



Barreau
de l'Ontario

Paralegal Standing Committee

Hybrid Delivery of Paralegal Education

November 26, 2021

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Executive Summary

The sudden onset of the COVID-19 pandemic in early 2020 resulted in a significant shift to remote education delivery across all sectors, including post-secondary education. In response to the pandemic and in light of the guidance from public health authorities regarding social distancing, the Law Society of Ontario (“LSO”) permitted colleges to deliver paralegal education remotely.

As restrictions associated with the COVID-19 pandemic begin to lift, many sectors are leveraging the benefits gained from the increased use of digital platforms, and the future of legal education appears poised to retain different modalities of learning. At this juncture, the LSO has an opportunity to evolve paralegal education in a manner that preserves the quality of paralegal education in the public interest and is reflective of advances in education methodology.

The LSO’s observations and outcomes indicate that while there have been challenges with the sudden transition to fully remote delivery of paralegal education, many of the features of remote delivery have the potential to facilitate access to paralegal education for students who may be balancing competing obligations. Digital platforms also offer opportunities to reach a broader array of instructors and, when used effectively, enhance opportunities for collaboration, reflection, and reinforcement of foundational concepts. The LSO also observes that fully remote, online learning is not optimal for achieving all the objectives of paralegal education and that the learning environment must be one that allows sufficient opportunity to develop and assess student skills so as to ensure that licensees will have acquired entry-level competence upon entry to the profession, in the public interest.

Overall, it would appear that most paralegal education providers are preparing to return to in-person learning but would benefit from some additional flexibility related to delivery methods. Some paralegal students who began their paralegal education programs remotely are keen to be able to complete their programs in this modality. There are other students who have indicated that they prefer the in-person learning method.

In its current form, the Paralegal Education Program Accreditation Policy (“Accreditation Policy”) does not permit colleges to deliver any courses within an accredited program remotely or through online learning, although remote learning has been permitted in response to the pandemic. This is in contrast to the Federation of Law Societies of Canada’s (“Federation”) requirements for Canadian common law programs and internationally trained applicants, which have allowed for some online instruction, even prior to the pandemic.

Against this background and context, the Paralegal Standing Committee (“Committee”) has approved hybrid delivery of paralegal education, which will permit colleges to deliver up to 35% of compulsory legal courses remotely, as a pilot project for a period of two years. The proposed parameters for hybrid delivery of paralegal education prioritize certain core elements of paralegal education and balance the LSO’s mandate to maintain entry-level competence in a fundamentally interpersonal profession with the goal of ensuring that the LSO remains at the forefront of excellence and innovation in all matters, including regulating the delivery of paralegal education. The legal landscape and the provision of legal services is shifting and increasingly taking place online and with the use of technology. Paralegals will require some knowledge of and competence in delivery of remote legal services. By permitting hybrid delivery of paralegal education as a pilot

project, the Committee has adopted a moderate approach that allows paralegal education to respond to these changes.

The final implementation date of the policy allowing for hybrid delivery will be determined based on the status of the pandemic and applicable guidance from public health authorities. In the interim, the LSO will continue to provide flexibility to colleges to deliver paralegal education remotely during the pandemic.

Context

The use of distance learning methodologies within paralegal education was initially addressed by the Committee when graduation from paralegal education was instituted as a threshold requirement for admission into the paralegal licensing process. The direction provided by the Committee at that time led to the current policy of the LSO that remote delivery methodologies are not permitted for paralegal education on the basis that in-person training involving direct and real time interaction with instructors and peers facilitates the most rigorous inculcation of legal knowledge, procedural concepts, and professionalism principles. This policy position also reflected the instructional methodologies that have been traditionally used by law schools to educate and train lawyers.

The sudden onset of the COVID-19 pandemic in early 2020 resulted in a significant shift to remote education delivery across all sectors, including post-secondary education. In response to the pandemic and in light of the guidance from public health authorities regarding social distancing, the LSO permitted colleges to deliver paralegal education remotely. Since March 2020, the LSO has required that remote delivery involve synchronous, interactive instruction for the minimum number of instructional hours required under the Accreditation Policy in order to maintain the quality and integrity of training and assessment. Similarly, remote and/or virtual field placements have been permitted with modified placement supervisor/paralegal student ratios.

As restrictions associated with the COVID-19 pandemic begin to lift, many sectors are leveraging the benefits gained from the increased use of digital platforms, and the future of legal education appears poised to retain different modalities of learning. At this juncture, the LSO has an opportunity to evolve paralegal education in a manner that preserves the quality of paralegal education in the public interest and is reflective of advances in education methodology.

Accreditation Framework

The LSO's Accreditation Policy provides systematic quality control over paralegal education through prescribed curriculum, assessment, experiential training, and infrastructure requirements. The LSO's current approach to paralegal education recognizes that the provision of legal services is largely an interpersonal endeavour and that legal problems are solved through interactions with other individuals. Licensees must understand how to communicate effectively and be capable of adapting their communications in accordance with different client situations and varying levels of formality. The paralegal education program learning environment must be one that allows for sufficient opportunity to develop and assess student skills so as to ensure that licensees will have acquired entry-level competence upon entry to the profession, in the public interest.

The Accreditation Policy as it currently stands does not permit colleges to deliver any courses within an accredited program remotely or through online learning. The Accreditation Policy specifically states, “Online or remote delivery of the Accredited Program is not permitted.”¹ While colleges can request exemptions from certain aspects of the Accreditation Policy, the LSO does not permit any exemptions to the requirement that all aspects of accredited paralegal programs be delivered in person.

Notwithstanding the above, the LSO also expects all colleges to discharge their obligations to students under the *Human Rights Code* in accordance with Ontario Law.² Colleges may therefore divert from the Accreditation Policy in providing accommodations to individual students, including by permitting remote or online learning to individuals in specific circumstances.

