

*Session 9.1*

*Online Learning Among Countries*

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1 Duce: I am an expert on football, so if you want to ask about that ... I used to be a very good player. Now, I really am retired because playing with young guys is very difficult in South America, believe me.

I will present the experience of JSCA, or CEJA, as we call it in Spanish. I agree with most of the advantages and challenges that my colleagues presented a few minutes ago. Basically, I will address some small differences and some lessons that we have learned, how to solve some of the problems that they mentioned.

Before that, probably it would be good for you to have a general overview of our institution and our goals, so you will be able to understand the context in which we have developed our online courses. The Justice Centre of the Americas is a very young institution. We were created ten years ago. We belong to the legal umbrella of the American Organisation of the State, which is the political organisation of American states, equivalent to the European Union but not with the level of, really, union that they have but it is our main political organisation in the Americas. So, we belong to that organisation, along with thirty-four other countries. Those thirty-four countries are part of our work.

Basically, what we were created because in the beginning of the Eighties, pretty much in the nineties, most Latin American countries began very fundamental justice reforms, that considered in the context of a movement in which we were again taking up democracy. The new democracies made a lot of changes in our judicial system. I would call them 'foundational' changes. For instance, most of the countries began huge reform in their criminal justice systems, installing the new adversarial type of procedure in stead of the very old-fashioned orthodox inquisitorial procedures that we used to have.

But the impression, the feeling, of our authorities was that even though we had spent a lot of money, political effort and technical effort on those reforms, they were not achieving the goals and meeting the expectations that we had. So they decided to create this new technical institution, CEJA – JSCA – to give new impetus to the reform processes in the Americas, with their focus, of course on Latin America, basically trying to take advantage of the regional experience. There were a lot of efforts but isolated in each country. We realised that it was good to create synergies between the countries, so that became our mission. Our main focus was on criminal justice reform at the beginning but now we are working also in civil justice reform and management, and so on and so forth.

You can see, the challenges we face. In devising solutions we have to cover thirty-four countries, with many and diverse actors. We do not work only with judges. We work with prosecutors, public defenders, actors from the legal community as a whole. So, we have to reach thirty-four countries, many different types of actors. In that regard, you can see the development of tools that allow us, with few costs, little money, to reach all this audience was key. Because, we are a very small institution.

Our budget is not too high, if one compares our goals to the money that we have. We needed to build a platform to develop some online courses. We do a lot of face-to-face courses too but today I will talk about online courses.

Probably, our most important program is [inaudible] module, an [inaudible] module because it is a mixture, of face-to-face and online parts, and also it is [inaudible] because our students come from the different areas of the legal system. We have a lot of judges. Probably around one third of our students are judges but we have prosecutors, public defenders, lawyers that work in NGOs associated with the justice system, law professors, people that work in the government, in the implementation offices of the reform, and so on and so forth.

This main program is the Inter-American Program for Training Trainers, but we have developed since then many new courses that are more in the [inaudible] which is just online courses. You have a couple of examples in the slide, one regarding prosecutors' offices, the other an introduction to gender analysis in the criminal justice system in Latin America.

Regarding the model, I will talk about the course that you will see as an example, the Inter-American program. This course has two face-to-face parts, one at the beginning of the course and one at the end of the course, after the e-learning is done. Both on-site courses are one week, around forty hours of teaching. The first one is the basic course, as we call it. Basically, it is shock therapy for our students. 'Shock therapy' because basically we want to show them a different perspective and for them to understand the problems of our criminal justice system.

As I told you, we did reform but the reform was not working according to what we expected. In CEJA's first four years of life we conducted several empirical researches to assess. What were the problems that we were facing in our criminal justice system? We discovered that most of the problems, as you will probably realise, were not of legal design but of implementation. In Latin America we are very good for poetry, legal design, very bad for [inaudible], which is needed to make things work. Many of our students were expecting for the first course a legal debate about the reforms and the legal models, but what we showed them is that most of legal problems are related to, for instance, how to manage a court, to [inaudible] hearings rather than files.

It is shock therapy because they realise that there is a completely different perspective with which to analyse the problem. Then comes the online course, which is basically oriented to analysing in depth ten specific problems of implementation. The students are required in each problem to describe the problem, and to analyse some successful experiences, or best practices. We give them a lot of visual materials on how they can improve their own justice systems.

