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Its overall focus is to promote excellence in legal academic teaching and research with particular emphasis on supporting early career academics, throughout Australasia, in the areas of:

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- (b) Curriculum refinements and pedagogical improvements in view of national and international developments, including law reform;
- (c) Government policies and practices that relate to legal education and research;
- (d) Professional development opportunities for legal academics;
- (e) Professional legal education and practices programs.

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**REFLECTIONS ON TEACHING A FIRST YEAR LAW COURSE
DELIVERED IN DISTANCE MODE FROM AN ASSESSMENT
PERSPECTIVE**

KALMEN HYMAN DATT*

This paper reviews the experiences of the author in teaching, by way of flexible distance mode, a first year compulsory law course. It considers the problems encountered by students and the factors that may impact on their learning experience.

After a review of the literature the author introduces changes to the assessment regime of the course with a view to eradicating or significantly reducing these problems. These proposals include issuing a CD to students detailing basic information including assessment criteria and skills; offering bonus marks for constructive participation in online discussion threads; introducing a modified form of peer review where students comment on fellow students' assignments and both the review and assignment are assessed; and altering the assessment regime. Save for the modified peer review which will become operative in 2008, all the changes were introduced in 2006.

The author evaluates the changes in operation and concludes the results are positive but there may be a need for some modification to fully achieve desired outcomes.

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I INTRODUCTION

This paper is a reflection of an early career teacher on a compulsory first year law course, *Basic Tax Law and Process* ('the course'), within the Australian Taxation Studies Program ('Atax').¹ Atax is a school in the Faculty of Law at the University of New South Wales ('UNSW') specialising in programs with a tax bias.

A Atax

Atax delivers its courses in a flexible distance mode to a body of students that are, primarily, in full time employment and dispersed throughout Australia and overseas.²

Atax courses are designed both to meet the needs of students and to cater for employers who require specific skills from graduates.³

Atax strives to provide a basis for students to become critical thinkers, to be information literate,⁴ to continue their learning and understanding and maintain an excitement for their discipline for the rest of their lives.

¹ The author wishes to record his thanks to Associate Professor Michael Walpole Assistant Director of Learning and Teaching at Atax for his helpful comments on the preparation of this paper.

² Records are not kept of the exact numbers of students who are employed whilst studying. However in discussion with students it is found that almost always they are in full time employment whilst studying with Atax.

³ David Boud, Ruth Cohen and Jane Sampson, 'Peer Learning assessment' (December 1999) 24(4) *Assessment and Evaluation in Higher Education* 413 said: In parallel with this pragmatic push there has been a reassessment of the goals of university courses and a new emphasis on generic learning outcomes. Encouraged by demands from employers for graduates to possess a broader range of skills and to be able to communicate effectively beyond their specialisation, courses now are expected to develop what are variously termed transferable skills (Assiter, 1995), key competencies (Mayer, 1992), generic attributes (Wright, 1995) or capabilities (Stephenson & Yorke, 1998). <<http://proquest.umi.com/pqdweb?did=48632722&sid=1&Fmt=3&clientId=25620&RQT=309&VName=PQD>> at 3 March 2007.

⁴ Canberra Council of Australian University Librarians '*Information Literacy Standards*' (1st ed, 2001) defines literacy as: Information literacy is an understanding and set of abilities enabling individuals to 'recognise when information is needed and have the capacity to locate, evaluate, and use effectively the needed information.' Incorporating information literacy across curricula, and in all programs and services, requires the collaborative efforts of academics, staff developers, learning advisers <<http://www.caul.edu.au/caul-doc/InfoLitStandards2001.doc>> at 3 March 2007.

B The author

The author joined Atax in 2004. Prior to this he had been a practicing barrister/solicitor. He has had responsibility for the course since 2005. The author observed that a significant number of students struggled to acquire basic skills and had difficulty in applying their knowledge of tax to practical examples.

This paper deals with the author's suggested solutions to these problems from an assessment perspective.

II THE SCHEME OF THE PAPER

Section one of the paper introduces the reader to Atax and the author. Section three briefly considers the skills required of graduates in tax. Section four refers to the manner by which the course is currently taught and assessed to enable the reader to understand the nature of the problems encountered by students and the suggested solutions. It then describes various problems encountered by students and considers factors that could influence these problems. Section five is a review of the literature. The next section deals with the changes to the way in which the course is assessed to achieve desired outcomes and how this links to the literature. Section seven refers to how the changes will be monitored. Section eight evaluates the changes that have already been introduced. The author's concluding remarks are in section nine.