Discussion

A. Environmental Scan

Since March 2020, many educational institutions in Canada and abroad have transitioned both to and away from remote learning at different stages of the pandemic.³

Canada

While Canadian law schools have historically taught in person, most shifted to remote delivery during the pandemic. However, since September 2021, Canadian law schools have generally been moving towards a full or partial return to in-person learning. For example, the law school program at Queen’s University has advised that “on-campus, in-person learning is the primary mode of course delivery” beginning in fall 2021.⁴ In addition, the University of Toronto has indicated that it is offering as much in-person learning as possible at the law school beginning in the fall 2021 term.⁵ McGill University’s JD program and the Peter A. Allard School of Law at the University of British Columbia have similarly returned to in-person learning as of fall 2021.⁶ Other law school programs, such as at the University of Ottawa, University of Windsor, and Osgoode Hall at York University have adopted a hybrid approach, offering some courses remotely and some in person in fall 2021, while planning for a full or partial return to in-person learning in January 2022.⁷ Some universities and colleges in Ontario are moving towards a “hyflex” model of learning (a combination of “hybrid”

¹ Law Society of Ontario, *Paralegal Education Program Accreditation Policy*, s. 3.1.2, see <https://lso.ca/becoming-licensed/paralegal-licensing-process/paralegal-education-program-accreditation/accreditation-policy>.

² *Ibid.*, at s. 2.16.

³ Restrictions with respect to physical distancing do not currently apply to post-secondary institutions in Ontario, and community colleges and private career colleges are permitted to provide in-person teaching or instruction without physical distancing restrictions. See O. Reg 364/20: Rules for Areas at Step 3 and at the Roadmap Exit Step, under *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, S.O. 2020, c. 17, at ss. 3.1(5)(e) and 13, see <https://www.ontario.ca/laws/regulation/200364>.

⁴ See <https://law.queensu.ca/return-to-campus>.

⁵ See <https://www.law.utoronto.ca/2021-jd-admits-covid-updates>.

⁶ See <https://www.mcgill.ca/law-studies/bcljd-studies/11-faq> and <https://allard.ubc.ca/student-portal/return-campus-fall-2021>.

⁷ See <https://commonlaw.uottawa.ca/en/faq-enrolment-2021-2022>, <https://www.uwindsor.ca/law/2700/winter-2022-planning>, and <https://www.osgoode.yorku.ca/my/jd/academic-support/updates/osgoodes-covid-19-policies-safeguards/>.

and “flexible”). See **Tab 9.1** for a recent article in the *Globe and Mail* discussing the state of hybrid learning at a few Ontario colleges.

From a regulatory perspective, since 2015, all Canadian common law degree programs have had to meet the Federation of Law Societies of Canada’s (“Federation”) National Requirement, which specifies the competencies and skills that law school graduates must have prior to entering a law society licensing or bar admissions program. The National Requirement also specifies the resources that accredited law school programs must have in place. Since January 2018, the National Requirement has provided that an LL.B. or J.D. degree from a Canadian law school will be accepted as meeting the competency requirements if, among other things, “[t]he course of study consists of primarily in-person instruction and learning and/or instruction and learning that involves direct interaction between instructor and students.”⁸ This has been interpreted as a minimum of two-thirds of the program being delivered in person or through interactive online methods. The Federation recently assembled a committee of law society representatives from across Canada to review the National Requirement in 2022, with a view to addressing changes that have occurred in the education sphere since the National Requirement was first adopted. The increased use of technology to enable remote delivery of legal education as a result of the pandemic will be considered as part of the review.

Similarly, the Policy Manual of the Federation’s National Committee on Accreditation (“NCA”), which sets out the criteria for assessing the qualifications of applicants who seek to practise in a common law jurisdiction in Canada but did not receive their education from an approved Canadian common law law school, requires that two-thirds of an applicant’s law degree be obtained “through in-person instruction or instruction involving direct interaction between instructor and students in an approved program.”⁹ Where some courses within a program involve interactive online instruction, at least one year of the program must consist of in-person instruction. The Policy Manual also sets out a number of requirements that online instruction must meet in order to qualify as interactive.¹⁰ The NCA has taken a stringent approach to its requirements to date. It was reported in August 2021 that the NCA would not exempt from its requirements law schools overseas that do not offer instruction that meets NCA requirements.¹¹

USA

In 2018, the American Bar Association (ABA) increased access to online legal education and provided that law schools were able to offer up to one-third of their programming online.¹² At that time, specific restrictions with respect to online learning were in ABA Standard 306, and law

⁸ Federation of Law Societies of Canada, *National Requirement* (2018), at s. C.1.1.2. See <https://flsc.ca/wp-content/uploads/2018/01/National-Requirement-Jan-2018-FIN.pdf>.

⁹ Federation of Law Societies of Canada National Committee on Accreditation, *Policy Manual* (2021), at s. 7.2. See <https://nca.legal/wp-content/uploads/2021/06/2021NCAPoliciesV5.pdf>.

¹⁰ *Ibid.*

¹¹ “Canadians enrolled in overseas law schools during pandemic fear degrees won’t meet accreditation here,” *Toronto Star* (August 14, 2021). See <http://secure.campaigner.com/CSB/public/ReadmoreContent.aspx?id=28539803&campaignid=53547480&ac=580325>.

¹² Weinberger, Lael Daniel, *Keep Distance Education for Law Schools: Online Education, the Pandemic, and Access to Justice* (July 27, 2021). *Loyola University Chicago Law Journal*, Forthcoming, Available at SSRN: <https://ssrn.com/abstract=3894382> or <http://dx.doi.org/10.2139/ssrn.3894382>.

schools could request a variance from this standard.¹³ In July 2020, likely as a result of the pandemic, the ABA granted requests for variances to 199 law schools.

