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ONE

We Are in this Together: A Faculty-Led Approach to Fostering Innovation in Online Instruction

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After reviewing this chapter, readers will understand how to:

- Implement a faculty-led approach to improving online instruction at their institutions;
- Convene a faculty task force to spearhead that approach;
- Engage faculty members in productive discussions about the pedagogy of online law teaching;
- Prepare a set of institution-specific recommendations for improved online teaching; and
- Foster a faculty culture invested in innovating online instruction well beyond emergency use.

As so many platitudes tell us,¹ challenges present opportunities. And the challenges of teaching law in a pandemic certainly created an avalanche, a flood, a—pick your natural disaster—of opportunity. Indeed, the sudden switch to online teaching occa-

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1. You know these: When the universe shuts a door, it opens a window. Every cloud has a silver lining. When life gives you lemons, make lemonade.

sioned by COVID-19 was a unique opportunity to start a discussion about law school pedagogy and technology that was, for at least some law faculties, long overdue.²

But how to approach this discussion with faculty members, some of whom have taught the same classes in largely the same ways for decades, was not an easy question. Some law professors may have wanted to wait things out, hoping that life and teaching would return to “normal” in short order. For those professors, the switch to emergency remote teaching³ risked entrenching old teaching approaches — lecturing, cold calling, assessing students through single summative assessments — and casting everything created in the spring of 2020 as a halfhearted approximation.

For other professors and administrators, those already hip to the ways online course delivery could expand the reach of legal education, the switch was a chance to shepherd everyone toward a new future where law school classes were taught in a variety of modalities for students spread across the globe. For those already comfortable with online instruction, online law teaching was long overdue and is an essential part of the future of legal education.

Between these two camps there is a middle way: a faculty-led approach to help law professors make incremental but significant progress over the course of one summer and then forever toward becoming more effective and engaging teachers both in person and online. This approach accepts that the need for quality online instruction for law students will remain beyond any emergency need but does not reject outright the in-person teaching techniques that many law professors have developed over their careers. It seeks to meet faculty members where they are and accommodates a spectrum of mindsets, preferences, and deeply held beliefs about the best way to prepare students for the practice of law.

I. The Goals & Benefits of a Faculty-Led Approach

We will describe our process in greater detail in part II, but here is an overview. Near the end of the Spring 2020 semester, the dean of our law school convened a faculty task force to explore online and concurrent pedagogy.⁴ The task force’s charge was to take the lead in thinking through the pedagogical challenges of teaching in both remote and synchronous concurrent environments, identify the “better practices” that faculty

2. Michael L. Perlin, *Online, Distance Legal Education as an Agent of Social Change*, 24 PAC. MCGEORGE GLOBAL BUS. & DEV. L.J. 95, 98 (2011) (describing online courses as a “pivotal development in the history of American legal education”).

3. Some scholars refer to this by its initials, ERT. See Charles Hodges et al., *The Difference Between Emergency Remote Teaching and Online Learning*, EDUCAUSE REVIEW (March 27, 2020), <https://er.educause.edu/articles/2020/3/the-difference-between-emergency-remote-teaching-and-online-learning> [https://perma.cc/8BZ3-JTBW].

4. We use the term “concurrent” to refer to a single teacher leading online and in-person students simultaneously.

should be using in various course settings, and develop a plan for getting the faculty as a whole up to speed on those practices. The task force worked all summer to listen to faculty, collect and review resources, and prepare recommendations for better practices in fully remote and concurrent teaching. Those recommendations were released to the faculty (and the world) as a work-in-progress.⁵ Then, the task force held listening and sharing sessions with faculty in preparation for the Fall 2020 semester.

This process was informed at every step by a primary institutional goal of fostering broad faculty buy-in for improving the faculty's approach to teaching online. Having survived the abrupt transition to fully online courses, we wanted to generate faculty engagement with online pedagogy that was collaborative, positive, and ongoing. We wanted to incentivize and empower faculty members to experiment with online teaching tools and strategies. We wanted the faculty to feel supported in efforts to improve their online teaching by providing resources and materials that allowed them to try new things and build up experience and judgment about the tools that worked best for them. And we wanted to create a faculty culture that was open to innovation and invested in discussing and sharing pedagogical advancements.

As we reflected on our experiences from the necessary move to remote teaching, we considered various models for gathering, digesting, and disseminating useful resources for remote and concurrent instruction. A top-down model with required approaches to online teaching seemed like the least effective way to reach our goals and had the potential to minimize faculty buy-in. External solutions, such as hiring instructional designers and technologists to guide us through intensive summer work, were both cost-prohibitive and risked leaving valuable faculty voices and experiences out of the process. Instead, we believed we could best meet our goal with a faculty-led approach.

