The Momentum Program: digital badges for law students

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The Momentum Program is an extra-curricular model of digital badged based credentialing for law students studying at CQ University. In that program, students can choose to engage in online workshops and face challenges that earn credentials, recognising professional skills in both traditional and emerging 21st century lawyering. This paper is a reflection on the design process undertaken and the key insights derived from the first stages of creation and implementation.

Keywords: digital badges, micro-credentials, law clinical learning, curation, portfolios, open learning

Establishing the need for digital badges

With large numbers of law graduates competing for the same jobs, anything that can improve a student's CV and professional portfolio may give them the edge that they need. Employers are looking for graduates with evidence of practical skills, rather than the traditional academic results (Coleman and Johnson, 2016). While the imbalance between the number of law graduates and available jobs has been overstated in the Australian media (CALD, 2017) the job market is extremely competitive and legal careers are changing to require emerging 21st century non-traditional skills that are not necessarily part of the core law curriculum (Susskind, 2013).

Conventional approaches to enhancing student skills in law programs have involved hard-wiring skills modules into existing academic units, the creation of WIL (work integrated learning) subjects and the use of clinical programs, generally utilising volunteering opportunities at community legal centres. These approaches can be resource-intensive to administer and assess. Mandatory 'intra-curricular' approaches also become more difficult to administer for those students who are reluctant to engage or who do not perform well, a matter which can lead to reputational risk where situated learning involves outside parties and organisations.

Digital badges are a flexible format to allow educational programs to credential the learning that can sit alongside the curriculum (Ahn, Pelliconea and Butler, 2014). Badges also have a wider application than simply as tools for educational institutions, they can be created and mobilised by any organisation or individual. Badges are not limited by term dates or enrolments, students can complete them at their own pace and they can take up opportunities for authentic experiences as they occur, not at the university's convenience.

Crucially, badges can also provide a scaffolding for learning. If a *badging framework* (explored below) is well designed it can create a model whereby students can understand what types of extra-curricular and skills activities are expected of them and be guided toward what choices and alternatives are suggested. Many students who are first-in-family at tertiary education do not necessarily have the professional connections to get accurate information on what capabilities employers desire. Formal curriculum may not be in step with contemporary requirements, particularly where the content is determined by decades-old accreditation standards and where industry expectations change rapidly.

The digital badging technology

The open badging technology, gifted to the commons by *Mozilla*, provides a secure mechanism to certify skills and accomplishment. A digital badge is an electronic file that includes details of the issuer, the recipient, the criteria for achieving the badges and, optionally but also crucially, links to digital evidence of the accomplishment.

This technology is robust but in its infancy. The open badging code has been implemented though various badging services such as *Credly*, but there remains to be created a comprehensive badging management platform, especially one that allows badging frameworks to achieve their full potential. Some Learning Management Systems do implement badging but these suffer from the 'gated community' problems of all these



This work is made available under a <u>Creative Commons Attribution 4.0</u> International licence. systems. These are spaces in which outside parties such as employers and community groups are not able to participate easily. Data and credentials are not under the control of students, who risk losing everything once they graduate or the university changes policies and platforms. Mozilla open badges are the preferred format because, once issued, they remain in the control of the learner.

The CQ University Law Program uses *Credly* to issue badges while all the supporting materials and online workshops are contained in a Google Education Suite platform at cqulaw.net. At present the badges are only offered to current students but there has been interest from outside parties, such as community legal centres to use these badges to train their staff and volunteers. The MOOC-style supporting materials for the badges are published under a creative commons licence so they are free for others to use and adapt, with appropriate acknowledgement.

Badges are a useful vehicle for competency-based learning contexts where there is no requirement award a numerical grade, something which is easier with an extra-curricular or co-curricular model. Once a learner has been certified as competent, the attached digital evidence allows a viewer to judge the quality of the work for themselves. This reduces the need to place trust entirely on the issuer of the badge. Along with the more widespread use of professional portfolios, badging technologies indicate a change in the role of educational providers and the expectations of both learners and employers. Where once educators need to be trusted as credential gatekeepers, today they can work collaboratively with learners and employers to build the evidence-base of learner credentials.

The Momentum Program Model

The CQ University law program has made digital badges the foundation of its *Momentum Program* for engaged students. This is a voluntary and free program that allows students to engage in key challenges that lead to the award of badges as well as the creation of digital evidence for inclusion in their professional portfolios. Some of the challenges are linked to existing assessment tasks in units of study, but the higher-level challenges require the students to show initiative and commitment to extra-curricular learning.

