

TEACHING A LIVE SYNCHRONOUS DISTANCE LEARNING COURSE: A STUDENT FOCUSED APPROACH

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I. INTRODUCTION

I thought it would be simple. I would just stand in front of a video camera and have students in another part of the country participate in my international law class as it would be broadcast from Atlanta, Georgia. I had done a one-hour videoconference seminar for a major Atlanta law firm, and just assumed this would not be significantly different.¹

I am writing this article to describe my experiences, many unexpected, in doing a live synchronous videoconference class in the fall of 2005. The course was a pilot project arranged through the Brandeis School of Law in Louisville and Georgia State University College of Law. I was to teach international criminal law to students at Georgia State and Louisville, simultaneously, and another professor would in return teach a First Amendment class to students at both institutions. My home base for the course was Atlanta, while his was Louisville. Being that this was a pilot project, I kept a diary during the semester to record my experiences. The following provides an organized synthesis of these experiences, with an eye toward providing “best practices” to those who may be about to embark on a like experience, and for those who are first considering the concept of distance learning.²

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1. The videoconference seminar for the law firm had about seventy people in the room who observed the seminar live, and a small number of people from two other cities who were participating via videoconferencing. The style of teaching was lecture followed by some audience questions. There was no teaching using a Socratic approach, no problem solving questions, and no give and take throughout the seminar. The one-hour limited time frame also made this a sharp contrast from the typical semester-long class.

2. See generally Catherine Arcabascio, *The Use of Video-Conferencing Technology in Legal Education: A Practical Guide*, 6 VA. J.L. & TECH. 5 (2001) (providing a practical guide on distance education, including definitions of terms, a history of distance education, and “nuts and bolts” of videoconferencing).

II. PRE-COURSE CONSIDERATIONS

A. Faculty Approval

The ABA requires that distance learning courses be approved by the faculty of the institution where students will receive credit.³ Even if the course is already approved by the faculty and offered on a regular basis as a live course, ABA Standard 306 requires separate faculty approval.⁴ The ABA, in addition to defining what constitutes a distance learning course, provides a list of restrictions such as prohibiting first-year law students from participating in a distance learning course and limiting the number of distance learning credit hours taken both during a semester and also during the student's academic career.⁵ The Interpretations to ABA Standard 306 speak to the need for law schools to report on their distance learning courses each year and targets these courses for review by site teams.⁶ It is clear that the aim is to ensure that the

3. See generally Leigh Jones, *Going the Distance: Online Courses Proliferate as the ABA Gives Schools More Leeway*, NAT'L L.J., Sept. 11, 2006, <http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1157629869063>.

4. ABA STANDARDS FOR APPROVAL OF LAW SCHOOLS, STANDARD 306 (2006).

DISTANCE EDUCATION

(a) A law school may offer credit toward the J.D. degree for study offered through distance education consistent with the provisions of this Standard and Interpretations of this Standard. Such credit shall be awarded only if the academic content, the method of course delivery, and the method of evaluating student performance are approved as part of the school's regular curriculum approval process.

(b) Distance education is an educational process characterized by the separation, in time or place, between instructor and student. It includes courses offered principally by means of:

- (1) technological transmission, including Internet, open broadcast, closed circuit, cable, microwave, or satellite transmission;
- (2) audio or computer conferencing;
- (3) video cassettes or discs; or
- (4) correspondence.

(c) A law school may award credit for distance education and may count that credit toward the 45,000 minutes of instruction required by Standard 304(b) if:

- (1) there is ample interaction with the instructor and other students both inside and outside the formal structure of the course throughout its duration; and
- (2) there is ample monitoring of student effort and accomplishment as the course progresses.

(d) A law school shall not grant a student more than four credit hours in any term, nor more than a total of 12 credit hours, toward the J.D. degree for courses qualifying under this Standard.

(e) No student shall enroll in courses qualifying for credit under this Standard until that student has completed instruction equivalent to 28 credit hours toward the J.D. degree.

(f) No credit otherwise may be given toward the J.D. degree for any distance education course.

Id.

5. *Id.*

6. ABA STANDARDS FOR APPROVAL OF LAW SCHOOLS, INTERPRETATION 306-1 to 306-9 (2006). The Interpretations to Standard 306 provide:

Interpretation 306-1:

To allow the Council and the Standards Review Committee to review and adjust this Standard, law schools shall report each year on the distance education courses that they offer.

