

British and Irish Law, Education and Technology Association

A Manifesto for the Post-Pandemic University

Teaching (law) during Covid-19: Lessons Learned

This report was commissioned by BILETA Executive Committee and produced by the Late Dr Hiroko Onishi (University of Roehampton), Dr Rossana Ducato (University of Aberdeen), Dr Edoardo Celeste (Dublin City University), and led by Thorsten Lauterbach (Robert Gordon University).

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Overview

The policy seeks to draw together some learnings, building on the challenges and achievements of teaching during COVID. The many challenges presented opportunities to think more deliberately about how we teach, and to specifically enrich the learning experience of online students.

We propose:

- 1) a set of recommendations on what BILETA members may want HEIs to keep from emergency remote teaching as good practice, and
- 2) what may be implemented in case a new emergency arises.

Background and context

As we transition out of COVID-19, many UK and Irish higher education institutions (HEIs) have returned to in-person teaching for on-campus students, i.e., full-cohort face-to-face teaching events, with some retaining hybrid teaching elements. However, the many tools we used during the pandemic are likely to remain because:

- they proved to be helpful (e.g., enhanced engagement of students, support to people with disabilities) or
- they have been integrated in our routine (e.g., staff were trained and adapted their teaching to the “new normal”).

Some HEIs have already implemented a hybrid approach based on their COVID teaching experience, sometimes by utilising specific software (e.g., Panopto) to allow teachers to pre-record lectures, but also to enable students to record specific assessments (e.g., presentations). In many Universities, recordings have become an integral part of, teaching, learning and assessment experience.

The objectives are to develop broader skills sets amongst students based on small formative activities (assessment literacy & academic writing, authoritative sources & research, contextualised referencing, feedback & feed-forward on tutorials, focus on specific legal developments, guest speakers), as well as legal analysis, problem-solving and applied research skills based on authentic case studies and /or problem scenarios.

In general, many academic colleagues have been encouraged to make *all* teaching events more participative by utilising Ed Tech tools irrespective of whether students are being taught in-person or online.¹

Moreover, there are examples of assessments or some forms of assessment that have been kept online based on pedagogic and sustainability considerations, e.g. to develop broader skills sets amongst students based on small formative activities and take-home assignments (assessment literacy & academic writing, problem-solving and applied research skills based on authentic case studies/problem scenarios, to reduce paper waste, facilitate first and second marking and review by the external examiners, address the shortage of classrooms, and accompany the students’ transition to the “on-campus” life after two years of pandemic and online exams.

¹By EdTech we mean technologies that are specifically created for the educational environment (e.g. to diversify or enhance the interaction lecturer-students, to create and distribute educational content, to assess and monitor students, to measure productivity of staff and students). EdTech tools were not the only one used during the pandemic, where several ‘general purpose’ instruments were adopted to ensure the continuity of learning (e.g. videoconference tools or, in some cases, even social media).

1. Key priorities and recommendations for the post-pandemic HEI

Potential of EdTech and other software

EdTech and other tools can have advantages and open opportunities for in-person and online teaching, both in respect of effectiveness and efficiency.

- Assessing student learning and celebrating achievement online.
- Fostering peer-to-peer interaction and sharing of experience, especially by online students.
- Enriching teacher-student and student peer-to-peer contact with regular real-life online touch points.
- Teaching content can be shared in real-time with students and constantly updated through the available educational software adopted by the HEI.
- Such tools have also often features that allows staff to check and implement accessibility requirements.
- Promoting inclusion by diversifying student cohorts and providing additional tools to students with alternative learning needs (e.g., captions, hybrid participation).
- Opportunity for tailored and regular communications from staff to online students.

Challenges and risks brought by these technologies in the education environment

EdTech tools and other software used in an education context can also pose a new set of problems and risks.

Impact on fundamental rights and access to education

- During the pandemic, many tools were adopted in the wake of the emergency with little or no scrutiny, whether they were education-native or for general purposes, or with no clear instructions to lecturers. Such tools are not neutral and can impact fundamental rights (e.g., e-proctoring tools with facial recognition features have proven to be discriminatory, particularly stressful for students, and challenged by data protection authorities).
- Not all students are equipped adequately with IT tools, digital skills or a stable Internet connection, nor they might be in the condition of having a suitable or safe place to attend from home.

Mental and social well-being of students (and staff) when working online

- There is a growing body of evidence that the online student experience can be a rather lonely journey due to lack of real-time interactions, in particular for students who did not choose an online mode of study. Therefore, there is a need for regular students-staff and students-students contact as part of our teaching. All real-time meetings help to form a bond, build rapport and trust – and it helps students to develop an identity as “[name of the university] student”, as well as supporting their social and mental well-being: “we are being cared for”. Students are much more likely to engage with whatever the subject might be.