In August 2020, the ABA deleted Standard 306.¹⁴ As a result, the ABA standards now provide limited direction to law schools regarding requirements for remote delivery of law programs. The ABA standards refer to remote education as “distance education”¹⁵ and provide that of the 83 credit hours¹⁶ required for graduation from a law school program, at least 64 credit hours must be in courses that involve regularly scheduled classroom sessions or direct faculty instruction. Such hours may be “earned through distance education.”¹⁷ The ABA standards also specify that only 10 credit hours of the first one-third of a student’s law program may be delivered remotely.¹⁸

B. Licensing Examination Success Rates

Between 2017 and 2019, paralegal licensing examination success rates remained relatively consistent, with approximately 75% of community college graduates and 50% of private career college graduates passing the examination.

While the success rates fell somewhat in the earlier part of the pandemic (i.e., August 2020 to February 2021), this could be related to a number of factors, such as the sudden shift to remote delivery of paralegal education, other stresses of the pandemic, lack of training and experience by instructors in remote education, and the adjustment to the online examination delivery model.¹⁹

The success rate appears to have returned to a level that is consistent with pass rates prior to the onset of the pandemic, with approximately 71% of community college graduates and 51% of private career college graduates passing the examination after the summer 2021 administration.

Given the relatively limited amount of data available since the introduction of remote delivery in paralegal education, these data should continue to be monitored to determine ongoing trends.

¹³ *Ibid.*

¹⁴ *Ibid.* See also Trish Stammer, “8 ABA-Approved Online Law Schools” (September 10, 2021) at <https://www.nitrocollege.com/blog/online-degrees/aba-approved-online-law>.

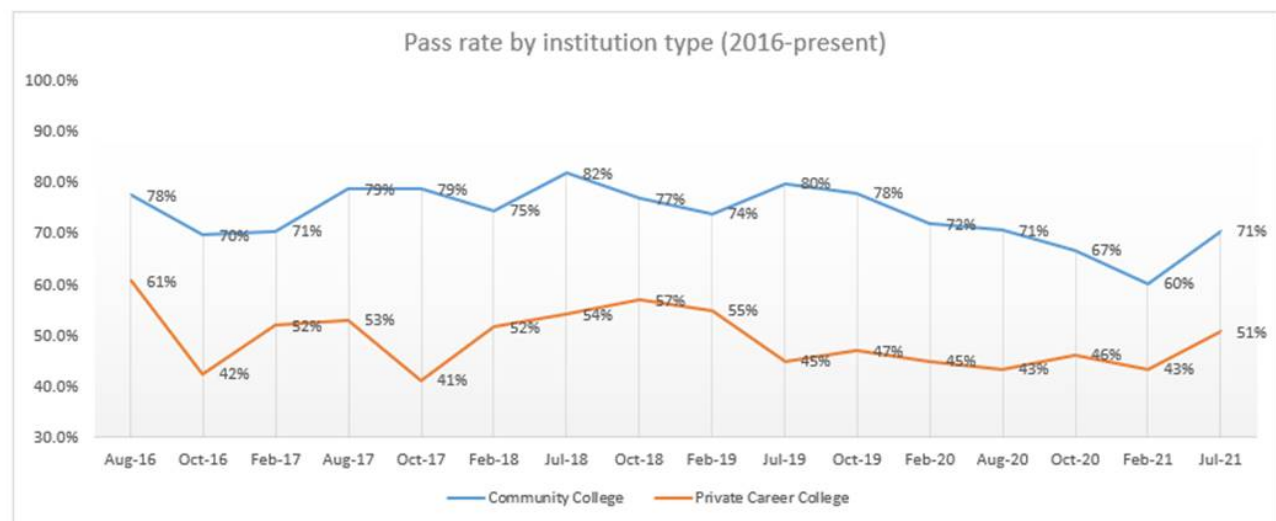
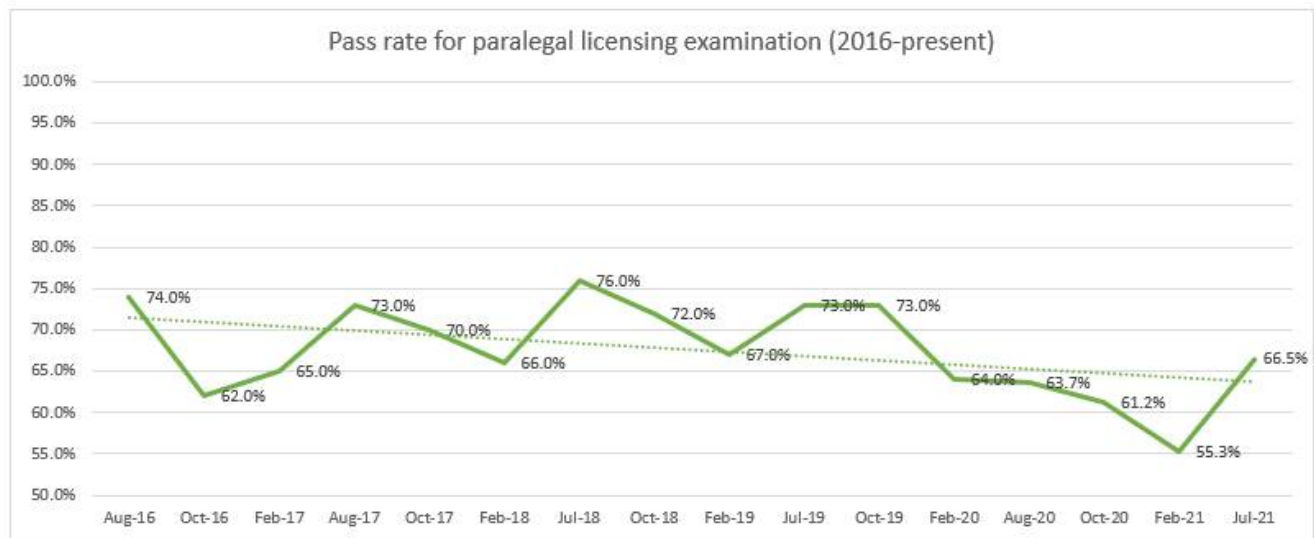
¹⁵ “Distance education course” is defined as “one in which students are separated from the faculty member or each other for more than one-third of the instruction and the instruction involves the use of technology to support regular and substantive interaction among students and between the students and the faculty member, either synchronously or asynchronously.” American Bar Association, *ABA Standards and Rules of Procedure for Approval of Law Schools (2021-2022)* at https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2021-2022/2021-2022-aba-standards-and-rules-of-procedure.pdf.

