

QUT Digital Repository:  
<http://eprints.qut.edu.au/>



Kift, Sally (2004) *A New Pedagogy for Higher Education? Exploring Integrated Learning Environments in Legal Education*. In: Online Learning and Teaching (OLT) 2004 Conference Proceedings. Exploring Integrated Learning Environments, 3 November 2004, Brisbane, Queensland.



# A NEW PEDAGOGY FOR HIGHER EDUCATION?: EXPLORING INTEGRATED LEARNING ENVIRONMENTS IN LEGAL EDUCATION

**Sally Kift**

Assistant Dean, Teaching and Learning  
Faculty of Law  
Queensland University of Technology, AUSTRALIA.  
[s.kift@qut.edu.au](mailto:s.kift@qut.edu.au)

## **Abstract**

*It is clear that there is an urgent need to reconceptualise the pedagogy of the tertiary learning environment and to reflect on how best to harness technology to improve student learning outcomes. It has been said that technology on its own is not sufficient for effective learning, but it is by no means clear to many time-poor academics how to redesign courses for an optimal blend of both on and off-campus resources and physical and virtual environments.*

*This paper will examine, in a legal education context, how one Faculty has progressed its pedagogical journey towards delivering desirable integrated learning environments. In pursuing this objective, we have been forced both to re-evaluate the way we teach for learning in the face-to-face classroom and to consider critically the barriers that prevent online learning and teaching proceeding to a more facilitated model of learning that is active, situational, student-centred and independent (that is, beyond mere content delivery and communicative interaction: Paliwala, 2001; Laurillard, 1993). At a time when internationalisation of core curricula is also a priority, this paper will highlight the need to manage a significant culture change for staff and students alike. It will explore some of the constraints to bringing technology into the curriculum and offer some suggestions as to how to overcome these barriers to enhance learning outcomes for students in a discipline that has been accused of using IT in a less than sophisticated way for teaching purposes.*

## **Keywords**

*Online learning and teaching, pedagogy, face-to-face, internationalisation.*

## **Introduction**

The present Queensland University of Technology's (QUT's) Vice-Chancellor (then Deputy Vice-Chancellor) prepared the following statement for the Vice-Chancellor's Advisory Committee (VCAC) Retreat in March 2002 (QUT Submission, 2003: 27):

QUT, like many other universities, has made a significant investment in our online teaching system. While that achievement should not be diminished, it has been effected very largely by bolting that system on to our existing teaching and learning paradigm. We need to conceptually take our thinking further, focusing on learning needs and outcomes, and the technologies to support these needs and outcomes, rather than focusing as much as we still do on more traditional approaches to the quality of teaching and courses. In practical terms this requires a shift in practice (already achieved in our rhetoric to some extent) FROM how good is the teaching? TO how well are the students learning? AND FROM what did the students like about the course? TO what did they learn or get out of the course?

This statement reflects the reality of the contemporary Australian tertiary sector: as the transition is made from passive teacher-centred teaching to active student-centred learning, the potential uses and benefits of online learning and teaching (OLT), supported by extensive and expensive institutional infrastructure, seem limitless and unknowable. The transformative impact of information technology and electronic communication juxtaposed with globalisation has also required that IT literacy, communication and research skills be an integral aspect of any

undergraduate academic learning. As Ling *et al* (2001) recommended when reporting on the effectiveness of flexible delivery models, it is desirable that universities harness the educational potential of available media with the concomitant benefits of and opportunities for

- economies of scale,
- flexible delivery for students in terms of time, place and learning style preferences,
- collaboration between institutions in OLT design and development, and
- the use of convenient off-campus infrastructure and resources available at no or little cost to the institution (eg, those in the workplace and the home).

However, in all of this, it is also reasonably clear that some significant impediments exist to sustained innovation in OLT and to the thoughtful integration of OLT within a broader pedagogical framework. There are significant policy, resourcing and pedagogical issues to be resolved. Ryan (2001, 29) also suggests that one factor has been that –

The drive to online education has been supply-driven, not demand-driven, by universities hoping to capitalise on the combined forces of lifelong learning and the outreach capacity of the new technologies to develop new markets.

This paper will examine how the Faculty of Law at QUT has proceeded down the OLT path, through the experimental phase of developing an OLT presence for every unit (which is not suggested to be an inconsiderable achievement), to the point now where a cultural shift needs to be embraced before any further endemic change can be effected. In the Faculty, the challenge is being tackled from the standpoint of reconceptualising its holistic approach to teaching delivery with a view to engaging its undergraduate students both online and face-to-face through the gradual development of a pedagogy for contemporary higher education.