The Momentum badges are grouped into themed clusters, arranged by level of difficulty. These badges increase in complexity where a student begins with a level one badge in a particular area and can eventually work through the levels to achieve a level five badge. The initial clusters of badges reflect a mixture of introductory material (Law Fundamentals), traditional clinical learning (Client Interviewing, Law Reform), 21st century lawyering skills (Law Concepts) and career skills (Career Navigator).

Once these initial badge sets have been fully trialled and evaluated there are many other capabilities that could be included in the Momentum Program. Badges on mooting, court visits, research apprenticeships, system design, risk assessment, change management, excel skills and digital coding skills have been considered. Some consideration needs to be given for using badges to promote ethical professional values and conduct (Millikan and Brydon, 2018). 'Meta badges' such as milestone badges may promote engagement through gamification, for example for reward achieving a goal number of badges in a particular category.

CQ University is, like all institutions, new to the concepts and practice of digital badging. A university development group has committed to creating a light-touch regulatory framework that manages risks without stifling innovation. The Australian tertiary education context is heavily regulated with substantial bureaucratic processes require to make changes in the formal, accredited learning context. Digital badges on the other hand are low-risk and provide an opportunity to be agile and innovative. They are like traditional 'school certificates', turbo-charged by the addition of digital evidence. The transparent and informal nature of digital credentialing makes it quite different to the development of formal degrees and qualifications, a process that can be opaque to outside scrutiny and ultimately incurs substantial costs for learners to achieve.

Developing the framework

Some of the research on digital badges indicates that a successful program should not just focus on individual badge design but also on the system of inter-relationships between the credentials; the *badging framework* (Beattie, 2016). This has particular impact on learner motivation, especially looking to a future where a learner may have accrued a significant number of badges. Gamification research suggests that in a successful system, learners should be able to see the relationship between badges that build on each other toward more ambitious challenges (Ostashewski and Reid, 2015; Beattie, 2016).

Each of the Momentum badge sets includes five badges, scaled from level one to level five. The first three core badges are supported by online learning modules and include:

- Level one: Observe. The learner observes a professional activity or a simulation/workshop on the topic and then writes a reflective blog post.
- Level two: Practise. The learner, with a group of peers, engages in a simulation activity and then posts a reflection along with any digital evidence created in the process.
- Level three: Apply. The learner applies the skill in a real situation under the supervision of a professional mentor. The mentor's feedback certifies the achievement and forms the foundation of a reflective post that explains what the student has learned.

There are also two higher level badges that recognise student initiative and leadership beyond the core. These are more free-form in definition and are not supported by online learning resources like the level one to three badges. They comprise of:

- Level four: Lead. The learner has been a leader in the learning of others, perhaps as part of a mentoring program.
- Level five: Innovate: The learner has created innovative new resources or systems that assist others learning in the field.

Digital badges work well in combination with digital portfolios. All CQU law students are provided with an online portfolio via *Google Education Suite* in their first term. They are encouraged to develop this throughout their studies through work experiences, volunteering and by achieving digital badges. They may submit their portfolio for assessment in a third-year elective unit. The foundation set of Momentum badges, 'Law Fundamentals' introduces students to badges, portfolios and career requirements. Completion of a basic online portfolio will earn a student the Levels 1 to 3 'Law Fundamentals' badges which can then be placed in the student's portfolio.

Initial Observations on the Momentum Program

The Momentum Program is still at early stages of implementation although the team has made some preliminary observations that have been iterated into future design strategies. These reflections were drawn from conversations with the law school staff, the development team and others in the university community.

Academics believe that graduates cannot rely on degrees alone. There is an ongoing need to guide students through the emerging evidence-based achievement context where employers will increasingly look to portfolios and digital evidence in addition to grades. Many students still remain disengaged, overcommitted and convinced that "P's make degrees" despite all evidence to the contrary. Digital badges may supply some incentive and motivation in addition to any inherent benefit extra-curriculars provide. Enthusiasm for badges, and extra-curriculars, does not always align to the highest academic achieving students. Passion for volunteering, active engagement and recognition of practical skills can occur throughout the student body.

Badging systems create new opportunities for student leadership and resource development. Badges are an ideal platform for mentoring and the design of the Momentum Program framework build this into the level four badges. Students with leadership badges might also be involved in the evaluation of lower level badge applications and even in the design and development of new badges.

There is an emerging internationally interest in competency-based learning (see Gibson, Coleman and Irving, 2016), although in Australia the term is often applied to vocational learning only. The ability to provide digital evidence of what the graduate can *do* rather than what they *know* creates potential for unbundled education delivery, recognition of new professional capabilities and some relief from the traditional and costly graded assessment process.

