ENSURING IMPROVEMENT OR IMPROVING ASSURANCE: STUDENT FEEDBACK-BASED EVALUATION IN AUSTRALIAN HIGHER EDUCATION

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A thesis submitted for the degree of

Doctor of Philosophy of the Australian National University

May 2014

Statement of Original Authorship

I declare that this thesis is my own work and has not been submitted in any form for another degree or diploma at any university or other institution of tertiary education. Information derived from the published or unpublished work of others has been acknowledged in the text and a list of references is given.

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Acknowledgements

I wish to sincerely thank my supervisor, Dr. Linda Hort for her invaluable advice, guidance, insight and wise counsel during the research. I am also grateful to the other members of my supervisory panel during the life of the research, including Professor Gerlese Akerlind, Dr. Nick Hopwood and Dr. Lynn McAlpine. Their collective advice has been important in shaping the nature of this work. I would also like to sincerely thank the staff of the ANU College of Law who generously allowed this research to be conducted within the difficult realities of their academic work.

I also would never have completed this work without the love, wisdom and support of my wife, Dr. Malba Barahona Duran and the ever-cheerful optimism of my son, Jesse.

For my father, who always passionately believed in the liberating power of education, and in my potential where others did not.

Acronyms

ANU   The Australian National University

ANUSET   ANU Student Evaluation of Teaching (1986-2009)

CAE   College of Advanced Education

CEDAM   Centre for Educational Development and Academic Methods

CEQ   Course Experience Questionnaire

CHAT   Cultural Historical Activity Theory

CTEC   Commonwealth Tertiary Education Commission

DEEWR   Department of Education, Employment and Workplace Relations

GDLP   Graduate Diploma in Legal Practice

MARA   Migration Agents Regulatory Authority

ORAM   Office for the Research of Academic Methods (ANU)

PPC   Professional Practice Core (of the ANU Graduate Diploma of
             Legal Practice)

SELT   ANU Student Evaluation of Learning and Teaching (2009-)

SOLO   Structure of the Observed Learning Outcome

TEQSA   Tertiary Education Quality Standards Agency

Publications from this thesis

Darwin, S. (forthcoming) *Exploring the contradictions and tensions in student evaluation in Australian higher education.* Paper to be presented at the 4th International Society for Cultural and Activity Research Congress, Sydney. September 29-October 3, 2014.

Darwin, S. (2013) *The emerging role of student feedback-based evaluation in Australian higher education: a sociocultural analysis.* Paper presented to the AARE 2013 Conference: Shaping Australian Educational Research. Adelaide, December 1-5, 2013.

Darwin, S. (2012) Moving beyond face value: re-envisioning higher education evaluation as a generator of professional knowledge. *Assessment and Evaluation in Higher Education.* Vol.37, No.6.

Darwin, S. (2011) Learning in Activity: Exploring the methodological potential of Action Research in Activity Theorising of Social Practice. *Educational Action Research.* Vol.19, No.2.

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Darwin, S. (2010) Exploring critical conceptions of student-led evaluation in Australian higher education. In M. Devlin, J. Nagy and A. Lichtenberg (Eds.) *Research and Development in Higher Education - Reshaping Higher Education*, *33.* Melbourne, 6-9 July, 2010.

Abstract

Student feedback-based evaluation of teaching, courses and programs is a familiar feature of the contemporary Australian higher education landscape. Over the last three decades, it has moved from a largely peripheral and experimental presence to a significant institutional position, moving rapidly from the status of an academic development fringe dweller to a privileged institutional citizen. It is now a powerful proxy for assuring the quality of teaching, courses and programs across diverse discipline and qualification frameworks. The data it generates increasingly guides significant judgments about academic appointment, performance and promotion. Its outcomes also inform the student marketplace around institutional and program quality, and will potentially shape performance funding of Australian universities.