## The Use of Technology in Legal Education

Two recent, relevant Reports have a bearing on use of technology in the legal education context. First, in 2003 the Australian Universities Teaching Committee (AUTC) completed a “stocktake” of legal education. That Report, *Learning Outcomes and Curriculum Development in Law* (Johnstone and Vignaendra, 2003) provides a valuable insight into the contemporary response of Australian law curricula to various influences, including a whole Chapter 7 devoted to “globalisation and new communication and information technologies”. The conclusion that the 2003 AUTC Report reaches is not particularly flattering: while the authors comment that Law Faculties are using *more* IT, it is not always being used in a “sophisticated way” for learning and teaching purposes though, as also acknowledged in the Report, there are clear resourcing issues which may be moderating the more innovative adoption of technological affordances in law (2003: 461) –

The use of IT in teaching, in particular, was seen as one way of promoting communication with students about the subject matter and thereby enhancing their learning...

In legal education as in all of disciplines, it is necessary to distinguish between –

- information literacy in a legal context – that is, the online affordances that will help legal professionals to research (because of the modern and easy availability of most primary (ie, judicial decisions and statutes), and many other secondary, legal resources online); *and*
- online environments that enhance learning and teaching in any unit of study.

While training in the skill of information literacy is now a “major skill that students need to master from the beginning of their law studies” (Johnstone and Vignaendra, 2003: 206), the extent of that training is variable across the sector. Specifically, when regard is had to the necessity to skill-up our graduates to make them “globally portable” citizens (Kelly, 1999) by exposing them to the existing wealth of international and comparative resources and influences also available online, minimal inroads have been made. This is clearly an area deserving of greater attention and to ignore it would be to ignore an essential part of undergraduate legal training –

The rapid development of information technology and electronic communication is pervasive and its impacts upon legal practice and professional formation still nascent. Potential developments extend beyond computer based learning and library resources to the wider use of artificial intelligence in the solution or prevention of legal problems. Law schools face the

challenge of preparing graduates for a professional career in which such communication modes will be central and unremarkable. (Hong Kong Report, 2001:44)

For the purposes of this paper, the information literacy skills aspect of technology will be subsumed under the wider question of how the online environments supplement and strive to enhance the campus-based delivery of material.

The second Report of significance, also in 2003, was the QUT commissioned external review of the university's online teaching activities. In the Review Panel's Final Report (QUT Report, 2003), the Panel noted (2003, 7):

To ensure the learner and the University gain maximum benefit from the investment in technology for teaching and learning, cultural change needs to be embarked upon at every level in the organisation both in academic and relevant non-academic areas. For example, there is an immediate need for senior staff in faculties to not only value teaching and learning but also to plan to integrate on-campus pedagogies with the online environment.

Against these two recent assessments, the QUT Law Faculty's journey down the online delivery path will now be considered.

### **One Faculty's Journey.**

In an environment where it is reported that over 54 per cent of units in Australian higher education now contain an online component (in the sense of web supplemented and web dependent units, though the percentage of fully online courses and units remains low: Bell *et al*, 2002, 27), my Faculty's story provides a reasonably typical case study of how the institutional agenda of harnessing online technology to add value to teaching and learning has been operationalised at a Faculty level.

As has occurred elsewhere, the history of the QUT Law Faculty's involvement in OLT grew out of an early phase of innovation during which pockets of enthusiasts experimented with stand alone, CD-Rom based/computer-based education. The most notable of these early efforts is probably *The Crimson Parrot Computer Based Education* project in the 1990s, a media presentation that is still used today and contains a number of interactive modules dealing with substantive law areas. In the mid-1990s, a more sophisticated template tool was developed called *LawSim*: initially a CD-Rom based multimedia, interactive problem-solving tool that seeks to simulate authentic legal practice. The transition to online delivery of *LawSim* modules is presently being rolled out to enhance the online offering in various of the Faculty's units: "The Merlin Affair" (Kelly, 2004) being a recent and cogent example of the possibilities of this style of delivery.

In 1998, the Faculty obtained \$185,000 from the University (\$85,000 as a Teaching and Learning Development Large Grant and \$100,000 Central Initiative funding) for a project entitled *Flexible Delivery of the LLM Coursework Program in Collaboration with the Legal Profession* (Project Report available on request). This project was instrumental in introducing OLT approaches into the Faculty in a conservative and well-supported way (latter in the financial and technical sense). As research has identified as critical to successful learning outcomes from such projects (Alexander *et al*, 1998), this first Faculty foray into OLT was a project directed at satisfying a clearly identified student need and was based on a sound learning and teaching strategy. Specifically, the project was designed to develop strategies to facilitate online access to postgraduate learning off-campus, particularly to the workplace and home, so as to assist those who, through work and/or family commitments, had difficulty undertaking on-campus study. The 1998 Project enabled the Faculty to establish and trial procedures for the online offering of units, which could later be (and were subsequently) transferred to undergraduate course delivery. Importantly, a critical mass of staff had the opportunity to experiment with online teaching and learning approaches, particularly with respect to external students, under the auspices of a well-planned project that proposed realistic outcomes directed at a specific area of student need and which had appropriate technical, budgetary and project management support (Alexander *et al*, 1998).

