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Catering for Student Diversity: Building Academic Skills in Graduate Attributes Learning and Assessment Opportunities through Collaborative Work

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In relation to the law profession in Australia, over the past twenty years there has been a proliferation of law schools established to meet increasing demand, with higher student numbers and greater diversity of backgrounds evident. Concerns about the stresses on law students and the consequences for their mental well-being (especially compared to students in other disciplines) have come to the fore following recent research into the issue.

In 2007, funding was provided to the Council of Australian Law Deans (CALD) to establish a national exploration of approaches to and the practices of legal education, with the aim of ensuring the provision of high quality outcomes for the increasingly diverse range of legal education students. A key focus was building legal academic skills in using scaffolded learning approaches through establishing collaborative workshops. Surveys, baseline data analysis and network meetings were some of the other methodological processes utilised in the project.

The collaborative workshop processes occurring at a national level, resulted in the development of quality assessment tasks in areas such as group work and reflection, with positive written feedback being obtained. This paper focuses on the links between wider assessment approaches within graduate attributes and catering for student diversity.

Relevance for redefining effective academic practice within other professional disciplines in the changing contexts of higher education is evident.

Keywords

graduate attributes, cross-university collaboration, professional learning



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Australian higher education institutions are increasingly operating within broader political, economic and social frameworks and the global context. The link between productivity and high level skills and qualifications and the importance of establishing a systematic process for ensuring increased participation of those from under-represented groups have been emphasised.

In relation to the law profession in Australia, over the past twenty years there has been a proliferation of law schools established to meet increasing demand, with higher student numbers and greater diversity of backgrounds evident. Concerns about the stresses on law students and the consequences for their mental well-being (especially compared to students in other disciplines) have come to the fore following recent research into the issue.

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Over the past decade, re-positioning Australia within the highly competitive global education marketplace has received increasing attention, with a focus on building the educational skills of academics to cater for student diversity. Improved productivity of the population is explicitly linked with higher-level skills and qualifications for an increased proportion and greater diversity of population groups in Australia.

Specifically, an increasing diversity of students preparing for the law profession has resulted in considerable restructuring of legal-education programs, including changes that cater for significant numbers of mature-aged, external and part-time enrolments (Bradley, Noonan, Nugent & Scales 2008). Law schools – particularly those established since the 1970s – now focus on responding to the needs of diverse groups, and on using wider learning and assessment methodologies, including group work approaches (Handsley, Davis & Israel 2005).

Current law student profile and pedagogy

The current profile of approximately 20,000 Australian law students indicates widening diversity of students and enrolment types; this profile is challenging the traditional notion of law students being school-leavers who studying internally and full-time. Around 22% are studying externally, 28% are part-time and 30% are aged over 25 years (Owen & Davis 2009). Males comprise about 39% of law students, with the over-25 age group having a higher male representation (around 44%). Twenty-seven percent of law schools offer external programs, and in four universities, students studying externally predominate. Around 97% of law students are Australian-born, including 1.6% Indigenous. Entry scores for domestic secondary school leavers into law programs are generally above 90. However, approximately 40% of school-leaver commencers from both Indigenous and non-Indigenous backgrounds have lower scores, and have been selected for entry to law studies by various processes (Owen & Davis 2009).

Legal-education research has indicated that a wider range of pedagogical approaches is being used to accommodate the diversity of students, including a focus on active student learning and peer discussion within classes. However, there is a continuing predominance of traditional teacher-centred, content-focused, case law models. Similarly, varied assessment is being used to some extent, but examinations and written reports that focus on competitive approaches and formal writing skills are the main approaches. Of continuing concern is that there is relatively little use of formats such as oral presentations, group work, reflective journals and self- and peer-assessment approaches. These are the types of assessment tools that are linked to graduate outcomes focused on personal skills such as communication, teamwork and critical reflection (Johnstone & Vignaendra 2003; Owen & Davis 2009).

