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# STUDENT AND STAFF EXPERIENCES OF ONLINE LEARNING: LESSONS FROM COVID-19 IN AN AUSTRALIAN LAW SCHOOL

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## I INTRODUCTION

The COVID-19 pandemic had, and continues to have, a significant impact on learners and teachers around the world. In Semester 1 of 2020, staff and students at The University of Western Australia ('UWA') Law School, like law schools across Australia and elsewhere, were required to transition rapidly from largely traditional face-to-face pedagogies to online learning within a matter of days or weeks. We were fortunate that we were able to revert cautiously – and partially – to in-person classes in Semester 2 of 2020. Despite this, there was, and remains, a general heightened awareness of the risk of wholly face-to-face teaching given continued COVID-19 outbreaks and the emergence of new variants, as well as other potential significant disruptions to the learning environment.

As law teachers, we took the opportunity presented by the changes necessitated by the COVID-19 pandemic to reflect on our practice ('praxis')<sup>1</sup> both before, and during, the pandemic. In particular, we sought to understand the impact of those changes on the student learning experience so as to inform and 'future-proof' our Law School's learning and teaching strategy. To this end, in Semester 2 of 2020, when we had reverted largely to face-to-face teaching, we administered student and staff surveys which sought to understand the impact of the pandemic on the teaching and learning experiences of both staff and students in our School.

In doing so, we benefited from the research and scholarship of others in this regard – much of which was emerging during the period of our study – but we were keen to have a more granular understanding of the experiences of *our* students. We also had useful baseline data from a 2018 UWA Law School study involving 900 students ('2018 study') which identified that mandatory lecture recording had led to a

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<sup>1</sup> Paulo Freire, *Pedagogy of the Oppressed*, tr Myra Ramos (Herder and Herder, 1970).

significant decrease in student attendance at face-to-face lectures,<sup>2</sup> and identified potential resultant impacts on student wellbeing.<sup>3</sup>

In this article, we report on the findings from our 2020 surveys. In Part 2 we provide a summary of the growing literature at the time of writing on aspects of learning and teaching during COVID-19 that emerged from our present study. Part 3 introduces our study and in Part 4 we present our quantitative findings. These are discussed and supplemented with qualitative survey data in Part 5 under four thematic headings: teaching mode, assessments, connectedness, and lessons learnt. In concluding in Part 6, we highlight the correlation between student and staff satisfaction and learning and teaching format and note the overarching need for flexibility in our future teaching and assessment strategies. We focus in this article upon the effects of a sudden transition to fully online delivery of teaching, and the subsequent return to partial face-to-face teaching, in the context of our institutional experience which had never delivered a unit in fully online mode. This article addresses the relative paucity in the existing literature relating to that experience, particularly in the context of a postgraduate Juris Doctor degree taught at an Australian law school. This article does not purport to engage in a general critique of online teaching, but rather to consider how the pandemic affected both the staff and student learning and teaching experience.

## II COVID-19 LEARNING AND TEACHING SCHOLARSHIP

The most immediate and obvious effect of pandemic restrictions on tertiary education was the transition to fully online modes of teaching. Online tertiary education is not new and has been the subject of extensive research in recent decades.<sup>4</sup> Fully online degrees have made up a significant percentage of total tertiary enrolments worldwide for many years and most, if not all, Australian universities were already engaging in some form of online learning prior to COVID-19, recorded lectures being a minimum, with several adopting a more blended approach to education in order to meet the ‘connectivity, flexibility and interactivity expectations of learners’.<sup>5</sup> Assessment tasks were also commonly online — although generally not examinations — with some

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<sup>2</sup> Natalie Skead et al, ‘If You Record, They Will Not Come – but Does it Really Matter? Student Attendance and Lecture Recording at an Australian Law School’ (2020) 54(3) *The Law Teacher* 349. Participants in the 2018 Study were enrolled in a variety of courses at the UWA Law School, including the Juris Doctor degree, masters courses, and undergraduate law majors.

<sup>3</sup> Fiona McGaughey et al, ‘What Have We Here? The Relationship Between Student Attendance and Wellbeing’ (2019) 45(3) *Monash University Law Review* 695.

<sup>4</sup> See, eg, Neil Selwyn, ‘The Use of Computer Technology in University Teaching and Learning: a Critical Perspective’ (2007) 23(2) *Journal of Computer Assisted Learning* 83.

<sup>5</sup> Adrienne J Torda, Gary Velan and Vlado Perkovic, ‘The Impact of the COVID-19 Pandemic on Medical Education’, Letter to the Editor, (2020) 213(4) *Medical Journal of Australia* 188.

studies noting student resistance to online assessments.<sup>6</sup> In addition, the socio-political context in some countries had necessitated alternative learning and teaching strategies prior to COVID-19. For example, the social and political turmoil in Hong Kong meant that tertiary educators were in some ways better prepared to adapt to the new conditions.<sup>7</sup>

The focus of this literature review necessarily engages with the characteristics and merits of online delivery. In discussing the use of digital technologies and online teaching, however, we must be careful not to equate well-established programs and pedagogies of online learning with ‘Emergency Remote Teaching’ (‘ERT’)<sup>8</sup> introduced as a response to COVID-19. The former has been referred to in the following terms:

... the acquisition and use of knowledge distributed and facilitated primarily by electronic means. The form of online learning depends on the network (eg. Wireless, satellite) and the technology (eg. computer, laptop, smartphone) used. Online learning can take the form of courses and, modules and smaller learning objects. Online learning is where content is done online in real-time, and students can participate in courses from anywhere.<sup>9</sup>

Meanwhile, ERT has been described as:

a temporary shift of instructional delivery to an alternate delivery mode due to crisis circumstances. It involves the use of fully remote teaching solutions for instruction or education that would otherwise be delivered face-to-face or as blended or hybrid courses and that will return to the format once the crisis or emergency has abated. The primary objective in these circumstances is not to re-create a robust educational ecosystem but rather to provide temporary access to instruction and instructional supports in a manner that is quick to set up and is reliably available during an emergency or crisis.<sup>10</sup>

The onset of the pandemic and the shift to ERT produced challenges at both a social and technological level,<sup>11</sup> different in type and intensity to that experienced in more general online teaching environments. This

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<sup>6</sup> Sarah Khan and Rashid Azim Khan, ‘Online Assessments: Exploring Perspectives of University Students’ (2019) 24(1) *Education and Information Technologies* 661.

<sup>7</sup> Jisun Jung, Hugo Horta and Gerard A Postiglione, ‘Living in Uncertainty: the COVID-19 Pandemic and Higher Education in Hong Kong’ (2021) 46(1) *Studies in Higher Education* 107, 108.

<sup>8</sup> See, eg, Richard Watermeyer et al, ‘COVID-19 and Digital Disruption in UK Universities: Afflictions and Affordances of Emergency Online Migration’ (2021) 81(3) *Higher Education* 623.

<sup>9</sup> Khusni Syauqi, Sudji Munadi and Mochamad Bruri Triyono, ‘Students’ Perceptions Toward Vocational Education Online Learning During the COVID-19 Pandemic’ (2020) 9(4) *International Journal of Evaluation and Research in Education* 881, 882 citing Tim Wentling et al, ‘E-learning: A Review of the Literature’ (2000) NCSA, The University of Illinois at Urbana-Champaign.

<sup>10</sup> Charles Hodges et al, *The Difference Between Emergency Remote Teaching and Online Learning* (Educause Review, 27 March 2020) <<https://er.educause.edu/articles/2020/3/the-difference-between-emergency-remote-teaching-and-online-learning>>.

<sup>11</sup> Fernanco Ferri, Patrizia Grifoni and Tiziana Guzzo, ‘Online Learning and Emergency Remote Teaching: Opportunities and Challenges in Emergency Situations’ (2020) 10(4) *Societies* 86, 87.

sudden shift is the focus of this paper, in the context of the learning and teaching experience at UWA Law School which, at the time of the shift, offered no fully online units.

We also consider the student and staff experience of blended learning. It has been acknowledged that there is no universally accepted definition of blended learning:

Even if there is not a commonly accepted definition of blended learning... [i]t is usually defined as ‘the mix of traditional methods of teaching, such as face-to-face teaching and online teaching’. Probably its features contribute to the diffusion of this approach since it combines traditional face-to-face teaching, typically with the use of online teaching resources and materials.<sup>12</sup>

### A Student Perspectives

Research indicates little difference in learning outcomes or the student experience between online and face-to-face students.<sup>13</sup> However, while connectedness has been shown to have a positive influence on student wellbeing and academic success in face-to-face learning environments,<sup>14</sup> the research on student connectedness in fully online and other technology-mediated environments<sup>15</sup> is less conclusive, and questions remain about the capacity of an online learning environment to support student wellbeing.<sup>16</sup> George Siemens argues for a systemic and holistic view of learning and identifies a ‘web of interconnected elements’.<sup>17</sup> He states that the creation of ‘networks’ is central to effective learning and that the learning context is critical:

...learning occurs through the creation of networks (with people and information sources mediated and enhanced by technology) ... Some types of learning are well suited to self-directed activities. Other types require a mentor/apprentice model. Attending to the various contexts of learning requires a shift from learning determined in advance by established methods (eg a lecture) to learning reflective of the current discussion.<sup>18</sup>

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<sup>12</sup> Pietro Previtalu and Danila Scarozza, ‘Blended Learning Adoption: A Case Study of One of the Oldest Universities in Europe’ (2019) 33(5) *International Journal of Educational Management* 990, 990 (citations omitted).