In 1999, the Law Faculty (as one of four QUT Faculties with Business, Education and IT) was granted Central Initiative Funding of \$79,000 to progress the implementation of online delivery in its undergraduate units through the *Coordinated On-line Teaching (COLT) Project*. This project aimed to consolidate a range of systems in use across the University to produce a single system for teaching through the use of Internet technologies and to form the basis for the growth and development of online teaching at QUT.

Embracing the imperative of a sound pedagogical basis (Paliwala, 2001), the two main objectives of online delivery under the COLT Project in the Faculty of Law were stated to be:

1. Improvement of the teaching and learning environment within the Faculty by:
  - (i) Incremental development of a sustainable electronic medium to support the teaching and learning environment;
  - (ii) Enhancement of the interaction and communication between staff and students with a view to improving feedback and critical reflection;
  - (iii) Enhancement of the flexible delivery of courses particularly to part-time, external and cross campus students (including the improvement of access to course and other materials); and
  - (iv) Enhancement of generic skills (including technology and information literacy) and professional skills.
2. To maintain and promote the Faculty's leadership position in the delivery of undergraduate and postgraduate courses.

Under the COLT project, with the assistance of the University's Teaching and Learning Support Services (TALSS), the Faculty implemented and integrated its current OLT system and carried out critical staff development activities. Following considerable consultation, the approach ultimately adopted was to prepare units for online delivery using a standard homepage template for ease of navigation (see sample at Figure 1 below). The early adoption of a standard template has been a significant factor in the high level of student satisfaction with OLT delivery. O'Leary (2002) has recorded the desirability of a "consistent and customisable look and feel" for the user interface. Under this project, 20 core undergraduate units were given an online presence which supported face-to-face and hard copy delivery.

In September 2000, the Faculty made application for further funding of (approximately) \$100,000 to the University Teaching and Learning Innovation Fund (project title - *Sustaining On-Line Teaching in the Faculty of Law*) to enable it to build on the 1999 project and to ensure that the remaining core undergraduate units had substantial online presences. A number of elective units, together with a further suite of postgraduate units, were also targeted for online delivery.

Since that time, the Faculty has progressed to the stage where it now currently offers approximately 130 active online units at any one time in its undergraduate and postgraduate programs in Law, Justice Studies and Legal Practice. These active OLT sites provide students with electronic access to a (minimum of) –

- Regular communications (to keep the site "live") via Notices posted;
- Study guides (which students can cut and paste);
- Lecture materials and PowerPoints in advance of the teaching presentation;
- Assessment requirements;
- Feedback on assessment items;
- Responses to frequently asked questions;
- Direct links to cases, legislation and other useful resources freely available on the Internet and through library databases; and
- Links to other digital course materials via the Course Materials Database (CMD).

It is gratifying to see that the University's 2003 *Review of Online Teaching Activities* (referred to in the Introduction above) endorsed this approach and recommended (2003, 25) that Faculties should "set a minimum standard for what should be available for each unit and how this base level information is presented". While a minimum standard is prescribed in Faculty policy (the *Faculty of Law Online Teaching Policy* available on the staff intranet), in practice a growing number of OLT sites also feature integrated learning environments that incorporate more advanced teaching

and learning tools such as streaming media, skills training materials, multi choice quizzes for formative feedback on student progress, project management tools, reflective journals, student profiles, student outlines of seminar topics (so that other students may learn by the example of their peers), online assessment tasks and discussion forums and chat rooms.