Digital credential developers also need maintain a focus on what his happening in the field of gamification, (Metzer et al, 2016) especially in the design of entertainment games from which the concept of badging emerged (McDaniel, 2016). As the age profile for gamers changes, there is increasing certainty that new students, as well as academics and employers, will be familiar with these systems as a matter of course and will understand and embrace the role of learning badges. Language around 'challenges' could be used rather than conventional concepts of learning tasks or assessment.

Stakeholder Observations

CQ University law program maintains close ties with the Central Queensland Community Legal Centre and students have the opportunity to volunteer their time with that practice. Because the CQ University law program is entirely online, there is a mixture of face-to-face and online volunteers. One of the advantages that the Momentum badges provide for this relationship is the ability to recognize volunteering in a more structured and robust manner.

Discussions with the Central Queensland Community Legal Centre have provided useful feedback on badge design and created new opportunities for collaboration. The Centre is acutely aware of the difficulties of providing quality clinical experiences for sufficient numbers of students. In addition, the legal professional environment has changed in ways that make old methods of student placement more difficult, or less likely to be valuable to learners.

In rural and regional areas law firms are traditionally much smaller than in the city, often run by one or two partners who can find it difficult to find the time to take on the supervision and mentoring of a law student. Even where a sole practitioner firm will agree to taking on a student, the student is often left undertaking menial tasks. In any event, the range of these administrative tasks which are associated with the operation of any law firm is in decline. Correspondence is mainly handled by email directly from the solicitor's desk so traditional tasks associated with producing and forwarding correspondence no longer happen. Filing of documents occurs electronically in the same way.

Likewise, with the introduction of online and digital conveyancing the tasks associated with both the titles office registry and the stamps office are all done online as are most of the searches associated with property work. Many traditional areas of 'local firm' practice have been removed by statutory schemes (traffic accidents and worker's compensation) or taken over by other professionals who do not have to hold legal qualification (conveyancing businesses and the 'do it yourself' will).

So far as opportunities to be involved in client interactions is concerned, meeting with and taking instructions from clients face-to-face at the office is also in decline. This is particularly the case in the commercial area. Most business clients prefer to provide their instructions by email. This restricts the opportunities for students to see client interviews which are now predominately in the areas of family law and criminal law. While these experiences may be valuable, they are increasingly rare and internships are in high demand. Providing access to practical experience for any sufficiently large number of students is challenging.

One of the traditional areas of opportunity has been volunteering at a community legal centre. There is now also fierce competition for these spots with some Universities partially funding pro bono operations or even providing a legal staff member or meeting salary costs for existing legal staff member to guarantee places for their students.

The issue of time is also a relevant factor. Universities often unilaterally go to the marketplace to locate placement opportunities for students across a broad geographical area only to find that students are not willing or able to take up the opportunities at times suggested by the law firms. Real world practices do not, of course, confine their activities to the university calendar. There is a real need for the student to be involved in the negotiations for this reason firstly to demonstrate commitment and then to negotiate a particular timeframe for the clinical placement.

At a much more general level many students struggle to make the initial approach to a law firm particular where they have no pre-existing contacts in the legal profession either through family and friends or through previous business dealings. It can be a daunting task to make that initial approach without the backing of the University. From the University's perspective, without the framework of a program (such as the Momentum program) it is impossible to make a specific and detailed approach to a law firm which is likely to seek particulars of the commitment before agreeing to take on a student. From this perspective, the array of digital badges on offer can provide a 'menu' of skills and challenges that an employer may call on when arranging a clinical experience. Digital badges could potentially expand the reach of clinical education in two ways. The very traditional approach has students undertaking "work experience" with a legal firm observing the practice at a fairly superficial level an undertaking whatever tasks the solicitors feel comfortable delegating to the student. The badging program allows students and employers to control the specific direction that their practical experience will take. In the context of working at the Community Legal Centre, students are motivated towards undertaking more collocated tasks such as research and drafting to assist volunteer solicitors to provide a service to clients.

Secondly, the badging program allows the student to negotiate with a broad range of agencies for experience outside of the traditional local law firm. As a recent example, CQU law students negotiated placements with the Queensland Department of Justice in their "Justice Journeys Program". These placements took students to a diverse range of areas including the Murri Court in Brisbane and a prison visit in the company of community corrections staff.

