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SOME THOUGHTS ON THE CORONA SEMESTER

SHIVANGI GANGWAR*

ABSTRACT

The COVID-19 pandemic presented educators across the world with a unique set of challenges. In this Article, I reflect on my experience of transitioning to the online medium mid-semester without much preparation. I compare the vastly dissimilar experiences of conducting classes “physically” and remotely, highlighting the difficulties I experienced in translating to the online realm, and the pedagogical methods I usually employed while teaching Contract law to first-year students.

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INTRODUCTION

The word “disruption” can take on many meanings. It can refer to paradigm-shifting, new technology. It could refer to social upheavals. When professors and teachers consider this word, it might be in the context of student behavior inside or outside classrooms. For the Spring 2019 semester, this word took on a new meaning: the COVID-19 pandemic.

The spring semester at Jindal Global Law School (“JGLS”)¹ commences each year on February 1 (or the first Monday in February) and lasts fifteen weeks. Schools and universities were the first set of institutions closed down by the Indian government in response to the pandemic,² even before the national lockdown was imposed in the last week of March 2020.³ Due to the lack of information regarding the pandemic and the general ad-hoc nature of decision-making on this issue, the University administration first decided to switch to online classes in the very first week of the closure, about six weeks into the semester. An impromptu training session was held to teach the bare basics of Microsoft Teams to faculty members. I was able to hold two classes online, one with each section, before it was announced that the University would be suspending classes. The original plan was to resume on-campus instruction in the first week of May. As it became apparent that the pandemic was not dying down, online classes started again in the last week of April.

I. METHODOLOGY

I teach Law of Contracts I⁴ to first-year students of the five-year program.⁵ It is a four-credit course, and we meet twice a week for two and a half hour

1. JGLS is a private law school in Haryana, India and is part of O.P. Jindal Global University, a non-profit research university. See JINDAL GLOBAL LAW SCHOOL, <https://jgu.edu.in/jgls/> (last visited Apr. 24, 2021).

2. *Govt. Announces Closure of All Educational Establishments Across India Till March 31*, THE TIMES OF INDIA (Mar. 16, 2020, 8:45 PM), <https://timesofindia.indiatimes.com/home/education/news/govt-announces-closure-of-all-educational-establishments-across-india-till-march-31/articleshow/74659627.cms> [<https://perma.cc/KUW3-NDVG>].

3. *PM Narendra Modi Announces a National Lockdown for 21 Days Starting Midnight of 24-25 March*, FIRSTPOST (Mar. 25, 2020, 12:18 AM), <https://www.firstpost.com/health/pm-narendra-modi-announces-a-national-lockdown-for-21-days-starting-midnight-of-24-25-march-8185961.html> [<https://perma.cc/2L44-8RY6>].

4. Law of Contracts I covers the general principles of contract formation and discharge. We discuss concepts such as offer, acceptance, consideration, capacity, consent, breach, frustration, remedies for breach, among others. I taught two sections and a total of 120 students this semester.

5. Unlike the traditional three-year Bachelor of Laws (LL.B.) program (which is a graduate degree and equivalent to the three-year JD program in the U.S.), students in the five-year degree programs (which include the integrated Bachelor of Arts, Bachelor of Laws (B.A.LL.B. (Hons)) Program and the integrated Bachelor of Business Administration, Bachelor of Laws (B.B.A.LL.B. (Hons)) Program) enter law school right out of high school. It is the first year of college and law school rolled into one.

sessions. This course comes with its own set of challenges. It is a core course taught to undergraduate students in their second semester in law school. It is also the first legislation-based law subject that they are enrolled in, along with being the only other law subject being taught in the first year of law school.⁶ Many students look forward to this course for these very reasons. They are ready to get their hands dirty with an “actual” law subject.

I use the Socratic method and base my classes around asking and answering questions. The primary focus of study is the Indian Contract Act, 1872 and landmark case laws. While we predominantly discuss judgments of the Supreme Court of India, extensive reference is also made to the decisions of the UK and US courts, as well as the odd Australian case, providing a comparative perspective. The aim is to provide the students with a thorough doctrinal understanding of contract law principles and also how they play out in the real world. I put up the course manual and all the required readings (judgments, book chapters, and journal articles) mentioned in a Dropbox folder, which I share with the students. I keep office hours twice a week for a total of four hours, in case any student wants to consult with me outside of class hours.

