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### The Pandemic Syllabus

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# THE PANDEMIC SYLLABUS

*Sarah J. Schendel\**

If necessity is the mother of invention, perhaps there is no greater proof for the ubiquity of professor frustration over students' failure to read the syllabus than the hardy, ever-growing corner of Etsy dedicated to shirts, mugs, stickers, and now, masks bearing the phrase: "Read the syllabus."<sup>1</sup>

As each new semester dawns, professors across the country—and throughout Twitter—repeat this familiar complaint: we spend hours and hours detailing course expectations, requirements, and assignments (all in the University-mandated format), and students rarely seem to give it a second look. Even when it is read,<sup>2</sup> professors have identified the syllabus as a prime source of miscommunication between students and teachers about expectations.<sup>3</sup> Clearly, something is getting lost.

A syllabus serves many functions: a communication device conveying a professor's or institution's values and policies;<sup>4</sup> a "physical

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\* Assistant Professor at Suffolk University Law School. Thank you to the #highered #lawtwitter #lawprof, and #legaled communities on Twitter. Without ever meeting most of you in person, you have provided me with wisdom, guidance, encouragement, and inspiration. As a result, even before COVID-19 forced us online, I came to realize the power and promise of online relationships and discourse (and also memes).

<sup>1</sup> *Read the Syllabus*, ETSY, [https://www.etsy.com/market/read\\_the\\_syllabus](https://www.etsy.com/market/read_the_syllabus); *see also It's in the Syllabus*, ETSY, [https://www.etsy.com/market/it%27s\\_in\\_the\\_syllabus](https://www.etsy.com/market/it%27s_in_the_syllabus); *It's on the Syllabus*, ETSY, <https://www.etsy.com/search?q=it%27s%20on%20the%20syllabus>; *see also Read the Syllabus Clap Emoji*, LOOKHUMAN, <https://www.lookhuman.com/design/351858-read-the-syllabus-clap-emoji/tshirt>.

<sup>2</sup> Lang suggests avoiding reviewing the syllabus on the first day of class. James Lang, *How to Teach a Good First Day of Class*, THE CHRON. OF HIGHER EDUC. (Jan. 4, 2019), <https://www.chronicle.com/article/how-to-teach-a-good-first-day-of-class/>.

<sup>3</sup> Peter J. Collier & David L. Morgan, *"Is that Paper Really due Today?": Differences in First-generation and Traditional College Students' Understandings of Faculty Expectations*, 55 HIGH EDUC 425, 435 (2008) ("Both sets of students agreed that they wished professors would be more explicit—despite faculty perceptions that they already went to a great deal of effort to be unequivocal about their expectations. The syllabus was one area where these disagreements were most clearly visible, as summarized in this student's comment: Here you are handed a sometimes 2, 3 page "thing" and its got all this information on it and, at times, teachers don't go over it, they just hand it to a bunch of students on the assumption that they know what it is.).

<sup>4</sup> SARA GOLDRICK-RAB, BEYOND THE FOOD PANTRY: SUPPORTING #REALCOLLEGE STUDENTS DURING COVID-19, available at: <https://hope4college.com/wp-content/uploads/2019/06/SpreadingTheWord-3.pdf>. "While syllabi are famously dense documents filled with course information, they are also communication devices that convey

artifact” serving contractual, record-keeping, and communication functions;<sup>5</sup> a “piece of scholarship” reflecting how we understand our topic and the course content;<sup>6</sup> a to-do list; a schedule of assignments; a statement of expectations; and fulfills an university requirement. Despite these many roles, syllabus writing is not a craft most professors are taught.<sup>7</sup>

However, the syllabus is an overlooked and undervalued tool. For many law school professors, Fall 2020 required revisiting the usual syllabus format and retooling course expectations<sup>8</sup>—providing professors with lessons and opportunities that will serve well far beyond the year of “Zoom college of law.” This Article, authored by a Law Professor and directed towards fellow Law Professors, proposes suggestions to ensure students are getting the intended messages from the syllabus.

### General Tone

It is perhaps no surprise to hear that the overall tone of a syllabus impacts student perceptions of the instructor, with one study finding that a

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information about the institution’s values and policies.” *Spreading the Word- Supporting Students’ Basic Needs with a Syllabus Statement*, HOPE4COLLEGE, <https://hope4college.com/beyond-the-food-pantry-spreading-the-word-supporting-students-basic-needs-with-a-syllabus-statement/#:~:text=While%20syllabi%20are%20famously%20dense,the%20institution's%20values%20and%20policies.>

<sup>5</sup> Lindsay B. Wheeler, Michael Palmer & Itiya Aneece, *Students’ Perceptions of Course Syllabi: The Role of Syllabi in Motivating Students*, 13 IJ-SOTL 1, 1 (2019) (internal citations omitted) (hereinafter Wheeler *et. al.*).

<sup>6</sup> JESSAMYN NEUHAUS, GEEKY PEDAGOGY: A GUIDE FOR INTELLECTUALS, INTROVERTS, AND NERD WHO WANT TO BE EFFECTIVE TEACHERS at 63 (2019) (quoting LINDA B. NILSON, THE GRAPHIC SYLLABUS AND THE OUTCOMES MAP: COMMUNICATING YOUR COURSE at 7 (San Francisco: Jossey-Bass, 2007)(The syllabus “reflects in a concrete way your understanding of the most important aspects of your field of expertise. Effective teachers view their syllabi as a ‘piece of scholarship’ that reflects how we understand our topic and how we think it ‘should be organized for the purposes of communicating it.’)) (hereinafter NEUHAUS).

