

INCLUSIVE TEAM ASSESSMENT OF OFF-CAMPUS AND ON-CAMPUS FIRST YEAR LAW STUDENTS USING INSTANTANEOUS COMMUNICATION TECHNOLOGY.

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INCLUSIVE TEAM ASSESSMENT OF OFF-CAMPUS AND ON-CAMPUS FIRST YEAR LAW STUDENTS USING INSTANTANEOUS COMMUNICATION TECHNOLOGY.

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Motivation for academics teaching law in today's globalised technological world is provided from research on team assessment and the use of technology in higher-education learning, as supported by student evaluations from this first year law course. The experience of offering a competitive team assessment item utilising 'state-of-the-art' web conferencing tools to enable both on-campus and off-campus students to present, as a team, live debates, is discussed. This assessment treats students in an inclusive way furthering both motivation and student engagement. The course, (Law in Context), models a team approach designed to engage students in the study of legal theory and jurisprudence. Students are required to work together to produce an assessment item that requires critical thinking, oral communication and the art of argument, all vital to the practice of law. The findings reveal an overall positive response.

Keywords: Assessment, Team work, e-learning, off-campus/on-campus students, first year law.

I: INTRODUCTION

In an era of change in legal education when new ways of integrating generic skills along with intellectual discipline and critical, reflective, lifelong learning are the catch words, legal educators are being asked to devise new ways of developing and assessing these skills, moving away from the standard written paper and exam. This rapidly changing world has gone from the Information Age to the Interaction Age,¹ one in which the student is a 'prosumer'² and technology allows an 'anywhere, anytime' communication and learning society.³ Designing new learning spaces for today's university students requires that their 'penchant for highly active and participatory experiences both face-to-face and digitally and often at the same time; technological adeptness and ubiquity, using mobile phones, digital cameras, MP3 players, and wireless Internet to browse, download, and message; and multiple priorities, including school, work, sports, volunteer activities, that make time a precious commodity,⁴ must be taken into account. When writing and devising the initial course⁵ to be delivered in a new law degree for an Australian regional university, the priority was to provide an equitable and inclusive experience by engaging the students to learn to think critically, regardless of whether they were on or off-campus students. The aim was not to

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¹A. J. Milne, 'Entering the interaction age: Implementing a future vision for campus learning spaces...today.' (2007) 42(1) *EDUCAUSE Review* 12; J M Brill and Y Park, 'Facilitating engaged learning in the interaction age: taking a pedagogically-disciplined approach to innovation with emergent technologies' (2008) 20(1) *International Journal of Teaching and Learning in Higher Education* 70: 'The Interaction Age is one that goes beyond accessing content and information into one in which knowledge is constructed through active self participation in an online social community', 14; See further, Catherine McLoughlin and Mark J. W. Lee, 'The Three P's of Pedagogy for the Networked Society: Personalization, Participation, and Productivity' (2008) 20(1) *International Journal of Teaching and Learning in Higher Education* 10.

² McLoughlin and Lee, above n 1.

³ Jeffrey S Nugent et al, 'Exploring Faculty Learning Communities: Building Connections among Teaching, Learning, and Technology' (2008) 20(1) *International Journal of Teaching and Learning in Higher Education* 51.

⁴ D. G Oblinger, *Learning spaces*. (2006) quoted in JM Brill and Y Park above n1, 71.

⁵ Cindy V. Beacham and Neal Shambaugh, 'Advocacy as a Problem-Based Learning (PBL) Teaching Strategy' (2007) 19(3) *International Journal of Teaching and Learning in Higher Education* 315, 'Although not directly a learning outcome, a "first course" provides an important opportunity for setting the stage for student interest and motivation in a program.' 323.

juxtapose professional vocational training against theoretical disciplinary knowledge, but rather to integrate both, and to use the opportunities provided by new social networking technologies to foster students' contextualizing and critiquing of the law from a grounded theoretical knowledge base. Not too long ago claims were being made that virtual learning was limited; it was unable to assist with deep learning and the acquisition of skills such as team work and oral presentations.⁶ It was considered that virtual education lacked the opportunity for development of communication and social skills.⁷ While advancements in technology have been swift at overcoming these limitations⁸ it seems the uptake in classrooms to achieve benefits, such as inclusivity, equality of assessment and engagement with students from off-campus to improve communication and team work skills, has been slower. Consideration of the state of legal education is a matter of ongoing concern in Australia, from the Pearce Report in 1987,⁹ emphasising generic skills, through to the 'Learning outcomes and curriculum development in law', 2003 report commissioned by the AUTC,¹⁰ which emphasised a need for more theoretical and student focused teaching. The West Review of universities (1998)¹¹ highlighted the need for Australian law students to have broader generic skills: reflective thinking; technical/theory competence; intellectual curiosity; effective communication; research; problem solving; team work; and ethical standards.¹² Change was also influenced by various reports in the last decade from employer perspectives on the skills needed by Australian university graduates.¹³

Le Brun and Johnstone¹⁴ in writing about teaching law in the early 1990s promoted the idea of teachers' designing courses in which students are engaged across three domains: 1) their cognitive intellectual learning; 2) their affective domain of emotions, values, attitudes, and beliefs; and 3) their skill domain including communication and negotiation skills. The *Law in Context* course aims to integrate these using a holistic approach to student learning by adopting a facilitative

⁶ See e.g. M Watt 'Distance out of education', (1988) *Virtual University Journal* 1(4) 217-225; R Nabi and D Bagley (1998) 'Graduates' perceptions of transferrable skills,' *Career Development International* 3(1) 31-40.

⁷ See cf, P Duguet *Education: face-to-face or distance?* (1995) *OECD Observer* (94,17 -21: Duguet notes mass lectures are often not conducive to student interaction; J Barnard 'The World Wide Web and Higher Education: promise of virtual universities and on-line libraries,' (1997) *37 Educational Technologies* 30-35: in fact in less threatening 'virtual' environments some are more inclined to interact than in face-to-face situations.

⁸ Beverley Oliver and Veronica Goerke, 'Australian undergraduates' use and ownership of emerging technologies: Implications and opportunities for creating engaging learning experiences for the Net Generation' (2007) 23(2) *Australasian Journal of Educational Technology* 171-182, 182. 'Emerging, browser based collaborative tools, incorporating synchronous audio, video, chat and data display, such as *Elluminate* (<http://www.illuminate.com/>) and *Vyew* (<http://www.vyew.com/>) are likely to offer greater engagement'.

⁹ Dennis Pearce, Enid Campbell and Don Harding, *Australian Law Schools: A Discipline Assessment for the Commonwealth Tertiary Education Commission* (1987) vol 1, 1. (Pearce Report 1987) Key skills the report identified as important for law schools to focus on included oral expression, advocacy, drafting, negotiation and interpersonal skills; See also, Craig McInnis and Simon Marginson, *Australian Law Schools after the 1987 Pearce Report*, Australian Govt. Pub. Service, Canberra, ACT (1994).

¹⁰ Learning outcomes and curriculum development in law: a report commissioned by the Australian Universities Teaching Committee (AUTC), Richard Johnstone and Sumitra Vignaendra, Canberra: Australian Universities Teaching Committee, 2003.2 v. ([viii], 504 leaves), <<http://nla.gov.au/nla.arc-40446>> at 10 June 2009.

¹¹ Final report *Review Of Higher Education Financing And Policy* April 1998, (West Review) <<http://www.dest.gov.au/archive/highered/hereview/herr.pdf>> at 16 June 2009.