This significant evolution and its implications for academic teaching is therefore a legitimate matter of scholarly interest. Yet, although there is evidence of considerable research interest in the quantitative instruments of student feedback and the effective use of their outcomes, research around its contemporary function is much more limited. This thesis attempts to address this gap, by exploring the forces that have shaped the progressive emergence student feedback-based evaluation in Australian higher education and the influence it exerts on contemporary approaches to academic teaching. The research uses the explanatory potential of cultural historical activity theory (CHAT) with the objective of generating a critical understanding of the development, function and potential of student feedback-based evaluation.

This analysis is developed through a series of interpretive lenses. The thesis firstly analyses the historicity of student feedback-based evaluation - both at a general level and in its specific evolution in Australian higher education. This encounters the forces that have shaped its design and use, as well as the tensions that have been fundamental to this evolved form and function. Secondly, by analysing the current institutional framing of student feedback-based evaluation, the thesis considers the complex demands that shape its contemporary state. This adopts a particular focus on the increasingly ambiguous relationship of student feedback with pedagogical and academic development that results from elevating tensions between various drives for quality improvement, quality assurance, performance management and institutional marketing.

Thirdly, qualitative case studies involving two cohorts of postgraduate teachers at an Australian university are considered. These case studies are framed by the use of a novel CHAT-informed, action research model. The situated cases provide an insight into the current state and the developmental potential of student feedback-based evaluation in an Australian higher education setting. These outcomes are analysed to further understand the increasingly complex relationship between student feedback-based evaluation and institutional demands, professional discourses and pedagogical change. It also provides a means of considering the broader developmental potential that arises from collective forms of academic engagement derived from the elevated use of qualitative forms of student feedback. Based on this analysis, tentative conclusions are drawn about the affordances and constraints of orthodox quantitative student evaluation. In addition, the potential of more complex engagement with the student voice is considered, to assess its ability to incite substantial pedagogical and academic development in higher education environments.

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Chapter One: Framing the research project

Introduction to the thesis

This research considers the foundations, contemporary function and developmental potential of student feedback-based evaluation[1] in Australian higher education. Student feedback-based evaluation is a firmly entrenched characteristic of the contemporary Australian higher education landscape (Barrie, Ginns, & Symons, 2008; Davies, Hirschberg, Lye, & Johnston, 2009). It has undergone a relatively rapid transformation over the last three decades, moving from an isolated and idiosyncratic fringe dweller in early academic development formations in a few Australian universities, to its current condition as a largely universal and highly regarded institutional citizen. As student feedback-based evaluation has progressively become more institutionally and socially prominent, so arguably its power to potentially shape pedagogies and other educational practices has grown. Further, how student feedback-based evaluation is designed and reported in institutions inevitably now shapes (either explicitly or implicitly) shared conceptions of what is understood to be effective teaching, sound curriculum design and effective forms of student engagement. This has meant that in the contemporary Australian university, student feedback-based evaluation has become a complex and contested intersection between academic, student, discipline and institutional interests (Blackmore 2009). It is therefore a likely site of significant tension, potential volatility, intersubjectivities and challenges to professional identity.

Given this emerging significance, student feedback-based evaluation would immediately appear as a highly productive domain for scholarly inquiry. Yet educational research interest in student feedback has remained surprisingly confined. There has been considerable research interest over the last three decades in the design, validity and utility of student feedback questionnaires in higher education environments in the United States, Europe and Australia. Similarly, there has also been significant

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[1] In this study, student feedback-based evaluation is considered in its formal manifestation: that is, summative feedback generated from standardised quantitative ratings-based student questionnaires, administered at the end of semester or subsequent to a program of study. Such summative instruments conventionally pose a range of closed answer questions about teaching, teachers, curriculum, assessment and support issues, and offer students a Likert-type rating scale ranging from the strong agreement to strong disagreement. They sometimes also include the opportunity for a limited number of open-ended comments by students.

research into the most effective use of the outcomes of quantitative student surveys to influence teaching practices and improve student learning. However, this thesis seeks to move beyond these well-researched debates around the design of questionnaires and the deployment of evaluation data. It will also not debate the optimal use of quantitative student feedback or seek individual perspectives on experiences working with it. Instead, it seeks to explore the less researched foundational paradigms on which student feedback-based evaluation rests. A fundamental element of this analysis will be the consideration of the forces that have shaped (and continue to shape) the form and function of student feedback-based evaluation in Australian higher education. These multiple imperatives exercised on student feedback include:

- improving the quality of teaching approaches and student learning outcomes
- addressing rising demands for quality assurance of teaching practices
- informing individual and collective academic performance management
- fuelling institutional marketing in an increasingly competitive higher education environment.

