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CAN FACE-TO-FACE TEACHING AND LEARNING BE REPLACED OR COMPLEMENTED BY TECHNOLOGICAL INNOVATIONS?

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2 1 Introduction

This chapter highlights the importance and role face-to-face teaching and learning has played in the education sector for many years, in particular for a practical yet theory-based field such as law. This is because face-to-face teaching and learning has benefits such as human interaction; students learning independence and the soft skills of communicating daily and – in particular – professionally and engaging with lecturers and fellow students; and increased throughput rate. These are some of the benefits of face-to-face teaching and learning that have led to various contact universities – including the University of Pretoria (UP) – being accredited by the CHE to offer this form of teaching and learning.¹

However, Covid-19 disrupted the delivery of face-to-face teaching and learning as we knew it for all the accredited face-to-face higher-learning institutions. A new dawn emerged, and universities had to acclimatise and come up with strategies to ensure that teaching and learning continued despite the challenges posed by the pandemic and in line with the master plan of the CHE to save the academic year(s).² Technological innovations – learning management systems such as ClickUP and Blackboard Collaborate at UP – came to the rescue of all higher-learning institutions.³ Teaching and learning was conducted fully online in order to curtail the spread of the pandemic, while at the same time saving the academic year and continuing teaching and learning in the higher education space. This

- 1 The CHE is statutory body that was established in terms of the Higher Education Act. Its work is also governed by the National Qualifications Framework Act.
- 2 CHE “Quality Assurance Guidelines for Emergency Remote Teaching and Learning And Assessment During the Covid-19 Pandemic in 2020” <https://heltasa.org.za/wp-content/uploads/2020/12/CHE-quality-assurance-guide.pdf> (last accessed 2022-02-15).
- 3 UP Department for Education Innovation “A Quick Guide to ClickUP” <https://www.up.ac.za/education-innovation/article/2895112/a-quick-guide-to-clickup> (2022-01-11).

was a period of disruption but also of renewal, introspection, innovation – and hope.

The shift from face-to-face to fully online teaching and learning – and the introduction of hybrid teaching and learning, which is not something new for universities such as UP – needs to be interrogated. We can ask whether this shift has enhanced or compromised the integrity of the academic programme, in our case the teaching and learning of law. Can teaching and learning objectives for law students and graduates be fully realised online? Is there space for the co-existence of online and face-to-face teaching and learning, often termed as mixed or hybrid, at university level? How will human interaction be handled? And how can the gap online teaching and learning causes and the virtual fatigue be addressed? Are both staff and students better equipped to deal with this new environment of teaching and learning, bearing in mind their well-being and wellness? Most importantly, has a fully online law programme only helped universities and students save the academic year? Has it resulted in students graduating at the expense of acquiring quality? Has it resulted in students being skills deficient and not prepared for the future world of work? These are some of the questions this chapter addressing to craft a way forward for teaching and learning post the pandemic.

2 2 Teaching and learning the traditional way

With the exception of at Unisa and other distance-learning institutions, law in South Africa is mostly taught and learnt face-to-face. Unisa is one of the leading distance learning institutions in Africa and the world.⁴ This means it is a norm in South Africa, as well as regionally and internationally. Students are used to seeing a lecturer in front of them teach and engage with them in a classroom setting. Students attend classes, seminars and workshops, visit the library, write tests, debate and engage in other social activities – these are part and parcel of university life.⁵ Time is of the essence in the traditional way of teaching and learning. Students and lecturers must attend lectures on time, and follow the schedule concerning assessments, among other things. There is a timetable for class attendance,

4 Read more about the history and foundation of Unisa <https://www.distancelearningportal.com/universities/10784/university-of-south-africa.html> (last accessed 2021-12-07).

5 Most public and private institutions to offer face-to-face teaching and learning, or what is termed contact teaching and learning, must comply with certain requirements set by the CHE for accreditation purposes. CHE “Criteria for Programme Accreditation” (September 2004, revised June 2012) 13. http://nr-online.che.ac.za/html_documents/CHE_Programme_Accreditation_Criteria_Revised_2012.pdf (last accessed 2021-10-04).

consultations and writing of tests and exams as well as other practical assessments. The library, labs and other study areas also operate within certain prescriptions and times. The traditional way of teaching and learning is a routine exercise students have to adopt and adhere to in order to survive university. It can be argued that it is rigid and not flexible, unlike online teaching and learning as will be discussed below.