¹² See e.g. 'Employer Satisfaction with Graduate Skills, A Research Report' (ACNielsen Research Services, 2000) and Science and Training Department of Education, 'Employability skills for the future: project final report' (2002) both report the need for training in teamwork skills; See further, C Baskin, M Barker and P R Woods, 'When Group Work Leaves the Classroom Does Group Skills Development also Go Out the Window?' (2005) 36(1) *British Journal of Educational Technology* 19; E Dunne and M Rawlins, 'Bridging the Gap between Industry and Higher Education: Training Academics to promote teamwork.' (2000) 37(4) *Innovations in Education and Training International* 361; G Crebert et al, 'Developing generic skills at university, during work placement and in employment: graduates' perceptions' (2004) 23(2) *Higher Education Research and Development* 147.

¹³ *Ibid*, 'Employer Satisfaction with Graduate Skills, A research Report'; 'Employability skills for the future: project final report.

¹⁴ M Le Brun and R Johnstone, *The Quiet Revolution: Improving Student Learning in Law*, (1994), 158.

student-centred teaching and learning philosophy. This is made explicit to students by embedding and introducing key literacies and providing opportunities for students to practise and develop them as a main focus of the course. The use of technology is integral to achieving this for students and has an acknowledged place, ‘...instead of using narrowly defined learning outcomes tested by examinations, technology offers a total environment where real life skills, such as written and verbal communication, collaboration and team work can be assessed giving learners multiple channels of expression, such as visualisation, multimedia presentations, audio and video. Thus, information technologies are closely inter-woven with the quality of the learning experience, and can be used to create authentic tasks for assessment.’¹⁵

This paper reports the experience of designing and delivering a course in legal theory and jurisprudence at an Australian regional university to first year law students in the context of a globally connected 21st century in which both off-campus and on-campus students have an equal ability to experience similar assessment items through the new advances in technology. Part II describes the institutional context; Part III outlines the course and describes the assessment; Part IV discusses the teaching aims; Part V describes the positive outcomes for independent learning, reduced isolation, oral communication skill development and student motivation, particularly, for off-campus students; Part VI draws conclusions that will hopefully encourage law academics to experiment with new technologies to develop creative, equitable and inclusive assessment items which cater for all students.

II THE INSTITUTIONAL CONTEXT

It is important to note the institutional differences for a regional university, such as the University of Southern Queensland (USQ), that specialises in distant education as compared to the norm. In this law course in 2008: 70% of the students were off-campus, 8% multimodal and 22% on-campus, this compares with an average of 79% on-campus students in most other Australian law schools. Part-time students also accounted for a much greater number (76%) compared to around 20% in most Australian law schools in 2006. A greater number of students are mature age with only 32% under 25 years; compared to 66% being under 25 years, on average, in other Australian law schools. In relation to other law schools the male gender balance is similar at USQ (38% compared to 39%), although lower in relation to mature aged males with 30% over 25 years (compared to 44%). Australian law schools have a high percentage of Australian born students (92%), USQ is comparable, although shows some increased diversity with 83% Australian born.¹⁶

As a distant educator, USQ has been on the cutting edge of delivery systems for bringing study materials and education to students despite its location in regional Australia.¹⁷ Part of the

¹⁵ C McLoughlin and J Luca, 'A learner-centred approach to developing team skills through web-based learning and assessment' (2002) 33(5) *British Journal of Educational Technology* 571, 577; cf Ron Oliver 'Engaging first year students using a Web-supported inquiry-based learning setting', (2008) 55 285-301, this study indicates that the inquiry-based learning problems be carefully thought out so as to engage the learner.

¹⁶ University of Southern Queensland statistics provided by the USQ Office of Sustainable Business Management and Improvement Planning and Quality; Australian Law Schools statistics from “‘Re-Imaging the Law’ Graduate Attributes” presentation to 2008, ALTA Conference, *The Law, the Environment, Indigenous Peoples: Climate for Change?*, 6-9 July 2008, Legal Education Session July 7, Cairns, James Cook University.

¹⁷ Recent award acknowledgments include: 2006 Carrick Awards for Excellence in Australian University Teaching 2005; Distance Education Training Council Accreditation. 2004; Commonwealth of Learning Award for Institutional Achievement 2001-2000; Joint winner of the Good Universities Guide's "Australian University of the Year" for developing Australia's e-University 1999; Voted the "World's Best Dual Mode University" by the International Council of Open and Distance Education (ICDE); USQ's ranking as 1st in Queensland and Number 4 in Australia in a nationwide survey for student satisfaction; USQ's ranking as 1st in Australia by the Committee of Australian University Directors of Information Technology (CAUDIT) review into client satisfaction; USQ's ranking by a national graduate survey that showed USQ students were earning more than graduates from other Australian universities five years out from graduation.

concern with distance education is the desire to maintain equity in assessment items for off-campus and on-campus students. It has only been relatively recently that there has been a blossoming of technologies available to assist legal educators in achieving some equality and parity in assessment across these different student cohorts.¹⁸ Until the availability of this technology allowed the instantaneous multi-modal delivery and collaborative synchronous tools that incorporate audio, video, chat, data display and sharing, two important graduate attributes that were largely under-developed for off-campus students were oral communication skills and team work.¹⁹ Multi-modal signifies an integration of multimedia and information communication technologies (ICT) to deliver course content via text, audio and visual modes. This style of delivery satisfies different learning styles and sensory modalities²⁰ enabling students to change their sensory channels in order to build their comprehension in relation to the materials presented.²¹ Recent Australian studies confirm the growing use of these technologies by the Net Generation and place an expectation on universities and their teachers to deliver.²²

In the course, *Law in Context*, technology was utilised as a teaching tool to overcome these obstacles and to inclusively engage all students, in team work and a collaborative competitive student-focused learning experience, no matter their location.²³ While the literature acknowledges that using teams as a teaching strategy is not an easy option it is an important skill for graduates.²⁴ The encouragement of peers in the collaborative learning experience increases socialisation opportunities for off-campus students.²⁵ The reduced isolation and increased equity for off-campus and on-campus students, was assisted by the adoption of creative assessment practices by utilising new technology.

III: THE COURSE CONTEXT

Law in Context is a first year law²⁶ course offered multi-modally (distance and on-campus at two campuses) to around 200 undergraduates and 40 postgraduate students annually. The course provides a first year introduction to legal theories and jurisprudence. Students are challenged by the inclusion of areas of legal fuzziness and controversy in the law. They are required to research, critique and debate topics such as values, ethical issues for lawyers, abortion, rape laws, anti-vilification laws, control orders, and terrorism laws; as well as some of the key jurisprudential theories such as natural law, positive law, feminist and Marxist critiques and key legal principles such as the separation of powers and the rule of law (See Table A – Debate Topics).

¹⁸ See e.g., Franziska Moser, 'Faculty adoption of educational technology' (2007) 1 *Educause Quarterly* 66.

¹⁹ See e.g., Roxana Moreno and Richard Mayer, 'Interactive multimodal learning environments' (2007) 19 *Educational Psychological Review* 309.

²⁰ N Fleming, *VARK: A guide to learning styles* (2001) .

²¹ See e.g., D Birch and M Sankey, 'Drivers For and Obstacles To the Development of Interactive Multimodal Technology-Mediated Distance Higher Education Courses' (2008) 4(1) *International Journal of Education and Development using ICT* .

²² See further, G Kennedy et al, 'First year experiences with technology: Are they really digital natives?' (2006); Oliver and Goerke above n8, 171-182, "In contrast to many of their teachers, the "Net Genners" are typically intuitive visual communicators who can integrate virtual and physical environments, learn better through discovery than by absorption, respond quickly to visual stimulus, and shift attention rapidly, particularly if they feel bored.' 181(footnotes omitted).

²³ See e.g., M. N Desrochers, M Pusateri and H Fink, 'Game assessment: Fun as well as effective.' (2007) 32(5) *Assessment and Evaluation in Higher Education* 527.