¹⁶ A “credit hour” is equal to the amount of work that reasonably approximates “not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time” or an equivalent amount of work (for such things as a field placement or clinic work) leading to an award of credit hours.

¹⁷ *Ibid.* at Standard 311(a) and Interpretation 311-1.

¹⁸ *Ibid.* at Standard 311(e) and 311-1(a)(3).

¹⁹ For the period between February 2017 and February 2020, the overall pass rate for public colleges was 76.7%. Over the same period, the overall pass rate for private career colleges was 50.1%. For the period between August 2020 and July 2021, the overall pass rate for public colleges was 66.8%, and the overall pass rate for private career colleges was 45.6%. However, the most recent data suggest that examination pass rates appear to be normalizing and returning to pre-pandemic levels.



C. Remote Classroom Observations

Between August 1, 2020, and September 30, 2021, the LSO completed 22 observations of remote paralegal classes in connection with regularly scheduled audits of accredited paralegal education programs. In November 2020, the LSO completed 10 additional observations as part of a project designed to learn more about the remote delivery of paralegal education during the COVID-19 pandemic.

The shortest classroom observation was for just under one hour, while the longest was for more than four hours. Of the classes observed, 14 were offered at 10 community colleges, and 18 were offered at nine private career colleges.

Overall, the LSO's observations indicate that in many classes, students and instructors are actively engaging with one another, and instructors are utilizing unique tools that are more readily available on remote learning platforms, such as quizzes, polls, and breakout rooms. Where challenges were

observed, they were primarily due to a lack of active engagement by students and instructors. These challenges are also a reflection of the sudden transition to remote delivery, which was necessitated by the pandemic.

In particular, the LSO noted the following during its classroom observations:

1. **Quality:** Some instructors were able to make effective use of the remote delivery platform by calling on students individually to generate engagement and by breaking students into groups and attending at the groups to monitor students' interactions with each other during group work periods. In some cases, there was less opportunity for classmates to intervene and to make the environment more dynamic.
2. **Content:** Some classes were focused primarily on the delivery of pre-prepared content, with little attempt to engage students in discussion. This is similar to the observations of the LSO during some in-person audits.
3. **Professionalism/Formality:** In some classes, the level of informality was greater than one would expect in a live classroom experience, especially where students did not have their cameras engaged and interacted only through a chat function. However, this informality may allow students to be more forthcoming about their questions and to share ideas and observations in real time.
4. **Non-instructional Time:** Some classes contained extended periods of non-instructional time, lasting 30 minutes or longer, during which the instructor and students were silent. It is possible that students were engaged in self-study or reflection during these periods.
5. **Class Duration:** Some classes continued past their scheduled end time, and some students continued to participate during that extra time, evidencing a high level of learner engagement. A few classes were shorter than the scheduled duration.
6. **Delivery Platform:** Some delivery platforms, such as Zoom or Teams, have features that replicate most aspects of in-person learning. Some colleges made excellent use of these features to promote interaction. In other cases, the delivery platform used by the college did not appear to allow for students to be seen or to speak with each other or the instructor.

D. Survey of Paralegal Education Programs

In October 2020, a survey of 19 questions was sent to 31 Program Coordinators²⁰ ("PC") of paralegal education programs to gather the perspectives of college administrators on the remote

²⁰ Program Coordinators play an integral role in the receipt and maintenance of a program's accreditation and are responsible to the college and to the LSO for monitoring, coordinating, and controlling program standards. Program Coordinators must be LSO licensees and must meet certain other criteria. For more information, see <https://lso.ca/becoming-licensed/paralegal-licensing-process/paralegal-education-program-accreditation/accreditation-policy>.

delivery of paralegal education. While not all PCs responded to all questions, the majority of questions received at least 28 responses (one PC did not respond at all).

Overall, the survey results suggest that while there was an initial learning curve with the sudden transition to remote delivery of paralegal education, colleges, faculty, and students have become adept at utilizing the various remote delivery platforms. In particular, colleges are gaining insights into how to maximize their effectiveness by adjusting teaching approaches to account for the manner in which faculty and students interact online.

Most notably, colleges, faculty, and students appreciate the flexibility and accessibility offered within a remote learning environment. In particular, the following information was obtained from the survey of PCs:

1. **Delivery Platform:** Some platforms better simulate a classroom environment (e.g., by offering screen-sharing, breakout rooms for group work, access to documents for viewing or downloading, several methods of interaction (audio, visual, and chat), and polling/quizzing functionality). Some platforms offer solutions to problems that may arise, such as by allowing students to dial in by phone if their Internet connection is poor or to watch a recorded version of the class if they are unable to attend synchronous delivery.
2. **Amount of Effort by College and Instructor:** Some colleges and instructors were dedicating more resources and effort to realizing benefits for students from remote delivery, such as by having guest speakers (including some who would be less likely to attend in person), creating “office hours” for students to attend, or using more than one delivery platform to maximize available options.
3. **Financial and Time Savings:** Most PCs noted that a significant benefit of remote education was the financial and time savings arising from not having to commute to physical locations.
4. **Ease of Attendance:** Some PCs noted that the ease of logging in had increased attendance. It was also noted that, for some colleges, enrollment itself had increased during the COVID-19 pandemic as a result of the ease of attending classes remotely.
5. **Program Costs:** Some PCs noted that remote delivery could result or was resulting in cost savings to the college.
6. **Class Duration:** Two PCs referenced a noticeable difference in participation as between a two-hour class and a three-hour class. A few PCs commented that teaching a class of longer than two or two-and-a-half hours was challenging, and one PC acknowledged that only two to three hours of a five-hour remote class were used for instruction.
7. **Technological Challenges:** Overcoming technological barriers (whether of the platform itself or Internet connection) was a frequently cited obstacle.
8. **Student Engagement and Interaction:** Several PCs noted that ensuring that students were in fact present and engaged was an ongoing challenge. Some PCs noted that

students might log in at the beginning of class but keep their camera off, with the result that the instructor could not determine whether the student remained present throughout the class.

9. **Content and Assessments:** Some PCs noted that certain types of legal skills were more difficult to teach and assess remotely and that ensuring academic honesty during remote delivery was more challenging (although many were using various software/tools in connection with assessments).

E. Feedback from Students, Faculty, and Program Coordinators

The LSO has received numerous comments from students, both on an informal basis and during audits, expressing opinions with respect to remote delivery of paralegal education. Some students have expressed concerns that the requirement to attend in-person poses a barrier due to caregiver obligations or geographical concerns (e.g., they live in remote communities and could not relocate for the duration of the program). Most of the informal comments received relate specifically to health and safety concerns and the COVID-19 pandemic. Some students, including during a recent audit of a college where there has been a partial return to in-person learning, expressed dissatisfaction with remote learning and a strong preference for in-person classes.

As the LSO has begun encouraging colleges to begin planning for a return to in-person learning, the LSO has received an influx of communications from students who began their paralegal studies on a fully remote basis during the pandemic and are strongly opposed to the return to in-person learning. For example, in October 2021, the LSO received a petition from 42 students at Centennial College requesting the LSO to intervene in the college's decision to resume some in-person learning (See **Tab 9.2**).²¹ In November 2021, the LSO received a petition from a group of students at Mohawk College requesting to finish their studies online. These matters have been attended to by the LSO and the respective colleges.

The LSO has also received comments from some faculty members and PCs, both on an informal basis and during regularly scheduled audits. Some faculty members have expressed that remote learning is not as effective as in-person learning. Many PCs express a desire to return to primarily in-person learning with the flexibility to allow for some remote learning.

²¹ It should be noted that while the petition from Centennial College appears to state that the LSO is requiring colleges to return fully to in-person learning, this is inaccurate. While the LSO has encouraged colleges to return to in-person learning where it is safe and possible to do so, the LSO is taking an incremental approach and is continuing to provide flexibility to colleges with respect to a return to in-person learning.

Hybrid Delivery of Paralegal Education

A. Overview

In light of the observations, feedback, and context described above, the Committee has approved changes to the Accreditation Policy that will permit colleges to deliver up to 35% of compulsory legal courses remotely within defined parameters, as a pilot project for a period of two years. The changes to the Accreditation Policy will be permissive – colleges are not required to incorporate hybrid delivery. The hybrid delivery model permits colleges the flexibility to deliver some courses fully remotely and to deliver some courses in a hybrid model (i.e., with some classes taking place in-person and some classes taking place remotely). Colleges will also have the flexibility to determine, based on their technological resources, whether to offer students the option to attend courses simultaneously in-person and remotely, up to a maximum of 35% of compulsory legal courses.²²

Defined parameters around remote delivery will be in place with respect to

- courses and assessments that could be delivered remotely;
- duration of remote classes;
- platform and delivery methods for remote classes;
- instructor training in remote delivery; and
- student communication with respect to remote delivery.

The parameters for remote delivery of paralegal education are designed to address the issues observed by the LSO during audits, such as by requiring instructor training and student participation, specifying that introductory courses be taught in person to inculcate norms and expectations early in the program, and limiting the duration of classes taught remotely. The parameters prioritize certain core elements of paralegal education and balance the LSO's mandate to maintain entry-level competence in a fundamentally interpersonal profession with the goal of ensuring that the LSO remains at the forefront of excellence and innovation in all matters, including regulating the delivery of paralegal education.

Amendments to the Accreditation Policy will be required. An outline of the parameters for remote delivery of paralegal education are attached at **Tab 9.3**. A sample outline of courses that could be delivered remotely/in-person is attached at **Tab 9.4**.

The final implementation date of the policy allowing for hybrid delivery will be determined based on the status of the pandemic and applicable guidance from public health authorities. In the interim, the LSO will continue to provide flexibility to colleges to deliver paralegal education remotely during the pandemic.²³

²² There are 18 compulsory legal courses in an accredited program. Pursuant to the Accreditation Policy, programs must also offer a minimum of 120 hours in addition to the compulsory legal courses, and some programs also offer courses over and above the minimum requirements in the Accreditation Policy. The 35% specifically refers to the compulsory legal courses, and colleges may determine the preferred mode of delivery of any other courses.

²³ As noted above at note 3, there are no restrictions with respect to social distancing for the delivery of in-person post-secondary education. While the LSO has signalled to colleges that a return to in-person learning should take place as

B. Basis for Decision

The Committee's approval of a permissive approach to hybrid delivery as a pilot project for two years provides flexibility to colleges while allowing the LSO time to further review the impacts of remote delivery of paralegal education. The LSO's outcomes and observations over the past 18 months indicate that there are benefits associated with remote learning. These include increased flexibility for colleges and students, ease of attendance, access to a broader array of instructors, access to paralegal education, student and instructor commuting cost and time savings, and potential institutional cost savings. It is also noted that remote learning platforms offer advantages for some activities. For example, recordings of live classes can be used by students who miss a class, are not strong note-takers, require accommodations, or wish to reinforce their understanding of concepts covered by the instructor. As noted above, remote delivery allows paralegals to develop competencies in the digital delivery of legal services in an increasingly digital legal landscape.

