Chapter 12

Compassionate Pedagogy in Higher Education: A Duty of Care or Ethical Imperative?

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Introduction

With my chapter, I contribute to this book, *Compassionate Pedagogy in Higher Education*, by highlighting my practice of adopting a pedagogy of care when working with students in a higher education setting. This chapter explores the tension between demonstrating a compassionate pedagogical approach and the critical need to equip university graduates with the professional skills required to effectively undertake their responsibilities. In such an exploration, I compare the construct of employing a pedagogy of care (Noddings, 2019) in higher education with the concept of owing a legal duty of care contemporaneously to these same students. The legal duty of care is different from an ethics of care or sense of duty. A legal duty of care emanates from case law (*Donoghue v Stevenson*, 1932) that requires educators and those working in educational facilities to exercise a level of care appropriate or 'reasonable' in the circumstances. The three elements that make up the legal duty are as follows:

- Element 1 — Does the defendant owe a duty of care to the plaintiff?
- Element 2 — Did the defendant breach the duty of care?
- Element 3 — Did the plaintiff suffer loss, damage or injury as a result of that lack of care?

Regarding Element 1, the educational provider has a professional relationship with students enrolled in their programs, and therefore, it is obvious that a duty exists. Element 2, particularly, is the most pertinent in this space as to whether or not a breach has occurred, and if so, Element 3 comes into play as to what sort of compensation a university (in my

case) would be liable for to the 'injured' student? I will discuss these two Elements, 2 and 3, in more detail in Section 3.

My aim in illustrating this juxtaposition, highlighted in the opening paragraph, is not to prove that one of these two elements is more important than the other. Rather, it is by exploring both of these broad elements and outlining how they operate in practice that this chapter argues that both can and do work together in the provision of higher education.

Drawing on the Five-petal Compassionate Pedagogy Model (Figure 1, Warner et al., 2025 in this book), the chapter engages most directly with the 'Ethical Imperative' petal as it is incumbent on us, as a university, to provide justice and equity to all students but also at the same time, we have a moral responsibility, and possibly a legal one too, to ensure that our students are employment ready.

Chapter overview and key takeaways

Section 1 provides background on why I practise compassionate pedagogy; I review existing literature and recent research on applying a compassionate pedagogical approach. Section 2 introduces my approach to compassionate pedagogy discussing how a compassionate approach positively impacts students by sharing case studies, before outlining strategies for integrating a pedagogy of compassion and care into my teaching. In Section 3, from the students' perspective, I present students' verbatim comments from personal emails or formal evaluations. I examine how assignment extensions function in theory and what the literature suggests about managing such extensions in higher education, through a discussion of the intricate nexus of complicated yet seemingly competing notions. Section 4 explores the challenge of balancing a compassionate pedagogical approach with our duty of care to ensure graduates are workplace-ready. This is followed by the conclusion, where I summarise the key points discussed.

By reading this chapter, you will gain the following insights:

1. How students can be provided with a compassionate pedagogy in teaching and in relating to students, whilst also being owed a duty of care by the institution to ensure their readiness for professional employment upon completing their studies;

2. How compassionate pedagogy can be understood as an ethical imperative where students should be provided with a caring and compassionate approach to their learning; and
3. Why we, as a higher education institution, should exercise the legal duty of care.

Section 1: Background to my work with compassionate pedagogy

As an academic in a university school of education, I, along with many of my colleagues, began our professional careers teaching in schools, wanting to help students reach their potential. By achieving this potential, these students can then discover the seemingly endless possibilities that are waiting for them when they complete their compulsory schooling. We instinctively bring a rich measure of care to the profession in who we are as professionals and what we endeavour to do each day in the delivery of educational services to the students in our care.

However, it is important to note right at the outset that there is a distinct difference between compassionate pedagogy and compassionate acts. The former is a systematic practice; an evidence based philosophical approach to teaching and learning, and one that I, indeed, adopt in my daily practice. Whereas the latter is individual acts, not necessarily informed by philosophy, but more by way of an individual's personality. This chapter centres on compassionate pedagogy as opposed to compassionate acts, in having a deliberate mindset with intentional factors included in my practice for the betterment of my students and their educational outcomes.

My educational idiom has always been: *'care for them and they will learn'*. This approach has stemmed from my 25 years as a secondary teacher working in a number of schools. During this time, I was also appointed to various leadership roles, including Head of Department, Year Level Coordinator, Head of Secondary, Deputy Principal and finally to College Principal. My pedagogical philosophy has always centred around the notion that if I demonstrate genuine care and authentic compassion towards my students and staff, they will continue to engage and learn the key concepts, skills and personal attributes that I am

striving to pass on and instil in them. I have followed this philosophy throughout my education career whether that be:

- in a school classroom,
- in middle management,
- primarily working with and alongside students,
- in senior school leadership, largely working with staff, or
- in my more recent work as a lecturer in higher education.

It has continually been my personally held view that if the teacher, leader or university lecturer shows a real and genuine interest in the students or staff under their care, the students can only benefit from that relationship. In establishing an environment where students feel safe, comfortable and cared for, it is my view that this can go a long way in helping them learn and develop in a positive and constructive manner.

