Covid-19: Interdisciplinary Explorations of Impacts on Higher Education

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VIRTUAL CLASSROOMS

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Creating safe spaces for critical class dialogue and reflection

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Introduction

Thinking leads man to knowledge. He may see and hear and read and learn whatever he pleases, and as much as he pleases; he will never know anything of it, except that which he has thought over, that which by thinking he has made the property of his own mind (Pestalozzi, 1843).

As the development of Covid-19 necessitated social distancing, higher education institutions (HEI) have been in a race against time to salvage the academic year by ensuring course content reaches students virtually (Dipa, 2020; Universities South Africa, 2020). Virtual learning is not a new phenomenon in the South African context, in fact, most universities have some version of digitalised education (Letseka, Letseka & Pitsoe, 2018:121; Phakeng, 2020). There also exists a significant body of literature covering e-learning within the South African context (Bharuthram & Kies, 2013; Letseka et al., 2018; Meier, 2017; Njenga & Fourie, 2010). Although, it is not possible to give herein an exhaustive list of these works, so prolific are they.

Despite this, the process of migrating to online education has been plagued with issues ranging from technological needs, poor network coverage to data costs (Macupe, 2020; Van Rooi, 2020), as well as the late adaption to technology (Letseka et al., 2018; Mahlangu, 2018:17-21; Universities South Africa, 2020). Evidently,

many of these challenges had been noted prior to the pandemic by South African scholars (Bharauthram & Kies, 2013:412; Letseka et al., 2018:121-123; Mahlangu, 2018:17-21). Due to these longstanding issues, many educators used to contact learning experience migrating to fully online teaching as uncharted territory. For these educators, the primary concern has been mastering the new technology. The pandemic situation is still novel, therefore the research on the adoption, quality of online learning and student engagement in South Africa, is limited. However, it is concerning that the actual critical engagement with course content seem to be neglected (Cleophas, 2020; Seepe, 2020; Vilakasi, 2020). By prioritising delivery of the material in an electronic format, educators might be falling trap to what Paul and Elder (2019:8) described as the flawed educational assumption that “lecture content can be absorbed with minimal intellectual engagement” and that “memorisation is the key to learning” (Paul & Elder, 2019:8).

The traditional method of teaching, where the teacher as authoritative figure simply transfers information to students, has become obsolete (Ashoori, Kajbaf, Manshee & Talebi, 2020:34; Mbembe, 2015:9). Educators must take command of their curriculum and not only teach students the content they need to master, but also how to engage with it in a meaningful way (Paul & Elder, 2019:8). Educators must therefore create circumstances where students must contextualise new information within the paradigm of existing knowledge, think themselves to new conclusions and ultimately become lifelong, self-directed learners. These skills are generally referred to as critical thinking and the development thereof is central to all tertiary institutional aims.

Critical thinking skills are especially essential for law students who, after all, will become the shapers of the South African legal future. The ideal is that law students should ostensibly be taught the discipline’s version of critical thinking which includes a moral, political and social consciousness (Quinot, 2015:432; Van den Berg, 2013:4). These deeper understandings advance it from critical thinking skills to the related concept of critical citizenship skills. A critical law student would, for example, not memorise the definition of the rule of law, but rather take ownership of it and internalise the ideals found within it (Burbules & Berk, 1999:46). One of the central ways through which this is facilitated, is by creating, in class, a safe space for students to engage in continuous dialogue, debate and critical reflection (Ali, 2017:4; Arao & Clemens, 2013:143; Brown, 2011:7). Within a conventional physical classroom, open engagement can freely be encouraged as discussion has little permanence and there is a higher level of social responsibility as anonymity is almost impossible. Covid-19 has forced both students and lecturers out of the conventional safe space and moved class engagement into the infamous terrain of online spaces. The virtual sphere is

one of contradiction in which students can enjoy a higher level of anonymity, but still have evidence of their every reaction virtually documented.

