DISTANCE EDUCATION AND THE INCORPORATION OF AN ONLINE LEARNING ACTIVITY INTO THE HUMAN RIGHTS LAW COURSE TO PROMOTE DEEP LEARNING

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ABSTRACT

This paper begins with a brief overview of the current teaching and learning aims and assessment in the Human Rights Law course offered at RMIT University. Although this course has been taught on a face to face basis, in future, it will also be offered to on line students. This calls for new teaching and learning and assessment practices which promote deep learning for those enrolled in distance education. After a brief discussion of the theoretical literature relating to assessment, the paper discusses the perceived benefits of introducing an online learning activity relevant to the aims of the course. The paper then outlines the proposed on line activities and the relevant online tools. How the student will engage with the activity is addressed as is student demonstration of discipline based learning. It will be demonstrated that the overhauling of the existing format of the teaching and learning component relating to the memorandum of advice with online tools and exercises will strengthen and enrich the learning process for students enrolled in distance education and will lead to higher order thinking and deep learning.

HUMAN RIGHTS LAW: Course overview

The Human Rights Law in Australia course is part of the Juris Doctor Program (hereinafter referred to as JD). The JD program commenced in 2007 and is only available to local students who have previously completed a university degree in any discipline. The students are mature aged and mainly working (either full time or part time). Broadly, the aims of the Human Rights Law course include teaching students to:

> ➢ understand human rights law in its international and domestic setting;
> ➢ undertake effective research of the law to solve a problem (including through online means);
> ➢ develop analytical and critical skills.

The assessment for the face to face students presently consists of:

> ➢ a research assignment (50%),
> ➢ writing a memorandum of advice to a given legal problem (50%)

It is clear that the format and structure of the assessment is aimed at face to face students who will benefit from participation in class. The allocated topics are discussed in class and students are expected to conduct their own research.

Although the above assessment is suitable for face to face students, the course will also be available to online students. Offering the course through a distance education program calls for new teaching and learning and assessment practices which promote deep learning.

ASSESSMENT AND LEARNING

Traditionally, assessment at university, especially in law courses and other technical subjects, has focused on research assignments and/or an end of course examination (1). There has historically been a lack of openness on part of many academics to introduce innovative and alternative assessment practices. Assessment through a research assignment and a final exam has been and to a large extent, seen as being an accurate reflection of assessing what has been taught (2). Based on this thinking, many academics have treated assessment as distinct from the process of teaching and learning with assessment tasks often being formulated after the curriculum has been finalised (3). In recent years, however, the ability of an examination/assignment to effectively assess or facilitate student learning is increasingly being questioned (4)for a number of key reasons which include:

> ➤ The recruitment of students who engage solely in distance education,
> ➤ changes in the nature of the student cohort which provide for varied student expectations and varied degrees of engagement in the process of learning;
> ➤ an increased awareness of the significance for assessment tasks to be more flexible and which encourage and guide independent learning;
> ➤ an increased awareness and emphasis on the need to develop and assess multiple skills such as those relating to communication skills and critical analysis;
> ➤ the impact of technological development and on line material which on the one hand makes plagiarism easier, whilst simultaneously allowing for use in alternative forms of teaching and assessment on the other (5).

Research conducted over the last twenty years(6) demonstrates that assessment plays a very central and important role in the process of learning. Students are heavily influenced by the content of the curriculum, and assessment in particular. Students seek clues relating to the assessment and shape their study around the 'hidden curriculum (7). The end result is that rather than being motivated by the subject matter which is being taught, students are influenced by how they can 'successfully' meet the assessment requirements and therefore pass the subject being studied (8).

Empirical research(9) differentiates between 'surface learning' and 'deep learning'. The surface approach to learning demonstrates cutting corners or a minimalist approach to coping with the task. It features rote learning and students inability to integrate and link various parts of the course.

Deep learning on the other hand, is directed at the student understanding the material being taught, relating this to their previous experience and knowledge and to the real world. Although university students have the ability to use both approaches to learning, which process is actually adopted by students depends upon environmental factors. These include the difficulty of the given tasks, their interests in the materials taught, the teaching and learning activities and the mode of assessment(10).