<sup>13</sup> Patrick R Lowenthal, Cindy S York and Jennifer C Richardson (eds), *Online Learning: Common Misconceptions and Benefits and Challenges* (Nova Science Publishers, 2014).

<sup>14</sup> Jason MacLeod, Harrison Hao Yang and Yinghui Shi, ‘Student-to-Student Connectedness in Higher Education: A Systematic Literature Review’ (2019) 31(2) *Journal of Computing in Higher Education* 426, 428.

<sup>15</sup> Ibid.

<sup>16</sup> Emma Jones, Rajvinder Samra and Mathijs Lucassen, ‘The World at Their Fingertips? The Mental Wellbeing of Online Distance-Based Law Students’ (2019) 53(1) *The Law Teacher* 49.

<sup>17</sup> George Siemens, ‘Connectivism: A Learning Theory for the Digital Age’ (2005) 2(1) *International Journal of Instructional Technology and Distance Learning* 3.

<sup>18</sup> George Siemens, ‘Connectivism: Creating a Learning Ecology in Distributed Environments’ in Theo Hug (ed), *Didactics of Microlearning* (Waxmann Verlag, 2007) 53, 55–6.

Siemens identifies eight principles on connectivism<sup>19</sup>, two of which are of particular relevance to our study: first, learning is a process of connecting specialised nodes or information sources; and, second, there is a need to nurture and maintain connections to facilitate continual learning.<sup>20</sup>

Given that learning is not a process of information transfer but a social and cognitive process, it is no coincidence that those who have long been involved in effective online teaching have aimed to provide ‘co-curricular engagement and other social supports’ with all of the infrastructure that this entails.<sup>21</sup> Several pre-pandemic studies have reported that online courses can be as or more successful than traditional face-to-face courses;<sup>22</sup> these have emphasised that the key to this success is high levels of interaction between the learner, instructor and technology. The question which this paper raises is whether the pandemic induced ERT is able to provide this, and the associated connectedness.

Recent scholarship reveals some positive student responses to the sudden shift to online teaching reported in studies from medicine,<sup>23</sup> law,<sup>24</sup> and across disciplines,<sup>25</sup> indicating an overall high level of satisfaction, as well as student resilience: ‘I hate COVID-19, but I can adjust to this situation’.<sup>26</sup> Some studies note the importance of student self-regulation in online education and the need to support this self-learning process.<sup>27</sup> Conversely, there are studies that indicate a decline in student wellbeing. One study from the Philippines indicates that law student mental health has suffered due to the lack of physical social connection experienced during the pandemic.<sup>28</sup> Academics in the United Kingdom (‘UK’) and Australia report an increase in students disclosing health and wellbeing issues during the pandemic — 57 per cent in the UK,<sup>29</sup> and 62.4 per cent in Australia.<sup>30</sup> In a survey of 787

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<sup>19</sup> Siemens (n 18) 7.

<sup>20</sup> Ibid 7. See also Christopher Guder, ‘Patrons and Pedagogy: A Look at the Theory of Connectivism’ (2010) 6(1) *Public Services Quarterly* 36.

<sup>21</sup> Hodges et al (n 10).

<sup>22</sup> Heather Kauffman, ‘A Review of Predictive Factors of Student Success in and Satisfaction with Online Learning’ (2015) 23 *Research in Learning Technology*, 26507: 1-13.

<sup>23</sup> Torda, Velan and Perkovic (n 5) 188.

<sup>24</sup> Peter Burdon and Paul Bacic, ‘COVID-19 and the Adelaide Law School, Australia’ (2020) 10(2) *Journal of Security, Intelligence and Resilience Education* 1.

<sup>25</sup> Kyungmee Lee et al, ‘Student Learning During COVID-19: It Was Not as Bad as We Feared’ (2021) 42(1) *Distance Education* 164.

<sup>26</sup> Ibid 168.

<sup>27</sup> Chrysi Rapanta et al, ‘Online University Teaching During and After the COVID-19 Crisis: Refocusing Teacher Presence and Learning Activity’ (2020) 2(3) *Postdigital Science and Education* 923.

<sup>28</sup> Maryrose C Macaraan, ‘Mental Health and Legal Education in the Time of Pandemic’, Letter to the Editor, (2021) 43(3) *Journal of Public Health* 525.

<sup>29</sup> Richard Watermeyer et al, ‘“Pandemia”: A Reckoning of UK Universities’ Corporate Response to COVID-19 and its Academic Fallout’ (2021) 42(5–6) *British Journal of Sociology of Education* 651.

<sup>30</sup> Fiona McGaughey et al, ‘“This Can’t be the New Norm”: Academics’ Perspectives on the COVID-19 Crisis for the Australian University Sector’ (2021) *Higher Education Research and Development* (forthcoming).

Australian university students, 86.8 per cent reported that COVID-19 significantly impacted their studies.<sup>31</sup> Of those surveyed, 33.8 per cent indicated low wellbeing while 31.5 per cent reported very low wellbeing. Postgraduate students reported lower wellbeing than undergraduate students; while future anxiety was significantly greater amongst undergraduates. Being female or reporting that COVID-19 had a ‘huge impact’ on their study were significant predictors of lower wellbeing.<sup>32</sup>

Some studies report the unequal impacts of the pandemic on particular student cohorts.<sup>33</sup> Others argue that online platforms can ‘facilitate more equitable opportunities, particularly for those students who are likely to be less involved with teaching and learning activities’<sup>34</sup> as the student’s virtual identity is unaffected by ‘physical attributes such as gender, race, or disabilities’.<sup>35</sup> The legal profession and Law Schools in universities have been criticised for their lack of diversity.<sup>36</sup> Given that online learning presents opportunities for some groups traditionally underrepresented in higher education,<sup>37</sup> online legal education could form part of the solution in promoting inclusion and diversity in Law Schools and contributing to the diversity of the profession. With online learning changing not just the medium of engagement, but the nature of that engagement, some students are more comfortable initiating quick chats or calls online with their teachers, rather than more traditional and formal means of communication such as emails or in-person consultations in academics’ offices.<sup>38</sup> In addition, online technologies can provide important access opportunities for diverse learners<sup>39</sup> — including students with disabilities, neurodivergent students and those living in remote and

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<sup>31</sup> Rachael H Dodd et al, ‘Psychological Wellbeing and Academic Experience of University Students in Australia During COVID-19’ (2021) 18(3) *International Journal of Environmental Research and Public Health* 866.

<sup>32</sup> Ibid 873.

<sup>33</sup> Heather K Gerken, ‘Will Legal Education Change Post-2020?’ (2021) 119(5) *Michigan Law Review* 1059.

<sup>34</sup> Nastaran Peimani and Hesam Kamalipour ‘Online Education in the Post COVID-19 Era: Students’ Perception and Learning Experience’ (2021) 11(10) *Education Sciences* 633, 644.

<sup>35</sup> Nastaran Peimani and Hesam Kamalipour, ‘Online Education and the COVID-19 Outbreak: A Case Study of Online Teaching During Lockdown’ (2021) 11(2) *Education Sciences* 72, 82, citing Chris Dede, ‘Planning for Neomillennial Learning Styles’ (2005) 28(1) *Education Quarterly* 7.

<sup>36</sup> Angela Melville, ‘Barriers to Entry into Law School: An Examination of Socio-Economic and Indigenous Disadvantage’ (2014) 24 *Legal Education Review* 45; Aidan Ricciardo et al, ‘Understanding, Promoting and Supporting LGBTQI+ Diversity in Legal Education’ (2021) *The Law Teacher* (forthcoming); Aidan Ricciardo et al, ‘Perceptions of LGBTQI+ Diversity in the Legal Profession: ‘It’s Happening Slow, but it’s Certainly Happening’’ (2021) 46(2) *Alternative Law Journal* 100, 100.

<sup>37</sup> See, eg, Mike Kent, ‘Access and Barriers to Online Education for People with Disabilities’ (Research Report, National Centre for Student Equity in Higher Education, Curtin University, 2016).

<sup>38</sup> Lee et al (n 25) 168; Peimani and Kamalipour (n 35) 83.

<sup>39</sup> Peimani and Kamalipour (n 35) 82.

rural areas, or those with caring responsibilities or other external commitments that make it difficult to attend on-campus classes.

