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### Original Citation

Hart, Tina, Fellowes, Melanie and Jabbar, Abdul (2012) Digital Literacies – The challenges for a modern Law School. In: Pelecon 2012 (Plymouth e-learning conference), 18 April - 20th April 2012, Plymouth, UK. (Submitted)

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## **Digital Literacies –the challenges for a modern law school.**

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### **Abstract**

*The Huddersfield University Law School offers a range of distance and flexible learning courses. These courses are delivered on line through a virtual learning environment. The desire to widen participation was the original rationale for delivering courses in this way. The programmes were therefore primarily designed for those students who could not attend face to face sessions such as; overseas students who would find the cost of travelling to the UK prohibitive, students with family and/ or employment commitments and students with disabilities. The perceived changing student market and the recognition that more and more students will need to balance their study with other commitments has joined widening participation as an objective. It is vital that learning designs take account of a generation already used to technology in their learning and social life.*

*This kind of provision leads to its own challenges for staff and students. It requires detailed planning on pedagogy to ensure that it is appropriate for the online environment. In addition for many staff the development of this type of pedagogy requires training in software that they were not overtly familiar with, as well as the development of additional “online” moderation skills to supplement their “offline” teaching skills.*

*Whilst new courses should make full use of digital literacies, designers should appreciate the needs of mature students returning to studies. Such students will be faced with new methods of teaching and learning. Becoming proficient with the technology will be a challenge. This can be minimised by the implementation of e-learning bridging courses that are specifically designed to help students familiarise themselves with the technology before the commencement of the course.*

This paper is a discussion of the challenges faced by the School of Law at the University of Huddersfield, in its design of e-learning courses for students on the Graduate Diploma in Law and LLB by Distance Learning courses. It will outline findings from a previous study of the experience of GDL students in 2010-2011 and discuss amendments made to that course as a result (see Hart, Fellowes and Jabbar, The challenges of student engagement on GDL blended learning, University of Hertfordshire, June 2011).

The design of these courses has to take into account the requirements of the Joint Academic Stage Board (JASB) of the two branches of the legal profession whilst making effective use of the tools available in the Unilearn Virtual Learning Environment.

The use of digital technologies has therefore been led by the delivery of courses via e-learning.

## **What is E-Learning?**

Njenga and Fourie (2010 p.201) describe e-learning as:

“...the use of electronic technology and content in teaching and learning. It includes, but is not limited to, the use of the Internet; television; streaming video and video conferencing; online text and multimedia; and mobile technologies.”

This form of learning is used within the Business School on a range of courses. The School of Law, offers the LLB by Distance Learning and the LLM Suite of courses by Distance Learning. The students work at their studies away from the university and will probably never set foot on university premises. They may be Home/EU students or study virtually anywhere in the world. Both of these courses are delivered entirely electronically, over the Internet.

The Graduate Diploma in Law is delivered by flexible or blended learning. The students study using a combination of on-line learning and face to face contact (which is optional). The face to face contact is each week for the student but the tutorials are delivered on a four week cycle. Each tutor therefore sees the students every four weeks.

### **The LLB Distance Learning Student.**

In terms of meeting QAA benchmarks in line with Bloom's Taxonomy, the LLB student will progress through their studies in the same way as any other undergraduate student. This means that they will do 120 credits worth of study at foundation level (knowledge and comprehension), a further 120 credits at intermediate (application and analysis) and the final 120 credits at Honours level (analysis, synthesis and evaluation). An LLB student studying on campus, will normally progress through their programme over a three year period. The LLB students studying by distance learning may take between four to six years depending on their other commitments. Thus self-motivation and engagement with the course and its material is vital. These students are scattered all over the world and are often studying in isolation.

Whilst the LLB provides an exemption to the first part of the professional examinations, it is a social science in the same sense as say a B.A (Honours) in History.

### **The GDL Student.**

The GDL course is for students who have a first degree in a subject other than Law, but want to practice as either a barrister or a solicitor. The GDL as a qualification is therefore a means to an end – a necessity before proceeding to the Legal Practice Course (or the Bar Professional Training Course) and then a training contract (or pupillage), the ultimate destination being to qualify as a solicitor or barrister. It is an intensive course. Whilst the LLB student has over three years to progress from foundation to honours level, the full-time GDL student should complete their course within one year. All the subjects are at Honours level. It should also be noted that the GDL student studies seven subjects and produces a research project in one year. These subjects are covered in approximately two and a half years by an LLB student.

## **Staff Expectations of students.**

For both courses the students are expected to be independent learners. On both courses, detailed materials are prepared for each module and uploaded onto the virtual learning environment. These are supported by a series of tutorials, which the students are expected to complete. **Bouhnik and Marcus (2006)** have suggested that the successful and proper exploitation of multi-media e-learning techniques, such as the ability to access material on line, generally requires careful treatment and increased attention. Otherwise the students may encounter significant difficulties, such as becoming overwhelmed and confused by the amount and breadth of the information to which they are exposed (Swan 2001). The course teams were therefore aware that simply directing students to suggested reading is not enough and module leaders have attempted to utilise interactive activities to engage students.