The predominance of lectures, exams and written reports in the assessment used in legal-education preparatory programs emphasises particular knowledge aspects at the expense of the wider range of skills that relevant professional bodies now consider essential requirements for the profession. Various reports have highlighted the importance of legal-education programs producing outcomes beyond content and instead focusing on skills and ‘what lawyers need to be able to do’ (ALRC 2000). This includes preparation for ‘accomplished and responsible practice in the service of others’ (Sullivan, Colby, Wegner, Bond & Shulman 2007). Additionally, the focus on lifelong learning highlights abilities such as ‘puzzling over what counts as good work and ...whether they are producing it’ (Cuffe & Burton 2008). The future focus includes developing critical-reflection skills for lifelong learning involving ‘a deliberative process...to focus on their performance and think carefully about the thinking that led to particular actions, what happened and what they are learning from the experience in order to inform what they might do in the future’ (QCA 2001). Encouraging more cooperation, collegiality and interpersonal work ‘towards a common goal to foster the ability to work together’ is also emphasised (Floyd 1997).

There are also concerns about the individualistic nature of legal education and the highly competitive learning process, and about the overall impact of these aspects on law students and the profession. American and Australian studies have shown higher levels of depression among lawyers than in other professions and the general population (Beaton Consulting 2007; Benjamin, Darling & Sales 1990). Comparative longitudinal studies have indicated law students’ initial positive contentment at the commencement of the law program, but increasing stress during the course of studies in terms of the

academic work, time pressures, fear of failure, economic stress, hostility and depression (Heins, Fahey & Henderson 1983; Heins, Fahey & Leiden 1984). Kelk, Luscombe, Medlow and Hickie's (2009) research findings indicated that one-third of Australian law students experienced high or very high levels of distress; this was triple the level for 18- to 34-year-olds in the general population.

Various reports have identified the importance of accommodating students from various backgrounds and with differing needs through providing a wider range of programs as well as using cooperative and active learning methodologies (DETYA Review Committee 1998; DEST 2002). To accomplish this, academics need to understand and practice a number of key educational approaches, including outcomes-based education, alignment of outcomes and assessment tasks, criterion-referenced assessment and scaffolded learning. Outcomes-based education involves the development of explicit statements about the intended knowledge, skills and attributes and outlining the evidence of competence that can be observed or inferred (Spady 1994). Explicitly aligning assessment tasks and criteria to the outcomes in a systematic manner is a process that Biggs identifies as constructive alignment (Biggs, undated). Criterion-referenced assessment, which focuses on the learning objectives and examines the extent to which the goals and associated criteria have been achieved, rather than norm-referenced approaches, has been indicated as providing significant support for student learning (UQ 2008). Vygotsky's (1978) scaffolded-learning approaches highlight the importance of clearly identified curriculum outcomes and supporting activities, including stepwise processes, group learning and reflection, to maximise individual students' learning potential. Overall, the focus is on using curriculum planning that includes clear outcomes and scaffolded-learning steps, with explicit assessment tasks and criteria and specific feedback to students (Kift, Cuffe, Field, Shirley & Thomas 2006; Kift 2003).

Legal-education professional development project

In the legal-education context, some research on successful professional development approaches has occurred in specific universities (Kift 2003) but there has been little research about national cross-institutional approaches to professional learning across Australian law schools. One approach to building professional skills involves systematically providing opportunities for collaborative work among peers. Professional networks can also provide effective approaches through facilitating task-focused programs over an extended timeline to support improved curriculum delivery and wider assessment approaches (Bolman & Deal 2003; Senge 1990; NPEAT 1999).

