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## Online Teaching: The Importance of Pedagogy, Place and Presence in Legal Education

Lillian Corbin

*University of New England, Armidale, lcorbin@une.edu.au*

Lisa Bugden

*University of New England, Armidale, lisa.bugden@une.edu.au*

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# ONLINE TEACHING: THE IMPORTANCE OF PEDAGOGY, PLACE AND PRESENCE IN LEGAL EDUCATION

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LILLIAN CORBIN\* AND LISA BUGDEN\*\*

## I INTRODUCTION

The use of technology for teaching law is increasing across the world due to a number of pressures. For instance, many students have work and family responsibilities, or live some distance from a university, and technology offers them the chance to access learning opportunities.<sup>1</sup> Also legal professional bodies are now very interested in law graduates having ‘some hands-on ability with technology’,<sup>2</sup> and being able to use technology to conduct legal research, market legal services, and to develop innovative practices to effectively manage client needs.<sup>3</sup> However, universities are the main drivers for academics adopting online teaching methodologies. There are a number of reasons for universities to encourage this initiative. Universities are under greater pressure to develop work ready legal graduates who will thrive in a digital environment, are adaptive to change and use skills such as communication and collaborative skills to meet client and community needs.<sup>4</sup> Additionally, universities see technology as an economic imperative which allows them to reduce teaching labour costs and to sustain research activities;<sup>5</sup> to ‘accommodate more learners at lower

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\* Professor, University of New England.

\*\* Senior Learning Designer, University of New England.

<sup>1</sup> Sue Saltmarsh and Wendy Sutherland-Smith, ‘S(t)imulating Learning: Pedagogy, Subjectivity and Teacher Education in Online Environments’ (2010) 8 *London Review of Education* 15, 18.

<sup>2</sup> Law Society of New South Wales, ‘Flip: The Future of Law and Innovation in the Profession’ (Commission of Inquiry Report, Law Society of New South Wales, 2017) 77 <<https://www.lawsociety.com.au/advocacy-and-resources/advocacy/flip>>. Similar themes are also evident in the report by the Law Society of England and Wales, ‘The Future of Legal Services’ (Report, Law Society of England and Wales, January 2016) <<http://www.lawsociety.org.uk/support-services/research-trends/the-future-of-legal-services/>>.

<sup>3</sup> Janet Weinstein et al, ‘Teaching Teamwork to Law Students’ (2013) 63 *Journal of Legal Education* 36.

<sup>4</sup> Australian Collaborative Education Network, *National Strategy on Work Integrated Learning in University Education* (10 November 2015) <<http://acen.edu.au/resources/national-wil-strategy/>>.

<sup>5</sup> Susanne Lohmann, ‘The Economic Imperative for Teaching with Technology’ (2005) 22(1) *Issues in Science and Technology* 51.

costs’;<sup>6</sup> and they accept that the use of technology has the potential to improve the teaching provided to students.<sup>7</sup>

In terms of the latter claim, Craig T Smith acknowledges that there are studies that both support the premise that technology can enhance teaching, and those that suggest that technology can produce inferior teaching. In that regard he argues that ‘technological tools are no different than, for example, cars: their value depends on what we do with them and why’.<sup>8</sup> However, regardless of whether law teachers are technocentric, technophobic or something in between, ‘[l]egal education will inevitably become more dependent on computer technology’.<sup>9</sup>

This paper accepts that technology will be part of the future pedagogical practices of the teaching of law and that the term ‘online’ can be used to mean both those support activities for face-to-face teaching and teaching solely online, but the latter meaning is used as the focus of this paper.

Against this background, the paper does not accept that the teaching methods currently used in face-to-face teaching can simply be adopted for use in the online environment. It argues that more thought needs to be given to how students can be encouraged to engage with the content, the teacher and other students. The paper therefore argues that law teachers, in designing their units/courses which will be offered online, need to draw upon a range of learning theories to determine the appropriate pedagogical approach for relevant content, to build student skills and recognise the importance of the concepts of ‘place’ and ‘presence’.

However, simply suggesting that those who teach online should design their units/courses and assessment based on learning theories, without further explanation, is not, in our view, very helpful. This paper will therefore endeavour to define and demonstrate how learning theories can be applied for use in teaching law students in the online environment — something that does not appear to be addressed in any detail in the literature on legal education. Further, the paper will also suggest some possible technologies that can be used in support of online teaching, but, in this regard, we should point out that these technologies are only intended as examples of what is available. More specifically this paper takes up the challenge made by Galloway — in which legal academics need ‘to reflect on their own thinking and practice in digital contexts’.<sup>10</sup> In other words, there is a need for law academics to improve

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<sup>6</sup> Fiona M Hollands and Devayani Tirthali, *Why Do Institutions Offer MOOCs?* (August 2014) Online Learning <<https://olj.onlinelearningconsortium.org/index.php/olj/article/view/464/116>>.

<sup>7</sup> John Biggs, *Teaching for Quality Learning at University* (Open University Press, 2<sup>nd</sup> ed, 2003) 213.

<sup>8</sup> Craig T Smith, ‘Technology and Legal Education: Negotiating the Shoals of Technocentrism, Technophobia, and Indifference’ (2002) 1 *Journal of the Association of Legal Writing Directors* 247, 247.

<sup>9</sup> Richard Warner, Stephen D Sowle and Will Sadler, ‘Teaching Law with Computers’ (1998) 24 *Rutgers Computer & Technology Law Journal* 107, 170.

<sup>10</sup> Kate Galloway, ‘A Rationale and Framework for Digital Literacies in Legal Education’ (2017) 27 *Legal Education Review* 117, 141.

their digital literacy levels (knowledge of academic/learning communication methods that take place online), given the pressures they are under from their institutions and the legal profession ie, to incorporate digital technologies into their teaching and produce graduates that are tech-savvy and have the relevant workplace skills such as problem-solving ability, critical thinking and communication skills.<sup>11</sup> This is an important topic that is only now beginning to be discussed in the legal education literature.

To promote these arguments, the paper will initially describe what typically happens in legal education questioning the appropriateness of this approach for teaching law online. It will then outline the learning theories that generally determine the pedagogical approach taken, identifying how each of these might be applied in instruction and assessment for law for the online environment. The paper will also discuss the importance of ‘place’ and ‘presence’.

## II A CHANGE IN HOW LAW IS TAUGHT?

Traditionally, and predominantly still, law teaching has prioritised the lecture which usually runs for two to three hours, followed by a one hour tutorial dedicated to tasks that require students to apply the legal principles covered in the lecture to factual scenarios.<sup>12</sup> Further, as Schwartz writes, law teachers have tended to teach by conducting a one-on-one dialogue with one specific student and then expect that the other students learn ‘vicariously’ through the experiences of that one student.<sup>13</sup>

However, in recent years, some changes are being adopted which acknowledge the importance of student engagement. There has been a lot of interest in the concept of ‘flipping’<sup>14</sup> which is an approach that is typically presented online eg, a shorter lecture or a series of short videos or quizzes that present the content.<sup>15</sup> This practice places the main teaching focus onto the tutorial/seminar/workshop which is typically

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<sup>11</sup> Ruth Bridgstock, ‘Educating for Digital Futures: What the Learning Strategies of Digital Media Professionals can Teach Higher Education’ (2016) 53 *Innovations in Education and Teaching International* 306.

