



Executive Vice Chancellor  
and University Provost

205 East 42nd Street  
New York, NY 10017  
Tel: 646-664-8075  
Fax: 646-664-2967  
[academicaffairs@cuny.edu](mailto:academicaffairs@cuny.edu)

March 28, 2024

Colleagues,

Thank you for the extensive feedback on the Learning Management Systems (LMS) Use Policy draft. Your thoughtful engagement is appreciated and has been instrumental in crafting the final policy which will be submitted to the Board of Trustees as a resolution in the next Board cycle.

Consistent with our strong commitment to faculty governance, each concern has been given careful consideration. The revised draft policy and *LMS Use Q&A* (provided with this letter) address concerns raised during the shared governance process and provide greater clarity of the purpose and scope of the proposed policy.

As we conveyed earlier, the role an LMS plays in safeguarding CUNY's sensitive data, resources, and above all, the privacy and trust of each member of our community, is significant. A single LMS for online courses not only simplifies the management of security risks, but also significantly reduces vulnerability to cyber threats across the system. Equally importantly, a single LMS contributes materially to student success both by establishing a uniform tool for accessing course materials and by limiting the technology that must be mastered by any student. We have heard repeatedly from our students that the multiple tools faculty use to deliver online classes create confusion and are unnecessarily burdensome. For these reasons, we will continue to strongly recommend that all online classes be delivered through the university-supported LMS.

Nevertheless, we have heard faculty concerns and recognize that there may be accreditation requirements or other educational needs for which an LMS other than the university-supported one is more appropriate. We therefore have modified the policy to allow the college or academic unit to authorize use of an alternative LMS advocated by faculty so long as it meets threshold security and legal conditions articulated in the LMS Use policy and the college agrees to assume the costs and liabilities of the intended use. In addition, we have added clarity to wording of the policy to reflect its intended scope and coverage. Many of the concerns raised by faculty reflect a misunderstanding of the policy and/or what is possible within the University-supported LMS, D2L Brightspace.

We look forward to working with you to implement this policy. Again, thank you for your meaningful engagement and assistance in shaping the final improved proposal.

Best,

A handwritten signature in blue ink, appearing to read 'Wendy F. Hensel', is written in a cursive style.

Wendy F. Hensel  
Executive Vice Chancellor and University Provost

## ***Policy Title***

Learning Management System (LMS) Use Policy for Online Classes

## ***Policy Statement***

All Online Synchronous and Online Asynchronous classes must be delivered via a learning management system (LMS) that meets:

- [CUNY's cybersecurity policies](#);
- applicable data privacy laws including FERPA, GDPR, CCPA, COPPA, PIPEDA, ISO 27018, Cloud Security Alliance (CSA), and Security Trust and Assurance Registry (STAR); and
- any other relevant University policies and guidelines.

A course is “delivered” in an LMS for purposes of this policy when an instructor, at a minimum, posts a course syllabus and uses the gradebook and announcements functions for the duration of the course.

Use of Brightspace, the CUNY-supported LMS, is strongly recommended once implemented. A college/academic unit may choose to allow use of an LMS other than the University-supported LMS when it meets the following conditions:

- The LMS is verified by the college CIO as meeting cybersecurity and data privacy policies as specified above.
- The college/academic unit assumes costs and liabilities associated with use of an alternative LMS. All procurement rules must be followed.
- The college/academic unit is responsible for course enrollment and ensures their data follows University Registrar enrollment and grades guidelines.
- The college/academic unit is responsible for LMS integration with CUNYfirst, CUNY SSO, and all other technologies as needed (third-party e-learning tools) to ensure reporting compliance for IPEDS, ADA, homeland security/visa status, and NC-SARA.
- The college/academic unit is responsible for training and support as well as ongoing maintenance and security vulnerability updates of the environment.

## ***Policy Rationale***

Online classes require digital platforms to connect students with instructors and content. A single LMS contributes materially to student success both by establishing a uniform tool for accessing course materials and by limiting the technology that must be mastered by any

student. Students report that the multiple tools faculty use to deliver online classes create confusion and are unnecessarily burdensome.

In addition, the necessary electronic transmission of confidential and personally identifiable information during the semester in online courses is more vulnerable to cyberattacks than traditional classes, specifically from an endpoint security, privacy, and process perspective. The use of the university-supported LMS or an alternative LMS that meets [CUNY's cybersecurity policies](#) and complies with data privacy laws will significantly reduce the likelihood of a security breach. It simultaneously supports identity management to increase assurance that the student enrolled in the online class is the person participating in the class.

CUNY currently supports two LMSs -- Blackboard and D2L Brightspace – that meet these guidelines. After CUNY's contract with Blackboard expires on December 19, 2025, Brightspace will be the single University-supported LMS.