This chapter provides a theoretical investigation of selected adverse effects that an online environment may have on the provision of a safe space for critical dialogue. This will be done by defining and emphasising the importance of critical thinking, critical citizenship and describing how active student engagement relates to these concepts. This will be followed by a more general exploration of virtual classrooms, the notion of a safe space and the threats of cyberbullying and digital footprints.

Data was chiefly obtained from secondary sources, mainly newspaper articles, magazines and peer-reviewed journals. The conceptual nature of the paper therefore presents a particular limit due to the restricted data and the fact that Covid-19 is an unfolding event.

Developing critical citizens

One of the products of a liberal undergraduate education is the ability to think critically (Burbules & Berk, 1999:46). Correspondent to this, the Department of Higher Education prioritises it in most, if not all, curriculum mandates (Council of Higher Education, 2018). Whether HEI are achieving this aim, is a debate too lengthy to discuss here, but educators should heed this call and design their classes and course content to prioritise and foster critical thinking skills. Higher education educators must not teach students what to think, but simply to think, and most importantly, to think about their own thinking. For law students, as the future members of the judiciary, this implies a strive towards social justice, a commitment to constitutional values and the critical analysis of their own understandings and ingrained beliefs regarding race, class, politics and socio-economic issues (Quinot, 2015:432; Van den Berg, 2013:4).

Related to critical thinking and holistically developed students, is critical citizenship, based on the seminal work of John Dewey (1916), which entails stimulating critical social and political consciousness in students. Two questions arise which are addressed in this section: firstly, how are critical thinking and critical citizenship distinct? And secondly, what impact does class discussions and safe spaces have on the promotion of these skills?

In answering the first question, critical thinking, as a term familiar to most academics, will be defined briefly while focusing on the comparison between critical thinking and critical citizenship. The second question will be addressed by investigating class engagement within a critical pedagogy. It should be noted that the length of this

chapter does not allow for in depth discussions of the relevant concepts. Multifaceted ideas are reduced to single paragraphs which serve the purpose of providing a theoretical framework. However, for more in depth understanding, further reading is highly recommended.

Critical thinking

Cottrell (2017:2) lists the following dispositions and abilities associated with the process of critical thinking:

identifying other people's positions ... evaluating the evidence ... weighing up opposing arguments ... reading between the lines ... reflecting on issues in a structured way ... drawing conclusions about the validity of arguments ... synthesising information and presenting a point of view in a structured, clear and well-reasoned way.

Developing critical thinking in students is in essence emphasising the importance of arguments that appeal to one's critical faculties, in other words, the need for proper justifications for actions or beliefs (Bowell & Kemp, 2002:4). It is the ability to think logically (Johnson & Morris, 2010:4), identify the flaws in the thinking of others (Cottrell, 2017:2) and detect rhetoric, coercion, threats and bribes (Bowell & Kemp, 2002:7). It is the development of the metacognitive ability (Moon, 2008:56). This critical self-reflection allows one to detect errors in one's own reasoning and develop more logical patterns of argument. As Moon (2008:61) describes it, "the more sophisticated the critical thinker is, the more she will be aware of ... the essential subjectivity of her reasoning". Ultimately, a critical thinker will display intellectual courage and autonomy, whilst still being intellectually humble and empathetic (Paul & Elder, 2019:7). The development of critical thinking inherently links to communication and dialogue (Paul & Elder, 2019:7). A critical educator would therefore use a dialectical approach to teaching.

Critical citizenship and critical pedagogy

Critical citizenship is related to and dependent on critical thinking, but entails developing skills that transcends the logical element of critical thinking. The aims of critical citizenship include individual, holistic student transformation while emphasising a multi-disciplinary approach to course content (Constandius & Bitzer, 2015:3). This transformation is facilitated by the promotion of a shared set of values (Constandius & Odiboh, 2016:1). For example, within a South African law course, these values would be reflective of constitutional values like freedom, equality, tolerance and dignity. These are also the shared values emphasised in the 1997 White Paper on the Transformation of Higher Education (Department of Education, 1997) and in the later 2018 Council of Higher Education report on the Bachelors of

Laws Qualification (Council of Higher Education, 2018). Critical citizenship focuses on developing responsible and accommodating citizens on social, emotional and cognitive levels. It functions from the understanding that the individual and society are inextricably interwoven (McLaren, 2003:69; Mitchell, 2020:11). It is of specific relevance in South Africa as a reaction to the colonial stigmatising, historical exclusion and marginalisation, but also addressing the current inequalities and societal problems (Mitchell, 2020:6).