<sup>7</sup> “Creating a good syllabus is hard. Wish I learned more about the craft of syllabus writing and course design in grad school. Many of us have had to learn on the fly....#AcademicTwitter #pdhchat” Jooyoung Lee (@theyoungjoo), TWITTER (Aug. 18, 2020 2:03 PM), <https://twitter.com/theyoungjoo/status/1295813604953018368>.

<sup>8</sup> “Most of us have many new policies in our syllabi this year.” Jessica Erickson, *Designing an Inclusive & Supportive Classroom Environment -- Preparing for Fall Teaching in Physically Distanced, Hybrid, or Remote Courses*, PRAWFSBLAWG (Aug. 21, 2020), <https://prawfsblawg.blogs.com/prawfsblawg/remote-physically-distanced-teaching/>.

syllabus “written in a friendly, rather than unfriendly, tone evoked perceptions of the instructor being more warm, more approachable, and more motivated to teach the course.”<sup>9</sup> Achieving such a tone can be accomplished in a number of ways, including a certain informality of language and not front-loading penalties or scolding language.<sup>10</sup> Another approach is to aim for a tone of joint ownership. This past fall, for example, it felt important to me to include “we” language in my syllabus for Legal Analysis and Methods, a class for 2Ls currently on Academic Probation or Warning.<sup>11</sup> Specifically, on the front page of my Methods syllabus I wrote: “This class is designed to help you meet a number of goals. Together, we will help you . . . .”<sup>12</sup>

The framing of class goals as tasks “we” will accomplish together felt particularly necessary for this class, where student buy-in is crucial. Without the students’ engagement, I cannot help them figure out what went wrong their 1L year, and they will not do this work with me unless they trust I am truly there to help them. While it may seem like a small, grammatical tweak, the “we” language is consistent with recommendations by Prof. Jessamyn Neuhaus who encourages professors to find “every way possible” to “foster student buy-in on the idea that it’s not ‘my’ (the professor’s) class, but rather ‘our’ class, students and professors together.”<sup>13</sup> This also addresses what some consider to be “unproductive

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<sup>9</sup> Wheeler *et. al.*, *supra* note 5, at 1 quoting Richard J. Harnish & K. Robert Bridges, *Effect of syllabus tone: students’ perceptions of instructor and course*, 14 SOC. PSYCH. EDUC. 319–330 (2011).

<sup>10</sup> “Ask yourself if your policy sections would sound, from the student’s perspective, like a scolding. Also, AVOID USING ALL-CAPS SENTENCES FOR EMPHASIS, as that is now seen as how one yells at other people on the internet.” Kevin Gannon, *How to Create a Syllabus*, THE CHRON. OF HIGHER EDUC. (Sept. 12, 2018), [https://www.chronicle.com/article/how-to-create-a-syllabus/?cid2=gen\\_login\\_refresh&cid=gen\\_sign\\_in](https://www.chronicle.com/article/how-to-create-a-syllabus/?cid2=gen_login_refresh&cid=gen_sign_in).

<sup>11</sup> To read more about what has worked – and what hasn’t – in my Methods class the Fall 2020 semester, see Sarah Schendel, *Day 1: Building Community and Confidence in a Required, Skills-Based Class*, THE FORUM, <https://nulronlineforum.wordpress.com/2020/10/09/day-1-building-community-and-confidence-in-a-required-skills-based-class/>.

<sup>12</sup> I included the following goals in the syllabus: “Excel in your Fall 2020 classes; Reflect on what kind of law student you are, and what kind of lawyer you want to be; Understand more about the process of learning, and your strengths as a student.” *Id.*

<sup>13</sup> NEUHAUS, *supra* note 6, at 73.

imbalances of power between instructor and student” created or reinforced by the use of pronouns such as “I” and “you”<sup>14</sup>

### Look and Format

Some creative and dedicated law professors<sup>15</sup> have invested time and effort to gorgeous “liquid syllabi.” A liquid syllabus uses a website tool (like WordPress) rather than a tool for document creation (like Word) to create a syllabus with visuals like a video of yourself.<sup>16</sup> It is designed to be not only eye catching but accessible to students who might be accessing course materials by phone, for example, with the idea that “when we use tools designed for print products, they don’t result in mobile-friendly experiences.”<sup>17</sup> At least one study supports these efforts towards less text-heavy syllabi, finding that “students express increased interest in a course and the instructor when given a graphic-rich engaging syllabus compared to a text-rich contractual syllabus.”<sup>18</sup>

### Professor Name and Title

On the syllabus it helpful to include not only your name but how you, as the professor, wish to be addressed. One benefit of the online or hybrid class model is that the format provides another opportunity to model how you would like students to address you. It also allows students the chance to let you know more about their identities. Your name on Zoom is

<sup>14</sup> “Baecker (1998) examined how use of certain pronouns (e.g., I vs you) creates unproductive imbalances of power between instructor and student, again, potentially negatively impacting student learning.” Wheeler *et. al.*, *supra* note 5, at 1.