On the LLB course, the students had to respond to self-study questions. A suggested answer would be released to them two weeks after completion. They also had questions to answer through the discussion boards to encourage collaboration. To prepare them for the examination, they were given a formative assessment in each module, on which they received feedback. A suggested answer was also made available to them three weeks after the deadline.

When the GDL course was re-validated in 2010, the materials were prepared on the premise that the students were all postgraduates. It was expected that a certain level of skills and knowledge would have been reached. Like the LLB students, they had tutorial questions to answer. On completing a question, they received a suggested answer straight away. Having accessed the suggested answers, it was expected that they would be able to compare their own answers and thus ascertain if there were areas which required further study or clarification, producing a personal reflective blog the tutor could access and comment on.

What the team appeared to have overlooked is that, although the GDL is postgraduate in time the GDL student is not a postgraduate *law* student.

As the authors found in 2011:

“In order to be able to complete their reflective blog and recognise any deficiencies the students need a higher level of knowledge and understanding. So in some ways the GDL student has to be regarded as an undergraduate and the pedagogical approach has to be similar. A certain amount of hand-holding is necessary. With that in mind it is clear that the need for a constant dialogue between tutor and student was underestimated. The tutor’s presence, whether face to face or electronic, is a constant reassurance, a person to consult and ask questions of” (Hart, Fellowes and Jabbar).

Further **Bouhnik and Marcus (2006)** make the point that it is important that the technology is transparent and does not create psychological or functional barriers. It can be expected that many of the e-learners will have difficulty in carrying out the

psychological change that is required to proceed from studying face to face to studying online. A good number of GDL students are mature students who would have only experienced learning on campus. Such learners will require guidance with the use of the new system. A study conducted by **Kedar, Baruch and Gruvgald (2003)** indicates that if the technological and technical problems that the students encounter while using the system are not solved immediately, this will reflect negatively on the students' level of satisfaction from the e-learning system.

### **Developments since 2011.**

The feedback received from student panel meetings and course evaluation suggested that the following changes were required on the GDL.

- In 2010-2011, the requirement to attend a compulsory one week induction had been dispensed with to encourage the enrolment of students who were not able to commit to a week of face to face study due to work or family commitments. This concession had a negative impact on student engagement. Several students decided that they did not have to attend electronically. An optional one day induction was reinstated in September 2011.
- The generated suggested tutorial answers were welcomed but several students accessed the suggested answers without first submitting their own. The team considered making it a condition that students should submit their own work first but decided that it would result in students not having access at all to the answers and thus be denied the opportunity to learn.
- This year tutors have also provided individual feedback to students, for at least the main problem question in the tutorial, and also commented on the reflective blogs which has increased the dialogue between tutor and student. It has also served to build up the relationship.
- The reflective blogs were rarely completed for the individual tutorials. The course team accepted that whilst reflection is vital, the format was perhaps not appropriate for individual tutorials. Instead they would be used in the research project module and be assessed as the record of research.
- The e-bridging tutor found that the students who enrolled in 2011 were far more engaged than those who had enrolled in the previous year.

### **The use of digital technologies on the LLB by DL and the GDL.**

The findings from 2011, together with the transfer from Blackboard to Unilearn continue to inform our use of technologies to enhance the student experience. The GDL course team retained those elements that appeared to work for the staff and students. Some of the GDL staff also deliver modules on the LLB by distance learning. Good practice in the use of the technology was therefore transferred to the LLB by distance learning.

### **Data Collection.**

In order to obtain feedback on developments since 2011, the Deputy Course Director of the GDL, interviewed each member of the course team, based on set questions. Responses were then transcribed, collated and analysed.

Student panel meetings are held in January and May of each year at the revision weekends, to gain valuable feedback regarding the subjects studied, the facilities offered within the University and on-line, as well as the design of the course. Those students who are unable to attend are also asked to send in their views, either to student representatives or to the course leader or deputy. To date there has only been one set of meetings, those held in January 2012. The minutes from that meeting also contributed to our findings.

### **Current use of the Unilearn features.**

As standard all tutors in the Business School use the announcements page for all of their modules (whether campus or on line). The use of Turnitin is also standard. From September 2012, all tutors will be required to use Grademark or mark electronically. GDL tutors already do this (either using tracked changes or Grademark). Grademark is also being used to mark the formative assessment for the LLB by DL. The generated suggested tutorial answers (referred to as quizzes) are used by all GDL tutors. This has now been replicated on the LLB by DL modules. The use of podcasts has increased generally over the modules. Only a few tutors have completed screencasts and some have added blogs in place of discussion boards on both the GDL and LLB by DL. Tutors are generally adding more and more materials for the DL and GDL modules and if tutors are module leaders for both then they tend to be aiming for consistency across the modules. Further PowerPoint slides and podcasts are being put up on the sites as well as further guidance on how to answer certain types of exam questions.