The course, as I told you, has ten modules. Each describes one problem of implementation. Usually, each module includes general reading information, and I will show you the format of that. Sometimes we include complimentary reading materials, materials that they have to print out or that they can download to study. We use a lot of videos. Some of the videos present short classes in which a teacher will be explaining a point, but most of the videos are, for instance, examples of hearings, of pre-trial imprisonment discussions, the purpose of which is to fix a model in their heads. I will explain that. Each module has a multiple-choice evaluation, with true or

false. At the end of each module the student must finish the evaluation online. When you finish it you get the result immediately. I will show you how we control that. Each module takes, more or less, ten to twelve hours of work. We organise the modules on packages. So, we have a package of two or three modules. We allow around two weeks for the students to have done the module. Then they go to the following module. Each two to three modules they have a vacation of one or two weeks, which is not really a vacation period. Rather, it is time for the student who is behind to catch up with the others and also we will use this space to, for instance, organise synchronous chats. So, the students will have the opportunity to discuss with the teacher in real time the things that they were discussing in the module.

The total duration of the program is four months, so it is very challenging. If five weeks is a problem, you can imagine that it is very difficult for us to keep things working for four months. It is, of course, an asynchronous course but we have a synchronous moment, which is our chat sessions. For instance, last week we had the last vacation week of this year's program and we organised four different chats in that week, in different hours. One of the modules was mine, so I organised a chat on Thursday at nine o'clock in the morning Chilean time and on Friday at six o'clock Chilean time we have the program also; there are several time-zones in Latin America. Most of the students have the choice, to select one or the other, and they have a variety of [inaudible] so no one can say, 'I did not have the opportunity to take that chat'.

We have also an ongoing asynchronous forum, which is quite similar to what Ben showed us a few minutes ago. We have ongoing course evaluation for each module and we have permanent – and I would say this is a key to the success of the program – contact between the staff, which is the director of the program, that is me, and the teachers and the moderators, and the students. In four months you have to have a lot of contact with them so nobody will be left behind.

How do our courses look? This is the main page [refers to visual presentation]. The students log on to this page with their user-name and password. Then, they go to the first page, the main page, that has all the different tools of the program. You can see the tools include communication tools, which are basically tools to be in contact with the students, such as this one, [inaudible]. It is a tool that we, the organisers of the course, use to send the students warnings. If I send a warning, for instance, 'remember that this week we have a chat', that will be flashing. So, every time that you go there, if there is news that you need to remember it will be flashing. Sometimes I write to say, 'you should participate more', not always to say good things. You have the form. It is over here. To avoid Murphy's Law I am not working online, so this is just a flat picture. Here you have the chat, which is another communication tool.

Of course, there is the content. Here I will show you the content of my courses. It is in Spanish, as you can see. There are some administration tools for me. For instance, I will show you qualifications, which are, basically, the grades that the students are getting in the different evaluations.

This is how our forum looks, very similar to what Ben showed us. You can see in light blue is when the teacher is put in an opinion to discuss. I have the hat of the teacher, as you can see [inaudible], and then the students can either answer me –

unfortunately the picture is not very good, but in it one student is answering me – or the students can put a new opinion and so begin a new ‘tree of discussion’, as we call it. Once in a while we have to clean this, because for each module sometimes you have twenty, twenty-five opinions, and it is huge, a lot of material. So, we clean it and we begin new discussions.

I have to add that in this course we have fifty students, but we do not have only one forum. We divide the forum into three different ‘courses’, as we call them, three different groups. Each group has fifteen to seventeen people discussing because that allows us to have diverse discussions and also to ensure that everyone participates. If you have fifty people, the free riders will be forty percent of them, people that just look. We want a lot of participation and we will put a lot of pressure on people to participate. When you are fifteen people you realise immediately when you are participating or not.

See, for instance, the first opinion. It says, ‘¿qué pasó al resto?’, which is, ‘what is happening with the rest of the people?’, those that are not giving their opinion. I would like to hear about your experiences. I might ask something like, ‘the module presents a diagnostic. Do you think this diagnostic is fair for the situation of your country? Could you give us more information about your country?’ And, I receive from five countries different opinions, but from five more countries I receive silence. So, I say, ‘everyone wants to know, what is happening in your country. Please, give us your feedback because everyone is very interested to know about it’.

This is a tool for the administrator of the program. I told you I am the director. I am the ‘big brother’ of the course; I know what everyone is doing. This is a very interesting tool for seeing the situation in terms of the evaluations. This is a summary [refers to visual presentation]. Each of the numbers is a module, and then there is the percentage of achievement on that module. The tool allows me also to put in red every percentage that is down, 70% or around 70%. So, it is very easy for me to see clearly the students that are having problems with the program.