²⁴ D Caspersz, J Skene and M Wu, 'Principles and Guidelines in Managing Student Teams' (Paper presented at the The Reflective Practitioner, Proceedings of the 14th Annual Teaching and Learning Forum., Murdoch University. Perth 2005).

²⁵ See e.g., Martina A Doolan, Alan Hilliard, & Heather A Thornton 'Collaborative Learning: using technology for fostering those valued practices inherent in constructive environments in traditional education,' (2006) 3(2) *Journal for the Enhancement of Teaching and Learning*, 7-17.

²⁶ See further, K Krause et al, 'The first year experience in Australian universities: findings from a decade of studies.' (DEST Reports 2005).

The course models a team approach using both team teaching delivery and assessment through team work of the students. Students must work together to produce an assessment item that engages each of them in critical thinking, oral communication and the art of argument, which are all vital to the practice of law.²⁷

The teaching team involves two academic staff delivering weekly three hour interactive seminars for a six week period each; an academic from the education discipline with technology experience who assists students develop the necessary technology skills for use in the course; and qualified adjudicator who has a major role in the course assessment. Web-based conferencing tools enabling online teaching and instantaneous audio visual communication (*Illuminate*-2007; *Wimba*-2008) make the assessment possible for off-campus students.²⁸ This technology, gives realtime networked collaboration and is a key factor in providing equality in assessment for on-campus and off-campus students as it enables off-campus students to present, as a team, live debates via audio and video, and it also facilitates pre-debate team meetings.

A major aspect of the assessment plan²⁹ is the team oral debate. The formation of teams for assessment, that include off-campus students, is uncommon in Australian first year law courses.³⁰ The assessment practice is distinctive in utilising new technologies to enhance the students' learning experience and ensuring graduate skills are achieved, while emphasising student equity, particularly for off-campus students. Theory supports the use of team assessment with off-campus students within IT rich environments. Baskin, Barker and Woods study shows such an environment is successful in: '1) harnessing group skills development; 2) supporting transfer of group skills behaviours to situated (industry) practice; and 3) developing group skills as a graduate attribute.'³¹ While online team work can have inherent stresses, in particular, for mature age learners³² and students requiring IT skills, it has been found that appropriate scaffolding and timely input from facilitators generally assist in the experience becoming a positive social and deep learning for students.

The debate encourages students to develop and demonstrate higher-order skills such as academic independence, ability to work collaboratively, ethical practices, values, and critical thinking. This fosters the development of key graduate attributes for future lawyers as identified by the Australian Professional Education Council such as: personal skills, client relations,

²⁷ L W Anderson & D R Krathwohl (Eds) '*A taxonomy of learning, teaching, and assessment: A revision of Bloom's taxonomy of educational objectives*', 200: assert six levels of developmental thinking through: remembering; understanding; applying; analysing; evaluating and creating.

²⁸ See *Illuminate* at <www.illuminate.com>and *Wimba* <www.wimba.com> 'The *Wimba* Collaboration Suite offers a rich array of collaborative tools that ensure the highly personal and dynamic elements of traditional classroom instruction are available, and in fact enhanced, in the online learning environment. ... facial expressions, vocal intonations, hand gesticulation, real-time discussion, creativity and passion can be conveyed in the online learning environment' at 20 July 2009.

²⁹ Students must also complete other assessment items, (total of 40% of the assessment), initially a reflective journal, in the second offering a research paper and now in the third offering a series of multiple choice tests, for engagement over the courses duration. These changes reflect a desire to place the main focus on the integrated debate assessment.

³⁰ D Cooper, 'Assessing what we have taught : the challenges faced with the assessment of oral presentation skills.' (Paper presented at the Annual International Conference of the Higher Education Research and Development Society of Australasia (HERDSA), Milperra NSW, 3-6 July 2005) describes a group oral presentation for a first year law course at Queensland University of Technology which is very different from the structure of the '*Law In Context*' course assessment.

³¹ Baskin, Barker and Woods, above n 12, 29.

³² See e.g. J Allan & N Lawless, 'Stress caused by on-line collaboration in e- learning,' (2003) 45 (8/9) *Education + Training* 564-572; D Laurillard, *Rethinking University Teaching – a conversational framework for the effective use of educational technology*, (2002) ; A Soller, 'Supporting social interaction in an intelligent collaborative learning system,' 12 *International Journal of Artificial Intelligence in Education* 40-62.

communication skills, negotiation, problem solving, legal analysis, and research.³³ The ALRC *Managing Justice* Report highlighted the need for curriculum to extend beyond content towards skills and values: 'what lawyers need to be able to do [rather than] anchored around outmoded notions of what lawyers need to know.'³⁴ Team work is a key generic graduate attribute for law students and USQ students generally. Desrochers et al³⁵ study shows that group assessments (whether cooperative or competitive) have improved learning outcomes over solitary assessments when testing students' knowledge of course content and their confidence levels. They further discovered that competitive group work, in which teams worked together in an assessment that required competition with other teams, had the best learning outcome.³⁶ As McLoughlin and Lee note the '[e]vidence suggests that we can improve learning effectiveness by giving the learner control over, and responsibility for their own learning.'³⁷

The literature is scant on how best to organise students into teams.³⁸ In this course a democratic approach was taken and the student cohorts were consulted on the method of team formation they would prefer. This approach has the advantage of engaging students early in the process of taking responsibility for and ownership of their learning. Students chose different approaches for team allocation depending on the student cohort. For instance some on-campus cohorts decided on forming their own teams, others asked for names to be drawn from a hat. Off-campus students voted by poll to be allocated to teams by the facilitator. This has subsequently been taken as the preferred approach for off-campus student teams as the facilitator can place students in teams that align with their geographical locations. This enables some off-campus students to meet face-to-face if they so choose and further reduce feelings of isolation.

Students are given readings which are discussed both in class and are also required to be discussed within the team setting. The readings set out the theory behind team structure and processes. For instance Moxam³⁹ develops the concepts of 'forming, storming, norming and performing' within teams and the Johari window of human relations, dealing with interpersonal relations within groups, is also explained to students.⁴⁰ Students are then able on a meta-level to connect the theory with reality in diagnosing the level at which they believe their team is operating. Not only do students learn from the experience of being part of a team, but it also helps them to overcome isolation and feel better integrated into a community of learning. This is not only true for off-campus students, who often go through their course with very little contact with other students, but also on-campus students in a first year situation are able to meet other students in a meaningful way. This outcome is expressed by a student stating:

- What did I learn from the debate? That in real life I would be part of a team working towards a common goal...My team would rely on me, and I on it... Actually, I was a bit

³³ S Christensen and N Cuffe, *Embedding Graduate Attributes in Law – Why, How, and is it Working?* (nd) Queensland University of Technology <<http://www.usq.edu.au/planstats/Planning/GraduateAttributes.htm>> at 16 June 2009

³⁴ ALRC, 'Managing Justice Report' (1999), para 2.21.

³⁵ Marcie N. Desrochers et al, 'Student Assessment: A Comparison of Solitary, Cooperative, and Competitive Testing' (2007) 19(3) *International Journal of Teaching and Learning in Higher Education* 289

³⁶ Desrochers, Pusateri and Fink, above n 23; Desrochers et al, above n 35, 290.

³⁷ McLoughlin and Lee, above n 1, 17 (footnotes omitted).

³⁸ Ravi Seethamraju and Mark Borman, 'Influence of group formation choices on academic performance' (2009) 34 (1) *Assessment & Evaluation in Higher Education* 31 — 40.

³⁹ P. Moxan, *Teams and team effectiveness*, (1998).