However, the literature notes other contrasting equity factors emerging from the move to online learning as a result of the pandemic including access to hardware and infrastructure such as stable internet access, particularly for some students, primarily due to affordability and socio-economic issues.<sup>40</sup> In addition, it was concluded that difficulties in accessing technology and the lack of adequate technology literacy impact negatively on some students (and teaching staff).<sup>41</sup>

We note, however, that the student experience and student wellbeing were key challenges of online teaching prior to COVID-19 — including in law schools. A UK study on the wellbeing of online law students notes that many of the students made negative comments related to the distance learning nature of the law degree and noted the need for a greater sense of relatedness and ‘support, encouragement, and community to help [students] navigate their studies’.<sup>42</sup> Other studies have argued that it is not the mode of delivery that affects the quality of the learning experience but rather the adherence to core characteristics of excellent teaching. Schwartz, for example, identifies five ‘key facets of excellence’ in law teaching which he argues debunks the idea that online teaching is inherently inferior to face-to-face instruction.<sup>43</sup>

## B *Academic Staff Perspectives*

The particular risks and challenges of the rapid transition to online teaching due to COVID-19 are the subject of much recent scholarship from around the world and across disciplines. The response to the pandemic is identified as a noticeable cause of staff stress in several studies, particularly where this transition occurred without a break,<sup>44</sup> and it has exacerbated existing pressures on academic staff.<sup>45</sup> A study of academics across the UK identifies the ‘afflictions’ which arose in the context of the emergency online transition, in particular the ‘disorientating and unusual experience shaped under the weight of panic and duress’.<sup>46</sup>

A global survey reveals that the pandemic and university responses to it have led to work-related stress, digital fatigue, and a negative impact on the work-life balance for Australian academics, who also report concerns over potential longer-term changes to teaching and academic work.<sup>47</sup> Similar findings are reported from other jurisdictions

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<sup>40</sup> Hadrian Geri Djajadikerta et al, ‘Australian, Malaysian and Indonesian Accounting Academics’ Teaching Experiences During the COVID-19 Pandemic’ (2021) 15(2) *Australasian Accounting, Business and Finance Journal* 103, 109.

<sup>41</sup> Ibid 109–10.

<sup>42</sup> Jones, Samra and Lucassen (n 16) 67.

<sup>43</sup> Michael Hunter Schwartz, ‘Towards a Modality-Less Model for Excellence in Law School Teaching’ (2020) 70 *Syracuse Law Review* 115, 132.

<sup>44</sup> Burdon and Bacic (n 24).

<sup>45</sup> Rapanta et al (n 27) 924.

<sup>46</sup> Watermeyer et al (n 8) 624.

<sup>47</sup> McGaughey et al (n 30) 1.



as part of the same global survey.<sup>48</sup> The pandemic has exposed the fragility of the increasingly casualised tertiary teaching sector, as well as increased precarity for early career researchers.<sup>49</sup> Notably, the pandemic and associated juggling of work and caring responsibilities, the lack of an agreed ‘standard’ pattern to negotiate this balance, and the increased blurring of work and family time and space, has disproportionately impacted on female academics in Australia.<sup>50</sup>

A number of sources note that where courses were already taught in more blended or flipped modes, those which typically complement face-to-face training with online components,<sup>51</sup> the transition was smoother, assisted by training provided by universities.<sup>52</sup>

One study of university science teachers’ experiences refers to the lack of pedagogical knowledge needed to design for, and facilitate, meaningful online teaching experiences.<sup>53</sup> Academics continue to encounter issues of ‘digital fatigue’,<sup>54</sup> inadequate online security,<sup>55</sup> the ‘invasiveness of the digital classroom’, and the impact this could have on performance surveillance.<sup>56</sup>

Specific to legal education, Ashford notes that law academics’ shift from on-campus to online delivery — in many cases achieved in a matter of days — was an extraordinary feat which holds useful lessons for the future use of technology in law teaching.<sup>57</sup> A study of the experience of legal academics at Yale Law School reports that COVID-19 required them to more carefully structure class discussions, adapt to different learning styles, vary the pace of the class, and convey information in new and engaging ways.<sup>58</sup> Others also note the need for instructors to ‘take more control of course design and development, and

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<sup>48</sup> See, eg, Watermeyer et al (n 29); Kalpana Shankar et al, ‘“The COVID-19 Crisis is not the Core Problem”: Experiences, Challenges, and Concerns of Irish Academia During the Pandemic’ (2021) 40(2) *Irish Educational Studies* 169.

<sup>49</sup> Watermeyer et al (n 39); McGaughey et al (n 30).

<sup>50</sup> Meredith Nash and Brendan Churchill, ‘Caring During COVID-19: A Gendered Analysis of Australian University Responses to Managing Remote Working and Caring Responsibilities’ (2020) 27(5) *Gender, Work & Organization* 833; Susan Ramlo, ‘The Coronavirus and Higher Education: Faculty Viewpoints about Universities Moving Online During a Worldwide Pandemic’ (2021) 46(3) *Innovative Higher Education* 241.

<sup>51</sup> Stephen J Marshall, *Shaping the University of the Future: Using Technology to Catalyse Change in University Learning and Teaching* (Springer, 2018); Thomas C Reeves and Patricia M Reeves, ‘Designing Online and Blended Learning’ in Lynne Hunt and Denise Chalmers (eds), *University Teaching in Focus: A Learning-Centred Approach* (Routledge, 2012) 112.

<sup>52</sup> Djajadikerta et al (n 40) 109.

<sup>53</sup> Rapanta et al (n 27) 927.

<sup>54</sup> Watermeyer et al (n 29) 659.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Chris Ashford, ‘Law Teaching and the Coronavirus Pandemic’ (2020) 54(2) *The Law Teacher* 167, 168.

<sup>58</sup> Gerken (n 33).

implementation process'.<sup>59</sup> So, in addition to digital skills, ERT requires increased teacher agency in course design.<sup>60</sup>

For disciplines with important practical or clinical pedagogy requirements, the rapid transition to wholesale online teaching pose particular challenges, requiring innovative solutions,<sup>61</sup> but often lacking in terms of student experience.<sup>62</sup> For medical students for example,<sup>63</sup> there is concern that the suspension of clinical placements may result in a gradual reduction in students' clinical skills competence.<sup>64</sup> The same concern may be applicable to law courses which incorporate work integrated learning components such as internships, clinic placements or other ways of embedding practical legal skills into the curriculum.

Relatedly, a significant impact of the sudden shift to online learning and teaching is the changing nature of interpersonal contact.<sup>65</sup> For example, the importance of peer-to-peer contact is reportedly compromised by online learning,<sup>66</sup> although several scholars have rejected the notion that the online mode is itself responsible for this.<sup>67</sup> Some academics struggled not only with the rapid transition to online teaching but also with the ways in which students might choose to use the technology, such as turning off their cameras. Piemani and Kamalipour observe that '[e]stablishing eye contact is integral to face-to-face teaching and learning. Nevertheless, it has been a critical challenge for online courses to facilitate a degree of such non-verbal communication'.<sup>68</sup> We note in this regard, however, that requiring eye contact, whether in face-to-face or online teaching is not an inclusive strategy given the challenges it poses for many neurodivergent students and those from a cultural background in which direct eye contact is viewed as disrespectful, including some First Nations Peoples.<sup>69</sup>

Despite the many challenges, however, the pandemic has in many respects encouraged, or strengthened, communities of practice. For example, a platform named 'Connect Legal Education' has been established to facilitate the sharing of ideas and experiences of law

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<sup>59</sup> Hodges et al (n 10).

<sup>60</sup> Kadir Karakaya, 'Design Considerations in Emergency Remote Teaching During the COVID-19 Pandemic: A Human-Centered Approach' (2021) 69(5–6) *Educational Technology Research and Development* 295, 296.

<sup>61</sup> Immanuel Sani et al, 'Understanding the Consequence of COVID-19 on Undergraduate Medical Education: Medical Students' Perspective' (2020) 58 *Annals of Medicine and Surgery* 117, 118.

<sup>62</sup> Ibid 117–8.

<sup>63</sup> Deborah Gill, Cynthia Whitehead and Davit Wondimagegn, 'Challenges to Medical Education at a Time of Physical Distancing' (2020) 396(10244) *The Lancet* 77.

<sup>64</sup> Ibid 77–9; Sani et al (n 61) 118.

<sup>65</sup> Gerken (n 33) 1059–60; Macaraan (n 28) 525–6.

<sup>66</sup> Lee et al (n 25) 166.

<sup>67</sup> Schwartz (n 43).

<sup>68</sup> Peimani and Kamalipour (n 34) 644.

<sup>69</sup> See, eg, Ian M Shochet et al, 'Psychosocial Resources Developed and Trialled for Indigenous People with Autism Spectrum Disorder and Their Caregivers: A Systematic Review and Catalogue' (2020) 19(134) *International Journal for Equity in Health* 1, 2.

teachers in the UK.<sup>70</sup> This ‘terrific opportunity’, according to Ashford, highlights the academic community’s resilience and kindness in finding solutions to the challenges thrown up by the pandemic.<sup>71</sup>

There are other positive reflections in the literature on the value of the ability of online learning activities to break down material into ‘digestible chunks’ resulting in a ‘more meaningful learning experience’.<sup>72</sup> Some conclude that post-COVID-19 online technologies have significant potential and should be used to complement face-to-face learning with blended learning being the optimum model.<sup>73</sup>

### III OUR STUDY

#### A *Aims*

Our study explored the experiences of UWA Law School students and staff of the fully online learning and teaching environment introduced in Semester 1 of 2020 in response to the COVID-19 pandemic. We did so by comparing student and staff learning and teaching experiences during this time with their reflections on pre-COVID experiences in Semester 2 of 2019 and experiences in Semester 2 of 2020 when classes and assessment had resumed largely face-to-face. The overarching aim of this study was to gather information and data to help guide and inform the development of future learning and teaching strategy at UWA Law School.

#### B *Teaching Format*

Prior to Semester 1 of 2020 most teaching at UWA Law School was face-to-face. Other than in exceptional circumstances, all lectures were recorded as per university policy. The previous 2018 Study conducted at the UWA Law School found that the majority of our students (undergraduate and postgraduate) chose to watch the lectures online rather than attend them in-person.<sup>74</sup> Generally, tutorials and seminars/workshops were not recorded and were conducted face-to-face with high attendance rates.<sup>75</sup> Flipped and blended modes of teaching were also becoming more widespread, though no units were offered in a fully online mode.