- The well-being of teaching staff is impacted positively by being present and visible in a much more direct manner. Staff are being received as approachable supporters of learning.
- However, there is an increased expectation that teachers will be available online, and ‘on-demand’ at any time.

Pedagogical and organisational challenges

- Adoption of hybrid teaching and learning requires extensive testing and teacher/student support and development.
- Assignments for students – especially if these are sat and/or submitted online – require careful design depending on the learning outcomes to be assessed.
- There is scope for tasks that ask for description or explanation (rather than application) of information, but these might come with the temptation to use shortcuts such as the use of generative AI. This can lead to unwelcome consequences for both staff and students in the form of academic misconduct allegations.

Recommendations

To this end, we make the following recommendations:

Impact on fundamental rights and access to education

- HEIs should carefully scrutinise EdTech tools before embedding them into ongoing practice. This process should not only entail the relevant legal checks (such as a data protection impact assessments or human rights impact assessments) but involve a participatory discussion with all the relevant players in the decision (students, lecturers, admin). To this end, a specific unit within each HEI should be set up.
- The emergence of generative AI is something that is affecting many areas, including university assessments. HEIs should adopt a policy on its use in dialogue with all the parties involved (students, staff, etc.).
- Before allowing the use of generative AI tools in academic exams, the HEI should perform an impact assessment of the safety and lawfulness of such tools. Given the rapid evolution in this field, such assessments should be regularly performed and updated.

Mental and social well-being of students (and staff) when working online

- Teachers dealing with online students could consider providing a small, but timetabled number of synchronous webinars (individual context will lead to more imaginative titles – ‘virtual brunch/dinner/happy hour’) to add time for more relaxed, informal and social interaction.
 - Three sessions seem to be a useful starting point (on top of online tutorials or discussion forums): one ‘welcome to our module’ session before teaching starts (meet & greet/introductions; module plan; Q&A; some fun activities); one in the middle (to check in on how students are getting on; ‘assessment clinic’ as a hook; activities); one at the end (module reflection; perhaps a guest speaker etc).
- The class representative (or other student volunteer) could be asked to jot down short notes/minutes on the sessions which could then be shared with the whole cohort as a safety-net.

- Colleagues might timetable a weekly ‘virtual office hour’ to assist with the pastoral side of things for their online students.
- Any ‘extra’ support/teaching sessions should be recognised as part of staff workload.
- It should be made clear that there is no expectation on colleagues to be “on call online 24/7” via e.g., Zoom or Teams. The University shall preserve the lecturers’ “right to disconnect”, by making clear in their policy that there is no obligation to be constantly online via available messaging services during and outside working hours. Students should be made aware of the “email policy” (e.g., a response to their email can take up to 48 hours), with it also being made clear to students whom they should contact if they need more urgent support (e.g., student support services).

Pedagogical and organisational challenges

- Online tools for digital teaching are sometimes chosen at a central institutional level with little involvement of teaching staff and students. These tools can have a direct effect on teaching methods, so decisions should be reached in conversation with students and staff.
- Teaching online requires different skills, methodologies, and time commitment compared to a standard face-to-face lecture. Specific training should be provided to staff. When a new EdTech or other tool to support teaching will be adopted, HEIs should plan their introduction well in advance and set up training programs for staff. HEIs should support staff in the adoption of accessibility requirements, providing the necessary training. The time for complying with these measures (e.g., captioning) shall be adequately reflected in the workload or otherwise provided by trusted third party contractors.
- The organisation of teaching content and materials aim at consistency across modules within a course/programme, so that there is the same ‘look & feel’ that breeds familiarity and confidence. This might include consistent use of media for real-time meetings/seminars with online students, e.g., Zoom or Teams or Blackboard Collaborate etc, rather than a mixture of all.

Specifically, with reference to assessments:

- There is an opportunity to engage students in a conversation on academic integrity beyond mentioning policies that emphasise compliance in the abstract at induction or welcome events, via a link in the assessment brief or Moodle page, or in the run-up to academic misconduct panels. Direct touchpoints between teachers and students could help to build the necessary trust and confidence for students to become more likely to ask for help from their teachers earlier.
- Online assessment designs should aim at setting tasks where students are empowered to demonstrate that they can do more with their knowledge than merely re-telling it. Examples often include:
 - problem-based, authentic assessments
 - project-based assessments
 - mootings/role-play
 - live presentations
 - blogs/vlogs.
- There are also opportunities to require students to consider law, policy and underlying theories. These kinds of assessment will also reduce the need of relying on e-proctoring tools.

