5 THE IMPACT OF THE ABRUPT TRANSITION TO ONLINE LEARNING IN THE LAW OF SUCCESSION AS A RESULT OF COVID-19

Ms Kgopotso Maunatlala
University of Pretoria

Prof Anton van der Linde
University of Pretoria

5 1   Introduction and background

It was a Thursday morning, on 5 March 2020, when the National Institute for Communicable Diseases confirmed that there had been a suspected positive case of Covid-19.[1] March 2021 marked the beginning of a new normal in South Africa as President Cyril Ramaphosa announced the very first national lockdown which was anticipated to last for only three weeks from 26 March 2020 to 16 April 2020.[2] The lockdown included measures stipulated in the guidelines for education in emergencies.[3] This unexpected announcement led to the sudden need for Universities to find alternative ways of adopting to the "new norm". UP, in particular, took proactive steps to help ensure that it had a plan of action in place, bearing in mind that the safety and well-being of students and staff alike are paramount.[4]

In this chapter, we reflect on the teaching and learning experience since the dawn of Covid-19 by discussing our experiences with emergency remote (online) learning and how it has impacted us as educators as well as students from different socio-economic backgrounds. We will thereafter discuss how we have, particularly in the second year Law of Succession (ERF 222) core module,[5] adjusted to the remote teaching and learning experience without compromising the high academic standard of

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1   Mkhize "First Case of Covid-19 Coronavirus reported in SA" 2020 National Institute for Communicable Diseases https://www.nicd.ac.za/first-case-of-covid-19-coronavirus-reported-in-sa/ (last accessed 2021-11-14).

2   "Coronavirus: President Ramaphosa Announces a 21-day Lockdown" *Insession News* 2020 https://www.parliament.gov.za/storage/app/media/Publications/InSession/2020-09/final.pdf (last accessed 2021-11-14).

3   Landa *et al* 2021 *International Review of Education* 167.

4   University of Pretoria News "University of Pretoria Covid-19 Information" (2020) https://www.up.ac.za/coronavirus-updates (last accessed 2021-11-21).

5   A total of 726 students enrolled for 2020, and 745 enrolled for 2021.

teaching. This will be done by showing how we implemented the flipped teaching approach. The authors will thereafter conclude by providing recommendations in support of a blended learning approach post Covid-19, which has the potential to expand higher education access to a wider population.

5 2   The abrupt transition to emergency remote teaching and learning

The Covid-19 pandemic resulted in severe life changing developments in the country as around the world. When the president announced the state of national disaster,[6] and the national lockdown respectively, travel was restricted and gatherings of more than 100 people (later reduced to 50) were prohibited in an effort to combat the spread of the disease.[7] Following the president's announcement, on 17 March 2020, the Minister of Higher Education announced that universities would close until 15 April 2020 for early recess based on the assessment of the course of the virus.[8] The Minister also instructed higher education institutions to begin preparations for online teaching and learning that may need to be put in place to support the academic programme at a later stage.[9] Following his announcement, most universities announced their intention to switch to emergency remote teaching and learning (ERTL). In particular, the vice-chancellor of UP, Professor Tawana Kupe, on 3 April 2020,[10] announced that should it not be possible to resume contact lectures when the University re-opens on 20 April, "we plan to continue the academic programme by teaching online until the University's normal functioning can be resumed".[11]

6   S 27(1) of Disaster Management Act 57 of 2002.

7   Disaster Management Act of 2002: Amendment of Regulations issued in terms of s 27(2). Also see Landa *et al* 2021 *International Review of Education* 169.

8   Manamela "The Minister of Higher Education, Science And Innovation: Statement on Measures to Deal with the Covid-19 Threat in the Post-School Education and training sector" 2020-03-17 DHET 3 https://www.dhet.gov.za/SiteAssets/Media%20 Statement%202020/DHET%20Covid-19%20STATEMENT%20FINAL_17%20 March%202020.pdf (last accessed 2022-01-11).

9   Pather, Brown and Lawack "An Evidence-Based Approach to Learning and Teaching During the 2020 Covid-19 Pandemic" 2021 University of the Western Cape Repository 18 https://repository.uwc.ac.za/bitstream/handle/10566/6015/learning and teaching.pdf?sequence=1&isAllowed=y (last accessed 2022-09-30).

10   This marked the eighth day of the national lockdown.

11   UP "Message from the VC – 3 April 2020" 2020-04-03 https://www.up.ac.za/ coronavirus-updates/news/post_2885657-message-from-the-vc-3-april-2020   (last accessed 2021-11-21).

However, the move from face-to-face learning to online learning was not entirely new for some South African Universities. The year 2015 saw South African higher learning institutions come to standstill as students embarked on the fees must fall movement to revolt against what they experienced as a colonised educational system.[12] As such the Fees-Must-Fall movement gave us a glimpse of what the future of teaching and learning will eventually become. Thankfully, teaching and learning on an online platform was not a foreign concept for universities like UP which, under the leadership of the then newly appointed Vice-Principal: Academic, Professor Norman Duncan implemented blended and online delivery as a strategy in 2015/6 to enable the academic year to be completed and all curriculum to be covered, despite the protest disruptions.[13]

It was clear from then that technological modes of instruction were here to stay although contact educational learning institutions might not have been foreseen the extent to which they will rely on them five years thereafter when the world came to a halt with the sudden disruption of Covid-19 which saw the entire world go into lockdown. Thus, forcing these institutions to find innovative ways of delivering quality and uncompromised education to the students that would still prepare them for the world beyond the university.