I begin every new topic by asking students to read out relevant sections from the Indian Contract Act, identify the noteworthy phrases, and give their explanation of what it means. I then build upon their responses, adding details or making corrections wherever necessary, with the help of hypotheticals and case law. Over the years I have found that if I create and use hypotheticals where the students are the parties, not only are they more receptive to the information, but, they are more interested in engaging with the subject matter. It injects some levity in our classroom discussions. I also attempt to pick up examples from popular culture in my explanations. This proves to be quite difficult since there is hardly any common ground between the students and me when it comes to the books we read or the TV series we binge-watch.⁷

I had a seamless transition to the online medium. The students were as new to the technology as me, and we were both determined to make the best of the situation. We opted for synchronous classes that were also recorded and accessible to all students enrolled in that section.⁸ On the whole, classes went on

6. For the first two years of the five-year program, students study a mix of law and non-law subjects, depending on whether they have opted for the humanities stream or the business administration stream. At JGLS, out of the ten-odd compulsory courses taught in the first year; Legal Methods, Law of Torts and Law of Contracts I are the only law subjects.

7. One section was under the impression that *Game of Thrones* was my favorite TV series given the number of examples I used featuring its characters. I have not watched beyond episode one of the first season. In another class, I inadvertently gave out spoilers about Stieg Larsson's *Millennium* trilogy.

8. We were actively dissuaded from asynchronous classes, and from recording a common lecture and playing that for both sections.

smoothly and I barely faced any disciplinary, or other issues, from my students.⁹ I continued with my tried and tested methodology, trying to recreate the same level of interaction as the on-campus classes. I would ask a student to read out the section, give their understanding of it, and then continue with my explanation. If any student wanted to ask a question, they would either type it out in the chat box feature or ask for permission to use the microphone.

II. CLASS PARTICIPATION

The advantage of this system was the total absence of interruptions while I was speaking. An issue with teaching first-year law students, who also happen to be first-year college students, is that they will gladly raise their impatient hands to ask questions without waiting for you to finish your sentence or thought. One can attribute this to impatience or immaturity. It would be difficult for me to ignore raised hands, literally waving in my face, in an on-campus lesson. Often, I would take questions, which would have been answered along the way, only to tell the students to wait for ten more minutes. Sometimes, when I was successful in not getting distracted, I solicited questions from students who had raised their hands earlier, only to be met with blank faces who had forgotten what they wanted to ask me. In an online class, it was easy to hold back on addressing questions in the chat box until I had finished my explanation. Since I had restricted microphone usage in my class,¹⁰ I was able to take questions at a time of my choosing. I was also able to completely ignore questions that had no bearing on the discussion at hand. This wouldn't have been possible in an on-campus class. In the interests of equality, every student who wants to speak in class is given an opportunity to do so. Sometimes this derails the conversation when students segue into unrelated territories. One wants to encourage class participation and out-of-the-box thinking, but it becomes a pointless exercise when a student is intent on going one way while you are haplessly doing course correction.

9. There have been instances of students muting their professors during these online sessions. I was muted once by a student; another time two students entered into a heated discussion while using their microphones, effectively hijacking the online session. Mostly I was inconvenienced by the irrelevant chatter in the chat box, with students using it as a proxy WhatsApp group to discuss all and sundry matters, instead of restricting themselves to Contracts. But these are relatively harmless instances when compared to other experiences. *See, e.g.,* Fareeha Iftikhar, *DU Teachers Complain of Harassment, Abusive Posts During Online Classes*, HINDUSTAN TIMES (Apr. 12, 2020, 11:49 PM), <https://www.hindustantimes.com/delhi-news/du-teachers-complain-of-harassment-abusive-posts-during-online-classes/story-cLVokQNgV0yNG2M67bC4EL.html> [<https://perma.cc/HYT4-629N>].

10. The only exception to this rule was that the Class Representatives could use their microphones, without asking for prior permission, to inform me of any difficulty they experienced in hearing my voice.

Some students really came into their element during online classes. Those who lacked the confidence to raise their hands and speak up in front of the class in the traditional setting found themselves very comfortable in texting their questions or observations in the chat box. In that category, online classes scored over on-campus classes, as we all got to hear certain perspectives that would have gone unspoken and unheard otherwise.