<sup>12</sup> Some reasons have been suggested for this slow uptake in the use of technology by educators in higher education. See Chris Parr, ‘6 Challenges Impeding Technology Adoption in Higher Education in 2014’, *Times Higher Education* (online), 21 February 2014 <<https://www.timeshighereducation.com/news/6-challenges-impeding-technology-adoption-in-higher-education-in-2014/2011501.article>>.

Further, there are challenges with respect to insufficient IT resources and systems hindering or deterring the adoption of technology. See Rebecca S Natow, Vikash Reddy and Markeisha Grant, ‘How and Why Higher Education Institutions Use Technology in Developmental Education Programming’ (Working Paper, Center for the Analysis of Postsecondary Readiness, September 2017) 13–14.

<sup>13</sup> Michael Hunter Schwartz, ‘Teaching Law by Design: How Learning Theory and Instructional Design Can Inform and Reform Law Teaching’ (2001) 38 *San Diego Law Review* 347, 351.

<sup>14</sup> Alex Berrio Matamoros, ‘Answering the Call: Flipping the Classroom to Prepare Practice-Ready Attorneys’ (2015) 43 *Capital University Law Review* 113.

<sup>15</sup> Kylie Burns et al, ‘Active Learning in Law by Flipping the Classroom: An Enquiry into Effectiveness and Engagement’ (2017) 27 *Legal Education Review* 163.

two or three hours in duration, where students are invited to ask questions about the content of the posted material that they had difficulty understanding, work in teams to solve hypothetical problems, or charged with ‘teaching’ their peers about one of the topics that the peer had not viewed.<sup>16</sup>

While these activities have been predominantly tailored for the on-campus environment, we argue that it is time to examine how we should teach law for the online environment, keeping in mind the developing requirements of legal practice that emphasise the use of technology. We argue that law teachers should recognise that technology can be more than just a ‘tool’.<sup>17</sup> Teachers should not use technology simply because of its sophistication, but instead use it as a means of encouraging students to contribute to a sophisticated discussion and so enhance student engagement and learning in the online environment.<sup>18</sup> The remainder of the paper suggests some pedagogical approaches and technologies that align with particular learning theories, and discusses the importance of place, and presence for the online environment.

### III PEDAGOGICAL APPROACH: THE APPLICATION OF LEARNING THEORIES IN THE ONLINE SPACE

Whether teachers are voluntarily adopting technology or being required to do so, it is important to consider carefully what it means to teach online. Law teachers should consider their role in the successful implementation of educational technology.<sup>19</sup> Although limitations can arise due to the technological constraints of integration within the Learning Management System (LMS), careful consideration needs to be given to designing the unit and also the technology to be used to support the delivery of the content and the skills being taught. In other words, the learning theory should lead the decision of what technology should be used to support the development of the teaching method and enhance the learning experience for students.<sup>20</sup>

### IV PEDAGOGY — CHOOSING THE TEACHING METHOD

This paper does not advocate for the use of one learning theory to the exclusion of others. While we do favour constructivism for the upper levels of study because it requires a high level of student

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<sup>16</sup> Melissa Castan and Ross Hyams, ‘Blended Learning in the Law Classroom: Design, Implementation and Evaluation of an Intervention’ (2017) 27 *Legal Education Review* 143, 152.

<sup>17</sup> Gilly Salmon, ‘Flying not Flapping: A Strategic Framework for E-Learning and Pedagogical Innovation in Higher Education Institutions’ (2005) 13 *Research in Learning Technology* 201, 201.

<sup>18</sup> Stanley Pogrow, ‘A Socratic Approach to Using Computers with At-Risk Students’ (1990) 47(5) *Educational Leadership* 61.

<sup>19</sup> Jenny McDonald and Swee-Kin Lake, ‘Discursive Constructions of *Teacher* in an Educational Technology Journal’ (2016) 32(5) *Australasian Journal of Educational Technology* 77.

<sup>20</sup> Ping Gao et al, ‘Developing a Better Understanding of Technology Based Pedagogy’ (2009) 25 *Australasian Journal of Educational Technology* 714, 726–7.

engagement through interactivity, we also recognise that behaviourist and cognitivist approaches best support the teaching of introductory subject matter in legal education. In effect, as Ertmer and Newby suggest, behaviourism, cognitivism and constructivism are on a continuum that represents an instructional shift from teaching to learning.<sup>21</sup> In the early stages of learning, learners acquire knowledge through completing tasks requiring a low degree of processing eg, knowing what they need to know or being able to recognise the standard rules eg, identifying and finding relevant legislation and cases (a stimulus-response behavioural approach). Next, students complete tasks requiring them to process what they know. For instance, they are being required to think like a professional to solve problems by applying the law to the facts of the case ie, interpreting legislation and/or by analysing the judgements of other cases to deal with the issues raised by a hypothetical client (cognitive emphasis). Ultimately students are challenged to reflect on, interpret, and develop their own understandings, the meanings they have made, and use that to create new solutions to complex problems (a constructivist approach), for example, by recommending changes to policy or legislation based on substantial analytic discussion of legal issues.<sup>22</sup>

We take the view that the theories underpin the purpose or learning outcomes of the unit/course — what is taught — and that purpose then directs how the unit is taught in terms of the assessment and instruction methods. Therefore, in what follows we briefly outline the elements of each of the theories and, drawing on the principles of those theories we articulate the role of the lecturer in each instance, and make suggestions about the assessment regime and the nature of instruction in offering a fully online subject/unit. There will be references to technology that may suit specific learning approaches, and there may be some repetition in the examples of technology. In addition, we will also rely upon Bloom's revised digital taxonomy which describes learning in three primary domains — cognitive, affective (feelings and emotions) and psychomotor (physical). For the purpose of this discussion we will focus on the cognitive domain which is the process of learning from lower order to higher order thinking skills, or helps classify expectations of learners.<sup>23</sup> The taxonomy describes six primary cognitive provinces articulated as remembering, understanding, applying, analysing, evaluating and creating.<sup>24</sup> Underpinning these domains, Krathwohl also categorises the acquisition of knowledge into four broad categories, described as factual, conceptual, procedural and metacognitive.<sup>25</sup> In aligning Bloom's Taxonomy to learning theories,

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<sup>21</sup> Peggy A Ertmer and Timothy J Newby, 'Behaviorism, Cognitivism, Constructivism: Comparing Critical Features from an Instructional Design Perspective' (2013) 26(2) *Performance Improvement Quarterly* 43, 58.

<sup>22</sup> Ibid 58, 60.