III SKILLS

The course introduces students to a number of skills they must acquire and perfect to enable them to become critical thinkers, think laterally and operate in the real world. The skills include the ability to read, critically analyse and understand a case report; statutory construction and the development of an independent capacity to resolve basic tax issues. Other skills required by students are briefly described below.

Students must be able to communicate both orally and in writing. They must be able to do complex searches on a multitude of databases to ensure that the law (both

legislative and judge made) has been comprehensively researched. They need to understand that in law there is often no right or wrong answer, but that a well-argued opinion, certainly from an academic perspective, will be rewarded.

Finally students must be able to work in groups and have the ability to communicate with their peers and others in such a way as to be able to convey sometimes complex facts, issues and arguments in a way that is easily understood by the target audience.⁵

IV THE COURSE

A Previous Delivery and Assessment Practice

As the course is delivered in flexible distance mode a number of techniques are used to facilitate the acquisition of skills and knowledge. The process followed is set out below.

Before the semester commences there is an orientation day at which students are given details about the program, assessment, research tools, WebCT⁶ and information designed to help them in the transition to university study.

Study materials which are couriered to students, are modular, stand-alone units that are compatible with short bursts of learning.⁷ Each module refers to learning objectives, key concepts and contains references to suggested and prescribed readings as well as activities (with suggested answers) designed both to test the student's assimilation of knowledge and to reflect. Each module builds on the preceding one. The bases on which assignments and exams are assessed are described in this material.

⁵ This entails knowing and understanding your audience and adjusting the complexity of the presentation to that audience. This is just another example of how important communication is to all professionals.

⁶ WebCT is an online portal of study materials, past exam papers, bulletin boards and email facilities. Students can interact with the lecturer via email or join online study groups or discussion groups. WebCT is designed to extend and enhance students learning opportunities.

⁷ As suggested by the American Distance Education Consortium, *Guiding Principles for Distance Teaching and Learning* <http://www.adec.edu/admin/papers/distance-learning_principles.html> at 3 March 2007.

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Audio conferences (a communal telephone link between lecturer and all students scheduled for one and one half hours every second week) are used to enable students to clarify issues on which they are unclear. Its prime function is to enable a discussion to take place between the students themselves and the students and the lecturer. They are not compulsory and are not assessed. Discussion is important in that the act of verbalisation forces the student to crystallise any problems they may have which often makes resolving it relatively easy. This concept of discussion is one that pervades the course

A full day 'regional class' is held once each semester as an intensive review of the skills and technical knowledge to be acquired by the students. Lecturers go to all the main centres in Australia, where numbers warrant it, to deliver these classes. They are not compulsory and are not assessed.

In 2005 a series of voluntary unassessed discussion threads by way of WebCT were held. Formal assessment of the course was by way of three assignments and a final exam: 10 per cent of the marks were allocated to each of the first and second assignments, 20 per cent to the third and 60 per cent to the exam. The first two assignments assess basic skills. The third assignment consists of problems where the student must demonstrate an ability to apply technical knowledge utilising acquired skills. Stress is placed on word limits as this avoids undue prolixity and ultimately assists students in composing clear and concise documents in a professional context. Exams contain both problems and essay questions. There is no choice of questions given.

The assessment criteria for assignments include having to identify the issues and material facts; evidence a critical mind at work, tie arguments back to the problem and produce a properly referenced, concise, logical and a linguistically well written paper. These criteria appear before each assignment topic. Certain criteria are emphasised in each audio conference and the regional class.

B Effectiveness of Former Practice

This part of the paper identifies the problems encountered by students. It then considers various factors that could impact on student learning and how they have influenced the author in changing the assessment regime for the course. Finally, the author refers to a survey conducted with students in 2005 the results of which support the conclusions reached by the author as to the need for change.

1 General Problems

The author's observations in 2005, based on discussions with students, dealing with queries, assessment of assignments and exams, monitoring of the discussion threads as well as monitoring unsolicited on line discussion between students, evidenced that students were encountering a number of problems.⁸

Students evidenced an inability to cope with the transition from a school or TAFE environment where the ability to repeat information appears to be paramount as opposed to the ability to think critically.

Students appeared to have little or no concept of the amount of time and effort they must devote to their studies. Added to this is a perception by some, that the course, being a first year course, should be relatively easy to pass and that a minimal amount of study should be sufficient.

Students struggled to acquire basic skills and knowledge.

These problems were exacerbated by the fact that Atax teaches by way of flexible distance mode of delivery. Students demonstrably need to be disciplined in this mode of delivery. In accepting ownership of the learning process students must be both self motivated and self directed.