Given the ongoing changing context for legal education since the 2003 national legal-education report (Johnstone & Vignaendra 2003) and the need for collaborative follow-up work to support sustainable change, the Australian Learning and Teaching Council (ALTC) funded an additional project, called Learning and Teaching in the Discipline of Law: Achieving and Sustaining Excellence in a Changed and Changing Environment. The project, overseen by the Council of Australian Law Deans (CALD), focused on highlighting and further developing learning and assessment approaches to reflect responsiveness to significant societal changes. This included accommodating student diversity whilst establishing an infrastructure for sustainable change. A range of areas was investigated, such as graduate attributes, ethics, professionalism and standards for Australian law schools. Other areas included building long-term sustainability through improved links with relevant professional and regulatory bodies and supporting other research exploring the factors that can affect law students' mental wellbeing.

A key aim was to investigate learning and assessment tasks that can be collaboratively developed to achieve graduate attribute outcomes while accommodating diverse student groups. This paper reports on a specific project—a national collaborative workshop—that developed reflective and group-work tasks and considered their impact in the context of student diversity.

Methods

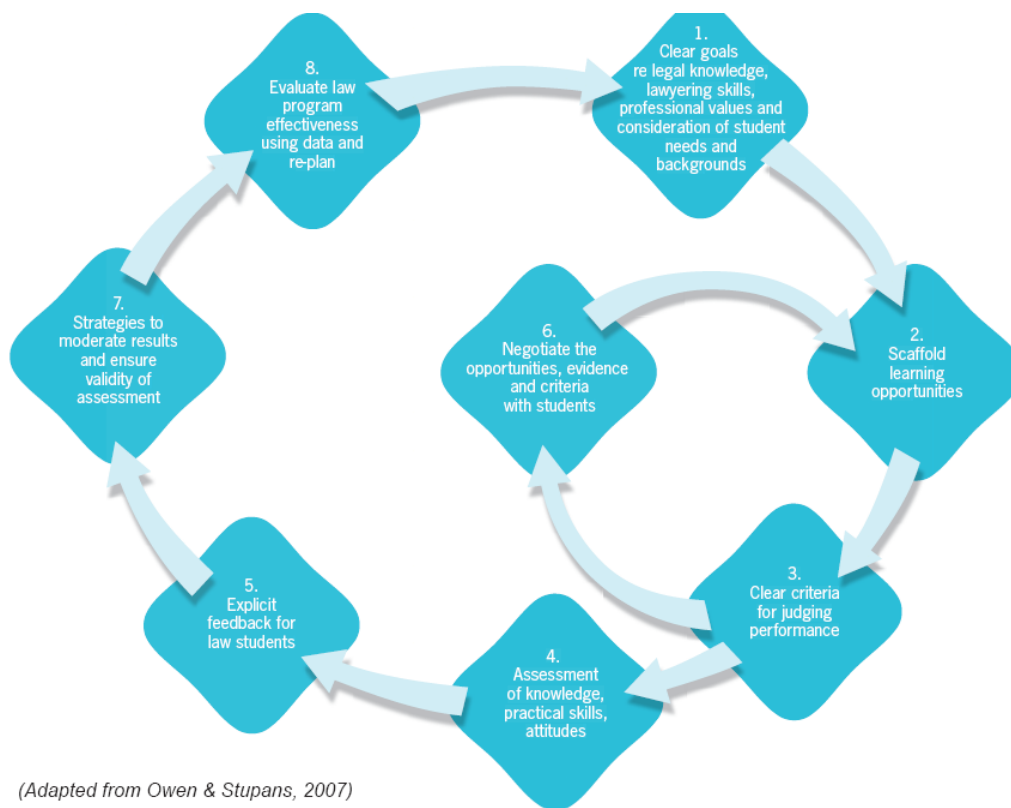
In investigating some learning and assessment tasks related to more effectively catering for student diversity, a case-study approach was used to examine a single entity (Ary, Jacobs & Razavieh 1990). Participants investigated 'a contemporary phenomenon within its real life context' (Yin 2003: 13),

gathered evidence and generated conclusions. Data included the materials developed during the workshop and responses to the survey about the effectiveness of the workshop and other professional-development aspects.