Face-to-face teaching and learning also contributes to the social make-up of students. This social aspect includes forming long-lasting relationships and developing networks as well as collaborations. Students also form relations with their lecturers to work on projects or for purposes of recruitment for future roles in the academy (should they wish to take that path in their legal career); this has been the case, especially now with the transformation drive or project in universities across South Africa.⁶ Face-to-face teaching and learning has been the preferred choice for many people in South Africa, due to the prestige some of these universities have based on the quality of graduates they produce for work. This includes UP. In particular, in this case, the Faculty of Law is ranked number one in South Africa and in Africa.⁷ Many students want to pursue their studies at the UP Law Faculty due to its prestige and position to increase their chances of obtaining or securing employment at the top law firms or in the private sector. All of this stems from the historical fact that there is quality in face-to-face learning, and graduates coming through contact learning tend to be well rounded because they were expected to partake of the campus culture and interact socially. These are the students said to be aware of their surroundings and social structures – this awareness stems from the face-to-face teaching and learning component. Despite the quality associated with face-to-face teaching and learning for students in general, and law students in particular, I would describe the traditional university as a do-or-die institution – especially in cases where students are not time conscious and do not participate in line with the timetable or prescribed period. Students who do not attend classes, consult or participate in group activities and assessments fail in great proportions and become university dropouts.⁸ The do-or-die system of face-to-face teaching and learning

6 Universities need to develop a strategy to attract and retain talented young Black graduates for future roles in the academy. A “grow your own timber” initiative will ensure that this is realised and can be supplemented with other key strategic objectives. The Employment Equity Act of 55 of 1998 is a case in point.

7 https://www.up.ac.za/news/post_3026248-up-law-programme-ranked-top-in-africa-by-times-higher-education-world-university-ranking-by-subject-2022#:~:text=The%20law%20programme's%20performance%20is,making%20academic%20programmes%20a%20success (last accessed 2022-02-23).

8 AbuRuz “Does Excessive Absence from Class Lead to Lower Levels of Academic Achievement?” 2015 *European Scientific Journal* 146.

has caused many Black students to become university dropouts due to their socio-economic circumstances; these students were not afforded an opportunity to acclimatise to the university environment and structures but fell straight into a routine that does not take into account their historical circumstances. The high dropout rate of Black students has without a doubt resulted in universities facing first generation students 28 years into the democratic dispensation.

The do-or-die approach of traditional face-to-face teaching and learning does not allow for a catch-up plan for students, especially those who could not attend class, do their assignments or practicals such as moot court or mock trials for genuine reasons. Students who missed a class due illness are given the option to write a sick test or consult; a lecture cannot be repeated for a student who did not attend class. Consultations are not there to repeat lectures but to consult on a specific subject area of the course content or an administrative query; consultations are by nature timed and limited. Students who were ill must catch up on their own due to the do-or-die system of face-to-face teaching and learning. This can result in anxiety and depression, which became extremely high during the pandemic.⁹ To expect lecturers to repeat a lecture for one or more students would be unfair because of the demanding nature of the job and the administrative roles academics play in the university broadly. Requiring 100 % physical and psychological presences of both student(s) and lecturer, face-to-face teaching and learning is inflexible. A 100 % presence is often not possible due to the fallibility of human beings and vulnerability of contracting a disease or being involved in an accident. A solution needed to be interrogated, one centred on adapting to the changing needs of society, because universities do not operate in a vacuum but are part of society and must address societal problems. The time was ripe for technological innovation to improve face-to-face teaching and learning and address the challenges it imposed and equip students with the necessary skillset. From the late 1990s, learning management systems became the order of the day at universities. From early in the new millennium UP took this opportunity, ran with it and introduced fully hybrid teaching and learning campus wide in 2014 with the backup of ClickUP and Blackboard Collaborate.¹⁰ The hybrid model was introduced to enable flexibility and opportunity for catch-up for both lecturers and students – who were not afforded this under traditional face-to-face teaching and learning.

9 Dane and Rakhmanov “Knowledge and Anxiety Levels of African University Students Against Covid-19 during the Pandemic Outbreak by an Online Survey” 2020 *Journal of Research in Medical and Dental Sciences* 53.

10 UP “WATCH: Online Learning Contributes to Student Success” https://www.up.ac.za/student-life/news/post_2583318-watch-online-learning-contributes-to-student-success 2017-10-07 (last accessed 2021-07-07).