Aside from seeking to understand the origins and nature of the shaping effect of these imperatives on student feedback, this thesis will also ask further questions. If there is indeed evidence of the growing significance of student feedback, what contemporary function does it actually perform, and what does it (and can it) do to afford or constrain the development of higher quality teaching and learning? The research will also explore what broader potentiality the student voice has to drive professional dialogue and pedagogical development. Given the nature of this critical inquiry, the thesis adopts a sociocultural perspective to understand the critical social forces that have shaped student feedback-based evaluation in Australian higher education. This will also provide a means of engaging with the collective and social dimensions of this function, to consider the shared meanings that have developed around it. The thesis will question to what extent these meanings are being shaped by rising tensions around the uncertain contemporary purpose of student feedback. Inevitably, this will mean critically encountering the broader Australian higher education landscape that has provided the context for the emergence of student feedback-based evaluation. Some of the contextual factors that will be considered in this study include the:

- effects of declining level of public investment in higher education
- influence of neo-liberalist market approaches to the management of universities

- relatively rapid expansion of the Australian higher education system
- elevating levels of auditing and other accountability mechanisms imposed on the sector

Although these factors represent an important context for this study, they are not intended to be in the foreground. They will provide lenses to investigate the factors that have variously mediated the nature of student-feedback based evaluation, and that underpin its increasingly contested state in Australian higher education. To further explore this, the outcomes of two situated case studies are reported to assess the contemporary role and functions of student feedback-based evaluation. The cases also provide an opportunity to investigate whether a re-envisioned engagement of the student voice can function as an effective generator of professional dialogue and knowledge in academic teaching environments. Based on these outcomes, the potential of broadened and more qualitative forms of student feedback to perform as a productive catalyst for pedagogical development will be considered.

This research uses a Cultural Historical Activity Theory (CHAT)[2] framework as the conceptual foundation for this sociocultural analysis. CHAT is a theory of human consciousness and development. It is founded on the seminal cultural psychology of Vygotsky (1978) and evolved in the subsequent work of Leont'ev (1978) and Engeström (1987, 2000a, 2001). It emphasises the critical mediating role of social relationships and cultural-historical artefacts in human functioning. As such, it offers a robust foundation 'for (re)conceptualising the relations between humans and their sociocultural context' (Anh & Marginson, 2010, p. 4). Moreover, CHAT offers a powerful and increasingly adopted conceptual framework for the research and analysis of the complex social mediation of human learning and development (Roth & Lee, 2007; Yamagata-Lynch, 2010). It therefore offers a suitably sophisticated explanatory device with which to understand the complex sociocultural phenomenon that is student feedback-based evaluation.

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[2] CHAT is one of several broad sociocultural theories emerging from the seminal work of Vygotsky and further developed by his student Leon'tev. It is defined by its action-orientated focus on collective activity rather than the exploration of the relationship individual consciousness and meditational tools. For further exploration of this demarcation, see Ellis, Edwards, and Smagorinsky (2010, p. 5).

Origins of the research project

The origins of this research project are manifold. Firstly, it has quite practical origins in the researcher's unsettling experiences of teaching educational evaluation subjects over a number of years. In teaching a postgraduate teacher education subject, with a component on evaluative practices in education - which included an element on student feedback-based evaluation - it was consistently apparent that student feedback elicited unexpectedly powerful emotional responses amongst teachers[3]. It elicited both determined and divergent academic responses. The students, who taught in vocational and higher education environments, consistently expressed a range of differing anxieties in response to their experiences with student feedback-based evaluation. These anxieties ranged from how to effectively address student dissatisfaction through to a rejection of the value of the student voice. Nevertheless, there was a consistent current of deep scepticism and even outright hostility and cynicism amongst many teachers about student feedback. On analysis, it was evident that teachers' personal experiences with the student feedback-based evaluation were highly influential in shaping their relative perspectives on the value of the student voice. Aside from defying the conventional benign positivist framing of student feedback-based evaluation as a simple objective measure of student opinion, it also suggested teachers experiences with it had been largely negative and unproductive.