⁴⁰ J Luft 1961, 'The Johari Window' *Human Relations Training News*, 5, 6-7; Anne Nevgi, Päivi Virtanen and Hannele Niemi, 'Collaborative learning skills in technology-based environments: Supporting students to develop collaborative learning skills in technology-based environments' (2006) 37(6) *British Journal of Educational Technology* 937-947 'To successfully accomplish learning assignments in group-based web-based courses, students need knowledge about themselves as group members and about how to identify the dynamic group processes. In a spirit of cooperation, members must be made aware of how they influence the group dynamic.' 941.

surprised at how cohesive the group became. My debate team has already decided to get together after exams and a group of us are talking about study groups for next year. Nevgi, Virtanen and Niemi⁴¹ emphasise the fact that student learning is a social process and student engagement and retention, particularly for off-campus learners will be a better experience if the learner is given opportunities to collaborate in a supported IT environment.⁴²

The debate assessment allows the students to learn, through the group experience of the 'real-life debate', which they subsequently critically consider in a written argument assessment item. A staged scaffolding process is used to provide students with the background knowledge and theory underpinning their assessment, as well as technical capabilities. McLoughlin and Luca note that scaffolding assists to '... motivate the learner, reduce task complexity, provide structure and reduce learner frustration.'⁴³ This is particularly important for first year students who can resent being placed in a position of responsibility for their own learning.⁴⁴

The teaching mode for on-campus students involves a weekly three hour facilitated seminar in which the students work in groups on exercises related to their course content. These group exercises and class work act as formative learning for group negotiation and interaction skills. Towards the end of the three hour seminar the whole class come together to allow members of the individual groups to orally share their group's ideas with the class. Further *Wimba* sessions are held for off-campus students to not only build their familiarity with the technology but to discuss course content and share knowledge.

Early scaffolding is provided in the first two weeks of the course and includes the following:

- modelling the process by which theory informs practice, by giving students the building blocks for the course;
- outlining and explaining the graduate attributes that the course will develop;
- explaining and exploring concepts of team work, critical thinking, oral communication, and personal values;
- modelling the Socratic⁴⁵ student/centred teaching discourse they will experience;
- explaining theories of team dynamics and the rules of debating.

A. *The Assessment*

The assessment develops key graduate skills (team work, oral communication, technology skills, research and critical thinking), through debating contemporary issues. The assessment consists of three parts:

First, the students are introduced to debating techniques and skills through their course materials, readings and class discussions. The Queensland Debating Society is involved in facilitating this assessment. A specialist guest lecturer, a Senior Queensland Adjudicator, is introduced in week 2 to present students with detailed information on the rules of debating. This

⁴¹Ibid, Nevgi, Virtanen and Niemi.

⁴² See further, G Kearsley & B Shneiderman (1999) *Engagement theory: A framework for technology based teaching and learning* < <http://home.sprynet.com/~gkearsley/en-gage.htm>> viewed 9 March 2010, 'Engagement theory is based upon the idea of creating successful collaborative teams that work on ambitious projects that are meaningful to someone outside the classroom'; ML Gupta, 'Enhancing student performance through collaborative learning in physical sciences,' (2004) 29(1) *Assessment and Evaluation in Higher Education* 63-73.

⁴³ McLoughlin and Luca, above n 15, 578.

⁴⁴ Oliver, above n 15, 289

⁴⁵ L McNamara, 'Lecturing (and not lecturing) using the web: developing a teaching strategy for web-based lectures : flexible delivery in a first year law subject, part I.' (2000) 11(2) *Legal Education Review* 149, 170-171.

provides another point of view, and teaching style, as well as support for students with the assessment.

Students are then required to watch and assess (as adjudicator) a live debate, concerning euthanasia, filmed at USQ and provided as part of the course's teaching materials. This activity and assessment provides valuable scaffolding and enhances critical thinking processes regarding debating and how to fulfil the roles required of debaters. Students complete an adjudication criteria sheet, worth 10% of the course marks which they submit as their short adjudication report in the third week of the semester.

To facilitate their learning from this exercise students are provided with a video of the adjudicator's assessment of the debate, made available through the *StudyDesk* after the adjudication assessment due date, so students can compare their adjudication with that of a qualified adjudicator. This assessment item in week three gives the students timely feedback and ensures early engagement with the course and the assessment. The students agree as evidenced by the following comments:

- Loved the debate, thought that the adjudication reinforced important concepts for my debate later on, and found the argument very stimulating.
- I thought the debate was effective particularly after having a look at one and adjudicating.

Second the students deliver a half-hour oral debate during weeks 8-9 of a 13 week semester, as part of a three person team. They are formed into teams at the beginning of the semester and will have had opportunities to meet on at least three occasions before they deliver their debate. For off-campus students this is made possible through the use of conferencing tools and, in some cases, also due to their geographical team placement, so they may be able to meet face-to-face. The debate assessment consists of two teams of three students, each student presenting for 5 minutes in their relevant speaker roles according to the Queensland Debating Rules. Oral skills have been highlighted as including assessment both of the student's content knowledge and their oral ability.⁴⁶ The debate assessment is triangulated: (Adjudication 10%; Peer 10%; Facilitator 10% = total 30%).⁴⁷ Students' debates are recorded on *Wimba* for subsequent viewing. This record is available to assist if there are any marking queries or disputes. It is also available for students to view their own strengths and weaknesses and the delivery of their team's debate.

The final assessment item related to the debate involves the completion of an individual written argument submitted one week after completing the debate. This assessment has key learning objectives, including critical thinking, learning to hold judgment, looking at diverse perspectives, and constructing a researched written argument from the opposing viewpoint to that which the student debated orally. Students found this aspect of the assessment a logical progression of their learning

- [T]he written argument and multi choice tests were well placed and assessed material that we had just studied.
- The subject matter of our debate made the research enjoyable so it was easy to write the argument.

1. Advocacy/ Oral argument

⁴⁶ G Joughin, 'Dimensions of Oral Assessment' (1998) 23(4) *Assessment and Evaluation in Higher Education* 376 cited in D Cooper above n 30, 125.

⁴⁷ KS Campbell et al, 'Peer versus self assessment of oral business presentation performance' (2001) 64(3) *Business Communication Quarterly* 23 notes 'Using raters other than instructors in business courses has a number of advantages. For instance, feedback from multiple evaluators in various organisational positions may be more in line with the move to 360-degree performance appraisals in the workplace.' 27.

The skills of a Queensland Debating Adjudicator are utilised in assessing the delivery of the debate, be it in person or via *Wimba*. This provides students with an unbiased outside assessor and creates a formal atmosphere, in preparation for professional contexts, as well as giving consistency in the assessment of student's debate delivery. The adjudicator gives instant oral feedback⁴⁸ and subsequent written feedback to the students.⁴⁹ Advocacy is a skill vertically integrated in the law degree starting with this course. It requires being able to listen to an argument and respond 'on one's feet', learning to consider what the other side's arguments are likely to be in order to construct one's own argument and to be the devil's advocate. An added requirement of the assessment is the need for students to speak within the formal rules of debating. This introduces law students to the concept of oral communication within a defined format. While the rules of debating⁵⁰ are not as constraining as the rules of evidence, it is desirable to introduce students at an early stage to formal, rule constrained, oral presentation skills. This enables students to determine early in their course their suitability to become part of the legal profession. The focus is on using small groups of three in which, once the students determine their speaker order, they have clear rules as to the expectations of their roles decreasing the potential for disputes. Positive social interdependence exists when individuals share common goals and each individual's outcomes are affected by the actions of the other.⁵¹ As students are focused on a clear outcome, namely delivery of the debate in a winning way, the competitive nature between teams leads to a very engaging process.⁵²

Beacham and Shambaugh⁵³ describe the value of teaching advocacy to students, as both a teaching strategy and learning outcome. In particular they suggest the need for using compelling assessment tasks that give students meaningful opportunities to apply what they know. They note such assessments tend to be avoided by teachers who are time pressured and find such assessment items 'too difficult or too complex for a semester course,'⁵⁴ however, the rewards they found included that advocacy can:

- be used in an introductory course to orient and engage students with content;
- provide a deeper understanding by students than other course tasks;
- shift the view of a task from "just an assignment" to a "personal commitment";
- be regarded initially as a "risky" approach but ultimately yields steady student engagement. Unforeseen learning (e.g., personal agency, views of progress) may occur.