In the hybrid model, lecture notes, recorded lectures and other learning materials are conveniently made available for use or reference at a later stage. UP ventured into hybrid teaching and learning to complement face-to-face teaching and learning and realise its strategic vision of teaching the UP way, the motto being *Prepare, Engage and Consolidate*.¹¹ Students are required to engage with the learning material before the lecture starts and must come to class prepared to robustly interrogate and consolidate the learning material at the end of the lecture to reach a comprehensive understanding of the subject matter.

The introduction of learning management systems to support traditional face-to-face teaching and learning was a move in the right direction to enhance teaching and learning generally. All this is attributed to the technological innovations and 4IR,¹² in which universities are investing to equip students and staff for a changing world. The question if the 4IR revolution is taking away the role of human beings in the higher education space is a superficial one of fact, which will be interrogated further in this chapter. However, it is important at this point to reiterate the view that the use of technological innovations in order to supplement the face-to-face traditional teaching and learning does not aim to replace this mode of teaching and learning. The face-lift to face-to-face traditional teaching and learning made possible by the introduction of technological innovations is important in the 21st century and, without a doubt, places contact universities such as UP at an advantage. This allows for innovation and creativity to be the order of the day in teaching and learning, which cannot be underestimated.

2 3 Online teaching and learning

Constant social, economic and technological innovations in the 4IR to address the needs of society in general and that of the education sector in particular is the new normal. It can be described as a new dawn where technology and human beings work, hand in hand, for a better world for all – in this case a better and enhanced education for all students and staff. The introduction of learning management systems and other technological innovations in the practice of teaching and learning in the late 1990s and early 2000 marked the beginning of collaboration between face-to-face and online teaching and learning in the same institution, which is termed hybrid or mixed teaching and learning.¹³ In the past, face-

11 UP “Teaching and Learning the UP WAY” https://www.up.ac.za/media/shared/391/pdfs/pd-2020-t-1_new.zp184685.pdf (last accessed 2021-07-07).

12 Njontini (2020) 23–24.

13 UP “WATCH: Online Learning Contributes to Student Success” <https://www.up.ac>.

to-face and online teaching and learning were considered two different forms of teaching and kept separately; for example, we have distance learning institutions such as Unisa and contact universities such as UP due to the separation of teaching and learning pedagogies. Technological innovations filled the gap and ensured that two forms of administering teaching and learning can be merged to become one to improve quality of teaching and learning for students and lecturers.¹⁴

Online teaching and learning has allowed students and lecturers an opportunity to engage in synchronous practice for instant online delivery, and in some instances asynchronous practice, which allows students to participate in teaching and learning later on at their own pace and time.¹⁵ This means that there is an element of flexibility in the way teaching and learning is being conducted. The platform of online teaching and learning allows students and lecturers an opportunity to engage in a flexible model, to accommodating students who are not physically present in class but can join the lecture from anywhere.¹⁶ It is often argued that in addition to flexibility and agility, online teaching and learning also reaches a wider range of students, increases participation in class and assessments, and pass rates, reduces travelling costs for both local and international travels, cuts the distance and requires dedication and discipline on the part of the students.¹⁷ From the above, it is clear that the online environment ensures students have a better quality of teaching and learning and must not be seen as replacing face-to-face form, because both systems have been in existence for some time. These two systems teaching and learning were kept separate, but now they are combined to ensure that a graduate of the 21st century has quality education and the necessary skills to enter the job market and make a difference in society.

Despite the important role online teaching and learning plays in higher education, there are downsides to this. The myth that online teaching and learning is going to replace human beings and take over the entire education system must be rejected with the contempt it deserves. Online teaching and learning needs human beings, and human beings

za/student-life/news/post_2583318-watch-online-learning-contributes-to-student-success-2017-10-07 (last accessed 2021-07-07).

14 Van Eck *Institutional Legal Education Amidst a Whirlwind of Change?* 41 Law and Industry 4.0 Selected Perspectives on a New Scholarship of Teaching and Learning (LexisNexis 2020).

15 Synchronous vs Asynchronous <https://www.worcester.edu/CTL-Reemote-Teaching-Synchronous-vs-Asynchronous/> (accessed 10 June 2021.)