From the start of week five in Semester 1 of 2020 until the end of semester, all classes were delivered online using technologies such as Zoom, Microsoft Teams or through the University’s Learning Management System. In addition, all assessments, including exams were conducted online. Staff meetings were predominantly online and more regular Zoom ‘check ins’ were established by the Dean. There

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<sup>70</sup> Ashford (n 57) 168.

<sup>71</sup> Ibid.

<sup>72</sup> Torda (n 5) 188.

<sup>73</sup> Peimani and Kamalipour (n 34) 642–5; Peimani and Kamalipour (n 35) 84.

<sup>74</sup> Skead et al (n 2).

<sup>75</sup> Ibid.

was little formal training on online teaching provided for staff in this transition period – a limited number of university-wide workshops focused on particular tools were available. Rather, we observe that teaching staff engaged in peer support, sharing resources and tips.

In Semester 2 of 2020 lectures continued to be delivered online via lecture recordings as per our previous practice. In addition, in some units, students had the option of attending lectures in person, where those lectures were able to comply with government and university social distancing requirements. In most postgraduate units, students were given the option of choosing either face-to-face or online tutorials, seminars and workshops, although in Juris Doctor ('JD') units, students were encouraged to attend these classes in person. Students also had the option of sitting final end-of-semester exams in person or online.

### C *Method*

We invited all UWA Law School postgraduate students and teaching staff, including sessional (casual) staff, via email to participate in an online survey using Qualtrics in Semester 2 of 2020. To ensure the integrity of the data we conducted the staff and student surveys separately, asking differentiated but common questions. The surveys asked a range of questions relating to the participants' Law School experience regarding lectures, tutorials, assessments and exams in Semester 1 and Semester 2 of 2020, and their overall satisfaction with their learning and teaching experience in Semester 2 of 2019 and in Semesters 1 and 2 of 2020. There were two open-ended questions: 'Other comments about your learning experience (for students) / experience of teaching (for staff) during Semester 2?' and 'Other comments about your learning experience (for students) / experience of teaching (for staff) during Semester 2?' Each survey took 5 to 10 minutes to complete.

The surveys were voluntary and anonymous, with no personal identifying information included in the data collection. All participants consented to being involved in the study. The data from the study is de-identified and reported here in group-form only.

### D *Ethics Approval*

This study complied with the National Health and Medical Research Council of Australia's National Statement on Ethical Conduct in Human Research (2007). We obtained institutional ethics approval for the study from the UWA Human Research Ethics Offices before the study commenced.<sup>76</sup>

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<sup>76</sup> 'Exploring and analysing the experience of law school students and staff to the COVID19 learning environment' RA/4/20/6518, UWA Human Research Ethics Office.

## E *Limitations*

Our study has some limitations. The data is self-reported, shaped by participants' perceptions. In addition, selection bias might affect the reliability of the findings as participation was voluntary. Also, the findings are from a single survey deployed within a single Law School at a specific point in time. Further, as is set out in the next section, this article reports only on the survey data from the JD cohort. For these reasons, the findings may not be generalisable to other cohorts at UWA or other universities or law schools. This is particularly so given that some empirical research on Australian law students has found that attitudes and experiences differ between JD and Bachelor of Laws cohorts.<sup>77</sup> However, the findings are likely to be particularly relevant to the 17 other Australian law schools which offer a JD.<sup>78</sup>

It is also difficult to disentangle the impact of changes to learning and teaching from the broader context of the impacts of COVID-19 during the pandemic. So, for example, decreased enjoyment of learning in Semester 1 of 2020 must be considered against the backdrop of the other impacts of COVID-19 on life and wellbeing during that period which might have directly or indirectly affected the learning experience. Participants' perceptions might also be influenced by their pre-existing expectations or preferences, especially because UWA Law School had previously conducted the vast majority of its teaching face-to-face. Similarly, the conscious and unconscious biases of members of the research team might have shaped the study's design and the way we have interpreted the data, despite our best efforts to conduct this research in an unbiased manner.

## F *Participants*

### 1 *Students*

As noted, we surveyed all postgraduate students at UWA Law School – Graduate Diploma, Masters and JD students. There were 139 student participants. The JD is our professional qualifying law degree and largest cohort of students. Their responses represent 92 per cent (128 responses) of all student responses to the survey. Therefore, in this article we report on survey findings from this cohort only.

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<sup>77</sup> See, eg, Alex Steel, Anna Huggins and Julian Laurens, 'Valuable Learning, Unwelcome Assessment: What LLB and JD Students Really Think about Group Work' (2014) 36(2) *Sydney Law Review* 291, 301–21; Alex Steel and Anna Huggins, 'Law Student Lifestyle Pressures' in James Duffy, Rachael Field and Colin James (eds), *Promoting Law Student and Lawyer Well-Being in Australia and Beyond* (Ashgate, 2016) 50.

<sup>78</sup> In addition to the University of Western Australia, the following Australian universities also offer a Juris Doctor degree: Australian National University; Bond University; Deakin University; Flinders University; Griffith University; La Trobe University; Macquarie University; Monash University; RMIT University; University of Canberra; University of Melbourne; University of New South Wales; University of Newcastle; University of Southern Queensland; University of Sydney; University of Technology Sydney; Western Sydney University.

The JD is a three-year full-time Masters-level course. It follows that all JD students already have, at a minimum, a three-year undergraduate degree. The majority of JD students enter the JD straight from an undergraduate degree completed at UWA. The JD participant group’s demographic information is set out in Table 1. Table 2 provides further demographic information about the wider JD cohort at UWA in 2020.

**Table 1.**  
**JD Student Participant Demographics**

<b>JD student participants (n = 128)</b>	
Year of study	First year: 41%, Second year: 32%, Third year: 27%
Age (years)	18–24: 64%, 25–34: 21%, 35–44: 10%, 45–54: 3%, 55–64: 2%
Gender identity	Female: 61%, Male: 35%, Prefer not to say: 3%, Other: 1%
Domestic or International	Domestic: 97%, International: 3%
Caring responsibilities	No: 76%, Yes: 24%

**Table 2.**  
**Entire JD Cohort Demographics**

<b>UWA JD student cohort in 2020</b>	
Total number of JD students (across all years of study)	514
Low socio-economic status	9%
Regional or remote	4%
First Nations	2%
Gender	Female: 62%, Male: 38%

2     *Staff*

Approximately 50 teaching staff taught JD students in Semester 1 of 2019 and Semesters 1 and 2 of 2020. Twenty-nine completed the survey. Given the small staff cohort and their relationship to the authors, we decided not to collect demographic data to protect the respondents’ anonymity.

## IV QUANTITATIVE RESULTS

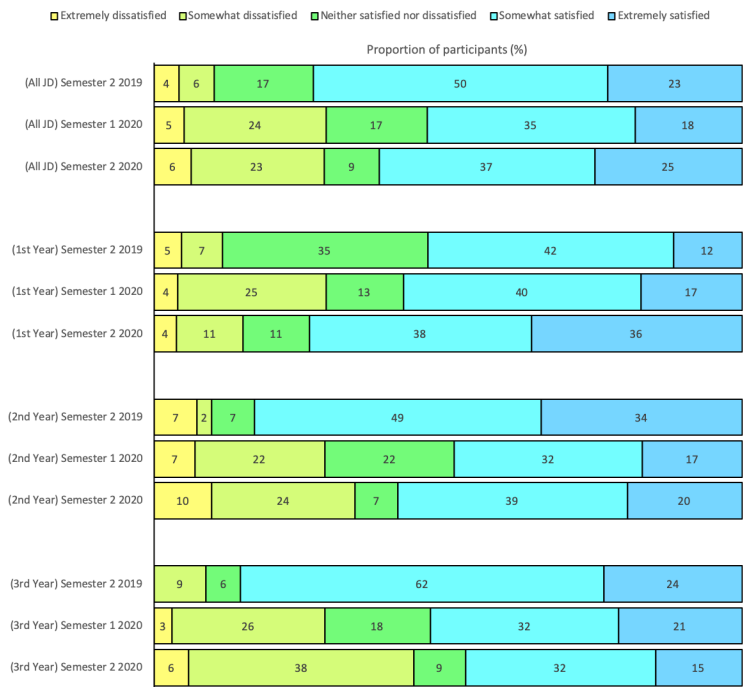
### A *Students*

#### 1 *Satisfaction with, and Enjoyment of, Learning*

We asked students how satisfied they were with their overall university experience in Semester 2 of 2019, and Semesters 1 and 2 of 2020. As can be seen in Figure 1, 58 per cent of first year students, 53 per cent of third year students, and 49 per cent of second year students were satisfied with their university experience in Semester 1 of 2020. For second- and third-year students this was significantly lower than their satisfaction with their university experience in 2019 (83 per cent and 85 per cent respectively). We were a little surprised — and very pleased — that satisfaction levels of first year students was higher in Semester 1 of 2020 (58 per cent) than in Semester 2 of 2019 (53 per cent). The first-year cohort were not studying the JD at the Law School in 2019, so their ratings are based on their study experiences in another course, school or in some cases institution.

