Supporting Students

The first part of this google doc explains why we need to pay more attention to inclusive pedagogy and student support in physically distanced, hybrid, and remote courses. The next section addresses how we can support our students. This section is broken into four parts: inclusion, structure, accessibility, and support with each part addressed separately below. The last section at the end of the document provides links to other related resources.

**Relevance:** Why do faculty need to worry about this topic when switching to physically distanced, hybrid, or remote teaching?

We all try to support our students and create an inclusive classroom, but it will be harder this fall. Normally, we can observe our students in class and see if they appear to be understanding the material or if they are struggling. We can catch up with them in the hall, and they can casually stop by our office if they have a question. We don’t catch all issues this way, but we catch a fair amount. When we all start wearing masks in the classroom and leaving the building as soon as class is over, we will lose these informal ways of checking in with our students.

At the same time, they may be struggling more. Students may be struggling with additional anxiety and trauma related to the pandemic and racial violence over the past few months. Classes will be more difficult, both because our pedagogical techniques in this new environment will be less familiar to them and because being in a physically distanced or remote classroom will feel more alienating. And students may be struggling with the logistics of these new learning environments -- they may not have the right technology or a quiet work space. In short, they may be struggling more, but we may notice it less.

In addition, we are changing many aspects of our courses, from assessments to learning activities and community building exercises. When we redesign this much at once, especially for new types of instruction, there is a greater possibility that we will miss things. We will craft assignments that don’t reflect our commitment to diversity, we will plan learning activities that don’t fully include all students, and we will miss ways that our exercises burden students unnecessarily. This isn’t about bad faith on our part. We are trying to do a lot right now, and things will fall through the cracks if we aren’t careful to think about our new course components through an inclusivity lens.

Certain groups of students may face particular challenges this fall. Black and Hispanic communities have been disproportionately impacted by COVID-19, and these students may also be impacted by the racial violence and protests this summer. Students with children may be struggling to find childcare this fall. Students with spouses or roommates may have to share limited Internet connections, and students living in remote areas may not have any reliable Internet.

Finally, students with disabilities may also be particularly vulnerable. Higher ed’s disability services are never perfect, but we will have additional hurdles this fall. Students who have not been formally diagnosed with a disability may discover additional learning challenges in this new environment. Students who do have a documented disability may have figured out accommodations that work for
them in a traditional classroom, but these accommodations may be less effective in a physically distanced or remote course. Universities have not developed clear guidelines on how to help students in these new environments, so we will be trying new approaches and some of them may need adjusting or not work.

If you want to understand the challenges that some students may face in the fall, check out this website. It is styled as a “choose-your-own-adventure” narrative through the eyes of a student with disabilities. Someone could probably create a similar one about trying to navigate remote courses this fall as well. The pandemic has created new and very real challenges for our students regardless of the learning environment.

**Helping students in these new learning environments has at least four components -- (i) inclusion, (ii) structure, (iii) accessibility, and (iv) support.** Each topic is addressed separately below.

1. **Inclusion.** With every aspect of course design, consider who is being included and who is being left out.

**Look at Existing and New Content Through an Inclusivity Lens.** Many of us are overhauling our courses to prepare for the fall. This redesign provides a good opportunity to look critically at your content. Which issues and voices do you prioritize in your selection of readings? Do you acknowledge and discuss the interests and perspectives that the law is protecting or ignoring? Do you provide space in the classroom for students to explore the broader social and historical context of the doctrine?

**Look at Existing and New Assessments Through an Inclusivity Lens.** Take a hard look at your formative and summative assessments as well. Do your fact patterns include a diverse group of people and fact patterns? Experts in inclusive pedagogy talk about using curriculum choices as a *window and mirror*. As a window, curricular choices should help students see into other people’s lives and lived experiences. As a mirror, all students should have the opportunity to see their reality reflected in the chosen examples. You also want to make sure that you are providing plenty of scaffolding opportunities in your course so students who may not have come to law school with the same preparation and background as other students can still succeed in these assessments.