We are not looking for that in every module they should have more than 70%. Sometimes they have problems. If they did the module hastily they might get less than that. But when you have a student that has five, six, seven low grades, probably he or she is not doing the course in a serious manner and that will have some consequences. Fortunately, the only problematic people here, as you can see, are the ‘trial students’, a person of our staff, but we fired her because of that performance – no no, it is a joke. It is a trial, so we check that the tool is working reliably.

This is how it looks in terms of content [refers to visual presentation]. This is the first screen of the program. Then, here you have the first screen of a module. This module is regarding, ‘what does it mean to have hearings at the preliminary stage of the procedure?’ This, for instance, has been one of the very important issues in the criminal justice reform in Latin America. Most of the countries under the new code installed hearings to decide the most important things at the pre-trial level, for instance pre-trial imprisonment. The idea of the reform was that a lot of due process rights were in danger because of the lack of hearings so we installed the hearings but, when you analyse what happened, in many countries they did not organise hearings. So, we developed three different modules touching on this problem. One module, this one, is oriented toward giving them an image of the dynamic and the logic of an oral

hearing in a preliminary stage of the procedure. The second module, building on the first, is about how a court can be organised to produce hearings effectively, and shows a lot of tools and techniques for organising hearings, and so on and so forth. The third module is about how to have a good quality debate on pre-trial imprisonment, to reach high-quality decisions on that point. So, it shows specifically the logic of the debate of pre-trial imprisonment not with an emphasis on law, because we have twenty lawyers around in this course, but on the logic of the dynamic and the element of quality that should be present in a debate like that.

Here you will see some differences between our modules and NJI's. In the organisation of information we try to avoid the 'flat screen', as we call it, or worse screens. I mean, you download and you have a document. We avoid the having of documents. We avoid that because one of the challenges that we were facing when we began to build these modules was that people were not accustomed to online courses. An expert told us, 'you have to try to treble the interaction that you have in face-to-face courses'. If you give them a flat screen it is like reading a document. You do not need that built-up platform to read a document; you can send it by email, a document. So, basically, it will be more effective if you create a scenario in which the student has to click and work in every moment; so, the student is continually doing things, not only reading passively but doing things.

For instance, we show them a video and then we will have activities. We might ask, 'with regard to the video, what do you think about such-and-such? Bam, bam, bam – alternatives. You will press one, and immediately the machine will give you an answer – wrong! – for instance. You were wrong. You did not understand – anything! Let's leave the – no, no, no, never darling. We are very pedagogic, in that regard: 'wrong, because dah-dah-dah', or, 'right; you understand clearly the point; it's blah-blah-blah-blah'.

But in terms of content, for instance, the screens look like that [refers to visual presentation]. There are a lot of images, and questions. You click on the question and you will get an answer. The student needs to do permanent work. The screen never has more information than this one, a short paragraph and then one has to click on example one, example two, read the example and click. So, if they want to print this they can do it. They can cut and paste and build a word document and print it out and read it, but we encourage them not to do that because the course is designed to work another way. That increases a lot the learning process because the students are playing, if you like, at the same time that they are following the course.

Of course, this creates some problems, some challenges. This is much more expensive because we produce a script and then have to transfer the script and all the images, and that costs money. The writing of the script is also more difficult. It has been a slow process for us to understand the logic of writing a script for these types of courses. My background is as a law professor. I have been a law professor the last eighteen years. So, when I began to work on these I had in my mind a legal paper. I think, I have published several papers; okay, I will put one of my papers as a course – with a lot of footnotes, citations, legal elements – but it does not work.

We understood, with help from experts, that it is like a play. You need to write a script, which requires a different logic to a legal paper. It works like a play. You can read the script, of course. If you like plays you can read the script but it is not the

same reading the script as it is watching the play. It is the same with this. So, it is meant to create *that* type of interaction with the students. Here, you have the internet address of our [inaudible] platform, but actually it is not publicly accessible. I forgot to put the web address of our institution.

Let me devote some five minutes to speaking about some lessons learned in this process. One of the problems for all the online courses is the drop-off, as has been mentioned already. When we began to work on the courses we received information that it is normal to expect 40% of the people drop off with these types of courses. We cannot afford that. We are investing a lot of time and effort and money; we cannot have 40% drop-off. Of course, this has a lot to do with the selection process for our students, but we need to do things in our online course to avoid the drop-off. We have an average of 90-95% success, so our drop-off is very small. Why? First of all, constant follow-up. Follow-up means not only warnings, not only interaction in the forum, but almost every day I watch the screen with the grades. Almost every day I watch the screen to see how many hits the people are making. Myself, or my assistant, or another professor, will send them an email saying, 'okay, we realise that in the last couple of weeks you have been very slow. Do you have a problem? Can we help you in some way'.