Accordingly, the lockdown regulations made face-to-face mode of teaching and learning impossible as it abruptly forced contact universities out of their comfort zone. Inevitably, the teachers were forced to be creative with how they were going to adapt their teaching strategies to a fully online platform. The main goal was to provide support for students to graduate on time as well-rounded, responsible citizens fully prepared for the world beyond university and to ensure that no student is left behind. Internationally, a global survey report revealed that by May 2020, 67 % of higher education institutions had adopted online learning, while 24 % were working on solutions to get there and the remaining 9 % either cancelled all teaching or are unaffected.[14]

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12   Himonga and Diallo "Decolonisation and Teaching Law in Africa with Special Reference to Living Customary Law" 2017 *PER* 2.

13   Dugmore "UP Shows Strong Adaptability to Online Teaching and Learning – Survey" 2020-07-07 *UP News* https://www.up.ac.za/student-affairs/news/post_2906988-up-shows-strong-adaptability-to-online-teaching-and-learning-survey (last accessed 2022-01-05).

14   Marinoni, Van 't Land and Jensen "The Impact of Covid-19 on Higher Education Around The World" 2020-05 International Association of Universities 23 https://www.iau-aiu.net/IMG/pdf/iau_covid19_and_he_survey_report_final_may_2020.pdf (last accessed 2022-09-30).

It was therefore, in particular to South Africa, imperative from the very beginning, not to be ignorant to the different social standings of the students and to ensure that we adopt different strategies to cater for different students from different socio-economic backgrounds. Besides poor road networks, lack of electricity, and low economic status, now more than ever Covid-19 magnified the different social standings of teachers and students alike.[15] It distinguished those that were able to easily adjust to online learning and those that found it difficult due to the lack of resources or other factors such as unfavourable home environments.

The subsequent paragraphs show our response to remote teaching and learning as a faculty and in particular, the ERF 222 team.

5 3 The Law of Succession approach and response to emergency remote teaching and learning

The term ERTL refers to a mode of delivery through which contact and face-to-face delivery has been transferred to usually digital, remote platforms under emergency conditions.[16] Therefore, ERTL is not online learning which is meant to be deliberately and thoroughly planned, designed and developed based on specific pedagogies appropriate for online learning.[17] In other words, the move to an entirely online platform is meant to be temporary in order to address the worldwide pandemic of Covid-19.

In coming up with a strategy, the ERF 222 team had to bear in mind that to survive in today's world of work, students have to be ethical, adaptable, problem solvers, critical thinkers, team players, effective communicators and self-directed learners who are intellectually aware. All of which were well developed pre-Cocid-19 pandemic. Moreover, UP's teaching and learning model also encourages optimal use of today's technology.[18]

In the pursuit of not wanting to leave any student behind, the ERF 222 team implemented an asynchronous class approach that runs on a more

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15 Mukuna and Aloka "Exploring Educators' Challenges of Online Learning in Covid-19 at a Rural School, South Africa" 2020 *International Journal of Learning, Teaching and Educational Research* 136.

16 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 1.

17 Council on Higher Education (CHE) (n 15) 1.

18 University of Pretoria "Teach and Learn the UP Way" 3 https://www.up.ac.za/media/shared/391/pdfs/teach-learn-up-way-2020.zp184675.pdf (last accessed 2021-11-21).

relaxed schedule with students accessing class materials during different hours and from different locations. We thus executed the following measures in order to adapt to a completely online platform of teaching and learning:

(a) Uploading pre-recorded lectures in different formats and platforms for better accessibility (that is, whitelisted YouTube videos, PDF, PowerPoint presentations and MP3 voice recordings). This took into consideration, student's accessibility to data. The work that is covered in all these formats is the same although each platform had its own data consumption. Therefore, students had a variety of formats to choose from in terms of what they found what works best for them.

(b) The lecture notes are compiled in a more detailed manner to accommodate students who may not have the textbooks. The study guide specifically assures students that the study notes are enough to equip students with assessment readiness. Additionally, UP's OR Tambo Library granted students access to the prescribed e-textbook.

(c) Tutorials are posted on Fridays at 8am, and students have until Wednesdays at 8pm to submit via Turnitin. These tutorials were aimed at granting the students the opportunity to practically engage with the work in order to enable the students to better prepare themselves for assessment purposes.

(d) We held live question and answer (Q&A) Blackboard Collaborate sessions closer to assessment dates. This allowed students to clarify any confusions or difficulties with the work prior to writing the assessment; specifically tests and exams.

(e) Assessments are open book. We have thus ensured that questions are more high level and open ended to allow students to critically engage, and apply the work to the set of facts provided (problem based and application-based questions). This includes for example, calculation of intestate succession shares to beneficiaries, the calculation of collation, identifying and drafting provisions of wills as well as administration of the deceased's estate. These types of questions allow students to engage with ERF 222 in a more practical manner. We encourage students to apply what they are taught to real life situations that they are exposed to on a regular basis.

(f) More time is allowed for students to complete tests and assignments as we are aware of some challenges such as electrical cuts, poor connectivity, travel time to internet cafes and technical glitches (not a closed list) that may delay the students' ability to submit work on time.

In addition to the above measures, we have actively employed the hybrid flipped-learning model – Teach & Learn the UP Way, which worked successfully even when the face-to-face teaching component could not

take place and all learning had to happen remotely. The model requires students to prepare for lectures, complete pre-lecture assessments and engage in class. To prepare for class ahead of time, students were initially provided with a semester plan that entailed a breakdown of topics to be covered weekly. In their study guides, each of the topics as per the syllabus themes, provided study objectives which students must strive to achieve as well as the relevant sources to read. Thereafter, every Monday morning, students were reminded of the weekly plan.