16 Ananga and Biney 2017 *MIER Journal of Educational Studies, Trends & Practices* 173.

17 As above.

as innovators of the technological innovations in education need these innovations in order to take education to the next level. It means there is an element of a reciprocal relationship that is at play. It is said that online teaching and learning lacks human interaction and touch. There is no warmth in the delivery of this form of education because the interaction is impersonal and the complete opposite of face-to-face teaching and learning.¹⁸ Research shows that the majority of high school learners elect to go to contact higher education institutions to interact with their fellow students but – most importantly – have somebody stand in front of and teach them the subject matter. This preference is attributed to them being used to this form of teaching and learning for the entire duration of their schooling years.¹⁹ For example, during the pandemic, at most contact universities, including UP, students, through their student representative councils, pled with universities management either for a reduction of fees or for a refund because their fees included a lecturer standing in front of them and they did not experience this during the pandemic.²⁰ This affirms that students view the role of a lecturer in front of them as very important. This chapter does not aim to understand whether this plea of the students is legitimate, but it is safe to say that online teaching and learning is labour intensive. Another downside to online teaching and learning is that it does not consider the socio-economic circumstances of the students and lecturers. Critics of online teaching and learning conclude it is a system of education that champions the elite and fails to consider the local context.²¹ South Africa is part of the Global South; the local context would be poverty, under-developed schools in rural areas and townships where the majority are Black students from previously disadvantaged backgrounds. These students do not have access to a stable internet connection due to their geographical areas and still make use of pit toilets. Children die at school due to making use of pit toilets; the Michael Komape story is a case in point.²² Students from previously disadvantaged backgrounds still

18 Baber “Social Interaction and Effectiveness of the Online Learning – A Moderating Role of Maintaining Social Distance During the Pandemic Covid-19” 2020 *Asian Education and Development Studies* 4.

19 As above.

20 Koornhof “Covid-19: The Impact of Universities and How Their Business Models Need to be Flexible” 2020-10-09 *News24* <https://www.news24.com/news24/columnists/guestcolumn/opinion-covid-19-the-impact-on-universities-and-how-their-business-models-need-to-flexible-20201009> (last accessed 2021-06-16).

21 Stats SA “Inequality of South Africa” https://www.statssa.gov.za/?p=12930&gclid=Cj0KCQjwjN-SBhCkARIsACsrBz6tR4BkHlnqqh2JiUy2P_W8hxm5MPGmA0hhK-X1eczFLXkJ8qvMmY0aAu0DEALw_wcB (last accessed 2021-09-29).

22 Ryan “Komape Family Wins Court Battle 7 Years After Son Drowned in a Pit Toilet in Limpopo” *News24* 2021-09-17 <https://www.news24.com/news24/southafrica/news/komape-family-wins-court-battle-7-years-after-son-drowned-in-a-pit-toilet-in-limpopo-20210917> (last accessed 2021-10-20). Furthermore, refer to Wangenge-

encounter language challenges and comprehension because English and Afrikaans – second and third languages – remain languages of instruction. This means that other home languages must make way for English or Afrikaans to at least access higher education and make it in life.²³ In addition, students must be well acquainted with technology to commence with active teaching and learning, and the majority first encounter a computer when they enter university. The point is, as much as students from previously disadvantaged backgrounds must not be left behind, must be introduced and helped to learn using technology, their context is important and should not be forgotten. Universities have a responsibility to ensure that they fill this gap, accommodate and support these students to avoid them from being excluded and failing their courses. For students from previously disadvantaged backgrounds to be on the same footing with students from urban and better resourced schools, proper support and programmes must be introduced to fill this gap. The computer literacy course has made this category of students feel stigmatised and undermined by their counterparts. Universities must devise an inclusive approach to cater for all students in this regard.²⁴ Technology must be introduced in a structured manner and not be seen as a hindrance for students from previously disadvantaged backgrounds, because online teaching and learning is the future and here to stay. Universities, when introducing these innovations, must consider the local context, which must serve as a guide.

Teaching online is labour intensive for both students and lecturers. Preparing lectures takes time. Not only preparation for class, and notes, but also recording of lecture notes and videos require practice and often have to be repeated for better quality. The marking process is also cumbersome. There appears to be no working hours due to the flexibility; students and lecturers work throughout the day, and this results in very serious consequences for all.²⁵ At the beginning, health and well-being were compromised, and family life took a backseat because both students and lecturers wanted to be well acquainted with the new online world. This was when both parties to teaching and learning had to unlearn face-to-face teaching and learning and embrace the new paradigm. However,

Ouma and Kupe “Uncertain Times: Re-imagining Universities for New, Sustainable Futures” 2020 *Universities South Africa* 5 <https://www.usaf.ac.za/wp-content/uploads/2020/09/Uncertain-Times-Paper.pdf> (last accessed 2022-09-28).

23 Lafon “The Impact of Language on Educational Access in South Africa” 2009 *Create Pathways to Access Monograph* 3 <https://files.eric.ed.gov/fulltext/ED508749.pdf> (last accessed 2022-09-28).

