

God, Queen and country: their place in a team assessment, using instantaneous audio visual communication technology, with external and on-campus students in a first year law course.

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Abstract

Cutting edge technology has provided equality in assessment for on-campus and external students in a first year law course offered multi-modally, both externally and on-campus at two campuses, ninety-four kilometre's apart, to around 170 undergraduates and 40 postgraduate students annually. This paper provides an evaluation of student responses to the competitive team assessment item utilising 'state-of-the-art' web conferencing tools facilitating online teaching and instantaneous audio visual communication (Elluminate-2007; Wimba-2008). The technology enables external students to present, as a team, live debates via audio and video. The course, Law in Context, models a team approach to engage students in the study of legal theory and jurisprudence. Students must 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, with some areas for improvement. Implications are drawn from research on team assessment and the use of technology in higher-education learning, together with student evaluations, for academics teaching law in today's globalised technological world.

Keywords: Assessment, Team work, technology First year law,

Part 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 way from the standard form of assessment: the written paper and exam. This rapidly changing world has moved 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 society³. When designing new learning spaces for today's university students consideration of 'a 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,

¹ A. 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 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

³ Jeffrey S Nugent et al, 'Exploring Faculty Learning Communities: Building Connections among Teaching, Learning, and Technology' *Ibid.* 51.

work, sports, volunteer activities, that make time a precious commodity⁴ must be taken into account. At the University of Southern Queensland in writing and devising the first course⁵ to be delivered in a new law degree; it was considered that one of the most important attributes for a law student to learn is critical thinking. The aim was not to juxtapose professional training against intellectual discipline 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. Consideration of the state of legal education is a matter of ongoing concern in Australia, from the Pearce Report in 1987⁶, emphasising generic skills, through to the 'Learning outcomes and curriculum development in law', 2003 report commissioned by the AUTC,⁷ emphasising a need for more theoretical and student focused teaching. The West Review of universities (1998)⁸ highlighted the need for law students to have broader generic skills: reflective thinking; technical/theory competence; intellectual curiosity; effective communication; research; problem solving; team work; and ethical standards.⁹ Change was also influenced by various reports in the last decade from employer perspectives on the skills needed by university graduates.¹⁰

Le Brun and Johnstone¹¹ in writing about teaching law in the early 1990s promote the idea of teachers designing courses in which students are being 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 achieve this integrated holistic approach to student learning. Utilising a facilitative student-centred teaching and learning philosophy, and making this explicit to students by embedding and introducing key literacy's and providing opportunities for students to practise and develop them is a main focus of the course. The use of technology was integral to achieving this for external 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 by the team and tutor by giving learners multiple channels of expression, such as visualisation, multimedia

⁴ D. G Oblinger, *Learning spaces*. (2006) quoted in 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, 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.

⁶ 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).

⁷ 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>>.

⁸ Final report Review Of Higher Education Financing And Policy April 1998, (West Review) <<http://www.dest.gov.au/archive/highered/hereview/herr.pdf>>accessed 16 June 2009.

⁹ See eg ACNeilsen, 'ACNeilsen Research Services: Employer Satisfaction with Graduate Skills, A Research Report' (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

¹⁰ ACNeilsen, 'ACNeilsen Research Services: Employer Satisfaction with Graduate Skills, A Research Report' (2000); Science and Training Department of Education, 'Employability skills for the future: project final report' (2002)

¹¹ M Le Brun, R Johnstone, *The Quiet Revolution: Improving Student Learning in Law* 1994, 158.

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'.¹²

This paper reports the experience of designing and delivering a course in legal theory and jurisprudence at a regional university to first year law students in the 21st century of a globally connected world. Part II describes the institutional context; Part III outlines the course context; Part IV discusses the teaching aims; Part V describes the assessment; Part VI discusses the critical thinking and reflection aspects; Part VII outlines graduate attributes addressed by the assessment and Part VIII draws conclusions.

Part II The Institutional Context

In order to set the scene it is important to note the institutional differences for a regional university that specialises in distant education as compared to the norm.

Diversity of Australian law programs and students

- Law enrolments: Over 17000 students in 2006
- 79% internal, others external, multimode
- 80% full-time (internal/external/ multimode)
- 66% under 25 years
- Males: 39% (among over 25s, males 44%)
- 95% Australian born (incl.1.6% indigenous)
- 92% graduates in full time employment (Of these, 72% private, 20% govt)
- Median salary \$44000 (NSW \$50000).