Interpretation 306-2:

Distance education presents special opportunities and unique challenges for the maintenance of educational quality. Distance education accordingly requires particular attention from the law school and by site visit teams and the Accreditation Committee.

Interpretation 306-3:

Courses in which two-thirds or more of the course instruction consists of regular classroom instruction shall not be treated as "distance education" for purposes of Standards 306(d) and (e) even though they also include substantial on-line interaction or other common components of "distance education"

classroom environment is not diminished by using technology to present the class.

In presenting the course to the faculty, similar concerns were expressed. Some of the questions asked were: would the interaction be equivalent to a live classroom?; how would I meet with students before and after class?; was the technology sufficient to have a class discussion between the two groups?;⁷ and how would the exam work? An overriding concern expressed by some who were bold enough to voice these concerns was whether distance learning would cause us to lose our jobs.⁸ Clearly, in presenting a distance learning course for faculty approval, answers to these questions need to be readily at hand. But there are many other pre-course considerations that need to be part of the plan.

B. Course Planning Checklist⁹

In planning a synchronous distance learning course, the following items need to be considered:

courses so long as such instruction complies with the provisions of subsections (1) and (2) of Standard 306(c).

Interpretation 306-4:

Law schools shall take steps to provide students in distance education courses opportunities to interact with instructors that equal or exceed the opportunities for such interaction with instructors in a traditional classroom setting.

Interpretation 306-5:

Law schools shall have the technological capacity, staff, information resources, and facilities required to provide the support needed for instructors and students involved in distance education at the school.

Interpretation 306-6:

Law schools shall establish mechanisms to assure that faculty who teach distance education courses and students who enroll in them have the skills and access to the technology necessary to enable them to participate effectively.

Interpretation 306-7:

Faculty approval of credit for a distance education course shall include a specific explanation of how the course credit was determined. Credit shall be awarded in a manner consistent with the requirement of Interpretation 304-5 that requires 700 minutes of instruction for each credit awarded.

Interpretation 306-8:

A law school that offers more than an incidental amount of credit for distance education shall adopt a written plan for distance education at the law school and shall periodically review the educational effectiveness of its distance education courses and programs.

Interpretation 306-9:

“Credits” in this Standard means semester hour credits as provided in Interpretation 304-5. Law schools that use quarter hours of credit shall convert these credits in a manner that is consistent with the provisions of Interpretation 304-5.

Id.

7. See Kristen S. Betts, *An Institutional Overview: Factors Influencing Faculty Participation in Distance Education in Postsecondary Education in the United States: An Institutional Study*, 1 ONLINE J. DISTANCE LEARNING ADMIN. (Fall 1998), <http://www.westga.edu/~distance/ojdl/fall13/betts13.pdf> (discussing the technology concerns expressed by faculty in implementing a distance learning program and the importance of faculty support in implementing such a program).

8. Jennifer McLean, *Addressing Faculty Concerns About Distance Learning*, 8 ONLINE J. DISTANCE LEARNING ADMIN. (Winter 2005), <http://www.westga.edu/~distance/ojdl/winter84/mclean84.pdf> (discussing common concerns expressed by faculty outside of law schools on moving to a distance learning model).

9. Some of the items mentioned in this checklist were also considered as items for discussion between schools that were partnering in distance education. See Consortium for Distance Education from CALI (CODEC), Original CODEC White Paper, <http://codec.cali.org/mod/resource/view.php?id=18> (last modified May 3, 2005).

1. *Registration:*

Which school will register the students? How will the students pay for the class? Which school will provide the course credit? Which registrar's office will handle the enrollment, or will both schools handle this aspect of the course? Do the two schools have the same pre-requisites for this course?¹⁰

We had each institution register its own students and provide credit to their students. This resolved any payment and credit issues. Because we were exchanging the services of the two professors, questions of cost between the two institutions did not arise.

2. *Grading:*

How will grading work? Will you use the method of one school, both schools, or will it be pass/fail?

One lesson learned from my experience is that the grading needs to be the same at both institutions. Georgia State offered the course as a graded course and Louisville offered it to their students pass/fail.

3. *Number of Students in the Classroom:*

What is the design of the classroom at the location that is receiving the videoconference class? How many students can actually be viewed by the camera? Will there be a technical person on hand to rotate the camera, or will it be in a set location throughout the class?

If the camera is stationary, it is important to consider the configuration of the room. It may be better to have three lines of tables than to have students sitting around one conference table.