24 Wangenge-Ouma and Kupe 2020 *Universities South Africa* 6.

25 Jones and Kessler “Teachers Emotion and Identity Work During a Pandemic” 2020-11-09 *Front. Educ.* <https://www.frontiersin.org/articles/10.3389/feduc.2020.583775/full> (last accessed 2022-04-03).

it will be a grave mistake post Covid-19 for contact universities like UP to shun face-to-face teaching and learning and to exclusively embrace fully online delivery. Face-to-face still has a role to play, especially in higher education due to the human element. The health challenges faced by staff and students during online teaching and learning includes anxiety, depression, loneliness and stress; families got broken down and there were heavy workloads.²⁶ This stems from the fact that human beings are social, and constant human interaction is very important in our daily lives and routine.

For the local context, a hybrid or blended approach should be the way to go. This will ensure that no student is left behind, and they mixed learning experiences.²⁷ Students will not feel overwhelmed and discouraged but will have an opportunity to experience the best of both in one institution, which in the past were kept separately.

Another point of concern raised with online teaching and learning is that students feel lonely, and this results in other consequences: failing, anxiety, depression and other mental illnesses and obesity among other health challenges.²⁸ This does not only affect students but extends to lecturers as well. Both students and lecturers have online fatigue due to the lack of social and human interaction. During the pandemic, there was a rise in cases of anxiety and depression presumably due to a lack of contact between human beings, and loneliness became a major factor for concern. As much as online teaching and learning is important in line with the changing needs of society, the human element or interaction is a part that cannot be removed or taken for granted – it is very important. Hence, the earlier argument that technology cannot replace warm bodies in teaching and learning because the human connection is very important. Co-existence in this space is essential in order to take teaching and learning to greater heights. During the start of the pandemic, from 2020 to date, technological innovations in teaching and learning really saved the day. Universities managed to save the academic year(s) and ensured that students continued with their studies despite the disruptions.²⁹

26 As above.

27 Please refer to both Wangenge-Ouma and Kupe 2020 Universities South Africa and CHE “Quality Assurance Guidelines for Emergency Remote Teaching and Learning And Assessment During the Covid-19 Pandemic in 2020” 2020 <https://heltasa.org.za/wp-content/uploads/2020/12/CHE-quality-assurance-guide.pdf> (last accessed 2022-02-15).

28 Chen and Lucock “The Mental Health of University Students During the Covid-19 Pandemic: An Online Survey in the UK” 2022 *Plos* <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0262562> (last accessed 2022-01-16).

29 South African Government “President Cyril Ramaphosa: Measures to Combat

ERT was introduced from the master plan of the CHE, and universities went fully online, put various contingencies in place in order to save the academic year(s), for continuity. If the master plan was not rolled out, and no technological innovations were introduced, students and academics would be at home doing nothing. The consequences would be dire in the economy due to the skills deficiency. Lecturers and students would be uncertain about their futures and roles. The future of the university in terms of its position and role in society would be dim and uncertain, and disaster would be the order of the day.

This pandemic was a wake-up call to the world at large and more particularly for higher education institutions as agents of social change through the production of knowledge and innovation. The time for complacency is over. Both students and staff must enter a period of learning, un-learning and re-learning in order to remain relevant to the constantly changing needs of the world. Universities will no longer be the same post Covid-19, and the pandemic, as much as it has been devastating and cost millions of lives and livelihoods, must also be seen as a new dawn, of renewal and inclusiveness. For a practical programme like law in the 21st century, the graduates we produce must be well grounded and taught using various technological innovations, yet we should not compromise on the human touch. Mock trials, group assignments or work, drafting of legal opinion and summonses among other things will also ensure that students are well balanced and equipped with the necessary soft skills, of communication with fellow students and lecturers. This is important – a balance needs to be maintained between face-to-face and online teaching and learning.

2 4 Staff and students' response to online v face-to-face teaching and learning

The human mind always fears the unknown. When Covid-19 with its aggressive nature hit amid the growing and constantly changing society of the 21st century, fear of loss of life and of socio-economic opportunities such as employment were the order of the day. However, the virus had to be kept in check and in control; mitigating factors had to be introduced to curtail its spread and save lives.³⁰ Health protocols such as social distancing, masks, avoiding crowded spaces, washing hands,

Coronavirus Covid-19 Epidemic" 2020-03-15 <https://www.gov.za/speeches/statement-president-cyril-ramaphosa-measures-combat-covid-19-epidemic-15-mar-2020-0000> (last accessed 2021-03-12).