Student's comments demonstrate their appreciation of this aspect:

- ... each time they brought up a point we were able to rebut it with the appropriate case law just as we will need to do each day in a court of law.
- I have completed courses for presentation skills but taking part in a debate tests listening skills and encourages you to think on your feet and pick up points for argument.

2. Peer and Self assessment

⁴⁸ Cooper, above n30.

⁴⁹ G Brown, J Bull, and M Pendlebury, *Assessing Student Learners in Higher Education* (1997), states that 'students do better at oral presentation tasks when provided with learning opportunities, guidance and feedback and contended that video feedback was the most effective method of improving oral communication skills, together with providing guidance to students in how to analyse their presentations and providing them with opportunities to develop their own self-assessment skills.' 128.

⁵⁰ R. D'Cruz, *The Australian-Asia debating guide*, (2003).

⁵¹ Kearsley & Shneiderman, above n 42.

⁵² Desrochers et al, above n 31, 290: Competitive assessment is like cooperative assessment in that it involves teams but students cooperate within their team and compete against another team.

⁵³ Beacham and Shambaugh, above n 5.

⁵⁴ Beacham and Shambaugh, above n 5, 316; Cooper, above n 30.

The students provide peer input into how the team has performed overtime by completing a self reflection sheet, including assessing their own and team members contributions, against specified criteria. While there is much discussion in the literature on the use of peer and self assessment and the methods by which it is achieved, the experience in this course with the adoption of a triangulated assessment is that it has produced little by way of negative feedback from students.⁵⁵ The peer/self assessment is not of students' oral performance but of their engagement with and contribution to the team prior to the presentation. The students are best placed to report on this, against specified criteria, as the facilitator will obviously not always be privy to team meetings.⁵⁶ A significant component of the course is ethics, and students have this reinforced through course readings and discussions. Students are reminded that their peer and self assessment relies on ethical practices with genuine marking being expected. Where students have awarded themselves higher marks, they have often given extra information as to why they feel those marks are justified:

- I feel justified in allocation of these marks for each team member, as each of the criteria was filled with diligence, competence and a sense of team work.

Another aspect of the peer and self assessment is it addresses students concerns in team work concerning 'loafers' i.e. students who appear to contribute little to the team effort.⁵⁷ Students can address this in their awarding of marks within the peer assessment and this appears to satisfy their concerns in this regard. The learning experience engages the student in ethical practices and self reflectivity.⁵⁸ It provides an active role for them in the assessment process and develops the student's skill in meaningfully evaluating the quality of their own and others work against specific outcomes. This is not a common experience for most off-campus students. It also allows them to reflect on how they could improve.

The peer assessments are confidential unless the student consents to other students viewing the assessment.⁵⁹ While the assessment is based on a mark range of (0, .5, 1) over 10 criteria, there are some students who will volunteer qualitative feedback in the form of constructive comments. It is encouraging to report that this has, in the majority of cases, been constructive, thoughtful and positive:

- It was wonderful to work with [X] and [Y] and a wonderful experience being able to work in a team as an external student.
- [X] has excellent research skills and was easy to work with. [X] has not as yet developed into a leader but nor is [X] a follower.
- We experienced problems in communicating with one member of our group and comments have been made... I enjoyed the debate and working within a team and despite not winning on the day, am happy with the outcome and will take heed of the comments made by the adjudicator.

⁵⁵ Philip Vickerman, 'Student perspectives on formative peer assessment: an attempt to deepen learning?' (2009) 34(2) *Assessment & Evaluation in Higher Education* 221–230; Campbell et al, above n 39; N Falchicov, 'Self and peer assessment of a group project designed to promote the skills of capability' (1988) 25(4) *Programmed Learning and Educational Technology* 327; But cf Richard J. Almond, 'Group assessment: comparing group and individual undergraduate module marks' (2009) 34(2) *Assessment & Evaluation in Higher Education* 141–148 .

⁵⁶ M A Freeman and J McKenzie, 'SPARK: A Confidential Web-Based Template for Self and Peer Assessment Of Student Teamwork: Benefits Of Evaluating Across Different Units' (2002) 33(5) *British Journal of Educational Technology* 551, 'After all, students are better placed than academics to know relative contributions and are keen to have differences in contributions reflected in differences in grades.' 553 (footnotes omitted).

⁵⁷ Seethamraju and Borman, above n 38, 32.

⁵⁸ Freeman and McKenzie, above n 56.

⁵⁹ Ruth Walker and Graham Barwell, 'Click or Clique? Using Educational Technology to Address Students' Anxieties About Peer Evaluation' (2009) 3(1) *International Journal for the Scholarship of Teaching and Learning*?, 12; G Wadhwa, *Effects of Anonymity and Peer Accountability During Peer Assessment in a Graduate Web-Based Education Research Methods Course* Memorial University of Newfoundland, 2003); Y Zhao, 'The effects of anonymity on computer-mediated peer review' (1998) 4(4) *International Journal of Educational Telecommunication* 311.

- Not easy to assess your own performance but I feel I held my own in a quality team. I believe I contributed well to the task and as a group we certainly developed a synergy, however, I was known to slack off occasionally, and not keep to the schedule we had hoped for as a group.

B Facilitator

The third aspect of the triangulated assessment is the criterion referenced assessment from the facilitator. The philosophy of student centred learning is supported by the concept of the ‘lecturer’ as ‘facilitator’ moving the focus of attention away from doctrinal teaching and on to the student learner. One student expressed their experience of this as ‘making you feel part of the teaching process’. Any concern with inflated peer/self assessment or biased self assessment is addressed through the triangulated assessment approach and the criterion referenced marking of the facilitator. This ensures a fair oversight by providing balance to all aspects of the individual student’s performance and assesses not only their performance of the debate, but also the manner in which the students have engaged with each other as a team. The marking in this area is concerned not only to reward teams that work well but, more importantly, teams that don’t work smoothly and how they have negotiated the process to overcome their difficulties and learn from when things do not go smoothly:

- I felt I was on shaky ground having to rely on 2 strangers to work on our debate topic, but I learned more from the things which went wrong (within the team) than if everything had gone smoothly.

IV: THE TEACHING TEAM’S AIMS

A Pedagogical Philosophy

The teaching style in this course is based on facilitative student-centred meaningful learning, adopting the discourse of radicalism a ‘...legal education discourse [that] most explicitly encourages critique as both a pedagogical activity and as an outcome of legal education.’⁶⁰ Extending students by scaffolding them through the process of developing an argument from an opposing viewpoint to their own, they are challenged to think from the point of view of ‘the other’ in line with radical critique.⁶¹ The written argument assessment requiring students to take an opposing position, particularly develops this skill. The assessment discourages rote learning, helping students develop critical thinking and being able to develop impromptu arguments from different perspectives, improving empathetic skills. As students noted:

- [c]ompleting the assessments were challenging but extremely insightful into my inner self. I was required to remove myself emotionally from scenarios and look/assess something objectively. In some cases a hard lesson to learn but I believe I am a better person. I am aware of the importance of letting go of ideas you may believe to be important after having discussed them thoroughly and analysed alternatives to them. I encouraged others to raise ideas and contribute fresh ideas and new problems during group sessions to ensure that the decisions made as a group were the best we could make as a whole team.
- The debate and written argument (were the most helpful aspects of the course).

