



## “Am I still on mute?” A reflection of online teaching in the Covid-19 Pandemic.

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### *Abstract*

*The Covid-19 pandemic in March 2020 resulted in a closure of the University at short notice following the ‘lockdown’ rules put in place by the United Kingdom government. From late March the decision was taken to close all buildings and to move all remaining teaching online.*

*In order to effectively continue to provide rewarding teaching and learning experiences for the students, it was clear that simply uploading materials onto the virtual learning environment would not work, yet these were modules not designed to be taught and assessed in an online environment. As a result, teaching staff and students had to rapidly adapt to meet the situation head on.*

*This article considers the effect of the crisis on the professional practice of two senior lecturers in law by incorporating reflective practice. The reflection observes the crisis, the steps taken to address the crisis and the impact for future practice.*

*The article then goes on to consider, in the light of pedagogical theory, the implications for future course design in the post-pandemic environment.*

### **Keywords**

Covid-19; crisis, online learning, asynchronous, reflective practice

### **I. INTRODUCTION**

Like many colleagues across the Higher Education sector the authors have from time to time considered the pros and cons of delivering synchronous teaching and/or asynchronous teaching, either utilising a blended learning approach or an entirely online approach. Much has been written about the subject of distance learning with those in favour of one or the other putting forward varied arguments for their preference. While it is accepted that students are now usually comfortable using electronic devices in their daily lives, can we assume that they also prefer the option of learning online? Research has identified two distinct areas for

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consideration in relation to the design and implementation of online learning: student attainment and student satisfaction.

In terms of student performance there is a large body of research that indicates performance following online learning is on a par with that of face to face learning<sup>1</sup>. Russell<sup>2</sup> concluded that previous studies did not definitively prove, either positively or negatively, that technology does not impact learning. While other studies have findings that suggest online performance is lower than that following face to face learning<sup>3</sup>. Research conducted by Bandara and Wijekularathna<sup>4</sup> identified differences in student performance depending on whether the assessment was essay based or consisted of analytical questions. With an essay based assessment the research showed that online students outperformed students who had received face to face learning but this was reversed when analytical questioning was involved. They hypothesised that this was due to students studying online spending a greater amount of time self-learning the material than those receiving face to face tuition as those attending class had regular access to the lecturer and so may have believed that the relevant information would be given to them. In contrast those receiving face to face tuition were better prepared for analytical questions as the lecturer would have provided analysis and application during feedback in the classroom session which the online students may not have received to the same degree.

Lyke and Frank<sup>5</sup> conducted a survey comparing the performance and satisfaction of students between online and classroom learning. The results showed that the learning outcomes of both groups of students were the same but students in the online environment demonstrated lower ratings for student satisfaction than those whose learning had taken place in the traditional class room setting, leading them to the conclusion that, "undergraduates may perform as well in an online environment as their counterparts in a traditional classroom, but their satisfaction with the educational experience may suffer". However, other research identified different outcomes, with some identifying lower satisfaction amongst students studying online<sup>6</sup> while other studies found a higher level of satisfaction was demonstrated by

<sup>1</sup> Tucker, Sheila. 2001. "Distance Education: Better, Worse, or As Good As Traditional Education?" *Online Journal of Distance Learning Administration* 4(4). Retrieved 28<sup>th</sup> May, 2020 <https://www.westga.edu/~distance/ojdla/winter44/tucker44.html>. Rivera, J., McAlister, K. and Rice, M. 2002 A Comparison of Student Outcomes & Satisfaction Between Traditional & Web Based Course Offerings *Online Journal of Distance Learning Administration*, Volume V, Number III, Fall 1 – 11, 5.

McFarland, D., Hamiltion, D. (2005) Factors Affecting Student Performance and Satisfaction: Online Versus Traditional Course Deliver. *Journal of Computer Information Systems*, 46(2), 25-32, 28.

Summers, J., Waigandt, A., Whittaker, T. (2005). A Comparison of Student Achievement and Satisfaction in an Online versus a Traditional Face-to-face Statistics Class. *Innovative Higher Education*, 29(3), 233 – 250, 242.

Parkhurst, Rosamond, Barbara M. Moskal, Gary Lee Downey, Juan Lucena, Thomas Bigley, and Sharon Elberb. 2008. Engineering Cultures: Online versus In-class *Journal of Online Learning and Teaching* 4(4) 438 – 444, 442.

York, Reginald O. 2008. "Comparing Three Modes Instruction in a Graduate Social Work Program." *Journal of Social Work Education* 44(2): 157-71, 168.