<sup>15</sup> See e.g., DeShun Harris, *Bar Exam Writing Fundamentals*, <https://sites.google.com/view/barexamwritingfundamentals/>.

<sup>16</sup> Michelle Pacansky-Brock, *The Liquid Syllabus: Are you Ready?*, BROCANYSY (Aug. 13, 2014), <https://brocansky.com/2014/08/the-liquid-syllabus-are-you-ready.html>; see also and <sup>16</sup> Michelle Pacansky-Brock, *Humanizing Pre-Course Contact with a Liquid Syllabus*, BROCANYSY (June 9, 2014), <https://brocansky.com/2020/06/humanizing-pre-course-contact-with-a-liquid-syllabus.html>.

<sup>17</sup> Michelle Pacansky-Brock, *Benefits of a Liquid Syllabus*, YOUTUBE (Mar. 5, 2019), [https://www.youtube.com/watch?v=cDpO5hIpBBE&feature=emb\\_logo](https://www.youtube.com/watch?v=cDpO5hIpBBE&feature=emb_logo).

<sup>18</sup> Wheeler *et. al.*, *supra* note 5, at 1 (see generally Ludy, M., Brackenbury, T., Folkins, J. W., Peet, S. H., Lagendorfer, S. J., & Beining, K., *Student Impressions of syllabus design: Engaging versus contractual syllabus*, 10(2) Int’l J. for the Scholarship of Teaching and Learning, 10(2), 1-23 (2016)). Please note, while a liquid syllabus may increase general student engagement, professors should take care to ensure the digital format is accessible through a page-reader for low vision and neurodivergent students.

easily editable.<sup>19</sup> Labeling yourself, for example, Prof. Schendel reminds students the title you request they use. Adding pronouns (“Prof. Schendel [she/hers]”)<sup>20</sup> not only conveys your pronouns but helps make your classroom more welcoming for any trans, nonbinary, or gender nonconforming students.<sup>21</sup>

It may be helpful to also provide information to students about the culture around how professors are addressed at your institution. This helps students avoid the all-too-common implicit bias contributing to the error of referring to female<sup>22</sup> and BIPOC professors by first names,<sup>23</sup> or Ms./Mr. rather than “Professor.” This also benefits students who may be first-generation law students and potentially unfamiliar with academic norms, and who may not understand why professors are sensitive about the distinction between Professor, Dean, Dr., etc.<sup>24</sup>

### Location, Credits, Day, and Time

If your course “location” is a Zoom link, it is helpful to repeatedly provide the link to students—in the syllabus and in your initial email, for

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<sup>19</sup> *Customizing Your Profile*, ZOOM, <https://support.zoom.us/hc/en-us/articles/201363203-Customizing-your-profile>.

<sup>20</sup> Zoom Tip For Gender Pronouns, Berkeley Lab (April 14, 2020), <https://diversity.lbl.gov/2020/04/14/zoom-tip-for-gender-pronouns/>.

<sup>21</sup> Sarah Schendel, *How Academic Support Professionals Can Better Support LGBTQ Law Students – and Why We Should*, THE LEARNING CURVE, Summer/Fall 2018, at 12, available at <https://ssrn.com/abstract=3302734>.

<sup>22</sup> I welcome any opportunity to introduce people to Susan Harlan’s excellent poem, “My First Name,” which succinctly and beautifully summarizes much of this discussion. Susan Harlan, *My First Name*, 49.2 S. C. REV. 101 (2017). Available at: [https://pressfolios-production.s3.amazonaws.com/uploads/story/story\\_pdf/254906/2549061489249557.pdf](https://pressfolios-production.s3.amazonaws.com/uploads/story/story_pdf/254906/2549061489249557.pdf).

<sup>23</sup> See e.g., “Dear students, The proper salutation for me is ‘Dr. Jackson’ or ‘Prof. Jackson.’ You should \*not\* start an email to me with ‘Hey Jenn.’ Thanks, Your tired Black queer professor.” Jenn M. Jackson (@JennMJacksonPhD), TWITTER (Aug. 18, 2020 9:41 AM), <https://twitter.com/JennMJacksonPhD/status/1295747567469441026>.

<sup>24</sup> How to address professors is a common theme of first year generation classes seeking to demystify or reveal the “hidden curriculum.” See Marcia Chatelain, *We Must Help First-Generation Students Master Academe’s ‘Hidden Curriculum’*, THE CHRONICLE (Oct. 21, 2018), <https://www.chronicle.com/article/we-must-help-first-generation-students-master-academes-hidden-curriculum/> (noting that this must go beyond simply being “an intensive etiquette lesson, designed to tell students to adopt the practices of an elite class in order to mask their disadvantage or confusion. We cannot address inequality w/ a crash course on manners; we need tutorials on power.”). See also *Marquette University First Generation College Students: Email Etiquette*, MARQUETTE UNIV., <https://www.marquette.edu/first-generation-students/email-etiquette.php>.