**Look at Course Structure and Requirements Through an Inclusivity Lens.** You know the drill by now. Take a look at the other aspects of your course -- including how your structure the course and each course session, as well as your requirements, rules, and deadlines -- to see who is included and who is left out.

**Amplify Underrepresented Voices.** Underrepresented students may feel more marginalized in distanced classroom settings where there are greater psychological barriers to participating. These settings provide an opportunity to amplify student voices. Tiffany Atkins, a Professor at Wake Forest University School of Law, has some great suggestions here. She defines amplification as “the intentional act of elevating the voices and experiences of minorities in large group settings.” She recommends the following approaches. First, talk to underrepresented students in one-on-one meetings and encourage
them to participate, affirming the importance of their ideas to the class discussion. Ask them if there is more you can do to support them in class. Second, in class, repeat these students’ comments and explicitly note their value and importance. She provides this example from a legal writing course, “Stephanie thinks the case should be used in our rule paragraph, instead of as an example, and I think that’s a good idea.” You can also ask the class how the student’s comment might apply to a particular case or example.

**Pause Before Calling on Students.** Being in a physically distanced or remote environment can silence a greater number of students, allowing a few to dominate the discussion. Counter this by lengthening your wait time before calling on students. Ask students to not raise their hand for a minute while everyone has a chance to consider the question. This is a good pedagogical practice generally, but it may be especially important in these new learning environments.

**Discuss the problems of turning off screens w/students.** There’s no easy answer to whether to require students to leave their camera turned on during class. Seeing everyone’s faces helps foster the virtual classroom environment, and it allows professors to see whether students look engaged or confused. On the other hand, students may have privacy concerns about showing their personal space to classmates and professors. Discuss this problem openly with the class and develop shared norms.

One professor recommends the following policy, while recognizing that there is no way to perfectly balance the different interests: “I encourage you to turn on your video during class if you are comfortable doing so. Turning on your video helps build community and encourages engagement. It also helps me as your professor. However, you never need to explain why your video is off during a particular class, or during a particular portion of class. Please do let me know if you are uncomfortable turning on your video at all. Please know that creating a safe and welcoming learning environment for you is one of my top priorities.”

2. **Structure.** The more you build structure and clarity into your course, the better for all students.

An important part of inclusive pedagogy is making the structure and expectations of your courses visible to your students. Students who are struggling with personal challenges and/or may not have the same preparation before law school will be at a significant disadvantage if they are struggling to figure out what is expected of them.

**Communication:** As we’ve discussed, you should have a clear communication plan for your course, ideally that matches the recommended approach that we hope to use across the law school.

**Course Design Structure.** Make the structure of the course visible to students. Rather than just listing reading assignments on the syllabus, for example, put the assignments into a course outline that lists the main topics and subtopics. You might also do an overview of the whole course at the start of the semester, and then reference how the individual class sessions fit into the big question at the start of the class.
**Blackboard Structure.** Be intentional about how you organize your Blackboard site. Use descriptive labels. Think carefully about how to group content within Blackboard to make the site as easy to navigate as possible.

**Assignment Expectations.** Be very clear about the expectations for all assignments. Think through the common questions that students may have. Review the expectations for the assignment in class, but then repeat this information in a posted document. If you will use a grading rubric, consider making the rubric available to students ahead of time.

3. **Access. Plan for how to accommodate students with documented (and perhaps some undocumented) disabilities.**

Faculty should strive for universal design of their courses, which means designing a course to work for everyone. Accessibility features can be helpful to all of your students. Just as physical accessibility measures have made life easier for many people not categorized as disabled, many of the accessibility features in online courses help a wide range of students. Captioning videos, for example, can be helpful to all students, even those without documented disabilities. The same goes for using high-contrast slides and other visual images.

Laura Rothstein, a disability law expert at the University of Louisville, recommends thinking about disability accommodations in the following way:

- What you **MUST** do – what do current laws and federal guidance and judicial interpretation REQUIRE us to do?

- What you **CAN** do – what can an institution or a faculty member choose to do even if it is not required? This is certainly relevant in the context of COVID issues where many affected students will not technically meet the definition of “disability” to qualify legally for accommodations, but for whom accommodations or modifications of policies are the “right” thing to do.