I cold-call during my lectures. I find this technique, widely disliked by the student community, particularly effective in increasing student engagement with the lesson.¹¹ This was one of the major casualties of shifting to online classes. Attempts to cold call during the online classes were thwarted by some genuine concerns and some not-so-genuine excuses. Not all students have access to “a room of one’s own.” I’ve had students answer questions via the chat box because it was too noisy for them to use their microphones. I have had students being interrupted by their family members while they are attempting to answer one of my questions.¹² Some students have attended online classes while they were out grocery shopping or doing household chores, both activities carried out at the behest of their parents. Some did not have access to reliable internet service to attend these online classes in their entirety. On the other hand, some students would log into the class and then “leave.”¹³ I would call upon them to read out a section and then move on to the next student when I received no response. For future classes, I would end up asking only a handful of students, those whom I was certain were “physically” present in the classes and not just virtually there.

III. CLASS ATTENDANCE

The average class size at JGLS is sixty. While on-campus classes saw near-perfect attendance,¹⁴ around half of the enrolled students turned up for online

11. Allotting marks for this component serves two purposes: students take it more seriously and it also incentivises the taciturn students to participate.

12. I have also been interrupted by my family members while taking these online classes.

13. See Kartik Arya & Smera Nathani, *A Reflection on the Online Semester: The New Normal for Education*, THE LAW BLOG (Jul. 17, 2020), <https://thelawblog.in/2020/07/17/a-reflection-on-the-online-semester-the-new-normal-for-education/> [<https://perma.cc/KW72-AJ5R>]; Manan Parekh, *Academics On-(The)-Line*, THE LAW BLOG (Jul. 29, 2020), <https://thelawblog.in/2020/07/29/academics-on-the-line/> [<https://perma.cc/MG2U-FDYG>]; Aesha Anurag Shah, *E-Learning in Law Schools During COVID-19: A Student Perspective*, REIMAGINING AND TRANSFORMING THE UNIVERSITY (Aug. 5, 2020), <https://transformingeducationjgu.wordpress.com/2020/08/05/e-learning-in-law-schools-during-covid-19-a-student-perspective/> [<https://perma.cc/C3YD-77RG>] (providing a student perspective on the switch to online legal education in the wake of COVID-19).

14. The Bar Council of India, the body which governs legal education alongside the University Grants Commission, has laid down a minimum attendance requirement of 70% per course. Any student who fails to meet this threshold is not allowed to appear for the end semester exam. Bar Council of India, Rules of Legal Education § 12 (2008), https://upload.indiacode.nic.in/showfile?actid=AC_CEN_3_46_00001_196125_1517807320172&type=rule&filename=BCIRules

classes. This was a result of a myriad of factors. Online classes were mandatorily recorded. The minimum attendance requirement was scrapped for this semester. No final exams would be held; instead, the final grade would be calculated primarily based on two assignments. Students, it seemed, had no incentive to attend classes, except for actually accumulating knowledge.

Towards the end of the semester, I was teaching a class of ten students on average. This led to a bittersweet realization. It is a fulfilling experience, for someone who teaches core courses and not electives, to be taking a class for only those students who are interested in learning.¹⁵ One can slow down one's pace, veer off the script, find oneself at liberty to go down whichever rabbit hole of analysis that strikes one's fancy. You are no longer wary of questions coming at you from out of left field, suspicious that it may be an attempt to waste time and distract you from the task at hand.

The flip side is understanding the fact that most students feel coerced into attending classes. In the absence of a minimum attendance policy, and the related threat of failing a course, there seems to be no incentive to keep students in the class. Which begs the question: should we have to force students to attend classes? It is ironic that a system that prioritizes liberty over all other rights would not practice what it preaches. Maybe law school is oversubscribed, and the time has come to rethink minimum attendance policies across the board.

IV. ASSESSMENT

The final grade in this course is calculated based on two components: a fifty-mark final exam and a fifty-mark internal assessment component. I initially split these fifty marks across four assignments: class participation, a case presentation, a mid-term exam, and a contract drafting assignment. Once we made the shift to online classes, University policy required that we cut down the number of internal assessment components to two. After consulting with the students, we decided upon the mid-term exam and contract drafting assignment. Both would be in the open-book take-home format and submitted electronically.