Before venturing into the higher education landscape, I only worked in Christian and church-based schools and colleges. Due to the strong underpinning Christian tenets of care, compassion and service, I developed my craft as a professional educational practitioner in a context of care and service to others. It was instilled in me, as a young educator, that we were there to care for and show compassion to students. Such considerations were reflected in how we taught, how we interacted with our students, and how we developed professional relationships with them. This 'compassionate pedagogy' is born out of a genuine focus on a number of deliberate factors that make up this approach, which are outlined later in this chapter.

My strongly held view is that a pedagogy of compassion is not something that a university lecturer can simply 'turn on' or 'turn off'. Rather, my belief is that such a pedagogy is something that is deeply rooted within me — making me who I am. It therefore stems from me in all of my dealings, including, most importantly, as a professional university lecturer, in my pedagogical approach to the teaching of students. Consequently, it follows that if a higher education practitioner 'pretends' or is rather false in their use of a compassionate pedagogy, adult learners can be wise to that and can tell that the lecturer is not being authentic to compassionate pedagogy in their approach (Kreber, 2013).

Another key factor in my adopting a compassionate pedagogical approach, scaffolded upon the above precepts, was the strong influence of a professor of education that helped shape me as a university lecturer when I commenced in higher education fourteen years ago. Patrick was so relational and genuinely 'warm' in his manner. Nothing was too much bother for him; it was clearly evident that he really wanted to help each student, and to see them reach their individual potential. Notwithstanding the fact that he is extremely learned, his perceptivity meant Patrick treated every student like a colleague. Despite his extremely busy schedule, including countless nights working into the early hours and regularly on weekends, he always made time for his students. Whilst I felt really reluctant to interrupt him, I also felt as if I could drop in at any time to ask him a question about my research project.

He was my supervisor in my first graduate research degree and always demonstrated a compassionate pedagogy. He later became an 'advisor' in helping frame the early thinking of my doctorate study and finally ended up as my PhD supervisor. Throughout this whole time, he never relented in his pedagogy of care shown to me and other students. Indeed, when he left the university, it was with much sadness and love with which he filled many of his students and fellow colleagues, that it was an extremely teary and emotional, yet resounding farewell. It is from this standpoint, along with my earlier remarks about my initial career contexts, that I have always attempted to practice and veritably deliver a pedagogy of compassion and care.

Demonstrating care in how Patrick went about his work in establishing and maintaining positive working relationships with colleagues was remarkable. This demonstration of care was very much part of his overall practice of compassionate pedagogy. As Marsellas (2021, p. 20) stated, many students (and I argue academic colleagues in higher education as well): "*… require care in order to arrive in our classrooms as emotionally well-regulated as possible*". This outward provision of care, from my perspective, is very much part, but not the whole, of compassionate pedagogy. As signposted earlier, compassionate pedagogy is a philosophical systemised approach to teaching and learning, and more than the simple offering of kindness to others. I believe that those in positions which form part of university governance should take heed of such principles and enact them in the very institution-wide policy and procedural documentation that they employ.

Learning theory and methodology related to compassionate pedagogy

Pedagogical care has recently been defined as: "*… understanding student needs and then taking action that will lead to their growth*" (Donald, 2024, p. 12). It is underlined by the idea of ethics of care in education, espoused by Noddings (2005), who suggested that relationships are a vital element of care, together with making ethical decisions for the betterment of students' wellbeing and development.

Adopting a compassionate pedagogy, according to Noddings (2005), focuses on the consequences of this relationship. It is not intended to be a one-size-fits-all approach, but rather a focus on establishing and maintaining positive working relationships with one's students. Noddings (2005) went further in explaining an ethic of care for students, stating that as educators in the higher education space, we should focus"*…on developing the attitude and skills required to sustain caring relations and the desire to do so, not nearly so much on the reasoning used to arrive at a decision*" (p. 22). It is through employing a pedagogy of compassion that university lecturers can give prominence to the human dimension of learning, central to a positive educational outcome for students (Burke et al., 2022). Even in the online learning environment, now so prominent in higher education, using technology to enhance that human connection, authentic personality and demonstrating your 'real' self are all ways of such a connection; central to exercising a pedagogy of care (Burke et al., 2022). Such an authenticity, in this technological space, can be manifested through voice, facial expression, deliberate use of warm and supportive language,

A pedagogy of compassion was taken a significant step further by Pietersen (2024) who believes that it should be the makeup of the whole institution rather than just the purview of a few like-minded actors. He suggested that caring for our students should take priority over the more commonly higher-ranked consideration of delivering course lectures and content materials. Pietersen (2024) highlighted that establishing a personal relationship with students through a focus on empathy and care is imperative in supporting students and maximising student outcomes.

Educators need to be careful, as showing care, compassion, and kindness can sometimes bring a perception of weakness or softness to some

people (Busteed, 2015; Noddings, 2005). However, authors such as Busteed (2015) argued that showing a compassionate heart to and for students can bring a positive outcome, one of strength and ongoing respect for one another. Demonstrating a compassionate or caring pedagogy can have positive impacts beyond the learning journey for some students - as will be highlighted in the next section of this chapter.