Wilson, D., & Allen, D. (2014). Success rates of online versus traditional college students. *Research in Higher Education*, 1–8, 3.

<sup>2</sup> Russell, T.L. (2001). *The No Significant Difference Phenomenon: A Comparative Research Annotated Bibliography on Technology for Distance Education (Fifth Edition)* 1 – 8, 6 <https://core.ac.uk/download/pdf/71815646.pdf> accessed 28<sup>th</sup> May 2020.

<sup>3</sup> Logan, Elisabeth, Rebecca Augustyniak, and Alison Rees. 2002. "Distance Education as Different Education: A Student-centered Investigation of Distance Learning Experience." *Journal of Education for Library and Information Science* 43(1): 35 32-42. Urtel, Mark G. 2008. "Assessing Academic Performance Between Traditional and Distance Education Course Formats." *Educational Technology & Society* 11(1):322-30, 325.

<sup>4</sup> Damitha Bandara and Danush Kanchana Wijekularathna 2017 Comparison of student performance under two teaching methods: face to face and online *International Journal of Education Research*, Volume 12, Number 1, Fall 2017 69 – 79, 76.

<sup>5</sup> Jennifer Lyke and Michael Frank Comparison of Student Learning Outcomes in Online and Traditional Classroom Environments in a Psychology Course 2013 *Journal of Instructional Psychology*, 39(4) 245 – 250, 249.

<sup>6</sup> Rivera, J., McAlister, K. and Rice, M. 2002 A Comparison of Student Outcomes & Satisfaction Between Traditional & Web Based Course Offerings *Online Journal of Distance Learning Administration*, Volume V, Number III, Fall 2002 1 – 11, 6. Summers, J., Waigandt, A., Whittaker, T. (2005). A Comparison of Student Achievement and Satisfaction in an Online versus a Traditional Face-to-face Statistics Class. *Innovative Higher Education*, 29(3), 233 – 250, 242. Ross Guest, Nicholas Rohde, Saroja Selvanathan &

students learning online<sup>7</sup> and others identified no significant difference<sup>8</sup>. Summers *et al* suggested that “most of the significant group differences were detected within the instructor related items, including instructor’s explanations, instructor’s enthusiasm, instructor openness to students, and instructor’s interest in whether or not students learned the material.”<sup>9</sup>

The extensive research into both student attainment and student satisfaction with online learning shows that both can have a positive or negative outcome suggesting that the success or otherwise of online learning is dependent on factors other than the course simply being online. The logical conclusion is that course design, clarity of instruction, appropriateness of materials and resources and accessibility and participation of lecturers and students are key to successful learning whether the course is offered online or face to face.

In March 2020 the hypothetical debates were abruptly brought to an end by the Covid-19 pandemic and the introduction of a country wide ‘lockdown’. As with other HE institutions, the University of Wolverhampton moved into lockdown very rapidly in line with Government advice. As a result, there was not the luxury of time that one would normally have when moving a face to face course entirely online, both in terms of the delivery of all teaching and setting of revised assessments. The abrupt move to online teaching, and the anticipated future move to a blended learning approach, was done as a reaction to an event rather than a move towards a considered change in approach. This reflective piece will identify relevant pedagogic approaches to delivering legal education and consider the steps taken by the authors to ensure that the delivery of modules continued to be done in a way that supported the students together with the reaction of those students to the new mode of delivery. It will also evaluate the lessons learnt from the experience and identify improvements or additions that can be made to further enhance the experience of students as we move into the next phase of providing legal education.

## II. REFLECTION

Reflective practice is acknowledged to be a concept rooted in the writings of the US educational theorist Dewey<sup>10</sup>, who defined reflection as “...active, persistent, and careful consideration of any belief or supposed form of knowledge in light of the grounds that support it and the further conclusions to which it tends.”<sup>11</sup> Reflection is seen as an active process, thinking carefully about the teaching event or environment so that a problematic situation, such as that faced by teaching professionals during the pandemic lockdown period, is transformed into a teaching experience in and of itself. Dewey describes the function of reflective thought as transforming

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Tommy Soesmanto (2018) Student satisfaction and online teaching, *Assessment & Evaluation in Higher Education*, 43:7, 1084-1093, 1085.

<sup>7</sup> Allen, I. E., and Seaman, J. 2010. *Class Differences: Online Education in the United States*, 2010. The Sloan Consortium. 10 1 – 30 [https://secure.onlinelearningconsortium.org/publications/survey/class\\_differences](https://secure.onlinelearningconsortium.org/publications/survey/class_differences) Accessed 28<sup>th</sup> May, 2020. Finlay, W., Desmet, C. & Evans, L. (2004). Is it the technology or the teacher? A comparison of online and traditional English composition classes. *Journal of Educational Computing Research*, 31(2), 163-180, 177.