The project stemmed from a series of regional collaborative meetings and network contacts and conferences. A national workshop on assessment was established involving over 30 law academics from five states and 13 universities. Participants were recruited through networks and after a series of other professional-learning opportunities. The opening plenary workshop session was focused on evaluation of learning in law through criterion-referenced assessment. Various parallel workshops were then conducted, including a focus on group work and reflection. Academics had brought with them relevant tasks from their own universities. Specialist collegial leaders facilitated the parallel workshop sessions.

The plenary session included the introduction of a curriculum-planning template consistent with educational models previously outlined. Figure 1 shows the template and details its focus on (1) clear goals, (2) scaffolded-learning activities, (3) clear criteria for judging performance, (4) assessment tasks, (5) explicit feedback, (6) negotiation of criteria, (7) moderation of results to achieve consistency and (8) program evaluation (adapted from Owen & Stupans 2007).

Figure 1: Curriculum-Planning Template



Using the curriculum-planning template, the workshop groups wrote assessment tasks. Initially, participants in each group worked collaboratively, discussing the merits of various approaches they had used and examining assessment tasks shared by other participants from their work contexts. After the groups worked together to develop a new assessment task, the specialist group leaders shared these with the other collegial teams. A final plenary session and feedback brought the workshop to its conclusion. Follow-up occurred through materials being disseminated to the relevant team leaders and team members for ongoing improvement. The collaborative follow-up workshop on graduate attributes produced various sample assessment tasks, including an online news-sheet format to initially disseminate the materials that

had been developed, with a hard-copy publication then produced and forwarded to each law educator working in an Australian university.

Workshop organisers sought written feedback several months after the regional meetings and assessment workshops. They requested participants' views about the value of the sessions themselves, participant learning and changes to practice, the immediate dissemination in which participants engaged within their own law schools and the longer-term impact on curriculum and networks. A five point Likert-scale survey instrument was used, along with some free-response questions. Results were collated and analysed manually using numerical tabulation.

Results

The assessment tasks that were developed through this process are presented here in a four-block format. The first block, 'objectives/outcomes', sets out the intended learning outcomes for a particular area, linking them to possible graduate attributes that law schools have identified. The second block, 'scaffolded learning', identifies how teachers might go about helping students learn in incremental fashion. The third block, 'assessment task', is the model that the workshop participants produced, and the fourth block, 'assessment criteria', identifies a criterion-referenced assessment approach, and the specific criteria by which student work is evaluated.

Reflection

One workshop group focused on reflection and learning chronicles. Reflection is related to the graduate attribute of life-long learning, with individuals continually considering the degree to which they have reached anticipated outcomes for themselves and remained up-to-date in their profession. Law-program aspects included building the skills of reflection through discussion and writing, and describing, explaining and considering alternative perspectives. Deeper critical reflection can also mean asking fundamental questions and preparing for change (Moon 2000; Van Manen 1977).

In the workshop session, participants considered the importance of reflective writing to build critical thinking and improve written-communication skills for first-year law students. This approach has been used as a focus for weekly writing tasks at one university to build reflection skills, as well as improve the quality of students' writing. An example provided by a workshop participant highlighted a key focus of supporting the increasingly broad range of students undertaking legal education studies, many of whom do not have the required skills in writing and critical reflection when they begin. The task involved scaffolding and supporting students through supplementing lectures with weekly tutorials and submission of a 250-word written reflective narrative. Additional support involved them in collecting detailed feedback from the tutor regarding the previous exercise, with clear assessment criteria discussed within tutorials (Roebuck, Westcott & Thiriet 2007). Table 1 gives an example of the curriculum-planning process for this reflective learning task, using the block template from Figure 1.