⁶⁰ N J James, ‘Australian legal education and the instability of critique’ (2004) 12 *Melbourne University Law Review* 375–405, 389.

⁶¹ *Ibid.*

- [The written argument] provided students with an opportunity for the development of a wide range of skills within the one task and I found this task to be an incredibly rich learning experience.

B Active Learning and Technology

Current research supports the notion of knowledge creation through a learner having self-control over her learning process.⁶² Web 2.0 social software tools that utilise rich audio, video, photo and document sharing skills enable teachers to promote these attributes within their pedagogy. It is argued that the use of multimedia leads to a development of learning at a deeper level.⁶³ Mayer⁶⁴ supports a constructivist approach to course design and student-centred learning through an environment in which students are encouraged to engage with, and explore, in their own way. It is well accepted that a good facilitator always ‘... aims to create an engaging learning environment and this should not involve adapting to the available technology but vice versa.’⁶⁵ The online discussion environment and team structure enable students to work collaboratively engaging in dialogue and constructing knowledge through their shared experiences and at times that suit their busy lives.⁶⁶ Such collaborative learning involves the students in teaching each other through cooperative peer learning.⁶⁷ McLoughlin and Lee refer to the term ‘affordance’ meaning Web 2.0 functionality that permits a student to ‘undertake tasks in his/her environment.’⁶⁸ An example of this can-do capability in this course was a student delivering his debate assessment from his office computer, while his working world carried on around him.

Hung, Tan, and Koh⁶⁹ describe active learning as learners taking responsibility for their own learning during which they are ‘actively developing thinking/learning strategies and constantly formulating new ideas and refining them through their conversational exchanges with others.’⁷⁰ This type of student aligns with the Interaction Age and they become the ‘prosumers’ of emergent technologies. Bulger, Mayer, and Almeroth⁷¹ conducted a study that supports the view that an intentionally engaged learning design will increase the level of learner attention and committed behaviour. They designed an engaging learning model that included: ‘a real-world task and environment presented via simulation, directed interactive activities, collaborative group work, an in-class deliverable, a facilitative teacher, role-modelling, and a requirement to reference and integrate resources from beyond the boundaries of the classroom’,⁷² all aspects of action learning. Utilising like-minded teaching strategies, *Law in Context* course evaluation indicates supportive qualitative student feedback, as discussed below and good pass and retention rates. Through the use of technology an active learning assessment that fosters independent learning has been made possible for all student cohorts in an inclusive manner. McLoughlin and Lee indicate ‘[t]he

⁶² McLoughlin and Lee, above n 1; Milne, above n 1.

⁶³ Birch and Sankey, above n 21; R E Mayer, 'Elements of a science of e-learning' (2003) 29(3) *Journal of Educational Computing Research* 297.

⁶⁴ Mayer, *ibid*.

⁶⁵ Oliver and Goerke, above n 8, 181 (footnotes omitted).

⁶⁶ A Hirumi, 'Student-centred, technology-rich learning environments: Operationalizing constructivist approaches to teaching and learning' (2002) 10(4) *Journal of Technology and Teacher Education* 497.

⁶⁷ Almond above n 55, 142.

⁶⁸ McLoughlin and Lee, above n 1, 11.

⁶⁹ D Hung, S. C Tan and T. S Koh, 'Engaged learning: Making learning an authentic experience' in D. Hung and M. S. Khine (eds), *Engaged learning with emerging technologies* (2006) 29.

⁷⁰ Hung et al, *ibid*, 30.

⁷¹ M. Bulger, R. E. Mayer, & K. C. Almeroth, *Engaged by design: Using simulations to promote active learning*. (2006) Paper presented at the World Conference on Educational Multimedia, Hypermedia and Telecommunications (EDMEDIA), Chesapeake, VA.

⁷² Brill and Park, above n 1, 74.

challenge for educators is to enable self-direction, knowledge building, and learner control by providing options and choice while still supplying the necessary structure and scaffolding.⁷⁴

Scaffolding is provided for students of *Law in Context* to gain the technology skills necessary for delivery of the assessment by running familiarisation sessions, early in the course. This embeds the skills needed for the use of the *Wimba* technology for team meetings and the delivery of the debates. Students, particularly mature age students, generally found the experience of dealing with new technology a rewarding one with comments such as the following attesting to their comfort and appreciation for the technology:

- It was great to hear people's voices and see their faces; ...the program ... is going to be enormously helpful in putting together our debate I really look forward to the next session ... it'll be like being in a 'virtual' classroom. It is certainly a great feeling that we're not all doing this on our own, but as part of a group.
- I liaised with the other team members using a number of different methods of technologies including *Wimba*; *MSN Live Messenger*; *Google Talk*; *Gmail*; telephone and email.
- [X] was excellent to work with. [X] had a good knowledge of *Wimba* which was an advantage as we were external.

C Student Engagement

Biggs states that while there is '...no single best method of teaching, some methods are better than others. Better teaching methods are those that are more effective in getting the learner to engage in productive learning activities.'⁷⁵ The use of this assessment for both on-campus and off-campus students provides an approach to learning and teaching that aims to inspire and motivate students through active experiential learning. An extremely important component of this assessment approach is that it enhances student experiences through improved student engagement by reducing isolation for off-campus learners, and ensuring engagement with on-campus students.

The course material is delivered via several channels: visual materials such as videos, audios, and written and oral communication assessment to cater to the different learning styles of the students. For example, a live audio recording of the on-campus seminar is provided through the *StudyDesk* so that off-campus students are integrated into the learning environment and can engage in on-line discussion concerning the topics covered.⁷⁶ Engagement is a theoretical construct evident in the literature as an essential condition of meaningful learning.⁷⁷ Certainly, emergent technologies may offer opportunities for students of the Interaction Age to experience a sustained engagement in learning.⁷⁸ Student comments demonstrate the benefit of this delivery:

- Getting to know other students as you are forced to.
- Having recorded lectures is fantastic for us distance students. The *Wimba* sessions...run early in the course were so beneficial.
- Interactive discussions (were effective aspects of the course).
- The opportunity to listen does make external students feel more like part of the 'team'. I appreciate any efforts you make to include external students.

D Ethics

⁷⁴ McLoughlin and Lee, above n 1, 17.

⁷⁵ J Biggs, 'Teaching for better learning' (1989-90) 2(2) *Legal Education Review* 133, 144.

⁷⁶ María José Luzón, 'Providing scaffolding and feedback in Online learning environments' (2006) 28 *Mélanges Crapel*

⁷⁷ John Zerilli, 'Reflections on legal education and philosophy: the critical role of theory in practice' (2007) 17(1-2)

Legal Education Review [online] (103).

⁷⁸ Brill and Park, above n 1, 74.