Pedagogical caring is first introduced or reinforced to students through the process of modelling (Burke & Larmar, 2020). This process is grounded in authentic and warm interactions with students that provide insight into the personality of the educator. They argued that: *"…the cultivation of a welcoming learning environment"* is important in demonstrating a pedagogy of care (p. 6). Burke and Larmar (2020) were also strong proponents of providing timely and supportive responses to students, which in turn conveys a sense of students being valued members of the learning community, and not just the lecturer or Course Coordinator as the only important member of the course. They also emphasised that all interactions with students, in both formal and informal contexts, should be characterised by a compassionate and supportive approach. Further than modelling compassion, these authors went on to articulate that a: *"…pedagogy of care must be orientated towards a compassionate, student-centred approach, acknowledging the complexities of students' lives and providing responses that support student learning"* (Burke & Larmar, 2020, p. 7). These responses include, inter alia, the provision of extensions on assignments (the central case study of this chapter) and offering additional student consultations via phone or through the use of additional technology.

An additional component of a compassionate pedagogy is the use of 'confirmation' (Noddings, 2005), which encourages the student to better themselves. Again, this component or ingredient of the pedagogy of care is discussed in the next section of this chapter. Confirmation is used to affirm students by providing positive and encouraging feedback. The opportunity to provide timely responses to students either on a one-on-one basis or in group-based communication develops a sense that student voices and thoughts are valued and simultaneously given legitimacy. Burke and Larmar (2020) credited that this: *"…educator-led compassionate communication reinforces an underpinning value of caring"* (p. 12), (see De Wilde & Forasacco, 2025 in this book for an additional elaboration on using caring and compassionate communication with students).

Section 2: My practice towards using compassionate pedagogy

My own approach within the practice of compassionate pedagogy, which, unfortunately, is not a sanctioned manifestation of compassionate pedagogy across my whole institution, focuses on the provision of care; caring for each individual student (Noddings, 2005) in my various courses. This includes the supervision of higher degree by research students but does not involve treating everyone the same with the same level of care or compassion. Each student is different and should be treated with respect. This care centres on establishing positive relationships with students and getting to know them as individuals. It is by getting to know my students and working out 'what makes them tick' that I can then demonstrate care and support for them as individuals who, more often than not, respond in a positive manner to that care shown to them. Educators need to remain self-regulated in order to meet the needs of students and provide support for such students (see Princi-Hubbard, 2025 in this book for an elaboration as to how educators need to stay regulated in order to offer this support to students).

Some students at university choose not to engage with course lectures and workshops (either on campus or online), nor be present in online forum threads. This lack of engagement understandably makes it more difficult to get to know them. Students are more easily known if they are keen to learn and fully participate in workshops, attend tutorials, have an interest and presence in course forums by asking questions and responding to other students' questions. Some students are very open and discuss their family lives, employment situations, personal frustrations and university matters overtly with me as Course Coordinator, as well as with other students. It is in these discussions that I demonstrate care for them. On the other hand, those students who tend to be less engaged with their learning also need the provision of care in helping them find more comfortable ways to engage and 'own' their learning journey. Often, these students need care and support along their journey to progress in positive ways. Strategies that assist in this area are:

- following up with carefully written emails,
- making students feel relaxed and more comfortable when they do start to engage, creating a 'safe place' to learn,

- not being judgmental in my comments, even when students may be incorrect in their responses, and
- being supportive of the passive encouragement of their fellow students to entice them to join in our workshops or online tutorials.

A professional aphorism that I attempt to live by is that when a student contacts me either in person or online (using various means to do so), I want them to be in a better mindset when they leave me or conclude our online discussion than where they were when they started the contact. Essentially, when students contact the academic in charge of a course, it usually means they have a question or concern about something relating to the course. Part of that care shown to the student is to make them feel better about the aspect of the course about which they approached me in the first place. This aspect could include developing a better understanding of a key concept of the course, a question related to a course assessment, seeking an extension, or simply a question about course practice and how 'things are managed' in the particular course.

It is important to acknowledge that caring for students, whilst critically important to me as a professional university lecturer, is not to be mistaken as 'weak' or going 'soft' on students (Noddings, 2005). I believe that we all need to work within the policies and procedures of our workplace, which include setting appropriate boundaries and applying consequences to unfavourable behaviours. However, it is also imperative to consider every situation an opportunity to demonstrate care to students in all our interactions. Treating others as we would want to be treated ourselves in the circumstances should be the first consideration in our dealings. Some students come from a disadvantaged background, despite attending university, and sometimes lack any sign of care or compassion from significant others in their lives (Vivian, 2014; Wilks & Wilson, 2012). It is the need to be cared for and shown regard for that we should afford our students care in all situations. This authentic high regard we have and show our students can be the making of them, which often augments their wellbeing and can assist them to achieve great success in their academic pursuits.

I am in middle management in a school at my university, and therefore, I must meet with students with more serious issues from time to

time. Even so, I endeavour to apply the same premise of care in these, often more complicated matters that are brought to my attention for management or resolution.

How my practice affects students

As signposted above, most students respond in a positive manner when shown care in the way that I teach and approach student interactions. Students and fellow staff alike appreciate genuine care and concern shown to them, particularly when faced with a difficult dilemma or an unfortunate situation in which they have got themselves embroiled.

My practice affects students in a number of ways. There are four case studies that I would like to feature here, highlighting how this compassionate pedagogy has had a lasting effect on these students, with most continuing to stay in contact with me after completing my university courses.