<sup>23</sup> David R Krathwohl, 'A Revision of Blooms Taxonomy: An Overview' (2002) 41 *Theory into Practice* 212.

<sup>24</sup> Educational Origami, *Blooms Digital Taxonomy* (31 March 2010) Merlot <<https://www.merlot.org/merlot/viewMaterial.htm?id=441838>>.

<sup>25</sup> Krathwohl, above n 24, 214.

we are suggesting that behaviourism relates to knowledge; comprehension, analysis, and application is cognitivism; and synthesis (creating) and evaluation is constructivism.<sup>26</sup>

The focus of the following discussion is legal education, but many of the suggested learning activities can easily be modified to suit a range of disciplines. It is also the case that many of the learning activities and associated online tools are relevant and can potentially improve face-to-face interactions in blended courses, thus, in terms of costings, making them a worthwhile investment. We should also make it clear that many of the learning activities and assessment tasks fit within more than one learning theory.

### A Behaviourism

This theory views knowledge as a commodity that can be transferred from teacher to student. This assumes that students are empty vessels waiting to be filled with knowledge.<sup>27</sup> Learning is understood to occur when the learner exhibits the proper response to a specific environmental stimulus.<sup>28</sup> When given a choice, a student chooses the answer that the lecturer advocates is correct. This pattern is repeated using reinforcement, feedback, and practice, until the responses are automatic.<sup>29</sup> This theory focuses on what is learned and evidence of learning is observed through external means. Beyond this, behaviourists recognise what is taught needs to be scaffolded so that over time a student can gain mastery of the subject.<sup>30</sup>

This method, which focuses on external responses, is applied at all levels of education. Teachers assess learning according to the behavioural model by requiring the learners to produce an observable response (an answer) to a stimulus (the exam question).<sup>31</sup> Bloom's lower order thinking skills of 'remembering' and 'understanding' (identify, recognise, describe), align with this theory.<sup>32</sup>

#### 1 Assessment

Assessment tasks should reinforce learning, and assesses students within a structured context.<sup>33</sup> Assessment tasks should be tailored to determine student understanding. With careful construction an online

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<sup>26</sup> Educational Origami, above n 25.

<sup>27</sup> Charles Low, 'Educational Psychology and the Nature of E-Learning' [2003] (January) *Training Journal* 4, 5.

<sup>28</sup> Patricia L Smith and Tillman J Ragan, *Instructional Design* (Wiley, 3<sup>rd</sup> ed, 2004) 19.

<sup>29</sup> Karla Gutierrez, 'A Quick, No-Nonsense Guide to Basic Instructional Design Theory' on *Shift* (15 May 2014) <<https://www.shiftelearning.com/blog/bid/345615/A-Quick-No-Nonsense-Guide-to-Basic-Instructional-Design-Theory>>.

<sup>30</sup> Smith and Ragan, above n 29, viii.

<sup>31</sup> Marcy Perkins Driscoll, *Psychology of Learning for Instruction* (Allyn and Bacon, 1994) 63.

<sup>32</sup> Educational Origami, above n 25.

<sup>33</sup> Gary Conole et al, 'Mapping Pedagogy and Tools for Effective Learning Design' (2004) 43 *Computers & Education* 17, 19.

quiz using multiple-choice questions can achieve this result.<sup>34</sup> These tasks are formative in nature, thus requiring lecturers to provide detailed timely feedback so that students have the chance to reflect on that feedback and modify their responses to similar assessment items scheduled for later in the semester eg, in an examination.<sup>35</sup> In this regard we recommend the use of technology like Turnitin/GradeMark, technology that allows online submissions, and provides a variety of ways for teachers to comment eg, in-text comments, a textual summary, and by using a rubric. In addition, teachers can record an audio file to provide a three-minute oral comment. This latter method has been empirically established as highly rated by students.<sup>36</sup>

While it is usual to allocate marks to all assessment tasks, there is value in including non-graded exercises or assessments with low grade weighting. These are particularly useful in helping students realise that there are gaps in their knowledge and understanding of the content of a unit. For example, all of the following tasks are traditionally used as assessment, but shorter forms of them can be used as formative feedback that can be posted to a discussion forum or presented in an online tutorial:

- Case brief/summary: Students can be asked to present a written case summary, using a guide/method previously taught. The key aspects of the case, the legal principles applied, and judge's ruling may be described. The lecturer and/or other students could then provide feedback on that attempt or, for assessment purposes, Turnitin Peermark or the 'workshop activity' within Moodle can be used for peer marking;
- Using online games that provide students with formative feedback activities. Examples include 'Estate Quest',<sup>37</sup> 'Law School Dojo'<sup>38</sup> and 'Contracts is a Beach',<sup>39</sup>
- Essay outline: Students required to discuss a legal concept eg, the declarative theory and the role of judges. This type of task would require students to demonstrate their understanding of the common law and the doctrine of precedent. Student responses could be in dot points about what might be discussed; and/or
- Hypothetical structure: Requiring students to outline an introduction to answer a hypothetical relating to the formation of a contract. For instance, requiring the students to identify the

<sup>34</sup> Beverley Steventon, Sukhninder Panesar and Jane Wood, 'Moving the Law School into the Twenty-First Century – Embedding Technology into Teaching and Learning' (2014) 38 *Journal of Further and Higher Education* 107, 109.

<sup>35</sup> Conole et al, above n 34, 19.

<sup>36</sup> JISC, *Effective Practice in a Digital Age: A Guide to Technology-Enhanced Learning and Teaching* (Higher Education Funding Council for England, 2009) 24 <<https://www.webarchive.org.uk/wayback/archive/20140615094835/http://www.jisc.ac.uk/media/documents/publications/effectivepracticedigitalage.pdf>>.

<sup>37</sup> Stephanie Kimbro, *Demo of Estate Quest Game* (22 January 2014) YouTube <<https://www.youtube.com/watch?v=H6WbRLc8mmI>>.

<sup>38</sup> Law Dojo, *Law Dojo* <<http://www.lawschooldojo.com/>>.

<sup>39</sup> Content De Novo, *Contracts is a Beach (tm) – Mobile Game Play* (3 December 2013) <<https://www.youtube.com/watch?v=rwUgi43EGbA>>.

issue/s (those that are contestable), the legal principles and the relevant cases that apply.

## 2 Instruction

The role of the lecturer in the behaviourist approach is to transmit knowledge/content and provide students with activities that allow the students to confirm their knowledge.