Objectives/outcomes	Scaffolded Learning	Assessment Task	Assessment Criteria
<p>Students develop library research skills; have a deep appreciation and understanding of case law, precedent, legislation and statutory interpretation; develop legal problem solving skills, ability to communicate effectively in writing within 1st year subject Legal Research, Writing & Analysis.</p> <p>Possible Graduate Attributes:</p> <ul style="list-style-type: none"> • body of knowledge • reflection on learning • self reliance • interpersonal understanding • personal & professional ethics • literacy/written communication • critical thinking. 	<p>Two hour lecture weekly Including discussion of content material, interactive class activities, note taking.</p> <p>One hour tutorial weekly:</p> <ul style="list-style-type: none"> • research activities • short theoretical questions and problem solving activities • role play participation • practice using prompting 'why' questions • brainstorming of suitable topics for narrative • explanation about reflective narrative with structured assessment criteria and provision of manual of examples. <p>Within tutorial, weekly hand in and collection of tutor-provided written feedback regarding 250 word narrative submitted by students regarding area of interest from material covered in tutorial/lecture that week.</p>	<p>Complete 250 word weekly reflective narrative writing tasks related to lecture/tutorial materials such as:</p> <ul style="list-style-type: none"> • law in context, or • specific skills displayed in performance of a task such as writing/group work/study skills, or • practical legal knowledge (substantive law and procedures) and write answer to tutorial problem. 	<p>Weekly narratives worth 15% of total subject mark:</p> <ul style="list-style-type: none"> • demonstrated knowledge of topic (concepts explained, extended, question raised and addressed) • reflection on chosen topic (identify problematic issues, evaluate and justify topic, consideration of change and imaginative suggestions) • clarity of expression and overall structure (fluent and appropriate language, grammar/spelling accurate, clear structure) • referencing (one source per reflection, accurately used) • conformity with instructions (work submitted on time and within word limit).

Table 1: Reflection Task (adapted from Roebuck et al. 2007)

The workshop also highlighted another approach to reflection used in law: this involved reflective journals, learning chronicles and short stories and scripts to illuminate law-content understanding. In one topic related to domestic violence, learning processes included formal instruction using visual aids, 'buzz groups' undertaken in pairs to generate questions for client interviews and answering a series of questions in groups. After students submitted their reflective writing, they received additional support through follow-up emails acknowledging their insights (Easteal 2008).

Group Work

Another team at the workshop focused on group work. Working in groups within university programs provides opportunities to develop interpersonal relationships and teamwork skills.

University graduate attributes usually include working in teams. For example, one university identified self and cooperative work-management skills in law as being able to:

...collaborate effectively with others in order to achieve goals, including participation and contribution to group discussion, sharing information, dividing up work tasks, building consensus and generating effective team outputs. This includes for example, the ability to work effectively as part of a legal team preparing a case for trial or settlement negotiations (UTS).

The value of collaborative work for students within law studies has previously been highlighted, the benefits including students' pooling individual experiences, developing group and conflict resolution skills and developing higher-level understanding and more positive views towards the subject matter (Israel, Handsley & Davis 2004).

Given the importance of building towards graduate outcomes early in their studies that workshop participants highlighted, the assessment group developed a task for group work for first-year law students. This task included clear outcomes related to graduate attributes (such as body of knowledge, reflection,

interpersonal understanding, group work and communication), and was supported by scaffolded learning, an assessment task and assessment criteria, as shown in Table 2.

