

CROSS-CULTURAL PERSPECTIVES ON PRIVACY LAW: REFLECTIONS AFTER A FRANCO-AMERICAN VIRTUAL EDUCATION—COLLABORATIVE ONLINE INTERNATIONAL LEARNING EXPERIENCE

Maximiliano Marzetti, Ph.D.¹

I. THE BEGINNING

Last year the FACE Foundation,² in collaboration with the French Embassy in the United States and the U.S. Embassy in France, set out to help organize Virtual Education—Collaborative Online International Learning (“VE-COIL”) projects between the United States and French universities.³

I am part of the full-time faculty at IESEG School of Management in Paris, France. The course that I teach are equivalent to the “Legal Environment of Business” in the United States. These courses focus on intellectual property and data protection law, from a proactive perspective, i.e., law as a source of competitive advantage.⁴ I have lived in six countries, Argentina, Spain, Italy, Germany, the Netherlands, and France; and thus, I have experienced my share of cross-cultural communication *faux pas* and culture shocks.

Through social media, I was lucky enough to meet law professor, Amy Ramson, from Hostos Community College in Bronx, New York. Amy and I shared common interests and similar pedagogical approaches, so we decided to create a VE-COIL. We chose a relevant topic across both sides of the Atlantic—privacy law, also known as data protection law in Europe—which was helpful to both mine and Amy's students. Hence, we called our VE-COIL *Cross-Cultural Perspectives on Privacy Law*. We submitted our project, and

¹ Assistant Professor of Law, IESEG School of Management, Paris, France.

² FACE Foundation, FACE FOUND., <https://face-foundation.org> (last visited Oct. 18, 2021).

³ *Transition to Virtual Exchange*, FACE FOUND., <https://face-foundation.org/higher-education/transitioning-to-virtual-exchange/> (last visited Oct. 18, 2021).

⁴ See Gerlinde Berger-Wallister & Paul Shirvasta, *Beyond Compliance: Sustainable Development, Business, and Proactive Law*, 46 GA. J. INT'L L. 417 (2015), for a description of this approach perfectly suitable for a business school; see also GEORGE SIEDEL & HELEN HAAPIO, PROACTIVE LAW FOR MANAGERS: A HIDDEN SOURCE OF COMPETITIVE ADVANTAGES (2011).

we were awarded a grant within the framework of the *Transitioning to Virtual Exchange COVID-19 Relief Fund* by the FACE Foundation.⁵

II. WHY VE-COIL

VE-COIL is an innovative pedagogical tool, a form of international experiential learning.⁶ It is sometimes known by other names, such as telecollaboration, online intercultural exchange, and globally networked learning. While VE-COIL does not replace student study abroad programs, it can complement or help students prepare for these programs. In addition, due to its low cost, it is particularly well-suited to provide an international experience to students in developing countries.⁷ In Europe, VE-COIL programs are not yet widely known. A notable exception has been the *Erasmus+ Virtual Exchange* project, which were funded by the European Union (“EU”) and operated from 2018 to 2020.⁸

A VE-COIL is different from most other online teaching and learning activities. A VE-COIL’s main advantage is it emphasizes the inter-cultural component. Students in one country can engage in collaborative online learning activities with students from other countries, mediated by technology and assisted by trained professionals. During the COVID-19 pandemic, schools and universities shut down and transitioned to *emergency remote teaching* (“ERT”) activities. ERT activities were not carefully planned in advance nor did most professors have the training required to make the most of them.⁹ During times of ERT, VE-COIL has gained momentum.¹⁰ However, it would be a mistake to limit VE-COIL activities to emergency situations or when study abroad programs are not feasible. VE-

⁵ *Transition to Virtual Exchange*, *supra* note 3; see also *Selected Projects*, FACE FOUND., <https://face-foundation.org/higher-education/transitioning-to-virtual-exchange/> (last visited Oct. 18, 2021).

⁶ Lori M. Curtindale et al., *Independent Intercultural Task as a Tool for Developing Intercultural Awareness Through Collaborative Online International Learning in Global Leadership*, 3 J. VIRTUAL EXCH. 81, 81 (2020).

⁷ Marilu Marcillo-Gomez & Bendreff Desilus, *Collaborative Online International Learning Experience in Practice Opportunities and Challenges*, 11 J. TECH. MGMT. AND INNOVATION 30, 30 (2016).

⁸ *Erasmus+ Virtual Exchange, European Youth Portal*, EUROPA.EU, https://europa.eu/youth/erasmusvirtual_en (last visited Oct. 10, 2021).

⁹ Charles Hodges et al., *The Difference Between Emergency Remote Teaching and Online Learning*, EDUCAUSE REVIEW (Mar. 27, 2020), <https://er.educause.edu/articles/2020/3/the-difference-between-emergency-remote-teaching-and-online-learning>; Ozge Misirli & Funda Ergulec, *Emergency Remote Teaching During the COVID-19 Pandemic: Parents Experiences and Perspective*, EDUC. AND INFO. TECH. (Mar. 29, 2021), <https://link.springer.com/content/pdf/10.1007/s10639-021-10520-4.pdf>.