However, the LSO also observes that fully remote, online learning is not optimal for achieving all the objectives of paralegal education and that the learning environment must be one that allows sufficient opportunity to develop and assess student skills so as to ensure that licensees will have acquired entry-level competence upon entry to the profession, in the public interest. There are challenges inherent to a fully remote delivery model, such as lack of interaction, lack of engagement, and lack of student and instructor satisfaction. In a fully remote learning environment, it is also more difficult to give immediate individualized feedback, develop clear expectations, set professionalism norms within the classroom, ensure academic integrity, and develop peer groups for academic and professional support.

The Committee is intentionally taking an incremental approach to changes to the delivery of paralegal education. Many colleges are well situated at this time to be able to seamlessly transition to hybrid delivery. Colleges and faculty are gaining insight and expertise in delivering remote education as they develop a deeper understanding of best practices for leveraging technology in the classroom.

While a hybrid delivery model does not incorporate all the benefits of a fully remote delivery model, it incorporates many of them. Similarly, in approving that up to 35% of compulsory legal courses be permitted to be delivered remotely, the Committee is cognizant that the Federation currently requires at least two-thirds of in-person or interactive online instruction for Canadian common law programs, and at least one year of in-person instruction for internationally trained applicants (see "Environmental Scan" section, above). The proposed parameters provided for remote learning are consistent with the approach taken by the Federation but are less permissive.

soon as it is possible to do so, the LSO is granting colleges the autonomy during the pandemic to make decisions with respect to whether they institute social distancing within classrooms and/or deliver the paralegal education program remotely.

Resource Impacts

There are no additional staffing or resource requirements associated with the implementation of these options.

Next Steps

It is anticipated that revisions to the Accreditation Policy would be fully in place by September 2022, as long as the pandemic has sufficiently resolved. In the interim, the LSO will continue to provide flexibility to colleges to deliver paralegal education remotely during the pandemic. During the fall of 2022, the LSO will continue to collaborate with colleges who wish to integrate hybrid delivery into paralegal education programs. The Committee will receive a progress report on this initiative after that transition has taken place, likely in early 2023.

Approximately two years after implementation of Accreditation Policy changes regarding hybrid delivery,

- LSO internal data will be reviewed to determine whether there has been any change in licensing examination success rates, outcomes of paralegal education audits, or complaints and investigations in relation to entry-level paralegals; and
- feedback will be gathered from colleges and students through a survey or call for comment to assess the efficacy of the hybrid delivery model.

Once there is sufficient information to determine the success of the amendments to the Accreditation Policy, consideration can be given as to how the parameters for hybrid delivery of paralegal education should be amended, if at all, on a permanent basis.



Colleges embrace hybrid learning to give students flexibility

DAVID ISRAELSON

SPECIAL TO THE GLOBE AND MAIL

PUBLISHED OCTOBER 26, 2021

As a college-level instructor who teaches students about sophisticated fire sprinkler systems, professor Scott Pugsley is used to complex technology – which comes in handy in the new era of hybrid learning.

“Hybrid learning gives the students the chance to be flexible. They can attend class in person, or they can remain online at home and participate in learning in real time at their discretion,” says Prof. Pugsley, who teaches about 200 students at Seneca College’s School of Fire Protection Engineering Technology.

Mixing in-class with online and recorded learning started before the COVID-19 pandemic began in March, 2020, and has since expanded across college campuses all over Canada. There are still wrinkles to hybrid learning, but there’s no doubt that it’s catching on.

“Colleges pivoted to hybrid learning much more quickly in the COVID crisis than I think anyone thought we could – including us – because we had to,” says Linda Franklin, president of

Colleges Ontario, the umbrella organization for Ontario’s community colleges.

“That pivot has helped our students succeed and complete programs and courses, but it has also posed significant challenges,” Ms. Franklin says.

The challenges include the fact that not all students have good broadband internet access, the difficulty in teaching skills that require hands-on instruction, pandemic restrictions on school libraries and on-campus equipment, and the barriers to students enjoying campus life and learning together.

Rules still vary among Canada's provinces and territories as to how much college campuses can open. In Ontario, students can be on campus with proof of vaccination, and the province's colleges are scheduled to reopen in-person completely on Jan. 1.

"This fall is a transition. Anyone who does come [to campus] must be fully vaccinated, and life on campus will continue to be an important part of students' experience," says Marianne Marando, Seneca's vice-president, academic.

Yet regardless of how soon the pandemic fades and campuses open, teachers and administrators agree that hybrid learning is here to stay.

"Prior to COVID, our college started adapting our programs to fully online formats," says Mary Pierce, dean of the faculty of business, information technology and part-time studies at Fanshawe College in London, Ont.

"It's not easy for some courses in areas that involve technology or trades or health care, but we offered a lot of programs in other areas either remotely or with the option to go remote. It's good for students who work full time and still want to take courses but can't get away in the middle of a workday," she says.

Some colleges, including Seneca, have been using a dedicated system called HyFlex to produce online, accessible course material. Developed back in 2007, HyFlex requires specific technology – a camera at the front of the classroom and strategically placed loudspeakers and display devices in locations where groups of students may be gathered in a different room, city or country from the teacher.

"We started teaching this way before COVID with one of our teachers in Moncton, N.B. and our students gathered in a classroom in Toronto. You might consider it a reverse-remote learning situation," Prof. Pugsley says.

HyFlex also gives the teacher access to high-tech tools including a 180-degree camera with a 30-times optical zoom, letting him zero in on details that are now easier to see remotely on a laptop than by a student sitting at the back of the classroom.

