

Using a Community of Inquiry Framework to Make the Transition to Teaching Law Online

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As many law schools moved to online classes this fall, faculty began searching for ways to redesign their courses, and continue to do so in the face of some schools' decision to continue online offerings going forward. In my conversations with colleagues about their goals for teaching online, a strong theme emerged—overwhelmingly, faculty want to be able to recreate the connections, conversations, and engagement with students that make learning together so powerful in person.

The Community of Inquiry (CoI) model, first introduced two decades ago, is particularly well suited to help law faculty make thoughtful choices to meet this challenge. Based on the premise that learning is a social endeavor, the CoI model aims to create a learning community in which “students listen to one another with respect, build on one another’s ideas, challenge one another to supply reasons for otherwise unsupported opinions, assist each other in drawing inferences from what has been said, and seek to identify one another’s assumptions.”¹ In this way, a strong community of inquiry supports critical thinking and deep learning.²

While different from an in-person experience, an online course that has successfully created a community of inquiry captures the same sense of shared intellectual endeavor that law faculty seek to create in their in-person courses. As a practical matter, with its focus on the cognitive, social, and teaching “presences”

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1. NORMAN D. VAUGHAN ET AL., *TEACHING IN BLENDED LEARNING ENVIRONMENTS: CREATING AND SUSTAINING COMMUNITIES OF INQUIRY II* (2013).
2. Sarah Schrire, *Knowledge Building in Asynchronous Discussion Groups: Going Beyond Quantitative Analysis*, 46 *COMPUTS. & EDUC.* 49, 64 (2006) (finding that “the synergistic interaction pattern [student-student collaboration] was associated with higher phases of critical thinking than the instructor-centered pattern”); D. Randy Garrison & Martha Cleveland-Innes, *Facilitating Cognitive Presence in Online Learning: Interaction is Not Enough*, 19(3) *AM. J. DISTANCE EDUC.* 133, 141 (2005) (finding that among four courses with different designs, participants in the course “specifically designed to encourage deep approaches to learning through focused critical discourse ... showed a significant shift to a deep [as opposed to a surface or achievement-oriented] approach to learning.”).

that combine to create the educational experience online (see Figure 1 below), the CoI model provides a clear framework for designing and leading a deeply engaging online course.

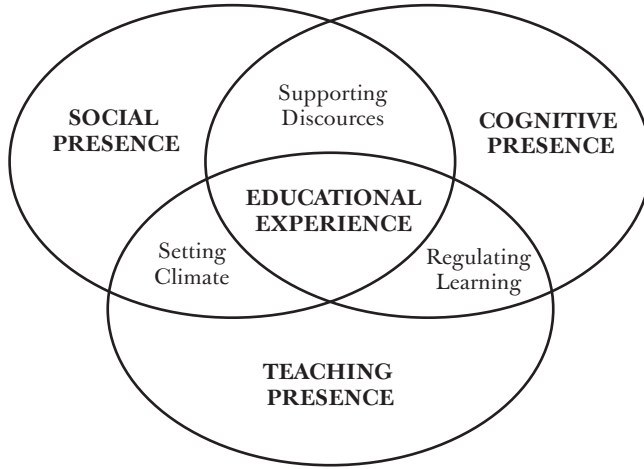


Figure 1: The Community of Inquiry Framework (CoI)³

Community of Inquiry

The CoI model for online learning was first proposed by Garrison, Anderson, and Archer twenty years ago.⁴ Since then it has been extensively studied and elaborated. It remains a highly influential model for online learning, particularly in the context for which it was conceived—asynchronous courses organized around threaded online discussion.⁵ More recently, the CoI model has also been applied in the context of blended courses, which combine asynchronous learning with synchronous classes.⁶ While the synchronous elements of blended courses often took place in person before the pandemic, they need not. The model’s principles and insights are similarly useful in a blended context where

3. VAUGHAN ET AL., *supra* note 1, at 11.
4. D. Randy Garrison et al., *Critical Inquiry in a Text-Based Environment: Computer Conferencing in Higher Education*, 2 INTERNET & HIGHER EDUC. 87, 88 (2000).
5. Stefan Stenbom, *A Systematic Review of the Community of Inquiry Survey*, 39 INTERNET & HIGHER EDUC. 22, 24 (2018) (finding “a positive trend for published papers containing the CoI survey” and reviewing 103 studies written by 224 authors published in forty-seven different journals from 2008 to 2017); Daniela Castellanos-Reyes, *20 Years of the Community of Inquiry Framework*, 64 TECHTRENDS 557 (2020).
6. See VAUGHAN, *supra* note 1.

asynchronous elements are combined with synchronous activities that take place through video conferencing software.⁷ The key in each context is to leverage the affordances of the medium to support cognitive, social, and teaching presence, as I discuss below.