As explained above critical thinking aims to address unjustified, unmethodical and potentially prejudiced perceptions and to replace it with “thinking based upon reliable procedures of inquiry” (Burbules & Berk, 1999:81). The distinction between critical thinking and critical citizenship can be found in the moral component of the latter. There are various pedagogies capable of developing critical thinking (Greenlaw & DeLoach, 2003:41), however the competencies associated with critical citizenship require that an active learning pedagogy be followed, of which the best suited is a critical pedagogy (Johnson & Morris, 2010:4-6). Critical citizenship must be taught within a critical pedagogy as it addresses both moralistic and ideological concerns in students, which is missing in most conceptions of critical thinking (Mitchell, 2020:13). In other words, whilst critical thinking focuses on the development of logical thinking, critical citizenship and critical pedagogy transcend this and introduce political thinking (Johnson & Morris, 2010:2). Within a law class, this implies the merging of law and politics and teaches students to be critical of both, whilst striving to attain social justice. Critical citizenship education is therefore fundamentally tied to the ideal of establishing a society based on social justice and nonexploitative relations (McLaren, 2003:3).

Linking critical pedagogy and class engagement

Various scholars have made a compelling case for using class discussions to develop high-order cognitive skills (Afify, 2019; Brown, Worth & Boylan, 2017; Greenlaw & DeLoach, 2003; Hansen & Salemi, 1990). A well-managed, constructive class dialogue has a sustained and dynamic nature which has been proven to stimulate the transfer of ideas and development of individual thinking skills (Greenlaw & DeLoach, 2003:41). Class discussions are specifically well suited to assist law students in becoming critical thinkers and citizens, as it creates a structure in which, firstly, students must individually form an opinion and then secondly, they are immediately faced with a multiplicity of perspectives. Every opinion they are exposed to forces a response from them, whether it be on metacognitive level or more openly (Anderson, 2017).

Similarly, Freire (1972) in his seminal work on critical pedagogy, emphasises the importance of developing context specific pedagogical methods to promote dialogue between students and educators to unlock critical consciousness (Freire, 1972:41). Similar sentiments were later given by Garrison, Anderson and Archer (1999) in their seminal work on the community of enquiry model, wherein a worthwhile educational experience is described as an interaction between teachers and learners in the presence of three essential elements: cognitive, social and teaching. The cognitive presence is based on a generalised model of critical thinking (Anderson, 2017) and will be enhanced by striving towards the aims of critical thinking. The social presence is described to be present when learners “project themselves socially and emotionally, in all aspects of their personality, through the communication media that they use” (Garrison et al., 1999:94). This is most notable in critical class discussions. The teaching presence will be illustrated in establishing both individual and collaborative learning activities that will support the aims of critical pedagogy (Anderson, 2017). Jezegou (2010:4) later refined the understanding of a community of enquiry, by defining it as a group of knowledgeable people who are jointly involved in a collaborative learning process that “facilitate[s] the individual and collective construction of knowledge”.

The irrefutable link between critical pedagogy, a community of enquiry and continuous class discussion was confirmed by later scholars Johnson and Morris (2010). Freire (1976:15) also underscored the importance of open discourse founded on mutual respect, faith and humility, which directly relates to the idea of a safe discussion space.

The aim of critical pedagogy is to guide students to take all that they know, have learnt and accept as moral and political truths and place it under a critical lens. It assists both students and educators to “see the limitations and lacunae in our own understandings” of socio-political issues (Burbules & Berk, 1999:61). An open dialogue, within a safe space, provides an opportunity for students to learn that blind consensus and amalgamation of other’s perceptions would rarely, if ever, lead to an informed, critical citizen. Increased exposure and response to different opinions leads to a realisation that truth is both objective and relative (Bowell & Kemp, 2002:57).