Accordingly, assessment structures will impact upon a student's learning approach and good teaching and assessment encourages students to adopt a deep approach(11).

In the context of assessment for law subjects, the traditional manner of assessing law students by an end of semester exam/assignment results in students to unequally distribute their learning over the semester. Students make an intensive effort towards the end of the semester which is geared toward passing the final exam/assignment. This produces short term memorisation and thus surface learning rather than deeper learning of the course matter (12).

Furthermore, other essential skills such as critical analysis, and the deeper questioning of assumptions in the literature are also not adequately developed or assessed throughout the course. These matters gain increased importance in distance education. Designing an online activity to promote deep learning amongst distance education students

As the assessment for the memorandum of advice currently stands, the students would be given a problem and they would answer the problem by way of handing in a memorandum of advice. The existing teaching and learning activities and assessment for the memorandum of advice will be replaced to promote deep learning amongst distance education students. The learning and assessment for the new online exercise will be directed towards placing particular emphasis on not only teaching the substantive law to students and developing students' online research skills, but their ability to think critically/analytically about the implementation and development of human rights in Australia and globally, to identify gaps and deficiencies in the law and to effectively communicate their thoughts – therefore the promotion of deep learning.

NEW ONLINE ACTIVITY

Students will be allocated a legal problem involving international human rights law for which they will provide three blogs and a memorandum of advice. The assessment will be worth 50% of the overall mark. The 50% will be divided into two pieces of assessment. Firstly, three blogs (worth 20%) and a written memorandum of advice (30%) which is not to exceed 2,000 words. Students will be given five weeks to complete the assignment from the date upon which the problem is handed to them.

Online research of databases, websites and on line journal

Students will be expected to research the problem at hand through publicly accessible national and international human rights websites, databases and online journals. There are dozens of credible international and national government and non government academic websites and data bases devoted to human rights.

Many of these websites contain legislation and case law relating to human rights law. The law liaison librarian will be invited to provide an on line tutorial of the various legal data bases and websites to students and to show them how to use some of the search tools (such as those relating to key word, case and legislation search and links) contained in those data bases. Librarians play an important role in the online learning process. Their traditional role as information providers has changed to that of educators, what Johnson et.al refer to as a transformation from "information gatekeepers to information gateways"(13). Collaboration with the library will result in important support being provided during the teaching and learning process.

Blogs

Over a period of three weeks (once per week) students will need to blog their research process and identify deficiencies and gaps in the domestic and international legislation and case law with respect to the problem which they have been allocated. Further, they will be required to briefly identify reasons as to why such gaps or deficiencies exist. Each blog needs to be approximately 500 words.

Turn it in & Digital Drop Box

The written memorandum of advice needs to submitted by the fifth week. The Memorandum of advice, researched through on line databases, web sites and on line journals will provide an answer to the problem question which students have been given. Prior to submission, the Memorandum of advice must be submitted to Turn it in. When submitting their memorandum, students must also provide proof of having submitted their memorandum of advice through Turn it in. The memorandum of advice will need to be submitted electronically through the Digital Drop Box.

Blackboard

The blackboard will be used for two key purposes during the exercise. Firstly, a detailed assessment rubric will be posted on the blackboard for both the components of this assignment (namely the blog and memorandum of advice). Secondly, detailed feedback on both components of the assignment will be provided to students through the blackboard.

Student Engagement With The Activity

In order to promote higher order thinking, it is essential that the on line learning activities enable students through challenging activities to link new information to the old information and to use their metacognitive abilities as it is not the technology which impacts on the quality of learning but the instructional strategy which is adopted(14). The online exercises have been developed to encourage and facilitate self-directed learning and reflective thinking, provide feedback and support during the learning process. The learning activities require the student to be active in researching, analysing, questioning assumptions in the law and to combine the information and substantive law to identify gaps in the law as required by the exercise in the blogs and to address the problem by way of a memorandum of advice. This requires engagement and participation by the student to develop knowledge and answers (15).