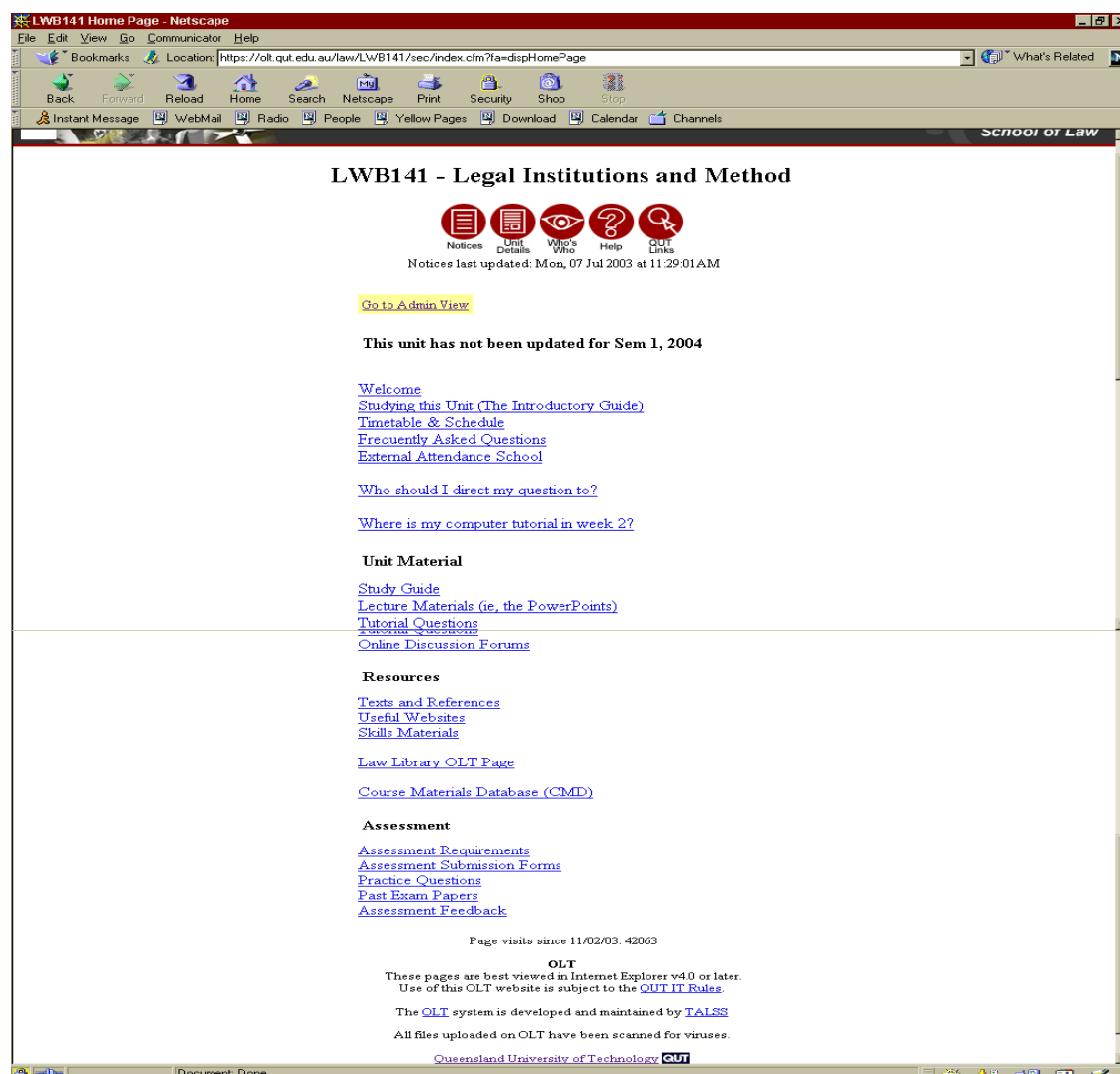


Figure 1 – Sample Law Faculty Site

All first year students are trained in the use of their OLT sites in the second week of first semester. Consequently, there is an immediate acceptance of the online environment as an integral part of the learning in the academic unit of study (facilitated, for example, by taking students via the online site to authentic legislation sites and utilising those sites as the training vehicle for legislative navigation skills). Student uptake is high and they learn very quickly, for example, to look to download PowerPoint presentations in advance of classes and to check their sites for Notices and feedback *etc.* Critically, acknowledging that assessment is the motivator for most student learning (Ramsden, 1988) both the substantive and administrative aspects of assessment tasks are commonly embedded in the online delivery. This also is an attempt to meet the legitimate concerns expressed by commentators such as Ryan (2001) who doubts that students are sufficiently prepared to engage with online environments, citing US and UK studies that suggest completion rates as low as 10% for fully online course (with the exception of the “earner-learner” cohort, whom she describes as “employer-sponsored”, “net-savvy” professionals: 2001, 29). Ryan (2001, 28) observes –

Notwithstanding the prevailing emphasis on independent learning skills and the process of learning, rather than on content in our secondary schools and our post-secondary systems,

there is a growing body of evidence that students lack the capacity and inclination for independent learning that is required of an online environment.

Concerns such as these, sound pedagogy and studies into the changing patterns of student engagement (McInnis *et al*, 2000) all suggest that, for undergraduate education at least, a hybrid model of face-to-face teaching and learning enriched by appropriate online offerings will produce the most desirable learning outcomes. Student feedback indicates that, in any event, undergraduates in particular will not tolerate a complete withdrawal of face-to-face delivery modes. Even at the postgraduate level, while more advanced students may appreciate the flexibility of wholly online delivery, it is clear that there are certain things that simply cannot be delivered appropriately online. The practical legal training course offered by the Faculty's Legal Practice area makes an interesting case study in this regard and is being presented on at this conference. My Faculty has gone somewhat down the integrated path, but its next steps are crucial. This is discussed further below.