Under the CoI model, the three presences intersect to create the educational experience. Cognitive presence is “the extent to which learners are able to construct and confirm meaning through sustained reflection and discourse in a critical community of inquiry.”⁸ It includes “a broad range of cognitive activities involving critical thinking, together with related processes such as reasoning, evaluation, judgement, creativity, reflection, imagination, and deliberation... all of...[which] ultimately contribute to worthwhile learning.”⁹ Social presence involves helping “learners gain a sense of being connected to, and engaging with, other sentient beings who have a history, emotions, and a genuine concern for others in the community.”¹⁰ Fostering social presence enables learners to be confident enough “to express themselves freely, engage in group discussions, and develop a sense of belonging to the group and its academic goals.”¹¹ Finally, teaching presence “is associated with the design, facilitation, and direction of a community of inquiry.”¹² It is a “unifying force [that] brings together the social and cognitive processes directed to personally meaningful and educationally worthwhile outcomes.”¹³

While switching to an online format has implications for all three presences, social and teaching presence require much more deliberate effort online than they do in person. Although it is challenging to foster the sense of connection and shared goals needed for social presence even when classes meet in person, the foundation of social presence arises naturally in person because participants automatically perceive one another as “sentient beings who have a history [and] emotions.”¹⁴ Social presence is more difficult to create online, where some of the

7. Common video conferencing software includes Zoom, Webex, and Google Meet. See also CALI, *CALI Emergency Remote Learning Law Faculty Survey* (2020), <https://spotlight.classcaster.net/files/2020/05/Emergency-Remote-Learning-Survey-May30-Results.pdf>.
8. D. Randy Garrison et al., *Critical Thinking, Cognitive Presence, and Computer Conferencing in Distance Education*, 15 AM. J. DISTANCE EDUC. 7, 11 (2001).
9. Susi Peacock & John Cowan, *From Presences to Linked Influences Within Communities of Inquiry*, 17:5 INT’L REV. OF RSCH. IN OPEN AND DISTRIBUTED LEARNING 267, 270 (2016).
10. *Id.* at 271.
11. *Id.*
12. VAUGHAN ET AL., *supra* note 1, at 12.
13. *Id.* See also Amanda J. Rockinson-Szapkiw, *The Predictive Relationship Among the Community of Inquiry Framework, Perceived Learning and Online, and Graduate Students’ Course Grades in Online Synchronous and Asynchronous Courses*, 17:3 INT’L REV. RSCH. OPEN & DISTRIBUTED LEARNING 18, 28 (2016) (finding that, among graduate students, perceived “teaching presence was the strongest, individual predictor of course points.”).
14. Peacock & Cowan, *supra* note 9, at 271.

rich information from live interaction is lost and it is harder for participants to project their genuine personalities and identities.¹⁵ Connection among students may also be more difficult without ad hoc, casual conversations in hallways and other interstitial spaces.

Creating teaching presence online also presents special challenges. One of the most important elements of teaching presence is communicating to students that you care about their learning.¹⁶ This message relies on a continuing exchange between instructor and students about how their learning is progressing so that instructors can course-correct as needed and provide support for students who are struggling (all the more important in a pandemic). In person, many instructors depend on nonverbal signals that students are confused, bored, or frustrated—signals that are often missing online. In addition, in online classes it is much more difficult for students and instructors to engage in brief, casual exchanges before or after class—often a prime opportunity for students to address a question without calling attention to their confusion about a point. Instead, they must schedule a meeting or call or attend office hours, put their concern or question in an e-mail or message, or raise it during class with everyone present. What is spontaneous and informal in person must be purposeful and explicit online.