¹⁰ See Michele Fujii & Keiko Ikeda, *Virtual Exchange/COIL Beyond the Classroom: Impact on Kansai University’s U.S. Partnerships*, AM. COUNCIL ON EDUC., <https://www.acenet.edu/Documents/USJP-HEES-CaseStudy-Kansai.pdf> (last visited Oct. 19, 2021) (discussing how higher education institutions are looking to VE-COIL for international education opportunities).

COIL is an intrinsically valuable pedagogical tool that should be exploited during normal times. Moreover, VE-COIL activities allow educators to achieve ad hoc learning objectives that can rarely be attained using traditional educational strategies.¹¹ A VE-COIL program helps develop or hone cross-cultural awareness, communication, negotiation, and critical thinking skills. Additionally, through a VE-COIL program, students can build relationships with each other while being located in other countries. In other words, it is also an opportunity to make international friends.

For Amy and I's purposes, it was essential to design a VE-COIL to help students reflect on the legal system. We agreed on privacy law, or data protection law as it is known in the EU. In our interconnected world, personal data is everywhere. We found good questions worth considering from a multi-cultural perspective. Are there genuinely different attitudes towards personal data between U.S., French, and other international students? Why are the regulations of privacy, or personal data, in the United States and Europe different?

Amy and I wanted our students to explore the political and legal systems of other countries than their own, as well as the similarities and divergences in the field of privacy law and data protection. For example, we made students compare U.S. laws—both state and federal—with the EU's General Data Protection Regulation ("GDPR"), and vice versa, French and intentional students were exposed to U.S. privacy laws. In our VE-COIL, a goal was to use privacy law as a proxy to make students reflect on their own implicit values and standpoints; to understand the influence of politics, history, and the economy in the legal system; as well as to reassess their own perceptions of fairness.

At IESEG we have an ambitious vision, to become "a unique international hub empowering changemakers for a better society."¹² Thus, promoting innovative technologies and educational experiences to help students communicate, overcome cultural pitfalls and solve complex global problems is aligned with our values, mission and vision.

To sum up, A VE-COIL is beneficial for students, faculty, and learning institutions for the following reasons:

1. VE-COIL helps students connect with international peers and different cultures, reflect on their own cultural milieu, approach issues that have a supranational impact, overcome preconceptions and clichés, in sum to enrich their lives to become responsible *global*

¹¹ See generally *COIL Pedagogy*, UNIV. S. FLA., <https://www.usf.edu/world/for-faculty/virtual-exchange/coil-pedagogy.aspx> (last visited Oct. 19, 2021) (discussing how VE-COIL gives educators new skills and methodologies to connect their courses at home to institutions abroad).

¹² *Mission and Values*, IESEG, <https://www.ieseg.fr/en/about-ieseg/mission-and-values/> (last visited Nov. 17, 2021).

citizens. Moreover, from a more practical perspective, it prepares them for a global labor market, where multiculturalism and cross-cultural communication skills are valuable assets. Empirical data seems to validate our intuition. Professors Philip Appiah-Kubi and Ebenezer Annan suggest that students who participate in VE-COIL programs perform better than those who do not participate in the same experience.¹³

2. VE-COIL provides faculty with a cost-effective and innovative learning atmosphere. It allows them to connect with colleagues in other countries, as well as provides publication and research opportunities.¹⁴
3. VE-COIL provides educational institutions with international visibility which helps attract international students, contributes to student engagement, and provides innovative curricular activity.¹⁵

III. WHY PRIVACY LAW

According to some, data is the new *black gold*.¹⁶ It is expected that data will become an even more important driver for economic growth under the next paradigm, dubbed “industry 4.0” or “the fourth industrial regulation.”¹⁷ Thus, privacy law or personal data protection law¹⁸ have an impact on the activities of citizens and companies. Both in the United States and Europe, privacy protection is derived from fundamental rights. The United States first recognized a constitutional right to privacy in the 1965 U.S. Supreme Court

¹³ Philip Appiah-Kubi & Ebenezer Annan, *A Review of a Collaborative Online International Learning*, 10 INT’L J. ENG’G PEDAGOGY 109, 109-24 (2020).

¹⁴ See *News and Events*, SUNY COIL, <https://coil.suny.edu/news-and-events/> (last visited Oct. 19, 2021) (discussing opportunities to publish COIL research); *Welcome*, SUNY COIL, <https://coil.suny.edu> (last visited Oct. 19, 2021) (discussing the collaborative opportunities for professors through the use of COIL).

¹⁵ See HEATHER H. WARD, *CONNECTING CLASSROOMS: USING ONLINE TECHNOLOGY TO DELIVER GLOBAL LEARNING* 9 (2016), <https://www.acenet.edu/Documents/Connecting-Classrooms-Using-Online-Technology-to-Deliver-Global-Learning.pdf> (discussing how some institutions hoped to gain visibility and attract international students with COIL courses).