Lectures: lectures are an appropriate approach for units at all levels where the goal is to transmit knowledge to the student, but they are particularly important for foundational units. We strongly suggest that the lectures be recorded in both audio and video, but our preference is for video, where the recording captures the PowerPoint (or other teaching material) and ensures that the lecturer can be seen. Examples of technology with this capability are Camtasia Studio/Relay and Echo360. These visual images can act as stimulus to capture the attention of the students. It is suggested that the recorded lecture should be concise and consider a student's attention span. Some suggest this is around 10–15 minutes,<sup>40</sup> but a recent study has shown that this statement has no empirical basis.<sup>41</sup> We therefore suggest that a recording of up to 50 minutes is acceptable, especially given that students can stop the recording as and when they wish (self-regulating their learning). We also suggest that a lecturer introduce some strategies like electronic voting with technology such as Socrative, Echo360, Kultura or Kahoot. With respect to a contestable statement, the use of pop quizzes may assist to maintain attention and interest.<sup>42</sup>

Tutorials/Seminars: these activities can be offered online through webinar software, such as Adobe Connect, where the students can practice applying their knowledge to scenarios that mirror real life situations. Given the importance of these sessions we strongly suggest that these can be scheduled for at least two hours per week, and that small breakout groups are employed. These will provide students with a safe environment in which they can both confirm their understanding and formulate an appropriate response to the questions posed.

Other activities: given the didactic nature of the behaviourist approach, further examples of behaviourist learning activities include a student-developed online glossary to define key terms which may be available within the LMS, or the use of animations using technology such as Adobe Captivate, Articulate Storyline or Powtoon. For some

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<sup>40</sup> See Ludy T Benjamin Jr, 'Lecturing' in Stephen F Davis and William Buskist (eds), *The Teaching of Psychology: Essays in Honor of Wilbert J. McKeachie and Charles L. Brewer* (Lawrence Erlbaum Associates, 2002) 57; Philip J Guo, Juho Kim and Rob Rubin, *How Video Production Affects Student Engagement: An Empirical Study of MOOC Videos* (Paper presented at the ACM Conference on Learning @ Scale, Atlanta, March 2014).

<sup>41</sup> Karen Wilson and James H Korn, 'Attention During Lectures: Beyond Ten Minutes' (2007) 34 *Teaching of Psychology* 85.

<sup>42</sup> Daniel L Schacter and Karl K Szpunar, 'Enhancing Attention and Memory During Video-Recorded Lectures' (2015) 1 *Scholarship of Teaching and Learning in Psychology* 60. This article refers to a number of empirical studies that supports this view.

units a self-directed learning tool like Core Grammar for Lawyers may be an appropriate inclusion.<sup>43</sup>

## B *Cognitivism*

This theory is similar to behaviourism as it sees the value in environmental conditions to facilitate learning and the role of practice and feedback. However, cognitivism recognises that learning occurs in the mind. It considers how the learner processes new information ie, how it 'is received, organized, stored, and retrieved by the mind'.<sup>44</sup> In this regard cognitivists see the mind as a reference tool.<sup>45</sup> In terms of Bloom's Digital Taxonomy, cognitivism could be related to the applying stage, whereby students think critically and apply knowledge from one situation to another. The 'analysing' stage could also be relevant too.<sup>46</sup>

Learners are active participants in acquiring knowledge drawn from the reference system or schema (a framework of understanding) that they have structured in order for them to make sense of new information in relation to their existing knowledge.<sup>47</sup> This theory also stresses the importance of the teacher, as a facilitator of student learning, and that they do not overload what a person is required to recall at any one time, referred to as cognitive load or the 'working memory'.<sup>48</sup>

### 1 *Assessment*

Hypotheticals: law students are commonly required to solve problems that are scenarios, based on real life factual situations. Students could be tasked with answering hypotheticals using methods such as the IRAC Framework (Identifying the issue, stating the relevant Rule or principle, Applying the Rule or principle to the facts of the scenario, and coming to a Conclusion). This requires students to develop a written legal advice that demonstrates their knowledge of the law by cognitively processing how the principles or rules apply to the facts.

Digital storytelling and a self-paced online assessment/tutorial: also known as an intelligent system, or adaptive learning could be used as students work through a particular legal scenario that alters over time. This would involve technology such as photo editing or animation software such as Adobe Captivate or the 'Lesson' activity within

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<sup>43</sup> Ruth Ann McKinney and Katie Rose Guest Pryal, *Core Grammar for Lawyers* (2017) <<http://www.coregrammarforlawyers.com/>>.

<sup>44</sup> Ertmer and Newby, above n 22, 51.

<sup>45</sup> Ibid.

<sup>46</sup> Educational Origami, above n 25.

<sup>47</sup> Ertmer and Newby, above n 22, 53.

<sup>48</sup> Liming Zhang, Paul Ayres and KaKin Chan, 'Examining Different Types of Collaborative Learning in a Complex Computer-Based Environment: A Cognitive Load Approach' (2011) 27 *Computers in Human Behavior* 94, 94.

Moodle.<sup>49</sup> Students would answer questions/make decisions regarding the legal scenario as they progress through the tutorial. If students answer incorrectly, they would not progress further through the scenario and feedback would be provided that recommends topics to further review. If students identify the ideal behaviour, they can continue progressing throughout the activity. This demonstrates a cognitive assessment approach as students develop problem solving skills in a safe and simulated environment that is personalised to suit the student's level of understanding and progression.<sup>50</sup> Further, marks can be associated with digital storytelling, based on student progression through the online activity.

## 2 Instruction

The role of the lecturer is to facilitate the student's learning and to challenge students to use their existing knowledge to make decisions to solve new problems.

Interactive lectures and tutorials: where lecturers, as facilitators of student learning, pose questions to the students (can be on webinar software such as Adobe Connect) which challenge the students to take a cognitive approach. This involves students being able to think about what is being discussed as a means to making this new knowledge meaningful as it relates to the student's existing knowledge.<sup>51</sup> This approach therefore requires students to reason, analyse and make decisions based on their knowledge and understanding of a matter.

Using analogies and metaphors and 'explanations, demonstrations, illustrative examples and matched non-examples'<sup>52</sup> are all useful to guide a student's learning.

Other online activities that may be useful for legal education in the cognitivist framework are:

- Use free online mindmapping software, such as Popplet or MindMeister, to articulate key concepts, issues and/or processes;
- Scaffolding or chunking learning in the online environment to enhance the learning experience.<sup>53</sup> This would include considering how the learning design is visually presented, and might involve hiding various topics until students have reached a certain point in knowledge acquisition;
- Applying knowledge by asking students to write problem questions for other students to answer on the discussion forums;

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<sup>49</sup> Shuyan Wang and Hong Zhan, 'Enhancing Teaching and Learning with Digital Storytelling' (2010) 6(2) *International Journal of Information and Communication Technology Education* 76, 79.

<sup>50</sup> Neil Selwyn, *Education and Technology: Key Issues and Debates* (Bloomsbury, 2011) 70.

<sup>51</sup> Ertmer and Newby, above n 22, 53.

<sup>52</sup> Ibid 51.

<sup>53</sup> Stephen D Sorden, 'A Cognitive Approach to Instructional Design for Multimedia Learning' (2005) 8 *Informing Science: International Journal of an Emerging Transdiscipline* 263, 266.

- Promote adaptive learning solutions featuring intelligent systems or online tutorials whereby feedback is personalised based on the student response.<sup>54</sup> Adobe Captivate, Storyline Articulate or features of a particular LMS are examples of technology that could be used; and
- Reflective activities whereby students can take time to process learning using blogs, discussion forums only visible to independent students or eportfolio software such as a Google Sites or PebblePad.