Likewise, there are always opportunities to make contact with members of the local District Law Associations with a view to introducing students who can then be involved with DLA continuing legal education events. These often lead to invitations to attend Court as observers where the solicitor is involved in a court matter. Badges provide a learning framework which Barristers and Lawyers can easily understand. Like the paradigmatic Scouting Handbook (sometimes unjustly derided by educators) a badging scheme can comprehensively define the scope of clinical learning, clearly define and illustrate choices and provide a touchstone for the relationship between student and professional. This provides more practical guidance for learning experiences than the often opaque university language of learning outcomes and assessment.

The digital badging approach has the added benefit of providing a specific challenge to be completed rather than the more traditional work experience approach that was more ad hoc. Legal practitioners can set aside a very specific time to assist the student to complete the task. For example, without being interrupted in their other work it is possible to schedule an appointment or a court appearance with some certainty. Other very non-traditional opportunities such as the "Hackcess to Justice" hackathon competition run by the Legal Forecast group (http://communitylegalqld.org.au/node/2508) not only provides immediate experience which can translate into a badge but can lead to further experiences in the area of law reform.

One of the downsides of the digital badging approach is a requirement for the University to be more flexible about the opportunities which students are sourcing. This will require a mature approach to work integrated learning in the face of concerns regarding increased risk in placements and internships generally. There are certainly reputational and financial risks involved if a placement does not go well. Many of the risks are covered by insurance but only if the placement meets the usual standard for a vocational placement. This issue is not confined to digital badges alone, but it does mean that even informal micro-credentials need to operate in an increasingly regulated practical work learning environment.

Most universities are comfortable with vocational placements which meet the definition in the *Fair Work Act 2009*, which essentially defines them as unpaid employment undertaken as a requirement of an educational training course provided by a recognised training provider. Experiences which may earn a Badge will not always fall neatly within the definition. Universities will need to determine whether it is willing to embrace these types of clinical experience. If it does, policy will need to keep pace and the University may also need to open discussions with its insurer around an expansion of the existing coverage for students.

The benefits of badges may extend beyond what the student has learned and include the enhanced networking opportunities that may result from situated learning. Even more modest learning connections may also lead to more comprehensive experiences once external parties become familiar with the students. A recent example at the CQ Community Legal Centre has been the progression of two students through the experiences of evening clinic observers and volunteers through to regular volunteering at the Centre which in turn led to an offer of a paid cadetship. Students who were involved in the 'Hackcess to Justice' competition were competing for a one-month cadetship with the Justice Department in Queensland. In both of these cases the host agency was willing to continue the mentoring of students at their own cost. Digital badges may provide the first point of connection that can be developed into a relationship that is more mutually beneficial.

Badging allows the opportunity to act on feedback from practitioners and other agencies likely to employ graduates. Being in a position to understand what skills and attributes they would like to see developed in potential employees informs decisions about what type of badges to promote. This results in an innovation cycle much shorter than that of formal curriculum development. Digital badges also provide new opportunities to reduce costs by sharing opportunities for practical learning and collaborating on the development costs of badges and supporting learning materials – with other universities and with a broader range of stakeholders and organisations.

Reflections on the Momentum Design Process

It is presently an exciting time for innovation in digital badging as new ideas emerge and creative energies have yet to be regulated into policies and standardised models. The strength of digital badging is in its capacity to

curate digital evidence of learner accomplishments, something that may face resistance from the conventional approaches to credentials and governance. This resistance comes from a mixture of legitimate concerns about risk as well as a reflexive adherence to older educational business models. The emergence of evidence-based educational practices may mean re-orientation of conventional learning design so that assessment embraces the production of credible artefacts that can be made visible to employers.

This badging innovation also comes at a time where there is increasing pressure for personalised learning opportunities, for more flexibility in course delivery and a greater consciousness of practical learning opportunities in work and volunteering contexts. Emerging academic conversations discuss the design principles of digital badging frameworks (for example, Ifenthaler et al, 2016) and the present evolving conversation is crucial.

The Momentum Program is, in 2018, being run on a trial basis with the CQU Law students. All of the badges and supporting learning modules were peer reviewed before being released to the students and the design team are monitoring student activity. A comprehensive review will be undertaken in 2019, involving the student participants, to determine the future of the program. The following are some preliminary observations made by the authors during the early design and implementation of the Momentum program.

Design for the future. Badging systems ought to be flexible enough to evolve over time, yet you should have a framework in mind to begin the building process. We adopted a consistent level-based approach to badge design which allowed us to develop an ecology of badges that made sense in relation to one another, rather than as an unrelated clutter of learning experiences.