In Semester 2 of 2020, when some but not all face-to-face classes resumed, 74 per cent of first year students reported being satisfied with their university experience. This represents a significant increase from Semester 1 of 2020 and Semester 2 of 2019. Second-year students also reported increased satisfaction at 53 per cent. By contrast, only 47 per cent of third year students were satisfied with their experience in Semester 2 of 2020, which was lower than in Semester 1 of 2020.

**Figure 1.**  
**Satisfaction with Overall University Experience by Semester**

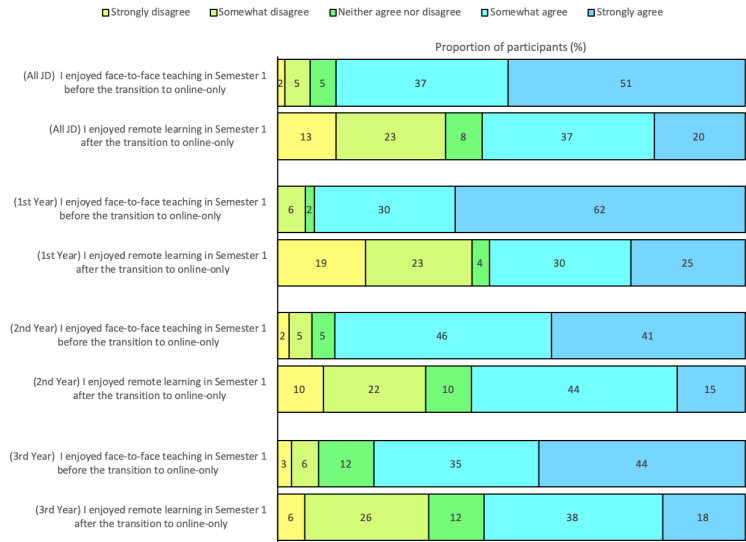


As reflected in Figure 2, a vast majority of students (88 per cent across all three year levels) enjoyed the face-to-face learning environment they experienced at the beginning of Semester 1 of 2020. A smaller majority (56 per cent across all three year levels) also enjoyed the learning environment in Semester 1 after transitioning to fully online learning.

Notably, the greatest differential in enjoyment levels was in the first-year cohort with 92 per cent enjoying face-to-face learning and only 55 per cent enjoying online learning. This may be because the first-year students had only just commenced the course and so had not yet had the opportunity to develop connection and relationships with their peers and teachers to engage confidently in the online environment.



**Figure 2.**  
**Enjoyment of Semester 1 Learning Environment**



2 *Efficacy of Face-to-Face Compared to Online Classes*

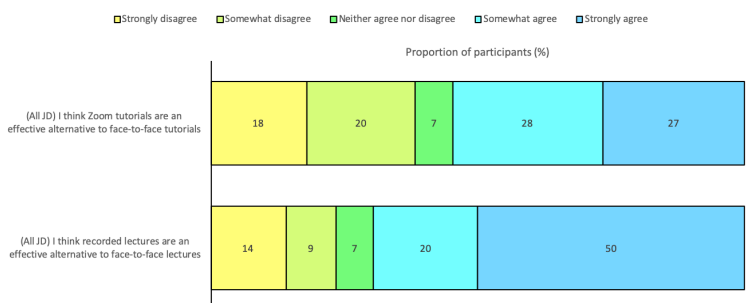
Figure 3 sets out the students’ responses as to whether they agree or disagree that online tutorials and recorded lectures are effective alternatives to face-to-face classes. As there were no significant differences between year groups, Figure 3 presents the data for the entire JD cohort. While 55 per cent of students considered online tutorials an effective alternative to face-to-face tutorials, 70 per cent considered recorded lectures an effective alternative to face-to-face lectures.

UWA Law School has been recording lectures for several years, so both staff and students are accustomed to this lecture format. The 2018 Study revealed some of the reasons underlying our students’ preference for online lectures.<sup>79</sup> However, prior to Semester 1 of 2020, all tutorials were face-to-face. Both staff and students were required to adjust to tutoring and being tutored online in a very short space of time, having to become familiar with the technology and troubleshoot hardware glitches with only remote support available. Studies have identified both staff and student frustration with online teaching platforms, particularly students turning their cameras off,<sup>80</sup> and experiencing connectivity issues.

<sup>79</sup> Skead et al (n 2).

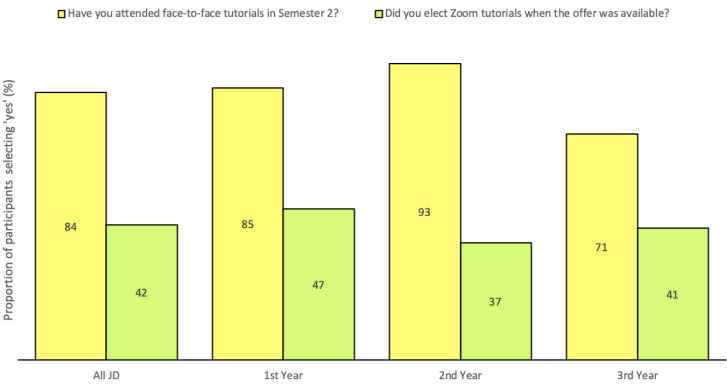
<sup>80</sup> Peimani and Kamalipour (n 34) 644.

**Figure 3.**  
**Evaluation of Alternatives to Face-to-Face Classes**



Leading into Semester 2 of 2020, community cases of COVID-19 were limited in Western Australia, and a ‘hard border’ was in place which restricted movement into the state. At the University level, a decision was made to allow face-to-face classes to recommence in Semester 2 of 2020, whilst also providing the option of online tutorials. This was the approach in some JD units, but in others, online tutorials were primarily only for students who were located interstate or overseas at that time. As shown in Figure 4, 84 per cent of respondents reported attending face-to-face tutorials in Semester 2 of 2020. However, 42 per cent of respondents also reported opting for online tutorials instead of face-to-face tutorials when given the choice.

**Figure 4.**  
**Attending Face-to-Face Tutorials and Selecting Online Tutorials in Semester 2, 2020**

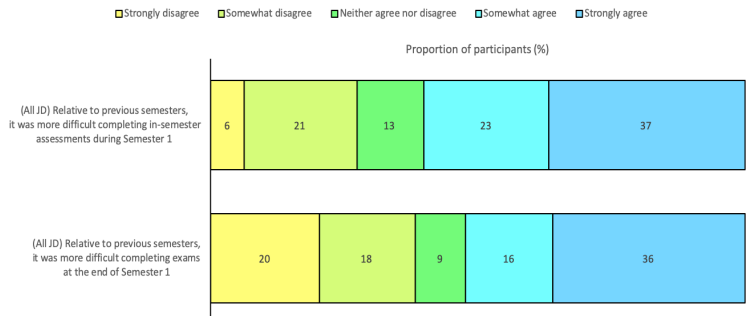


3 *Assessments and Exams*

We asked students whether, compared to previous semesters, they found completing assessments and exams online more difficult in Semester 1 of 2020. As there was little differentiation between year groups, Figure 5 presents the entire JD cohort’s responses. Sixty per cent of students found completing assessments other than exams more difficult in Semester 1 of 2020. Fewer students — 52 per cent — found completing exams more difficult in Semester 1 of 2020. While in

ordinary circumstances, exams at UWA are conducted in-person on campus, with human invigilators, and are handwritten; in Semester 1 of 2020, most students<sup>81</sup> sat their exams using the online auto-invigilation exam platform Examplify.<sup>82</sup> The only material difference between cohorts in relation to assessments and exams was that only 47 per cent of first-year and third-year students found online exams more difficult, compared to 63 per cent of second year students.

**Figure 5.**  
**Evaluation of Relative Difficulty of Completing Assessments and Exams**



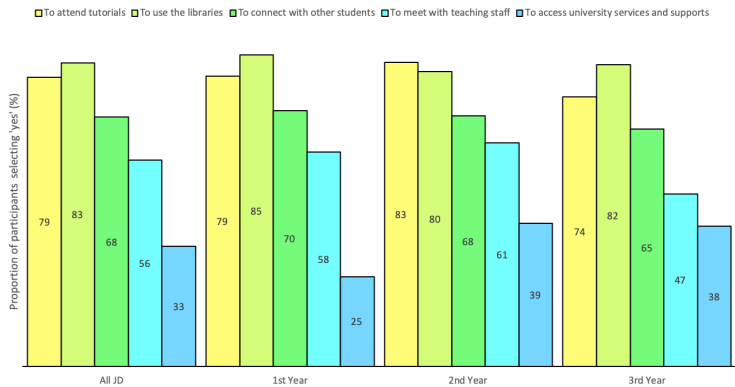
4 *Attending Campus*

Although not a requirement, an overwhelming majority of students (98 per cent) elected to physically attend campus in-person in Semester 2 of 2020. As indicated in Figure 6, students gave a variety of reasons for doing so, including to use the library (83 per cent), attend tutorials (79 per cent), and to see other students (68 per cent). As participation in tutorials in the JD is typically assessed as a formal assessment item, and tutorials in JD units were face-to-face for most students, it is not surprising that students reported tutorial attendance as a significant reason for attending campus. The survey did not ask students whether they came to campus to attend lectures because only very few lectures in Semester 2 units were face-to-face.

<sup>81</sup> Students who objected to sitting exams in this mode were given the option of deferring their exams until such time as they could sit them in-person on campus. A small proportion of students took up this option, mostly due to data privacy concerns with the exam software.