Therefore, students were able to prepare before class by consulting their study material in the forms of textbook, case law and legislation, ahead of time and engaging with the work prior to the actual class by answering the study objective questions listed in the study guide.[19]

Study objectives
After studying this study unit theme, you should be able to:

1. Explain and distinguish between the abovementioned terms
2. Determine in a simple problem or clause when the estate "falls open" (delatio) and dies cedit (vesting of rights) thus occurs (see examples in slides)
3. Determine in a given problem when dies venit (moment when acquired right becomes enforceable) occurs (see example in slides)
4. Evaluate what a beneficiary acquires at most immediately upon the death of the deceased (slides)
5. Evaluate who the "owner" (who is entitled to the assets?) of the assets is immediately upon the death of the deceased
6. Critically evaluate whether vesting of rights take place automatically or whether beneficiary has to adiate/accept the benefit first
7. Determine the moment of vesting in the event of intestate succession

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19   See the box with an example of the type of study objective questions that students were expected to attempt prior to a scheduled lecture. The same questions were to be revisited by the students at the end of the study unit to measure their understanding of the work.

This was aimed at promoting independent thinking on the part of the students. The research about effective teaching and learning highlights the advantages of preparing for class: "Prior knowledge can reduce the attentional demands associated with engaging in well-learnt activities, and it can facilitate new learning".[20]

Following preparation, students engage with the actual work by attending weekly pre-recorded classes, at their own convenience. Following the lecture, the students often asked questions on Blackboard discussion forums. The study notes or lecture slides have practice activities to further enable students to work on the questions and ask if there is any confusion. This also helps the lecturers to gauge the level of understanding by the students so that we can know what we need to focus on to strengthen students' understanding of the work. Although we responded to most questions asked on the blackboard discussion forum, we saw students engage with and attempt to assist each other to better understand the work. Research has found that when students explain the work to their peers, it enhances their own understanding and retention.[21]

A definite and calculated "consolidate" phase was implemented. "Tutorial" questions that were problem-based were posted on ClickUP on a weekly basis. This enabled students to revise all the provided material by *applying* the theoretical principles stemming from common law, legislation, seminal case law and academic literature such as textbooks and journal articles, to a complicated set of facts on the week's work.[22] These questions were discussed by students on the Discussion forum and students were encouraged to submit their answers to us whereby we could ascertain whether they understood the subject-matter. Virtual Collaborate Blackboard sessions were scheduled to provide feed-back and to review certain aspects of the work. Recordings of such sessions were made available to those students who could not attend due to the high data usage such sessions required. A typical tutorial-type question on ERF 222 and posted on ClickUP read as follows:

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20 National Academies of Sciences, Engineering, and Medicine *How People Learn II: Learners, Contexts, and Cultures* (2018) 10.

21 Also see Y Terada "Why Students Forget—and What You Can Do About It" (2017) https://www.edutopia.org/article/why-students-forget-and-what-you-can-do aboutit?utm_source=facebook&utm_medium=socialflow (last accessed 2022-01-05).

22 See "tutorial" questions below.

> You are a candidate attorney. Your principal requests you to take his 4 o'clock appointment with client T, who wants a will prepared for him. During the consultation, T indicates that he intends to bequeath his immovable property to his children and the residue of his estate to his grandchildren, B and C. He provides you with a typed list of assets constituting this residue, wherein he clearly indicates the specific portion of the residue allocated to each grandchild. He wants you to keep this list on file and to refer to it in the will. Analyse the legal position and indicate how you will approach this request in order to ensure that the specific bequest to the grandchildren is valid. Fully substantiate your answer. [15]

This tutorial question achieves the following:

- Students are exposed to a problem-solving exercise.
- They are expected to produce a well-written, coherent answer aiming to improve language proficiency. This would include a formal (language), as well as a substantive component, namely a clearly structured treatment of the topic(s), persuasiveness of arguments and correct use of authority.
- In this specific tutorial, the student has to identify the relevant legal principles.
- The student has to do research and identify and select the most relevant sources and research methods likely to assist in solving such legal problems and generate reasoned solutions and advice to the client(s).
- It enhances inquiry-based learning, enabling students to think, communicate and justifying their arguments. It stimulates critical thinking and creates opportunity to develop a deeper understanding of concepts.
- Constructive feedback was later given during a virtual Blackboard Collaborate session.

Another important aspect that is as important as learning, is the eradication of the feeling of loneliness among students due to the remote learning. Hence it is pivotal to ensure that students feel supported and do not feel overwhelmed by the remoteness. So, students are given the platform to interact with the teachers on ClickUP via the discussion board (they could choose to remain anonymous) and via email to which we respond as soon as practically possible but not later than 24hours. The class representative also facilitated an ERF 222 WhatsApp group in terms of which students

felt a sense of a community. We shared the WhatsApp link and details on ClickUP in order to enable students to have access to the official WhatsApp group that was authorised by their lecturers. Thus, students were made aware of the authorised WhatsApp group and as such would know which other ERF WhatsApp groups were unauthorised (if any). As a result, we have not received any complaints regarding the sharing of false information on the official group nor any other groups created by students (if any).