It is often a lack of social and teaching presence that underlies dissatisfaction with online learning among both teachers and students.¹⁷ Fortunately, these challenges are surmountable. Online learning, both synchronous and asynchronous, has its own set of strengths. And making the most of synchronous and asynchronous learning activities can lead to a truly excellent online educational experience. Synchronous online learning, which involves real-time interaction, allows participants to engage from anywhere, increasing access for those who would not be able to participate in person because of family or work commitments or geographical constraints. Examples of synchronous learning include live classes held using video conferencing software, smaller group discussions or activities held in breakout rooms, online chats, and live polling. Synchronous

15. Jered Borup et al., *Improving Online Social Presence Through Asynchronous Video*, 15(3) INTERNET & HIGHER EDUC. 195, 195 (2011) (noting that “absence of visual conversational cues can make it more difficult” to establish social presence).
16. See Michelle Pacansky-Brock et al., *Humanizing Online Teaching to Equitize Higher Education*, 21(2) CURRENT ISSUES EDUC. June 18, 2020 at 1, 4 (noting that “[d]espite evidence that validates the importance of instructor-student relationships, research shows that interactions in online courses tend to be infrequent and often limited to written text, which may lead students to feel isolated and unsupported”); Joanna C. Dunlap & Patrick R. Lowenthal, *The Power of Presence: Our Quest for the Right Mix of Social Presence in Online Courses*, in REAL LIFE DISTANCE EDUCATION: CASE STUDIES IN PRACTICE 41 (A.P. Mizell & A.A. Piña eds. 2014) (explaining that “connections students have with their teacher and with each other” are “[a]t the heart” of “engaging, memorable, and impactful learning experiences” but noting that online students “often complain about feeling like their professor is absent from the course.”).
17. See Anthony G. Picciano, *Beyond Student Perceptions: Issues of Interaction, Presence, and Performance in an Online Course*, 6:1 J. ASYNCHRONOUS LEARNING NETWORKS 21, 22–23 (2002) (reviewing research showing that “[b]oth students and faculty typically report increased satisfaction in online courses depending on the quality and quantity of interactions.”).

learning is social and can be useful to create energy, motivation, and structure. Because participants in synchronous activities need not be colocated, students can more easily interact with expert guests, community members, and organizations than they might in person. Combined, these features make it possible for students to collaborate in small groups to solve problems, respond to a case study, or design a legal product using breakout rooms and shared documents. In the process, they can get advice from far-flung experts, consult with community members, and present their findings, advice, or products to an authentic audience of affected individuals or organizations.

Asynchronous online learning, which does not require real-time interaction, allows participants to engage in an activity from anywhere, at any time, providing even more flexibility and access than synchronous learning because students can work around other time commitments or participate from other time zones. Examples of asynchronous learning include prerecorded lectures, online discussion, collaborative annotation, group work, and peer review. Asynchronous learning lends itself to deliberation and to collaboration over time. Because communication doesn't happen in real time, students have the opportunity to read and reread comments from their classmates, do research, and take the time to craft a thoughtful response. Online discussions can, therefore, be richer and give students the opportunity to grapple with complex concepts.¹⁸ Students can also collaborate over time, using shared documents, wikis, or collaborative annotation software. The extended time for collaboration combined with technology that makes it easy to iterate allows for the incorporation of peer or outside feedback, increasing learning opportunities and improving the final product. Because the model of in-person classes is synchronous, the benefits of asynchronous learning, which are often realized in the more interactive asynchronous activities, are often overlooked in the transition to online learning. By combining synchronous and asynchronous elements in a way that makes the most of each mode, faculty can foster high levels of both social and teaching presence, as well as enhance cognitive presence.¹⁹

To build social presence online, students need explicit opportunities to introduce themselves, to interact casually to build trust, and to work together substantively in ways that leverage the social nature of learning to deepen understanding and build new knowledge. For example, students can create introductory posts or videos and respond to the posts of others. This can

18. See Stefan Hrastinski, *The Potential of Synchronous Communication to Enhance Participation in Online Discussions: A Case Study of Two E-Learning Courses*, 45 INFO. & MGMT. 499, 505 (2008) ("Asynchronous communication better support[s] cognitive participation because it provides increased reflection and ability to process information.").

19. Rui Zhang, *Exploring Blended Learning Experiences Through the Community of Inquiry Framework*, 24:1 LANGUAGE LEARNING & TECH. 38, 38 (2020) (discussing the potential for blended learning to combine "individual learning" with "collaborative inquiry," providing students with an opportunity to "integrat[e] individual reflections with shared understandings"); VAUGHAN ET AL., *supra* note 1, at 20 (describing the need to design blended learning to "combine[] the potential for asynchronous online and synchronous face-to-face discourse in a reflective manner" that uses the strengths of each).

help students see one another as multidimensional human beings and begin to form a sense of connection and community. Faculty can then build on this asynchronous foundation by encouraging students to hang out on Zoom before or after a synchronous class to chat more informally. They can further foster social presence by having students work in groups or review one another's work, either synchronously in breakout rooms, or asynchronously outside of class. By giving students a chance to get to know one another and work together, faculty can build the social presence that is essential to the creation of a learning community.²⁰