The first case study involves a student who, like many at our university, juggles the demands of parenthood, employment and study as well as general living. Tiana was a secondary education student studying to teach both Legal Studies and English in secondary schools. She noted early on that Legal Studies was a subject that I taught for the majority of my secondary teaching career and, therefore, connected with me on that basis. Seemingly owing to my caring pedagogy, she felt safe to discuss issues with me around seeking employment opportunities, preparing a competitive curriculum vitae and going for job interviews, professional communication with schools before and after such interviews, and even when offered two positions, Tiana sought advice from me as to which position she should take. This all transpired well after she completed her courses with me. Tiana would often state that she appreciated my 'caring approach' to her and my willingness to help students upon completion of the initial teacher education degree. We stay in contact to this day, and she often emails me to ask questions about different ways to teach various aspects of the law that are part of the Queensland senior subject.

Part of my pedagogy of compassion and care approach involves sharing personal snippets about myself. I am a zealous fan and follower of the game of cricket, both here in Australia and also worldwide. The next case study involves a student named David, who was an online student, also studying secondary teaching. He appreciated my employment of care in

my teaching, so much so that he often would contact me outside of class hours to simply chat about educational issues and seek my thoughts about various aspects of the contemporary teaching landscape. At the end of the unit that he studied with me, David asked if he could drive the two hours required to actually visit me face-to-face in my office, as we had only previously had contact via technology. He visited me, giving me a strong handshake and a hug, and presented me with a thoughtful gift. We spoke for over an hour, again talking about educational matters and life as mature men, almost as if we had been friends for many years. In particular, we discussed going to England to complete one of his professional experience practicums, close to where I actually applied for a teaching job many years ago. He again emailed me a number of times since he arrived in London to inform me how the practicum was going and the fact that he was coaching a cricket team at his school.

The third case study relevant here involves a student who is studying teaching online from a regional town over 1600 kilometres away from the university. Ellen is a high-achieving student receiving Distinctions and High Distinctions for all of her courses. She too appreciates my caring approach to my teaching and has expressed so since studying two of my courses that I teach and further stated that she wished I had management of further courses in her program. Ellen has, in the past 12 months, gone through significant personal trauma, leading to both physical and emotional health issues and treatment. In reaching out to me, she has voluntarily shared personal difficulties and provided more information than I needed to know. Ellen has highlighted my compassionate approach in doing so and has spoken of her feeling at ease in describing her personal medical issues with me, which she is currently managing. As recently as yesterday (at the time of writing), I received a phone call from Ellen explaining her difficulty in getting an extension for her second assignment in another course that she is currently studying. She had obtained the required medical certificates necessary to be awarded an extension and has applied for one in the usual and proper manner. She has been refused an extension, despite being given one for the first assignment in that same course. We talked it through for 30 minutes, and I have contacted various people here in our School of Education, as well as the central Assessments Team, who manage extensions to help Ellen obtain the required extension.

A larger case study that I want to explore, in this section of this chapter, involves a student in online postgraduate courses at master's level, studying an initial teacher education degree. For the sake of confidentiality, we will refer to her as Natalie. Natalie, in one of my courses, for her first assignment, requested and was granted, from the central Assessments Team, no less than 21 extensions for the one assignment. Natalie had also been granted a number of extensions for assignment two and indeed, a significant number (more than 10) for the first assignment in another course that I teach in the same program. Some of these extensions amounted to a week, whilst others were a few days.

It is important to note that the course was completed, and all teaching and online learning had ceased, and her first assignment still remained unsubmitted. Significantly, the due date of the second and final assignment had also elapsed, for which Natalie had been granted a number of extensions. Natalie never appeared in any of our weekly online tutorials or in any of our more casual drop-in sessions. She was completely absent in the online forums and had never sent me an email or contacted me in relation to anything regarding the course at all. Natalie was experiencing mental health concerns after being diagnosed with anxiety and depression. She consulted with a psychologist and a psychiatrist and had telephone appointments with several doctors to gather the necessary documentation for applying for extensions. In addition, some of her mental health difficulties had manifested themselves in physical conditions from which she was suffering. Natalie also consulted the university Safer Communities team in Student Services, as well as having contact with a non-qualified student advisor in the Wellbeing team. The only reason I know which medical professionals she had seen or had contact with is that she included medical certificates or letters from support personnel in her extensive list of extension requests, which I reviewed as Course Coordinator for two of the courses she was studying.

It is imperative to emphasise that there were many, many other case studies that I could highlight. For instance, another student, Gilbert, who studied the same two courses as Natalie, was granted nine extensions for the one assignment in one of the courses. Natalie (to whom I will return in some detail in Section 3), and Gilbert were not alone and continue not to be outliers in this particular aspect of higher education at this university.

How I prepare and organise my compassionate pedagogy

There are many facets to my intentional compassionate pedagogy that I employ in my university teaching within each subject, as opposed to simply attending to offering compassionate acts (Killingback et al., 2025), irrespective of the level (graduate or post-graduate). Given that I genuinely care for the students in my classes and am naturally encouraging and affirming, it comes as no surprise that this component of my educational approach, of demonstrating care and compassion, seems to be second nature to me. As a teacher working in schools, and later in the position of Head of Sub-school, I always adopted a 'care first' approach when working with students. I was called upon to give many Year 12 end-of-year valedictory speeches to celebrate the completion of their compulsory formal schooling. These were often very difficult speeches for me to deliver as I was continually so emotional, having to say 'goodbye' to the students at the end of their schooling.