instance. You might also suggest to students that they copy and paste the Zoom link into the class on their GoogleCal or electronic calendar. If your class is asynchronous,<sup>25</sup> it is helpful to give the students an estimate of both the in-class and out-of-class time they can expect to dedicate to course work. You might even color code the different types of media and classes on the syllabus. For example, pink highlight for a video to watch before class, blue highlight for an in person synchronous course period, green for a reading to complete, yellow for a discussion board post, etc. Finally, articulate a backup plan: If Zoom is down, will you ask them to meet via phone or another platform? If so, provide that in the syllabus as to avoid confusion. Finally, you might also want to address in class etiquette, including whether you would prefer students use the “raise your hand” feature in Zoom, and if it is acceptable for them to answer questions in the chat feature or if you won’t be able to monitor the chat while teaching.<sup>26</sup>

### Office Hours

Although you might not physically be in your office, let students know how they can communicate with you and seek help outside of scheduled class times. This could be open-office-hours where you remain on a Zoom link for an hour or two at the same time each week, or a tool like Calendly or YouCanBookMe where students can schedule an appointment. For some students, office-hours on camera may be more intimidating. One suggestion would be to arrange group office hours where two or three students meet with you together in a Zoom room. All of this can be explained in your syllabus, which is particularly helpful for students who feel nervous about building connection with professors on camera, and also for first-generation students who might be unsure about the purpose of office hours.<sup>27</sup>

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<sup>25</sup>Maria Ocando Finol, *Asynchronous vs. Synchronous Learning: A Quick Overview*, Bryn Mawr Coll. (Mar. 26, 2020, 10:00 AM), <https://www.brynmaur.edu/blendedlearning/asynchronous-vs-synchronous-learning-quick-overview>.

<sup>26</sup> Thank you to the editors of the Denver Law Review Forum for the suggestion to include these issues.

<sup>27</sup> See e.g., Madeline St. Amour, *As Times and Students Change, Can Faculty Change, Too?*, INSIDEHIGHERED (April 3, 2020), <https://www.insidehighered.com/news/2020/04/03/faculty-face-uphill-battle-adapting-needs-todays-students> (stating “For example, a college dean once told Jack about a student who thought office hours were a time for professors to work and not be bothered.”).

### Required Text

An anxiety I have heard from students almost every semester I have taught is concern about getting their casebooks delivered in time for the first day of classes. Some professors fail to provide students the required course materials until a few days before class, which leaves students scrambling to rush shipping, to find an affordable copy of a book, or waiting for a loan check to come through. Because of the pandemic, many students face the additional challenge of not being able to use a casebook left on reserve at the library. Additionally, due to concerns around the spread of COVID-19 and quarantine protocols, some universities delayed the start of the commencement of the spring semester, resulting in delays for financial disbursement.<sup>28</sup> Some students may not be in a financial position to purchase the casebook until the start of the semester. There are a few ways to help mitigate your students' anxieties around casebooks and addressing this up front on your syllabus is a great way to let students know you are taking their needs into account.

One option is to opt for a casebook that is available in hard copy or digitally; this gives students an option about how to obtain the book and sometimes results in a slightly less expensive choice. Additionally, you may be able to scan and upload the first week of class readings, taking the pressure off of students waiting on funds or figuring out how to obtain the book. Your wonderful law librarians can talk to you about how many pages are feasible to scan and the copyright issues that might be implicated.

Another option is an open access casebook, which is free or very low cost. In addition to being low cost, one study found that students

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<sup>28</sup> See e.g., Dan Stamm, *Temple Delays Start of Semester, Cancels Spring Break Due to COVID-19 Concerns*, NBC PHILADELPHIA (Oct. 27, 2020 12:30 PM), <https://www.nbcphiladelphia.com/news/coronavirus/temple-university-delay-spring-semester-coronavirus/2575071/>; Michael T. Nietzel, *As Covid-19 Lingers On, Universities Are Adjusting Their Spring Semester Plans, Often Eliminating Spring Break*, FORBES (Sept. 13, 2020 12:52 PM), <https://www.forbes.com/sites/michaelnietzel/2020/09/13/as-covid-19-lingers-on-universities-are-adjusting-their-spring-semester-plans-often-eliminating-spring-break/?sh=160ec6b849fd>. See also, Emma Kerr, *How College Aid Financial Disbursement Works*, U.S. NEWS (Aug. 3, 2020), <https://www.usnews.com/education/best-colleges/paying-for-college/articles/college-financial-aid-disbursement-when-and-how-to-expect-it> (Federal guidelines limit disbursement to ten days prior to the start of the semester.).



assigned open-source casebooks were “almost twice as likely to report using their textbooks, they used them more frequently, and for more time per week overall. . . . These findings demonstrate that replacing traditional textbooks with open-source textbooks may help to offset some of the financial hardships students face while improving students' engagement and satisfaction with their assigned textbook.”<sup>29</sup> While not all courses currently have open case books that would satisfy all professors, it is a site of fantastic discussion and debate,<sup>30</sup> and an option worth considering.