More specifically, with respect to the blogs, students must submit one blog per week. In the blogs, they will need to outline how they went about their research, how they went about finding relevant search engines/databases etc.

They will also need to identify gaps and deficiencies in the law, the topic of the area of the search. A detailed assessment rubric relating to the blogs will provide guidance to students on what assessment criteria are important for this component of the learning activity/assessment. Submission of one blog per week by the student is prima-facie evidence of the student's engagement with the activity of researching publicly accessible databases. Identification of gaps and deficiencies in the case law and legislation is evidence of the students' engagement with the activity. The lecturer will be able to follow the degree to which the student engages with the activity through the cumulative blogs. Moreover, the constructive feedback provided by the lecturer about the blogs on a weekly basis will enable students to keep motivated and take appropriate corrective action where required.

Timely and constructive feedback is essential to provide motivation, shape behaviour and to enable students to take corrective action where necessary(16). Student engagement with the research of the online data bases and websites and their application of the relevant law to the problem question (namely the second aspect of the exercise which must be submitted in week five is evidence of the degree to which students meaningfully engage in the research process. Student demonstration of discipline based learning through the activity

Part and parcel of the Human Rights Law course aims are teaching students to:

> ➢ undertake effective research of the law to solve a problem (including through online means);
> ➢ Develop analytical and critical skills.

The learning exercise and assessment is geared towards ensuring that the student undertakes effective online research, to understand the substantive law in the area and to effectively apply case law and legislation to a problem.

Laurillard (17) refers to blogs as 'new technology. The blogs are an integral aspect of the learning process as they foster deep learning through reflection (18). A number of reasons can be summarised as to why the blogs will promote deep learning.

> ➢ They encourage the student to tie in the substantive law/teaching to their own explorations(19);
> ➢ They compel the student to evaluate their own opinions in the contemplation of how the content of the blogs will be interpreted by the reader(20);
> ➢ They allow for the revising of concepts which have been learned, including the substantive law, thereby strengthening and enriching the process of learning(21);
> ➢ Regular and constructive feedback on the contents of the blogs will assist students to construct new knowledge (22).

The contents of the blogs will enable the student to demonstrate discipline based learning in the area of the subject problem. The placement of word limits on the blogs and the memorandum of advice require students to express their findings both clearly and concisely. The blogs specifically require the students to identify gaps and deficiencies in the area of law which they are researching and to identify reasons why these exist. Such exercises and activities which require the students to synthesise, analyse and evaluate, supports and enhances deep learning (23).

Accordingly, students need to be critical and analytical and to research widely. It is not possible for students to identify gaps and deficiencies on a particular legal topic without first acquiring knowledge of the substantive law applicable to the problem. The blogs will not only prompt students' questioning skills, but will provide them with opportunities to engage in reflection as to the contents of the blogs. Similarly, the memorandum of advice will also enable the student to demonstrate discipline based learning. The memorandum of advice, which is problem based, allows students to apply the substantive law to the problem allocated to them and this process enables students to be creative and to delve deeper from that which is either presented in class or the substantive law which is read (24).

Learning experiences become meaningful to students when they can see the relevance of their learning and accordingly embrace a deep approach to their learning(25). Both the blogs and the memorandum of advice teach students how to learn and to seek new law/legal related information/cases/legislation and to evaluate the appropriateness and usefulness of the information to solve a problem(26) –which is very relevant to discipline based learning and the practice of law.

Detailed assessment rubrics posted on the blackboard for both components of the assessment will guide students in preparing their blogs and the memorandum of advice.

CONCLUSION

It has been demonstrated that the incorporation of an on line component in the teaching and learning of distance students will enhance deep learning and higher order thinking and will enable the student to engage in and demonstrate discipline based learning at the higher/deeper level. The blogs further reinforce deep learning as they require the student to demonstrate discipline knowledge, critique and provide an explanation of their research process.

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