Another key factor in adopting this approach was the informal mentoring I received from a colleague, as signposted earlier in Section 1. Patrick was always so sincere in his care and compassion freely displayed to students, that I, too, followed in his footsteps and copied this same orientation. In all of my classes, there are recorded lectures that students can access at any time throughout the progression of the semester. I also conduct online or on-campus workshops where we 'unpack' and apply the theory taught in lectures in more practical and 'real-life' ways, helping students better prepare for professional work as teachers. During these workshops, I intentionally use various activities and practices to demonstrate care and compassion, which are outlined below.

In my caring approach to teaching and learning, I first like to make all students feel comfortable so that they feel they are in a 'safe place'. I organise this by utilising a number of strategies. Initially, I inform all my students in workshops that they are under no obligation to share if they prefer not to or do not feel comfortable doing so. Those who do feel more confident in sharing their thoughts and questions, I intentionally and ardently nod my head to them as they speak to give credence to their point, trying to make them feel valued as an important member of the class group. I tell them that there are no silly questions, only those that remain unasked. If students fail to give a fully correct answer or response, I never use negative

terms like *"no"*, *"wrong"*, *"that is a stupid response"*, or anything in this vein. Indeed, I usually say something like *"good"* or *"right"* and slightly adjust their response by adding to it to ensure that the other students hear the 'more correct' version of the answer. If a student responds to a question that is completely incorrect, I am more likely to say, *"not quite"* or *"good try"* rather than *"wrong"*, again to make them feel safe and to encourage them to continue to remain engaged in the learning journey.

I also adopt an encouraging tone in my workshops. When a student says something valuable, I often say: *"As (name of student) quite correctly pointed out a minute ago, …"*. In doing so, I affirm the student and their response, utilising vicarious learning techniques to reinforce this important point for all students present and those viewing the recorded workshop at a later date.

Another element of my practice is to respond to students in a very timely and prompt manner. It demonstrates care and values their contributions to the course when I respond to their questions in emails and forum posts in a timely manner. I also use laughter and comedy in my workshops. I strongly believe that if students enjoy the classes and receive value for their valuable time, they will be more likely to learn more and return the following week. Fun is intended to encourage continued attendance at weekly workshops (Chettiar, 2024; Whitton & Langan, 2018), which in turn, is expected to yield positive results for students. Hence, I retain good numbers in all of my courses throughout the entire semester of learning. I make jokes, often at my own expense, to keep students engaged and focused.

I remind students that they can interrupt me at any point and ask a question. There is no question-and-answer time at the end of a session. Students can ask their questions when it is convenient for them, and not necessarily when it suits me. I encourage them to ask questions when they wish to and not to concern themselves in interrupting my teaching. I am happy to lose my train of thought and return to my point at a later time if they have a 'burning' question that they want answered in time. Another strategy of care shown is learning and using their names as soon, and as much, as possible. When their names are used, students feel more valued and a critical part of the class dynamic I have found. Students have expressed that they have appreciated this teaching practice. An important element of demonstrating compassion and care in my teaching involves being relational with students. Students appreciate honesty,

showing vulnerabilities, and sharing insecurities. They appreciate lecturers and Course Coordinators being human, as opposed to 'robotic beings' serving to make life difficult for them (Wong et al., 2016).

A key instrument of compassion in my pedagogy is when students face significant difficulties. These adversities can be medical, emotional, personal, academic, family matters such as a death in the family, financial factors, or any number of other reasons (see Reedy et al., 2025 in this book for a detailed discussion as to a suitable approach taken when working with neurodivergent learners). Students are expressly made welcome to email me confidentially if they have such concerns to alleviate the need to broadcast it openly to all in the course, including all other students and other academics involved in the course. I try to respond in a genuinely compassionate manner, firstly to identify the hurt or trouble they may be facing. Secondly, I like to offer help and support from myself or from other agencies within the university environment that are available to them. Just this week, at the time of writing this chapter, I have had a student write to me stating that because of dealing with personal and emotional hardships, she is intending to drop the course. I immediately emailed her back, responding with compassion, support, and care for her predicament, without trying to change her mind.

Another strategy I employ in my workshops is to offer hints and tips on the upcoming course assessment to participants. This is, again, reinforcing the value of their presence in my classes and offering support to those who take the time to attend non-compulsory tutorial workshops. It could be argued that this does not demonstrate compassion or care in my pedagogy. However, students have thanked me for this practice and mentioned that it illustrates value to them for turning up every week and therefore care. Students have displayed care to me in return, after I have modelled compassion to them in the first instance (Burke & Larmar, 2020). When I have suffered personal obstacles, for example, having surgery and ongoing treatment for cancer, I have openly shared these times of trial with my students, as part of my honesty as highlighted above. Another example occurred two years ago when my father passed away. Again, I shared this with the students, saying that I was going to be away for a week, attending to legal matters and the funeral, amongst other things. Students were warm in their care, and compassion returned to me in their emails expressing their condolences about my personal loss.

Section 3: The outcome

It has been my experience that students who engage more fully with the course that I am teaching tend to gain more positively from my compassionate pedagogical approach. This, of course, stands to reason, in that students who are more exposed to my approach will tend to receive more benefit from it. So much so, they have commented on my approach. What better way to seek what I do and how that positively affects my students than to read my students' very own comments? This is when they make their personal reflections on the course and how I have worked with them over the period of the learning program.