As a distant educator USQ has been on the cutting edge of delivery systems for bringing study materials and education to students no matter where they live in the world.¹³ Part of the concern has always been maintaining equity in assessment items for external and on-campus students. It has only been in relative recent years 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.¹⁴ Until this recent technology boom and availability of tools allowing 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 external students were oral communication skills and team work.¹⁵ Multi-modal signifies an integration of multimedia and Information Communication Technologies (ICT) to deliver course content via text, audio and visual modes.¹⁶ This style of delivery satisfies different learning styles and sensory

¹² 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.

¹³ 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).

¹⁴ Franziska Moser, 'Faculty adoption of educational technology' (2007) 1 *Educause Quarterly* 66

¹⁵ Roxana Moreno and Richard Mayer, 'Interactive multimodal learning environments' (2007) 19 *Educational Psychological Review* 309.

¹⁶ Dawn Birch, 'Interactive Multimodal Technology-mediated Distance Education Courses: The Academic's Perspective' (2008) *Japanese Journal of Educational Media Research*, notes that whether an academic takes up the use of technology to assist in teaching delivery is not dependent on their technical skills. 'some of the pioneers and early adopters in this study perceived themselves to be somewhat risk-averse with respect to technology while some of the non-adopters considered themselves to be early adopters of technology. Moreover, some of the pioneers and early adopters did not consider themselves to be particularly technologically capable while some of the non-adopters indicated that they are both interested in and very capable with technology. One early adopter believed that some academics are "techno-phobic" while one non-adopter did not consider that using technology was "part of an academic's role." 49 – 50.

modalities¹⁷ enabling students to change their sensory channels in order to build their comprehension in relation to the materials presented.¹⁸ Recent Australian studies confirm the growing use of these technologies by the Net Generation and place an expectation on Universities and teachers to deliver.¹⁹

In the course, *Law in Context*, technology was utilised as a teaching tool to overcome these obstacles and to engage all students, no matter their location, in team work and a collaborative competitive student-focused learning experience.²⁰ While the literature acknowledges that using teams as a teaching strategy is not an easy option it is an important skill for graduates.²¹ The experience was also aimed to reduced isolation and increase equity to external and on-campus students in a first year law course, with a focus on external delivery, through creative assessment practices by utilising new technology.

Part III: The Course: Context

Law in Context is a first year law²² course offered multi-modally (online/external and on-campus at two locations ninety-four kilometre's apart) to around 170 undergraduates and 40 postgraduate students each year for the past two years. The course models a team approach through both team teaching delivery and the requirement that students deliver assessment through team work. Students must work together to produce an assessment item that engages each of them in critical thinking, oral communication and the art of argument, all vital to the practice of law.

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".²³ The use of this assessment for both on-campus and external students provides an approach to learning and teaching that aims to inspire and motivate students through active experiential learning. The added value of this assessment approach is that it enhances student experiences through active learning, through improved student engagement by reducing isolation for external learners, and ensuring engagement with on-campus students. Hung, Tan, and Koh²⁴ described active learning as learners taking responsibility for their own learning during which

¹⁷ See eg, N Fleming, *VARK: A guide to learning styles* (2001) .

¹⁸ Dawn Birch, 'Interactive Multimodal Technology-mediated Distance Education Courses: The Academic's Perspective' (2008) *Japanese Journal of Educational Media Research* 'Pedagogical motivations for the development of IMTMCs for external education students include catering more effectively to the learning needs of different students; improved learning outcomes, retention and progression rates; challenging students to become learner-centred, resourceful and independent learners; replicating aspects of the on-campus experience; engaging students in the learning experience; revitalising and re-energising the curriculum; and providing a rich e-learning environment', 43; 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* .

¹⁹ See further, G Kennedy et al, 'First year experiences with technology: Are they really digital natives?' (2006); 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 '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).

²⁰ 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.

²¹ 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).

²² See further, K Krause et al, 'The first year experience in Australian universities: findings from a decade of studies.' (DEST Reports 2005).

²³ J Biggs, 'Teaching for better learning' (1989-90) 2(2) *Legal Education Review* 133, 144.

²⁴ 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, 30.

they are “actively developing thinking/learning strategies and constantly formulating new ideas and refining them through their conversational exchanges with others’. This type of learner aligns with the Interaction Age and the ‘prosumers’ of emergent technologies.