<sup>8</sup> Wang, A. Y., and M. H. Newlin. 2000. “Characteristics of Students Who Enroll and Succeed in Psychology Web-Based Classes.” *Journal of Educational Psychology* 92 (1): 137–143. York, Reginald O. 2008. “Comparing Three Modes Instruction in a Graduate Social Work Program.” *Journal of Social Work Education* 44(2): 157-71, 168.

<sup>9</sup> Summers, J., Waigandt, A., Whittaker, T. (2005). A Comparison of Student Achievement and Satisfaction in an Online versus a Traditional Face-to-face Statistics Class. *Innovative Higher Education*, 29(3), 233 – 250, 243.

<sup>10</sup> Dewey, J., *How we think: A restatement of the relation of reflective thinking to the educative process* (D.C. Heath and Company 1993).

<sup>11</sup> *Ibid.*, 9.

a “situation in which there is experienced obscurity, doubt, conflict, disturbance of some sort into a situation that is clear, coherent, settled, harmonious.”<sup>12</sup>

Schon<sup>13</sup> built on the concept by describing a reflective practitioner, who not only thinks about an event after it happened (reflection *on* action), but also thinks about what they are doing as they are doing it (reflection *in* action), acknowledging that in-action reflection will necessarily involve experiment.<sup>14</sup> The unique and unprecedented situation faced in the spring of 2020 thrust experimentation in teaching – thinking ‘on our feet’ - to the forefront of a previously unimagined situation; at no point in the past would we as teaching professionals have foreseen a complete closure of premises, having spent our careers in an environment where even closing for a period of days due to extreme snow was perceived as largely untenable.

Calderhead refers to reflection in terms of becoming aware of various constraints on practices that were previously taken for granted and gaining control over their direction,<sup>15</sup> which was an essential part of the process undertaken during this particular time. Having previously taken for granted the fact that we would have students in with us in the classroom and that we could assess them in ways that necessarily involved their attendance on campus, we were suddenly flung into a new environment.

It has been suggested that compared to other disciplines, the integration of reflective practice in legal education is poorly understood and has not been sufficiently explored.<sup>16</sup> Indeed this is not a practice that has been widely discussed between our colleagues in terms of reflecting upon what is done, what is known and what is believed, prior to taking action to improve professional practice<sup>17</sup> even though it is said that excellence in teaching “resides in a reflective and self-critical”<sup>18</sup> method. Kolb championed an experiential learning cycle, involving a perpetual process of experience followed by reflection, abstract conceptualisation and active experimentation, asserting that knowledge is created by transforming experience<sup>19</sup> whilst Gibbs’ cycle asks what happened, what feelings were elicited, how can we evaluate and analyse what went well/not so well, followed by a conclusion and a plan of action.<sup>20</sup>

This piece of reflective writing aims to proceed through the Gibbs model process and identify areas of development in future practice as we navigate the new higher education landscape post-pandemic. The authors spent time together discussing and reflecting on the approaches taken and resulting experiences.

(a) *Description of the critical event*

The Covid-19 pandemic in March 2020 resulted in a closure of the University at short notice following the ‘lockdown’ rules put in place by the United Kingdom government. From late March the decision was taken to close all buildings and to move all remaining teaching online.

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<sup>12</sup> Ibid., 100.

<sup>13</sup> Schon, D. *The Reflective Practitioner* (U.S.A.: Basic Books 1983).

<sup>14</sup> Ibid., 141.

<sup>15</sup> Calderhead, J. ‘Reflective teaching and teacher education’ [1989] *Teaching and Teacher Education* 5 (1): 43–51, 44, cited in Maura Sellers., *Reflective Practice for Teachers* (Sage Publication Ltd 2013) 9.

<sup>16</sup> Michele M. Leering, ‘Perils, pitfalls and possibilities: introducing reflective practice effectively in legal education’ [2019] *The Law Teacher* 53:4, 431-445.

<sup>17</sup> Michele Leering, ‘Integrated Reflective Practice: A Critical Imperative for Enhancing Legal Education and Professionalism’ [2017] 95 *Canadian Bar Review* 47, 49.

<sup>18</sup> McLean, M., & Blackwell, R., ‘Opportunity knocks? Professionalism and excellence in university teaching’ [1997] *Teachers and teaching* 3 (1), 85 – 99, 85.

