OER 1

Empathetic Contract Creation

Developing Collective Rules for Supporting Human Agency and Oversight in Educational Technology and AI Usage

Pedagogical guideline for educators

The goal of the OER

This OER leads you through a guided process for **collectively identifying empathetic rules that support human agency and oversight** in educational tech and AI use together with learners. At the end of the process, the participants have:

- reflected on the diversity of perspectives that should be considered in empathetic decision-making,
- considered the difficulties of deciding what a “good” or “ethical” use of technology entails, and
- developed a collective “contract” for a specific technology usage scenario that empathetically considers all perspectives.

The OER was designed for **Higher Education educators and students** as the main audience, but feel free to adapt it and try it out in other contexts and with other (age) groups.

You can apply this OER with a group of learners, or – if the discussion culture at your organisation allows for this – you could also consider forming a mixed group of students and teachers.

Either way, please consider the level of existing knowledge of your group. If there is some knowledge on technology and agency, you can start right away. Otherwise, it might be helpful to first introduce the concept and how it refers to technology use in education (see box below).

We recommend a group size of at least five and up to 25 participants.

The OER is intended for one seminar session (90 minutes), but could be extended if the "optional" elements are included, or if participants are very eager to discuss.

Optional:
Introduce the concept of "human agency and oversight"

To provide an ideal preparation, you could precede the use of the OER with a preparatory session, in which the learners familiarise themselves with the EU principle of "Transparency" (based on the EU Commission's "Ethical guidelines on the use of artificial intelligence (AI) and data in teaching and learning for educators", or the preceding "Ethics Guidelines for Trustworthy AI").

As material, you could use:

- the introduction text from the OER page,
- the case study and action points from the ETH-TECH Framework,
- if working with other teachers: the ETH-TECH self-reflection tool,
- and this "friendly definition" developed in the ETH-TECH framework:
  AI systems need to clearly explain how they function, what data they collect and for what purposes. Students, teachers and universities should be informed about these aspects so they can give their informed consent when using AI systems.

What you need to prepare in advance

Download the materials for this OER provided on our website. Besides this pedagogical guideline, these include a print-out template for three reaction cards (red, yellow, green) and example scenarios and statements.

You should further prepare a flip chart paper or whiteboard and pens/markers for the moderator to note down the results.

You can choose if you would like to either work with one of the three example scenarios provided by us or develop your own tech or AI usage scenario to apply the method to.

If you use a scenario provided by us:
Simply print the scenario and the statements (one set) as well as the reaction cards (red, yellow, green – one set per participant) and you are ready to begin! **(Jump to "The first steps" below)**

If you develop your own scenario:
You, as the educator, can develop the scenario on your own, or – and we would recommend this – you can already include your learners in this process before you begin the contract creation process.

PLEASE NOTE:

The **scenario** should be a specific application of technology in an educational setting, ideally one that is of interest to your group of learners (e.g., because it personally affects them). Examples include the use of learning management systems for specific purposes (e.g., preventing student dropout) or the implementation of a new monitoring software.

For the selected scenario, **5-8 statements** that represent the diverse perspectives of all involved parties in the selected scenario should be developed. Really try to step into the different actors' shoes here and empathetically imagine how they might feel about this tech or AI usage. People in the same role might also have different perspectives, based on their own experiences with technology, their attitudes and their values.

For the empathetic contract creation process (below), you should bring the scenario and statements in a written form (one set), and print the reaction cards (red, yellow, green – one set per participant).

Do you want to use this OER in an online seminar?

These guidelines detail how to use the OER in an in-person class. However, you can easily adapt the usage to an online synchronous setting:

What you need to prepare in advance:

- A presentation, in which the selected scenario of tech usage is detailed. You could also note the results (identified rules) in this presentation.
- A voting system: you can either use reactions in the web conference system or set up a simple poll with the three cards' options. Make sure that this poll can be used many times (e.g., option to delete answers) as you do not know in advance how many votes there will be.
- Empathetic Contract Process: You will select a moderator as in the onsite setting. They should be given access to the statements for the selected scenario, access to the digital support tool for moderators and be provided with the possibility to share the screen.
- The moderator will read the statements, and hence the poll will be used to provide the votes. The discussion can be carried out using both the conference system or the chat.