<sup>82</sup> See ExamSoft, 'The Examplify Testing Application from ExamSoft' (Web Page) <<https://examsoft.com/resources/exemplify-testing-application-examsoft>>.

Figure 6.  
Reasons for Attending Campus in Semester 2, 2020



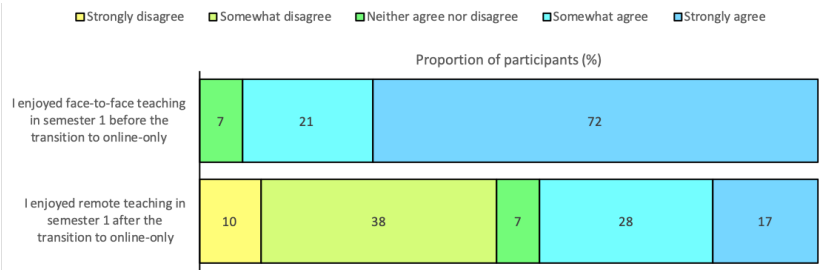
B Staff

1 Satisfaction with, and Enjoyment of, Teaching

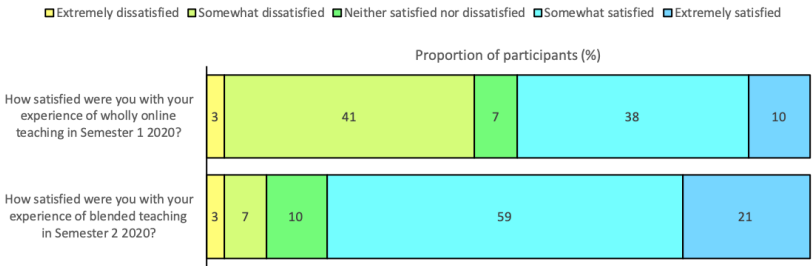
As shown in Figure 7a, 93 per cent of staff reported enjoying face-to-face teaching in Semester 1 of 2020 before transitioning to online teaching. A much smaller proportion — only 45 per cent — enjoyed teaching in an online environment following the transition to online teaching.

Figure 7b shows that 79 per cent of staff reported being satisfied with their experience of blended teaching in Semester 2 of 2020. This is significantly higher than the reported satisfaction rate for wholly online teaching in Semester 1 of 2020 of 48 per cent. Interestingly, of those staff reporting satisfaction with blended teaching, a majority of 74 per cent were only ‘somewhat satisfied’ rather than ‘extremely satisfied’.

Figure 7a.  
Enjoyment of Teaching Before and After the Transition to Online-Only Classes



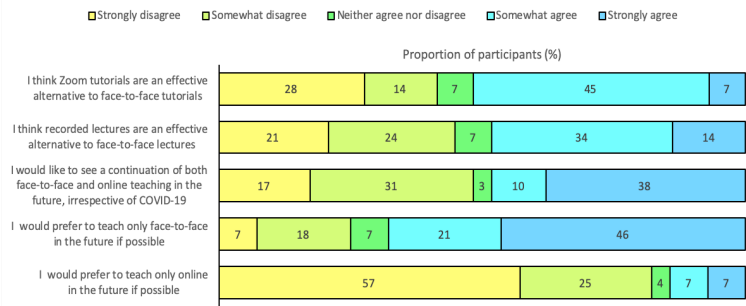
**Figure 7b.**  
**Satisfaction with Teaching Experience by Semester**



2 *Efficacy of Face-to-Face Compared to Online Classes*

As reflected in Figure 8, just over half (52 per cent) and just under half (48 per cent) of staff reported that online tutorials and recorded lectures respectively were effective alternatives for face-to-face classes. While 48 per cent of staff would like to see a continuation of blended online and face-to-face teaching beyond the pandemic, 68 per cent expressed a personal preference for only teaching face-to-face. Only 14 per cent would prefer to teach entirely online.

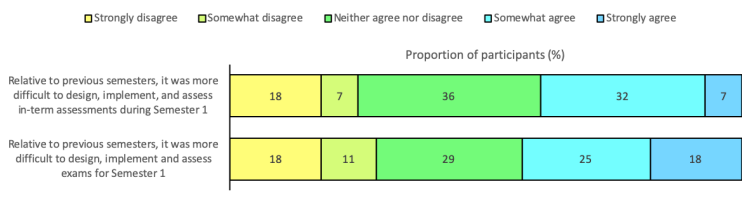
**Figure 8.**  
**Evaluation of Alternatives to Face-to-Face Classes and Future Preferences**



3 *Assessments and Exams*

Figure 9 shows that 39 per cent of staff reported finding it more difficult to design, implement, and assess in-term online assessments during Semester 1 of 2020 relative to previous semesters. A relatively small proportion of staff — 7 per cent — ‘strongly agreed’ that it was more difficult. A large proportion of respondents — 36 per cent — neither agreed nor disagreed. The results were similar in relation to exams, with 43 per cent of staff finding it more difficult to design, implement, and mark online exams. However, compared to the question about in-semester assessments, more than twice as many staff, at 18 per cent, selected ‘strongly agree’ in relation to exams. Twenty-nine per cent neither agreed nor disagreed.

**Figure 9.**  
**Evaluation of Relative Difficulty of Administering Assessments and Exams**



4 *Attending Campus and Working from Home*

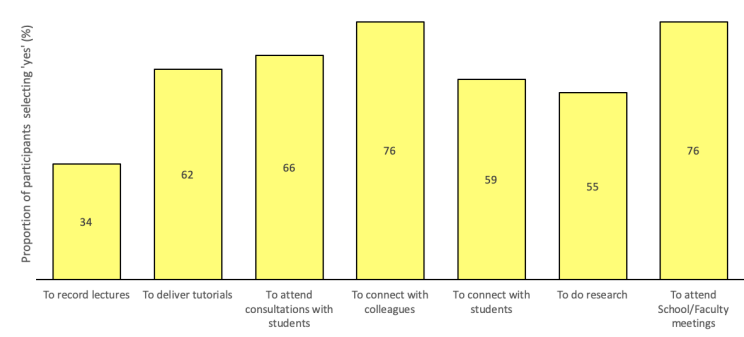
In Semester 2 of 2020 staff were encouraged to work on campus but had the option of working from home. We asked staff about their choices in this regard. Forty-three per cent of staff indicated that they worked from home more in Semester 2 of 2020 than prior to the pandemic, while only 29 per cent indicated that they did not.

We also asked staff whether they would prefer to work from home on some days in the future. Seventy-four per cent reported that they would prefer to do so, whilst only seven per cent disagreed. As is common in academia, it was already usual for many Law School academics to work from home occasionally, for example, one day per week, prior to the pandemic.

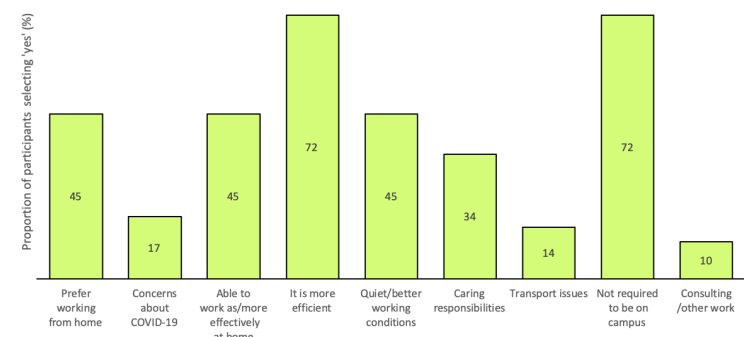
Figure 10b sets out the relevant reasons why staff chose to work from home in Semester 2 of 2020. The most popular responses were that it was more efficient to do so or that they were simply not required to be on-campus, with 72 per cent of staff selecting each of these two reasons. Other common reasons were that staff preferred working from home, felt that they work as well or more effectively at home, and because home is quieter or provides better working conditions, with 45 per cent of staff selecting each of these three reasons. Thirty-four per cent of staff cited caring responsibilities and 17 per cent of staff reported concerns about COVID-19 as a reason for working from home during Semester 2 of 2020.

As set out in Figure 10a, when asked to select the reasons why they worked on campus in Semester 2 of 2020, staff most commonly identified connecting with colleagues and to attend school/university meetings, with 76 per cent of staff selecting each of these two reasons. Many staff reported being on campus for student consultations (66 per cent), to deliver tutorials (62 per cent), and to connect with students (59 per cent). Over half, at 55 per cent, reported attending campus to do research. Only 34 per cent of staff attended campus to record lectures.

**Figure 10a.**  
**Reasons for Attending Campus in Semester 2, 2020**



**Figure 10b.**  
**Reasons for Working from Home or Off-Campus in Semester 2, 2020**



V QUALITATIVE DATA AND DISCUSSION

The following analysis and discussion of the quantitative findings from our study is supplemented by the qualitative data gathered from the two open-ended questions in our student and staff surveys.

A *Teaching Mode*

The most notable observation from our study is the correlation between student and staff satisfaction and learning and teaching format. Student and staff satisfaction was highest in a COVID-free learning environment in Semester 2 of 2019, at its lowest with full COVID-19 restrictions in Semester 1 of 2020 and improved in Semester 2 of 2020 as more face-to-face learning was possible. Eighty-eight per cent of students and 93 per cent of staff enjoyed their largely face-to-face learning and teaching experience pre-pandemic.