People are very receptive. Many of them say, 'I have some problem, thanks a lot, I will need that help, do you have some extra material, I would like to study' – whatever. It is a help, but at the same time they are feeling pressured that they are not isolated in cyber-space, alone, left to their own devices.

Second, carrots and sticks. We have a lot of carrots. The main carrot probably is that if you finish this course successfully you will go to a third component of the course that is face-to-face. This course is very prestigious in the region so to have the label of having passed this course is very important, and there is a lot of carrots on that. But, we use sticks. We are not shy of using sticks. If we need to use a stick we will use it, and we work with judges too. I am not a judge, so I am feeling very comfortable in saying that I can use the stick with judges too. Sometimes I feel that judges say, no, we cannot use it. But, well, when you are following a course it is a course! It is not democracy! We behave as a professor on a course! You can take it easy if you like but at the end there is the professor; there is assumed a need to pass. We use that, too. For us, it has been working successfully.

Third, avoiding technical gaps. This is another huge problem. For instance, many people when we talked about this program six years ago, now the technology is so cheap and it is everywhere, but six, seven years ago, many people said, 'well, but you work with very poor countries' – such as, I don't know, Bolivia, Nicaragua – 'and it is impossible to do a course like this'. No problem at all. No problem at all; we have not experienced the problem of access. You can go to a cybercafé anywhere and do this. To do that, you have to mention some things. You have to have very heavy programs if you want to download. If you want to download, you cannot wait for twenty minutes otherwise the students will not be able to follow the course, so you need to build it in a way in which it is very light, so everyone can use it. For instance, one typical problem is videos and audios. We received some help from Ben when we were building this. Ben told us, be careful with videos and audios because if you put it and they have to download it, if they are not using a high-speed connection it will take them two days to download the video. So, you have to find a solution. The

solution that we had at the beginning was that we produced CD's with the video, and not only with the video but with an MP3 version, just audio, of the hearings for instance. We gave [inaudible] because we have the face-to-face course, first part. We gave them all the CD's so they can watch the videos in their country without downloading them. If they have problems with watching they can hear it in MP3. Everyone has MP3 today. So, there is no excuse not to have access. Now, it is even easier because you can put all the videos on YouTube. YouTube is so easy to download from. There is no technical problem. But, you have to avoid – this is the lesson – the possible technical gaps.

Another tool that we have made, that we use a lot, is permanent support for the students. We have a 'support' chat. So, in office hours we have a technician. The chat is always open, so that if any student has a problem he can write in the chat, very easily, 'okay, I'm experiencing that problem; could you help me?'. If it is not in office hours they can send him an email and he will be able, at the beginning of the morning, to send a solution.

Fourth, we believe that it is very important to match the interaction of on-site courses. We use the forum, the chats, the warnings, all these tools I have explained about. Of course, you have to build very flexible modules in terms of technology and the type of course. We produce a more expensive type of course, and it costs us a lot to make new courses, because we need to develop the script – which is not the same as writing a paper. We need to transform the script with the images. It requires a lot of supervision. For the proposal that we were looking at our model works, but if one wants to produce more, and more, and more courses, probably even though you can have some courses like this you should think about building the NJI type of course, which is very easy and very cheap to put together. This is a limitation for us at this point. Now we are working with technology, trying to improve our [inaudible] platform to have a space to receive these types of courses.

We developed this course in-house. When we went to the market asking how much it would cost to build a platform we were scared. We did not have the budget for that. Do not tell Bill Gates that I am saying this. We decided it was possible to build it in-house, with a couple of technicians. Today it is even more possible because there is a lot of free software around that you can use, very cheaply. Of course, it is not all the most sophisticated and up-to-date, but you can do it very cheap. You have to be very careful in how you build, to keep track of everything, because when technology changes if you do not have a clear track then you will face problems. That was our experience. We spent a lot of time this year trying to update everything, a little bit blind because the technician that worked with us six years ago was not working with us anymore, and it was a pain for us to grabbing some tools. You have to be very clear about that, that there is a lot of possibilities, With a small budget you can do it but you need to be very rigorous in terms of backing up and registering every step that you take in designing the course.