Problem solving, language development, inference generating and critical thinking are higher-level activities used in both cognitivism and constructivism. Both of these theories recognise that the learner has an important part to play in learning, in that the learner is not just absorbing information passively.<sup>55</sup> In fact, there are some writers who consider cognitivism as a form of constructivism, although a 'weaker' version as it only emphasises knowledge acquisition as an adaptive process.<sup>56</sup> However, for constructivists, the learner is not just processing information but elaborating upon and interpreting the information, as well as learning from their peers.<sup>57</sup>

### C Constructivism

This theory too sees learning as something that happens in the mind but advocates that learning can be different things for different people. It is personal and the learner controls his or her own learning and interprets and constructs knowledge through the lens of the learner's own experience. Taking this approach, constructivists believe that a learner's mind creates its own meaning by filtering 'information from the real world to produce its own unique reality'.<sup>58</sup>

This theory also assumes that knowledge is ever-changing. When learners are confronted with new knowledge they actually experience 'cognitive conflict' — this is the term used by educationalists for 'cognitive dissonance' which 'can be broadly defined as the mental discomfort produced when someone is confronted with new information that contradicts their prior beliefs and ideas'.<sup>59</sup> This approach requires learners to engage with their learning in order to reflect on and re-evaluate their own understandings.

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<sup>54</sup> Conole et al, above n 34, 19 n 26.

<sup>55</sup> Gutierrez, above n 30.

<sup>56</sup> Peter E Doolittle, *Constructivism and Online Education* <<http://www.trainingshare.com/resources/doo2.htm>>.

<sup>57</sup> Thomas D Duffy and David H Jonassen, 'Constructivism: New Implications for Instructional Technology?' (1991) 31(5) *Educational Technology* 7, cited in Ertmer and Newby, above n 22, 58.

<sup>58</sup> Ertmer and Newby, above n 22, 55.

<sup>59</sup> Nick Rose, 'Conflicted About Cognitive Conflict' on Nick Rose, *Evidence into Practice: A Blog about Evidence-Informed Teaching* (20 June 2014) <<https://evidenceintopractice.wordpress.com/2014/06/20/conflicted-about-cognitive-conflict/>>.

How constructivism is interpreted varies between what is referred to as ‘radical constructivism’ which suggests that learning takes place solely in the mind of the individual ie, the experience of the learner,<sup>60</sup> and social constructivism which accredits an individual’s social context as a source of knowledge.<sup>61</sup> The social constructivist approach has much in common with Lave and Wenger’s concept of ‘community of practice’<sup>62</sup> which asserts that humans are social beings who develop knowledge and understandings through interacting or engaging with others.<sup>63</sup>

Socialising is also the emphasis of connectivism<sup>64</sup> which some suggest is just a reworded version of Vygotsky’s explanation of social constructivism using language used by the digital age.<sup>65</sup> It has strong ties to the ‘networked’ nature of 21<sup>st</sup> century due to contemporary technology.<sup>66</sup>

Constructionism can also be loosely aligned to Bloom’s Digital Taxonomy, in the stages such as ‘analysing’, ‘evaluating’ and ‘creating’. These stages involve reflection and critique, to synthesise new ideas relating to course content.<sup>67</sup> In a law unit, this could include recommending policy changes as a response to a complex legal issue.

## 1 Assessment

Simulations: in the study of law, the constructivist learning approach is particularly appropriate because it prioritises principles such as authenticity, student focussed learning and using critical thinking to build knowledge.<sup>68</sup> Matthew and Butler explain that online simulations that are story-centric can be effectively designed and may have a range of solutions, with no fixed answer.<sup>69</sup> They are multi-

<sup>60</sup> Lorna Uden and Kecheng Liu, ‘Linking Radical Constructivism and Semiotics to Design a Constructivist Learning Environment’ (2001) 12(2) *Journal of Computing in Higher Education* 34, 35.

<sup>61</sup> Richard S Pravat and Robert E Floden, ‘Philosophical Perspectives on Constructivist Views of Learning’ (1994) 29 *Educational Psychology* 37, 37.

<sup>62</sup> Jean Lave and Etienne Wenger, ‘Legitimate Peripheral Participation in Communities of Practice’ in Roger Harrison et al (eds), *Supporting Lifelong Learning: Volume 1 – Perspectives on Learning* (Routledge Falmer, 2002) 111.

<sup>63</sup> Etienne Wenger-Trayner and Beverly Wenger-Trayner, *Communities of Practice: A Brief Introduction* (15 April 2015) <<http://wenger-trayner.com/introduction-to-communities-of-practice/>>.

<sup>64</sup> See George Siemens, *Connectivism: Learning as Network-Creation* (10 August 2005) elearnspace <<http://www.elearnspace.org/Articles/networks.htm>>; Stephen Downes, ‘An Introduction to Connective Knowledge’ (22 December 2005) <<http://www.downes.ca/post/33034>>.

<sup>65</sup> George Siemens, *Connectivism: Learning Theory or Pastime of the Self-Amused?* (12 November 2006) elearnspace <[http://www.elearnspace.org/Articles/connectivism\\_self-amused.htm](http://www.elearnspace.org/Articles/connectivism_self-amused.htm)>; Bijdrage van Plon Verhagen, *Connectivism: A New Learning Theory?* (11 November 2006) <<https://www.scribd.com/doc/88324962/Connectivism-a-New-Learning-Theory>>.

<sup>66</sup> Dorothy C Kropf, ‘Connectivism: 21<sup>st</sup> Century’s New Learning Theory’ (2013) 16(2) *European Journal of Open, Distance and e-Learning* 13.

<sup>67</sup> Educational Origami, above n 25.

<sup>68</sup> Conole et al, above n 34, 19.

<sup>69</sup> Anne Matthew and Des Butler, ‘Narrative, Machinima and Cognitive Realism: Constructing an Authentic Real-World Learning Experience for Law Students’ (2017) 33(1) *Australasian Journal of Educational Technology* 148.

dimensional and which require client information alongside the online simulation. The benefit of online simulations is they provide the opportunity to apply the theory and practice of legal skills through role plays.<sup>70</sup> Use of video enabled software such as Skype, Zoom, Microsoft Link, Google Hangouts or video-conferencing technology could all be used to provide live role plays for students. This could be especially useful to practice legal advocacy skills, negotiation and alternative dispute resolution as well as building communication and listening skills. Online simulation platforms such as Fablusi could also be used. Constructivist assessment could also use virtual worlds or multimedia technology to create client-based scenarios in which students respond by writing client letters or perform in moot court via video enabled technology (listed above) or using webinar software either in groups or individually. Butler has developed legal scenarios using machinima, or recordings in Second Life to create authentic learning activities, for example for contract law.<sup>71</sup> This has been expanded to include Mossward Manor, a simulation that applies student knowledge in equity and trusts.<sup>72</sup> As contract law is usually taught early within the law degree, this demonstrates that the constructivist learning theory can be applied to learners early in their learning, provided relevant conceptual information is mastered.