The class representative was the overseer of the WhatsApp group. The group was an open group that allowed all students in it to contribute to the group. Any queries, especially those that concerned majority of the students, were asked on the group and the class representative would send us (lecturers) the screenshot of or simply relay the concerns of the students to us. See the following screenshots as an example:
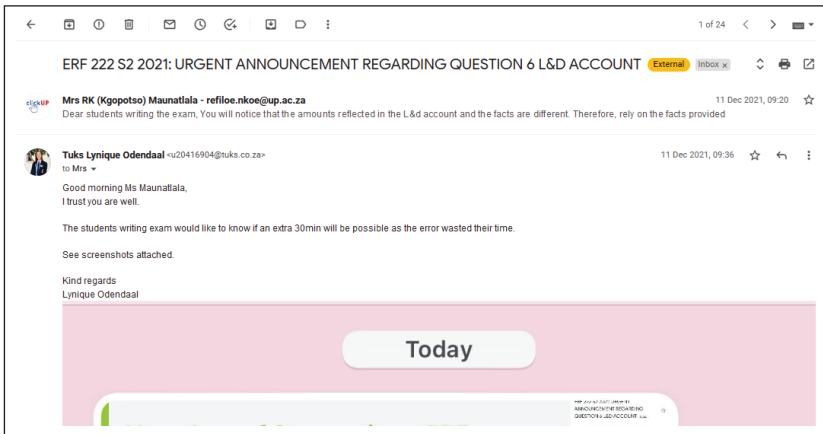
Class representative communicating student queries from the official WhatsApp group
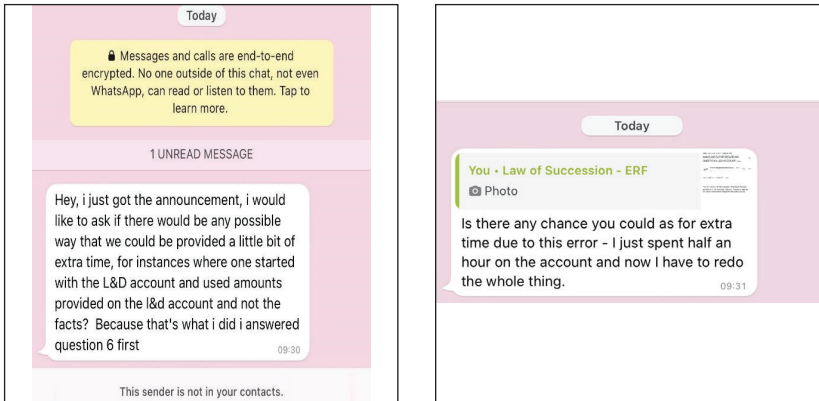
Because of the speedy reception of messages on WhatsApp, we sometimes requested that the class representative relayed important messages on the WhatsApp group in case students may miss the announcements on ClickUP. Students were, furthermore, equipped with the appropriate analytical, application and practical skills to prepare them for the professional field.

In order to equip students even further with the necessary application and practical skills to prepare them for the professions, our plan for 2022 is to incorporate a practical exercise on the drafting of a basic will. This requires them to apply the theoretical principles practically, something that they will be expected to do very early in their professional careers. It will read as follows:

GROUP EXERCISE

Draft a fictitious, valid, joint will by making use of your own facts and imagination. The parties (testators) should, however, make provision for the massing of their respective estates or portion(s) thereof. You can choose the method for achieving this purpose. Secondly, provision must be made for the situation should the testators die simultaneously. You must address the situation where they are, for example, survived by their minor children under such circumstances. You can also apply other testamentary institutions in the allocation of assets (especially where you have made use of partial massing of estates, as discussed in class).

Allocation of marks:
- General **structure** of the will. (10)
- **Formulation/Drafting** of the essential testamentary institutions as required. (20)
- Other testamentary institutions applied. (5)
- **Validity** of the will. (5)
- **Language** and **spelling**. (5)
- Bibliography (sources consulted). (5)

[50]

The study guide emphasises the student's responsibilities with regard to making a success of emergency remote learning, and in particular, to complete the module successfully by stating the following responsibilities:

a) Do prior reading in preparation for lectures.
b) Listen to the narrated PowerPoint slides.
c) Study the relevant case law and other study material, including relevant legislation.
d) Work through the provided Study Objectives.
e) Work through the tutorial exercises and participate in tutorials.
f) Ask us when you don't understand something.
g) Work throughout the semester, study hard and complete the required assessments.
h) Manage your time effectively. The number of credits allocated to a module give an indication of the volume of learning required for the completion of that module and is based on the concept of notional hours. Given that this module carries a weight of 15 credits, it follows that you should spend an average of 150 hours of study in total on the module (1 credit= 10 notional hours).

This includes time for lectures, tutorials, reading the textbook and other prescribed material, assignments, preparation for tests and tests themselves.

This means you must spend approximately 10 hours per week on this module for the 14 weeks it is presented.

Lastly, with regard to curriculum transformation, the four UP curriculum drivers[23] will be incorporated and actively pursued, namely responsiveness to social context, epistemological diversity, renewal of pedagogy and classroom practices as well as an institutional culture of openness. Renewal of pedagogy and classroom practices that involves re-imagining and embracing technological innovation has been discussed above. With regard to responsiveness to social context, renewed emphasis will be placed on the nature, philosophy and principles of ERF 222 within the South African constitutional and social milieu. The need for and importance of such an approach is evident from judgments by the Constitutional Court in recent times. Sufficient for purposes of this contribution is the following *dictum* by Mhlantla J in *King v De Jager.*[24]

> [69] Therefore, the principle of freedom of testation is at the heart of testate succession and cloaked in constitutional protection by virtue of the rights to property, dignity, and privacy. Freedom of testation thus informs public policy and carries significant weight in any analysis of what public policy, as infused with our constitutional values, dictates.