- Teachers need to be clear and explicit in their communication on the purpose and availability of formative assessment and feedback opportunities, so that our students recognise them as such and make full use of them, including peer-to-peer feedback.
- Feedback needs to be constructive and timely; teachers need to offer the same follow-up opportunities to discuss their feedback further to online students as in-person students.

2. Emergency Education Plan

Teaching during the pandemic often seemed to involve time-sensitive experiments where, at very short notice:

- every student became an online student (irrespective of choice of mode or course)
- many academic colleagues taught online students which often necessitated intense training as part of staff development programmes
- many types of assessments became online/open book when they might not have been so before.

All of this occurred against the background of lockdowns and its restrictions on physical and often mental movement, where 'teaching and learning from home' turned into crisis management for both staff and students, against a backdrop of numerous unforeseen demands around caring for and/or worrying about family members and friends, home schooling, limited social contact, job insecurity etc. It is important to ensure that if anything like this should happen again, we are better placed to respond.

What the pandemic has shown us was the lack of a contingency plan. HEIs, as with many other actors, were largely unprepared to face such a situation. Decisions had to be taken in a matter of days to ensure the continuity of learning, and due to the rush and emergency of the situation, some important steps and measures were cut, simplified, or not adequately overseen. Irrespective of how unlikely a new disruptive event is, we recommend HEIs set up an 'Educational Emergency Plan' (EEP) to avoid such shortcomings.

This plan should be guided by a risk-based approach, and appropriate measures should be set up according to the identified risk. Such measures should be discussed with all the relevant actors involved (students, staff, admin) in advance to ensure the participatory oversight by the academic community.

In particular, we recommend appointing a team in charge of the preparation of the EEP and its regular update. The Data Protection Officer, student support, disability leads, representative of teachers, and other stakeholders should be members of this team.

In preparing the EEP and selecting the relevant organisational, technical, and pedagogical measures, the team should be guided by the principles of necessity and proportionality and informed by research.

Best practices should be shared between HEIs, with BILETA as a facilitator.²

² BILETA can be contacted by email at secretariat@bileta.ac.uk

Useful Resources/Practical guidance

There is a growing number of resources on online teaching in a range of media available. Some are listed below:

- [Digitally Enhanced Education YouTube channel](#), please subscribe to the channel and click the bell icon to be notified of any new videos.
- [Teaching Innovations](#) (Built by Emma Mayhew: Surrey Institute of Education: *60+ quick ideas to enhance your learning and teaching*)
- [Clark, D. \(27/06/2022\) Playing the game: a realist approach to evaluating online student access, retention, progression and attainment initiatives](#)
- [Advance HE: literature review on the impact of assessment and feedback policy and practice on students in higher education: Professor Kathleen M. Quinlan and Dr Edd Pitt of the University of Kent.](#)
- [Beyond the Technology: Rethinking assessment and feedback - unlocking the power of comparison-based feedback](#): Nicol, D., McCallum, S., Kushwah, L., & Quinn, N.
- [Uncommon Sense Teaching](#): A great new MOOC created by Barbara Oakley
- **Teaching Here and There**, podcast series By Pates, Rutherford & Sikora: Available on [Apple Podcasts](#), [Anchor FM](#) or [Spotify](#)
- [What is the future of assessment and feedback?](#), *Jisc blog*
- [Blended and Online Learning Design](#) (MOOC) with Diana Laurillard, UCL Institute of Education (IOE)
- [The Top 10 Myths of Learning](#) (13-minute video), University of Queensland Institute for Teaching and Learning Innovation
- [Jisc Podcast series: Beyond Technology](#)
- [Around the world Podcast series](#) (Stories about professional development approaches in Higher Education from around the globe)
- JIPITEC Special Issue, "[The Law and the Digital Classroom](#)" (Ducato-Priora, eds), JIPITEC 2023 14 (2).
- Angiolini, Chiara, et al. "Remote teaching during the emergency and beyond: Four open privacy and data protection issues of 'platformised' education." *Opinio Juris in Comparatione* 1 (2020).
- Jütte, Bernd Justin, et al. "Zooming in on Education: An Empirical Study on Digital Platforms and Copyright in the United Kingdom, Italy, and the Netherlands." *European Journal of Law and Technology* 13.2 (2022).
- Noto La Diega, Guido, et al. "Capturing the Uncapturable: The Relationship between Universities and Copyright through the Lens of the Audio-Visual Lecture Capture Policies." *The Subjects of Literary and Artistic Copyright (Edward Elgar 2022)* (2022): 207-233.
- European Commission (2022) [Ethical guidelines on the use of artificial intelligence and data in teaching and learning for educators](#).