Objectives/outcomes	Scaffolded Learning	Assessment Task	Assessment Criteria
<p>First year preparatory task demonstrates ability to complete task using appropriate group work processes.</p> <p>Possible Graduate Attributes:</p> <ul style="list-style-type: none"> • body of knowledge • reflection on learning • interpersonal understanding and group work • communication. 	<p>Through:</p> <ul style="list-style-type: none"> • lecture on roles in groups, theoretical framework communication theory • video/DVD viewing of group work (eg A Few Good Men re lawyers working together) • assigning reading material appropriate for student cohort and including role differentiation in group work • practice presentation of oral/written task for tutor/ other group feedback using assessment criteria. 	<p>Completion and presentation of group assignment (either orally or in writing), including peer-assessment through written reflective record of teamwork evaluation sheet.</p>	<p>Demonstrate:</p> <ul style="list-style-type: none"> • quality of group work process from understanding of roles to working as team member in solving problems, and participation in discussions and negotiations • understanding of role differentiation, including leading team in problem solving and demonstrating initiative • equality of contribution • ability to listen to others and ask questions appropriately within team • respect for other points of view and discussion without domination • ability to reach consensus • appropriate allocation of roles and timely completion of allotted task within available resources.

Table 2: Group Work

As indicated, scaffolded-learning activities relevant to group work included communication theory lectures, relevant DVDs of practical situations, reading material about group work roles and the practising of teamwork presentations. Assessment criteria were related to group-work presentation and peer-assessment reflection about teamwork.

Success tips identified by workshop participants for first-year students doing group work included providing some negotiation opportunities without being overwhelming; staff enthusiasm; training students in group skills; and highlighting the importance of group work in the workplace.

Survey data

The survey, which used a five-point Likert scale (strongly agree, agree, undecided, disagree, strongly disagree), provided information about whether professional learning events were considered worthwhile; whether there had been modifications to practice; the degree to which ideas had been shared; and future network links.

There were 25 survey responses. Eighty-four percent of respondents indicated that the events in which they were involved were worthwhile or very worthwhile, and 72% had made modifications to materials. Ninety-six percent agreed or strongly agreed that there were opportunities/intention to share after events, and 76% had had or intended to have further discussions with relevant networks and groups.

Additional comments were made about the professional learning processes. Respondents particularly praised the valuing of the academics from other institutions and the chance to share materials with other law academics, and indicated that there had been or would be changes in curriculum practices. These responses are typified by the following comments:

One of the most beneficial aspects of the project was meeting with other law school academics and hearing of the different practices in different universities, as well as discussing similar issues/concerns/ideas.

I thought that the Assessment workshop was well run and valuable, as was the networking opportunity. It was reassuring to see that colleagues in other institutions were grappling with similar problems and also inspiring to see some of the ways those issues had been/were being tackled.

I have used the information to help shape change within my faculty. It is essential to know what is happening in the wider sector and attendance at the conferences etc has allowed me that opportunity.

In particular, the newspaper format of the materials makes it relatively simple to pass on to fellow staff.

Discussion

A national legal-education project workshop focused on assessment and catering for the increasing diversity of law-student backgrounds produced relevant materials to support the attainment of graduate attributes.

Given that the workshop was part of a range of professional opportunities, and consistent with research about effective professional development involving participants in collaborative student-focused work, the workshop evaluation surveys indicated effectiveness. Participant reactions to the professional opportunities were positive, and indicated intentions to change practices, including modification to student learning materials in respondents' own contexts and sharing of ideas with colleagues after events. It was noted that respondents who had been involved in several professional learning opportunities, including the assessment workshop, were particularly positive about their learning and the impact of their participation on other colleagues. Many participants were also having further discussions or planning follow-up discussions with other networks, including conducting similar workshops.

Academics were therefore, in practice, being upskilled in wider educational approaches. Consistency with Vygotsky's (1978) scaffolded approaches to accelerate learning, criterion-referenced assessment involving transparent criteria and Bigg's (undated) constructive alignment was evident. The workshop focus on group work and reflection was supported through using scaffolding, transparent outcomes and criteria as key strategies that could potentially cater for students with diverse backgrounds. While competition and individualism are part of the traditional legal context, collaborative tasks and placements in clinical environments that aim at achieving social-justice ends are also key aspects of many Australian law programs. The focus on university program outcomes, including student development of team skills and self-management incorporating reflection, is also highlighted in the current Australian Learning and Teaching Council work on academic standards, both generically and in regard to the law (ALTC 2010: 10-11).