> [70] However, one cannot ignore that there are competing values at play. Our Constitution also envisages and promises a democratic State based on "human dignity, the achievement of equality … non-racialism and non-sexism… and the supremacy of the Constitution. Furthermore, it protects all persons from direct or indirect unfair discrimination, both in the public and private sphere. It is therefore evident that the common law position – where out-and-out disinheritance clauses in private wills have seemingly been out of reach of the courts' powers to declare them unenforceable on public policy grounds – cannot be maintained. *This is because, in a constitutional dispensation based on the supremacy of the Constitution, we are enjoined to recognize both freedom of testation as well as recognize the principle of non-discrimination even in the private sphere.*[25]

Victor AJ,[26] elaborated with the following perspective:

> [168] Unless there is a *transformative constitutional approach* taken by courts when equality rights are affected, the historical and insidious unequal distribution of wealth in South Africa will continue along various fault lines

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23   UP Faculty of Law "Curriculum Transformation Framework (S4466/17 – amended)" https://www.up.ac.za/faculty-of-law/article/2291240/curriculum-transformation-framework (last accessed 2022-09-21).

24   *King v De Jager* 2021 (4) SA 1 (CC) paras 69-70.

25   As above, emphasis added.

26   As above.

such as in the case, gender. A more robust understanding of substantive equality within our constitutional framework is necessary. Public policy is now deeply rooted in the Constitution and its underlying values.[27]

As lecturers we will make a continued effort to help students to: Explore the discipline/field, understand the legitimate ways of adding to knowledge in the field of ERF 222; question theory and practice; make connections; see patterns; apply flexibly what is learnt within specific contexts or in solving specific, open-ended problems; and generate new questions and new knowledge.[28]

5 4 Teaching during Covid-19: Did it compromise or enhance the LLB?

A recent data survey conducted by UP's Department for Education Innovation shows that the vast majority of lecturers and students at the institution managed to move relatively seamlessly into remote online teaching and learning mode.[29] The following section reflects on the advantages and disadvantages or challenges that we have experienced and observed since the move to emergency remote (online) teaching and learning.

5 4 1 Advantages

5 4 1 1 Student perspective

Online learning offers a number of advantages including, flexibility whereby students can access the work at their convenience, in their own time and engage with it at their own pace. In ERF 222, we uploaded the lectures twice a week on Mondays and Wednesdays respectively. However, students downloaded the work at their convenience.

Students, moreover, have the advantage of being able to replay the narrated lecturers as they please. The screenshot below is from one of the students who was struggling to grasp the work, and in particular, the concept of *stirpes* from intestate succession law. After responding to their query, the student also highlights that relistening to the pre-recorded

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27 As above, emphasis added.

28 UP Policy on Teaching and Learning: Document number S 4463/16.

29 Dugmore "UP Shows Strong Adaptability to Online Teaching and Learning – Survey" 2020-07-07 *UP News* https://www.up.ac.za/student-affairs/news/post_2906988-up-shows-strong-adaptability-to-online-teaching-and-learning-survey (last accessed 2022-01-05).

narrated lecture helped her get a better understanding of the concept. A number of other students (student feedback survey) also mentioned that being able to relisten to the lectures helped clear any misunderstandings of the work and helped improve their understanding. Pre-Covid-19, if a student missed a class, it was their responsibility to catch up with the work by asking notes from their classmates as lectures were not recorded nor were the lecture slides uploaded on ClickUP.
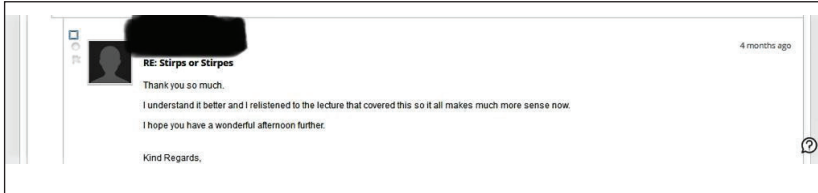
Another noticeable advantage that is a result of learning online is the equipping of students with computer and electronic literacy, time management and organisational skills. Studying remotely means students have to learn to manage their time. When students attend face-to-face classes, it is easier to attend class and thereafter go home to focus on other responsibilities. However, with studying from home, students have to learn to designate time for attending classes and studying for all modules in the comfort of their home, while expected to assist with other home responsibilities. Time management and organisational skills that students gain from learning online will definitely be an advantage in the legal profession. Our responsibility is to foster an environment in which students will be ready for the world beyond the University.