<sup>19</sup> Kolb, D. A., *Experiential learning: Experience as the source of learning and development* ((Vol. 1) Englewood Cliffs, NJ: Prentice-Hall 1984) 38.

<sup>20</sup> Gibbs G., *Learning by Doing: A guide to teaching and learning methods* (Further Education Unit. Oxford Polytechnic: Oxford 1988).

Communications at this time were immediate and plentiful, students and staff alike were being advised on changes to regulations and how to continue to teach in this new context.

In order to effectively continue to provide rewarding teaching and learning experiences for the students, it was clear that simply uploading materials onto the virtual learning environment (VLE) would not work, yet these were modules not designed to be taught and assessed in an online environment.

The first activity was to record narrations of presentations that would have taken place, but this felt isolating and empty without the interaction of a classroom. As a result, the authors took an informal colleague-led crash course in the use of interactive lecture technology through the VLE. The technology was surprising in that the VLE's capability was far in excess of anything we had previously utilised as face-to-face teachers. The VLE incorporated a conferencing facility where tutors could utilise interactive whiteboards, share presentations, amend documents in response to student feedback, conduct polls, break out rooms and a chat facility. The VLE also hosts discussion board and quiz generating facilities.

We started to use the conferencing facility through the VLE to host live, interactive sessions with the students. Lectures and seminars were both delivered 'live' and recorded. Lectures were accompanied by PowerPoint presentations and the conference platform allowed documents to be shared and annotated during the session. The sessions proved to be successful for both the authors and students to an extent that we could not have predicted. Student participation and peer to peer interaction also increased during the online sessions. One reason for this may be that face to face lectures, and to a lesser extent seminars, make students feel more reluctant to volunteer when questions are asked, being able to type into a chat box is seen as more anonymous even though names are visible. Clark-Ibáñez and Scott 2008<sup>21</sup> found that participating in an online class can be beneficial for students who may feel less comfortable in a classroom situation due to lack of confidence or feeling intimidated about speaking in public.

*(b) Feelings elicited*

At first the conferencing sessions were undertaken with some trepidation, fear of the unknown and fear of technological failure. As each session unfolded, our confidence increased. The most surprising emotion elicited was one of bonding between staff and students, a sense of 'all being in this together' that arose from the unique situation in which we found ourselves, but which came as a surprise to the authors. The positive comments advanced by the students gave rise to a sense of professional pride, an emotion of having coped, having taken responsibility and having perhaps added something positive to the experience of these students.

*(c) Evaluation*

Many students accessed the live events, amounting to around the same number of students that would attend a live lecture. This means that some students were unable or unwilling to attend, but the recording will remain active for the remainder of the semester to allow asynchronous access for students who did not attend or for revision for those that did. Those that did attend found the experience to be very helpful and, in some cases, extremely important in anchoring them to their studies during the pandemic. We elicited responses from the students about the effectiveness of each session and they were very forthcoming with their

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<sup>21</sup> Clark-Ibáñez, Marisol and Linda Scott., 'Learning to Teach Online' [2008] *Teaching Sociology* 36(1): 35-41.

responses, both written into the chat and verbal. The conferences performed an unintended function of community, the chance to meet with their peers in a time when physical contact was forbidden, to again feel part of the University and to feel a sense of connection. The conferences developed an informality; whilst they included teaching, they also performed a social function – a place to chat, to joke, to catch up, to ask questions, to offer answers and to share experiences. When formal teaching ended, many students were loath to stop the conferences and requested ‘just one more’ so that we found ourselves meeting for at least one more time outside of any scheduled teaching event, to perform a purely pastoral function.

(d) *Analysis*

Schon maintains that “when a practitioner makes sense of a situation he perceives to be unique, he sees it as something already present in his repertoire. To see this site as that one is not to subsume the first under a familiar category or rule. It is, rather, to see the unfamiliar, unique situation as both similar to and different from the familiar one, without at first being able to say similar or different with respect to what. The familiar situation functions as a precedent, or a metaphor, or... an exemplar for the unfamiliar one.”<sup>22</sup> The situation (teaching through an online conference) was unfamiliar to us, but we had previously lived the experience of teaching this group of students in person. To this extent, the situation is not analogous to one where a cohort starts out as online from the beginning and all parties understand this to be the case. Here, there was an attempt to recreate a classroom feel, to come back together, to unite in adversity. When analysing, we need to acknowledge that this is a situation that is unlikely to arise in this form again, so what we learn from it and take forward has to be tempered with the knowledge of the fact that the state of lockdown itself was probably driving some of the emotional and attachment responses. Outside of the confines of such a unique situation, we need to bear in mind that reaching such heights of satisfaction is not the norm. Lyke and Frank<sup>23</sup> conducted a survey comparing the performance and satisfaction of students between online and classroom learning. The results showed that the learning outcomes of both groups of students were the same but students in the online environment demonstrated lower ratings for student satisfaction than those whose learning had taken place in the traditional classroom setting, leading them to the conclusion that, “undergraduates may perform as well in an online environment as their counterparts in a traditional classroom, but their satisfaction with the educational experience may suffer”. Lower satisfaction with online learning has been identified by other researchers,<sup>24</sup> whilst other studies found a higher level of satisfaction with online study<sup>25</sup> and yet others identified no significant difference.<sup>26</sup> Summers *et al* <sup>27</sup> suggested that “most of the significant group differences were detected within the instructor related items, including instructor’s explanations, instructor’s enthusiasm, instructor openness to students,