¹⁶ *The World’s Most Valuable Resource is No Longer Oil, but Data*, THE ECONOMIST (May 6, 2017), <https://www.economist.com/leaders/2017/05/06/the-worlds-most-valuable-resource-is-no-longer-oil-but-data>; Kiran Bhageshpur, *Data is the New Oil—and That’s a Good Thing*, FORBES (Nov. 15, 2019, 8:15 AM EST), <https://www.forbes.com/sites/forbestechcouncil/2019/11/15/data-is-the-new-oil-and-thats-a-good-thing/?sh=6d8798997304>; Thomas Farkas, *Data Created by the Internet of Things: The New Gold Without Ownership*, REVISTA LA PROPIEDAD INMATERIAL, Jan.-June 2017, at 5.

¹⁷ These are terms that refer to a confluence of technologies, such as the internet of things, big data analytics, artificial intelligence, self-driving vehicles, among others, that create, communicate, share, and require huge amounts of data.

¹⁸ Privacy law and personal data protection are not exact synonyms; the former is broader in scope and encompasses the latter. However, in common usage both terms are used interchangeably.

case, *Griswold v. Connecticut*.¹⁹ In Europe, Article 8 of the EU Charter of Fundamental Rights²⁰ specifically refers to the *protection of personal data*.²¹

According to the United Nations Conference on Trade and Development, 128 countries have enacted some form of privacy law.²² However, the United States and the European Union's approaches are radically different in practice. The United States federal government only offers privacy protections on a piecemeal fashion for certain types of personal data and under particular circumstances.²³ So far, only a few U.S. states—such as California,²⁴ Nevada,²⁵ and Maine²⁶—have offered privacy protections.

Conversely, the European Union—which is not a federation but a supranational sui generis international organization²⁷—has enacted two comprehensive laws that apply equally to all of its twenty-seven member states.²⁸ The first is the General Data Protection Regulation (“GDPR”), which has been effective since May 25, 2018.²⁹ This regulation addresses “the protection of natural persons with regard to the processing of personal data and the free movement of that data.”³⁰ The second is Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016, which addresses “the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and

¹⁹ *Griswold v. Connecticut*, 381 U.S. 479, 485-86 (1965).

²⁰ 2012 O.J. (C 326) 393.

²¹ *Id.* at 397 (“Protection of personal data. (1) Everyone has the right to the protection of personal data concerning him or her, (2) Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified, (3) Compliance with these rules shall be subject to control by an independent authority.”).

²² *Data Protection and Privacy Legislation Worldwide*, UNCTAD, <https://unctad.org/page/data-protection-and-privacy-legislation-worldwide> (last visited Oct. 28, 2021).

²³ See generally Fair Credit Reporting Act, 15 U.S.C. § 1681; U.S. Privacy Act, 5 U.S.C. § 552a; Health Insurance Portability and Accountability Act, 42 U.S.C. § 201; Children’s Online Privacy Protection Act, 15 U.S.C. § 6501; Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801-6809.

²⁴ Cal. Civ. Code §§ 1798.100-199.95 (West 2021).

²⁵ Nev. Rev. Stat. Ann. §§ 603A.010-.360 (West 2021).

²⁶ Me. Rev. Stat. tit. 35-A, § 9301 (2021).

²⁷ *Countries, About the EU*, EUROPA.EU, https://europa.eu/european-union/about-eu/countries_en (last visited Oct. 19, 2021).

²⁸ Council Regulation 2016/679, 2016 O.J. (L 119) 1 (EU); Council Directive 2016/680, 2016 O.J. (L 119) 89 (EU).

²⁹ Council Regulation 2016/679, *supra* note 28.

³⁰ *Id.* at 1.

repealing Council Framework Decision 2008/977/JHA.”³¹ This directive has been effective since May 6, 2018.³²

The U.S. and EU’s approaches to the protection of personal data are different, both in means and goals. We considered this divergence a good topic for a VE-COIL.

IV. DESIGNING THE VE-COIL

The design of our VE-COIL comprised the creation of a series of *interdependent intercultural tasks* for the students to perform in tandem.³³ The VE-COIL methodology allow students to acquire useful knowledge and valuable skills by pairing a student from one country, culture, and socioeconomic background to collaborate on assignments with another student from a different country, culture, and socioeconomic background. The professors provide the context, self-study learning materials and instructions. Then, it is up to the student to connect and communicate with his or her peer and get the work done. By taking a student out of their cultural comfort zone, the VE-COIL creates cognitive dissonance which, in turn, incites them to engage in deep intercultural exchange. The VE-COIL Amy and I created was conducted entirely in English—today’s *lingua franca*. The usage of the same language by native and non-native speakers creates a series of challenges that students have to overcome by themselves. This is another valuable lesson taught by using this methodology.