⁸ Some 30 per cent of students faced one or more of the problems mentioned in the paper.

2 Support

In the author's view it is essential that students in their first days and weeks and probably first semester of study should be given support to ensure that the transition from school, or TAFE, or lengthy absence from learning, to university is seamless and that they are given as much help as possible⁹ in acquiring the skills and knowledge to enable them to successfully complete the program. This support must be correlated to the assessment process.

At Atax the support function is multi-faceted. There are the audio conferences and regional classes. Discussion between students themselves and teachers and students is encouraged. The assessment process is designed to assist students in acquiring both knowledge and skills.

3 Critical Thinking

Critical thinking is an essential feature of every discipline but the meaning of that term is not always clearly articulated to students. Students need to know what is expected of them. This must be explained and reinforced by positive learning techniques and the assessment process. They must query positions taken, examine the evidence available with a view to reaching conclusions, analyse the cases and apply them to the factual matrix before them in a way that applies the principles of law distilled in a coherent and logical way.

Visser et al¹⁰ are of the view distance learning offers immense opportunities to students to become critical thinkers. Web sites are available to all learners at all times during the academic semester. Learners can reflect on written materials contributed by all members of the course, and they can contribute without having to feel constrained

⁹ Students need support at all stages of their development but in the author's opinion this need is particularly important at the first year level. This seems to be generally accepted. See, eg, material on Support for Teaching: Learning and teaching Unit of the University of New South Wales, *First Year Learning and Teaching* (2006). A subset of these notes refers to first year students.. <http://www.ltu.unsw.edu.au/content/teaching_support/first-year.cfm?ss=0> at 3 March 2007.

¹⁰ Lya Visser, Yusra Laila Visser and Charles Schlosser, 'Critical Thinking in Distance education and Traditional Education' (2003) 4(4) *Quarterly Review of Distance Education* 401 <<http://proquest.umi.com/pqdweb?did=844312091&sid=1&Fmt=3&clientId=25620&RQT=309&VName=PQD>> at 3 March 2007.

by the 'fifty minute period' that characterises many face-to-face courses. As distance learners generally continue to operate within the professional and social contexts that are part of their local communities, these students bring into the classroom context 'real-world' experiences that provide a testing ground for developing and applying critical thought. They are able to offer each other a great variety of experiences and insights, increasing opportunities for the class as a whole to negotiate the complexity and ambiguity of the world, and increasing opportunities for careful reflection on the role of critical thought and discourse in interacting with this complexity and ambiguity.

It seems distance students may have a distinct advantage over face to face students in acquiring this skill.

4 General Adverse factors to Learning

Maryellen Weimer¹¹ mentions a number of issues which in her opinion affect learning.

Firstly for every act or omission on the part of a student there should be consequences. Weimer states that students should experience consequences when they come to class unprepared. They should not be rewarded with a carefully crafted summary supplied by the teacher.

This approach facilitates students' taking ownership and responsibility for their learning. This is essential in a distance learning course. It encourages and rewards effort.

The converse of Weimer's proposition may be of even greater significance. What consequences flow from courses that are not effectively designed; or teachers giving feedback late or in an inadequate manner; or using teaching strategies that result in

¹¹ Maryellen Weimer, 'Focus on Learning, Transform Teaching' (2003) 35(5) *Change* 49. <<http://proquest.umi.com/pqdweb?did=592363011&sid=3&Fmt=3&clientId=25620&RQT=309&VName=PQD>> at 3 March 2007.

superficial learning on the part of students or being unaware of potential or actual problems faced by students? This must result in undesired outcomes. The need for reflection and consequent action are essential on the part of teachers.

It seems that there are no criteria laid down by the UNSW and other universities for a form of peer or other review whereby teaching can be assessed mid semester or during a course.¹² Teachers must understand the causes of problems faced by students and take active steps to eliminate or at least significantly reduce their effect.¹³

Stephen Brookfield¹⁴ uses a document described as a critical incident questionnaire ('CIQ') to alert him to potential problems before they became critical. At the end of each semester each student must hand in a summary of their responses as part of their assigned course work. The summary reflects how students have learnt during the semester. Criticisms are reported and discussed.

In seeking to evaluate the changes introduced to date the author utilised a modified form of the CIQ devised by Brookfield to identify potential problems to the course in its revised form.¹⁵

Secondly Weimer believes how students learn is at least as important as what students learn. Students need to learn those habits of the mind characteristic of the discipline.