## 1 *Tutorials*

Nonetheless, 55 per cent of students agreed that online tutorials are an effective alternative to face-to-face tutorials and, although 84 per cent of students attended face-to-face tutorials in Semester 2 of 2020, 42 per cent elected to attend online tutorials when given the choice. One staff member noted that ‘some students clearly prefer the online forum for what seem to be legitimate reasons. So, I can see the value in making that available’. It follows that, while it seems that face-to-face learning may be generally more enjoyable, the online environment remains an attractive option for students, perhaps for reasons such as convenience and flexibility — issues not explored in this study.

Conversely, some students expressed a dislike of online tutorials:

As a mature age student the face-to-face learning environment is preferred; didn't like the zoom sessions.

Staff also noted:

I don't think online students are engaging as well.

It is particularly difficult to escape the feeling that the online students are getting a significantly different and ultimately lesser experience.

Transitioning to Zoom tutorials was a disruptive and stressful experience with clearly increased work for tutors and clearly diminished returns for students.

Generally regarding online tutorials, one student commented:

Tutor should not ask students to turn cameras on for tutes, especially when the tutes are not assessed - didn't make any sense, it was as though you were not allowed to sit in on a tute unless everyone could see you which isn't always convenient.

In the same way that requiring eye-contact may not be an inclusive teaching strategy for some students (as noted in Part 2 above), requiring students to turn their cameras on in an online learning environment may not be appropriate. Many students experience general anxiety about speaking publicly, even if only within a small group of peers. This anxiety is likely heightened when ‘speaking to rows of little boxes on a screen in a video hook-up. Not only does this set-up limit broader non-verbal cues, but it also restricts general banter between participants’.<sup>83</sup> McGrath and Morriss have argued that online delivery of legal education may promote access to legal studies as it is ‘uniquely well-suited to provide education to dispersed populations’.<sup>84</sup> However, for some students, the online learning environment may present a range of equity-based challenges: inadequate access to appropriate hardware, technology and online resources; unreliable internet connection; and

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<sup>83</sup> Lesley Irvine, ‘Anxious About Speaking in Online Classes and Meetings? Here are 7 Tips to Make it Easier’, *The Conversation* (online, 27 August 2020) <<https://theconversation.com/anxious-about-speaking-in-online-classes-and-meetings-here-are-7-tips-to-make-it-easier-144121>>.

<sup>84</sup> James McGrath and Andrew P Morriss, ‘Online Legal Education & Access to Legal Education & The Legal System’ (2020) 70 *Syracuse Law Review* 49, 51.



unsuitable study spaces, to mention a few. For example, in a 2021 article in *The Conversation* on the future of online learning,<sup>85</sup> the author quoted a student as saying:

A lot of my family members got [made] redundant, and they lost their house. There were 11 people staying in my house. I couldn't study. I was also working at the same time. I had to pick up more shifts to help. Working more hours and trying to study on top of that was hard [...] My house was always loud [...] it was just hard for me.

Although in requiring students to turn on the cameras, the tutor may simply have been trying to foster connectedness among their students, in doing so it is important to prioritise creating an inclusive, equitable and accessible learning environment for all students, whether teaching online or face-to-face.

## 2 Lectures

Seventy per cent of students considered recorded lectures as a viable alternative to face-to-face lectures. This aligns with the 2018 Study that found that University mandatory lecture recording policy resulted in significantly reduced attendance at lectures.<sup>86</sup> The 2018 Study found this declining attendance at lectures to be challenging for staff.<sup>87</sup> It is perhaps not surprising, therefore, that only 48 per cent of staff in the present study agreed that recorded lectures are an effective alternative to face-to-face lectures.

As noted, 68 per cent of staff indicated they only wanted to teach face-to-face, with only 14 per cent preferring to teach exclusively online. Despite this, overall staff demonstrated clear support for a continuation of flexible delivery of teaching into the future, with almost half (48 per cent) supporting ongoing hybrid delivery of teaching and as many as 79 per cent reporting being satisfied with their experience of blended teaching in Semester 2 of 2020. By contrast only 48 per cent were satisfied with wholly online teaching in Semester 1 of 2020. In this regard, staff commented:

I think semester 2 has demonstrated that a blend of online and face-to-face teaching can work well.

I quite like having the lectures pre-recorded, and then focusing on activities in-person in class.

Some students suggested that the quality of teaching is not affected by technology:

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<sup>85</sup> Dilani Gadera et al, 'Beyond Zoom, Teams and Video Lectures — What do University Students Really Want from Online Learning?' *The Conversation* (online, 23 September 2021) <<https://theconversation.com/beyond-zoom-teams-and-video-lectures-what-do-university-students-really-want-from-online-learning-167705>>.

<sup>86</sup> Skead et al (n 2) 358–66.

<sup>87</sup> Kate Offer et al, 'Why Bother if the Students Don't? The Impact of Declining Student Attendance at Lectures on Law Teacher Wellbeing' in Adiva Sifris and Judith Marychurch (eds), *Wellness for Law: Making Wellness Core Business* (LexisNexis Butterworths, 2019) 65.

Good teachers continued to teach well. Poor ones ... likewise. Where there were issues with teaching and learning, the problem was never the technology.

## B *Assessments*

Students reported finding online assessments and exams more challenging than in-person assessments and exams. Students' comments suggested that this may be associated with the general disruption caused by the swift and uninterrupted shift to a fully online learning environment. For example:

It would have been beneficial to have had a couple of weeks break to figure out what was happening in the world and how we could manage all the changes that were happening around us.

Having no time off to re adjust compared to almost every other university giving students 2 weeks off was hard.

Given the impact of assessments on students and staff, on both workload and wellbeing, there is a need to explore and develop innovative and effective online assessment strategies, including alternatives for exams. The qualitative data revealed a range of (in some cases opposing) views and suggestions. For example:

I love typing exams - please keep this option available!

By contrast:

I sought permission to handwrite. Please do not take this away from law students.

With regards to assessing class participation, difficulties with the sudden transition to online teaching and the initial challenges of managing effective online student participation were recognised in unit coordinators deciding to either remove tutorial participation altogether or to convert otherwise compulsory tutorial participation marks to optional and redeemable in Semester 1 of 2020.

The former option was not popular with some students:

Tutorial Participation marks should have been kept and protected - this is how many students boost their marks. Removing this opportunity had a negative impact.

I actually did not like that the tutorial participation was excluded in one of my units as it put more pressure on my assignment and exam grades. I enjoy tutorial marks as I feel they provide a 'safe harbour' for some marks, whereas I feel that assignments and exams are harder to get better grades.

Interestingly, students reported experiencing greater challenges completing in-semester assessments online than they did final exams. Most (although not all) in-semester assessments at the UWA Law School were conducted online prior to 2020. As a result, for the most part these assessments did not change much in Semester 1 of 2020. Therefore, it is not clear whether the increased difficulty completing assessments related to the challenges of undertaking the online

assessment itself, or other associated factors such as the wholly online learning environment more generally, the added pressures and isolation presented by COVID-19, the reduced opportunity for face-to-face consultation with staff or access to the library, or not having a quiet place to study at home.

Difficulties completing final exams online tended to relate primarily to using the digital technology.<sup>88</sup> One student commented:

Law exams are exceptionally difficult on Exemplify because the screen is so small and we have to read so much.

While fewer staff than students reported finding assessments and / or exams more challenging some did. For example, one staff member stated:

Online activities were time-consuming to create and mark.

There was, however, inadequate data to determine precisely which aspects of assessing and examining staff found more challenging or why they may have been more time-consuming. In relation to in-semester assessments, the University pushed deadlines back and offered students self-declared extensions in response to the transition to remote learning. These measures may have affected marking timelines in several units, creating additional stress. Staff may have found it more challenging to coordinate assessments which involved group work or requirements for presentations, as these tasks traditionally rely on in-person communication. Alternatively, the difficulty staff experienced may just have been their response to the increased pressures wrought by COVID, having a flow-on effect on their work.

### C Connectedness

In terms of effective pedagogy, it is important to note that among our student and staff respondents there is limited interest in *fully online* learning and teaching as a standard. While many students considered online classes to be an adequate alternative to face-to-face classes, some raised concerns about the lack of connectedness associated with online learning:

I found I missed being on campus and being able to connect with other students. Being online we lost the sense of being a cohort and it was quite isolating.

This aligns with the findings of the 2018 Study that postgraduate law students at UWA had a strong sense of belonging and the importance of making connections. In that study, students in focus groups noted that to foster this, they needed to be on campus.<sup>89</sup>

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<sup>88</sup> ExamSoft (n 82).

<sup>89</sup> Skead et al (n 2) 364.

Similarly, only 14 per cent of staff expressed a preference for fully online teaching. In keeping with existing literature,<sup>90</sup> others struggled with the disconnectedness of the online environment:

Online teaching is exhausting and I really miss the interaction with students which is just not the same online.

Many staff reported electing to come on to campus in Semester 2 of 2020 in order to connect with colleagues and with students. Staff commented on how much they valued reconnecting with students as underpinning their preference for face-to-face teaching:

I miss the student engagement that comes from F2F lectures.

Getting back to face to face teaching is wonderful.

It is a joy to be back in the physical classroom with the students. I appreciate the incredible depth of non-verbal communication that I can obtain from students in the classroom. The zoom experience, which I actually found surprisingly helpful, is simply nowhere near as effective as face-to-face teaching.