Therefore, class discussions in, for example, a philosophical law course, should do more than guide students to logical patterns of thinking. Rather, as a critical pedagogy requires, the focus of dialogue should be on social justice, oppression, democracy, corruption and the various rights and responsibilities constitutionally given to us.

These topics must be taught, discussed, debated and continuously critically reflected upon within moral, political and ideological levels. In this respect, there needs to exist a safe, open and controlled space in which these crucial discussions can take place.

Virtual classrooms as safe spaces for critical discussion

As set out above, HEIs should by their very definition be free and open spaces in which students and staff alike can explore ideas and critically converse. However, Fain (2004:11) reminds us that a school is still a constructed, public space and that a safe and free intellectual space only exists when it is intentionally created (Ruthotto, Kreth, Stevens, Trively & Melkers, 2020:2). It is the responsibility of the educator to create this space within a dialectical understanding of HEIs as a site of both domination and liberation. Complicating the matter is that the creation of such a space must now take place in the infamously unsafe terrain of online domains.

In the investigation of virtual classrooms as safe spaces, both these terms need to be defined and then the relevance between them can be explored.

Safe spaces

The concept of a safe space is a symbolically powerful declaration, but it has been critiqued for being a potential threat to academic freedom and an excuse for students to retreat from perspectives at odds with their own (Leonardo & Porter, 2010:147; Shulevitz, 2015; Whitten, 2018). It is therefore important to define the concept within the context of the discussion. A safe space is an educational metaphor for creating a classroom that is both open enough to include a myriad of perspectives (Gayle, Cortez & Preiss, 2013:4; Redmond, 2010:5), but also structured by rules to make the exchange of these perspectives safe for both students and teachers (Flensner & Von der Lippe, 2019:276). It is a challenging space where students can express and communicate ideas, and find their voices without fear of silencing, intimidation, retribution, marginalisation or undue psychological harm (Ali, 2017:4; Arao & Clemens, 2013:143; Brown, 2011:7). The critical educator should therefore stimulate critical dialogue (Gayle et al., 2013:4; Leonardo & Porter, 2010:154) and the exploration of diversity and experiences, but also provide ground rules that all participants agree to (Flensner & Von der Lippe, 2019:276).

The term “safe” has been criticised for its ambiguity (Iversen, 2018:1) and the unrealistic expectations of creating a space that is perceived as psychologically safe by all students (Barrett, 2010:7; Boostrom, 1998:407). Callan (2016:65) states that a safe class should be one that ensures students’ dignity is safe, but they are still “intellectually unsafe”. In this regard, it is important for educators to redefine the

classrooms as a “place of risk” (Leonardo & Porter, 2010:153), a safe space that does not imply a stress-free space without contention, disagreement or discomfort (Boostrom, 1998:405; Gayle et al., 2013:4; Redmond, 2010:4) and trying to create this would defeat the purpose of critical engagement. There must be challenging, continuous dialectical processes in which reaching consensus should never be the aim. A safe space is still a space in which educators and students do place themselves at risk (Arao & Clemens, 2013:14; Leonardo & Porter, 2010:153). In a racially diverse society like South Africa, this idea of an unsafe-safe space is especially vital, educators should strive towards “creating risk” in their classes as the “antidote to safety” as it leads to more transformative learning opportunities that will challenge existing power relations and ideologies (Leonardo & Porter, 2010:154). Boostrom (1998:407) states that teachers “need to manage conflict, not prohibit it”. A safe space should rather imply a place where expression is encouraged, but with the knowledge that there are limits on what is acceptable expression (Ali, 2017:6; Redmund, 2010:8). This is especially true for a student body and course content as potentially contentious as those of a law degree.

Within a traditional classroom there exists numerous methods to create a safe space. The question is how to create a similar space in an online environment?