To build teaching presence in the absence of in-person cues, faculty can check in on students' learning, lend support to those who are confused or overwhelmed, and "nurture self-efficacy"²¹ by providing appropriate scaffolds, encouragement, and feedback. Scaffolds may include conceptual frameworks, checklists, rubrics, or templates. While providing feedback on additional assignments during the term may not be feasible, faculty might consider breaking existing assignments into smaller ones to allow for feedback earlier in the term without increasing total workload. Similarly, faculty might ask students to submit a one-page proposal or annotated bibliography for a term paper. These need not be graded but can be marked for completion and scanned to ensure that students are on track. Faculty can also consider assigning very short (150- to 250-word) reflections, summaries, or syntheses, or asking students to participate in an online discussion forum throughout the course. Again, these do not need to be graded. Instead they can be quickly reviewed and counted toward participation, with global feedback in the form of comments to the class as a whole. Interventions that foster social and teaching presence go a remarkably long way toward capturing some of the relational magic that might otherwise be missing in an online course.

Cognitive presence is also affected by a move online, but in a different way. As discussed above, the affordances of online learning make it perfect for rich discussion and collaboration over time, creation rather than just consumption of content, and iteration of learning artifacts that can be published, tested, improved, and republished. Students can engage in extensive online discussions that build on the ideas and knowledge of peers, cite and link to support for arguments, and synthesize materials from across the course and beyond. This kind of rich discussion must be scaffolded through rubrics that make expectations explicit (and rewarded),²² and through rich open-ended questions and prompts. Students can also write blog posts, create videos or podcasts, design resources such as websites, wikis, or infographics, make policy proposals, or collaborate on reports. The ease of sharing and editing documents also facilitates peer feedback with the help of frameworks, criteria, or rubrics. As discussed above, students can improve their work through several iterations,

20. See generally Holly S. Fiock, *Designing a Community of Inquiry in Online Courses*, 21:1 INT'L REV. RSCH. OPEN & DISTRIBUTED LEARNING 135 (2020) (discussing instructional strategies to integrate a community of inquiry into a course).

21. Peacock & Cowan at 273, *supra* note 9.

22. A sample rubric for online discussion is included in Appendix A.

testing out early drafts or prototypes in class workshops, with expert panels, or in partnership with organizations that can serve as authentic audiences. In all of these ways, students can make the best use of the medium to engage deeply with course material.²³ In a well-designed course, these activities are integrated into the learning community that embeds them in a framework of discourse and reflection.²⁴

An Example: Using the CoI Framework to Create the Redesign for Online Course

While most law faculty have never experienced this type of online learning, many are enthusiastic when they do. To give law faculty a chance to learn about the CoI model as well as to experience a course designed using CoI principles, I created a course this summer in which the CoI model was the organizing and the animating theme. The purpose of the course was to help law faculty across Canada redesign one of their own courses, typically offered in person, for fall 2020, when it would be offered online.²⁵ To take full advantage of the wealth of experience and expertise of the participants, the course was designed as a collaborative workshop. Aiming to move beyond the one-off or bootcamp format, the course took place over three and a half weeks to give participants time to work on their redesigns, to collaborate with their colleagues, and to build professional relationships that could support their continued work. The primary activities for the course were redesigning the instructor's own course and providing feedback to colleagues in their group. In addition, participants learned about online learning from the CoI perspective and reviewed foundational instructional design concepts.

The course began with an asynchronous launch, in which participants logged in to the course website to watch a brief welcome video, review course information, and participate in an introductory online discussion forum. In the discussion forum, participants introduced themselves and their course, identified the best part of their course (something that they wanted to bring into the online version), and had the option of posting a picture of something that they loved that was not related to teaching law. Participants were also asked to introduce themselves to at least one other participant by replying to their introduction. I participated with an introductory post of my own and replied to the first participant's post to get things started. I also replied to each of the participants who posted in reply to my introduction. By participating but not dominating the forum, I modeled and established course norms but made space for participants to interact with each other. Participants completed this initial discussion forum assignment with warmth and enthusiasm, generating an immediate sense of social presence as well as identifying the key elements

23. See Stephen Hersh, *Yes, Your Zoom Teaching Can be First-Rate*, INSIDE HIGHER ED (July 8, 2020).

24. Garrison et al., *supra* note 8, at 11.

25. The course was offered at Osgoode Professional Development at Osgoode Hall Law School (York University).

that they wanted to bring forward into their reimagined courses. The activity also had the additional advantage of identifying and resolving any difficulties logging into the course website early on.