The following are but a few comments or excerpts of comments from students about the care I show in my teaching. Again, it is pertinent to note that I adopt my own approach to compassionate pedagogy (based on the literature that informs the same) as opposed to an institution wide commonly accepted or sanctioned approach to employing compassionate pedagogy in the teaching and learning journey:

- *"Mark was the best mentor and he really cared about the students … Mark … would add little comments to encourage students to keep going which just made you feel encouraged and motivated that you could do it."* (Student Evaluation of Teaching (SET), 2017)
- *"Mark is a wonderful lecturer. I love the fact that he picks up the phone and calls as sometimes it is just easier than email. I genuinely felt he cared about me as a student and seeing me succeed in this course."* (SET, 2022)
- *"Hi Mark, I just wanted to reach out and say thank you, for your support during my studies. Thank you for your encouragement and for your consideration of my circumstances during this time. … I really just want to acknowledge how well you balance compassion with academic fairness and professionalism, and how important that is to students, especially mature-aged ones like myself"* (Unsolicited student email, 2024).

The following are a few examples of comments from students about me showing encouragement and kindness:

- *"Thank you so much! Your encouragement was also very helpful and I'm working in a school now :D"* (Unsolicited student email, 2023)

- *"Mark is an absolutely wonderful teacher! I noted that there were a lot of discussion in all of our classes, and I think that was because Mark created a safe space for everyone to be vocal about their thoughts."* (SET, 2022)
- *"The lecturer for this course was extremely nice and always made effort to build rapport with students. He was very considerate and supportive."* (SET, 2022)

Part of demonstrating care and compassion to our students in the higher education space is to offer extensions on assessments to students when and where reasonable. Indeed, we have university policy and procedural guidelines operating at the university where I work, that stipulate when and how students can apply for and be granted extensions on any forthcoming academic assessment (University of Southern Queensland, 2022; 2023). Extensions are a normal and legitimate part of university life for students and academic staff alike. Extensions, it is argued, should be available for those students who need them for a myriad of reasons to ensure that they receive the extra time required to complete assessments in order to pass a unit of study (Patton, 2010). But when is granting extensions reasonable in the circumstances, and when is it regarded as too lenient and not setting the student(s) up for success in the real world of professional life? This section examines these questions and explores the theory and narrative behind the granting of academic assessment extensions.

There have always been and will continue to be situations where students need extra time to complete assignments. The dilemma lies in the decisions made around which students, or what circumstances, warrant the need for an extension. That is precisely why universities and other higher education providers usually have policy documents (mentioned above) that govern when extensions can be granted. Usually, some form of independent evidence is required to help substantiate the case for an extension being provided (Bloxham & Boyd, 2007). This evidence may take the form of a medical certificate or a letter from an employer. To remove this decision-making burden from academics at my university, the granting of extensions is now the purview of a central Assessments Team of professional staff whose remit is to follow university policy guidelines in dispensing extensions. They can grant a short extension of three days without any external documentation. Anything

longer requires independent evidence to help procure the student's claim for an extension. Without this source of independent evidence, an academic or, in our case, a member of the central Assessments Team, can leave themselves open to claims of favouritism or discrimination when granting extensions (Bloxham & Boyd, 2007).

Assessment should be fair (Brady & Kennedy, 2019; Murchan & Shiel, 2017), and the actual task and the conditions under which students complete the assessment should also be fair. An aspect of this second notion of 'conditions' includes the granting of extensions to students who face medical concerns, a sudden spike in work requirements, or other extenuating or unplanned circumstances. There are also other reasons why students cannot meet the initial due date of the set assessment and request an extension. Fairness, in the context of assessment, refers to the principle of giving each student equal opportunity to perform at their best to complete the task regardless of their background, gender, or disability that they may have (Kivunja, 2015). The granting of an extension goes some way in 'levelling up the playing field' in ensuring that the conditions under which students sit the assessment is fair. Fairness is a difficult construct to obtain, but nevertheless a key quality of summative assessment (Butlin & Maden, 2018). Part of this difficulty is reaching the right: "*… balance between treating all your students equally while at the same time trying to cater for the needs of individual students*" (Kivunja, 2015, p. 96). The granting of an extension attempts to cater for the needs of individuals who often, through no fault of their own, face circumstances beyond their control that require the warranting of some extra time in completing a piece of assessment. A further element of this notion of fairness is providing students with the opportunities to demonstrate their learning and abilities through the assessment (Klenowski & Wyatt-Smith, 2014; McMillan, 2018).

Teacher perspective

From the earlier case studies and the positive overall effects on these students, it should be clear that I will continue to operate a compassionate pedagogy in all my work in higher education. It is clear to me that my approach works and is impactful for a range of students, including those who experience hardship or some level of suffering during their higher education learning

journey (Killingback et al., 2025). I still remain in contact with Tiana, which has been so beneficial to me and also to her. We discuss the teaching of Legal Studies and broader education trends. It is my hope that I continue to gain more insights from such wonderful students as Tiana.

David and I continue to be in communication, and he has shared his wonderful experiences gained in England during a professional experience placement. I taught him about assessment and reporting, so when he discovers new research or thinking on similar topics, he is quick to share these with me. I enjoy the professional and collegial relationship that we have maintained, due to the compassionate pedagogy I offered him in my teaching.