While the faculty task force approach yielded innumerable benefits, we saw three particularly noteworthy outcomes. First, our shared responsibility for identifying the path forward provided an opportunity for an already-collegial faculty to communicate with and support each other at an extraordinarily difficult time. It quickly became clear that participants wanted to express their frustrations, concerns, uncertainties, and needs. By making space to talk about these things, we were better able to craft recommendations that were responsive to our needs and reflective of our hopes.

Second, our collaborative exploration of both practical and theoretical resources about online pedagogy allowed us to identify opportunities to improve student experiences without setting standards for the transformation of every course that would be impossible to achieve. By talking and listening to each other as a faculty, we created realistic "better practices" that could be implemented on a continuum depending on the priorities and resources of each individual professor and had the potential to improve the student experience in every course.

5. ST. JOHN'S UNIVERSITY SCHOOL OF LAW ONLINE & HYBRID TEACHING TASK FORCE, *Recommendations for Online Teaching* (June 26, 2020), https://scholarship.law.stjohns.edu/faculty_publications/310/ [<https://perma.cc/C7ZS-JWX7>].

Finally, and perhaps most importantly, the collaborative creation of recommendations for “better practices” gave those involved some sense of control during uncertain times. Despite our inability to change our circumstances, we did have the ability to shape the experience we and our students would have in the coming semester and beyond.

II. The Process

A. CONVENE A FACULTY TASK FORCE WITH DIVERSE TEACHING EXPERIENCE AND CLEAR DELIVERABLES

Our task force included eight faculty members teaching in a variety of course types: clinical, large 1L, large upper-level, skills, seminars, and writing. The task force members had different teaching and learning backgrounds and included junior faculty and senior faculty.⁶ It also included a few faculty with online teaching experience that predated the pandemic and some with online learning experience. Finally, the faculty members had differing degrees of familiarity with educational technology. This diversity of teaching experiences gave the faculty as a whole a sense that the issues we shared were being explored, while the issues unique to specific types of courses would not be overlooked.

The faculty who served on the task force were all professors known for caring deeply about teaching. In addition, they all have personalities that make them well suited for working collaboratively. And perhaps most important, the task force was a relatively diverse and inclusive group, which allowed us to think about the challenges faced by a broad range of students and faculty. We knew that the task force would often need to meet virtually during an extremely stressful time, and so we wanted the experience to be one that was at least pleasant, and maybe even fun.

In preparation for our first meeting, we asked the task force members to think about three ways we could improve the teaching and learning experience for faculty and students. We contemplated fully online classes as well as classes taught in a concurrent model, i.e., with low-density, simultaneous in-person and online instruction. Answers ranged from providing faculty access to specific hardware and software to engaging in extensive educational technology training. Some ideas focused on physical changes to our classrooms for socially-distanced or concurrent in-person teaching. Others contemplated a more conceptual re-working of the way we engage in legal education. It quickly became clear that our charge, identifying ways in which we could improve our remote and concurrent teaching and learning, would require an exploration much broader than we first imagined.

6. The task force faculty included tenured professors, tenure-track professors, skills professors with contracts of different statuses and lengths, and administrators who also teach.

We agreed on an ambitious timeline and set of goals that would, in twelve short weeks, provide us an opportunity to learn, synthesize, and share an incredible amount of information. We set weekly meetings to identify action items and review our progress, worked collaboratively in shared folders and documents to assemble our findings, and sought to experiment with as many tools and ideas as possible. Ultimately, we aimed to provide the following deliverables: We would curate a collection of resources focused on online pedagogy, find and share opportunities for professional development related to online and concurrent teaching and learning, and prepare written recommendations for our faculty based on what we learned from these resources and from our colleagues.

B. HOLD LISTENING SESSIONS THAT ALLOW FACULTY TO VENT AND BRAINSTORM

Central to the task force's work was listening to the faculty. We knew that if our recommendations were going to be helpful, they had to respond directly to faculty feelings about online teaching. And they had to meet the faculty where they were in terms of both pedagogy and logistics. So we organized virtual listening sessions with small groups of faculty. The discussion groups were guided by two prompts — looking back at Spring 2020 and looking forward to Fall 2020 and beyond.