The fact that students benefited from our approach is evident from the following feedback received during 2020 and 2021 respectively:

ERF Feedback 2020: Student representative

Covid-19 has impacted the daily lives of so many and thus it is no surprise that this impact effected the university's mode of learning towards the student body. In respect of the module ERF, Professor van der Linde and his team [Ms. Refiloe Maunatlala, Ms. Elisa Rinaldi and Mr. Kholofelo Thutse] made this year and the academic success thereof possible. Firstly, the general administration and quality of the lectures were the highlights of the academic year, as the lectures were always clear and easily accessible. In my experience as class representative for this module, I have found that majority of the student body have found this course to be organised in such a way that it helps the students understand not only the work, but the practicality thereof. Additionally, the lecturer ensured that lectures were provided in various formats to consider all students and their respective data restrictions. Even more so, the tutorials that were provided granted students the ability to critically engage with the content and prepare for application-based questions that appeared in the tests and examinations. Professor van der Linde was prompt in addressing student enquiries and issues, and he was helpful when students struggled with the work. Moreover, marks and results were provided in a fair amount of time that allowed the ERF students to plan their studies and address any academic issues accordingly. Finally, the overall feel for Professor van der Linde and the module itself was a positive one. As class representative I can affirm to the fact that the communication between the students and the ERF team was always open and safe for students to voice their concerns. With the help of Professor van der Linde, the ERF students were able to not only finish the year but finish the academic year on a positive note.

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ENDQ3_MIDSEM2_Student Feedback on Online Teaching Survey_2021

Course: erf222_s2_2021: ERF 222 S2 2021
Instructor: RK (Kgopotso) Maunatlala * ,E (Elisa) Rinaldi,LK (Legodi) Thutse

Response Rate: 123/788 (15.61 %)

22 - Elaborate on which topics, materials, online activities and assessment tasks that contributed to your learning and development in this module.	
Response Rate	32/788 (4.06 %)

- In the Lecture Theme on Intestate succession, the examples that were given in the PowerPoint slides to indicate the family tree contributed to my development in this module.
- Understanding intestate succession and how the different calculations work. Understanding the introduction and basics of testate succession in law in South-Africa and how wills work.
- All of it.
- All of them. My favourite topic that we covered so far was the intestate succession. I felt like this part of the work was asked in a practical manner which made me feel like I was properly able to apply my theoretical knowledge to the question.
- Submission of weekly tutorials aided in preparation for the semester test, by exposing students to the type of questions that could be asked, as well as provided guidance on how to answer such questions.
- The tutorials are a helpful way to practise engaging with the work and helped me get an idea of how the assessments will appear.
- bb collaborate sessions
- I was challenged intellectually through the content and/or activities in this module.
- The clearly typed slides as well as the supplementing audio/video content provided a well-rounded learning experience.
- The live collaborate session and detailed lecture videos.
- The tutorials which promote contextual understanding.

- The tutorials work very well as they make sure you keep up to date with the work and helps you know how to answer questions thoroughly.
- The tutorials are helpful as they show how to answer questions and how to approach the questions which is helpful when doing assessment tasks
- I enjoyed chapter 1 and 2 the most and the lecturer provided platforms to make me understand it even better
- The worksheets assisted in me understanding the work.
- The tutorials overall helped me keep up with and better understand the content
- The requirements of condonation of wills in the high court was something that opened my mind regarding invalid wills
- Testament and intestate succession broadened my learning experience
- The live sessions, tutorials and the lectures in themselves were very beneficial.
- N/A.
- The tutorials.
- I enjoyed the level of engagement that has been facilitated in this module.
- TUTORIALS!!!!
- Tutorials really helped me understand the content.
- narrated presentations, tutorials and live question and answer sessions before assessments helped me learn and understand more.
- By doing the weekly tutorial activities, it really helped me to understand the work better. It also helped to create an expectation of the possibilities of how the questions can be asked.
- Recorded PowerPoint slides
- the narrated videos and tutorials helped make preparation for the tests easier.
- Nothing really contributed to my learning in this module, I do not expect to do well.
- The tutorials and online assignment really helped a lot.

5 4 1 2   Lecturer perspective

Working from home, although a new experience for us, offers flexibility. We were able to prepare lecture notes well in advance according to our own schedule and as such could prepare ourselves for when challenges such as

load shedding took place. Working remotely enabled us to structure our time in such a way that we can prerecord as many lectures as we could well in advance. This also meant, we could make time to listen to the lectures and fix any mistakes if any. This certainly meant that we could always evaluate and improve our teaching strategies and align them with the needs of the students.

Pre-recorded lectures enabled us to be more mindful of time and the concentration span of students. Therefore, we were careful about the amount of information presented for each lecture. The pre-recorded lectures allowed us to ensure that we focus on the study objectives bearing in mind the time constraints of online lecturing.

Emergency remote (online) teaching has made us even more empathetic to the realities and needs of the students. We receive emails from students communicating their struggles with mental health as well as unconducive home environments for studying. Consequently, these students express their struggle with being able to study or the effect of their mental state on their marks. Therefore, we have become more lenient, empathetic and understanding of students' challenges, especially because the pandemic has been challenging to a lot of students and lecturers alike. We have also partnered with the faculty student advisors to whom we refer the struggling students.

While comfort zones encourage composure and calm, they can also inhibit growth.[30] The Covid-19 pandemic has challenged lecturers, in particular, the ERF 222 lecturers, to move away from the comfort zone and to get creative with online teaching strategies while ensuring that no student is left behind. The third driver of the University's curriculum drivers is the renewal of pedagogy and classroom practice. Even with the shift to online teaching and learning, we adopted a new pedagogy and classroom practice. Lectures were presented with the aid of narrated MS PowerPoint slides, which are available to students via ClickUP. In addition, where possible, concepts are given social relevance and context through the use of YouTube videos. A hybrid approach is used to conduct assessments. ClickUP is used for formative assessments, such as assignments, written tests are scheduled for the summative assessments, such as: two semester tests and the final examination. The course has a strong focus on application and problem-solving type questions.