4. *Drop/Add Dates:*

The drop/add days for the class are likely to differ at the different schools, so which will apply? How will the students be notified of the dates? Will you use different dates for the different schools?

In my class the drop/add days for each institution were used, even though they differed.

5. *Class Time/Time Zone:*

Scheduling the class requires placing the course into two different schools' course schedules. Are they on the same time zone? Do the schools have their classes start on the hour, the half hour, and what works best to accommodate the two schedules? How will you be working office hours with

10. Depending on the method used to secure students for the class, there may also be state regulations that require examination. See Elia Powers, *All Over the Map*, INSIDE HIGHER EDUC., Dec. 8, 2006, <http://www.insidehighered.com/news/2006/12/08/regulation>.

the off-site students?

I kept the camera running immediately before and after each class so that students from the off-site location could ask questions. I found that most students asked questions via email. This replicates non-video-conference classes in that the majority of students today converse with me outside of class by email.

6. *Calendars:*

When do classes start at the different institutions? If they start and end at a different time, how will the class be coordinated? How do you accommodate one school using a 13-week calendar and the other a 14-week calendar? What holidays are taken off at each of the two institutions?

This question emphasizes the need to include extra time in the class schedule. For instance, Georgia State did not hold classes on Election Day, while Louisville did.

7. *Honor Code:*

Which school's honor code will apply, or will both apply? Will this result in unequal treatment among the class? How will the students be properly notified of the applicable rules?

8. *Technical Issues:*

Who will handle the technical issues should problems arise at one of the schools? Do you have the cell phone numbers of all the technical people at each location? Have you tried the equipment in advance to make certain that it will work adequately? Does the other location have one or two monitors, and can it only accommodate the speaker and not a PowerPoint presentation? How much of a lag time is there from speaking to reception at the other institution?

9. *Disability Issues:*

Have you considered all possible disability issues in the delivery of this course? Which associate dean or registrar at which institution will be handling exam disability issues?

10. *Backup Plan/Makeup Classes:*

Do you have a backup plan in place if there is a technical problem? How will classes missed because of hurricanes and snowstorms be handled? How will you schedule make-up classes? Do you want to build in extra time in the course itself to accommodate emergencies that might arise? Have you considered videotaping or podcasting classes that might suddenly be unavailable for one group?

You may want to build in extra class time should it become necessary to cancel a class. It is easier to cancel a class or a portion of a class than it is to schedule a class that will fit the schedules of students at two different institutions.

11. *Location of Delivery:*

Will you be delivering the course exclusively from one location? Have you considered the benefits of meeting the students in the other location and delivering a class from that location on at least one occasion?

It was an eye-opener to visit Louisville near the end of the semester and realize that they had a single screen. It was good to meet the students at Louisville and for the students at Georgia State to be on the receiving end in a reverse distance learning setting.

12. *Student Information:*

Have you secured accurate e-mail addresses of the students from the other location? Have you determined how you will post the assignment for the initial class and notify students of any changes?

Creating and using a LexisNexis Web Course¹¹ helped in distributing assignments and materials to the students.

13. *Seating Chart and Attendance:*

How do you plan to do the seating chart at the off-site location? How do you plan to take attendance at each class session? Will you provide an attendance sheet in advance to the off-site location, and how will you retrieve it?

As this class was relatively small, once the on-the-spot seating chart was made in the first class, it was relatively easy to see who was not present.

14. *Syllabi, Handouts, and Books:*

How will you provide students with the syllabus for the first class? Will you be sending handouts to students via email and how will you send out something if it is a last minute item? Have you ordered the books for the students at both locations?

15. *The Culture of the Institution:*

How do breaks work at each institution? Do they break at each hour, or do they go straight through in two hour intervals? Are there certain idiosyncrasies that students expect at the institution, such as notification in

11. LexisNexis, LexisNexis Web Courses, <http://www.lexisnexis.com/lawschool/webcourses> (last visited Mar. 26, 2007).

advance if they will be called on in class?

16. *Exams:*

Who will administer the exam? Who will give the students their anonymous grade numbers? How will the exam be sent to the off-site location? Have you distributed past exams to both institutions so that all students have access to these materials? Is the exam coordinated into the exam schedules at both institutions? Which registrar or associate dean allows for makeup exams if the student makes such a request? Do the policies at the two institutions favor one of the schools when their students are taking the exam?

The exam was coordinated through one registrar and it was a take-home exam with the students receiving anonymous grade numbers from one location.