- What you **SHOULD** do – In looking in the Crystal Ball, how can you plan ahead for whether a well-meaning and compassionate accommodation or modification may have unintended consequences? Even if you CAN make an accommodation or modification, are these same accommodations or modifications appropriate or fair to all other students who are similarly situated, now or in the future?

She also notes that the law has not caught up to new COVID-related challenges: “The guidance about what MUST be done and even current regulatory guidance does not provide information to faculty members who will teach on zoom and other platforms. Information about teaching with masks, behind Plexiglass barriers, with students spread out throughout a classroom raise additional questions that are in the process of being considered.

Past judicial and regulatory guidance does not really answer many questions about the technology issues raised by COVID challenges. There are so many new obligations relating to captioning and audio
transcriptions that apply in settings where students with visual and other impairments require access. Many/most faculty members are not trained on what is necessary, and may not need to be trained on specific for the fall semester if there are no students in their classes with these disabilities. This highlights, however, the importance of early communication between faculty and student service providers about whether there are students who will need such access, to ensure adequate lead time to get that training.

Attention to this is important, because not being proactive by both the faculty member and the student service providers can have significant negative consequences for how a student learns that day, their evaluation, and even their employment prospects.”

**Students Facing New Challenges.** Be mindful of people with disabilities, including those without documented issues, that might be new or exacerbated in this situation (anxiety, screentime-induced migraines, etc.). Raise the issue enough that students know they can approach you if they experience them. Talk with Alex Sklut if you notice a student who seems to be struggling.

**Structure and Communication.** Alex Sklut also notes that, while the universal design tips below are important, the vast majority of our students who have accommodations have attention or processing challenges. Therefore, she really wants to stress the importance of developing a clear communication plan and building structure into our courses.

**Make slides and other resources accessible:**

1. Provide [concise text descriptions](#) of content presented within images.
2. Use large, bold fonts on uncluttered pages with plain backgrounds.
3. Use [color combinations that are high contrast](#) and can be read by those who are colorblind.

**Mics.** It will be much more difficult for students to hear you when you are wearing a mask. Information Services has made a bulk order of mics, and faculty will be able to request one, so keep your eyes out for that email.

**Caption your videos.** Once you upload a video to Panopto through blackboard or through the Panopto site, if you click edit, then click captions on the left, and then import automatic captions, it does a great job at guessing how to translate your words into captions. You can correct them in three second intervals on that same caption panel. Our IT team is creating a video to demonstrate that will be posted in the faculty pedagogy Blackboard site.

4. **Support. Think through how to identify and support struggling learners.**

**Create Space for Students to Discuss Challenges.** Tell your class that you know this situation is difficult and that you will work with them to address any challenges. Be thoughtful about how you communicate this message. Students may not feel comfortable discussing these issues in a group, so you might consider creating space for these conversations in more individualized ways, either in any one-on-one
discussions that you might have with students or through outreach to the whole class that encourages students to reach out to you personally.

**Talk with Students about How to Be an Effective Learner in These New Environments.** There are lots of resources available about how to help students transition to these new learning environments. It’s important for us to become familiar with this literature so we can effectively advise our students. Here are a few helpful ideas to share with students:

- Encourage them to have a growth mindset around learning in a physically distanced or remote class. Students often say, “I don’t learn well remotely.” But learning in these new environments is a learned skill, so students should focus on how they improve their learning, rather than just deciding that it won’t work for them. (And, as I have to frequently remind myself, the same goes for professors learning to teach in these new environments…).
- Create and stick to a schedule. If the learning becomes more asynchronous and self-paced, students should be intentional about creating a weekly and daily schedule for themselves. Express a willingness to review their schedule with them if they want feedback on it.
- Eliminate distractions. Studying and attending classes remotely offers so many more opportunities for distraction. Think of how many more times you check email or social media during a Zoom call compared to a face-to-face meeting. The same is likely to be true for our students in a Zoom class or trying to study from home. For studying, talk to them about the Pomodoro technique, in which students study for 25 minutes and then take a 5 minute break (or 45 minutes with a 15 minute break). Encourage them to use apps such as freedom that block social media websites.
- Connect with others. Encourage them to form study groups or attend virtual events to get to know their classmates and enhance their learning.
- Create accountability structures. Students should consider setting a study schedule and other specific goals for the semester, and then create an accountability structure to make sure they stay on track. This structure might include other law students who check in with each other weekly or biweekly or other friends or family members who provide similar accountability.
- Perhaps most importantly, acknowledge the real challenges. Students are facing significant and often intractable challenges right now, and we want to recognize and acknowledge that. Not all challenges can be addressed through a better schedule or a growth mindset. We want to encourage students to take steps to improve their situation where they can, but also acknowledge that some challenges are out of their hands and that life is difficult right now.