Bulger, Mayer, and Almeroth²⁵ 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-modeling, and a requirement to reference and integrate resources from beyond the boundaries of the classroom; components certainly illustrative of the aforementioned descriptions of active learning and active learning environments.’²⁶ Utilising like-minded teaching strategies, *Law in Context* course evaluation indicates good pass and retention rates²⁷ and qualitative student feedback, as discussed below, is supportive. Through the use of technology an active learning assessment that fosters independent learning has been made possible in different contexts. McLoughlin and Lee indicate ‘[t]he 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.’²⁸

The major aspect of the assessment plan²⁹ is a team oral debate that 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, communication skills, negotiation, problem solving, legal analysis, and research.³⁰ 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’.³¹ Team work is a key generic graduate attribute for law students and USQ students generally. Desrochers et al³² have shown in their study that group assessments (whether cooperative or competitive) have improved learning outcomes over solitary assessments when testing student’s 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.³³ As McLoughlin and Lee note the ‘[e]vidence suggests that we can improve learning

²⁵ 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.

²⁶ 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, 74.

²⁷ See Table B.

²⁸ 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, 17.

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

³⁰ 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

³¹ ALRC, 'Managing Justice Report' (1999) para 2.21.

³² 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 .

³³ 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; 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 , 290.

effectiveness by giving the learner control over, and responsibility for their own learning'.³⁴ 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 by which different cultures such as the Inuit, Australian Aborigines, Afghanis and Native Americans have resolved disputes within their society in order to appreciate that the way dispute settlement occurs in Western contemporary society is not the only method. The course introduces students to the jurisprudential theories and critiques of these theories at a first year introductory level. This theory engages the students in their discussion of practical, 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 aims to engage students with a deeper critical thinking that enables them 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.

The formation of teams for assessment, that include external students, is uncommon in Australian first year law courses.³⁵ It provides a highly interactive yet equal assessment experience for external students and on-campus students. 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 external students. Theory supports the use of team assessment with external 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.'³⁶

An added ingredient in this assessment is the need for students to speak within the formal rules of debating, thus introducing law students to the concept of oral communication within a formal rule based format. While the rules of debating³⁷ 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, enabling students to determine early in their course their inclinations to become part of the legal profession. The focus was on using small groups of three in which, once the students determined their speaker order, they had clear rules as to the expectations of their roles. The literature supports this structure in aiding in the decrease of potential disputes. Positive social interdependence exists when individuals share common goals and each individual's outcomes are affected by the actions of the other. As students were focused on a clear outcome, delivery of the debate in a winning way, the competitive nature between teams led to a very engaged process.³⁸

Students were given readings which were discussed both in class and also required to be discussed within the team setting. The readings set out the theory behind team structure and processes. For

³⁴ 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, 17 (footnotes omitted).

³⁵ 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 form the structure of the 'Law In Context' course assessment.

³⁶ 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, 29.

³⁷ D'Cruz , 2003, *The Australian-Asia debating guide*.

³⁸ 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 , 290: Competitive assessment is like cooperative assessment in that it involves teams but students cooperate within their team but compete against another team.

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, was also explained to students.⁴⁰ Students were then able on a meta level to connect the theory with reality in diagnosing the stage at which they believed their team was operating. Not only did students learn from the experience of being part of a team but it also helped overcome isolation, not only for external students, who often go through their course with very little contact with other students, but also on-campus students in a first year situation were able to meet other students in a meaningful way. This outcome is expressed by one 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 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 external learners will be a better experience if the learner is given opportunities in a supported IT environment to collaborate.

Part IV: The teaching Team and it’s Aims

Our teaching team involves two academic staff delivering weekly three hour interactive workshop style seminars for a six week period each; and an academic from the education discipline with technology experience who assists students develop the necessary technology skills for use in the course; and an outside adjudicator who has a major role in the course assessment.⁴² We utilise web conferencing tools enabling online teaching and instantaneous audio visual communication (*Elluminate*-2007; *Wimba*-2008)⁴³. This technology, allowing realtime networked collaboration was a key factor in allowing us to provide equality in assessment for on-campus and external students as it enables external students to present, as a team, live debates via audio and video, it also facilitated the pre-debate team meetings.

Current research supports the notion of knowledge creation through a learner having self-control over their learning process.⁴⁴ 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. The use

³⁹ Moxan 1998, ‘*Teams and team effectiveness*’.