Thirty-nine students were chosen for this course—almost identical numbers from each institution.³⁴ We designed a VE-COIL program to take place over a total duration of four months, primarily focusing on asynchronous³⁵ activities. We paired an equal number of students from Hostos Community College and IESEG into groups—while trying to maintain gender equality. The groups had to work collaboratively online in a series of activities.³⁶ The VE-COIL consisted of four activities:

³¹ Council Directive 2016/680, *supra* note 28.

³² *Id.* at 131.

³³ The authors characterize “interdependent intercultural tasks” as those having the following features: “(1) they include culture-specific information that creates cognitive dissonance and motivates students to analyze information about another culture; (2) they provide instructions aimed at learning subjective information about individuals from another culture; and (3) they can only be performed through interaction between students from different countries.” Curtindale et al., *supra* note 6.

³⁴ Hostos Community College in New York, United States and IESEG School of Management in Paris, France, were the two schools participating in this VE-COIL.

³⁵ The learning activities do not require professors and students to be together in the same place, real or virtual, at the same time.

³⁶ Students could choose whether to interact with each other in synchronic or asynchronous way, or both.

1. Informational exchange (icebreaker, community building): The students individually produced a two-to-three-minute video to introduce themselves and had an opportunity to discuss about their lives, hobbies, employment, and more. Additionally, students had to comment on all their team members' videos. Viewing and hearing each other on video enables students to familiarize themselves with not only the students abroad but their classmates as well. We were hopeful that this would help build meaningful social connections.
2. Comparison and analysis (compare a topic across cultures): Students produced a recorded group video presentation about their countries' political and legal systems, as well as privacy or data protection laws. This is a group activity, however, the videos were shared with the entire group on the Padlet platform for wider impact.³⁷
3. Collaborative project (student-generated content): The objective of this activity was for the students to work together toward a common goal and overcome cultural differences. Teams produce a recorded video presentation on perceptions about privacy law based on their home country's legal system and regulations. This was the crux and most cognitive demanding part of the VE-COIL: students had to understand different legal texts (national and foreign), compare them, find similarities and differences, and reflect on the effect of culture in them.
4. Online award ceremony: The last activity was optional and held synchronous. Almost two-thirds of the students participated. E-certificates were awarded and valuable feedback from the students was collected.

In addition to the four activities discussed above, students had to complete mandatory pre-and-post-VE-COIL surveys.³⁸ During the course, professors provided a list of resources and prepared presentations to guide the students. For example, Amy prepared a presentation on U.S. Data Privacy and I created a presentation on the GDPR named: *Introduction to Data Protection and the EU's GDPR*. Additionally, Amy and I were available by email to answer questions and clarify concepts for the students participating in our VE-COIL. As a bonus, Amy managed to include a synchronous event that added tremendous value, a masterclass with Dean A. Forbes (Sidley Austin LLP) on *Privacy: Compliance, Risk Mitigation & Forecasting*.

Conducting a VE-COIL program requires significant international communication. All of the activities, resources and presentations were showcased on Padlet, a very flexible and user-friendly online collaboration

³⁷ Hostos CC and IÉSEG School of Management COIL, PADLET, <https://padlet.com/aramson/4j8fpofwdx33jkse> (last visited Oct. 10, 2021).

³⁸ See *infra* Figure 1-17.

platform.³⁹ The following additional platforms and technologies were also used to support the VE/COIL:

1. Professor to Professor: Zoom, Skype, and email for communication. Google Docs for instructions and collaborative activities.
2. Students to Professor: College-university email. PowerPoint for presentations.
3. Student to Student: WhatsApp for intra-group communication. Google Docs to work on assignments.

V. ASSESSING THE VE-COIL

Generally speaking, the nationality and background of the student seemed to have had some influence on the perception of the student concerning privacy and data protection laws, fundamental rights, and the role of markets in self-regulating firm's behavior. However, the sample is too small to generalize or overemphasize the results. In the following paragraphs, we will present the results from the before and after VE-COIL surveys.

Before and after the VE-COIL we conducted qualitative students' assessments: pre-VE-COIL⁴⁰ and post-VE-COIL⁴¹ reflective surveys. Data collected in these surveys was compared and analyzed using a Global Learning rubric.

The pre-VE-COIL questions were designed to explore student expectations of the VE-COIL assignments and collaboration with peers in a university class abroad; their own student cultural awareness at the commencement of the project; and knowledge in the area of concentration.

Pre-VE-COIL survey responses established the foundation for assessing growth and transformation during the course for the students and professors. The post-VE-COIL questions were designed to reflect discoveries that students made about themselves and the students abroad and the influence of cultural background on their interaction. Differences and similarities in how students in the United States and abroad view the area of concentration are also included in the assessment. Eighteen students participated in the first survey and thirty-three in the second one—a total of thirty-nine students.

³⁹ *Hostos CC and IÉSEG School of Management COIL*, *supra* note 37.