Virtual classrooms

In an attempt to answer the above question, we first need to delve into the definition of an online class. A virtual classroom can be described as:

... an online synchronous session to support student learning delivered via a Web-conferencing technology which potentially incorporates voice, text, images and video. (Terry, Taylor & Davies, 2019:212)

It should firstly be noted that within the context of this chapter, virtual classes refer exclusively to classes that take place on formal, licenced teaching and Web conferencing platforms, for example Blackboard, Google classroom and Zoom. All research reported are limited to studies done within these parameters and excludes findings of unorganised chatrooms or informal platforms.

Secondly, it is important to note that with regard to a safe virtual space, the discussion will be centred around synchronous learning, as opposed to traditional asynchronous learning where students can download pre-recorded lessons. Asynchronous classes, although useful in conjunction with a synchronous classroom, leave no room for purposeful and immediate engagement, which greatly neglects the aims of critical thinking, knowledge transmission and the co-creation of knowledge (Terry et al., 2019:213). With the technology at lecturers’ disposal, asynchronous classrooms

should never be used as the sole or primary method of teaching. Studies have also shown that synchronous classes have significantly higher success rates, student interaction and student satisfaction (Martin & Parker, 2014:193; Ruthotto, Kreth, Stevens, Trively & Melkers, 2020:2).

As stated above it is required that a community of enquiry be established to promote the development of critical thinking and critical citizenship (Anderson, 2017; Freire, 1972). In the case of synchronous online learning, the potential exists for all three of the the described elements to be present, and therefore the creation of a community of enquiry, which will facilitate critical thinking and higher-order discussion (Anderson, 2017). The social presence can be seen in the emphasis on two-way communication (Terry et al., 2019:212) and active student participation. This engagement will be both among students and between students and instructors (Ruthotto et al., 2020:1). It implies real time interaction (Martin & Parker, 2014:192), for example breakout rooms, text chat, white boards and audio chat. The experience is also significantly more socio-emotional (Chou, 2002) with increased interaction and immediate feedback (Park & Bonk, 2007), exploration and integration, allowing for participants to project their “personal characteristics into the community”, another key feature of the social presence (Garrison et al., 1999). Both students and lecturers are able to share their screen; webcams are used (dependant on stable bandwidth) and the use of emoticons during live chat (Cornelius, 2014:266). Synchronous discussions allow for reactions to other students’ contributions which increases interpersonal connections (Martin & Parker, 2014), critical discussions and challenging perspectives and ideologies. The teaching presence, as described by Garrison et al. (1999:90), can be found predominantly in the educator, as designer and facilitator of the educational experience. The discussed virtual tools enrich the educator presence as it provides an opportunity for the facilitator to establish both individual and collaborative learning activities (Anderson, 2017) that support the development of critical citizens.

Virtual tools

Virtual classrooms can take place on various platforms, for example Zoom, Google Classroom, Microsoft Teams, Moodle, Schoology etc. or as in the authors’ case, Blackboard collaborate.

The technology can be engaged to strengthen the learning and instructional design (Anderson, 2017), as well as the proposed critical pedagogy. Educators need to capitalise on the available tools to stimulate class engagement. A brief summary is provided of some of the main tools that the author has found useful when facilitating class discussions between law students. These tools, or similar functions, are available on most educational and conferencing platforms.

- Polling

Polling systems have various functions, for example it can be used to determine the level of student understanding (Theroux & Kilbane, 2005), getting them to think about the content (Mollborn & Hoekstra, 2010:18) and determining the general opinion on a contentious issue. Polling questions can be written prior to the class engagement. The development of effective questions has been shown as a key element in enhancing cognitive presence (Anderson, 2017; Richardson, Sadaf & Ertmer, 2012). Polling is anonymous and it is possibly the most non-threatening way for students to engage (Brady, Seli & Rosenthal, 2013:886). When the poll is done, the facilitator can share the overview of the responses with the class, but only the facilitator can determine individual participants' responses. Polling can activate the cognitive presence in the educational experience (Mollborn & Hoekstra, 2010:18). Recent studies have shown that experimental systems that force students to interact with short responses, for example polling or like buttons, increase at least the social presence of the community of inquiry model, in most cases it showed an increase in all three elements (Anderson, 2017; Makos, Oztok, Zingaro & Hewitt, 2013; Schellens, Van Keer, De Wever & Valcke, 2009).