30 As above.

lockdown restrictions and following a balanced diet were introduced.³¹ These measures had devastating consequences for institutions of both basic and higher learning, where face-to-face teaching and learning was the tradition. Institutions such as UP, having already adopted a mixed or hybrid form as part of embracing 4IR to equip students and staff for this new world, had an advantage during the pandemic.³²

With the pandemic steaming ahead during early 2020 and universities grappling with lack of resources among other things, the CHE introduced a master plan to save the academic year and ensure teaching and learning continues despite the disruption. Staff and students in most if not all universities in South Africa and beyond had to venture into the unknown, teaching and learning fully online. Not only were they supposed to adjust to teaching and learning online but were also required to live in the online space in order to conduct other university work like meetings, consultations, workshops and administrative duties and responsibilities. Staff and students had to acclimatise and fast. This notwithstanding the resistance against and ignorance of online teaching and learning, because academics and students saw it replacing the normal face-to-face mode that had been the status quo.³³ The resistance likely emanated from lack of university resources to invest in learning management systems and other technology and lack of training of staff and students, which in turn could be attributed to lack of infrastructure and information technology support. However, I believe the major reason for the resistance of technology in higher education was how it was introduced to staff and students. Technology is introduced as a system that can be used by only a select few smart and talented people in the academy at the exclusion of the majority. It was also introduced as optional and not mandatory for staff and students in most if not all universities.³⁴

This really caused confusion and also conflict between staff and students. Students stood to benefit from bold and courageous lecturers

31 Shiraef “Closed Borders, Travel Bans and Halted Immigration: 5 Ways Covid-19 Changed How – And Where – People Move Around The World” *The Conversation* 2021-03-18 <https://theconversation.com/closed-borders-travel-bans-and-halted-immigration-5-ways-covid-19-changed-how-and-where-people-move-around-the-world-157040> (last accessed 2022-03-12).

32 UP “Watch: Online Learning Contributes to Student Success” 2017-10-20 https://www.up.ac.za/student-life/news/post_2583318-watch-online-learning-contributes-to-student-success (last accessed 2021-07-07).

33 Wangenge-Ouma and Kupe 2020 Universities South Africa.

34 Times Higher Education “Enabling Digital Transformation in Higher Education in South Africa” <https://www.timeshighereducation.com/hub/d21-emea/p/enabling-digital-transformation-higher-education-south-africa> (last accessed 2022-03-03).

who applied technology in their teaching, but then students with less tech-savvy lecturers were at a disadvantage. Universities including UP would produce two sets of graduates despite the fact that they graduated with the same qualification in the same institution. Graduate from one group would leave having explored and benefited from the use of technological innovation, and students from the other would leave poorer on this front, because they were not exposed to technology, as to its use in the classroom was not compulsory. This was the situation prior to the pandemic, but Covid-19 neutralised the situation to an extent. In the wake of the pandemic, the content of the law courses remained the same, but lecturers used technology to reach more students and ensure that no student was left behind in line with the principle of the master plan document of the CHE.³⁵ For this to be a reality in the last two years, lecturers and students had to do some introspection, learn and unlearn, and – most importantly – they had to explore to ensure that teaching and learning could continue in a state of disaster without the values and principles of teaching and learning being compromised. This meant that teaching and learning still had to be interactive, engaging, challenging and thought provoking – especially for a field like law, which is a social science and deals with the needs and interests of society – and come up with solutions in the process. All this takes place during the synchronous and asynchronous process of teaching and learning because the online environment allows for flexibility and agility.³⁶

Lecturers and students had to have a mind shift and prepare for this new world or system they had been avoiding but that had been in existence for some time but was considered to be reserved for a select few. This is because most if not all South African universities treated technological innovation as a flagship project with a small scale. However, Covid-19 turned the flagship project into to be rolled out on massive scale in a short period in order to realise the objectives of the master plan of no student left behind. As to whether this was achieved or not, each case must be separately interrogated and each institution's internal data, geographical area and socio-economic aspects considered.³⁷

It is important – as universities move past this difficult period of the pandemic with devastating consequences but with the academic year(s) being saved – to also prioritise the health and well-being of staff and students. This is an important investment universities must make for the

35 CHE 2020.

36 Synchronous vs Asynchronous <https://www.worcester.edu/CTL-Reemote-Teaching-Synchronous-vs-Asynchronous/> (last accessed 2021-06-10).