The wider range of learning and assessment approaches focused on social relationships and personal reflection is also important for dealing with law-student stress, which is disproportionately high compared to other student groups and seemingly increasing during the program of study (Kelk et al. 2009; Heins et al. 1983). As there are indications that stress can be directly associated with what goes on in the discipline, there is certainly justification for law schools' role in training students to be competent in managing stress and distress, and in using supportive learning and assessment approaches.

Strategies for reducing the isolation and competitive nature of law education preparatory study include academics actively dealing with this issue through reflective writing and group work, rather than assuming students will acquire skills of resilience through innate processes. Israel, Handsley and Davis (2004: 12-14) note that working in groups within law programs from the early years of study is essential and needs to be acknowledged. Even though, given the wider background of students than in the past, many have experience participating on workplace committees, it is important to directly teach various roles and skills

in working together, rather than considering this as something the ‘good’ students will pick up or have already developed on their own.

Various researchers have identified other strategies for supporting diverse student background needs and mental health (usually with a particular emphasis on first-year students). These strategies include transition arrangements, mentoring programs with peers and the establishment of communities of practice (Fitzsimmons, Koslina & Vines 2006). These strategies are being considered as ‘vital to the resilience of students [to]...help them when the pressure of assignments becomes intense’ (Fitzsimmons et al. 2006: 111-112).

Beyond the issues of mental health across the law-student population generally, there are concerns about the increasing diversity of law students. This is especially relevant for particular equity groups and ‘the students’ desire for recognition or acknowledgement by staff of their circumstances’ (Stevens, Douglas, Cullen-Mandikos & Hunter 2006: 29). Highlighting reflection as a learning process and the role of academics in supporting students in dealing with stressful work in the profession and in their studies, Heath (2005) advocates embracing the presence of emotion in the classroom, rather than approaching teaching in a disengaged or clinical fashion (p.130). It is likely to be an accurate assumption that at least some law students will be subject to stress when the content of the law being taught has either an emotional element to it or will produce strong emotional responses among students. Heath argues:

[T]he implicit premise of emotionally disengaged approaches – that everyone in the class can take a dispassionate view of the subject matter – is inaccurate. In place of emotional disengagement, I would advocate ‘an ethic of caring’: engaging with emotion in order to promote the learning and wellbeing of students. I am not advocating that we invite students to express emotions in class ... Rather, I am suggesting that we acknowledge the presence of emotion about the subject matter in the classroom and provide students with resources to allow and encourage emotional self-management and constructive responses to others’ emotions (Heath 2005: 130-131).

Conclusion

Given that the assessment-workshop materials were made available and forwarded directly to each Australian law academic, and that many participants in the various project activities were in senior leadership positions within law schools, it is anticipated that some degree of change in professional learning approaches has occurred and will continue into the future. This is particularly important given the increasing diversity of law students and the Review of Australian Higher Education Report findings and directions. Regarding sustainability and the law profession, the continuing work within the tri-annual meetings of the Council of Australia Law Deans and within the teaching and learning network gives some cause for optimism about ongoing change in legal academic practices on a national level.

Cross-university leadership and collaborative learning approaches and longer-term change are also likely to be further supported in the Disciplines Setting Standards ALTC project work for law. This project has already identified key directions for its work as focusing on the undergraduate level, devising realistic learning outcomes, building on existing standards and recognising multiple perspectives of accreditation and recognition (ALTC, 2010). The law-discipline project is consistent with other ATLTC discipline-based projects and their standards work, with all groups operating within a collaborative learning framework.

While the findings and analysis in this paper are derived from only a small-scale project and have associated limitations, the focus on cross-institutional leadership and collaborative professional-learning approaches does provide some possible strategies for consideration by other disciplines in terms of strategies for changing academic practices to more effectively support increasing student diversity.

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