¹² The author had his Head of School listen in to one of his audio conferences in an attempt to ensure that the method of conducting the audio and its content was of a high standard. The response was gratifying. This type of review is rare at Atax. The author understands that the Atax approach is not common to all universities. There should be a mechanism whereby the manner in which courses are taught are reviewed during the teaching process. A discussion of this topic is beyond the scope of this paper.

¹³ All new teachers at Atax must undergo a five day course known as 'Foundations in Learning and Teaching' to appraise them of current thinking and stratagems in teaching. In addition all staff must achieve a minimum mark on the reviews conducted with students at the end of each semester. If below a certain minimum management must be advised of the reasons for the low grade and state what steps are being taken to resolve the problem identified by the review. Finally, at the UNSW, in regard to promotion teaching is now regarded as being on the same level as research. When making application for promotion a teacher can weight teaching by up to 60 per cent of the total of the various categories that are taken into account in considering a teacher's promotion prospects. Significantly teaching can never be less than 30 per cent of the aggregate.

¹⁴ Stephen Brookfield, *Becoming a Critically Reflective Teacher* (1995) Ch. 6.

¹⁵ The results of this survey are discussed in section eight of this paper.

How do those in the field think critically, ask questions, frame answers, explore controversies, and reason from problems to solutions.¹⁶

5 The Method of Teaching

A number of issues arise under this head.

Teachers do not have the advantage of seeing the visual and other signals that students give when not engaged or confused or do not understand a concept. Often there is reluctance to voice areas of concern at audio conferences or regional classes. The reasons for this would appear to be that students do not feel at ease with the lecturer and colleagues as they would in a face to face environment.¹⁷

Secondly, Diane F Halpern and Milton D Hakel¹⁸ point out that we process information by means of two distinct channels—one for visuospatial information and one for auditory-verbal information. They believe that information that is represented in both formats is more likely to be recalled than information that is stored in either format alone. The author agrees with this view. This is one of the reasons why a CD has been introduced into the course.¹⁹

For Halpern and Hakel ‘practice at retrieval’ was essential. Learners need to generate responses, with minimal cues, repeatedly over time with varied applications so that recall becomes fluent and is more likely to occur across different contexts and content domains.

Atax students are given as many opportunities as possible to apply technical knowledge using acquired skills over a period of time through the methodology

¹⁶ Weimer, above n 11.

¹⁷ This attitude on the part of students is an anathema to the climate of open discussion that Atax encourages. This reticence on the part of students is one of the reasons why the author determined to ensure that students prepared for audio conferences—see section six of this paper. This preparation should assist students being more confident about voicing concerns or different points of view.

¹⁸ Diane F Halpern and Milton D Hakel, ‘Applying the Science of Learning to the University and Beyond; Teaching for Long Term retention and transfer’ (2003) 35(4) *Change* 36.
<<http://proquest.umi.com/pqdweb?did=592363071&sid=1&Fmt=3&clientId=25620&RQT=309&VName=PQD>> at 3 March 2007.

¹⁹ See section six of this paper below.

adopted with audio conferences, regional classes and the incorporation of self assessment tasks in the study materials.

6 Survey

At the end of the first semester in 2005 the author conducted a survey of all students to ascertain their views on issues where they felt they needed assistance. There were 35 responses out of a class of 141 students. The survey showed that students required information on course objectives, assessment criteria and more training in the skills mentioned previously in this paper.²⁰

They also felt that the amount of reading for the course was making unreasonable demands of their time.²¹

The above reinforced the author's view that the course needed to clearly define its goals and objectives and to redefine and clarify the method of assessment to achieve desired outcomes.

V LITERATURE REVIEW

Although the literature dealing with assessment generally refers to the case where students are taught on a face to face basis, some of the views expressed are of universal application, and others, with the necessary adaptation, could be of application where learning is on a flexible distance basis.²² The literature reflects a number of different but complementary views.

There should be a clear alignment between expected learning outcomes, what is

²⁰ See section three of this paper for a description of the required skills.

²¹ The entire Bachelor of Taxation program is under review and the issue of reducing the length of the course has been held in abeyance pending the outcome of that review.

²² The review does not purport to be comprehensive. It also does not refer to literature referred to elsewhere in this paper.

taught and learnt, and the knowledge and skills assessed.²³

Biggs²⁴ states the score an individual obtains reflects how well the individual meets preset criteria, being the objectives of the teaching. He states that matching performance against criteria is not a matter of counting marks but a holistic judgment on the part of the marker. The advantages of this system are that teachers are forced to reflect on what is meant by understanding and how to foster it; students see that what they are learning is real. The outcomes on graduation translate into informed action which is what the community wants.