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30   Walden University "The Pros and Cons of Comfort Zones Acknowledging and Wisely Deciding when to Embrace and Break Through Boundaries is Critical to Career and Life Successes" (2021) https://www.waldenu.edu/programs/psychology/resource/the-pros-and-cons-of-comfort-zones (last accessed 2022-01-05).

A further advantage that we have witnessed is that, when students work online, analytics show us how they are working and we can therefore determine the patterns followed by successful students and the obstacles to student success.[31]

The results from the survey conducted by UP's Department of Education Innovation highlight the concern that the sudden and rapid move to online learning, with no training and little preparation will result in poor user experience that is unconducive to sustained growth. Accordingly, the ERF 222 team was privileged to attend the E-Learning Professional Development Courses offered by UP's Department of Education Innovation that equipped us with the skills to successfully navigate and utilise ClickUP to the student's advantage.[32] See below the table of the 2021 course schedule:

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31   Kupe "Higher Education Post-Covid-19: 'Online Learning Must Remain a key Component of Teaching Systems,' Writes UP Vice-Principal" 2020-07-24 *University of Pretoria News* https://www.up.ac.za/coronavirus-updates/news/post_2910807-higher-education-post-covid-19-online-learning-must-remain-a-key-component-of-teaching-systems-writes-up-vice-principal (last accessed 2022-09-30).

32   Data from a University of Pretoria (UP) survey shows that the vast majority of lecturers and students at the institution managed to move relatively seamlessly into remote (online) teaching and learning mode. The survey found that 47,7 % of lecturers found it "easy" to adapt to remote teaching, while 43 % found it "difficult" and 7 % found it "very difficult". Also, 16,4 % of lecturers surveyed indicated that it was very difficult to maintain the same standards of teaching and learning as with face-to face/ hybrid learning. For more findings, also see Dugmore "UP Shows Strong Adaptability to Online Teaching and Learning – Survey" 2020-07-07 *UP News* https://www.up.ac.za/student-affairs/news/post_2906988-up-shows-strong-adaptability-to-online-teaching-and-learning-survey (last accessed 2022-01-05).

CLICKUP / E-LEARNING CONTACT WORKSHOPS				
Tuesday	2 February 2021	In-Video Assessment (H5P)	Lecturers	09:00 – 11:00
Friday	5 February 2021	Creating Digital Lectures	Lecturers	09:00 – 16:00
Monday	8 February	ClickUP **OVERVIEW**	Lecturers	08:00 – 13:00
Wednesday	10 February 2021	ClickUP **ASSESSMENT** Workshop	Lecturers	
Thursday	11 February 2021	ClickUP **COLLABORATION** Workshop	Lecturers	
Tuesday	16 February 2021	ClickUP ASSIST course	Administrative Staff	08:00 – 12:30
Tuesday	23 February 2021	Trendy Tools for cool lectures	Lecturers	09:00 - 13:00
Wednesday	24 February 2021	ClickUP Grade Centre	Lecturers and administrative Staff	08:00 – 13:00
Thursday	25 February 2021	Turnitin	Lecturers	08:00 – 12:00
Friday	26 February 2021	Turnitin Grading and Feedback	Lecturers	08:00 – 12:00

These courses equipped us with computer literacy skills as well as electronic skills to be able to easily adapt to online teaching. Covid-19 was an uncomfortable but necessary push to teachers advancing themselves with electronic skills that may have been neglected pre-Covid-19.

5 4 2   Disadvantages

5 4 2 1   *Ensuring academic integrity*

With the move to emergency remote (online) learning, plagiarism and dishonesty have become an even bigger threat. Therefore, it is paramount for us to ensure that students are not cheating and thus maintain academic integrity. We have had to deal with students submitting plagiarised papers. An example of this being what we encountered in 2021, whereby two students submitted the exact answer sheet for semester test two. One of these students submitted their paper via Turnitin while the other claimed to have had technical errors with submitting and thus emailed one of the lecturers her paper. Thankfully, plagiarism detection software like Turnitin scans student papers for plagiarised content.

Upon uploading the students' papers to Turnitin on behalf of the student, the two papers were flagged for plagiarism, with 99 % of their papers being the same. Consequently, students were dealt with in accordance to the procedure prescribed in the UP Plagiarism Prevention Policy.[33]

Another way of avoiding plagiarism, especially for online assessments, is by creating large question pools and randomise questions and answers. This should be accompanied by disallowing the option to backtrack. In other words, students are advised to be sure of their answers before answering and moving on to the next question.

We have been intentional in alerting students to the consequences of academic dishonesty and the importance of conducting themselves in an ethical manner. Academic integrity is clearly communicated to the students. Technology has made it easier for students to distribute information on platforms such as social media. As such, we have made students aware of the copyright implications of the work we post.

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33   https://www.up.ac.za/media/shared/1/ZP_Files/s5106-19-plagiarism-prevention-policy.zp181077.pdf (last accessed 2022-09-30).

5 5   Other challenges

Hereunder, we briefly discuss some more challenges presented by the move to emergency remote (online) learning. These challenges are those both students and lecturers were exposed to.

5 5 1   Internet connection problems and load shedding

Participating in an online environment requires a technological device, connectivity, data and general computer skills. Despite the University securing free or cheap data for all students and loaning laptops to 1 937 students,[34] connectivity and electricity supply remain a challenge for some students.

We have received a number of student emails complaining about the constant power cuts in their areas due to load shedding as well as internet connectivity challenges. Therefore, it was difficult setting assessment submission times that will work favourably for everyone. We, as a result, had to accommodate students in numerous ways including allowing student to make late submissions via email and opening the submission link for longer. Each late submission case was dealt with on its own merits.