***Policy Owner***

Executive Vice Chancellor and University Provost

***Responsible Office***

CUNY Academic & Faculty Affairs

***Contact Information***

Academic Program Review & Policy

***Approved By***

***Effective Date***

By campus concurrent with transition to D2L Brightspace.

***Constituencies***

Faculty, instructional staff, and administrators

***Related Information***

## **LMS Use Policy Q&A**

### **What is a Learning Management System (LMS)?**

A Learning Management System (LMS) is a software application designed for the administration, documentation, tracking, reporting, automation, and delivery of educational courses, training programs, materials, or learning and development programs. It serves as a centralized platform for managing various aspects of the learning process and provides tools for creating, organizing, and delivering educational content to learners. An LMS is focused on online learning delivery but also supports a range of uses, acting as a platform for online content for in-person and hybrid courses.

### **What modalities of instruction does the new LMS Use Policy apply to?**

The LMS Use Policy applies only to courses offered as Online Synchronous or Online Asynchronous. It does not apply to courses offered as In-person, Hybrid Synchronous, Hybrid Asynchronous or Hyflex. However, use of the University-supported LMS is strongly recommended for all classes as appropriate.

### **Why doesn't this policy apply to all modalities?**

In-person and hybrid classes do not require use of digital platforms and electronic transmission of confidential and personally identifiable information for instructional purposes. Faculty electing to transmit such information electronically are obligated to use platforms that meet cybersecurity and data privacy requirements.

### **What does the new LMS Use Policy Require?**

The new policy requires all online synchronous and asynchronous classes to be delivered through an LMS that meets [CUNY's cybersecurity policies](#); applicable data privacy laws, and other relevant University policies and guidelines. Use of the University-supported LMS D2L Brightspace, once implemented on a campus, is strongly recommended. A college or academic unit may authorize use of an alternative LMS so long as the alternative LMS meets threshold security and legal conditions articulated in the LMS Use policy, and the college agrees to assume the additional costs and risks associated with using, maintaining, and upgrading the alternative LMS.

### **Why is the University strongly recommending that all online classes be delivered through the University-supported LMS?**

Online classes require digital platforms to connect students with professors and content. A single LMS contributes materially to student success both by establishing a uniform tool for accessing course materials and by limiting the technology that must be mastered by any student. Students report that the multiple tools faculty use to deliver online classes create confusion and are unnecessarily burdensome.

In addition, the necessary electronic transmission of confidential and personally identifiable information during the semester in online courses is more vulnerable to cyberattacks than traditional classes, specifically from an endpoint security, privacy, and process perspective. The university-supported LMS D2L Brightspace meets [CUNY's cybersecurity policies](#) and complies with data privacy laws including FERPA, GDPR, CCPA, COPPA, PIPEDA, ISO 27018, Cloud Security Alliance (CSA), and Security Trust and Assurance Registry (STAR). This significantly reduces the likelihood of a security breach. It

simultaneously supports identity management to increase assurance that the student enrolled in the online class is the person participating in the class.

### **What does it mean to “deliver” a course in an LMS?**

The LMS serves as a common access point for students to secure course materials and on-going access to their grades. At a minimum, meeting the “delivery” requirement includes the following:

- (1) the course syllabus must be posted in an accessible format that is consistent with respective campus requirements. Posting the syllabus in an LMS supports transparency and accountability for students in online learning;
- (2) the gradebook and announcements functions must be used. Regular updates serve as a supportive channel for disseminating changes to the schedule, clarification of assignments, and announcements of upcoming events or deadlines in a consistent location. The Gradebook in the LMS centralizes and organizes all assessment data and offers students a private, protected, and individualized view of their progress within the course;
- (3) all confidential and personally identifiable information about students must be contained in the LMS and may not be transmitted via email or other technology not meeting [CUNY’s cybersecurity policies](#) and applicable data privacy laws; and
- (4) all course recordings must be uploaded and embedded in the course site. Live sessions conducted via Zoom, Teams, or other video conferencing platforms should be accessed through the course site. These tools are available and integrated within Brightspace.

In addition, it is strongly recommended that all instructors of online courses, as well as instructors of hybrid and in-person courses, where appropriate, do the following:

- Upload and embed course materials in the LMS to ensure availability and accessibility via the LMS accessibility checker and Ally. Organizing these materials in modules that mirror the syllabus outline, with readings and media embedded when possible, helps students locate and engage in the materials in a timely manner.
- Link and access specific library resources, ebooks, and online articles in the LMS. Open Educational Resources (OER) should be uploaded or linked to external sites in the course modules within the LMS as well.