Seneca actually offers four types of learning – flexible, in which students can choose to show up online or watch a class remotely; online, in which all classes are remote; completely in-class courses; and hybrid, which mixes set online sessions with in-person classes.

Other schools are more informal about their use of technology. With rapid advances in software and high-resolution video cameras in smartphones, they improvise.

“We looked at dedicated teaching technology, but it requires an enormous amount of training – for example, the teacher has to stand in a certain spot to just to be on camera,” says Alan Unwin, dean of business, tourism and environment at Niagara College, in Niagara-on-the-Lake, Ont.

“Different courses have different needs and requirements, so we adapt depending on the program,” he says.

Instructors have been on a learning curve using the hybrid model both before and during the pandemic.

“I learned to do things on the computer in record time to make my classes accessible to students. It was stressful at first, but it also set off light bulbs about the potential that online learning offers,” says Paul Zammit, who teaches at Niagara College’s School of Environment and Horticulture.

Online is better for his class on environmental sustainability, for example – students’ carbon footprints are lower because they’re not commuting and they can watch guest speakers from around the world.

Ms. Pierce from Fanshawe says there has been no noticeable change in student achievement or marks as hybrid learning has advanced. At Niagara, Mr. Zammit says some of the garden plans students design in hybrid learning settings are actually better than classroom-designed ones, because the remote students seem to enjoy the creative freedom.

Instructors have to be mindful that students will tune into classes from around the world, Prof. Pugsley says. “If you say the class is at 9 a.m., you have to include the time zone, because some students might be in Asia where there’s half a day’s time difference.”

However, there will always be in-class learning, Ms. Franklin says. “Hybrid learning will be an important tool in our arsenal going forward, but it is not going to replace the value of in-class learning.”

As Mr. Unwin puts it, “some students will always want to get their hands dirty.”

Centennial College of Applied Arts and Technology, Paralegal Class of 2021

VIA EMAIL

October 13, 2021

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Dear Sir and Mesdames,

Re: Reconsideration of Return to In-Class Delivery

Responding to the news of returning to in-class course delivery as of October 18, 2021, we take this opportunity to express our strong and united opposition to this decision and request a reconsideration.

While we understand, the Corona Virus Disease 2019 (Covid-19) pandemic resulted in numerous disruptions requiring adaptability in all aspects of our lives, some of those solutions were an improvement to the status quo.

We believe studying remotely is one of those improvements, with the proven success of the previous two graduating classes using remote delivery.

ISSUES

There are two primary issues with returning to in-person delivery.

First, we are currently, in step 3 of the government of Ontario's Road Map to Re-opening ("Map to Re-opening"), effective September 25, a maximum of 25 people are permitted in each room. Therefore, the Law Society of Ontario ("LSO") is not compliant with that provision, which would make social distancing difficult.

Centennial College of Applied Arts and Technology, Paralegal Class of 2021

Second, the Covid-19 variants. The ever-changing variants are increasingly resistant to the vaccines available. It is impossible to know when a new variant that is completely resistant to the vaccine will emerge. This daunting but very real eventuality creates a new level of anxiety, which in itself interferes with the learning process.

Third, a return to remote learning better prepares us as future paralegals since many court matters are now handled remotely. Therefore, remote learning teaches the flexibility required to succeed in our chosen profession.

RISKS

The risks of in-person learning are numerous and pose unavoidable dangers, just by being together. The risk is not only being on campus but getting there and returning home.

1. COMMUTING TO CAMPUS

- a. Commute on public transit;
- b. Ontario government confirmed 13% of the Greater Toronto Area (“GTA”) are not fully vaccinated;
- c. Students will be attending from areas that are in the GTA and outside of it;
- d. Students will be wearing masks while commuting to campus.

2. ON-CAMPUS

- a. No social distancing in classrooms;
- b. Students at distance would need to either stay in Centennial Residence or renting a room with lease obligations;
- c. One student could expose their entire class to the risk of contracting Covid-19;
- d. Students will again be wearing masks while indoors for classes that are two hours at minimum, plus time between classes;
- e. Students will need to eat and drink, without a mask, which exposes each person to further risk of contracting Covid-19; .
- f. Students will need to use washrooms. Public washrooms, on campus or off, are at the best of times challenging and these are not the best of times.

3. FAMILY AT HOME

- a. Children and elderly family members would be exposed based on our activities as mandated.

In our opinion, the return to on-campus learning poses an undue risk that leaves us anxious for the health and safety of ourselves and our loved ones. Vaccinated or not, individuals are still being asked to avoid groups and wear masks when not able to be 6 feet apart.

The last pandemic of 1919 left people with many challenges that we face with the Covid-19 pandemic, however, we have the technological advancement to continue on, but safely. We do not need to be in a classroom to learn, communicate, or continue on with the semester uninterrupted.

In closing, again, we strongly oppose this mandated return to in-class course delivery, given the proven success of two previous graduating classes and the continued use of remote court sessions.

Centennial College of Applied Arts and Technology, Paralegal Class of 2021

Based on all of the above, we request a reconsideration of your decision for the return to in-class lectures on October 18, 2021.