George Brown²⁵ considers the relationship between methods of assessment such as essays and problems with the person marking the project and the criteria used to determine the marking scheme. He contends it is axiomatic that this trilogy (method, entity and criteria) of factors is a closely knit relationship and should any one of the individual components fall down it can affect the result sought to be achieved. The point is made that markers often lose sight of the fact that different criteria have different weights depending on the level of the program reached by the student.²⁶

Flinders University state the objectives of feedback is to enable teachers to adapt and adjust teaching and for students to adjust their learning strategies.²⁷ Generic feedback gives clarification of misconceptions on a broad scale with the advantage of having as a component a comparison with peer responses. From a learning perspective feedback must be timely, perceived as relevant, meaningful, encouraging and offers

²³ In 2001 the LTSN Generic Centre, under the auspices of the Higher Education Academy issued a series of guides and briefing papers on assessment, aimed at providing an overview of the issues surrounding assessment. That part of the guide referred to in this paper is directed at lecturers. George Brown, *Assessment: a Guide for Lecturers* (2001) <http://www.heacademy.ac.uk/resources.asp?process=full_record§ion=generic&id=3> at 3 March 2007.

²⁴ John Biggs, *Aligning Teaching and Assessment to Curriculum Objectives* (2002) <<http://www.heacademy.ac.uk/resources.asp?section=generic&process=search&pattern=Aligning%20Teaching%20and%20Assessment%20to%20Curriculum%20Objectives>> at 3 March 2007.

²⁵ Brown, above n 23.

²⁶ This is something we at Atax always bear in mind when marking papers.

²⁷ Flinders University has published on their web site, under the heading Teaching and Learning @ Flinders, notes on Teaching Strategies. One of these notes is on Feedback. Flinders University, *Giving Feedback* (2007) <<http://www.flinders.edu.au/teach/t41/assess/feedback.php>> at 3 March 2007.

suggestions for improvement. It is necessary to teach students how to use feedback and to check if they have applied the feedback in current assignments.²⁸

Geoff Isaacs²⁹ states that assessment is almost a continuous process. Even on informal occasions assessment particularly of the formative kind is taking place. The view is taken that the better approach is that in each module teaching and learning opportunities are provided which move the students closer to the program outcomes. This is precisely what is sought to be achieved by the author's proposals.

Thomas A Angelo³⁰ suggests that most assessment efforts have resulted in little learning improvement as they have been implemented without a clear vision of what deep learning is and how assessment can promote such learning. He states there are four pillars of transformative assessment that must be developed before we can construct learning communities. These are shared trust; shared visions and goals; shared language and concepts; and a need to identify research based guidelines that can orient our assessment efforts towards a productive learning community.

Graham Gibbs³¹ writing for the Teaching & educational Development Institute of the University of Queensland describes a case study he undertook to illustrate how assessment can be as a tool for student improvement. The study considered a series of unassessed peer reviews of work done by fellow students. Each student had to do a minimum number of reviews to sit the final exam. Gibbs' conclusions are that students in reviewing the work of fellow students would have found both new ways to succeed in resolving problems other than those devised by themselves and errors they made and other errors which they would need to avoid. The act of marking

²⁸ It seems that students often only refer to their marks on an activity and ignore or take very little notice of specific or generic feedback that is furnished. Consideration should be given to how students react to feedback and the manner it could be used to best advantage. How to encourage and teach students to use feedback is beyond the scope of this paper.

²⁹ Geoff Isaacs, 'Assessment for Learning' (2001)

<http://crunchie.tedi.uq.edu.au/downloads/Assessment_for_Learning.pdf> at 3 March 2007.

³⁰ Thomas A Angelo, '*Doing an Assessment as if Learning Matters Most*' (1999)

<<http://frontpage.uwsuper.edu/scholars/assess.pdf>> at 3 March 2007.

³¹ Graham Gibbs, 'Using Assessment Strategically to Change the Way Students Learn' in Sally Brown and Angela Glasner (eds) *Assessment matters in Higher Education* (1999).

brings a focus to detail and a new perspective of one's own work. Students must learn to realise the amount of time and effort that should be spent in presenting a 'good' paper. This view supports the author's proposal of utilising a form of peer assessment to assist in achieving course outcomes.

David Boud, Ruth Cohen and Jane Sampson³² say where the outcome sought is lifelong learning which includes forms of reflection and self-assessment, then engaging in assessment in conjunction with peer learning provides a useful start. Peer review requires a climate for learning and assessment which encourages reciprocal communication and openness to feedback.