<sup>22</sup> n13, 138.

<sup>23</sup> Jennifer Lyke and Michael Frank ‘Comparison of Student Learning Outcomes in Online and Traditional Classroom Environments in a Psychology Course’ [2013] *Journal of Instructional Psychology*, 39(4) 245 – 250, 249.

<sup>24</sup> Ross Guest, Nicholas Rohde, Saroja Selvanathan & Tommy Soesmanto ‘Student satisfaction and online teaching’ [2018] *Assessment & Evaluation in Higher Education* 43:7, 1084-1093 1085.

<sup>25</sup> Allen, I. E., and Seaman, J., ‘Class Differences: Online Education in the United States, 2010’ (2010).

The Sloan Consortium. 1 – 30 10 [https://secure.onlinelearningconsortium.org/publications/survey/class\\_differences](https://secure.onlinelearningconsortium.org/publications/survey/class_differences) Accessed 28<sup>th</sup> May, 2020; Finlay,W.,Desmet,C.& Evans,L., ‘Is it the technology or the teacher? A comparison of online and traditional English composition classes’ *Journal of Educational Computing Research* 31(2) 163-180 177.

<sup>26</sup> Wang, A. Y., and M. H. Newlin., ‘Characteristics of Students Who Enroll and Succeed in Psychology Web-Based Classes’ [2000] *Journal of Educational Psychology* 92 (1): 137–143; York, Reginald O., 2008. ‘Comparing Three Modes Instruction in a Graduate Social Work Program’ [2008] *Journal of Social Work Education* 44(2): 157-71 168.

<sup>27</sup> Summers, J., Waigandt, A., Whittaker, T., ‘A Comparison of Student Achievement and Satisfaction in an Online versus a Traditional Face-to-face Statistics Class’ [2005] *Innovative Higher Education* 29(3), 233 – 250, 243.

and instructor's interest in whether or not students learned the material." We therefore need to import our current level of enthusiasm and openness exhibited during the pandemic into our future practice to try to cultivate the same sense of purpose.

There was a temptation at first following our initial success to breathe easily and be satisfied that the moment had been survived with apparent success, but the experience would not be complete without reflection and action as a result. However,

"reflection is not always easy. Many professional experiences are challenging in so many ways that it can initially be difficult to conscientiously expend the time and energy required to systemically think through experiences that have proved less than optimal or even those that were serendipitously successful."<sup>28</sup>

The quote here struck a chord with the authors in that the lockdown live conference experience had indeed been serendipitously successful, but rather than resting on the laurels of the success we took a conscious decision to analyse, to attempt to improve and to identify practices going forward.

(e) *Reflective conclusion*

"The practitioner allows himself to experience surprise, puzzlement, or confusion in a situation which he finds uncertain or unique. He reflects on the phenomenon before him, and on the prior understandings which have been implicit in his behaviour. He carries out an experiment which serves to generate both a new understanding of the phenomenon and a change in the situation."<sup>29</sup>

In discussion, a number of themes have arisen. We are surprised and relieved at the ease with which we were able to embrace the technology and the forgiving and supportive response of the students. However, these students were already in place at the university when the pandemic began and as such will feel a sense of mutual disruption alongside the teaching staff. The unfamiliar landscape was one that we were navigating together, and touches of homeliness that might otherwise have looked unprofessional – a family pet, or a temporarily home-educated child asking for a snack, seemed to serve as a great leveller between us all. We are acutely aware, however, that this cohort is unique in that they came with us into the pandemic, moving from face-to-face to online in a situation of flux, carried forward by a sense of crisis. These students knew us as individuals with whom they had previously had one-to-one conversation and shared 'in person' experiences rather than being a voice online accompanied by a picture. A new cohort next year would be fundamentally different, with none of the initial bonding of the current cohort, perhaps little tolerance for technological failure and no familiarity with which to greet us as their rock within a specific crisis.