⁴⁰ *Global and Intercultural Learning Survey (PRE)*, GOOGLE FORMS, https://docs.google.com/forms/d/1COZA60GCld11QVfK_5_QQA8HXap-bu9EUvPj5rCUc0w/edit#responses (last visited Oct. 19, 2021).

⁴¹ *Global and International Learning Survey (POST)*, GOOGLE FORMS, https://docs.google.com/forms/d/1zhvo2V2o0eq3X3gxGwp8_eeDZm1bzcGiA1JQ37qo4/edit#responses (last visited Oct. 19, 2021).

A. Findings from the Pre-VE-COIL Survey

The pre-VE-COIL survey asked a series of eight questions.⁴² The first question asked how often the student spends time with people from cultures other than their own.⁴³ The responses included 38.9% of students agreeing, 27.8% strongly agreed, 16.7% disagreed, and 16.7% were neutral.⁴⁴ The second question asked if students had a clear sense of themselves and their place in the world.⁴⁵ The vast majority of students agreed with this statement, with 77.8% of students either agreeing or strongly agreed.⁴⁶ The third question asked students if they think about their own cultural background and how it has shaped them.⁴⁷ Of the 18 students' responses, 55.6% agreed, 38.9% strongly agreed, and 5.5% of students were neutral.⁴⁸ The next question asked students if they often engaged in activities outside of their comfort zone.⁴⁹ The responses to this question were split with 72.2% of students either agreeing or strongly agreeing, 22.2% were neutral, and the remaining 5.6% of students disagreeing with the statement.⁵⁰ The fifth question asked if students could identify at least fifteen nations on a world map.⁵¹ The majority of students, 66.7%, strongly agreed that they could complete the task.⁵² The last three questions helped identify the students' background and demographics.⁵³ The survey revealed far more female than male students participating.⁵⁴ The students ranged in age from twenty-one to twenty-seven years old.⁵⁵ A wide range of languages were spoken in the homes of students, including English, Spanish, French, Bengali, German, Hindi, Portuguese, Urdu, Tamil, and Vietnamese.⁵⁶

B. Findings from the Post-VE-COIL Survey

The post-VE-COIL survey consisted of nine questions that, in some ways, were similar to the questions in the pre-VE-COIL survey but were designed to allow students to share how the VE-COIL program helped them

⁴² See *infra* Figures 1-8.

⁴³ See *infra* Figure 1.

⁴⁴ See *infra* Figure 1.

⁴⁵ See *infra* Figure 2.

⁴⁶ See *infra* Figure 2.

⁴⁷ See *infra* Figure 3.

⁴⁸ See *infra* Figure 3.

⁴⁹ See *infra* Figure 4.

⁵⁰ See *infra* Figure 4.

⁵¹ See *infra* Figure 5.

⁵² See *infra* Figure 5.

⁵³ See *infra* Figures 6-8.

⁵⁴ See *infra* Figure 6.

⁵⁵ See *infra* Figure 7.

⁵⁶ See *infra* Figure 8.

expand their cultural knowledge and awareness.⁵⁷ The survey began with asking students, if “[l]earning about another culture or learning another language will better prepare [them] for the global workforce.”⁵⁸ Of the 33 responses, 72.7% strongly agreed, 24.2% agreed, and the remaining 3.1% of students were neutral.⁵⁹ Next, students were asked if the knowledge of other cultures helped them to better understand their own.⁶⁰ Over 90% of students either agreed or strongly agreed with this question.⁶¹ The third question asks students if they have a lot to learn from people with different cultural backgrounds.⁶² Overwhelmingly, students agreed in some way with this question—almost 94% of students.⁶³

The next six questions asked students “[t]o what extent did learning about another country/culture affect” various aspects of their lives and learning.⁶⁴ The first was regarding the students’ growth in interpersonal skills.⁶⁵ Responding that this had a great effect on their interpersonal skills was 48.5% of students.⁶⁶ The remaining response included 36.4% of students saying it had some effect and 15.2% were neutral.⁶⁷ Students were next asked the extent that learning about another culture affected their “learning to adapt to new situations and surroundings.”⁶⁸ The 33 students varied in their response, with 48.5% responding that it had some effect, 36.4% responding that it had a great effect, 9.1% were neutral, and the remaining 6% responded that it had little or no effect.⁶⁹ The following question asked students what extent it affected their “learning and understanding other ways of seeing the world.”⁷⁰ Student responses included 42.4% of students responding that “it had some effect,” for 39.4% “it had a great effect,” 15.2% of students were neutral, and the remaining students responded that “it had a little effect.”⁷¹ The next question addressed the effect of the students’ “growth in self-awareness.”⁷² The majority of students, 63.6%, responded that it had some effect.⁷³ Next, students were asked the extent it affected their understanding

⁵⁷ See *infra* Figures 9-17.

⁵⁸ See *infra* Figure 9.