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.

⁴¹ 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.

⁴² Dawn Birch, ‘Interactive Multimodal Technology-mediated Distance Education Courses: The Academic’s Perspective’ (2008) *Japanese Journal of Educational Media Research* .

⁴³ See *Elluminate* 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.’

⁴⁴ 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;A. J. Milne, ‘Entering the interaction age: Implementing a future vision for campus learning spaces...today.’ (2007) 42(1) *EDUCAUSE Review* 12.

of multimedia has been argued to lead to a development of learning at a deeper level.⁴⁵ Mayer⁴⁶ 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’.⁴⁷ The online discussion environment and teams enable students to work collaboratively engaging in dialogue and constructing knowledge through their shared experiences and at times that suit their busy lives.⁴⁸ Such collaborative learning involves the students in teaching each other through cooperative peer learning.⁴⁹ It also caters to the time pressured lifestyle of the student. McLoughlin and Lee refer to the term ‘affordance’ meaning Web 2.0 functionality that permits a student to ‘undertake tasks in his/her environment’, a can-do’ capability.⁵⁰ For instance one student delivered their debate assessment from their office computer, while their working world was carrying on around them.

The literature is scant on how best to organise students into teams.⁵¹ In this course we took a democratic approach and consulted the student cohorts on what 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. It has been interesting the different choices. For instance some on-campus cohorts have decided on forming their own teams, others have asked for names to be drawn from a hat. External students voted by poll to be allocated to teams by the facilitator. This has subsequently been taken as the preferred approach for external student teams as the facilitator can place students in teams that align with their geographical locations. This enables some external students to meet face-to-face if they so choose.

Our objective was to engage students in experiential action learning⁵² in a problem based learning context.⁵³ 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.⁵⁴ 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

⁴⁵ 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*; R E Mayer, 'Elements of a science of e-learning' (2003) 29(3) *Journal of Educational Computing Research* 297.

⁴⁶ R E Mayer, 'Elements of a science of e-learning' (2003) 29(3) *Journal of Educational Computing Research* 297.

⁴⁷ 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, 181 (footnotes omitted).

⁴⁸ 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.

⁴⁹ Richard J. Almond, 'Group assessment: comparing group and individual undergraduate module marks' (2009) 34(2) *Assessment & Evaluation in Higher Education* 141–148, 142.

⁵⁰ 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, 11.

⁵¹ Ravi Seethamraju and Mark Borman, 'Influence of group formation choices on academic performance' (2009) 34 (1) *Assessment & Evaluation in Higher Education* 31 — 40.

⁵² Gary F Hoban, 'Enhancing action learning with student feedback' (2004) 1(2) *Action Learning: Research and Practice* 203 – 218.

⁵³ 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.

⁵⁴ 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 '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.

understanding their own value system at the beginning of 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 topics⁵⁵ raise challenging questions in jurisprudential matters that require research and consideration and discussion within the debate team and then the delivery of that 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. It is to be noted that other students from the class also participate: as chairperson, time keepers, and audience both face-to-face and in the online virtual debate environment. Students also experience the ethics dimensions in their peer and self assessment and the degree of honesty 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.

The debate assessment allows the students to learn, through the group experience of the 'real-life debate', about which they then discuss and critically consider in a written argument. To do this we use a staged scaffolding process 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'.⁵⁶ The teaching mode for on-campus students involves a weekly three hour seminar in which the facilitator acts as facilitator and 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 groups ideas with the whole class. Further *Wimba* sessions are held for external 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 Socratic⁵⁷ student/centred teaching discourse they will experience;
- explaining theories of team dynamics and the rules of debating. 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 provides another point of view, and teaching style, as well as support for students with the assessment.

The classic characteristics of problem based learning are implicit in the pedagogical approach and include:

- student-centred learning.
- small group learning.
- teacher as facilitator.
- authentic problems introduced early in the course.
- problems selected to achieve the required knowledge and problem solving skills.

⁵⁵ See Table A.

⁵⁶ 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, 578.

⁵⁷ 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.

- self-directed learning promoted.
- representative problems are used for learning.⁵⁸

We deliver this material 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 external students are integrated into the learning environment and can engage in on-line discussion concerning the topics covered.⁵⁹ Engagement is a theoretical construct evident in the literature as an essential condition of meaningful learning. Certainly, emergent technologies may offer opportunities for students of the Interaction Age to experience a sustained engagement in learning.⁶⁰ Student comment demonstrates the benefit of this delivery, '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'.