Although the students who attended were freely forthcoming in the messages of gratitude and praise for our activities, we must bear in mind that there is a fundamental problem in relying on positive student feedback to guide our reflective response, given that the students who attend and provide feedback may well be very enthusiastic, whereas we do not hear from those who, for whatever reason, were unable or unwilling to participate.<sup>30</sup> Our current cohort signed up for an in-person learning experience and we will not yet know which students were

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<sup>28</sup> Maura Sellers., *Reflective Practice for Teachers* (Sage Publication Ltd 2013) 9.

<sup>29</sup> n13 38.

<sup>30</sup> See, for example, discussion in Hora, M. T., & Smolarek, B. B., 'Examining Faculty Reflective Practice: A Call for Critical Awareness and Institutional Support' [2018] *Journal of Higher Education* 89(4), 553–581, 565.

held back by lack of appropriate technology, caring responsibilities, mental or physical illness or by having to undertake a role as an identified key worker during the pandemic. This is a weakness in our experience as we only have the response of the ones that came with us, not those that were left behind by the practicalities of the situation. By comparison, one may assume that students joining next year would need to be made aware of the technological requirements of a partially online course and would be free from some of the extra responsibilities and difficulties thrust upon the current cohort. As part of the ongoing process of continuous course monitoring, the impact of online learning on both new and existing students will be analysed.

(f) *Action*

We have learned a new way of interacting with students, whether through the conferencing facility or via one-to-one or small group meetings, which we have now adopted into our professional toolkit in such a way that we will never abandon their use from this point on, even when the pandemic is over and teaching has returned to primarily face-to-face. We acknowledge the possibility that indeed it may never do so and we intend to be flexible in our approach to designing course materials in the future, to embrace the technology in such a way that it better serves the needs of students in a world where time constraints, the need to shield from potential infection or self-isolate, or any other difficulties encountered in a traditional setting, make use of the online environment more attractive. We acknowledge that we may never again experience the heady days of bonding given the fact that this was most likely rooted in a 'wartime spirit' than anything that we were actually providing. Our plan is that in future we will never require students to discuss issues via email or visit the office in person by making a special journey when an online meeting is so much easier to arrange in seconds.

As Biggs states, "learning new techniques for teaching is like the fish that provides a meal for today; reflective practice is the net that provides the meal for the rest of one's life."<sup>31</sup>

The surprise which prompted our reflection was the unexpected success and the feeling that we do not want to lose something that felt like such a gainful experience. Schon describes this element of reflecting in action on an experience of surprise, stating that if a performance yields only expected results, we tend not to give it any more thought, whereas, "when intuitive performance leads to surprises, pleasing and promising or unwanted, we may respond by reflecting-in-action. Like the baseball pitcher, we may reflect on our "winning habits"; or like the jazz musician, on our sense of the music we have been making; or like the designer, on the misfit we have unintentionally created. In such processes, reflection tends to focus interactively on the outcomes of action, the action itself, and the intuitive knowing implicit in the action."<sup>32</sup>

### III. MOVING FORWARD

What does this experience and reflection mean for the future of our delivery of legal education as we transverse the 'new normal' and what do we need to consider when designing new systems of delivering that education? Bugden *et al*<sup>33</sup> have noted that traditional legal education has been developed and delivered largely using the Socratic Method involving teacher led

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<sup>31</sup> Biggs, J., *Teaching for Quality Learning at University: What the Student Does* (2nd ed.) (Berkshire: SRHE & Open University Press 2003) 7.

<sup>32</sup> n13 56.

<sup>33</sup> Lisa Bugdena, P. Redmond and J. Greaney., 'Online collaboration as a pedagogical approach to learning and teaching undergraduate legal education' [2018] *The Law Teacher* 52(1) 85 – 99, 85.



discussions and directed questioning together with lecturing that takes the didactic approach of imparting information. In a face-to-face teaching environment, a student is encouraged to develop an understanding over time through a Socratic dialogue, with the lecturer directing the process and correcting misunderstandings.<sup>34</sup> This may be suitable for face-to-face learning where the teacher can direct the discussion, persuade students to elaborate on points made and ensure that the discussion stays on track. However, in a blended or online delivery the student will often not have immediate access to the lecturer, having to rely on their own understanding or that of other students where working collaboratively. The opportunity for misunderstanding and confusion is therefore greater with a Socratic approach in anything other than a face-to-face environment. To adapt to a different delivery of modules it will be necessary to consider a different approach, including collaborative working. Research suggests that students working in groups online perceived that they had a deeper understanding on unit content, social benefits and valued learning from each other.<sup>35</sup> In order to facilitate this outcome the course design will need to move away from over reliance on lecturer led discussion, instead providing the guidance and structure needed to allow students to take greater responsibility for their own learning. We found that the online conference platform encouraged much greater participation between students and from students to staff and that it preserved the immediacy of teacher/student interaction in a way that recorded materials do not.