To no one's surprise, we heard a lot of gripes at these listening sessions.⁷ Many related to technological glitches and limitations. Others were about the things that all educators struggled with in the shift to online teaching — it takes longer, it feels lonely, and it is vastly different than in-person instruction. Sharing those common complaints set the stage for the faculty to think about ways, even small ones, to improve the teaching and learning experience for the fall and afterward. And as much as we could, we tried to steer the discussion to what worked well and what we had learned.

From these sessions, we were able to identify several objectives that most, and maybe all, professors had for their continued online teaching. In particular, faculty repeatedly expressed that they wanted (1) for the technology to work seamlessly during class, including audio, video, chat, slides, and interactive tools; (2) to see the students as much as possible; (3) to encourage student engagement and participation; (4) to prepare classes effectively to suit online teaching and learning; and (5) to build community in classes, connecting with students and helping them connect with each other. The task force then focused on these objectives and ways to achieve them in preparing our recommendations.

7. To be fair, the emergency remote teaching of the spring semester was difficult and stressful for everyone involved. It was, without question, a sub-par teaching and learning experience. Part of the task force's work was to help the faculty understand that there is a chasm between ERT and thoughtful, well-executed remote instruction, and that our efforts were intended to help bridge that gap. See Charles Hodges et al., *supra* note 3.

C. USE STUDENT FEEDBACK TO ASSESS WHAT WORKED AND WHAT DIDN'T

In addition to listening to faculty, we also needed to listen to students. To do so, we decided to use the course evaluations from the spring semester, which included the following new question: “If this course were going to be taught again in an online format, are there any improvements that could be made?” We extracted the answers to this question from all evaluations and anonymized them. We then grouped responses for similar types of courses together. We shared these answers with the task force, hoping that in the aggregate we would get an accurate view of our students’ responses to online teaching and ideas for how it could be improved.

Perhaps not surprisingly, the student answers in many ways tracked the faculty objectives from the listening sessions. Students wanted (1) the technology to work seamlessly; (2) to see their professors and classmates; (3) for the classes to be interactive and engaging with visual elements, especially slides, that were distributed in advance of class and prepared with online delivery in mind; and (4) to feel connected to their professors and classmates so they could still be part of the law school community even while learning remotely.

D. COLLECT, ORGANIZE, AND SHARE EXISTING RESOURCES

While we engaged with our faculty colleagues and reviewed student feedback, we collected resources and information from beyond our community. We began by putting useful articles, webinars, resource lists, blog posts, and teaching tools into a shared folder. In a matter of days, it was clear that we would need to impose some sort of organizational structure for these resources to be truly useful. Broad categories emerged in our collection and included pedagogy in online education, online teaching specific to legal education, assessment in online teaching, educational technology tools and techniques, and open educational resources.

There seemed to be an endless supply of resources and tools related to online learning generally, but a dearth of guidance specific to online and concurrent teaching in legal education. A vocal minority of law faculty and law librarians has been calling for and assembling tools for online instruction in law schools for several years, but we found relatively few examples of robust and broad-based initiatives to integrate online instruction into legal education.⁸ This, it appeared, was the moment that those voices would be heard and new initiatives would gain traction.⁹ Members of the task force participated in webinars, conferences, and intensive courses and then we shared our

8. Suffolk Law School and Mitchell Hamline School of Law stand out as early adopters.

9. The AALS Section on Technology, Law & Legal Education created a series of weekly webinars for the summer of 2020 focused on remote instruction in legal education. CALI created a 7-session intensive course designed to touch on major issues and practical applications in online legal education.

take-aways with each other. In hopes of disseminating our collection as broadly and efficiently as possible, we created a guide using the LibGuide software licensed by the law library.¹⁰

E. DRAFT SPECIFIC RECOMMENDATIONS FOR ALL TYPES OF CLASSES

Once the task force had listened to faculty and students, reviewed and collected resources, and coalesced around a set of ideas that it would be worthwhile to share, we set out to draft written recommendations that we could distribute to the faculty before the start of the fall semester. We felt that our faculty would be best served by recommendations specific to our law school with its unique culture, student profile, geographic location, and technology infrastructure.

The process of collaboratively drafting the recommendations required planning and collegiality. The recommendations begin with the following short introduction that explains their perspective, purpose, and scope:

This is a collection of recommendations drawn from a variety of sources, including our colleagues, students, webinars, books, articles, podcasts, and our own experimentation. It is not our expectation that any individual professor would adopt all of these suggestions and indeed no one of us intends to. Instead, we hope that some of these are helpful to you. Some suggestions deal with the nuts and bolts of teaching online while others with how to accomplish broader goals.