- Live chat and emoticons

Garrison (1999:91) described text-based communication as ideal for higher education purposes when the aim is higher-cognitive learning, as it provides time for reflection and careful and critical thinking about complex issues (Anderson, 2017). The majority of students might be hesitant to speak up during class, but most of the students are comfortable with text-based communication (Fry, 2017:59). The chat function of the class can be activated during class discussion and students can, in real time, react with a text response, again supporting both a social and cognitive presence in the community of enquiry (Anderson, 2017). To support this non-verbal communication most platforms will have a range of emoticons for participants to use to communicate, to assist in reflecting the tone of their reactions and to reduce ambiguity in their written cues (Ganster, Eimler & Krämer, 2012:227). This immediately increases the feeling of coherence in class (Grieve, Moffitt & Padgett, 2019:232-238) and gives autonomy to students.

- Breakout groups

Breakout rooms have the potential of creating a platform for critical reflection, discourse reasoning, questioning, connecting and deliberating. All which are key features of a community of enquiry (Garrison, 1999:91). All attendees start in the main classroom and if the instructor wants to facilitate engagements within smaller

groups, participants are assigned (randomly by the platform or the facilitator can do custom assignments) to what is known as a 'breakout group' for an allotted time. These groups function completely separately from each other and have their own private functions, for example audio, video, chat and whiteboard. An added benefit is that facilitators can monitor students by seamlessly entering and exiting the groups. This type of online presence and analysis assist in the teaching presence as teachers can monitor the groups and identify emergent problems (Anderson & Dron, 2012). This tool is especially helpful for large classes in which a need exists to maximise student engagement (Loughleed, Kirkland & Newton, 2012:17). For most of the students contributing to a conversation with 5 people is a lot less daunting than contributing to a room of 200. Studies have shown that the majority of students feel that breakout groups enhance the learning experience (Loughleed et al., 2012; Saltz & Heckman, 2020). Breakout groups provide a sheltered and informal opportunity for students to apply learnt knowledge, again allowing for a cognitive presence (Anderson, 2017).

These tools can open a whole new way of engaging with students and creating a safe and accessible environment for them to voice their opinions. However, the virtual space is infamous for the many threats it poses to its users and has to be properly managed. The next section addresses these barriers.

Barriers to creating an online safe space

This chapter analyses two of the major hurdles to creating a safe online space, firstly managing students' digital footprints, and secondly, dealing with the threat of cyberbullying. Although the discussion is limited to these barriers, the chapter acknowledges that they form part of a myriad of issues, for example technological disruptions, substandard equipment, social inequalities and poor training.

Digital footprints

The aim of creating a safe space is effective student engagement (Redmond, 2010:5). Encouraging students to speak their minds is not an easy feat even in a traditional classroom, but at least in face-to-face engagement there is an additional sense of safety in the non-permanence of statements. The audience is limited to those attending class and either one's statement or one's identity, or both, will most likely be forgotten.

However, in most synchronous online classes the entire session can be archived for later use. Every class contribution is a traceable online action. In fact, engagement in any online activity leaves a unique data trail, known as a digital footprint (Rogers,

2020:68). Communication experts regularly heed warnings that statements and information shared online, even when deleted, is never fully retractable (Aswani, 2020:108; Rogers, 2020:66). Any action, no matter how mundane, is now perdurable, ubiquitous and instantly available world-wide (Fertik & Thompson, 2015:2). For example, a live chat history is automatically stored by most of the popular teaching and communication platforms (Blackboard, 2019; Microsoft, 2019; Zoom, 2020) and even when deleted, can easily be screenshotted and be posted to social media, thus creating a new chain of permanence. Although it can be argued that this knowledge will increase students' accountability for their class conduct, it can also severely hinder the openness and willingness of participation (Anderson & Dron, 2012:9).