37 CHE 2020.

future of higher education amid the constant changes in the sector and the broader society in general. Some universities are already making this investment to ensure staff and students health and well-being are restored through counselling and other psychological support mechanisms. Workshops teach staff and students how to survive, work and play despite the challenges being faced by the world. UP is one of the universities offering these services to both staff and students through its employee wellness programmes steered by human resources; these programmes have proven beneficial for both staff and students as they find their way during this state of disaster.³⁸ Universities that are not able to fund these initiatives must be assisted by the state; in particular, the DHET must offer support, especially to the historically Black universities that still lack in infrastructure, among other things. The pandemic can be seen as an added burden and set-back to existing challenges, which threaten the survival of these universities.³⁹ The pandemic has reaffirmed the resistance and agility of the human spirit for survival, and in the context of the teaching and learning, great work is continuing. Lecturers and students need to be commended for their dedication and resilience during this time.⁴⁰ It is very important that the voices of these two important stakeholders must be heard as we construct a way forward post Covid-19. They must share their experiences and views of the state of disaster, enter into debates with university administrators and the executive on the way forward and construct a model that best works for the curriculum and – most importantly – for students as they are prepared for work opportunities. A top-down approach will not work – rather, a collaborative venture between all stakeholders is very important and will ensure that the mistakes of the past do not occur in the higher education space again. More transparency and inclusivity is key for the future of teaching and learning.

Another lesson learnt from the pandemic is that there is space for both online and face-to-face delivery of teaching and learning. A blended approach to teaching and learning is the future; both methods are very important in their own unique way and approach. Students and lecturers

38 UP 2020-04-14 “Employee Well-Being Programme at UP is Here for Staff” https://www.up.ac.za/coronavirus-updates/news/post_2887191-employee-well-being-programme-at-up-is-here-for-staff-#:~:text=EWP%40UP%20is%20available%20to,%40up.ac.za (last accessed 2021-04-06).

39 VanderMerwe “Historically Black Universities See More Students Debts and Challenges” 2021-04-01 *Research Professional News* <https://www.researchprofessionalnews.com/rr-news-africa-south-2021-4-disadvantaged-universities-bear-brunt-of-south-africa-student-debt/> (last accessed 2021-06-13).

40 Du Plessis, Van Vuuren, Simons, Frantz, Roman and Andipatin “South African Higher Education Institutions at the Beginning of the Covid-19 Pandemic: Sense-Making and Lessons Learnt” 2022-01-21 *Front. Educ.* <https://www.frontiersin.org/articles/10.3389/educ.2021.740016/full> (last accessed 2022-03-23).

will be exposed to both worlds because these are key to quality graduates being able to make a difference in their own lives and the broader society. University administrators and executives must also take a proactive stance during the transition period to ensure that both students and staff are fully capacitated to enter teaching and learning, post the pandemic. Understanding and collaboration should be the order of the day to ensure all are working in the interests of the students and for the sustainability of the university for generations to come. Thus, in my opinion, the debate on whether online teaching and learning is replacing or competing with face-to-face teaching and learning is a fruitless exercise and must rather be directed at ensuring that both methods or approaches co-exist for the benefit of all students. There is space for this co-existence. In the legal fraternity, for example, courts and other dispute resolution bodies have adjusted to this new way of doing things. For example, court proceedings are now conducted fully online and, in some instances, the hybrid or blended approach is adopted.⁴¹ This affirms the point that online mechanisms to teaching and learning did not only infiltrate the higher education space but also industries such as the practice of law. The adoption of technology in court proceedings from the start of a trial to the end has been welcomed. It has also confirmed that blended learning in law does not compromise the integrity of the law qualification and the quality of those graduating during the pandemic.

This confirmation is important as in some instances university law schools had been accused by the industry (law firms, bar societies and councils) of producing candidates with a less solid theoretical and practical background.⁴² While on this point, it is important to highlight that law students must be encouraged to explore other fields and opportunities in the practice of law and not only become attorneys or advocates. The field of law is very broad and has a wide variety of opportunities, including being a prosecutor, law researcher or clerk, academic and legal advisor among others.⁴³ Law schools normally have collaborative agreements or ventures with law firms and other legal statutory bodies that contribute towards the practical coursework. The CHE as a regulatory body also

41 The South African Judiciary "About Court Online" <https://www.judiciary.org.za/index.php/court-online/about-court-online> (last accessed 2022-03-13).

42 Muir "The 'Blame It on Law School Controversy', or Unrequited Law Students" 2012-02-14 *Law People* <https://www.lawpeopleblog.com/2012/02/the-blame-it-on-law-school-controversy-or-unrequited-law-students/> (last accessed 2022-02-14).