Further scaffolding is provided for students to gain the technology skills necessary for delivery of the assessment by running familiarisation sessions, early in the course, in order to embed the technical skills for the use of the *Wimba* technology for team meetings and the delivery of the debates. 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; I'm somewhat techno phobic... to be shown all the other great things that can be done with 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.

Part V: The Assessment

The following provides a brief outline of the assessment process: engaging with God, Queen and Country. The assessment consists of three parts:

First, the students are introduced to debating techniques and skills through their course materials, readings and class discussions. We involve the Queensland Debating Society in facilitating this assessment, a specialist guest adjudicator from the Queensland Debating Society attends the second week's seminar and talks with the students. 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 invaluable 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 comment:

⁵⁸ Barrows, H. S. (1996). *Problem-based learning in medicine and beyond*, in L. Wilkerson & W. H.

⁵⁹ María José Luzón, 'Providing scaffolding and feedback in Online learning environments' (?) 28 *Mélanges Crapel*

⁶⁰ 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, 74.

- Loved the debate, thought that the adjudication reinforced important concepts for my debate later on, and found the argument very stimulating.

Second the students will 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. 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.⁶¹ Oral skills have been highlighted as including assessment both of the student's content knowledge and their oral ability.⁶² The debate assessment is triangulated: (Adjudication 10%; Peer 10%; Facilitator 10% = total 30%).⁶³

Student's debates are recorded on *Wimba* for subsequent viewing. This record was available to assist if there were any marking queries or disputes and was also available for students to view theirs and other student's performance and to see their strengths and weaknesses. However, it was never required to be used for marking purposes and few students requested a chance to view their performance. This is something that more attention may be given to in future offerings.⁶⁴

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 that creates a formal atmosphere, in preparation for professional contexts, as well as consistency in the assessment of student's debate delivery. The adjudicator gives instant oral feedback⁶⁵ and subsequent written feedback to the students.⁶⁶ 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 in order to construct one's own argument and to be a devil's advocate. Beacham and Shambaugh⁶⁷ 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. Such assessments they note tend to be avoided by teachers who are time pressured

⁶¹ D'Cruz, 2003, *The Australian-Asia debating guide*.

⁶² G Joughin, 'Dimensions of Oral Assessment' (1998) 23(4) *Assessment and evaluation in Higher Education* 376 cited in 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), 125.

⁶³ 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 organizational positions may be more in line with the move to 360-degree performance appraisals in the workplace.' 27.

⁶⁴ 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), 126.

⁶⁵ 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) 128.

⁶⁶ 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) 'Brown, Bull and Pendlebury (1997) (Brown, G., Bull, J., & Pendlebury, M. (1997). *Assessing Student Learners in Higher Education*. London: Routledge.) stated 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.

⁶⁷ 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.

and find such assessment items ‘too difficult or too complex for a semester course’,⁶⁸ however the rewards they found included:

- Advocacy can be used in an introductory course to orient and engage students with content.
- Advocacy provided a deeper understanding of students than previous course tasks.
- Advocacy shifted the view of a task from “just an assignment” to a “personal commitment.”
- Advocacy was regarded initially as a “risky” approach but ultimately yielded steady student engagement. Unforeseen learning (e.g., personal agency, views of progress) may occur.

High degrees of student involvement require careful attention to feedback that is specific, personal, iterative, and promotes additional thought.⁶⁹ Students 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.

The students provide peer input into how the team has performed overtime by completing a self reflection sheet, including assessing their own contribution, 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 is the triangulation of assessment, has produced little by way of negative feedback from students.⁷⁰ This peer/self assessment is not of their 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.⁷¹ A significant component of the course is ethics, and students have the need for 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.

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. Another aspect of the peer and self assessment is it addresses students concerns in team work concerning ‘loafers’, students who appear to contribute little to the team effort.⁷² Students can address this in their awarding of marks within the peer assessment and this appears to address their concerns in this regard. This is a learning experience that engages the student in ethical practices and self

⁶⁸ 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, 316; 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).

⁶⁹ 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, 318.