Finally however, before leaving the initiatives that have been undertaken to date, it is valuable to note that the student perception of the seamlessness between in-class and out-of-class experience that Kul *et al* have noted (1991, 184) should be exploited when opportunities for out-of-class engagement are being constructed. Taking full advantage of the available online facilities, at a general level of information delivery, the Faculty's website has recently been re-developed to include a section for 'current students', which provides easy, online access to academic advice, Faculty response to student feedback and to essential administrative information, forms and policy. In accordance with good practice (McInnis, 2001) and as a strategy to manage the first year experience of our diverse student cohort, a series of supportive weekly emails delivering just-in-time information are sent to all first year students in their first semester, utilising the enhanced interactions made possible by communication technology. In a similar fashion, a webcam presentation on exam strategies was media streamed to the student body this year, replacing the standard lunchtime seminar that necessarily excluded some (and all external) students. These latter OLT initiatives also seek both to engage students in their discipline learning and to create a sense of Faculty and institutional belonging that research has found will contribute to successful learning outcomes. These uses of online interaction have been exceptionally well received by students (Kift, 2003).

### **Evaluation of the Faculty's Online Learning and Teaching (OLT)**

As is appropriate, evaluations have been conducted as to the efficacy and utilisation of the OLT that has been delivered. Students were immediately (i.e., from 2000), and have continued to be, strongly in favour of the use of the OLT innovations. Student surveys and focus groups have consistently demonstrated that at least 80% of students agree or strongly agree that this form of delivery is useful, that they access it regularly and that they take advantage of the various resources made available through the OLT sites.

Teaching staff have also been surveyed from their response to these new modes of delivery. As will be discussed further below, the Faculty is currently undertaking a review of teaching delivery in an attempt to gauge the current balance between online and face-to-face modes in an effort to recommend opportunities for rationalisation of approaches in accordance with agreed best practice. As the first stage of this review, teaching teams were requested to make submissions addressing a range of issues, including the use and efficacy of OLT for their particular units. Some of the teams' comments are captured in the representative sample below. While it would be fair to say that there was a degree of initial trepidation and resistance to moving to any online model (primarily in the context of increased workloads and fears of teachers being made redundant once online delivery had been entrenched), there is now (2003) little dissent that OLT has improved the Faculty's teaching and learning environments –

- *The OLT site is also received very positively by the students in the unit. The site provides flexibility to students in terms of access to materials and communication with staff and students. (1<sup>st</sup> year unit)*

- *The teaching team sees the particular benefits of OLT as being the universality of access – enabling communication to all members of the class, and posting of essential portions of the units such as the LawSim modules and learning aids like OSCAR. (1<sup>st</sup> year unit)*
- *The particular benefits of the OLT sites is [sic] the ability to deliver information to students in a timely and efficient manner. This is especially the case with the information and documentation associated with the development of the [two] units' targeted skills, although many students also want this information available in the hard copy study guide. (1<sup>st</sup> year unit)*
- *Particular benefits of online delivery include: ...links to other useful sites, especially the legal database sites that students are likely to need.. (2<sup>nd</sup> year unit)*
- *Particular benefits of online delivery include: ...eventually unit members would like to see removal of lectures and reliance on expanded tutorials (2<sup>nd</sup> year unit)*
- *The OLT site is necessary for the online exercise and discussion forum for external students. It is also particularly effective for delivery of material and general communication with all students. (3<sup>rd</sup> year unit)*
- *[Benefits of OLT] for external students, the structured on-line work of tutorials provides students with an activity-based programme which, to the extent possible without face-to-face contact, replicates the structured work undertaken by internal students. External tutorials have been the subject of positive feedback from students. (3<sup>rd</sup> year unit)*
- *For 2003 several interactive instructional tutorials written in 2002 with the aid of a small teaching grant will be available with the tutorial materials on the OLT site. (4<sup>th</sup> year unit)*
- *[Access to materials via OLT] has assisted to break down the once divide (whether real or perceived) between the services and support available to students with different modes of attendance. All of the uses made of the OLT site are viewed as beneficial for students, and an integral part of the teaching and learning approach in the unit. (4<sup>th</sup> year unit)*
- *I see the benefits [of OLT] as enabling us to break free of the classroom for rote delivery and to use the classroom to develop skills that cannot be taught mechanistically – but do not see our policies fostering that. (Elective unit)*

Finally, the Faculty's efforts in OLT have been made available for assessment by external experts:

- The Report of the external consultant prepared for the Faculty's 2001 Benchmarking Survey (benchmarking with comparable national and international Faculties) identified that our work in online delivery is an area of strength and leadership for the Faculty.
- In 2002, Dr David Grantham, a UK National Teaching Fellow from Coventry University and a recognised expert in the pedagogy of electronic delivery in the legal context, visited the Faculty to share his experiences and to look at our on-line delivery systems and sites. He commended the Faculty for its initiatives in online legal and justice education and said:  
*I found the enthusiasm for, and effectiveness in, work in C&IT at QUT exceptional. I was most impressed with both the design and management of online programmes and the innovatory nature of the developments that were demonstrated. Examples of sound learning and teaching principles could be seen throughout the examples I saw and I was particularly pleased to see online development in both problem-based and constructivist learning. These were sound examples of good practice. Law colleagues not yet committed to designing their own online learning environments should be very encouraged by the example of their own colleagues who have been both reflective and active in the field.*

### **But where to from here?**

In the Law Faculty, despite the initial reservations referred to above, online teaching is now welcomed as a valuable addition to teaching delivery methods by both staff and students. It has been our experience that while setting up the structures and databases has been time consuming and cost intensive, once set up, there is little ongoing maintenance required, apart from regular updating for each semester of offering. The Faculty has been greatly assisted in these efforts by the Law Webmaster whose technical and administrative assistance have proved invaluable over the past four years, especially at the commencement of each semester.

To support staff further in their OLT, the Faculty has developed a *Law Faculty OLT Policy* (see <http://www.law.qut.edu.au/academic/olt/oltpolicy.jsp>), which sets out the roles, obligations and



requirements of staff and the Faculty when using OLT sites. The Policy also details quality assurance matters, business continuity planning, staff development matters, certain student responsibilities and Faculty site standards, all of which assist and guide teachers in their use of OLT. With the assistance of the Law Webmaster, a *Law Faculty Online Teaching Users Guide* has been developed to provide Faculty staff with assistance on the many procedural and operational questions they often have about managing their OLT sites. Complementing these support mechanisms, via the Law Faculty Staff Intranet, staff have access to additional tailor-made guides and procedures for matters such as –

- Updating your OLT site;
- Adding hotlinks to cases where electronic versions of caselaw are available free via the Internet or via library databases. (In most units offered by the Law School, caselaw is relied on extensively as a teaching resource. Having the links available via the online site has greatly facilitated access to these materials and, in the case of externally enrolled students, has either minimised or eliminated the need for those students to use the Library photocopying service. The IT literacy skills embedded in this process are also a considerable learning outcome);
- Adding Curwen Results to OLT;
- Streaming Media in OLT (webcam, digital videotaping, analogue videotaping);
- How to use the Course Materials Database;
- Copyright; and
- Staff development opportunities.

One of the specific strategies to encourage staff to utilise technology in course and unit delivery is to persuade and support interested teachers to apply for small teaching and learning grants (both Faculty and University). One of the very real constraints to the development of any further, pedagogically sound, online initiatives is that academic staff generally have reached the point where their workloads are considered to be so overwhelming that, unless they are able to access teaching relief (= time) to research, then plan, experiment and reflect on new scholarly approaches, little further will be done in this area.

Teachers in the current resource-poor tertiary environment see little incentive to devote time (that they must inevitably take from some other academic task) to developing the pedagogical skills (that many feel they do not have) to create and integrate new (online) learning environments into their teaching. As was observed by the QUT 2003 Online Review Panel (QUT Report, 2003), teachers also do not have a clear sense that senior staff will reward such efforts or that it is worth aspiring to this (or indeed any) form of teaching scholarship. Staff who might otherwise be inclined to experiment with online initiatives also express concern that they may be penalised for their innovation (in the sense that effective online delivery will not be recognised in workload allocations and that they will in fact be considered to have been “freed-up” to make-up the requisite number of face-to-face teaching hours in units elsewhere). Additional to the culture shift that needs to take place, the Panel also recommended in Recommendation 22 under the heading “Recommendations in relation to staff development and workload management (QUT Report, 2003: 24)

The Panel recommends that every teaching staff member’s performance review (PPR) should include a plan for the development of their pedagogical approaches and part of this plan should detail their strategies for using online teaching technologies and applications, resources required to ensure quality and currency, and a report on the currency of their sites

It is potentially confronting and dispiriting for some time-poor academics to be exhorted to embrace a paradigm shift from “teaching as telling”, which is very prevalent in legal education, to teaching as facilitating, guiding and supporting independent learners. Teachers find this especially difficult when they can see no pre-existing body of knowledge that they can tap into to develop new conceptual OLT teaching frameworks. The fact that such models do exist is beside the point (in law specifically, the UK Law Courseware Consortium (LCC) at <http://www.law.warwick.ac.uk/lcc/> has specialised in the development of interactive legal learning materials for a number of years; the LCC has close links with its American counterpart, the Center for Computer-Assisted Legal Instruction (CALI) at <http://www.cali.org/> which is a non-profit

consortium of over 170 US law schools that has support research and development into computer-integrated legal education since 1982; many other discipline and generic examples also exist) – staff are not readily aware of these tools nor do they have the time nor (frankly) the inclination to immerse themselves in what is essentially for them new learning. For this cultural change to occur there will need to be institutional incentives for staff to embrace new models of teaching and learning and to move away from what is comfortable and known.