Unsurprising, the majority of teachers found it difficult to see the relevance of critically reflecting on student feedback. Indeed, it primarily seemed to produce either defensive reactions or resigned indifference. This was despite its influential role of student feedback had in shaping local institutional perceptions about the value of their pedagogical work. This was also aside from any potential it may actually hold to enhance the quality of such work. Indeed, much of the discussion around summative student feedback seemed to largely centre on its inevitability, its ritualistic dimension or its primarily institutional purpose. Hence, essentially any function student feedback may have in contributing to the activity of evaluation of teaching itself was largely overwhelmed by the various anxieties surrounding its institutional use. Despite various determined teaching interventions, this proved difficult to effectively disrupt.

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[3] In this study, 'teachers' is used as a generic term to refer to lecturers and tutors teaching in higher education settings.

A second driver for this research was the experience of leading, and subsequent attempting to reform, a student feedback-based evaluation system in a major Australian university. The student feedback system, although well established, was increasingly contested amongst academics and administrators as its role as evidence of teaching quality had become more significant for promotional processes, performance management and teaching grants. The intensity of academic reactions toward student feedback encountered in leading this system was surprising and (again) defied the seemingly objectivist nature of the quantitative student feedback model. Such reactions ranged from significant anxiety about the student rationale for outcomes, through indifference to the more pessimistic characterisation of it as a needless ritual that was necessary to seek promotion or recognition, or to be simply left in peace (and everything in between along this continuum).

Leading this system meant encountering frequent bouts of end-of-semester anger, defensiveness or despair from academics seeking answers to negative student feedback outcomes. Conversely, the outcomes for those not aggrieved tended to remain largely abstract, anonymous and seemingly unproblematic. These divergent conceptions as to the value of student feedback were broadly similar and equally as diverse as those that emerged in the earlier teaching environment. However, here more tangible and potent issues of academic identity, professional autonomy and institutional regard were all in immediate play, intensifying varying responses. Yet, attempts to generate a critical debate in response about the nature and work of student feedback within the university academic community generated far more heat than light, and ultimately more institutional, rather than academic, enthusiasm. Again, a broad sense of resigned academic indifference to the ritualistic work of student feedback appeared to be primarily in evidence.

A subsequent proposition to disrupt the entrenched teacher-centred axiom of the existing quantitative student evaluation model - to one based largely on more qualitative student perceptions of their learning - created unexpectedly intense institutional anxiety. This proposition seemed to go to the very core of institutional credibility, with considerable risk perceived in moving from orthodox quantitative student feedback centred on teachers, teaching and courses. The eventual outcome of this attempted reform largely preserved these seemingly immutable characteristics, rendering the system redesign more incidental than paradigmatic. This initiative demonstrated surprisingly strongly held shared values amongst university leaders about the

importance of retaining quantitative student feedback centred on teachers and teaching. This coalesced around the seemingly critical importance of retaining a simple and accessible quantitative measure of comparative teaching performance, in order to be able to assure quality, address identified deficits and reward success. Again, the overwhelming majority of teaching academics greeted this debate with largely resigned indifference. This indifference, combined with the surprisingly strong institutional attraction for accountable metrics of teaching performativity, provided an important early catalyst for this research. It suggested that student feedback-based evaluation was not merely a simple construct, but instead navigated an increasingly complex topography in contemporary Australian higher education. This meant that the foundational assumptions of student feedback, as well as its current function and its potentiality were matters that were deserving of more critical research dialogue.