43 Faculty of Law 2021/2022 *Undergraduate Faculty Brochure* explains at the early stages of the career of students the various opportunities available to them when they complete their studies. <https://www.up.ac.za/media/shared/368/Faculty%20Brochures/2020-2021/ug-fb-law-2020-21-final-07.11.2019.zp182950.pdf> (last accessed 2021-03-07).

requires universities to strengthen this collaboration with industry for a better quality education.⁴⁴ Law firms and bar societies have an important voice to add in the teaching and learning of law, and it would be interesting to see and hear what industry has to say during this time and post Covid-19 about the quality of candidates who graduated during the state of disaster. The law industry also has a role to play in mapping the way forward for teaching and learning post Covid-19, however, due to the blended approach it also adopted in conducting its business and practice. It means that the graduates who were exposed to a blended or fully online teaching and learning environment also benefited greatly; they were able to adjust quickly to the new blended or online environment of practising law. Technology transcends all sectors. Universities must play an active role to ensure that students are equipped and exposed to the latest technological innovations in teaching and learning. Failure by universities to adjust to this new world may render them redundant in the sphere of knowledge production and generation. The consequences may include the following: that students will shun universities, academics will leave and seek better opportunities elsewhere, and/or the research productivity and teaching and learning throughput rate will go down.

The pandemic, by enforcing the use of technology to save the academic year, also contributed in part to the call for a decolonised and transformed curriculum for all fields or courses offered in universities.⁴⁵ This is a result of the country's painful past and experience of colonialism and apartheid, during which local and indigenous knowledge and knowledge systems were side-lined in favour of Western knowledge, which is still the order of the day 28 years after the dawn of democracy.⁴⁶ The co-existence of online teaching and learning with the traditional way of teaching and learning, which is face-to-face, must also take into account that the local context and voice is very important in knowledge production and thinking. This is where the aspect of curriculum transformation is factored in – to ensure that students stand to benefit from an inclusive and dynamic curriculum encompassing the diversity of the South African population. Transforming the curriculum using a blended approach to teaching and learning can only enhance it while ensuring that all stakeholders have an equal opportunity to learn and engage not only about technological innovation but also about the diversity and differences in South Africa that make us one. This

44 CHE 2020.

45 UP "UP Law Leads the Way to a Transformed Curriculum" 2021-06-21 https://www.up.ac.za/faculty-of-law/news/post_2990236-up-law-leads-the-way-to-a-transformed-curriculum (last accessed 2021-09-20).

46 Himonga and Nhlapo *African Customary Law in South Africa: Post-Apartheid and Living Law Perspectives* (2019) 10.

is a great opportunity and must be explored by universities, which need to avoid a repeat of the consequences of the 2015 #FeesMustFall movement, where students protested for free, decolonised education.⁴⁷ Universities are making a bit of headway in this regard, but a lot of work still needs to be done. UP is leading on this score and already in 2016 developed a policy framework for a transformed curriculum. In 2021 the institution organised a relaunch of this drive for faculties to take stock and reflect on what they had done after the policy framework was adopted and what they are going to do going forward.⁴⁸ The relaunch took place during the pandemic, and all faculties participated with great energy and vigour, sharing their plans and objectives for the future. This was a step in the right direction for UP, to embark on such an initiative for a transformed curriculum across all disciplines.

2.5 Conclusion

In conclusion, for quality education, online and face-to-face teaching and learning must co-exist. They both must be standard practice post Covid, and all stakeholders – staff, students and the industry – have a role to play to ensure proper support, infrastructure and training is provided. Covid-19 proved that online teaching and learning is not only appropriate for disasters, pandemics and emergency but, due to its flexibility and agility, can form part of day-to-day teaching and learning practice. However, humans are still essential, and the human element must not be compromised.

47 Mavunga “#FeesMustFall Protests in South Africa: A Critical Realist Analysis of Selected Newspapers Articles” 2019 *JSAA* 81.

48 UP “Curriculum Transformation Framework” <https://www.up.ac.za/faculty-of-law/article/2291240/curriculum-transformation-framework> (last accessed 2021-01-12). Furthermore, please refer to UP “‘Every Field of Study Requires Regular Renewal, Reinvention and New Knowledge’ – UP Law Professor on Curriculum Transformation” 2021-09-21 https://www.up.ac.za/news/post_3018862-every-field-of-study-requires-regular-renewal-reinvention-and-new-knowledge-up-law-professor-on-curriculum-transformation (last accessed 2021-11-17).