This then brings us to a critical issue – the time has clearly arrived when, as a sector, we need to reconceptualise the pedagogical approach to higher education. As Bell *et al* have observed, this will “challenge traditional teaching and learning models” (2002, 4.1.3) –

The extent to which universities have already adopted web based instruction, as shown in [this] survey, suggests there is a need to explore a number of pedagogical issues. Among these is the question of whether the teaching model in higher education should shift from traditional didactic methods to a more discovery-based methodology, through the application of technology. Secondly, there is the question of the teacher’s role. A number of commentators point out that the traditional role of the lecturer (the sage on the stage) is inappropriate for online course and units, in which the lecturer quite naturally becomes a facilitator (the guide on the side).

This is the debate that is currently occurring in my Faculty. When online is, in its most simplistic rendering, *so* appropriate for comprehensive and flexibly-available content delivery (previously disseminated by the sage on the stage), what should face-to-face time be used for? If, as some argue, “chalk and talk” is the only way, how can we take maximum advantage of online? The second question is much easier to answer than the first – the literature suggests that OLT adopt communication vehicles that are interactive, problem orientated, relevant to real-world issues and that evoke student motivation (Paliwala, 2001; Laurillard, 1993) – this is where the next wave of “enthusiastic experimenters” is headed.

But pockets of innovation hark back to the ad hoc, fragmented approach of yesteryear and will not effect enduring and fundamental pedagogical change. It is for this reason that my Faculty is attempting to tackle the first and more difficult question, which can be usefully turned around like so (Menges, 2000) –

What are the essential contributions (to student learning, satisfaction, and development) of face-to-face instructional interactions between teachers and students that cannot be provided as effectively by technology?

Put this way, the focus is firmly fixed on the pedagogy of the face-to-face environment in the context of an online presence. While much more research and thinking needs to be done in this area, there are some givens, however unpalatable the sage on the stage might find them. First and crucially, lectures used for passive note-taking or information transfer, are a relatively ineffectual learning experience (Laurillard, 1993, 107). In the UK, the Dearing Report into Higher Education (Dearing, 1997: 8.21), specifically in the context of the impact of communications and information technology on learning and teaching, suggested that –

...personal contact between teacher and student, and between student and student, gives a vitality, originality and excitement that cannot be provided by machine-based learning, however excellent. When free to make a choice, even though it costs more, individuals are likely to choose to receive information and experience in the company of others, rather than alone, and to receive it from a person who is there to respond, even as part of a group. But, through C&IT, it is possible to offer forms of contact and access to some highly effective learning materials that were previously unavailable for many students.

Dynamic, interactive learning communities should be the focus for face-to-face delivery. This valuable ration of teacher-student in-class time should be used to model desirable interpersonal and professional skills and attributes/values, to demonstrate and scaffold problem solving skills and critical thinking processes, (according to a QUT colleague, Annah Healy) to synthesise information in “ways that rely on anecdote, examples, and questions that get asked by tone of voice as much by anything else” and that provide the “human mediation of content”. Whether in large or small groups, this is what students should be attracted to in their on-campus experience.

## Conclusion

Paliwala (2001) in a very thought-provoking piece, suggests that –

Personal contact sessions remain a valuable part of learning, but the extent and nature of their use become transformed in the new learning environment. For example, it may not be necessary to have as many lectures and small group sessions. Lectures may become launch pads for other learning activities, feedback and summarising sessions or even inspiring presentations. Small group sessions could avoid mundane instruction, if students have already learnt much through their resource work, interactive courseware and communication, and concentrate on advanced discussions or exciting group exercises.

This is the challenge that now faces higher education. This paper has sought to unpack some of the complex issues involved and to highlight the imperatives of endemic culture change and institutional resolve to effect that change. While at QUT Law we are essentially using OLT sites for skills training, communication and information delivery, greater and less variable use of more interactive course delivery options is the obvious next step. Some exciting work has been coming out of the UK and the US in the legal education context (referred to above), which offers models for innovation and smoothes the way for transition from bolting on to bedding down.