Recommendations: the recommended number of participants is up to 20 in online systems. A higher number of participants might require breakout room sessions with one moderator per session. You should also consider how to wrap up the session (for example by showing all identified rules).

The first steps

Explain the setup and the goal for the session. If you need a quick reminder of the process, watch our tutorial. Select one moderator. **We recommend that a student, rather than the teacher, should take on the role of the moderator to allow for more eye-level discussions.**

Hand out the materials:

- Moderator: written scenario and statements + material for noting down the results (flip chart paper or whiteboard, pens/ markers)
- Participants: one red, yellow and green reaction card each

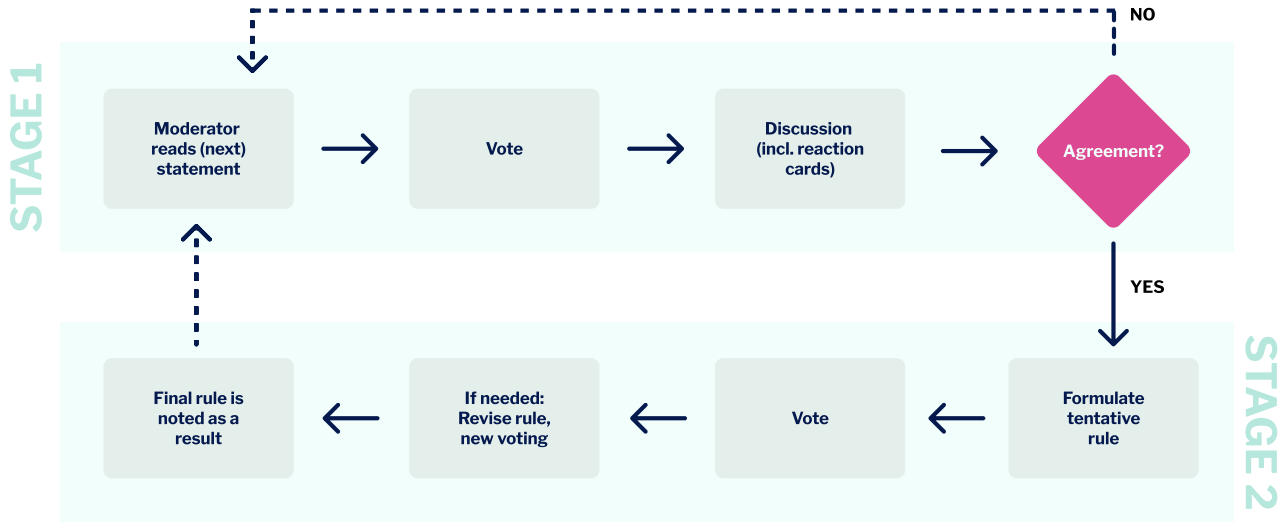
The moderator can choose to either follow the written process guide below or use the Digital Support Tool on our website.

If desired, the educator (who is not moderating the process) can document the contract creation process through taking notes or photos of the different stages and votes.

Optional: Assigning roles

If you would like to more strongly encourage your participants to join the discussion or you believe they might all hold a similar attitude towards AI in education, you could assign roles for the discussion. For example, there could be a "big tech fan" or a "devil's advocate", or a student could take the role of a teacher.