A major flaw in the take-home exam method is that there is no way of determining authorship. Students may talk to one another, figure out answers collectively, maybe even get someone else (a friend, an older sibling, a parent) to take the test for them. We did not have the training or the resources to proctor an online exam. With the final grade dependent on only two components, it would only make sense to try to maximize the scores in each of them. Keeping the exam open-book and relying on the honor code would not guarantee students

PartIV.pdf [https://perma.cc/L8RB-WFLG] (“No student of any degree program shall be allowed to take the end semester test in a subject if the student concerned has not attended minimum of 70% of the classes held...”).

15. There were at least two students who attended more online classes than they did on-campus classes.

not cheating.¹⁶ There is software to check for plagiarism, but there are also ways to work around that.¹⁷

My concern with the contract drafting assignment was related to the low attendance in online classes. Drafting a contract, even for a class assignment, requires knowledge of all modules of the course. How well could a student attempt this assignment when they had not attended the classes? All online lectures were recorded and made available to the students. The aim was to facilitate those who could not attend live classes due to unstable internet, and also help those students who had attended classes but would want to revisit a discussion. Even then, views of the recorded lectures were in the single digits. It is a fair assumption to make that those who were not inclined to attend live online classes, were also the ones who were not motivated to visit the class recordings. Hence, determining authorship was an issue in this drafting assessment too. I have set this assignment for three semesters in a row, and the caliber of work turned in this semester was not on par with the others. It is difficult to pinpoint the exact reason for this decline; it could be the difficulty faced by students to get work done in a home environment that is not conducive to studying, or it could be that they just missed too many classes to be able to submit a well-drafted assignment.

V. TRICKS OF THE TRADE

A lot of my own experiences as a student in law school inform the way I teach my law classes. While the primary vehicle for disseminating knowledge remains the interactive lecture, I do experiment with artistic processes. Not only does this break the monotony of the traditional method, but also it attempts to cater to Howard Gardner's multiple intelligences theory.¹⁸ I make extensive use of the whiteboard and play the odd video clip.¹⁹

One successful instance is a class exercise I employ when explaining communication and revocation of offer and acceptance. I ask a student sitting in

16. See Kwame Anthony Appiah, *If My Classmates Are Going to Cheat on an Online Exam, Why Can't I?*, N.Y. TIMES (Apr. 7, 2020), <https://www.nytimes.com/2020/04/07/magazine/if-my-classmates-are-going-to-cheat-on-an-online-exam-why-cant-i.html> [https://perma.cc/7GDW-Q6JC].

17. One such example is Spinbot, which is used by some students to paraphrase material in a way to avoid charges of plagiarism. See SPINBOT: ARTICLE SPINNING, TEXT REWRITING, CONTENT CREATION TOOL, <https://spinbot.com> [https://perma.cc/SS8K-KMU6] (last visited Oct. 23, 2020).

18. See Amanda Leigh Lichtenstein, *Understanding Howard Gardner's Theory of Multiple Intelligence*, THOUGHTCO. (Apr. 25, 2019), <https://www.thoughtco.com/multiple-intelligences-8089> [https://perma.cc/Q5Q8-4BXL].

19. The Pepsi advertisement which was the subject of *Leonard v. Pepsico, Inc.*, 88 F. Supp. 2d 116 (S.D.N.Y. 1999) remains an all-time favorite. See *Pepsi Harrier Jet Commercial 1*, YOUTUBE (Nov. 4, 2007), <https://www.youtube.com/watch?v=ZdackF2H7Qc> [https://perma.cc/4UHK-C58J].

one half of the room to write down their offer on a piece of paper and have the students pass that note, via a circuitous route, to the recipient sitting on the other side of the room. I interrupt the passage at different points and try to explain the intricacies of the postal rule and the ratio of *Adams v. Lindsell*.²⁰

Asking students to present cases was another way to liven up class discussions. Some students were quite creative in their approach; they appeared as counsel for the opposing sides or did a dramatic re-enactment of the case. However, group case presentations became an impossibility with all students under lockdown in their respective homes.