Notwithstanding the advantages that Boud et al espouse for peer review, they mention four caveats when implementing a peer assessment program. The first is that the form of assessment must be appropriate to the outcome sought to be achieved otherwise it can lead to students taking a surface approach to learning.

Secondly, assessments need to at least acknowledge if not reward collaboration where peer learning is used. The third is that overloading is likely to lead peer learning activities to be either ignored or fall into disrepute. The final peer assessment could inhibit cooperation between students as there is an inherent contradiction between helping one another and an assessment process which pits students against each other. Notwithstanding this they say that peer comments are systematically sought with respect to criteria identified either by the group or the learner.

VI THE PROPOSED CHANGES

After a consideration of all of the above, it was determined that regard would be had primarily to the way in which the course was assessed to try and resolve the problems identified. The changes were introduced in 2006. The modified peer review mentioned below will become operative in 2008 as there is a review of the entire B

³² Boud et al, above n 3.

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Tax program in progress which will impact significantly on the course and which will become operative in 2008.

First, a CD (video)³³ was created to deliver information both in a visuospatial and auditory-verbal format as suggested by Halpern and Hakel.³⁴ The purpose of the CD is to assist students in familiarising themselves with the assessment criteria, to support them in the transition to university study, to explain the skills to be acquired, to give guidance on the first assignment and to signpost areas that require consideration when analysing a case.

Secondly, students (and teachers) will have to bear the consequences of their acts or omissions.

In the past most students did not read the prescribed material and relied on the lecturer to convey information in the form of a lecture at each audio conference. These conferences will now be used as a discussion forum on concepts and issues of importance. The experiences of the class and the lecturer can be brought to bear to make the course real. Students will be advised, prior to each audio conference, of topics the lecturer will canvass if there are no issues raised by students. The conference will terminate if there are no students that have read sufficient to participate. As long as there is at least one student that is able to participate the conference will continue for its scheduled length.

This encourages students to take ownership of the learning process. This requires discipline on their part. It also results in the necessary revision and reading taking place.

³³ This does not strictly relate to assessment. The author, however, believes that the CD will assist the assessment process by giving students guidance on what is expected of them from a range of perspectives, including assessment. Students need to know what is expected of them to enable them to achieve the desired outcomes. Assessment criteria are one of these factors.

³⁴ See Halpern and Hakel, above n 18.

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In conjunction with the above, the teacher must ensure that course materials are relevant and updated regularly. If new technologies would result in better outcomes it should be used or adapted for use in delivering the course. Feedback on assignments must be constructive and given in a timely manner. Student activities must be aligned to achieve desired outcomes.

A modified CIQ will be issued whenever the course is offered. Student responses will be discussed with them at an audio conference. These views must be taken into account in considering possible changes (even immediate changes) to teaching strategies and course content where appropriate.

Non compulsory discussion threads will be put up and participation will be assessed. Students would be rewarded for active and relevant participation with one bonus mark over and above any other marks achieved by the student. There will also be a further possible one bonus mark if the input of a student contributes significantly to the discussion and is both considered and relevant. The lecturer would monitor these threads on a daily basis and suggestions would be made as to the approach to be followed and areas not previously considered. This would run for some 10 days including two weekends. Student contributions should not exceed about 10 lines to half a page.

This is not very time consuming on the marker's part. Participation can be monitored electronically. In the author's opinion the failure to assess the discussion threads in 2005 contributed to the lack of student participation. Even the limited amount of marks that can be awarded should result in greater student participation than occurred in 2005. The outcomes to be achieved include tolerating ambiguity, defining problems and examining evidence.

Celeste Walls³⁵ writing on the topic of threaded on line discussions in a face to face environment was of the view that threaded online discussions are one key strategy for increasing interaction in online courses...[t]he formation of groups allows students to both share and critique project work. When peers lead online discussions, greater learning often results.

Two marks is a minor percentage of the total marks available and should not cause an imbalance in the assessment process.

Fourthly the formal method of assessment will be changed. As the first assignment is discussed on the CD marks for this will be reduced to five per cent. The marks for the second assignment will remain at 10 per cent of the total mark. The third assignment will be allocated 25 per cent of the marks as there are in fact two tasks to be performed by students for this last assignment.³⁶ The exam will remain at 60 per cent of the allocated marks. The assessment criteria will be enforced and marks will be allocated for research, the logical flow of ideas and the correct use of language.