**Problem or policy issues:** researching a legal problem or policy issue that is chosen by the students themselves. A student would conduct their own research using legal databases, present their research to fellow students and then facilitate class discussions using webinar software, such as Adobe Connect or Skype followed by the submission via Gradebook/Turnitin of a written report summarising their findings. This example encourages students to build their own knowledge, and communicate with other students, reflective of the social nature constructivist learning.<sup>73</sup>

**E-portfolios:** requiring students to reflect on the development of their knowledge and skills in a professional manner using Google Sites, PebblePad or Mahara.

**Developing self-help apps:** This form of assessment tests student skills in applying their knowledge and provides an ongoing benefit to citizens in helping them gain access to legal information.<sup>74</sup> An example is a computer program titled AJ2 Author (<https://www.a2jauthor.org/>).

**Take part in hackathons:** using technology to collaborate and research real life problems. A hackathon involves law students, law

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<sup>70</sup> Kathy Douglas and Belinda Johnson, 'Legal Education and E-Learning: Online Fishbowl Role-Play as a Learning and Teaching Strategy in Legal Skills Development' (2010) 17(1) *eLaw Journal: Murdoch University Electronic Journal of Law* 28.

<sup>71</sup> Des Butler, 'Second Life Machinima Enhancing the Learning of Law: Lessons from Successful Endeavours' (2012) 28 *Australasian Journal of Educational Technology* 383.

<sup>72</sup> Matthew and Butler, above n 70, 149.

<sup>73</sup> Selwyn, above n 51, 73.

<sup>74</sup> Michele Pistone, 'Law Schools and Technology: Where We Are and Where We Are Heading' (2014) 64 *Journal of Legal Education* 586.

firms, technology experts and possibly industry partners to solve legal problems, and could be presented in an online forum or conference using webinar technology.<sup>75</sup>

## 2 Instruction

The role of the lecturer is to focus on the developing the students' learning, rather than teaching. Yet there is a place for the lecturer who is responsible for instructing students 'on how to construct meaning, as well as how to effectively monitor, evaluate, and update those constructions; and to align and design experiences for the learner so that authentic, relevant contexts can be experienced'.<sup>76</sup>

Interactive lectures/tutorials: lectures and also tutorials/seminars are predominantly interactive and designed to help students navigate their way to potential answers to the questions posed and ultimately to help students to analyse, synthesise and evaluate the new knowledge they are encountering, leading students to create their own new meanings. Technology such as Adobe Connect, Google Hangouts or Microsoft Lync would work for relevant tutorials.

Other online activities relevant for the constructionist paradigm are:

- Collaborating to discuss key concepts or issues on twitter using a specific hashtag;
- Presenting and contributing to an online debate using Skype or Adobe Connect;
- Using social media software for knowledge curation with Pinterest;
- Fostering online discussion on social media using Facebook or Twitter;
- Moderating student led discussion forums whereby questions, comments and contributions in the online environment have been posed by students on unit content;
- Filming, animating or podcasting analysis of unit content in a presentation format using webcams, video and recording apps on mobile devices or animation programs such as Powtoon;
- Reflective blogs maintained by students to encourage collaboration to build their own knowledge based on their current understanding of course content;<sup>77</sup>
- Creating an e-portfolio using Mixbook or other software that has previously been mentioned;
- Authentic activities, for example, scenario-based questions or interactive computer simulations that promote problem-based learning and reflect real life settings,<sup>78</sup> and

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<sup>75</sup> Tom Lodewyke, 'Lawyers and Students to Collaborate on Tech Solutions', *Lawyers Weekly* (online), 28 March 2017 <<https://www.lawyersweekly.com.au/news/20831-lawyers-and-students-to-collaborate-on-tech-solutions>>.

<sup>76</sup> Ertmer and Newby, above n 22, 59.

<sup>77</sup> Selwyn, above n 51, 73.

<sup>78</sup> Conole et al, above n 34, 19.

- Using interactive tools such as webinars, discussion forums, and collaborative documents (such as Google Drive, QUIP) for students to share and contribute to the learning experience.

## V THE SIGNIFICANCE OF PLACE AND PRESENCE IN THE ONLINE LEARNING ENVIRONMENT

Apart from designing the content, the instruction method, and assessment, it is important that consideration is given to the learning environment. In particular we will discuss the importance of ‘place’, where the learning occurs, and ‘presence’ in terms of the lecturer’s involvement, aiming to enhance student engagement and align how the unit is taught to the constructivist pedagogy. We take this view because of the distinction that we made earlier in the introduction to Part IV. In this we noted that the behaviourist theory teachers design the content and tasks to highlight what learners need to know. In terms of cognitivism learners must solve problems according to known principles, but the constructivist model asks learners to consider creating new solutions according to their own understanding. Noting the further requirement for learners to reflect and create, supports the idea that constructivism fits well with the theories of place and presence. This is because the theory of place involves a consideration of the interactions with others that may have an influence on their views; and in terms of presence, this is based on a community of inquiry for the purpose of creating and confirming a learner’s understanding through educational and critical discourse.

### A Place

The term ‘place-based pedagogy’ is an approach to education that seeks to use the ‘local phenomena and students’ lived experience’ as a context to their learning.<sup>79</sup> Kennedy et al have used this theory to design subjects/units for law students to acquaint them with the context of practice for lawyers in rural and regional Australia.<sup>80</sup>

In what follows we are using the definition of ‘place’ drawn from the discipline of human geography, but in doing so we acknowledge the changing nature of how students study.

Students who study online do not have to compete for a carrel in a library, but instead their study space is wherever they can access the internet with their laptop, phone or iPad. So, in an online context, what does ‘place’ mean?

In the context of human geography the notion of ‘place’ is said to have ‘two elements — the *physical* characteristics of the natural environment and the *human* influences — ideas, interactions and

<sup>79</sup> Gregory A Smith, ‘Place-Based Education: Learning To Be Where We Are’ (2002) 83 *Phi Delta Kappan* 584, 586.

<sup>80</sup> Amanda Kennedy et al, ‘Educating Law Students for Rural and Regional Legal Practice: Embedding Place Consciousness in Law Curricula’ (2014) 24 *Legal Education Review* 7.

interventions'.<sup>81</sup> Creswell states, 'as well as being located and having a material visual form, places must have some relationship to humans and the human capacity to produce and consume meaning'.<sup>82</sup> Tuan describes the relationship between place and space in terms of thoughts and feelings such as those between humans.<sup>83</sup>

Adapting this approach to the online environment and keeping in mind the need to encourage student engagement and promote constructivist goals, we acknowledge that the subject or unit on an LMS is not simply a place where we post materials, it is a teaching space. As Redmond suggests:

Just as in face-to face teaching when you change the layout of the classroom and organization of the desks you need to teach in different ways and students will interact in different ways. The same occurs in an online space.<sup>84</sup>

Therefore, thought needs to be given to place in terms of the purpose of the teaching space, that is, the culture the lecturer wishes to create, and what should 'furnish' that space to promote learning and interaction in an online learning community. Aligning with constructivism, we want to develop places where students will linger, re-examine and reconstruct their understandings by interacting, by talking or corresponding, with others. In this regard, we are trying to create a place where the participants feel they belong — where they fit in and feel confident enough to expose their vulnerabilities.<sup>85</sup>

There are now some lecturers who are using 'Second Life' for this reason,<sup>86</sup> but we suggest that what is already available on the LMS can be utilised. For instance, a student lounge could be set up as a discussion forum, webinar link or chat room which mimics the physical room generally associated with, for example, a student union.<sup>87</sup> It is therefore designed as a place where students want to hang out.