The Empathetic Contract Creation Process



Stage 1:
Getting to know different perspectives.

a) Read statement & initiate vote:
The moderator names the scenario that will be discussed, reads aloud one of the provided statements, and asks the participants to react to this statement with their reaction cards (see download material):

- Red = “I disagree” OR “I do not understand”
- Yellow = “I am undecided”
- Green = “I agree”

b) Discussion:
Based on the vote, the moderator starts a discussion with the group. **The goal is to move from discussing the statements to identifying collective rules for tech and AI usage in this scenario**:

- Ask participants why they agree, are uncertain or disagree with this statement.
- Remember: red cards can signify disagreement or a lack of understanding. Ask participants why they reacted with a red card.
- Try to uncover the underlying reasons and views on technology behind the participants’ reactions.
- Aim to guide an open and empathetic discussion, where every perspective can be heard and discussed.
- Sometimes discussions can derail:
  - Make sure the discussion stays centred on the selected scenario of tech use.
  - Keep nudging participants (back) towards aiming to identify perspectives they all agree on, in order to formulate collective rules for tech use in the next step.
- Remind the participants that they can also use their cards to react to different arguments made during the discussion. This visualises the overall mood and level of agreement in the group.

c) Move on to the next statement OR formulate a first rule:
→ If the moderator feels that the discussion has either fizzled out, or that there is still a lot of disagreement in the group, they can read aloud the next statement to introduce another perspective on the scenario. Go back to a).

→ If the moderator feels that the discussion has already identified a first rule that the group collectively agrees on, they can move to stage 2.

Stage 2: Identifying collective solutions.

Once the group thinks that a common view on the scenario might have emerged from the discussion, they **formulate this view** into a rule and open it up for a vote. For example: "We use AI for brainstorming, but not for text production".

The participants then **vote on the rule with their reaction cards:**

- The goal is not perfect agreement: green and yellow cards may coexist.
  - If more than half of the participants voted yellow, the majority of the group is not entirely happy with the rule. Discuss their concerns and try to adapt the rule to better represent everyone's perspectives.
- If there are red cards, the moderator first clarifies if participants voted red because of disagreement or lack of understanding. Then, the moderator asks these participants for constructive suggestions on how the rule could be adapted for them to be happy with it.
  - These suggestions are discussed with the group.
  - A new rule is formulated and voted on.
- → This process is repeated until there are mostly green cards (no or less than half yellow cards).

Once no red cards remain and the majority of the group voted green, the moderator **notes down this rule as a first collective result**. If no complete agreement emerges (i.e., red cards remain) after several rounds of voting and discussion, the moderator can also note down the final rule including the number of countervotes. Or, if the perspective in the group is very unanimous, the moderator could encourage the participants to actively consider divergent perspectives, or even suggest a controversial statement. Afterwards, they return to Stage 1 a) to read aloud, vote on and discuss the next statement.

This process is repeated until:

- All statements have been discussed, or
- A sufficient number of collective rules has been identified, or
- The end of the session is reached.

Important: The idea is **not** that one statement leads to one rule. Rather, the statements should serve as inspiration to support an engaged discussion. **Whenever the moderator thinks that a common view has developed, they can move on to stage 2 to decide on a rule, and afterwards back to stage 1**. The number of rules that emerge out of the discussion process is open (ideally at least 3 rules) and depends on the collective views that emerge from the discussion and voting process.

The Result & Implications

As a result, the group has collectively created a number of **empathetic rules on how technologies should be applied in the selected educational scenario to support human agency and oversight**. These rules could not only be displayed in the classroom or inform further discussions with learners, but could also be presented to decision-makers in the respective educational institution to more strongly integrate aspects of human agency and oversight into educational uses of tech and AI.

Optional:
Relating back to "human agency and oversight"

Based on the empathetic rules you developed, you could now wrap up the session with a discussion that relates back to the "friendly definition" of the principle of human agency and oversight (see above).

For example, ask your learners:

- Human oversight means there needs to be a "human in the loop". Who could be that human? Who is responsible?
- How can we ensure that real human oversight is even possible when it comes to AI?
- Do you think we will strike a good balance between the human and the machine in the future?
- What are concrete steps you can take for a more agentic tech use in your everyday life?