The assessment and course objective is to engage students, across all student cohorts (both off-campus and on-campus) in equitable experiential action learning⁷⁹ in a problem based learning context.⁸⁰ Constructivist learning environments are considered more effective than didactic learning environments at motivating students engagement in skill development aimed at meaningful and reflective problem solving.⁸¹ This satisfies the objective of introducing ethics for law students at the beginning of the curriculum and integrating it through their program. Students are engaged with understanding their own value system early in the course and subsequently look at the theory underpinning ethics for lawyers and the practical application of these moral dilemmas not only in the narrow focus of the professional obligations on lawyers but in the wider ethical considerations of the role of justice within socio-political contexts. The debate topics⁸² raise challenging questions in jurisprudential matters that require research, consideration and discussion within the debate team. Students are then required to deliver their argument against another team who have also been engaging with the issue from an opposing perspective. This creates a dynamic deep learning environment, not only for the students participating in the debate, but also for the student observers. Other students from the class also participate: as chairperson, time keeper, and audience, both face-to-face and in the online virtual debate environment. Students also experience the ethical dimensions not only through their peer and self-assessment, but by the degree of honesty that is required in completing the criteria sheet:

- I think I was the one in our team who did the least participating in discussions.
- In assessment of my own ability I would say my pitfalls lie with understanding team roles and accepting other people's opinions.
- My own downfall was confrontation with my other team member. I tried very hard to get on with [Y]. Overall I enjoyed the debate.
- I marked myself down in role categories because I guess I found it hard to not take over and direct it all. I tried to be trusting of the other two in the roles allotted and should have had a lot more faith in them.
- This assessment was extremely interesting for me. I found from the very beginning my colleagues were not forthcoming with discussions or ideas and had a tendency to agree with everything I said. This was frustrating as I was interested in hearing their opinions and ideas so we could collectively come to an agreement as a team... At the end I questioned my expectations of my fellow colleagues because perhaps they were unrealistic, I have learnt a lot from this assessment.

E Global Citizenship

Community responsibility or global citizenship is also highlighted through introducing an understanding of the social, environmental and cultural context of their discipline. For instance students are required to consider the manner in which different cultures such as the Inuit, Australian Aborigines, Afghans and Native Americans have resolved disputes within their respective societies. This gives an appreciation that the way disputes are settled in Western contemporary society is not the only method. The course introduces students to key jurisprudential theories as well

⁷⁹ Gary F Hoban, 'Enhancing action learning with student feedback' (2004) 1(2) *Action Learning: Research and Practice* 203 – 218.

⁸⁰ Beacham and Shambaugh, above n 5.

⁸¹ Brill and Park, above n 1, 'In engaged learning, tasks are authentic, challenging, and multidisciplinary and assessments are based in authentic performance, ongoing, numerous, varied, and equitable. Assessment data are used by students and teachers to evaluate and advance learning in an iterative manner. The model and context for learning is characterized by interactive modes of instruction with an emphasis on the co-construction of knowledge. Students explore collaboratively in heterogeneous and flexible groupings with the teacher serving as an informed guide and facilitator. Students shift among varied roles including inquirer, teacher, apprentice, and producer.' 74.

⁸² See Table A.

as critiques of these theories at an appropriate level for first years. This theory engages the students in their discussion of practical and contentious legal areas at a deeper level. They are encouraged to use the theoretical language to express and inform their view of the relevant legal issues and their suggestions for addressing them. In this regard the course requires deeper critical thinking that enables students to act as an advocate for the rule of law; accept responsibility for a future role in the maintenance and reform of the legal system; and be able to understand, evaluate and critically reflect upon the role of law within society.

Intercultural dimensions are another important aspect of the team, with students demonstrating a degree of openness and honesty where teams are of mixed ethnicity:

- [Y] brought a level of charisma to our team discussions which [Z] and I could not have provided. [Y] has English as [Ys] second language, however this did not prevent [Y] from participating in problem solving, and engaging in conversations. [Y] was courteous and respected the values and opinions of others.
- [X]... requested the role of first speaker which we were happy to agree to due to [X] being new to English.

V: OUTCOMES

A Independent Learning

The radical pedagogical approach along with facilitator student-centred learning allows the focus to be with the student rather than the lecturer. The facilitator assists the students to access, read and critically question and debate the knowledge they assimilate in the course and to develop their professional skills in accordance with the course aims. Students are not seen as ‘passive vessels’ but rather are encouraged to learn through the process of action, thereby constructing rather than absorbing, and learning through being actively engaged. For off-campus students this inclusion provides an exciting learning environment they have not often been able to experience. Brill and Park describe this approach as ‘[s]tudent collaboration with shared, flexible roles and accountability; self-monitoring and evaluation of the learning process; [and] the use of teachers and experts to provide tools, techniques, and support.’⁸³ This process assists the student in developing life-long learning skills, including respect for and insight into others’ opinions and attitudes enabling them to be more effective as a lawyer. A radical pedagogical approach requires students to go outside their ‘comfort zones’ and place themselves in the position of the ‘other’ and can be very challenging to students and their core value system. Therefore students are given preparation by first grounding them in learning about values and exploring their own set of personal values. In relation to encouraging active independent learning, our student evaluation demonstrates this by the following student feedback:

- This course definitely aided my confidence to investigate new ideas and develop diverse opinions. I have had so many great discussions at work about many issues we learnt about.
- I feel as though I have grown as a person as I have learnt a lot about myself with respect to my morals, values and beliefs. I can now step back and assess a situation or incident with different eyes.
- Members of the team participated in the values surveys provided in the course and shared their findings with each other. Following this there was a discussion regarding each member’s values and opinions relating to the topic. [X] was able to articulate [Xs] position without alienating any team member. At all times [X] acknowledged the opinions of others, however was capable of conveying a point of view without being disrespectful that it was opposed to the ideas of others.

⁸³ Brill and Park, above n 1, 75.

- This course has encouraged my rather opinionated self to at least try and view the subject from someone else's perspective.

B Reduced Isolation

The approach to assessment benefited off-campus students by reducing feelings of isolation through forming study groups within their geographic location or through use of virtual rooms, putting a face on other students, and overcoming isolation. It was the first time for many off-campus students to see and talk with fellow students in a 'realtime' virtual world. It also benefited on-campus students by encouraging social cohesion through the forming of study groups. The skills reflect that '[p]ositive social interdependence exists when individuals share common goals and each individual's outcomes are affected by the actions of the others.'⁸⁴ The theory of social communities⁸⁵ is supported through this assessment technique, with students reporting the establishment of friendships and study groups that will continue beyond the course. The isolation of off-campus students is well documented as contributing to low retention and progression. Rovai's study⁸⁶ supports the position that virtual classrooms have an equal ability to build and sustain a strong sense of community and overcome the feelings of disconnect and isolation that off-campus students experience, achieving a positive in improving retention rates. By engaging students within a social learning community one can aim to overcome this issue. The following student comments support this:

- The use of the *Elluminate* sessions has assisted in providing a positive, encouraging and helpful learning environment. It gives external students the ability to form learning support groups and takes away the feeling of isolation. I think every subject across the board should have the facility.
- I have developed many contacts (both external and on-campus) that will greatly assist in future law subjects that will be useful to bounce ideas off.
- It won't be very often as external students that we will get the chance to interact with other students in this way. I thank [A] for trying to group us with students who lived close by. [X, Y and Z] were quite close and managed to catch up face-to-face as a result which really allowed us to see just how enthusiastic and committed we were to the team and to the topic
- I believe I worked well with my team and made two very good friends in the process. We were disorganised to begin with, once we set time frames and meeting times we came together extremely well. Great group would gladly do more group assessment with them.
- I believe that all members of our group gave one hundred percent in organising and delivering our arguments towards the debate. We worked very well as a team and were able to dissolve any issues that arose and encouraged each other along the way. We have forged a friendship whilst doing this debate and hopefully will continue through our studies
- I believe [X] helped to focus our team when we were off on a tangent. I believe I have made a new lifetime friend through this debating experience.

C Oral Communication

Students found the oral debate a novel and rewarding experience as the following comment from a third year business student, who took the course as an elective, states: 'First time I have ever

⁸⁴ Virtanen and Niemi, above n 40, 941 (footnotes omitted); D. W. Johnson and R. T Johnson, *Joining together: group theory and group skills* (7th ed, 2000).

⁸⁵ R Palloff and K Pratt, *Building learning communities in cyberspace*. (1999).

