. Expectations around presence at work should also be clarified in job descriptions, employee handbooks, and employment agreements. While explicit messaging of the expectation that employees will physically come to work and students will attend school in-person may not have been necessary in 2019, it can head off misunderstandings, and potentially liability in our new normal.

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Even when such institutions make their expectations clear, they may still be required to flex. Employers and educators are required to provide reasonable accommodations to employees and students who are disabled or pregnant, or for religious reasons. The experience of working remotely during the pandemic shows that remote work may be more of a "reasonable" option than many previously believed. In order to foreclose a student's request for remote learning as an accommodation, an educational institution will have to consider whether remote attendance fundamentally alters the student's course of study; for employees, the institution will have to consider whether it eliminates an essential job function and/or poses an undue hardship. The answer to those questions may increasingly be "no" for many roles, even if the vast majority of operations is occurring in-person.

In addition to legal requirements, it can be a matter of good policy to offer flexibility. A recent *Boston Globe* article noted that nearly 58% of employees in the United States work remotely at least once a week, and the availability of remote work may be a valuable perk that can attract applicants in a tight labor market. Students, particularly non-traditional students, might also be drawn to remote learning options. Even for employees and students who are generally in-person, options for occasional remote access are a compassionate and logical measure responsive to concerns about the spread of COVID and other infectious diseases, but also to the burgeoning mental health crisis that was exacerbated by the pandemic. Remote access can be a valuable tool in achieving employment and educational aims, but institutions should employ this tool strategically, legally, and in a way that aligns with their mission and values.

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