Regardless of which casebook you choose, keeping in mind the cost and accessibility to students, and letting them know *why* you chose the book, can help your students feel acknowledged and considered, even before class begins.<sup>31</sup>

### Attendance Policy

Being clear with students about your attendance policy has never been more important. Students may be taking a mix of asynchronous and synchronous courses, online and face-to-face courses, and may be confused about the requirements of each. In addition, having clear expectations about attendance on your syllabus, “explain any additional policies regarding virtual attendance. This language should clarify whether students are required to attend synchronous classes to be counted as present, or if they

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<sup>29</sup> Carrie Cuttler, *Students' Use and Perceptions of the Relevance and Quality of Open Textbooks Compared to Traditional Textbooks in Online and Traditional Classroom Environments*, 18 PSYCH. LEARNING & TEACHING 65, 80 (2019). “A 2 × 2 cross-sectional design was used in which 925 students, assigned either a traditional textbook or an open textbook in either an online or classroom environment, were recruited to complete an online survey.” *Id.* at 65.

<sup>30</sup> Some law libraries have even collected such resources. *Affordable Case Materials*, WILLIAM AND MARY L. SCH., <https://law.wm.edu/library/research/affordablecoursematerials/index.php>; Derek T. Miller, *A Few Thoughts on Open Source or Free Legal Casebooks*, EXCESS OF DEMOCRACY, <https://excessofdemocracy.com/blog/2019/9/a-few-thoughts-on-open-source-or-free-legal-casebooks>; Prof. Brian Frye (@brianlfrye), TWITTER (Sept. 2, 2019 3:12 PM), <https://twitter.com/brianlfrye/status/1168632836712259585>; see also *Burstein, Rajec & Sawicki on Writing an Open-Access Patent Law Casebook*, IPSE DIXIT (Oct. 9, 2020), <https://shows.acast.com/ipse-dixit/episodes/burstein-rajec-sawicki-on-writing-an-open-access-patent-law>. See also The eLangdell Bookstore, CALI, <https://www.cali.org/the-elangdell-bookstore> (for examples of free but not open-sourced casebooks).

<sup>31</sup> See Schendel, *supra* note 11.

are permitted to view asynchronous recordings in certain circumstances.”<sup>32</sup> For example, if students miss a synchronous online class, will they be required or able to view a recording later? If so, will they be required to do so within a certain time frame? Finally, students are likely facing more interruptions in their normal routines and schedules. If a student falls sick, has a family member who falls sick, or has increased care taking responsibilities (a child’s daycare closes due to an outbreak, for example), let them know how they should communicate with you about these challenges and what accommodations are available.

### Participation and Camera Policy

In addition to attendance, it is important to be clear with students about your expectation for participation, which may also include clarity about your camera policy. It is true that not being able to see students’ faces can be a downside of teaching online—facing a sea of black boxes<sup>33</sup> is a far cry from a room of attentive, dynamic faces. Before you decide to require them to keep cameras on all class, it is important to give some real thought to this decision. Take some time to think about whether and when cameras are necessary in your class, whether students can reply to questions via chat with a similar impact, and the reasons students might not wish to appear on camera. Particularly consider the challenges facing low-income students, many of whom may be self-conscious about their living situation, especially if they are sharing space with any number of family members or roommates. Additionally, “some students do not have reliable, strong internet and using video can lead to delays or gaps in the audio. Some students experienced audio problems if the professor used video, even if the student had the video turned off.”<sup>34</sup> Other students report being distracted by the faces of their classmates or suffering anxiety around privacy concerns (for themselves, or their housemates).<sup>35</sup>

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<sup>32</sup> RENEE NICOLE ALLEN, JENNIFER BAUM, CATHERINE BAYLIN DURYEA, ROBERT RUESCHER, RECOMMENDATIONS FOR ONLINE TEACHING, ST. JOHN’S UNIV. SCH. OF L. ONLINE & HYBRID TEACHING TASK FORCE, at. 1 (June 26, 2020), available at: [https://scholarship.law.stjohns.edu/cgi/viewcontent.cgi?article=1310&context=faculty\\_publications](https://scholarship.law.stjohns.edu/cgi/viewcontent.cgi?article=1310&context=faculty_publications) (hereinafter ALLEN *et. al.*).

<sup>33</sup> *The Zoom Black Box Dilemma*, PLYMOUTH STATE UNIV., <https://colab.plymouthcreate.net/resource/the-zoom-black-box-dilemma/>.

<sup>34</sup> ALLEN *et. al.*, *supra* note 32 at 1.

<sup>35</sup> Tabitha Moses, *5 Reasons to let Students Keep Their Cameras off During Zoom Classes*, FAST COMPANY (Aug. 21, 2020), <https://www.fastcompany.com/90540867/5-reasons-to-let-students-keep-their-cameras-off-during-zoom-classes>.