Ellen has recently invited me to her impending graduation of her postgraduate degree, as have many other students in the past. Of course, I have replied positively and would love to be present at this important celebration. It only reiterates to me that a compassionate pedagogical approach works and is both rewarding for the students who receive care but also for me as the educator who provides it. This very point is an important distinction between simply showing kind acts as opposed to employing a whole philosophical approach, such as compassionate pedagogy, in my teaching.

Balancing this ethical imperative with the duty of care

It is essential, on the one hand, to provide a pedagogy of compassion and demonstrate an ethics of care in how we, inter alia, operationalise extensions to students. However, we also have a duty of care to prevent and obviate reasonably foreseeable risks to students. Several questions should be asked at this juncture:

- When is enough, enough?
- Can Natalie be granted 21 extensions for the one piece of assessment?
- The more important question should be: 'should' she be granted 21 extensions for the one assignment?
- When does the university say, or when should it say, 21 is sufficient extensions? We, as a university, now have to move to another step in the process.

- Should she be counselled out of the program for a temporary time to ensure that she returns to a healthier state of mind?
- Is it fair to her to keep going and have to complete many assignments all in quick succession in order to pass these subjects?
- Have we a duty of care to be more mindful of her health needs to pause her studies and suggest that she obtains the proper care she needs for not only the present but also long term?

Natalie and others can always return to study at a later time when they are in a healthier emotional state to do so.

It has been asked of me, by the central Assessments Team, should the assessment remain the same or should it be changed to a deferred and different assessment piece? I have asked if it is likely to add to her fragile emotional state if the assessment is completely changed. Natalie had already commenced the assignment, so to change it would have increased her workload and potentially placed her in a more deleterious position. The answer was a resounding 'yes' from the central Assessment Team, and hence, it was decided not to change the assessment instrument for Natalie.

In another course, for which I am the Course Coordinator, Natalie has requested many extensions, but not as many as 21. The second assignment requires students to form small groups to conduct a moderation exercise of a sample student assessment. I had to warn Natalie (through the intermediary central Assessments Team) that she had to form a group and complete the moderation in her group despite having several extensions for the task. Otherwise, she would have arrived too late to form a group, failed the assignment, and likely the whole subject.

The overarching question in all of this is whether or not we are setting Natalie up for success in her future career as a teacher. The answer should be a decisive 'yes' if we are adopting a pedagogy of compassion as educators. The 'big picture' needs to be examined in this process; not simply applying 'band aids' to temporary 'sores' that seemingly fail to heal. In her professional teaching career, Natalie will be required to meet deadlines at various junctures throughout the year. She will have curriculum planning documentation required to be submitted early in each semester. She will also have report comments and achievement standards to be presented by certain dates close to the end of each semester. In the teaching profession,

there are numerous deadlines that teachers must meet to fulfil their roles and ensure the school's smooth operation. Imagine suggesting to the school principal that a teacher requires over 50 days extra to finalise report comments before they can be sent to families? That, in most instances, would be eating into the following semester before the reports could be sent home. My question centres around whether or not we, as a caring and pedagogically compassionate university, are setting Natalie up for failure in her profession? There could likely be some reading this chapter suggesting that she may not be in that predicament when teaching in a school. However, we cannot know that. She could find herself in this debilitating position in her professional role as teacher. My experience tells me that schools cannot, and will not, wait for teachers such as Natalie. Teachers, who have been put on unsatisfactory performance review for habitually missing deadlines in their teaching role, are not a rarity.

Duty of care

It is important to ascertain whether the university is breaching its legal duty of care to Natalie?

- If she continues to seek further extensions and never completes the subject, has she wasted her academic fees for something she may, or should have been counselled out of at such a time that she could have withdrawn to avoid financial and, for that matter, academic penalties?
- What would happen if Natalie became so overwhelmed with her situation with the many assignments all due at the end of the semester that she felt she had no other option but to take her own life?
- Would the university be partly responsible for such actions? I do not know of any case law on this very issue in this country, so it is arguable that it has not yet been tested at law.
- Have we breached our duty of care to Natalie for not providing a sense of what professional life is like to ensure she meets the required expectations as a teacher?

Duty of care, or negligence law in legal parlance, is an area of civil law where an aggrieved person takes an action against another party, usually

to seek compensation in the form of monetary damages for the injury or loss suffered. Negligence has three elements that have to be proved to successfully claim such compensation. The first element of this tort (civil wrong as opposed to a criminal wrong) is proving that the injured party was owed a duty of care (Butlin et al., 2021). All universities owe a duty of care to all of their students, amongst others, including staff and visitors to their various campuses. This first element would not be difficult to prove in any case due to the already existing relationship between the student/learner and the educational institution.

The second element of negligence is that the university breached this duty of care (Butlin et al., 2021). This is where Natalie would have to prove that the university ought to have known or did in fact know that by granting so many extensions to a vulnerable student who is experiencing mental health conditions could exacerbate her condition leading to further loss or injury (remembering, of course, that 'injury' can include both physical and emotional suffering).