The authors acknowledge that there is unlikely to be a return to the exact same delivery of legal education; what we are likely to move towards is a varying blended learning approach. As students become to accept this 'new normal' they will, quite rightly, also expect a greater degree of cohesion and support appropriate to this method of delivery, minus the leeway afforded to us during the unforeseen emergency situation. It is now our challenge to adapt and meet this expectation.

The necessity of moving some teaching online does not mean that the effectiveness or otherwise of this method of delivery should not be examined, however. Will our students be as successful or as satisfied when studying online and what can we do to improve the experience for our students? Research has identified two distinct areas for consideration in relation to the design and implementation of online learning: student attainment, discussed below and student satisfaction, discussed earlier.

In terms of student performance there is a large body of research that indicates performance following online learning is on a par with that of face-to-face learning.<sup>36</sup> Russell<sup>37</sup> concluded that previous studies did not definitively prove, either positively or negatively, that

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<sup>34</sup> Susan H. Stephan., 'Embracing Engagement Through Technology in Online Legal Education' [2017] *Distance Learning* 14(3) 37 – 41 40.

<sup>35</sup> P.C. Holzweiss, S.A. Joyner, M.B. Fuller, S. Henderson and R. Young., 'Online Graduate Students' Perceptions of Best Learning Experiences' [2014] *Distance Education* 35(3) 311 – 323, 318.

<sup>36</sup> Tucker, Sheila., 'Distance Education: Better, Worse, or As Good As Traditional Education?' (2001).

Online Journal of Distance Learning Administration 4(4). Retrieved 28<sup>th</sup> May, 2020 <https://www.westga.edu/~distance/ojdl/winter44/tucker44.html>; Rivera, J., McAlister, K. and Rice, M., 2002 'A Comparison of Student Outcomes & Satisfaction Between Traditional & Web Based Course Offerings Online' [2002] *Journal of Distance Learning Administration* 5(3) 1 – 11 5; McFarland, D., Hamilton, D., 'Factors Affecting Student Performance and Satisfaction: Online Versus Traditional Course Deliver' [2005] *Journal of Computer Information Systems*, 46(2), 25-32 28; Summers, J., Waigandt, A., Whittaker, T., 'A Comparison of Student Achievement and Satisfaction in an Online versus a Traditional Face-to-face Statistics Class' [2005] *Innovative Higher Education* 29(3), 233 – 250 242; Parkhurst, Rosamond, Barbara M. Moskal, Gary Lee Downey, Juan Lucena, Thomas Bigley, and Sharon Elberb., 'Engineering Cultures: Online versus In-class' [2008] *Journal of Online Learning and Teaching* 4(4) 438 – 444 442; York, Reginald O., 'Comparing Three Modes Instruction in a Graduate Social Work Program' [2008] *Journal of Social Work Education* 44(2): 157-71 168; Wilson, D., & Allen, D., 'Success rates of online versus traditional college students' [2014] *Research in Higher Education* 1–8, 3.

<sup>37</sup> Russell, T.L., *The No Significant Difference Phenomenon: A Comparative Research Annotated Bibliography on Technology for Distance Education* (Fifth Edition) (2001) 1 - 8 6 <https://core.ac.uk/download/pdf/71815646.pdf> accessed 28th May 2020.

technology does not impact learning, whilst other studies have findings that suggest online performance is lower than that following face to face learning.<sup>38</sup> The extensive research into both student attainment and student satisfaction shows that both can have a positive or negative outcome suggesting that the success or otherwise of online or blended learning depends on factors other than the course simply being online. The challenge for the authors moving forward is to develop learning activities and opportunities that fit within an appropriate course design, containing clear instruction, appropriate materials and resources coupled with accessibility and participation of lecturers and students.