This threat of a digital footprint is especially worrisome within critical discussion. Educators encourage students to test the limits of their own ingrained ideologies and in this endeavour, they will explore and support notions and concepts that they might find later in life they no longer identify with. Many students impetuously speak up in class simply to be provocative or to express underlying hostility. As an intellectual space, this must be allowed as it is all part of the process of developing critical thinking, but the consequences could be harmful. Although it is evident that there must be a sense of accountability for one's statements, human nature must be kept in mind. Various statements are made in the heat of the moment or simply out of ignorance. One can also not lose sight of the fact that without these debate-igniting comments, there would be little ideological change.

The option of not recording classes is in most cases unfeasible. However, in a bid to protect students, one can attempt to control when class debates take place and have allocated, unrecorded portions of the class for this. These segments can also be cut from class recordings before uploading and distributing. There will have to be consistency in this, as to not create the impression that an educator is trying to censor their classes. Live chats can also be excluded from saved, uploaded content. However, this is a precarious situation as the facilitator cannot control what students choose to record on their own. Anderson and Dron (2012:9) also recommended that students be given the option of choosing their access level, they can then determine to what extent personal information and content is made public.

Cyberbullying

Bullying within traditional, on-campus higher education is not a new concept, although the bullying can predominantly be found between staff members (Keashly & Neuman, 2013:1-8; King & Piotrowski, 2015:257-261), student to faculty in the form of threats and blackmailing (Keashly & Neuman, 2010:48-51; Kolonko et al., 2006) and out of class bullying between students. Direct attacks in a traditional class

are a far less frequent occurrence. This is mostly due to the fact that in a traditional classroom, any student that speaks up is immediately identifiable. This recognition brings accountability and a sense of social responsibility and makes action against a bully a significantly easier process to initiate compared to a cyberbully. A significant concern of any online environment is the ease with which users can hide behind the anonymity provided by the platform (Watts, Wagner, Velasquez & Behrens, 2017:269). A switched off webcam and pseudonym guarantees anonymity and creates a breeding ground for cyberbullying. Perpetrators feel physically separated from their victims, which has also shown to heighten disinhibition and decreased levels of empathy (Brody & Vangelis, 2014; Heirman, Angelopoulos, Wegge, Vandebosch, Eggermont & Walrave, 2015; Watts et al., 2017:271). Although cyberbullying is more prominent within schools, recent studies have identified the growing presence of cyberbullying in higher education (Eskey & Eskey, 2014; Elçi & Seçkin, 2019; Minor, Smith & Branshen, 2013; Ndiege, Okello & Wamuyu, 2020; Vaill, Campbell & Whiteford, 2020; Washington, 2015; Watts et al., 2017). These studies have identified examples of student-to-student interaction, but also student-to-instructor.

Cyberbullying in HEIs manifests in various forms, but within a synchronous classroom environment, it would be primarily found in live chat comments (Elçi & Seçkin, 2019:949; Ndiege et al., 2020:4; Washington, 2015:25) and anonymous verbal contributions (Watts et al., 2017). Inappropriate comments can either be related to class content or simply be personal attacks against the current speaker or the lecturer (Elçi & Seçkin, 2019:950; Washington, 2015:25). Personal attacks include defamation, threats, verbal abuse, aggressive language, intimidation and degrading comments (Minor et al., 2013:16). These comments, because they are given on a live feed and can be read or heard by all participants, can cause class division, psychosocial distress (Elçi & Seçkin, 2019:951), significant damage to a lecturer's reputation (Eskey & Eskey, 2014:37) and learners' self-confidence to engage in class (Vaill et al., 2020) and completely destroy the notion of a safe environment.