If you do request or require cameras on, let students know that your primary interest is in their presence and engagement, not on their surroundings.<sup>36</sup> This may include the appearance of family members, pets, roommates, or other “distractions.” Here is one generous, compassionate example of a Zoom classroom policy that also considers the possibility that the professors’ work-space may also be a multi-use reality:

Onscreen visitors and other unexpected interruptions: We know that some of you might be logging in to class from locations that aren’t always quiet, private, or distraction free. Pets and roommates might wander across the screen, and small children might require your attention during class. If those things happen, please know that we will exhibit flexibility, patience, and good humor. We ask that you show the same to your classmates and to us.<sup>37</sup>

There is no one-size-fits-all rule for these complicated topics. Rather than feeling pressured to “adopt any one specific policy,” instead “think intentionally about the different interests in play and give considerable weight to the interests of students who may want to keep their environment private.”<sup>38</sup> Ask students what might work for them and identify if there is middle ground to be found between your needs and theirs. While you are carefully deciding on (or amending your camera policy), be sure to “[g]ive your other new policies and practices—from your attendance policy to rules about private chats on Zoom—the same scrutiny.”<sup>39</sup> Regardless of what you choose, be clear about your expectations for participation: “Inform students whether you will engage in cold-calling, selecting panels

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<sup>36</sup>“Teaching Twitter: I know we’ve talked about adding language to your syllabus if you’re okay with students bringing their kids to class if they have a childcare emergency. Has anyone added similar language to their online syllabi?” Sarah Bursetin (@design\_law), TWITTER (Aug. 1, 2010 10:50 AM), [https://twitter.com/design\\_law/status/1289604344959184897](https://twitter.com/design_law/status/1289604344959184897); “Like, I don’t care if you need to hold your baby during class. Or if your kid pops in and interrupts (I’m assuming that you’d be on mute most of those times anyway). What’s the best way to communicate that to students?” *Id.* at Aug. 1, 2010 10:51 AM. “Here is my current draft...: If you are a parent or a caregiver and you experience a childcare disruption, you are welcome to bring your child to class.” Margaret Hannon (@mch\_tweets), TWITTER (Aug. 1, 2020 10:54 AM), [https://twitter.com/mch\\_tweets/status/1289605397376974853](https://twitter.com/mch_tweets/status/1289605397376974853).

<sup>37</sup>Beth Wilensky (@bethwilensky), TWITTER (Aug. 1, 2020 11:14 AM), <https://twitter.com/bethwilensky/status/1289610478574952448>.

<sup>38</sup> Erickson, *supra* note 8.

<sup>39</sup> *Id.*

of students who are ‘on call,’ or if you will rely primarily on volunteers.<sup>40</sup> If your course will require regular small-group work, it may be useful to state that and explain what you expect from students when they participate in group work.”<sup>41</sup>

### Accommodations

Our students with disabilities may be particularly vulnerable this year, as classes shift to new formats and expectations change. Some schools have begun seeing a new kind of request for accommodation: permission to keep their cameras off.<sup>42</sup> This may include requests from students who have not been previously diagnosed with disabilities. Such students,

may discover additional learning challenges in this new environment. Students who do have a documented disability may have figured out accommodations that work for them in a traditional classroom, but these accommodations may be less effective in physically distanced or remote courses. And universities have not developed clear guidelines on how to help students in these new environments, so they will be trying new approaches, some of which may need adjustment or may not work.<sup>43</sup>

When reviewing your syllabus, stop and ask yourself,

who is included and who is left out? In other words, who will find it easy to comply with the rule, and who will find it more difficult? Are these difficulties necessary to achieve your pedagogical goal

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<sup>40</sup> *Establishing Norms for #Law Student Participation in Remote Learning: Turn Cameras on and Mute That Mic*, THE FACULTY LOUNGE (Mar. 11, 2020), <https://www.thefacultylounge.org/2020/03/establishing-norms-for-law-student-participation-in-remote-learning.html>.

<sup>41</sup> ALLEN *et. al.*, *supra* note 32 at 1.

<sup>42</sup> Vincent Nicandro, Aditya Khandelwal, & Alex Weitzman, *Please, let Students Turn Their Videos off in Class*, STANFORD DAILY (JUNE 1, 2020), <https://www.stanforddaily.com/2020/06/01/please-let-students-turn-their-videos-off-in-class/>.

<sup>43</sup> Erickson, *supra* note 8. Schools have grappled with how to include accommodations such as close-captioning in zoom classrooms. *Recording Captioned Lecture Videos with PowerPoint and Zoom*, ILL. STATE UNIV., <https://techsolutions.illinoisstate.edu/web-interactive-communications/accessibility/microsoft-powerpoint/captions-with-zoom/>.

or is there another approach that might accomplish the same goal without imposing new challenges on some students.<sup>44</sup>

This is the time to be flexible on accommodations, and perhaps you will find that accommodations initially intended to benefit students with disabilities (for instance, open book, untimed exams) end up producing better exams and test-taking experiences for all.<sup>45</sup>

### A Basic Needs Statement

A recent addition to my syllabus is a Basic Needs Statement,<sup>46</sup> which provides information for students who might be struggling with food scarcity, or housing instability among other core needs.<sup>47</sup> The act of sharing resources or simply acknowledging the challenges some students face “is an inexpensive, efficient, and effective way to raise awareness among both students and faculty,” and may be more effective than waiting to connect when a student is in crisis.<sup>48</sup> Especially in times of country-wide economic instability and job loss, such a statement can not only act as a potential to connect individually with a student but also as a broader acknowledgement that students are not divorced from the political and culture environment. One sample statement reads,

We learn as whole people. To learn effectively you must have basic security: a roof over your head, a safe place to sleep, enough food to eat. If you’re having trouble with any of those things, please talk