This would aim to achieve a 'water cooler' thread that serves as just a fun way to build community, introducing students to each other ... and links to resources or even a gift shop of materials and supplies that students can buy or access in order to supplement their learning.<sup>88</sup>

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<sup>81</sup> Debbie Morrison, 'How to Make Online Courses a "Place" for Learning' on Debbie Morrison, *Online Learning Insights* (16 October 2015) <<https://onlinelearninginsights.wordpress.com/category/online-presence/>>.

<sup>82</sup> Tim Cresswell, *PLACE: A Short Introduction* (Blackwell Publishing, 2004) 14.

<sup>83</sup> Yi-Fu Tuan, *Space and Place: The Perspective of Experience* (University of Minnesota Press, 2001) ch 2.

<sup>84</sup> Petrea Redmond, 'From Face-to-Face Teaching to Online Teaching: Pedagogical Transitions' (Paper presented at the Ascilite Conference, Hobart, 4–7 December 2011) 1050, 1057 <<http://www.ascilite.org/conferences/hobart11/downloads/papers/Redmond-full.pdf>>.

<sup>85</sup> David Kolb, 'Learning Places: Building Dwelling Thinking Online' (2000) 34 *Journal of Philosophy of Education* 121, 123.

<sup>86</sup> Carol Saunders et al, 'Virtual Space and Place: Theory and Test' (2011) 35 *MIS Quarterly* 1079.

<sup>87</sup> Debbie Morrison, above n 82.

<sup>88</sup> *Ibid.*

The student lounge promotes a social gathering. For assessment, this idea can be modified to be a learning space that attracts participation marks. For instance, in a legal ethics/professional conduct law subject/unit, where reflection and critical thinking are important, a lecturer could create ‘The Unprofessional Reading Room’ where students can gather to discuss and keep records on lawyer misbehaviour and then reflect on how they will act differently when they graduate. In terms of visual design, the room could resemble a bookshop, and one wall of the room could have a ‘hall of blame’ — where photos or newspaper clippings are posted. Online tools, such as Padlet, which students can contribute by posting website links and articles, can be embedded in the site to support these activities. In terms of resources, the room could include links to a newspaper database, a professional journal, and the registers detailing lawyer misconduct. In order to earn participation marks, students could be encouraged to post comments about the lawyers who have been found guilty of unsatisfactory professional conduct or professional misconduct on a discussion forum and/or record the main issues and provide a critical perspective about a case of misbehaviour on a biographical database that is a tool available within the LMS. In that database, the students could log a progressive bibliography and comment on the instances of misconduct that they find in the resources they access (books, articles, videos, audio).

While lecturers would be monitoring this site regularly, every two weeks a virtual meeting on technology, such as Adobe Connect, Collaborate or Illuminate, can be held within this reading room in order to facilitate the reflections of the students on the ethical issues that have been the subject of the misconduct matters. Students may also need to present their findings within the Adobe Connect tutorial. These tools very closely mirror that of the physical seminar/tutorial.

However, in using these tools to conduct seminars/tutorials it is important that thought is given to how these are managed. For instance, in a physical class of 25 students, the lecturer uses eye contact, or students raising their hands to indicate who can contribute to the discussion. In the online environment a more specific protocol needs to be put into place. For instance, this protocol needs to be understood by all, and it may include:

- Virtual classroom actions, such as the ‘raise hand’ tool to indicate they wish to talk;
- Use of video from the lecturer and students (where internet connection permits) to show facial expression and body language;
- Use music in the session to bring context or build a presence;
- Allow students to contribute to brainstorming through adding ideas to the whiteboard or notes; and
- Employ break-out discussion groups.

This leads us to another important aspect of the environment and that is presence.

## B Presence

There is quite a lot of literature on presence. Initially, in 2000, Garrison et al referred to those who communicate using computers for the purpose of collaborating through critical discourse and reflection in order to confirm their own understandings as an educational community of inquiry.<sup>89</sup> While that article identified the three elements that make up a student's educational experience as social, cognitive and teaching presence, the authors made it clear that the purpose of the article was to lay out a conceptual framework to achieve this result. The authors also foreshadowed that a series of articles would follow reporting on a study testing the quality of learning that results from this form of educational communication.<sup>90</sup> For instance, Garrison<sup>91</sup> and Rourke et al<sup>92</sup> later argued that deep learning happens when the three elements interact. More specifically they defined social presence as 'the ability of participants to identify with the community (eg, course of study), communicate purposefully in a trusting environment, and develop interpersonal relationships by way of projecting their individual personalities';<sup>93</sup> cognitive presence as communication that involves critical thinking from which meaning is created; and teacher presence as the teacher designing and managing the educational experience and facilitating communication between teachers and students.<sup>94</sup> Garrison in 2009 acknowledges that these understandings were developed from the work of Dewey and that they are more particularly aligned with the theory of constructivism.<sup>95</sup> It is the latter aspect of this definition that we are concerned with in this paper.

The idea that 'presence' means the online environment where students know that the instructor/facilitator 'is there' or has a strong function in the learning process.<sup>96</sup> A lot of empirical evidence now exists that proves that a teacher's presence is important for successful online learning.<sup>97</sup> For instance, Garrison et al assert that it is the teacher's responsibility to 'create learning environments that motivate

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<sup>89</sup> D Randy Garrison, Terry Anderson, and Walter Archer, 'Critical Inquiry in a Text-Based Environment: Computer Conferencing in Higher Education' (1999) 2 *The Internet and Higher Education* 87, 88.

<sup>90</sup> Ibid.

<sup>91</sup> D R Garrison, 'Online Community of Inquiry Review: Social, Cognitive, and Teaching Presence Issues' (2007) 11(1) *Journal of Asynchronous Learning Networks* 61.

<sup>92</sup> Liam Rourke et al, 'Assessing Social Presence in Asynchronous, Text-Based Computer Conferencing' (1999) 14(2) *Journal of Distance Education* 50.

<sup>93</sup> D R Garrison, 'Communities of Inquiry in Online Learning' in Patricia Rogers et al (eds), *Encyclopedia of Distance Learning* (Hershey, 2<sup>nd</sup> ed, 2009) 352.