Cyberbullying is difficult to regulate and in many cases this leads to a permissive attitude from management (Minor et al., 2013:25). Although a new phenomenon within the South African HEI sphere, there will be a subsequent rise as we become more cemented in the online environment. HEIs need to be pre-emptive by laying the foundations for a bully-free culture (Vaill et al., 2020:11), before it becomes a fixture in online class environments. A lenient climate towards cyberbullying has shown to lead to a significant increase in abusive behaviour (Eskey & Eskey, 2014:38; Heirman et al., 2015:263). Studies have shown that many actions of cyberbullying in HEIs go unpunished, not only due to the absence of a code of conduct, but also due to lecturers being uncertain of the existence of a code of conduct, or the code

being rarely enforced (Minor et al., 2013:15). Awareness is the key (Eskey & Eskey, 2014:39). HEIs should ensure that the following is in place: clear procedure (Vaill et al., 2020:10-11), proper student and teacher training (Cornelius, 2014:261), a zero-tolerance policy and a code of conduct that addresses cyberbullying (Elçi & Seçkin, 2019:956; Vaill et al., 2020:11). In that respect, defining what constitutes cyberbullying should also not be vague or left to interpretation. Students should not have the opportunity to claim ignorance, free speech or academic freedom as a defence for abusive behaviour.

Recommendations

Digital footprints

Dealing with this issue is not as clear-cut as with cyberbullying, as the extent to which HEIs can exert control over class recordings is limited. The methods with which students can document others' contributions are endless and can vary from sophisticated recording programmes to the taking of screenshots during class. The following suggestions may address a digital footprint concern:

- Keep class discussions unrecorded.
- Make use of breakout groups, which limits the exposure students have within the larger group.
- Educate students on the importance of a safe space and their role in the success of such a space.
- Allow students to control the access to their digital actions.

Cyberbullying

- As discussed above, on an institutional level a zero-tolerance cyberbullying policy should be developed and properly communicated.
- Faculty staff should be trained to identify and address cyberbullying from students and also their own behaviour that could constitute bullying. They should be aware of and be able to master a clear process.
- Students should receive training on how to conduct themselves in an online environment and be able to distinguish between appropriate and inappropriate behaviours.
- A clear code of conduct should be communicated to all participants and any behaviour in violation of this conduct should be punishment in a timely, coherent, fair and consequent manner.
- Students should not be given the option to use an online username that makes them unidentifiable, but rather all students should have a uniform identification system.

Conclusion

With the introduction of Covid-19 regulations, South Africa has seen an unprecedented migration to online platforms. The transition, in many cases, has not been smooth with institutional under preparedness and the gross inequalities within higher education being emphasised by the desperate situation. In an attempt to save the academic year by converting to online learning, the critical engagement with course content seems to be lost among more pressing concerns. This chapter explores the importance of active, critical engagement with course content and lays out a conceptual framework that identifies the elements that are crucial prerequisites for achieving proper engagement, whilst recommending virtual tools that can enrich the virtual class experience.

Critical engagement and reflection are shown to be especially crucial for law students as the shapers of the South African legal future. A holistically developed law student is one that has been taught to think critically and has a well-developed moral and social consciousness. Critical pedagogy is identified as being the best-suited to these aims and central to this is class discussions to develop high-order cognitive skills. It is worth noting that critical pedagogy is also flawed as some scholars have provided in-depth critique of the approach. In spite of these critiques, the study still finds it valuable. To enhance the educational experience to one where effective class dialogue can take place, a community of enquiry must be established in the educational setting. Within this community a well-managed, constructive class dialogue gives students an opportunity to critically engage with course content.

The chapter identifies the creation of a virtual safe space as vital to facilitate and encourage establishment of the community of enquiry and encourage students to engage in debates, negotiations and critical reflections. A virtual safe space is an online space that allows a myriad of perspectives, where students can express and communicate ideas without fear of silencing, intimidation, retribution, marginalisation or undue psychological harm. It is illustrated that such a safe space can be created on various, widely used platforms, for example Blackboard Collaborate, Zoom, Google Classroom, etc. These platforms contain on board tools that can enrich class discussions and engagement for example: polling, live chat, emoticons and breakout groups. Educators need to capitalise on the available tools to stimulate class engagement. In addition, the two major barriers to open virtual discourse, namely cyberbullying and the everlasting digital footprint, were explored and best practice recommended. To maximise the benefits and minimise the threats, the focus should be on preparation, proper training and instructions to staff and students. However, further research is necessary to fully understand the complex issues that will affect developing critical skills in a virtual classroom.

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