### **Does the LMS limit what tools I can use?**

The LMS does not limit the tools faculty can use in teaching their online classes. A modern LMS is designed to integrate with many third-party tools, and D2L Brightspace can support thousands of tools which faculty can link to the LMS. Tools also can be used or accessed independently of the LMS in online courses.

### **Can I use publisher supported apps and other program-specific platforms and materials accessed through Brightspace?**

Yes. Although Zoom, Teams, Academic Commons, and Google Classroom as stand-alone platforms do not meet CUNY’s cybersecurity and data privacy requirements, they may be used in conjunction with Brightspace or another approved LMS. They cannot be used in place of an LMS.

Zoom and MS Teams are integrated with Brightspace. Numerous third-party tools are also [integrated](#), and many others can be. Although Brightspace includes a blogging feature, faculty have the option at their discretion to link to other platforms and tools from their Brightspace course site including computer science/data science software, math-oriented software, and OER materials. Academic Commons and Open Lab are examples of Wordpress sites that can be linked to Brightspace.

Note that while it is recommended that links to external websites are embedded in the LMS course site to make them easy for students to locate and access, this is not required under the policy.

### **How does Brightspace support students with disabilities?**

Brightspace technology conforms with global accessibility standards and is designed with people with disabilities. Brightspace includes tools such as the Accessibility checker and Video Note to support the creation and consumption of accessible learning content as well as features that facilitate universal design for learning as a practice of inclusive pedagogy.

### **Can I leverage open-educational resources (OER)?**

Yes, you can link to OER materials from Brightspace.

### **What third-party integrations with Brightspace will be available? What additional options are there?**

MS Teams and Zoom are integrated with Brightspace. Google Tools such as Google Classroom and numerous other third-party tools as shown [here](#) can be integrated. This is not a comprehensive list as Brightspace can support thousands of other tools that meet industry standards.

CUNY can support only a limited number of third-party tools at the enterprise level. Campuses and academic units may procure and integrate additional third-party tools as deemed appropriate.

### **Can I use Google Classroom with Brightspace?**

Yes, Google Classroom can be linked to from Brightspace.

### **Can I use Wordpress sites with Brightspace?**

Yes, Academic Commons and Open Lab are examples of Wordpress sites that can be linked to from Brightspace.

### **Can I use Open Lab in Brightspace?**

Yes, you may link to Open Lab content from Brightspace as you would to any external content.

### **Can I use Academic Commons with Brightspace?**

Yes, you may link to Academic Commons content from Brightspace as you would to any external content.

### **Can I use Teams and/or Zoom?**

Yes, Teams and Zoom are integrated with Brightspace.

### **Do I have to post links to these sites in the LMS or can I send my students to the website directly?**

Posting links in the LMS course site is not required by the policy. This is strongly recommended because doing so makes it easy for students to locate and access the sites.

### **What is Brightspace LeaP?**

Brightspace [LeaP](#) is an adaptive learning tool that can be used to build personalized learning paths for students. It is most appropriate for fact-based courses, such as geography, history, and science, with well-defined, granular learning objectives. To use it, the instructor has to build a Leap path where they would add learning objectives, questions, and content to the path. It is not automatically “on” in any course.

### **Does the LMS restrict how I teach my online class or the materials I use? Isn't this a violation of academic freedom?**

No. The LMS provides an environment for delivering online instruction much like a classroom is the environment for in-person instruction. The instructor has control over the content, methods, and resources used for instruction within the environment. A modern LMS is designed to integrate with many third-party tools and supports links to content on external websites.

### **What is “Regular & Substantive Interaction” and what does it have to do with LMS use?**

Per US Department of Education regulations, online courses must provide evidence of [regular and substantive interaction \(RSI\)](#) between a student and an instructor. Institutions risk losing access to student financial aid if the institution is audited by the US Department of Education’s (DoE) Office of Inspector General or as part of a periodic Departmental financial aid program review and found to be out of compliance. The LMS is the best tool to enable colleges to provide evidence of RSI during an audit.

### **What should a faculty member do if they want to use an LMS that is not Brightspace?**

A faculty member who wants to use an LMS other than Brightspace should first secure the support of their department chair or dean, who will work with the campus’ Chief Information Officer to verify whether the LMS meets applicable cybersecurity and other regulations. The college must assume responsibility for any additional costs associated with using, maintaining, and upgrading the alternative LMS. All procurement rules must be followed.

### **How will the University enforce the LMS Use Policy?**

It is expected that all instructors will comply with this policy as with all other University policies. If a student reports or it becomes known that an instructor is not delivering an online course within Brightspace or an LMS approved by this policy, the Chief Academic Officer of the college or their designee will investigate and facilitate compliance by providing education and technical assistance to the instructor. An instructor’s repeated refusal to comply with this policy should be considered in assigning online courses in the future.