⁷⁰ Philip Vickerman, 'Student perspectives on formative peer assessment: an attempt to deepen learning?' (2009) 34(2) *Assessment & Evaluation in Higher Education* 221–230; KS Campbell et al, 'Peer versus self assessment of oral business presentation performance' (2001) 64(3) *Business Communication Quarterly* 23; 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.

⁷¹ 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).

⁷² Ravi Seethamraju and Mark Borman, 'Influence of group formation choices on academic performance' (2009) 34 (1) *Assessment & Evaluation in Higher Education* 31 — 40, 32.

reflectivity.⁷³ 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 and to reflect on how they could improve. Intercultural dimensions are another important aspect of the team and students demonstrated a degree of openness and honest where team were 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 his second language, however this did not prevent [Y] from participating in problem solving, and engaging in conversations. [Y] was contentious and respected the values and opinions of others.

The peer assessments are confidential unless the student consents to other students viewing the assessment.⁷⁴ 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 at the end of the sheet. 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.
-

The final aspect of the triangulated assessment is the criterion referenced assessment from 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: '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'.

The third and final aspect to the assessment is 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 as evidenced by the following statement: 'I was extremely lucky in the draw for teams in that it was a group that got along from the start and worked well together which made it enjoyable and we all wanted to do well. The subject matter of our debate made the research enjoyable so it was easy to write the argument'. Overall the feedback from students over two semesters offering of this integrated assessment demonstrated a desire to achieve and engage with the learning process.

PART VI: Critical thinking and reflection on theory

You may wonder where 'God, Queen and country' are in this process. The course covers, at a first year level, an introduction to legal theories and concepts in legal jurisprudence. Students are challenged by the inclusion of areas of legal controversy as well as areas of contention and

⁷³ 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.

⁷⁴ 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.

fuzziness 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 theories such as natural law, and positive law, and feminist and Marxist critiques and key legal principles such as the separation of powers and the rule of law (See Table A – Debate Topics). The teaching style in this course is based on facilitative student-centred meaningful learning adopting the discourse of radicalism to, encourage critique as both a pedagogical activity and an outcome of legal activity.⁷⁵

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, a ‘...legal education discourse [that] most explicitly encourages critique as both a pedagogical activity and as an outcome of legal education’.⁷⁶ The written argument assessment 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 one student 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.

This 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 student’s 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. Brill and Park describes this approach as ‘[s]tudent collaboration with shared, flexible roles and accountability; self-monitoring and evaluation of the learning process; the use of teachers and experts to provide tools, techniques, and support.’⁷⁷ 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’ 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 occurred as evidenced 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.
- This course has encouraged my rather opinionated self to at least try and view the subject from someone else's perspective.
- I would like to thank you both for a wonderful semester. 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

⁷⁵ N J James, 'Australian legal education and the instability of critique' (2004) 12 *Melbourne University Law Review* 375–405.

⁷⁶ N J James, 'Australian legal education and the instability of critique' (2004) 12 *Melbourne University Law Review* 375–405, 389.

⁷⁷ 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, 75.

beliefs. I can now step back and assess a situation or incident with different eyes. This semester was a definite challenge.

Part VII: Graduate Skills and Outcomes

Our approach benefited external 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 external 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'.⁷⁸ The following student comments provide evidence as to the validity of these claims:

- 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 [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.

The assessment develops key graduate skills (team work, oral communication, technology skills, research and critical thinking), through debating contemporary issues. The theory of social communities⁷⁹ is supported through this assessment technique with students reporting the establishment of friendships and teaching groups that will continue beyond the course. The isolation of external students is well documented as contributing to low retention and progression with such students. Rovai's study⁸⁰ 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 external 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 comment supports this:

- The use of the *Illuminate* 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.
- [X] was excellent to work with.[xx] had a good knowledge of Wimba which was an advantage as we were external.

⁷⁸ 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, 941 (footnotes omitted); D. W. Johnson and R. T Johnson, *Joining together: group theory and group skills* (7th ed, 2000).

⁷⁹ R Palloff and K Pratt, *Building learning communities in cyberspace*. (1999).

⁸⁰ Alfred Rovai, 'Building Sense of Community at a Distance' (2002) 3(1) *International Review of Research in Open and Distance Learning* 1.

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'.⁸¹ Some external 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 student claimed she had been used to 'winging it' until faced with such an assessment. The literature demonstrates that successful integration of team assessment requires explicit and clear explanation for the purpose of the assessment and its alignment with course learning objectives.⁸² In this course the first two weeks are spent on making this purpose explicit to students including discussing graduate attributes and how the course aims to achieve these.