For lecturers, internet connectivity challenges and load shedding meant that it took much longer to convert study materials from one format to especially YouTube formats. It also took longer for YouTube videos to be whitelisted due to the backlog that was experienced by the Department of Education Innovation. This meant that the students who preferred using YouTube videos to study had to wait longer than students using other formats for access.

5 5 2   Isolation, loneliness and time consumption

One of the essential benefits of contact (face-to-face) teaching and learning is a sense of community. The impacts of the Covid-19 pandemic and the shutdown it triggered at universities across the world, led to a great degree of social isolation among university staff and students.[35] Hence, the disadvantage of remote teaching and learning is that it can be very

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34   Dugmore "UP Shows Strong Adaptability to Online Teaching and Learning – Survey" 2020-07-07 *UP News* https://www.up.ac.za/student-affairs/news/post_2906988-up-shows-strong-adaptability-to-online-teaching-and-learning-survey (last accessed 2022-01-05).

35   Filho *et al* "Impacts of Covid-19 and Social Isolation on Academic Staff and Students at Universities: A Cross-Sectional Study" 2021 *BMC Public Health* 1.

lonely for especially first year students who have never been exposed to University setting as well as early career academics. Low physical activity and spending all the time at home has been reported by some students and lecturers alike as being very stressful and lonely.[36] For the students, we created a WhatsApp group to grant the students a sense of community. Bearing in mind that in 2020, the second years only experienced the University environment for two months before the president announced the national lockdown in March, their learning experience was also predominantly online. So, the students responded positively to the WhatsApp group which was coordinated by the class representative. It also made it easier for the class representative to communicate the shared concerns of the students to us via email, thus reducing numerous emails.

For the lecturers, we discovered that teaching online was much more time and resource intensive than contact teaching. Being introduced to the recording of narrated lectures was definitely stressful. It took almost an entire day to compile the lecture notes and thereafter narrate the 25-30 minutes lecture. This certainly, took away some of the family time that would ordinarily, pre-Covid-19 pandemic, be enjoyed with loved ones to focus on preparing for lectures. In addition to the timeous preparation of lectures, we were also faced with emails to which we must respond as soon as reasonably possible to avoid panic from students.

The online marking of assessments also took longer than the physical marking of papers. This was dependent on the internet connectivity speed and the load shedding interruptions. Although leniency was exercised from the lectures regarding the extension of submission times, students still expected their marks feedback within the normal two weeks period for tests and one week period for exams. This created a lot of pressure when it came to marking. It was time consuming.

5 5 3 Constant exposure to unfavourable home environments

According to the quarterly employment statistics survey released by Statistics South Africa (Stats SA), the formal non-agricultural sector shed 648 000 jobs in the second quarter of 2020.[37] Trauma and mental health was a constant reality for a lot of families with the death of loved ones, loss of jobs and working and studying remotely. Some students

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36 Chandra "Online Education During Covid-19: Perception of Academic Stress and Emotional Intelligence Coping Strategies Among College Students" 2020 *Asian Education and Development Studies* 230.

37 Stats SA "SA Loses More Than 600K Formal Sector Jobs During Covid-19 Lockdown" 2020 http://www.statssa.gov.za/?p=13690 (last accessed 2022-09-30).

communicated being overwhelmed with studying from home, especially, struggling to catch up with all modules that they were expected to and home responsibilities.

5 6   Conclusion

It is without a doubt clear that the Covid-19 pandemic has utterly disrupted the education system as we knew it. The years, 2020 and 2021 have indeed been a learning curve for both students and teachers. Technological innovations such as artificial intelligence have created an opportunity for new ways of teaching and learning. Thus far, it has enhanced the curriculum and should not be frowned upon.

It has been almost two years since South Africa has been on lockdown and thus students studying and learning remotely as they are unable to fully come back to campus for face-to-face classes. Resultantly, we believe that it is technology that has been our saving grace. We would not have been able to save the academic year had it not been through technological means suck as Blackboard. Microsoft Teams, Google Meet, WhatsApp and many more.

Notwithstanding the fact that online learning carries a stigma of being of a lower quality than face-to-face learning, despite research showing otherwise,[38] Covid-19 pandemic has shifted our mind-set and changed any unwarranted rejections of online teaching and learning platforms. We, therefore, strongly hold that although the use of technology and e-learning has proven to be beneficial, online learning should not replace contact learning. The human/social aspect is still very important to also equip students with soft skills that will enable them to become well-rounded individuals. Thus, online teaching and learning should be used to supplement and support contact classes as opposed to replacing it. Hence, we should not underestimate the contribution of lecturers as well as student networking to the learning process. Post Covid-19 or post-lockdown, we submit that there should be no going back to how things were and that hybrid or hyflex learning models should in fact be our way forward. The hybrid or hyflex models of teaching and learning requires all modules, including ERF 222, to have a predominantly contact teaching and learning component, as well as a significant online teaching and learning component. That way the human and social element will remain an integral part of teaching and learning. It will, therefore, be a pity if we

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38   Hodges *et al* "The Difference Between Emergency Remote Teaching and Online Learning" *Educause* 2020 https://er.educause.edu/articles/2020/3/the-difference-between-emergency-remote-teaching-and-online-learning (last accessed 2022-09-21).

go back to pre-Covid-19 teaching in universities. The way forward is for universities to embrace the suppleness of hybrid learning and maximise its use for the betterment of the curriculum.