Very few tutors are using Wikis and only one or two have used Elluminate (which has not been popular or well attended by the students). One or two have used Skype as an alternative.

Grademark will also mean that feedback on assessments can be released on a certain date, rather than tutors having to return them individually via email. This will make marking much more smooth and efficient.

Most tutors appear to have abandoned the use of discussion boards as a method of enhancing student collaboration. This is despite that fact that there is evidence that this can be effective. **McCall (2010)** strongly endorses the use of the discussion board as an opportunity for collaborative learning. Whilst some students reported that they were inhibited by the public nature of the medium, their feedback suggested that they were learning from the medium even without contributing to it. **Collins (2010)** also supports the use of discussion boards, claiming that the on line discussion environment and team structure enable students to work collaboratively, engaging in dialogue and constructing knowledge through their shared experiences and at times that suit their busy lives. This has not been the experience at Huddersfield. Students and staff have found that it only

takes one student to provide one long answer, to discourage others from participating. Instead tutors are making use of blogs and on the LLM wikis.

### **Student Engagement and Progress.**

The test questions have meant that the students receive instant feedback rather than having to wait for feedback from the tutor within two weeks. It means that they can move on to the next Unit much more quickly and receive the answers while the Unit is still fresh in their minds.

On the DL course most students have not engaged with the test questions but presumably have been accessing the suggested answers. This makes it difficult for the tutors to monitor the understanding of the law and ability to apply it to given scenarios, especially as there is no coursework assessment on this course. Although a few have submitted the formative assessment. In EU most completed the tests and submitted the formative assessment.

The exam for the DL students (which will be the first cohort with the tests provided) is not until May so it is not possible at this stage to decide whether achievement has improved.

On the GDL tutors have noted a marked improvement in engagement by the Year 1 students although this could be the cohort who are particularly committed and appear to have a very different attitude to the course this year. However, even the current Year 2 students (last year's Year 1 students who tended not to engage) have engaged much more this year. This could be that the weaker students fell by the wayside in the first year or are deferral/referral students who have not progressed yet to Year 2 subjects. Or, the first year could have made them realise how important it is to engage in order to do well.

For those subjects on the GDL where courseworks have been submitted and marked the results have been very good with an increased number of first class grades and fewer fails/referrals. This is very encouraging.

### **Staff Development.**

Most members of staff have found it fairly straightforward to put up or use the basic tools. A few are still hesitant and less confident but these tend to be tutors who are not as involved in the distance learning teaching. This demonstrates that support for staff will need to be on-going. According to **Njenga and Fourie (2010)** resistance to change is the most difficult part. They state that there is enough evidence that the human issues would have a greater effect on e-learning than the technology itself. It is suggested that the experience at Huddersfield is that staff are willing to make the effort to learn how to use the technology but find that there is a paucity of time, when taken with other commitments.

Some of the changes required staff development such as the screencasts, putting up of test questions and answers and marking on grademark. The training on both was provided by other members of staff within the department or by the two placement students who are in the Business School for a year. Although the placement students have been available over this academic year they have not been made full use of,

primarily because of lack of time to devote to further changes on the part of the tutors. The placement student allocated specifically to Law has provided written instruction sheets on how to put up the test questions.

The presence of the two placement students has meant that the 2011-2012 academic year has been good for staff development and training. They have been willing to provide either team training or individual training. This has been very helpful to both teams but there is concern as to whether there will be any training provided next academic year when these students have completed their placements. It is suggested that a bank of training materials – whether these are instruction sheets tutors can refer to or training DVDs or unitube provision should be provided. Time will need to be allocated to do this as at present tutors are just trying to fit this in when they can, usually just before it is needed by the students. If only one training session is provided and a tutor has a teaching clash at that time then they can be forgotten.

**McPherson and Nunes, (2008)** state that staffing issues, pedagogically sound delivery models and the training of both tutors and students cannot be treated as trivial issues and are critical for the success of e-learning. Referring to an earlier study, they argue that the adoption of new pedagogical models implies a whole new set of both teaching and learning skills and as a consequence, tutors and learners may not necessarily be sufficiently prepared to be successful in e-learning environments. The authors make the point that e-learning often starts off as small scale departmental projects, as is the case with the GDL and LLB DL, but add that the efforts will have little chance of succeeding without a tutoring team that has appropriate online tutoring skills necessary to explore and maximise the design environments. The tutoring team is as important as the technical design team. **McPherson and Nunes** also state what is already known by the GDL and LLB DL tutors. Namely that e-learning can be more time-consuming than face to face delivery, both in terms of preparation and delivery.

## **Conclusion.**

The course team have noted an improvement in the engagement and achievement of the GDL students. As a result of this, the good practice from the GDL is being replicated on the LLB by DL and introduced onto the LLM by DL. There are nevertheless continued challenges in ensuring that the staff and students are adequately trained and supported. Training and staff development will need to be ongoing as the tools increase in the virtual learning environment.

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