The team work in this course has fostered student's independent learning but also acknowledges the social reality of interdependent learning and knowledge creation through experiential learning.⁸³ 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'.⁸⁴ In terms of motivating and inspiring students to learn our 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.
- 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.

Students found the oral debate a novel, 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 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. Student comments demonstrate their reflections on the need for oral communication skills:

- 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.

⁸¹ 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, 20.

⁸² Barnard Clarkson and Chris Brook, 'Achieving synergies through generic skills: A strength of online communities' (2007) 23(2) *Australasian Journal of Educational Technology and Society* 248-268; 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).

⁸³ 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.

⁸⁴ 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, 75.

- Having completed this course, I can appreciate the importance of expanding this skill to better myself as an individual.

2009 is the third year of the course offering. Student feedback has evidenced that the assessment continues to be popular with students who find having time with their peers in a supported learning environment both stimulating and motivating.

- I am very happy and all I can say is YES YES YES !!! Thanks [A] for a good semester ... Bring on ...the new BLAWS degree. I cant wait to get stuck in and go for it !!!
- Throughout this course you were encouraged to participate and debate the issues being discussed in the workshops.

Part VIII: Conclusion

While this course has a small teaching team of two, and not the problems associated with large student numbers or casual staff appointments⁸⁵ 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. However, our assessment approach is enthusiastically supported by the USQ School of Law and Faculty of Business. The sustainability of our approach will continue as our teaching supports the University's mission, as an external 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. Our team is committed to obtaining peer feedback in order to provide the students with challenging, supportive, and innovative education.

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 and peer and student feedback has contributed to the improvement of the teaching and learning environment. We sought feedback by developing a tailored student evaluation survey, and also by holding a student focus group. The 2008 Student Evaluation Learning & Teaching (SELT) results show above average results across all questions (Table C) and qualitative feedback shows student report mostly positive learning experiences. One improvement we will add in the next offering is a staged reporting process on three occasions: a brief feedback sheet will be completed by each team member up to the delivery of the debate in order to monitor teams.

Often teaching in online environments is seen as restricted to task definition, management and feedback. 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.'⁸⁶ The use of scaffolding and an approach to explicitly embed the assessment within the teaching objectives of the course together with the use of criterion referenced assessment, peer and self assessment along with the facilitator and a qualified external party in a triangulated approach supports the literature in the fact it has had largely successful outcomes.⁸⁷ A major factor for

⁸⁵ 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).

⁸⁶ Alfred Rovai, 'Building Sense of Community at a Distance' (2002) 3(1) *International Review of Research in Open and Distance Learning* 1, 9.

⁸⁷ 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); J.S Brown, A Collins and P Duguid, 'Situated cognition and the culture of learning.' (1989) 18 *Educational Researcher* 32; Cindy V. Beacham and Neal Shambaugh, 'Advocacy as a Problem-Based Learning (PBL) Teaching

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 this commitment and acknowledge its worth to their future career plans.’⁸⁸ While it may require some extra effort the experience for this teaching team and students has largely been positive.

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 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.
 Protection of judicial independence is overrated.
 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 are.
 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.

Table B: Student Results

Student results show outstanding learning outcomes with low failure rates, high passes and excellent achievement at the top end of the assessment scale with

- **2008**

Undergraduate pass 90.03% and HD & A 37.81%;

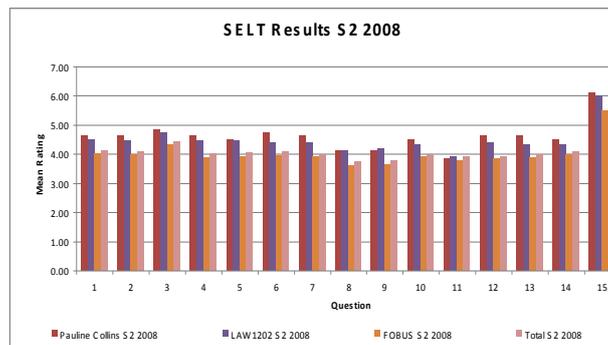
Postgraduate pass 93.71% and HD & A 58.82%

- **2007**

Undergraduate pass 81.82% and HD & A 47.73%.

(no postgraduate students in 2007)

⁸⁸ 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, 323.



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