I used to conduct a multiple choice quiz at the end of each module, again in a fun attempt to revise and break the monotonous lecture delivery. This was done in the form of *kahoots*,²¹ with the top three scorers winning whatever candy I had in my backpack on the given day. The game show vibe of the exercise, coupled with the particular aesthetics of the Kahoot! application, garnered enthusiastic participation from the students. The usually sober students would sigh with exasperation or yell with triumph, depending on whether they had answered correctly or not.

Sadly, I was unable to employ any of these pedagogical tools during my online classes. Both the instructors and the students need a certain level of comfort, with each other and the medium, if they are to take such risks and veer away from the traditional learning methods. With about six weeks of face-to-face interaction, compounded by the impersonal nature and constraints imposed by the online medium, I was unable to replicate these methods or come up with new suitable ones. Microsoft Teams does have an option to conduct polls, and had I found out about it sooner, I could have modified the pop quizzes. Both the students and I lost opportunities for more meaningful pedagogical interactions.

VI. LONG-DISTANCE TELEPHONE CALL

This semester felt like the academic equivalent of a long-distance relationship. None of my students, across both sections, were comfortable with switching on their webcams for the duration of the classes. I delivered my lectures to a laptop screen. Most of them preferred to message me their questions instead of using the microphone to ask them. Often there were audio issues, and our voices cracked over the medium. Messages in the chat box didn't get delivered in real-time, and there were these long moments of silence where I was unsure if they wanted me to move on to the next concept or explain the previous

20. *Adams v. Lindsell* (1818) 106 Eng. Rep. 250 (KB).

21. Kahoot! is a "game-based learning platform" that allows teachers to create multiple-choice quizzes which are referred to as kahoots. See Jonathan Mendoza, *Using Kahoot! In the Classroom*, LEARNSAFE (Sept. 27, 2018), <https://learnsafe.com/using-kahoot-in-the-classroom/> [<https://perma.cc/45Z3-UBEX>].

topic again. My memory of the online classes is that of a series of telephonic conversations I had with myself.

I also feel that I was less formal with my students this semester as I wasn't playing the role of a "professor." Since my webcam was off too, there was the freedom of not having to look a certain way or sit in a particular pose or place. With almost no sensory input on my end, I became less guarded than usual while talking to my students. In traditional classes, I often feel like I am putting on a performance every time I step into a classroom. With the optics removed from online classes, it was not possible to be in the same frame of mind. Outside of class interactions with the students were not via email, but audio calls on Microsoft Teams or telephone. This all fed into the illusion of a familiarity which had not had time to develop organically.

In a traditional classroom, there is so much that students tell you without saying a word. By gauging their facial expressions or body language, one can get an inkling of what is going on in their heads. All I had to work with in the online classes were text messages, and sometimes voices laced with static. Because I got no visual cues from the students, I was always unsure whether I had been successful in putting my point across. In short, I missed the corporeal presence of my students, real faces and bodies occupying the same physical space at the same time.

VII. THE WAY FORWARD

The coming semesters will likely continue to be in online mode, at least for the foreseeable future, as the pandemic remains unabated, and this time we will be in a better position to tackle the challenges. The main test for universities and instructors is how to adapt traditional teaching to the online medium. Conversations with students regarding their experiences of the online semester have raised certain salient points. Whatever system we come up with, a premium must be placed on student interaction and engagement, since most students find it difficult to stay focussed during online classes or even motivated to attend them in the first place. We also need to reconsider mid-semester or final exams as methods used to gauge student knowledge. When the decision to do away with final exams for this semester was taken, one student commented that he could finally enjoy classes and learn in a relaxed environment, since he no longer felt the exam pressure. All these deliberations must keep in mind the socio-economic status of the students in a country where electricity supply, and reliable internet connection, is not to be taken for granted.²²

22. The north-eastern and eastern parts of the country were hit by a devastating hurricane (Cyclone Amphan) towards the end of May 2020, leading to power outages. Students living in these states could no longer attend online classes or research for assignments due to their unreliable internet services. See Alakananda Dasgupta, *A Cyclone-battered State Struggles with COVID-19*

I see the past semester as a missed opportunity where I, and so many others, simply took our existing methods of teaching and translocated it to the online realm. Instead, with proper training and planning, we could have put innovative pedagogical systems in place to maximize learning opportunities for the students. I hope that, with a semester's worth experience of online classes, we can design a lesson and assessment plan which will utilize the online system to its fullest potential.