Many of the suggestions are intended to deal with the same set of particularly troublesome problems for online classes: holding student attention, facilitating calling on students and discussions, increasing student engagement with the material outside of class, and making it possible for students to get to know and work with each other.¹¹

We decided to write general recommendations that would be useful to all faculty and specific recommendations for each type of class: large 1L, legal writing, large upper-level, upper-level seminars, upper-level skills, and clinics. Using the faculty objectives as a roadmap, we structured the general and specific recommendations to have the following five sections: (1) Logistics & Technology, (2) Synchronous Classes,¹² (3) Student Engagement, (4) Assessment, and (5) Social Presence & Building Community.

10. This collection continues to evolve and grow, and its current iteration can be found at <https://law.stjohns.libguides.com/sjulawremote/pedagogy>. A separate collection of open educational resources for legal education can be found at <https://law.stjohns.libguides.com/sjulawremote/oer>.

11. ST. JOHN'S UNIVERSITY SCHOOL OF LAW ONLINE & HYBRID TEACHING TASK FORCE, *supra* note 5.

12. In the recommendations, "synchronous classes" refers to fully online classes with synchronous instruction. These classes usually take the form of the professor and students all logged on at the same time with their cameras on and the professor alternating between lecture and colloquy with students. *See id.*

The general recommendations reflected the task force's consensus about the best ways to improve our online teaching. Often, there was not a single answer that would work for every faculty member or every course. For example, faculty and student opinions about the chat function ranged from love to hate and everything in between. So rather than recommending that faculty use the chat function in one particular way, the task force recommended that every faculty member make a decision about chat and communicate that decision and any expectations clearly in the syllabus.

For the specific recommendations, members of the task force paired off to work on recommendations for the type of courses they were most familiar with teaching. The specific recommendations were written to capture the particular concerns that come with teaching certain types of courses and were informed by the common pedagogy and practices of the professors who wrote them. For example, the recommendations for large 1L classes were written by professors who teach Civil Procedure and focused on the best ways to engage new law students in the first semester of law school. In contrast, the recommendations for upper-level skills courses were written by professors who teach a variety of skills courses and focused on the best ways to create community in small classes and offer realistic experiential opportunities online.

Once everything was written, each member of the task force had the opportunity to offer edits and suggestions. We wanted to make sure that the document read as informed recommendations, not fiats or demands. We also wanted the recommendations on the whole to be encouraging, non-judgmental, and readable so the faculty would read and use them immediately. We also stressed that they were a work in progress and that we were open to feedback.

F. SHARE THE RECOMMENDATIONS

We delivered our written recommendations and resource collection to the faculty just eight weeks after our first task force meeting and invited the faculty to engage in a second round of smaller and more targeted discussions. The groupings for these conversations aligned with the types of courses faculty were preparing to teach in the fall semester.¹³ The primary goals of these targeted discussions were to engage with the entire faculty about the recommendations, explore concrete ideas for individual courses, and answer questions about the task force's work.

As with the first set of conversations, we tried to steer the discussion toward building on positive experiences from the spring, fleshing out new ideas for fall class sessions, and identifying remaining questions that would need to be answered before the start of classes. During these sessions, we discovered that faculty members who were not part of the task force had also been actively engaged in learning about online and concurrent instruction and had made thoughtful plans for their fall classes. So in

13. Of course, faculty members were invited to participate in as many of the small group meetings as they wanted.

addition to fresh ideas, this second set of discussions provided us with a list of logistical and technological questions that needed answers before the fall semester began. To help with these, the task force facilitated technology rehearsals for certain classes, created user guides for technology tools, and recommended the law school make certain purchases that would allow for the kind of teaching the recommendations had envisioned. The plans that grew out of these discussions gave us hope that our work would result in a better fall experience for everyone.

G. REVISE THE RECOMMENDATIONS AND OFFER ADDITIONAL SUPPORT

A month into the fall semester, we scheduled a third round of conversations to see how classes were going and whether our recommendations were useful. Again, our faculty discussions resulted in helpful ideas for revising our work — a process that is ongoing and will continue as faculty members continue to gain comfort and fluency with online and concurrent teaching.

III. Lessons

There are many lessons that we learned from this faculty-led process. Virtual meetings should be short; personalities and perspectives matter when working as a team during a stressful time; teams that are diverse and inclusive are better problem solvers; technology will fail no matter how much you test it; and many more. But the most important lesson, and the one that makes this faculty-led approach a blueprint for improving the online education offered by law schools, is that law professors are at their best when asked to do the simultaneous teaching and learning that is at the core of being a member of a law school faculty. Each of us had knowledge and insights to share and so, so much to learn. And our work was better because we taught and learned from each other.