**Allow Anonymous Feedback on the Course.** Give students opportunities to share concerns or feedback with you anonymously. You can give a mid-semester survey (a good practice under any circumstances), but you can also create an online suggestion box that students can use whenever they have comments to share. A google form will work, as well a website like freesuggestionbox.com. You can also make polls in PollEverywhere anonymous by checking that option when you create the poll.

**Build in more Metacognition Exercises:** Students may have figured out what works for them in traditional classrooms, but they may not know the right learning practices and habits for distanced
classrooms. Create plenty of opportunities for students to reflect on how they are learning and what changes they might make. Here are some specific prompts that experts recommend:

- What helped you learn in the spring when classes went online? What strategies do wish you had adopted?
- If you were to do [name specific assignment] again, what would you do differently?
- Think back over the last week. What study strategies helped you feel prepared for class? What new techniques could you try?
- Think about today’s class. What strategies did you use to prepare? How do you think they worked? What other strategies might you try?

Check In Often: In traditional classrooms, you can often tell if students are struggling or just seem off. In physically distanced or remote classes, though, it may be more difficult to read these informal signs. Instead plan monthly individual check-ins with students or find other ways to check in regularly.

Check in More with Remote Students: If you are primarily teaching in-person, but you have some students who regularly participate remotely, check in with them even more. Reach out to students who are not attending in person to ensure that they are doing OK. The number of students in a class and other demands on faculty time will determine how frequently faculty members can do so, but direct contact especially when faculty members have limited in person office hour availability because of COVID concerns can make a big difference.

Nudge Struggling Students: Create enough low-stakes assessments (formative or summative) in the first few weeks of class that you have a pretty good sense of who is falling behind early on. Reach out to them with a personalized email telling them you have noticed that they are having difficulty in the course and asking if you can help in any way.

Follow-up After First Big Assessment: If you have multiple assignments or a midterm, reach out to students who did not perform well on the early assignments. You might say something like, “Hi ____, I was looking at the scores for the midterm and saw that you didn’t do as well as you might have expected. It’s still early in the semester, so I would love to talk about how you might be able to improve your performance on the final exam.”

Build in breaks. In a long in-person class, we often build in breaks. Consider doing the same in synchronous Zoom classes as well. You may even need more frequent breaks. Best practices suggest a ten minute break for every fifty minutes of class in online classes. You might also encourage a 1-minute stretch (can include neck rolls, eye rolls) and/or breathing break after every 15 minutes of lecture or as a transition from lecture to an activity. This is valuable both in person and on Zoom.

Additional Resources:
**Inclusion:** This [podcast](#) is a good resource on culturally responsive online pedagogy. This [article](#) addresses the same issue. This [webinar](#) from the American Association of Colleges & Universities addresses how to safeguard quality, equity, and inclusion as learning moves online.

**Structure:** For practical tips on structuring your online course, see [this resource guide](#) from UC Davis. For bigger picture ideas about structure, see this [short (but helpful!) article](#).

**Accessibility:** This [webinar](#) from the Chronicle of Higher Education provides a good overview of disability accommodations in connection with online pedagogy.

**Helping Struggling Learners:** Here is a [good Chronicle article](#) about helping struggling learners in remote courses. For a great bank of resources on helping students learn how to learn in these new environments, see [this collection](#) collated by Cat Moon at Vanderbilt.