<sup>94</sup> Garrison, above n 92, 62.

<sup>95</sup> Garrison, above n 94.

<sup>96</sup> Redmond, above n 85, 1052.

<sup>97</sup> See Elena Gregori, Eulalia Torras and Teresa Guasch, 'Cognitive Attainment in Online Learning Environments: Matching Cognitive and Technological Presence' (2012) 20 *Interactive Learning Environments* 467; Karen Swan and Li Fang Shih, 'On the Nature and Development of Social Presence in Online Course Discussions' (2005) 9(3) *Journal of Asynchronous Learning Networks* 115; Stanley Varnhagen et al, 'Comparison of Student Experiences with Different Online Graduate Courses in Health Promotion' (2005) 31(1) *Canadian Journal of Learning and Technology* 99.

students and facilitate meaningful and worthwhile learning activities and outcomes'.<sup>98</sup> More specifically Anderson et al define 'teacher presence' in more detail suggesting that the teacher is responsible for the 'design, facilitation, and direction of cognitive and social processes for the purpose of realizing personally meaningful and educationally worthwhile learning outcomes'.<sup>99</sup> Vrasidas explains the facilitator's role as guiding students to acquire knowledge through their interaction with the content, with the teacher, and with other learners.<sup>100</sup>

Another consideration of presence, is emotion and the influence it can have on the learning environment. Cleveland-Innes and Campbell state that any learning experience has an emotional element and the learning design should incorporate elements such as the development of an online learning community to create informal learning networks and a sense of belonging.<sup>101</sup> As empirical studies have established, students who have gained the highest levels of learning are those who have had the most interaction with their instructor.<sup>102</sup> It is not surprising then that students view the communications with their instructor, and the feedback given by the instructor as vital to their learning in that 'they are not missing anything or not alone in cyberspace'.<sup>103</sup>

Puzziferro and Shelton discuss whether the recent calls for instructors to be 'guides on the side' rather than 'sages on the stage' has been taken too far by some.<sup>104</sup> Lowenthal and Parscal agree suggesting that 'there is a fine line between being a guide on the side and being absent'.<sup>105</sup> This means the role is of facilitation. An instructor needs to 'know when to be a leader, a guide, an authority, a scholar, a manager, and an advisor'.<sup>106</sup> Jones suggests that an instructor can facilitate learning by the use of:

videotaped lectures, written or verbal responses to student comments in online discussions, exams and feedback through scores and/or written

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<sup>98</sup> D R Garrison and Terry Anderson, *E-Learning in the 21st Century: A Framework for Research and Practice* (Routledge Falmer, 2003) 24.

<sup>99</sup> Terry Anderson et al, 'Assessing Teaching Presence in a Computer Conferencing Context' (2001) 5(2) *Journal of Asynchronous Learning Networks* 1, 5.

<sup>100</sup> Charalambos Vrasidas, 'Constructivism Versus Objectivism: Implications for Interaction, Course Design and Evaluation in Distance Education' (2000) 6 *International Journal of Educational Telecommunications* 339, 340.

<sup>101</sup> Martha Cleveland-Innes and Prisca Campbell, 'Emotional Presence, Learning, and the Online Learning Environment' (2012) 13(4) *International Review of Research in Open and Distance Learning* 269.

<sup>102</sup> Eric Fredericksen et al, 'Student Satisfaction and Perceived Learning with On-Line Courses: Principles and Examples from the SUNY Learning Network' (2000) 4(2) *Journal of Asynchronous Learning Networks* 7, 30.

<sup>103</sup> Davison M Mupinga, Robert T Nora and Dorothy Carole Yaw, 'The Learning Styles, Expectations, and Needs of Online Students' (2006) 54 *College Teaching* 185, 186.

<sup>104</sup> Maria Puzziferro and Kaye Shelton, 'Challenging Our Assumptions About Online Learning: A Vision for the Next Generation of Online Higher Education' (2009) 6(4) *Distance Learning* 9, 15.

<sup>105</sup> P R Lowenthal and T Parscal, 'Teaching Presence' (2008) 3(4) *The Learning Curve* 1, 1.

<sup>106</sup> Puzziferro and Shelton, above n 105, 15.

comments, e-mail, or conversations during synchronous sessions that use Web conferencing tools.<sup>107</sup>

As will be noted, many of these communications occur where the instructor is not actually present. This suggests that it is how these tasks are approached that is important. As Vigil asserts, '[i]t's how we communicate our passion, excitement, and enthusiasm for teaching and the content we teach, which can be contagious'.<sup>108</sup> For example, as mentioned above, tools such as GradeMark, provide the lecturer with an opportunity to provide 'oral feedback'. While this may mirror what is written, it allows the lecturer to talk to the students in a personal way and the tone of voice can also convey a sense of encouragement. Students appreciate this method as it provides a depth of clarity on student progress, and is a meaningful interaction between lecturer and student.<sup>109</sup>

Similarly, adaptive learning solutions or online learning modules with instructional videos from the lecturer alongside animations or simulations can also be used to build teacher presence online for the students. This can often allow immediate feedback for students, as they attempt to solve the problem/issue in animations/simulations and they are learning simultaneously with instructional approach. Whilst this approach is self-directed in nature and students may only access the instructional videos from the lecturer as they need them, it can still provide guidance and a teaching presence in the learning environment.<sup>110</sup>

## VI CONCLUSION

This paper has sought to argue that there is much more to moving to an online teaching environment than using the same teaching strategies as those employed in face-to-face teaching. We have therefore endeavoured to explain the behaviourist, cognitivist and constructivist learning theories and outline suggested instructional modes, assessment tasks and suggested technological tools that can potentially achieve the goals of those learning theories in the online

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<sup>107</sup> Ida M Jones 'Can You See Me Now? Defining Teaching Presence in the Online Classroom Through Building a Learning Community' (2011) 28 *Journal of Legal Studies Education* 67, 79.

<sup>108</sup> Virginia Padilla Vigil, 'Meaningful Learning: Teacher Presence & Learner Engagement in the Online Classroom' on Virginia Padilla Vigil, *Transforming Education* (30 July 2014) <<https://vpadillavigil.wordpress.com/2014/07/30/meaningful-learning-teacher-presence-learner-engagement-and-in-the-online-classroom/>>.

<sup>109</sup> Stephen Merry and Paul Orsmond, 'Students' Attitudes To and Usage of Academic Feedback Provided Via Audio Files' (2008) 11 *Bioscience Education* 1.

<sup>110</sup> Paula Jones, Kim Naugle and MaryAnn Kolloff, 'Teacher Presence: Using Introductory Videos in Online and Hybrid Courses', *Learning Solutions* (online), 31 March 2008.

environment. Further, the paper has emphasised the importance of place and presence in developing a learning environment where students feel comfortable enough to participate fully with their peers when learning online.

We believe that more research is needed to help prepare teachers to choose appropriate pedagogical approaches and reflect on how the environmental aspects (ie, place and presence) of the online site is designed for their online units.