Clearly, teaching a live synchronous videoconferenced distance learning class requires significant planning. Resolving these issues prior to beginning the class allows for smoother administration and less class time being used to handle matters that had not been carefully considered in advance of teaching the course.

III. TEACHING THE CLASS

I found that teaching simultaneously with students at two different locations is not the same as teaching in person to one room full of students. It requires a level of multi-tasking above that needed when teaching a typical law school class. Depending on the technology being used, it may require looking at students both in the classroom and also at the other location who are on a screen. Even when fortunate enough to have the students at the other location on a screen at the back of a room, the loss of immediate eye contact, the ability to look up at the two groups at once, and the ability to call on students stretches the normal approach used in a classroom.

You need to know the names of all students immediately as you cannot point to students to call on them. You also need to realize that all students at the off-site location will be on one screen. Even when using a large screen, it will not replicate the size of the classroom.

Voice level in teaching the class can require some thought. I found myself talking louder than necessary in the initial classes, because, after all, the other class was very far away. Learning to keep the voice at a normal level required some conscious thought.

Initial interaction among the students also takes considerable planning. The students at the off-site location may be reluctant to engage in the conversation, may feel the distance of the class, and may be less responsive in the discussion. Consider using problems that require the two groups to work collaboratively or in contrast to each other to obtain a higher level of engagement.

Presenting PowerPoint slides can be particularly challenging. Students at

the off-site location may be viewing the class on a single monitor. This means that they lose the speaker when a PowerPoint slide is being shown, or if the PowerPoint slides are small, the class might not see it. If you have a single monitor at the other location, consider distributing the PowerPoint presentations to the students by email or hard copy in advance of the class.

Using additional technology can enhance the environment. In this particular class, I used a LexisNexis Web Course to distribute materials, post past exams, and allow for all students to communicate with each other. Clearly the Westlaw's TWEN system¹² could also work to facilitate the delivery of handouts, provide a discussion board, and allow other materials to be accessed by students.

There are also some strong positives to teaching a distance learning class. Geographic and cultural diversity may not be available at all law schools. Bringing in students from another institution can offer an enhanced discussion. Students may also enjoy the collaboration with students outside of their own institution.

Although there are some benefits to teaching a synchronous distance learning class, the work involved in teaching this type of class is significantly greater than when teaching a live class. When seeking the approval of a distance learning course from faculty, the one response you can give to the faculty member who has concerns that the technology will replace his or her job is that he or she can feel very secure. Job replacement in legal academia will not happen because of the distance learning model, as the time involved in preparing and administering such a class assures faculty members of continued financial security.

IV. CONCLUSION

Would I do it again? Yes, but only with certain modifications and assurances. To me, the most important aspect of making this approach to distance learning work is to be certain that there is someone available at both ends of the class to address technological glitches that can arise during the class. It could be a teaching assistant who might be taking the course, or it could be a student assistant from another part of the university. Having IT assistance immediately available can limit the loss of class time should a problem arise.

The course being offered needs to be a course that is an upper level specialized course. This is clearly not the best approach to delivering a class to first year students, and the ABA restriction is appropriate in this regard.

I would also require that the off-site institution bring me there on at least one occasion at the beginning of the course to meet the students live and

12. Westlaw, Westlaw User Guide, <http://west.thomson.com/westlaw/guides/lawschool.aspx> (containing links to various guides on the TWEN system) (last visited Mar. 26, 2007). *See also* Westlaw, WIKIPEDIA: THE FREE ENCYCLOPEDIA (Mar. 6, 2007), <http://en.wikipedia.org/wiki/Westlaw> (describing TWEN as "basically an online extension of the classroom").

deliver the class from that location at least once. Students feel more connected to the class when they have met the instructor and interacted live with that person.

Finally, I think limiting the number of students in the off-site class is extremely important. You need clear screen visibility of all individuals in the classroom and this can only be accomplished with a small number of students at the off-site location. Thus, this method of teaching should not be used for larger classes, even though it may be an upper level course.

Distance learning, via live synchronous videoconferencing can work effectively, but it is not the “best” classroom environment in all cases. Having an instructor at each of the two locations maximizes the benefits to students. Before using synchronous distance learning to teach a law school course, it is important to balance the need of the course, the availability of a local professor or adjunct to handle the class, and whether the total product will be superior if conducted through this technology. As we move to consider more distance learning courses and programs, it is important to make decisions that focus on what is best for the students.