A model which has been recognised as being effective in creating and delivering online and blended learning is that identified by Garrison *et al*<sup>39</sup> as the 'Community of Inquiry' model, and within it the three elements that were considered critical for effective student learning. These are social presence, cognitive presence, and teaching presence. It is the combination of these elements that, used effectively, leads to enhanced student learning and satisfaction. Cognitive presence is the extent to which students can create meaning through sustained communication<sup>40</sup>, this could involve the type and frequency of communication with both lecturers and peers and the quality of information contained in the communication. Social presence is defined as "the ability of participants in the Community of Inquiry to project their personal characteristics into the community, thereby presenting themselves to the other participants as "real people."<sup>41</sup> With face-to-face learning and blended learning the students have the opportunity to develop this social presence whilst on campus, provided those opportunities are created by the learning activities of the modules, and this can then be transferred to group work and interaction between student and lecturer when working online. If delivery is to be entirely online for some or all students, then even greater attention will need to be paid to course design to ensure that students have the opportunity to develop a social presence remotely. Finally, teaching presence incorporates both the design of the module or course and the facilitation of learning. "...the element of teaching presence is a means to an end to support and enhance social and cognitive presence for the purpose of realizing educational outcomes."<sup>42</sup>

#### IV. CONCLUSION

Research and experience show that effective teaching requires structure, imagination, rigour, creativity, flexibility and delivery appropriate to the module, this applies whether the teaching is face-to-face, blended or online. However, in order to create a successful learning environment for students it is essential that courses we develop, and modules within that course, are designed to maximise the benefits of the form of each delivery mode and to minimise any weaknesses. As Caulfield<sup>43</sup> identifies, "it is our job as teachers to create learning activities that engage students in acquiring that discipline's tacit knowledge." The authors' response to the

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<sup>38</sup> Logan, Elisabeth, Rebecca Augustyniak, and Alison Rees., 'Distance Education as Different Education: A Student-centered Investigation of Distance Learning Experience' [2002] *Journal of Education for Library and Information Science* 43(1): 32-42 35; Urtel, Mark G., 'Assessing Academic Performance Between Traditional and Distance Education Course Formats' [2008] *Educational Technology & Society* 11(1): 322-30 325.

<sup>39</sup> Garrison, D. R., Anderson, T., & Archer, W., 'Critical inquiry in a text-based environment: Computer conferencing in higher education' [2000] *The Internet and Higher Education*, 2(2-3), 87-105, 88.

<sup>40</sup> Ibid 89.

<sup>41</sup> Ibid 89.

<sup>42</sup> Ibid 90.

<sup>43</sup> Caulfield, J., *How to design and teach a hybrid course: Achieving student-centered learning through blended classroom, online and experiential activities* (2011) Stylus publishing 60 Accessed on 2020-05-07 02:03:10.

Covid-19 crisis, and the student engagement with the new delivery, provides a basis for future development.

As teaching and learning continue to adapt to the new environment, we can take the lessons learnt from the crisis and incorporate the good practice that has been developed into a more measured approach to redesigned blended and online modules.

Lectures delivered in the traditional face-to-face way are often limited by the amount of time available for interaction and questions; combine this with the immediacy of response required from the students during any discussion, and the limitations of a traditional lecture in terms of active learning are clear. Delivering lectures live, but using an online platform, allows students to ask questions and participate through chat, polls and quizzes during the session while the addition of a follow up discussion board gives the students the option to revisit the lecture, reflect on the content and raise any queries. The authors' experience of delivering lectures using the conference facility has shown that these interactive features are well used by students. Using a discussion board also encourages peer to peer interaction which is one method that can be utilised to develop the 'social presence' element of the Community of Inquiry approach.

Student attainment and retention is linked to student satisfaction, as the research shows mixed student response in terms of student satisfaction with online learning it is imperative that course design encompasses opportunities and check points to ensure student engagement, participation and promotes a sense of social presence amongst the student cohort. Students must have access to appropriate technical support and structure built into the course which encourages peer to peer interaction and regular, prompt contact with lecturers. Clarity and consistency of instruction and online resources, including layout of the virtual learning environment, is key for encouraging students to actively and easily participate in their learning. The online provision should be designed to maintain flexibility for students while also setting clear expectations for each module and the course as a whole. As a result of our experiences and our reflection the authors designed a blueprint for the VLE which has been cascaded down to all modules in the Law School with the aim of improving student experience by incorporating notions of consistency, ease of navigation, opportunities for interaction and both synchronous and asynchronous learning opportunities.

There are further challenges ahead which must be met in a short time scale, but the authors are now more confident in their ability to meet these challenges as a result of their reflection on the response to the crisis. Reflection should be an ongoing process and the authors are sure that there will be many more lessons to learn over the coming academic year, these new challenges can be met with the support and collaboration of colleagues as we are, after all, still all in this together.