This reallocation of marks emphasises the importance placed on problem solving, critical analysis, information literacy and communication. Students are made aware by the assessment process how important it is to acquire the basic skills mentioned in this paper and to continually seek to perfect their application by practice.

The final proposal is that of a modified form of peer review. All students receive the same problem based assignment but before presenting their proposed answer for assessment it must be forwarded to a co-student, chosen at random, for review and comment. On receipt of the review the first document may be amended prior to formal submission. Both the review and final answer are assessed.

³⁵ Celeste M Walls, *Some Strategies for Balancing Economies of Scale and Interaction in Online/Distance Education Courses* (2005)
<http://www.usq.edu.au/electpub/e-jist/docs/vol18_no1/fullpapers/Celeste_Walls.pdf> at 3
March 2007.

³⁶ This is the introduction of what the author refers to as a modified peer review regime and referred to below.

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The modified peer review has the goal of enhancing all the skills needed by students. The learning objectives are built into the peer learning experience and interwoven with the subject content. These objectives include the development of learning outcomes related to collaboration, teamwork, and becoming a member of a learning community; critical enquiry and reflection; communication; and learning to learn.³⁷

Ground rules must be set for this review process. The student doing the review must be advised in unambiguous terms of the assessment criteria and the terms under which the review is to take place. The knowledge that their peers will have sight of and comment on their work should create some self reflection on the part of students as to the quality of their work.

Each student must do both a review and an original paper. The drafting of the original paper requires an ability to communicate, exercise judgment, critical analysis and information literacy. The review requires an application of the same attributes but looked at from the perspective of the marker and requires insight. This process should facilitate reflection in both students and enable them to improve their skills and knowledge exponentially. They will see different approaches, ideas and communication styles.

David McConnell³⁸ in dealing with peer review in a group context said it requires a high degree of online communication skill, and an equally high level of supportive, yet critical, judgment. This observation is of application to the modified form of peer review suggested by the author.

A potential problem is that marking both the review and the original question is time intensive particularly with large classes and limited turn around times available for marking and constructive. With adequate resources (an ever present issue) this can be overcome.

³⁷ See Boud et al, above n 3.

³⁸ David McConnell, 'The Experience of collaborative Assessment in e-Learning' (2002) 24(1) *Studies in Continuing Education* 74 <<http://search.informit.com.au/fullText;dn=117837;res=AEIPT>> at 3 March 2007.

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Feedback by the lecturer must relate not only to the document reviewed but also to the review. This entails consideration of two separate documents. If set at an appropriate time, this can be done. Feedback can be by way of generic comment detailing areas of common concern with minimal individual comment. This can be supplemented by some general discussion on the assignment during an audio conference so as to enable specific areas of concern to be canvassed.

A related issue is how to deal with students that are late either with their review, or initial assignment. Generally only a small percentage of students submit papers late. As everything will be monitored electronically the marker can insure that a student is not prejudiced by receiving late documentation from a co student. Peer pressure may in fact reduce the number of students that do not submit a paper for review or complete a review in a timely fashion. If a student is late either in furnishing a draft for review or the review the marks allocated for either piece of work would be subject to a penalty.

Time will be an issue for students. In addition to their own paper, they now also have to review a co-students paper and making constructive comments. The review document could be between half and one page in length. This should reduce the burden on students to some extent.

Those students that have a less accomplished reviewer may feel that they are disadvantaged. The reviewer and original drafter may have different levels of skill or knowledge or both. This is an opportunity for all students to increase their knowledge and skills and to achieve their desired learning outcomes. The mere fact that a student may apply his/her knowledge or skills differently does not mean that their individual approach is not meaningful. On the other hand the apparently less accomplished student will have the opportunity of seeing a paper that deals with the topic to be considered from a different perspective.

The amount of work students will have to put into the course could result in adverse reviews of the lecturer by students. This should not detract from the changes sought. If successful, students will come to realise the benefits of the changes. It also does not follow, in the author's opinion, that a good review is indicative of good teaching. One can for example be entertaining as a teacher, receive good reviews yet the methodology used may not achieve desired outcomes.

If the proposals do not achieve the desired result new ideas and concepts can be trialed or even a reversion back to the original method of assessment. The literature suggests, however, that these proposals should achieve the outcomes sought.

VII MONITORING OF CHANGES

These changes would be monitored in a number of different ways. These include comparing the grades achieved in succeeding semesters; surveys will be taken that seek student views and finally the comments of colleagues who have to teach these students in later semesters will be taken into account in assessing how successful the changes have been.

Once these results are in there may well have to be some further changes or a reconsideration of the proposed approach.