⁵⁹ See *infra* Figure 9.

⁶⁰ See *infra* Figure 10.

⁶¹ See *infra* Figure 10.

⁶² See *infra* Figure 11.

⁶³ See *infra* Figure 11.

⁶⁴ See *infra* Figures 12-17.

⁶⁵ See *infra* Figure 12.

⁶⁶ See *infra* Figure 12.

⁶⁷ See *infra* Figure 12.

⁶⁸ See *infra* Figure 13.

⁶⁹ See *infra* Figure 13.

⁷⁰ See *infra* Figure 14.

⁷¹ See *infra* Figure 14.

⁷² See *infra* Figure 15.

⁷³ See *infra* Figure 15.

of different cultures.”⁷⁴ The bulk of students said it had an effect in some way—81.8% responding that it had some effect a great effect—while 12.1% of students were neutral and the remaining 6.1% of students responded that it had little to no effect.⁷⁵ Finally, students were then asked the extent it had on their “ability to interact with people from different cultures.”⁷⁶ Responses ranged from 42.4% of students responding it had a great effect, 27.3% of students responded that it had some effect, 21.2% of students were neutral, and the remaining responses were that it had little to no effect at all.⁷⁷

C. Student's Comments from the Post-VE-COIL Survey

Students from the United States said the VE-COIL had changed their way of thinking concerning the rest of the world and international affairs. After completing the VE-COIL, they became aware of different policies across the world and how America differs. French and international students became aware of different attitudes towards data protection worldwide, and they improved their understanding of the European framework of data protection and human rights.

U.S., French and international students stated that the VE-COIL: allowed them to *humanize* different cultures; helped to develop abilities to work with diverse domestic populations and cultures worldwide; encouraged them to think outside the box; aided their development of critical thinking skills; gave them the ability to look at cultural assumptions of judicial decisions and arguments; the ability to analyze laws as reflective of social values; and allowed them to better prepare them for the global challenges of the twenty-first century.

VI. TOPICS FOR FUTURE VE-COILS

During our first VE-COIL, we could only scratch the surface. Due to time and other constraints, many interesting topics were left for future editions. A future VE-COIL could reframe, from an intercultural perspective, academic debates such as the *privacy paradox*,⁷⁸ the *Brussels*⁷⁹ or *California*

⁷⁴ See *infra* Figure 16.

⁷⁵ See *infra* Figure 16.

⁷⁶ See *infra* Figure 17.

⁷⁷ See *infra* Figure 17.

⁷⁸ See Patricia A. Norberg et al., *The Privacy Paradox: Personal Information Disclosure Intentions Versus Behaviors*, 41 J. CONSUMER AFFS. 100 (2007); Daniel J. Solove, *The Myth of the Privacy Paradox*, 89 GEO. WASH. L. REV. 1 (2021).

⁷⁹ See Anu Bradford, *The Brussels Effect*, 107 NW. U. L. REV. 1, 2-4, 22-26 (2012) (discussing a purported trend by non-EU countries to pass comprehensive privacy laws modelled after the GDPR).

effects.⁸⁰ Moreover, a VE-COIL could help explore workable solutions to international data transfers, especially between the United States and the European Union—a thorny issue after the recent decision of the EU Court of Justice invalidating the *Data Shield*.⁸¹ In this section, I would like to suggest other topics worth exploring under this format.

Business Schools would benefit from incorporating VE-COIL into their curriculum. In a global marketplace, the ability to communicate and negotiate across cultures is priceless.

Law Schools would benefit too. VE-COIL can be implemented for teaching foreign and international law. A VE-COIL can help understand the *functional method of comparative law in practice*.⁸²

Law is part of the culture. However, law and cultural studies (such as Hofstede's *Cultural Dimensions Theory*)⁸³ is an area that has not attracted sufficient scholarly attention. A notable example is van Toor's article *Case selection in Comparative Law based on Hofstede's Cultural Psychology Theory*⁸⁴ (in which the author briefly touches upon the effects of culture on privacy laws). A VE-COIL help explore the cultural dimension of legal phenomena.

From a linguistic perspective, a VE-COIL is a living laboratory, a virtual tower of Babel. Most VE-COIL are conducted in English. It is worth exploring further how different speakers (natives and non-natives) use, understand and relate to different varieties of English⁸⁵ (or of any other language).

⁸⁰ This term describes a purported trend by other U.S. states to pass privacy laws modelled after California's Consumer Protection Act of 2018. See, e.g., Jens Frankenreiter, *Is There a "California Effect" in Data Privacy Laws? Why the EU is Not the World's Privacy Group*, PROMARKET (Oct. 21, 2021), <https://promarket.org/2021/10/21/california-effect-data-privacy-gdpr/>.

⁸¹ Case C-311/18, *Data Protection Commissioner v. Facebook Ireland Ltd.*, ECLI: EU:C:2020:559 (July 16, 2020).