## References

- Alexander, S., McKenzie, J., and Geissinger, H. (1998) *Evaluation of Information Technology Projects for University Learning*. CUTSD. [Online]. Available: <http://www.dest.gov.au/archive/cutsd/publications/exsummary.html> [August 2004].
- Bell, M., Bush, D., Nicholson, P., O'Brien, D., and Tran, T. (2002) *Universities Online: A survey of online education and services in Australia 02*—A DEST Occasional Paper Series Higher Education Group: Canberra.
- Dearing, R (1997) *Report of the National Committee of Inquiry into Higher Education.*, HMSO: London. [Online]. Available: <http://www.leeds.ac.uk/educol/ncihe/> [August 2004].
- Hong Kong Report (2001) *The Steering Committee on the Review of Legal Education and Training in Hong Kong. Legal Education and Training in Hong Kong: Preliminary Review, Report of the Consultants*. Available at <http://www.hklawsoc.org.hk> [August 2004].
- Johnstone, R. and Vignaendra, S. (2003) *Learning Outcomes and Curriculum Development in Law*. AUTC, Canberra. Available: [http://www.autc.gov.au/pr/law/split\\_law.htm](http://www.autc.gov.au/pr/law/split_law.htm) [August 2004].
- Kelly, P. (1999). *Internationalisation of the Curriculum*. Understanding Teaching and Learning Series: No 1 1999, TALDU, QUT.
- Kelly, H. (2004) “Students learn law in a ‘magical’ new way”. In *Inside QUT* Issue 244 May 18 2004 at 7, QUT, Brisbane. Available: [http://www.corpcomm.qut.edu.au/corpcom/services\\_function/publications/iqut/IQ244.PDF](http://www.corpcomm.qut.edu.au/corpcom/services_function/publications/iqut/IQ244.PDF)
- Kift, S. (2003) “First Year Renewal to Engage Learners in Law”. In 7<sup>th</sup> Pacific Rim, First Year in Higher Education Conference 2003. Brisbane.
- Kul, G., Schuh, J. and Whitt, E. (eds) (1991). *Involving colleges: Successful approaches to fostering student learning and development in the classroom*. San Francisco, CA: Jossey-Bass.
- Laurillard D (1993), *Rethinking University Teaching: A Framework for the Effective Use of Technology*. Routledge: London.
- Ling, P., Arger, G., Smallwood, H., Toomey, R., Kirkpatrick, D., and Barnard, I. (2001) *The Effectiveness of Models of Flexible Provision of Higher Education* (01/9) DEYTA EIP: Canberra. [Online]. Available: <http://www.dest.gov.au/highered/eippubs2001.htm> [August 2004].
- McInnis, C., James, R. and Hartley, R. (2000). *Trends in the First year Experience*. DETYA Higher Education Divisions, Canberra. [Online]. Available: [http://www.detya.gov.au/archive/highered/eippubs/eip00\\_6/fye.pdf](http://www.detya.gov.au/archive/highered/eippubs/eip00_6/fye.pdf) [August 2004].
- McInnis, C. (2001). *Signs of Disengagement? The Changing Undergraduate Experience in Australian Universities*. CSHE: Melbourne. [Online]. Available: [http://www.cshe.unimelb.edu.au/APFYF/research\\_publications3.html](http://www.cshe.unimelb.edu.au/APFYF/research_publications3.html) [August 2004].

- Menges, R. (2000) *New Directions for Teaching and Learning* #183. In *QUT Newsletter on Online Teaching* Feb 2002, Vol1 No 1.
- O'Leary, R. (2002) *Virtual Learning Environments* [Online]. Available: [http://www.ltsn.ac.uk/application.asp?app=resources.asp&process=filter\\_fields&section=generic&type=some&id=4](http://www.ltsn.ac.uk/application.asp?app=resources.asp&process=filter_fields&section=generic&type=some&id=4) (download ELN002) [August 2004]
- Paliwala, A. (2001) "Learning in Cyberspace" *The Journal of Information, Law and Technology (JILT)* 2001(1) [Online]. Available: <http://elj.warwick.ac.uk/jilt/01-1/paliwala.html> [August 2004]
- QUT Report (2003) *Review of the University's Online Teaching Activities: Final Report*. QUT. Available: <https://www.olt.qut.edu.au/int/colt/sec/index.cfm?fa=displayPage&rNum=656709> [August 2004].
- QUT Submission (2003) *QUT Submission to the Thematic Review of Online Teaching Activities*. QUT. Available: <https://www.olt.qut.edu.au/int/colt/sec/index.cfm?fa=displayPage&rNum=656709> [August 2004].
- Ryan, Y. (2001) in Department of Education, Training and Youth Affairs (2001). *Online Learning in a Borderless Market*, Conference, February 2001, Griffith University, Gold Coast Campus. DETYA: Canberra. [Online]. Available: <http://www.dest.gov.au/highered/eippubs2001.htm> [August 2004].

Copyright © 2004 Sally Kift

The author(s) assign to QUT and educational non-profit institutions a non-exclusive licence to use this document for personal use and in courses of instruction provided that the article is used in full and this copyright statement is reproduced. The author(s) also grant a non-exclusive licence to QUT to publish this document in full on the World Wide Web (prime sites and mirrors), publication to CD-ROM and in printed form within the OLT 2004 conference proceedings. Any other usage is prohibited without the express permission of the author(s).