⁸⁶ Alfred Rovai, 'Building Sense of Community at a Distance' (2002) 3(1) *International Review of Research in Open and Distance Learning* 1.

done oral presentation in my whole degree. Now I know when I have to do it at work that I can'. Oral communication skills, including presenting oral arguments within formal debating constraints fulfil a key attribute for lawyers, where communication, including oral communication, is often constrained by rules, such as evidence and procedure. For off-campus students assessing oral communication has presented difficulties that web conferencing tools have now helped overcome. The opportunity for equity in assessment items opens assessment possibilities for off-campus students. The following student comments demonstrate their reflections on the need for oral communication skills:

- I recorded audio speeches for group members and sent them via email, so all members were aware of the format and shape the first affirmative's speech was taking.
- Any chance to talk is good, and while I do it as my job, it is good to be assessed to see where you can improve. Having completed this course, I can appreciate the importance of expanding this skill to better myself as an individual.

D Motivation

In this course the progression and success of students supports the claims in the literature made for team work and off-campus student engagement using new technologies.⁸⁷ Baskin, Barker and Woods note '[f]or socialisation purposes, groups form a key element in the broader educational process. They are instrumental in the formation of personality; are agents of both socialisation and control, and act as a motivational tool within a continuous cycle of learning.'⁸⁸ Some off-campus students voiced scepticism initially that such an assessment could be undertaken by them. Many of these students became subsequent strong supporters of the learning experience. However a small number reported difficulty juggling fulltime work, children and study. One off-campus student claimed she had been used to 'winging it' until faced with such an assessment.

The team work in this course has fostered independent learning but also acknowledges the social reality of interdependent learning and knowledge creation through experiential learning.⁸⁹ Brill and Park confirm that '[i]n the cognitive domain, engaged learning is hallmarked by knowledge construction and emergence as well as student ownership and self-regulation. In the emotional domain, engaged learning is indicated by learners who feel curious yet secure and confident. In the social realm, there are indicators of information/resource-sharing and group cohesion and acceptance within the context of collaboration. Each of these domains and related indicators are considered in light of both learning and assessment for learning.'⁹⁰ In terms of motivating and inspiring students to learn the student evaluation demonstrates this occurred as evidenced by the following student feedback:

- The lecturers made the course content "fascinating" and created a desire to learn "EVERYTHING" about what each module was about.
- I felt that I was motivated by getting good feedback and learning from that.
- Having the ability to interest me while teaching me valuable information.
- I am more motivated about being a lawyer.
- I found myself thirsting for more and often stayed back to discuss ideas with the lecturers.
- The course was very interesting so it was never a task that I wanted to put off, more looked forward to the weekend to get stuck into it.

⁸⁷ C. A Twigg, 'Is technology a silver bullet?' (1997) *Educom Review* 28; H Besser and S Donahue, 'Introduction and overview: Perspectives on . . . distance independent education' (1996) 47(11) *Journal of the American Society for Information Science* 801.

⁸⁸ Baskin, Barker and Woods, above n 12, 20.

⁸⁹ McLoughlin and Luca, above n 15.

⁹⁰ Brill and Park, above n 1, 75.

VI: CONCLUSION

While *Law in Context* has a small teaching team of two and not the problems associated with large student numbers or casual staff appointments,⁹¹ it is possible for the staff to engage in an assessment that is often seen by teachers as labour intensive. It remains to be seen whether the assessment would be sustainable if any of these factors were to change. The assessment approach is in turn supported by the institution at both Faculty and School level. The sustainability of our approach is facilitated by the fact that our teaching supports the University's mission, as a distance education provider, to be adaptive to the changing global world and to support this by continually accessing cutting edge technologies to deliver life-long learning experiences.

We believe in 'practising what we preach' and have engaged with a process of evaluation and reflection on the teaching of the course from day one. The course has been developed for the specific needs of the learner as both off-campus and on-campus participants and peer and student feedback has contributed to the improvement of the teaching and learning environment. Feedback is obtained from a tailored student evaluation survey, and also by holding student focus groups. The 2008 Student Evaluation Learning & Teaching (SELT) results show above average results across all questions. In the third year of the course offering qualitative student feedback provides evidence that the integrated assessment continues to be popular with students who find having time with their peers in a supported learning environment both stimulating and motivating:

- Our team was totally competent and completely harmonious.
- I think the three of us fitted perfectly as a team, where one of us didn't quite have it together, another of us did and each of us gave it our best effort. This was a great learning experience for me and made me realise my weakness and strengths to work on in the future of my law career.
- Throughout this course you were encouraged to participate and debate the issues being discussed in the workshops. I am very happy and all I can say is YES YES YES !!! Thanks [A] for a good semester.!!!

Often teaching in online environments is seen as restricted to task definition, management and feedback. The changes in teaching style wrought by technology have given room for individual interaction between teacher and student, with the former acting more as a mentor and facilitator than a traditional lecturer.⁹² As Rovai notes a facilitator using teams as a teaching strategy has to fulfil many roles: 'encourager, harmonizer, compromiser, gatekeeper, standard setter, observer, or follower.'⁹³ The largely successful outcomes in this course are supported by the literature and are due to factors such as 1) the use of scaffolding; 2) successfully incorporating technologies and 2) explicitly embedding the assessment within the teaching objectives. Other critical factors include the triangulated approach to assessment of team work, requiring peer and self assessment, the support of a facilitator and the participation of a qualified external assessor. A major factor for academics is finding time within a 'crowded curriculum' to integrate generic skills with professional technical content knowledge. As Beacham and Shambaugh acknowledge 'courses like this will always require a significant amount of work, but if the course is structured carefully students will voice their commitment and acknowledge its worth to their future career plans.'⁹⁴ While it requires some extra effort the experience for the teaching team and the students has largely been positive.

⁹¹ Cooper, above n 30.

⁹² C Clarke 'Learning and teaching in a new century,' (1999) *Interactions* 3(3)

⁹³ Rovai, above n 87, 9.

⁹⁴ Beacham and Shambaugh, above n 5, 323.

Table A: Debate Topics

There are identifiable common Australian values.
Australian values should be named and agreed upon by all who live here.
Australian law students need only to learn the law and not the theory.
A formal rational legal system is the best legal system for reaching just outcomes.
Australian Indigenous customs are changing the current legal system.
A law that is not effective or legitimated is no law at all.
Traffic speeding laws are legitimate and effective.
Law does not just consist of positive law but also includes other forms of social control.
Morals are irrelevant when it comes to the way we define the law.
It is more important for the way we define law that it has been legitimately made than that it is just.
Law is best defined as a closed system of legal rules and is free of values.
Punishment in the form of imprisonment provides many benefits to society
The state is entitled to legislate to protect an individual from harming themselves.
Religion and the law should be allowed to mix.
Economics is invading the domain of judge-made law so that economic efficiency is given greater consideration than basic legal rights.
A person should not be incarcerated without receiving a fair trial.
The rule of law is a very flexible concept government refers to as and when it suits.
All prisoners should have the right to vote.
Someone who has a criminal record should never be allowed to become a lawyer.
Lawyers should never defend a person whom they believe to be guilty of the offence.
A lawyer who has acted in accordance with the law should not be morally accountable for the outcome.
Female lawyers are more likely to be sensitive towards clients than male lawyers.
The *Racial Discrimination Act* has failed Australia's indigenous peoples.
Anti-vilification laws are a violation of the right to free speech.
Gay and lesbian couples should have the same access to IVF treatment as heterosexual couples.
Western democracies need to be able to use torture to wage the War Against Terror effectively.
The post 9/11 security reforms in Australia are necessary to protect Australian citizens.
Control orders have no place in a liberal democracy.