VIII EVALUATION OF PROPOSED CHANGES

All the changes mentioned above were introduced in 2006 save for the modified form of peer review which will only become operative in 2008. At the time of writing the Course and Teaching Evaluation and Improvement results for 2006 are not available.

From the author's observations students seem more prepared for audio conferences than in the past. This facilitates an exchange of ideas and gives students a greater opportunity for practice and reflection. Students are taking ownership of the learning process.

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Participation in the discussion threads was by about half the class as opposed to less than 10 per cent in the previous year. Contributions by all students were constructive.

Language and coherence in writing of assignments improved.

A comparison of the results for 2005 and 2006, shown as percentages, are as set out below.

	Fail	Pass	Credit	Distinction	Higher Distinction
2005	15.6	34.4	37.8	11.1	1.0
2006	12.8	46.2	25.6	10.3	5.1

The results for 2006 reflect less fails, more passes, less credits, a similar number of distinctions and a greater number of higher distinctions compared to the 2005 results. Only two years results are compared being the period that the author had responsibility for the course. The results may not be indicative of a trend but the author suggests that there may be a number of reasons for fewer credits in 2006.

One possibility may be that the student cohort in 2006 does not have the same attributes as did the 2005 cohort. It was found that in other first year courses these students did not do as well as in previous years. It is suggested that the changes introduced contributed to a higher pass rate than would otherwise have been the case.

The number of students admitted to the program of which the course forms a part was, for various administrative reasons not germane to this paper, lower than in earlier years. The possibility exists that this too may indirectly have contributed to 2006 student intake obtaining fewer credits than in 2005. However the fact that there were fewer credits in 2006 is not necessarily indicative that the results in 2006 were inferior to those in 2005. The results must be compared in their totality.

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The results in 2007 are awaited with interest. The success or otherwise of the changes introduced should be apparent by then.

With a view to becoming more responsive to student's needs a modified CIQ as envisaged by Brookfield was also sent to students during 2006. An overview of the responses with the author's comments appears below.

Students found the course most engaging when there was contact with the lecturer either at the audio conferences or at the regional class. By virtue of the method of delivery greater contact between student and teacher is not feasible.

Students were most distanced by the amount of reading required; briefing of cases and citations. The difficulty encountered by students with briefing of cases and citations (fundamental skills) suggests that more emphasis and time must be spent on skills. This will be done by amending the CD to deal in more detail with these concepts as well as introducing a further audio conference devoted to skills.

Puzzling or confusing actions were a difficulty with WebCT and a refusal by the lecturer to hand out a sample answer to an assignment. Some of the technical problems encountered by students were caused through a new version of WebCT having been introduced in 2006 with the attendant teething problems. Hopefully by 2007 these problems will have been resolved. It is not the practice of the author to issue sample answers. The reason is that students are advised there is no right or wrong answer to a problem question and that all well argued papers will be rewarded.

The issue that surprised students the most was the depth of the required understanding of the case law. This suggests that students are adopting deep level learning when engaged with the course. This is encouraging.

A problem was the unreliability of iLectures.³⁹ When asked if students encountered any problems with their study materials the response was no.

Almost every student that responded felt more examples of briefing cases and interpreting legislation would be beneficial. This response is an anathema to student contentions as to the quantity of reading required. Nonetheless a further audio conference will be scheduled early in 2007 to concentrate on these basic skills. The CD will also incorporate more material on these concepts.

Student responses were discussed at the audio conference held immediately after receipt of the survey. Students were appreciative that their views were important and that Atax responded to them. The response to different questions corroborated both the view taken in preparing the CD and its content and the rationale for the changes mentioned in this paper.

IX CONCLUSIONS

The proposals for change suggested in this paper should facilitate an exciting learning environment for students. It will hopefully result in the course achieving all its outcomes and contribute to the reduction and ultimately elimination of the problems mentioned in this paper.

The approach contended for by the author meets all the criteria suggested in the literature mentioned in this paper. On this basis the course should become more interesting, challenging and enhance the student experience. The result should be an increased acquisition of knowledge and skills. The outcomes and objectives of both teachers and students will be achieved.

³⁹ iLectures are a digital recording of the audio conferences that is made available to all students electronically. As with WebCT, this was not performing well. In an attempt to alleviate this problem the author would make a tape of the audio conference which would then be made available to students that did not have access to a local Atax centre. Other students had to ensure that a colleague or the local Atax centre coordinator made a copy for them. In 2007 the problems with iLectures was resolved and it is now fully operational.