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<sup>44</sup> *Id.*

<sup>45</sup> See also Timothy Rogers, Linda Sullivan, Kelly Wisnaskas, Shelby Acteson, *How Good Accessibility Practices Enhance Online Teaching*, HARVARD- OFFICE OF THE VPAL, YOUTUBE (Oct. 22, 2020), [https://www.youtube.com/watch?v=cdDNMiyUViE&feature=youtu.be&utm\\_source=Harvard+Initiative+for+Learning+and+Teaching+Network&utm\\_campaign=43aeb162cb-10.26.2020+conf+resources%2C+signature+event&utm\\_medium=email&utm\\_term=0\\_382d69fe74-43aeb162cb-248344705](https://www.youtube.com/watch?v=cdDNMiyUViE&feature=youtu.be&utm_source=Harvard+Initiative+for+Learning+and+Teaching+Network&utm_campaign=43aeb162cb-10.26.2020+conf+resources%2C+signature+event&utm_medium=email&utm_term=0_382d69fe74-43aeb162cb-248344705).

<sup>46</sup> GOLDRICK-RAB, *supra* note 4 at 1-2; see also *Student Well-being & Basic Needs*, THE CAL. STATE UNIV., <https://www2.calstate.edu/impact-of-the-csu/student-success/basic-needs-initiative>.

<sup>47</sup> Andrew Wolk, *Just What Are “Basic Needs” in the 21<sup>st</sup> Century*, ROOTCAUSE (July 1, 2019), <https://rootcause.org/finding-common-purpose/just-what-are-basic-needs-in-the-21st-century/>.

<sup>48</sup> GOLDRICK-RAB, *supra* note 4 at 1-2.

with me or with the Dean of Students. Together we can work to make sure those needs are met.<sup>49</sup>

When crafting a basic needs security statement, Professor Sara Goldrick-Rab suggests taking three steps: (1) “normalize the act of getting help with food and housing. Rather than calling out food insecurity or homelessness by name, simply indicate that if students are having trouble affording enough to eat, or don’t have safe and reliable places to sleep, they should seek help.”; (2) “Direct students toward help. . . .It is not necessary to include a laundry list of every available resource on campus, only to help point the student in the right direction.”; and (3) “Invite students to connect with you.”<sup>50</sup> Including this simple statement on your syllabus might help students open up about the challenges they are facing outside the classroom, potentially helping you understand their performance in class. Even if none of your students have these needs or seek out your support, the statement itself conveys your acknowledgement of and concern for those in your class as whole people, not just students.<sup>51</sup>

### Mental Health

Many universities have a proscribed or recommended statement on mental health for inclusion on syllabi.<sup>52</sup> For those of us teaching primarily young adults, it may make sense to be thoughtful in crafting this policy

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<sup>49</sup> *Id.* at 2 quoting Yvonne Seale, SUNY-Geneseo. Additional sample statement: “It can be challenging to do your best in class if you have trouble meeting basic needs like safe shelter, sleep, and nutrition. If you have difficulty affording groceries or accessing sufficient food to eat every day, or lack a safe and stable place to live, I urge you to contact XXX and/or me. We are here to help.” *Id.* (quoting Dalie Jiminez, University of Connecticut).

<sup>50</sup> GOLDRICK-RAB, *supra* note 4 at 1.

<sup>51</sup> Especially important considering that “it is harder to show students that you care about them in a remote environment than when you see them in a physical classroom every day, where you can smile at them, easily ask them how they’re doing as they enter the room or when you run into them in the classroom, or notice through their body language if they are having a hard time and reach out. But we know that showing we care matters; our students try harder and engage more when they feel like their learning matters to their instructor. It takes more intention to show you care about students in the online classroom, but it’s imperative that we find ways to show we do.” *Helping with Student Focus & Motivation in the Remote Classroom, Part 4: Building An Online Teaching Presence*, LEGAL RESEARCH PEDAGOGY, [https://www.legalresearchpedagogy.com/2020/06/helping-with-student-focus-motivation\\_23.html](https://www.legalresearchpedagogy.com/2020/06/helping-with-student-focus-motivation_23.html).

<sup>52</sup> See e.g., *Faculty Guidelines for Mental Health Statement on Syllabi*, SUNY GENESEO, [https://www.geneseo.edu/health/mentalhealth\\_syllabi](https://www.geneseo.edu/health/mentalhealth_syllabi).

statement and be mindful of mental health considerations: 54 percent of people ages 18-29 are reporting symptoms of anxiety and depression.<sup>53</sup> Beyond simply the statement about where to obtain mental health resources, it may be useful to take a broader, trauma-aware approach to your syllabus (and course design). Many experts have written powerful and helpful articles about trauma-informed<sup>54</sup> or crisis-informed<sup>55</sup> pedagogy. While this is a robust area of scholarship and requires much more detail than this essay can include, here are two practical ideas.

One accessible way to incorporate crisis-informed pedagogy is the idea of “inoculating” students by mindfully preparing them for “potentially difficult or controversial topics that are likely to evoke strong emotional reactions. Give them time to achieve the degree of emotional distance that academic analysis requires.”<sup>56</sup> The second idea is to simply acknowledge the incredible stresses many students are facing. As one professor wisely notes, all our careful planning “will be wasted if we do not begin from the premise that our students are learning from a place of dislocation, anxiety, uncertainty, awareness of social injustice, anger, and trauma. So are we.”<sup>57</sup> Acknowledge the social, political, and medical challenges so many are facing; acknowledge that you are not immune; acknowledge that some are more impacted than others—this simple acknowledgement can create a foundation of connection and respect from your students.