Build student capacity to curate. Students need to be supported in understanding how to access the credential system and how to make the most of their badges. They need to be able to create a professional portfolio in a system that they can own, even after graduation (such as the Sites tool in *Google Education Suite*). They need to understand the curation process, known how to reflect on their learning, be able to develop an online footprint via blogging and professional use of social media.

Design with detail. While some flexibility is important, the badge challenges should be specific, well defined and oriented toward a particular professional capability. Some universities are using generic graduate attributes as a lens through which to create badges. This choice is, in our experience, is the opposite approach to what is effective.

Focus on evidence. Rather than start with the abstract capacity or outcome that you have in mind, think about what sort of evidence could be attached to the badge. Design challenges that will produce a video, a document, a reflective blog post and then work backwards to figure out how you will support the learner in creating this.

Create great supporting materials. Your badges are only as good as your supporting materials that need to be useful and approachable. These materials do not have to fit the 'academic' genre and should be oriented towards achieving the challenge itself. Ideally, they should be available on an open platform so that students can have continue to access throughout their career if they need to return to them. These materials can also be shared with others outside the university which makes them useful promotional materials. You may or may not be able to get specific university financial support for the design of these materials, but creation might be integrated into the workload of normal coursework development. Authors of these materials should be acknowledged in order to raise their profile alongside that of the institution. The Momentum materials were published under a creative commons license to facilitate sharing and development.

Make a space for innovation. Design a badging framework that creates as little friction as possible with university practices and quality assurance. Use the framework as a way of guiding extra-curricular activities, volunteering and other matters that are not otherwise represented in the curriculum. Parallel development is within the curriculum can be useful (for example some formal assessment tasks may earn a badge) but do not try to force students to earn badges or do anything that means the badges intrude on accredited coursework.

Create your own quality process. While a central administration may resist innovation, this does not mean that badges ought to be on the lawless frontier. A badging system should be located within its own governance structures, committees and standards. This can be light-touch but ought to involve representation of stakeholders with reporting to the executive of the academic unit.

Involve the students and the community. This is an ideal situation in which to address some of the demands and challenges to traditional education that are presented by students, employers and others. Some practical skills that are difficult to assess with a numerical grade are better suited for badges. Design with stakeholders' involvement and be transparent that the system as a work in progress, subject to review and iteration. This may involve a change in attitude for many educational institutions, toward facilitation of learning experiences (wherever located) rather than as a centralized vendor of knowledge capital.

Be aware of incentives. Stay in touch with what motivates learners and build around that. Enhancement of employability is a key incentive for motivated learners. Some learners are motivated by a focussed framework to help them understand and structure extra-curricular activities. Emerging research on gamification will also show how collectability and completionism can also provide a complementary drive.

Conclusion

Twenty first century professional practice is changing rapidly and educational institutions need to consider different parallel modes of learning. Digital badging provides an excellent informal platform to develop capabilities and evidence extra-curricular learning. It is a new technology and innovation requires the creation of a space in which to innovate and experiment. Through the sharing of practice, educators will be able to collectively benefit from the experiments, innovations and even failure of others.

In the near future, digital badges are likely to be regulated, codified, standardized and scrutinized by university quality processes and policies. At present there is a space for innovation and development, which must pay close attention to self-regulation practices and risk assessment. The field of extra-curricular activities largely escapes regulation as it sits outside the formal accreditation practices of a learning institution, unless student placement in external organisations is required. Digital badge designers need to be aware of the shifting educational context and the regulatory demands placed even on extra-curricular activities.

By gifting the open badge format to the commons, *Mozilla* has set the standard for new collaborations based on sharing. While formal degree credentials remain the marketable property of individual universities, digital badges can exist in a more open domain because of their informality. The text, framework design and learning materials of the Momentum program have been published under a Creative Commons license in order to foster sharing, subject to attribution and the creation of derivative materials under a 'sharealike' license that enables further sharing. Digital badges may be more than a new way to recognize informal and extracurricular learning. Along with MOOCs, this new educational technology provides new opportunities for open learning and global collaboration that will ultimately be in the best interest of all learners.

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Please cite as: Beattie, S. & Jones, W. (2018). The Momentum Program: digital badges for law students. In M. Campbell, J. Willems, C. Adachi, D. Blake, I. Doherty, S. Krishnan, S. Macfarlane, L. Ngo, M. O'Donnell, S. Palmer, L. Riddell, I. Story, H. Suri & J. Tai (Eds.), Open Oceans: Learning without borders. Proceedings ASCILITE 2018 Geelong (pp. 45-52). https://doi.org/10.14742/apubs.2018.1929