The third and final element that a successful plaintiff needs to prove is that they suffered loss or damage directly arising out of the breach of duty of care. By worsening her condition due to the actions of the university in granting so many extensions and consequently having multiple assignments due all at the same time could be deemed as injury stemming from a breach of duty. In granting so many extensions under the guise of demonstrating care and compassion (Andrew et al., 2023), could in fact lead to a heavier burden for Natalie. The due dates for all the late assessments would fall around the same time, which would pose a heavy demand on her already fragile emotional state. That is; in trying to be caring and compassionate (Uusimaki & Garvis, 2019), the university could well be producing the opposite effect on Natalie's wellbeing. This is not to mention the notion of spreading assessment out across the whole semester in order for students to gather important feedback to use in future assessments. Therefore, the university could be held liable for such injury caused. Notwithstanding her medical conditions, setting her up for failure in her teaching role by not establishing firm expectations in her preparation for her profession could lead to, amongst other things, loss of employment. These are all potential losses that are actionable in such a tort for which Natalie could claim.

The constant requests for extensions could not have been pleasant for Natalie. It would have taken a toll on her emotional state and possibly

caused some professional embarrassment from having to seek so much medical intervention in order to obtain the same. The administration of processing and approving extensions also has a detrimental effect on academics (Abery & Gunson, 2016). This detrimental effect on academics is a further area for a potential actionable claim in negligence for injury caused to academics in this extension-seeking and granting process.

By way of an allonge, it is interesting to note that after the Christmas break, well after the semester of study had concluded, I, as Course Coordinator received a formal grievance from the official grievance team at the university, emanating from Natalie, about a late penalty of three days for submitting her second assignment late, despite having already been granted a number of extensions for the second task. I was acting within and according to established university assessment policy. However, in applying the late penalty, I was instructed by a prominent leader in the School that, because of the grievance, I had to waive the late penalty applied to the second assignment's final mark, notwithstanding the fact that she had been given so many prior extensions in this course. This seemingly indefensible position by the university exacerbates the discussion above that we, as an institution, from my perspective, have failed to prepare Natalie for the sometimes difficult yet uncompromising requirements of the role of professional teacher. The question, then, that has to be answered is how is Natalie, on the basis of her flaccid experiences at the university, going to successfully and competently manage these demanding requirements of the job?

Section 4: Moving forward

It is no doubt a difficult task to strike the right balance between constantly showing a compassionate pedagogy, as in Natalie's case study, providing a continual flow of extensions to a student, with the duty to prepare employment-ready graduates who will manage the challenges inherent in the profession they wish to join. Getting this balance right is not easy as we are working with people with their own lives and with their own obstacles to overcome. On the one hand, we have an operational system that is put in place by institutional policy and procedural documentation, which can often seem quite immutable. On the other hand, I firmly believe that we must equip our graduates with the skills and knowledge

necessary to perform the role they aspire to, as well as the professional capacities and sometimes unwritten requirements that come with it.

The university should review its policies and operational procedures to determine if adjustments are necessary to better balance our management in more instances. It is impossible to stipulate a policy such that it will determine all factors in all cases with the 'correct' outcome. People are people; no such documentation can ever be written to ensure the regulation of all cases that fall under the university's remit. Some interpretation and human decision-making are integral when working within such systems. However, if it is seen that we are failing some or more of our graduates in our school, or in other schools across the institution, university senior management needs to consider the wording of said policy and procedural documents to ensure a better balance for more students. There is reputational damage for the university on the line, let alone legal action, and probably more importantly, job satisfaction and fulfilment for our students in their chosen career.

Returning to the central theme of this book of compassionate pedagogy, it is considered imperative that we as a whole institution should adopt a pedagogy of care in all of our dealings with students. It should not be limited to the School of Education, as we initially joined the profession to make a difference in the lives of students. All schools should employ a pedagogical approach, whereby we attempt to build positive relationships with all of our students, demonstrate compassion and care in our interactions with them, and do our very best to optimise their learning experiences in order to fully prepare them for the profession they have chosen to enter upon completion of their studies. Within the higher education landscape, with its complicated and at times seemingly contradictory political, budgetary, policy and academic implications, it is an ever-changing space. This is acknowledged, but I suggest that despite these challenges, we can still offer a compassionate pedagogical approach to learning within the wider framework of the duty of care.

Conclusion

It is probably fair to say that as academics, we all implement a compassionate pedagogy to varying degrees. For some of us, it is second nature, and it arises from us naturally and genuinely. However, for others, it may

be a little more strained and an aspect of our teaching that needs further work. There seems little doubt that teaching in the higher education context brings complexities and ethical dilemmas to the fore. This chapter has highlighted how I maintain a pedagogy of care in my work, whilst also describing a case study where a student was provided with an excessive number of extensions for one assignment. In doing so, the university provided the student with a compassionate orientation, but at what expense? Should there be a 'line in the sand' drawn where an academic or institution says that however many extensions are sufficient, and a student cannot be granted anymore? Is there a legal or ethical obligation on academics to prepare employment-ready workers in their chosen field who can, and will, meet the constant demands of the job? If not, are we at risk of actionable legal claims being made against us arising out of a breach of duty of care?

This chapter has explored these questions and many more. It can be seen that whilst a student suffering from mental health problems indeed deserves the provision of academic extensions in order to complete assigned work, it also begs the question of how many extensions are enough so as not to cause further complications to that student later in the semester? There are also, importantly, substantial factors that should be considered when contemplating the long-term welfare of students and career success. We, as academics working in higher education, in my opinion, should be required to exercise a compassionate pedagogical approach when engaging with students. This approach, however, needs to be balanced with the strong need, both in law and in ethics, to have our graduates ready for the innate requirements of the role they are studying to perform.

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