### Diversity Statements

Some professors have had diversity statements of one kind or another in their syllabus for years, and others are newly engaging with the

<sup>53</sup> *Anxiety and Depression*, CTR. FOR DISEASE CONTROL AND PREVENTION, <https://www.cdc.gov/nchs/covid19/pulse/mental-health.htm> (last visited Nov. 30, 2020).

<sup>54</sup> *Trauma-Informed Pedagogy*, TEA FOR TEACHING (April 22, 2020), <http://teaforteaching.com/131-trauma-informed-pedagogy/>.

<sup>55</sup> Steven Mintz, *Crisis-Informed Pedagogy*, INSIDEHIGHERED (Aug. 17, 2020), <https://www.insidehighered.com/blogs/higher-ed-gamma/crisis-informed-pedagogy>.

<sup>56</sup> *Id.* See also *Inclusive Teaching in the Law School Classroom: Classroom Management*, UNIV. OF TENN. COLL. OF L., <https://guides.lawlib.utk.edu/c.php?g=1054190&p=7694423>. See generally Erin C. Lain, *Racialized Interactions in the Law School Classroom: Pedagogical Approaches to Creating a Safe Learning Environment*, 67.3 J. OF LEGAL EDUC. 780 (2018).

<sup>57</sup> Cathy Davidson, *The Single Most Essential Requirement in Designing a Fall Online Course*, HASTAC (May 11, 2020), <https://www.hastac.org/blogs/cathy-davidson/2020/05/11/single-most-essential-requirement-designing-fall-online-course?fbclid=IwAR15cRxr9J6-YigvHIy9H9bTkLISGbIHuMkVsgZm-d5k1HxM7OmLlwxR7LY>.

idea of adding one. There are wide variety of ways (and reasons) to do so, from a blanket statement of your expectation for civility in class discussions, or a statement of the value of diversity of opinion, to an explicit embrace of anti-racist pedagogy.<sup>58</sup> Some universities offer sample language for a diversity statement,<sup>59</sup> and some departments have made specific statements in support of Black Lives Matter (BLM) which could be used on syllabi.<sup>60</sup> In the Fall of 2020, such statements were more important than ever as they served not only to set expectations for the classroom, but to acknowledge to Black students the additional stress and trauma they may be experiencing. Beyond statements in the syllabus conveying an anti-racist pedagogy, there are also tools like the USC Online Syllabi Review Guide “intended to help instructors review often taken-for-granted syllabi content through a race-conscious lens and identify areas that can be leveraged to better support students from minoritized racial/ethnic groups.”<sup>61</sup> The bottom line—and area for much more in-depth scholarship—is that for many Black law students, the experience of learning the law “can be intellectually violent.”<sup>62</sup> While some professors may hesitate to include a statement of anti-racism in their syllabus due to worries about political allegations<sup>63</sup> or incorrect wording, we (especially white faculty) must remember that failure to do so can contribute to students of color feeling ignored, unseen, or unvalued. A classroom, online or in-person, where students feel unvalued cannot succeed as a community of learning.

## Conclusion

The challenges facing professors and students can feel overwhelming. But there are concrete and achievable steps we can take to

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<sup>58</sup> Alexandra Edwards, *Draft Syllabus Statement on Black Lives Matter*, NONMODERNIST (June 1, 2020), <https://nonmodernist.com/2020/06/01/draft-syllabus-statement-on-black-lives-matter/>.

<sup>59</sup> *Diversity Syllabi Language*, UNIV. OF NEV., RENO: COLL. OF LIBERAL ARTS, <https://www.unr.edu/liberal-arts/diversity-and-engagement/syllabi-language>.

<sup>60</sup> *Black Lives Matter Solidarity Statement, Statement from the Department of History, June 2020*, Univ. of Kan., <https://history.ku.edu/black-lives-matter-solidarity-statement>.

<sup>61</sup> *Syllabus Review Guide*, UNIV. OF S. CA. CENTER FOR URBAN EDUC., <http://cue-equitytools.usc.edu/>.

<sup>62</sup> Shaun Ossei-Owusu, *For Minority Law Students, Learning the Law can be Intellectually Violent*, ABA J. (Oct. 15, 2020), [https://www.abajournal.com/voice/article/for\\_minority\\_law\\_students\\_learning\\_the\\_law\\_c\\_an\\_be\\_intellectually\\_violent](https://www.abajournal.com/voice/article/for_minority_law_students_learning_the_law_c_an_be_intellectually_violent).

<sup>63</sup> Scott Jaschik, *The Law Professor Who Answered Back*, INSIDEHIGHERED (July 12, 2016), <https://www.insidehighered.com/news/2016/07/12/law-professor-responds-students-who-complained-about-her-black-lives-matter-shirt>.



improve our communication with students, convey our respect for their experiences and needs, and reinforce our commitment to their educational experiences. Fellow professors, if you are looking for a place to make changes in how you teach, how you relate to your students, how you relate to your material, or how you convey your values, might I suggest: read the syllabus.