With this foundation, participants began a three-week stint in which they met synchronously for three classes on July 7, 14, and 28. Synchronous office hours were held on July 21 during the two-week period when participants were doing the bulk of their redesign work. Synchronous class time focused on helping faculty assess which parts of their course should be synchronous or asynchronous, how learning activities and assessment could foster the three CoI presences, and the role of instructors in creating a learning community. The synchronous classes were used for short lectures, small group discussions focused on applying new concepts to the participants' courses, crowdsourcing ideas using polling and collaborative documents, and a panel discussion with three law professors who had gained valuable experience teaching online in the spring term. Between classes, participants were assigned to work on their redesign and to provide feedback to colleagues in their group using a redesign rubric created for the course.

After the initial introductions, social presence was maintained throughout the course through the use of breakout rooms, collaborative work, and peer review. Students contributed resources, asked challenging questions, suggested new ideas, related experiences, and supported their colleagues' efforts. Cognitive presence was fostered through class and group discussion, as well as by peer review guided by the redesign rubric. Finally, teaching presence was fostered by communicating with students during and outside of synchronous classes, holding office hours, and administering a midcourse feedback form that was structured around the CoI framework. At the end of the course, participants were invited to submit their redesigns to me for further review and comments. Class participants were also invited to join an ongoing online community of practice to continue to support one another's work. Finally, participants met for a technology workshop in August and will meet again for both a midsemester check-in in October, and an end-of-term debrief in December to reflect on their successes and challenges.

The workshop was successful in its primary aims of modeling an online course designed using the CoI framework, giving participants the tools to design for an online format, and providing both a structure and a community to support faculty as they redesigned their courses. Many participants expressed their enthusiasm for the challenge of teaching online going forward. Participants found it particularly useful to work in small groups, to have a structure to move through the redesign process, and to see how others were designing their courses. Participants were especially appreciative of the opportunity to build relationships with other faculty and to become part of a community of practice. Each of these successes was founded on the creation of a community of inquiry within the course.

Conclusion

The Community of Inquiry model is a useful framework for guiding the redesign of law courses for online learning. Its focus on creating a learning community that engages in substantive discussion in a joint effort to deepen understanding aligns well with the aims of law faculty. By focusing on cognitive, social, and teaching presence, the model provides a clear path for law faculty seeking to redesign a course. By being mindful of the affordances of both synchronous and asynchronous online learning, faculty are able to plan a course that fosters all three presences. While such courses are necessarily different from in-person courses, which leverage the affordances of in-person learning, they can be deeply engaging and intellectually fulfilling. In this way, they can create an excellent learning experience that students and faculty alike find deeply satisfying.

Appendix A: Sample Online Discussion Rubric

Substantive contribution	
1	Contributions are mostly irrelevant or not substantive.
	No reference to course readings, class discussion, or other relevant materials.
	Expresses agreement or disagreement without explanation or support.
	Does not participate.
2	Elaborates on ideas from course readings or class discussion.
	Asks a question or provides additional relevant information.
	Provides support for most arguments and ideas, including providing references to readings or outside materials.
3	Synthesizes ideas from course readings and class discussion and proposes new ideas or identifies key questions or issues.
	Elevates the discussion by asking a thought-provoking question or providing new information.
	Provides support for all arguments and ideas, including providing references to readings or outside materials.
Comments	
Collaborative contribution	
1	Contributions rarely or never deepen the understanding of others.
	Contributions rarely or never build on or connect the comments of others.
	Does not participate.

2	Contributions sometimes deepen the understanding of others.
	Contributions sometimes build on or connect the comments of others.
	Criticism is often constructive.
	Sometimes identifies resources for others.
3	Contributions frequently deepen the understanding of others.
	Contributions often build on or connect the comments of others.
	Always uses constructive criticism.
	Identifies valuable resources for others.
Comments	
Social contribution	
1	Confrontational, disrespectful, or inappropriate.
	Does not participate.
2	Able to make suggestions and engage in constructive argument without shutting down discussion.
	Friendly, encouraging presence that promotes discussion and learning.
3	Able to make suggestions and engage in constructive argument in a productive way.
	Enthusiastic, encouraging presence that promotes discussion and learning.
Comments	