Sincerely,

The Centennial College, Paralegal Graduate Certificate Class of 2021

STUDENT NAME
Barbara Adhiya
Michelle Butcher
Nicole Ferreira
Katelyn Boctor
Sydney Cosby
Elly Yu
Evelyne Ibula
Divya Pasricha
Angela Pestowka
Phoebe Xing
Muhe Shang
Baljeet Singh
Nancy Dennison
Sarah Gooderham

Centennial College of Applied Arts and Technology, Paralegal Class of 2021

Kevin D'Addamio
D. Denise Gayle
Lauren Thomlison
Md Alaul Haque
Sujaya bhat
Ankush Bansal
Gurman Preet
Melanie Steele
Kristin Campbell
Gabriela Roberts
Daniella Costanzo
Jennifer S Machado
Willem Zagrodnik
Mehria Yousefi
Melonie Miller
Sanhita Mitra
Teresa Donovan
Stefanie Bruno

Centennial College of Applied Arts and Technology, Paralegal Class of 2021

Melody Azarmanesh Mahjoobi
Jannel Pechardo
Karan Gupta
Fariha Bhatti
Ghanwa Shahnawaz
Takin Nateghi
Jude Alanwoko
Tasnia Siddiqui
Siamk Rakhshan Navaz
Anran Wang

TAB 9.3

Parameters for hybrid delivery of paralegal education

The following are the parameters for hybrid delivery of paralegal education, to be inserted into the Accreditation Policy:

i. Limits

- a) No more than 35% of total program hours referable to Compulsory Legal Courses (as defined in the Accreditation Policy) may be offered remotely.
- b) No hours referable to the following courses may be offered remotely (except where there has been an isolated unexpected event (e.g., an advisory against driving as a result of a winter storm) or if the college applies for an exemption):
 1. Introduction to the Legal System;
 2. Communication/Writing;
 3. Advocacy;
 4. Alternative Dispute Resolution;
 5. Ethics and Professional Responsibility; and
 6. Tribunal Practice and Procedure.¹
- c) For clarity, the parameters for hybrid delivery of paralegal education apply to Compulsory Legal Courses and do not apply to the additional legal and/or non-legal courses within a Core Program (as defined in the Accreditation Policy).² Colleges may determine the preferred mode of delivery of additional legal and/or non-legal courses.

ii. Duration

- a) No course offered remotely may be of a scheduled duration of longer than 3 hours.
- b) Each class must offer instructor-led instruction throughout the scheduled duration, and neither the first half-hour nor the last half-hour of the class can be “self-study time” or “lab time.”

¹ These courses have been specifically selected based on two key considerations:

- For the first two courses referenced, in-person learning is recommended so that colleges are able to set clear expectations for classroom participation, pre-class preparation, and professionalism norms within students' first term. Having initial courses in person also facilitates the development of peer groups that can support professional development throughout the educational program, within the licencing process, and well into the first years of practice.
- For the third through sixth courses referenced, in-person learning is recommended so that instructors are able to teach, monitor, and develop specific skills related to advocacy and professionalism as well as inculcate associated norms.

² Pursuant to the Accreditation Policy, accredited programs must contain a minimum of 710 hours of classroom instruction, exclusive of pre- or post-program courses (i.e., courses that are not part of the accredited program that take place before or after the accredited program). These 710 Core Program hours must comprise a minimum of 590 Compulsory Legal Course hours plus 120 hours of additional legal and/or non-legal content.

- c) No individual break from instruction may last longer than 15 minutes, although group work and presentations are included as instruction where the instructor is actively monitoring and providing guidance or commentary on same.

iii. Platform, Delivery Method, and Video

- a) Any platform used for remote courses or classes must allow for, at minimum, both audio and video interaction among students and with the instructor (i.e., not merely through chat), and such function must be enabled for any class delivered remotely.
- b) The platform must also offer either a dial-in option or each class must be recorded and available for later viewing by registered students.
- c) Each class must be delivered live (i.e., not be pre-recorded).
- d) In any course where more than 35% of hours are offered remotely, students must be required to keep their video engaged, although backgrounds may be blurred for privacy.
- e) Colleges must maintain reports on video engagement for such courses, and the LSO may request such reports (with student names redacted) as part of an audit documentation request.

iv. Instructor Training

- a) Each instructor for courses where more than 35% of hours are offered remotely must have taken at least 2 hours of instruction in remote learning and at least 30 minutes of instruction regarding the functionality of each specific platform to be used.

v. Assessments

- a) Assessments must not be delivered remotely unless the remote delivery of assessments themselves is required as part of an accommodation pursuant to the *Human Rights Code* or the LSO approves a college's major change request.
- b) Where a college is applying for a major change to deliver an assessment remotely, the college must provide the LSO with details of the specific measures in place to prevent academic dishonesty.

vi. Student Communication

- a) Colleges that include remote education components as part of the paralegal education program must obtain from students, prior to students enrolling in the program, specific confirmation that the students are aware of the remote education aspects of the program and associated technological requirements.

TAB 9.4

Outline of compulsory legal courses for hybrid delivery of paralegal education

There are a minimum of 18 compulsory legal courses in an accredited paralegal education program, which are separated in the Accreditation Policy into primary, secondary, and advanced courses.

Pursuant to the parameters outlined at Tab 9.3, for the primary courses,

- 2 would be delivered in person (Introduction to the Legal System; Communication/Writing); and
- 2 could be delivered remotely (Legal Computer Applications; Legal Research and Writing).

For the secondary courses,

- 2 would be delivered in person (Tribunal Practice and Procedure; Ethics and Professional Responsibility); and
- any of the remaining 9 courses could be delivered remotely (Torts and Contracts; Criminal/Summary Conviction Procedure; Provincial Offences/Motor Vehicle Offences; Administrative Law; Employment Law; Residential Landlord and Tenant Law; Small Claims Court; Legal Accounting; Practice Management/Owning and Operating a Small Business).

For the advanced courses,

- 2 would be delivered in person (ADR—Advanced Dispute Resolution; Advocacy); and
- 1 could be delivered remotely (Evidence and the Litigation Process).

The LSO has identified 6 (of the 18) compulsory legal courses that are best suited for remote delivery:

Primary Courses

- Legal Computer Applications
- Legal Research and Writing

Secondary Courses

- Residential Landlord and Tenant Law;
- Small Claims Court;
- Legal Accounting; and

Advanced Courses

- Evidence and the Litigation Process.