⁸² See generally K. ZWEIGERT & H. KÖTZ, *AN INTRODUCTION TO COMPARATIVE LAW* (David Fox ed., 3d ed. 1998); Ralf Michaels, *The Functional Method of Comparative Law*, in *THE OXFORD HANDBOOK OF COMPARATIVE LAW* (Mathias Reimann & Reinhard Zimmermann eds., 2006).

⁸³ See generally GEERT HOFSTEDE, *CULTURE'S CONSEQUENCES: COMPARING VALUES, BEHAVIORS, INSTITUTIONS AND ORGANIZATIONS ACROSS NATIONS* (2d ed. 2001); GEERT HOFSTEDE ET AL., *CULTURES AND ORGANIZATIONS: SOFTWARE FOR THE MIND* (3d ed. 2010).

⁸⁴ DAVE VAN TOOR, *CASE SELECTION IN COMPARATIVE LAW BASED ON HOFSTEDE'S CULTURAL PSYCHOLOGY THEORY (LAW AND METHOD 2017)*, <https://www.bjutijdschriften.nl/tijdschrift/lawandmethod/2017/10/lawandmethod-D-17-00005.pdf>.

⁸⁵ In particular, varieties created by non-native speakers such as *Globish*, a simplified version of English, or *Eurish*, a term used by British native speakers to refer to the English language as used in E.U. official documents, influenced by non-English language and style, especially French. See Richard Nordquist, *Globish Language Definition and Examples* (Feb. 18, 2019), <https://www.thoughtco.com/globish-english-language-1690818>; Selina Sykes, *Do You Speak Eurish? EU Has Its Own Language...and It's Far Too Difficult for the Rest of Us* (Sept. 19, 2015, 12:53), <https://www.express.co.uk/news/world/606416/European-Union-Eurish-languages-Europe-English>.

In sum, the potential of VE-COIL in Business and Law Schools is enormous. However, to realize this potential, we need a community of like-minded educators. The Symposium where the basis for this publication was presented was an initiative in the right direction.

VII. CONCLUSION

Our VE-COIL on *cross-cultural perspectives on privacy law*, a joint-project between Hostos Community College, in New York, United States, and IESEG School of Management, in Paris, France, was a successful experiential learning activity for students, teachers, and institutions involved. Overall, the experience was positive and well-received. Certainly, it is perfectible, and there is room for improvement.

Yet, there is much to be done to popularize VE-COIL programs in higher education, particularly in Europe. More institutional support, technological capacity and financial resources are necessary. It also requires courage and an entrepreneurial mindset from the professors.

A VE-COIL is a powerful pedagogical tool for all seasons. It should not be relegated as an emergency device for moments of crisis (such as the COVID-19 pandemic) or as a subpar alternative to international student exchange programs.

To conclude, I would like to emphasize a VE-COIL is a *School of Peace*. Our species is confronted with serious global risks: poverty, war, pandemics, climate change. No country can fix them neither save itself alone. International dialogue, understanding and cooperation are essential to finding effective and sustainable solutions to our common problems. A VE-COIL instils tolerance, empathy and promotes cross-cultural communication and problem-solving. Urgent skills in our complex and conflicted world.

VIII. APPENDIX

Figure 1:

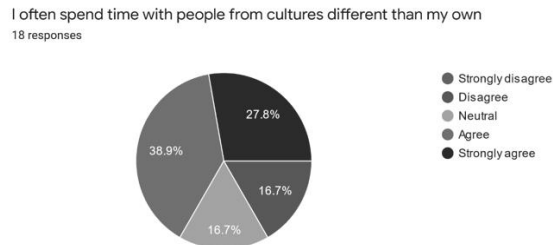


Figure 2:

I have a clear sense of myself and my place in the world
18 responses

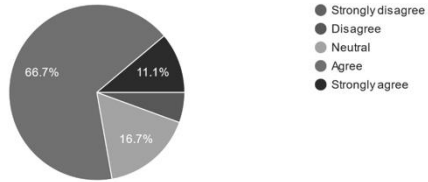


Figure 3:

I often think about my own cultural background and how it has shaped me
18 responses

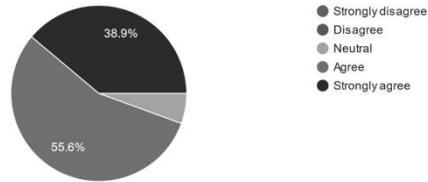


Figure 4:

I often engage in activities that get me outside of my comfort zone
18 responses

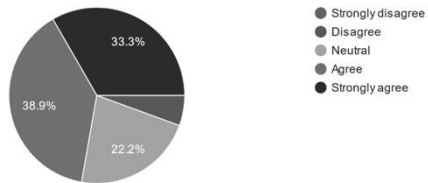


Figure 5:

I can locate and name at least 15 nations on a world map.
18 responses

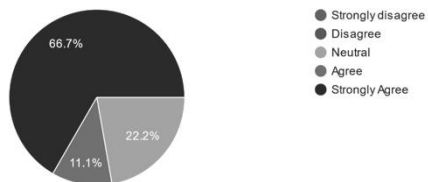


Figure 6:

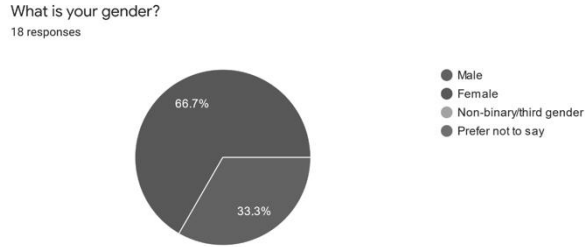


Figure 7:

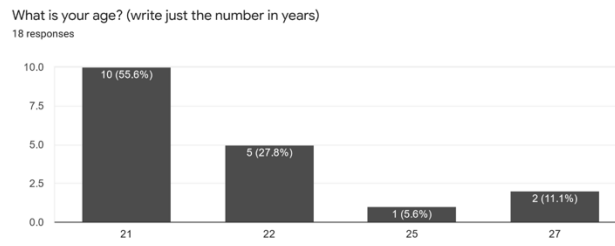


Figure 8:

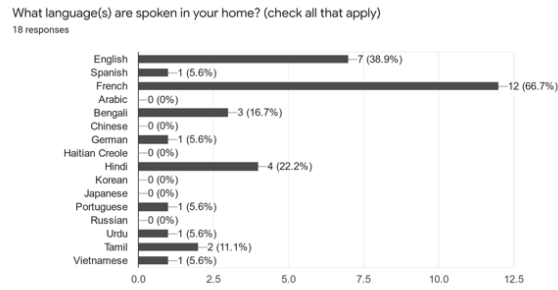


Figure 9:

Learning about another culture or learning another language will better prepare me for the global workforce.

33 responses

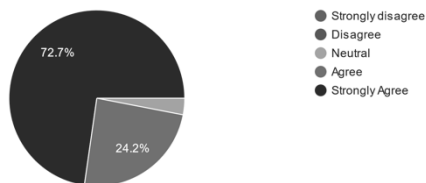


Figure 10:

Knowledge of other cultures helps me better understand my own.
33 responses

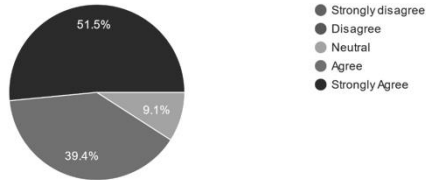


Figure 11:

I have a lot to learn from people with cultural backgrounds that are different than my own.
33 responses

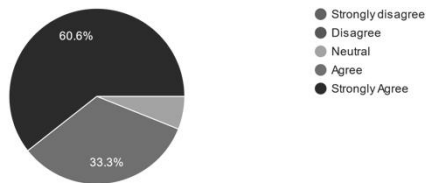


Figure 12:

To what extent did learning about another country/culture affect your ... growth in interpersonal skills?
33 responses

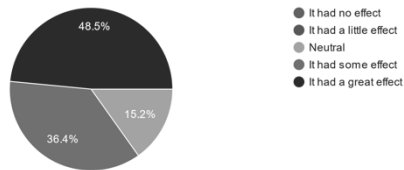


Figure 13:

To what extent did learning about another country/culture affect your ... learning to adapt to new situations and surroundings?
33 responses

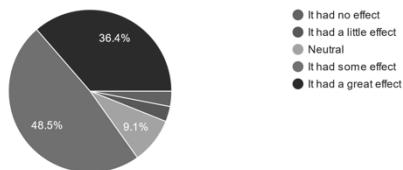


Figure 14:

To what extent did learning about another country/culture affect your ... learning and understanding other ways of seeing the world?
33 responses

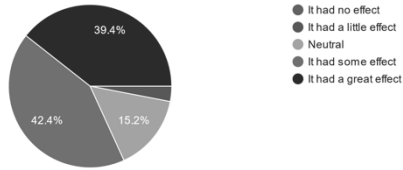


Figure 15:

To what extent did learning about another country/culture affect your ... growth in self awareness?
33 responses

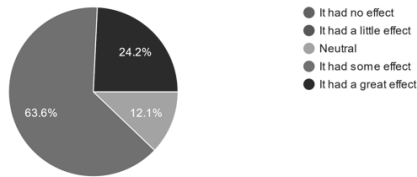


Figure 16:

To what extent did learning about another country/culture affect your ... understanding of different cultures?
33 responses

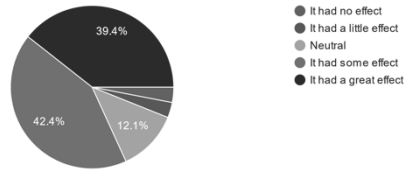


Figure 17:

To what extent did learning about another country/culture affect your ... ability to interact with people from different cultures?
33 responses