This focus of staff and students on connectedness resonates strongly with Siemen's previously referenced pedagogical theory of connectivism,<sup>91</sup> which is particularly apt in the COVID-19 context.

Just as with face-to-face teaching, when teaching online — whether wholly online or as part of a blended model — student-to-student and student-to-teacher connectedness is essential to ensure students feel part of the learning community and have a positive student experience.<sup>92</sup> As such, as law teachers we must carefully plan and empirically evaluate pedagogical tools that foster the engagement of online students and critically reflect on their particular learning experiences, compared with students attending face-to-face.<sup>93</sup>

Beyond the classroom, data from our present study indicates that the most commonly reported reasons for students attending campus in Semester 2 of 2020 were to use the libraries, attend tutorials and to see other students. What is not known from the quantitative survey data is whether students were accessing the libraries to study (individually or in groups) and / or to socialise and access café facilities adjacent to most UWA libraries. Given that library resources are increasingly provided in electronic formats, accessible remotely, it is likely that students used the libraries during this period for reasons other than simply accessing

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<sup>90</sup> Watermeyer et al (n 29).

<sup>91</sup> George Siemens, 'Connectivism: A Learning Theory for the Digital Age' (2005) 2(1) *International Journal of Instructional Technology and Distance Learning* 3.

<sup>92</sup> Janice W Butler and Marie Evans, 'Rules of Engagement: Setting the Stage for Online Learning Communities' in Patrick R Lowenthal, Cindy S York and Jennifer C Richardson (eds), *Online Learning: Common Misconceptions and Benefits and Challenges* (Nova Science Publishers, 2014) 73; Christina Do and Aidan Ricciardo, 'Meaningful Connectedness: A Foundation for Effective Legal Teaching' (2019) *Curtin Law and Taxation Review* 3.

<sup>93</sup> David Johnson and Chris C Palmer, 'Comparing Student Assessments and Perceptions of Online and Face-to-Face Versions of an Introductory Linguistics Course' (2015) 19(2) *Online Learning* 33.

books and other resources. One student commented, in relation to Semester 1 of 2020:

The main difficulty I had was motivation and efficiency doing personal study at home rather than at the library.

The importance of university libraries as both a learning space and a social space is well-established<sup>94</sup> and this supports the suggestion that at least one motivation for students attending campus in Semester 2 of 2020 to use the law library was to connect and socialise with their peers.

#### D *Lessons Learnt*

Reflecting upon findings from our present study helps us to draw out focal points for developing a responsive model for learning and teaching at UWA Law School. Until borders opened in 2022, people in Western Australia had been fortunate in being able to exist in almost normal conditions through most of the pandemic. This window allowed us to regroup, reflect, and plan for the future.

Law Schools must be equipped to transition to online learning or hybrid teaching models as and when required. Many years pre-COVID-19, in 2007 when grappling with the rapid advances in technology and overabundance of information available digitally, Siemens argued:

Traditional curriculum and learning design seem woefully inadequate in contrast to the tumultuous changes influencing society. In this ethos of change, flexibility and adaptability are key.<sup>95</sup>

This ethos of change, flexibility and adaptability will require enhanced staff competence with online learning platforms and relevant technologies, necessitating ongoing professional development keeping pace with rapidly changing models — while at the same time retaining autonomy in how learning and teaching occurs.

Some student comments indicated the importance of adaptation:

Due to the transition to online learning and the inability of some lecturers to adapt, I received my lowest mark of my degree during semester.

Good practice going forward will require familiarity with these platforms and technologies. It will also require readiness to provide student and staff support, including technical, psychological, and pedagogical. As noted, teaching staff had minimal supports and training during this transition period. This support extends to sessional (casual) staff who must also be adequately compensated for online or blended teaching. Some of the staff comments highlighted the particular vulnerability of sessional staff in pandemic conditions:

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<sup>94</sup> Joanna Bryant, Graham Matthews and Graham Walton, 'Academic Libraries and Social and Learning Space: A Case Study of Loughborough University Library' (2009) 41(1) *Journal of Librarianship and Information Science* 7.

<sup>95</sup> Siemens (n 18) 67.

Teaching the same content in a combination of online and face-to-face environments is difficult... It is also necessary to prepare separately for the two formats, which we are not compensated for.

Another staff member stated:

It took me a lot of time to tutor students as they needed to make zoom meetings and couldn't hang out in a physical class, and I couldn't charge for the extra time after classes.

The nature, form and timing of assessment was a significant feature of the survey and of comments from students and staff. Transition to future ERT can be assisted by the implementation of a response plan; a COVID-19 plan is now mandatory in all UWA unit outlines, including alternative teaching and assessment formats.

Even outside of these potential restricted learning environments, the survey results prompt reconsideration of how exams are conducted and what software (if any) is used. Students do the vast majority of their assessments in typed, rather than handwritten, text. For many students, the only time they engage in significant periods of handwriting is when they complete exams. Some student comments indicated preferences for typed exams, others preferred to handwrite. Again, the message is a need for flexibility. Some of the survey results and student comments indicate that the time is ripe for a balanced and rigorous examination of optimal, and flexible, exam modes for today's students. The results also point to the need to reconsider assessments more generally, including assessment weighting, reallocation of assessment marks, and ungraded pass / fail options.

The challenge with assessments identified in the survey data is inherently linked to UWA Law School's approach to ERT. The knee-jerk reaction was to retain the same content, activities and learning tasks and just move them from face-to-face to online. Drawing on connectivism, we need to consider the learning context and, as Siemens suggests, shift from learning strategies determined in advance by established methods (eg, a lecture, or final exam) to learning reflective of the current circumstances.<sup>96</sup> As the scholarship indicates, effective online teaching, requires a connectivism approach, identifying strategies that enhance student learning and experience and create opportunities for student interaction, engagement and connection. Richmond, Gurung and Boysen, for example, argue that:

'a critical component of teaching online is fostering interaction among students... Although designing online courses with many ways for students to interact with the content is essential, a large part of your design energy should be also be spent on helping students interact with each other'.<sup>97</sup>

In this regard, effective assessment in an online learning environment may be quite different to that in a face-to-face environment:

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<sup>96</sup> Siemens (n 18) 53.

<sup>97</sup> Aaron S Richmond, Regan A Gurung and Guy A Boysen, *A Pocket Guide to Online Teaching: Translating the Evidence-Based Model Teaching Criteria* (Taylor & Francis Group, 2021) 23.

The process of assessment is continuous in online courses... In-person courses have traditionally followed a pattern of frequent lectures punctuated with high-stakes exams. Consequently, there are only a few points in the term when teachers know how well students are learning course material. In contrast, online courses consist of an ongoing series of learning activities and assignments that continually assess student learning. In a very real sense, the assessment process in online courses is “the class.”<sup>98</sup>

Given the importance of assessments to students and staff, in terms of both workload, academic progress and wellbeing, it would be beneficial for the UWA Law School and others to further investigate opportunities for designing optimal online assessments, while ensuring that we meet the requirements of both the Tertiary Education Quality and Standards Agency (‘TEQSA’) and professional regulators and accreditation bodies.

As a final note, despite the overall preference for face-to-face teaching, 74 per cent staff expressed a preference for the continued opportunity to work from home post-pandemic, although some noted the difficulty of working from home. Academic staff are not alone in realising as a result of the pandemic that flexible working conditions are not only possible, but perhaps desirable for staff wellbeing, work-life balance and productivity, in addition to being more environmentally friendly.

Our present study raises a number of opportunities for future research. Given students reported a preference for face-to-face learning but also enjoyed online learning, what aspects of each do they value, and why? Online tutorials were seen by some as a viable alternative to face-to-face tutorials, raising questions of what aspects of the online environment influenced this response, and why? Which aspects of online in-semester assessments students found challenging was also unclear as most assessment items are already submitted and marked online. Finally, the high number of students accessing campus specifically to use the libraries could benefit from further exploration.

## VI CONCLUSION

The experience of students and staff in the UWA Law School during the height of COVID-19 restrictions reflects in many ways the themes identified in the extant and emerging literature. The findings from our staff and student surveys — although not necessarily generalisable — may resonate with others and help inform legal education into the future.

The jarring effects of rapid transition to ERT emerged as a significant feature in our survey responses, although there was also evidence of the resilience of both students and staff to deal with these changes. There was a clear correlation between rates of student and staff satisfaction and the nature of the learning and teaching environment. Student and staff satisfaction was at its peak in the pre-pandemic learning environment in semester 2 of 2019, at its lowest with full

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<sup>98</sup> Richmond, Gurung and Boysen (n 97) 52.

COVID-19 restrictions in Semester 1 of 2020 and improved in Semester 2 of 2020 as more face-to-face learning was possible. Drawing on the theory of connectivism, however, there is an interesting tension between higher satisfaction rates with face-to-face teaching and the connectedness that comes with an on-campus experience, and some level of preference for the flexibility of retaining elements of online teaching and / or a blended model and working from home.

Relatedly, and perhaps less explored in existing literature, key themes in our findings were the challenges of online assessments and exams during COVID-19. Again, in keeping with the theory of connectivism, the key message is the need to be more flexible and adapt our assessment practices to suit the learning context. Indeed, the time has come to do this regardless of whether the restrictions necessitated by COVID-19 persist.