The conception of student feedback-based evaluation

In order to specifically consider the foundational assumptions of contemporary student feedback-based evaluation in Australian higher education, it is useful to first consider the broad conception of student feedback more generally. The use of student feedback has arguably been a reality of higher education since its very conception. It was reputedly the basis for the death of Socrates at the behest of an Athenian jury, which affirmed the negative assessment of his dialectic teaching approaches by students (Centra, 1993). However, as Brookfield (1995) notes, until relatively recent times the quality of teaching in higher education tended to be primarily determined on demonstrations of goal attainment by students. This was either in the form of achievement of defined behavioural objectives, or in acquisition of specified cognitive constructs. This inevitably meant the quality of teaching was largely related to positive or negative outcomes of student assessment, and this was primarily considered in deliberations about academic appointment or promotion.

Having said this, the concept of quantitative student feedback-based evaluation is not a recently developed model. The core of the quantitative approach was pioneered in behaviourist experimentation in the USA in the 1920's. However, it has only been in the last three decades in response to rising social and institutional pressures that student feedback-based evaluation has been widely adopted in US, European and Australian universities as a legitimate and respected form of evaluation of teaching effectiveness (Chalmers, 2007; Harvey, 2003; Johnson, 2000; Kulik, 2001). In its broadest sense, any

form of student feedback-based evaluation involves an assessment of the value of an experience, an idea or a process, based on presupposed standards or criteria (Dressel, 1961). Its interpretation necessarily involves the 'collection and interpretation, through systematic and formal means, of relevant information which serves as the basis for rational judgments in decision situations' (Dressel, 1976, p. 9). At its essence, student feedback-based evaluation necessitates a judgment being exercised from a particular viewpoint (*the subject*) on an identified and bounded entity (*the object*). Conventional quantitative forms of student feedback-based evaluation invite the judgement of individual students to be exercised on the value of teachers, teaching approaches and courses at the end of semesters. The criteria for such judgements are inherently subjective, but its outcomes are objectively framed in numeric rating scales that form the basis of student feedback reports. The explicit intention of these student feedback reports is to inform future academic decision-making.

However, the relationship between these reports and the broader evaluative processes around the effectiveness of academic teaching and course design remains largely ambiguous. Given the tangible nature of student feedback data, it represents an explicit representation of teaching and course effectiveness. Yet other often less visible forms of evaluative assessment, such as assessment outcomes, student reactions and peer interaction also mediate academic judgment. Therefore, it is perhaps unsurprising that student feedback creates some tensions in teaching environments, particularly if the explicit nature of this data challenges other forms of evaluative assessment of an academic. Moreover, as will argued in this thesis, as institutional motives for student feedback have moved from quality improvement to quality assurance, these tensions have tended to be aggravated. At its essence therefore, student feedback inevitably negotiates the complex intersection between individual and collective interests in institutions (Guba & Lincoln, 1989).

During the late 1970's and 1980's, the rapid expansion of the Australian higher education system and rising student dissent increased expectations of pedagogical improvements in universities. This presented serious challenges to traditional institutional approaches to teaching and the means used to assess teaching effectiveness. The original purpose for the localised introduction of student feedback was to assist interested teaching academics improve teaching and curricula design based on the consideration of student feedback (Chalmers, 2007). Generally it was one of several options offered by emerging academic development units, which were being

progressively established in Australian universities during this period. This meant it was essentially framed around a limited number of volunteering academics, and developed largely in localised and idiosyncratic forms toward teaching improvement. This form of initial development mirrors the similar evolution of student feedback-based evaluation systems in most European higher education systems and across universities in the United States (Centra, 1996; Harvey, 2003; Knapper, 2001). Subsequently over the next decade as university employment pressures grew with fewer academic positions, student feedback began to also be accepted as reasonable evidence of individual academic teaching capabilities for those seeking appointment, tenure or promotion.

From the early 1990's – with the rise of demands from government for greater university accountability for expenditure – student feedback-based evaluation began to perform broader faculty and institutional quality assurance functions. During this time, student feedback became institutionalised as a significant measure for assuring the quality of teaching and course outcomes. This was largely driven by the rise of cross-institutional graduate student feedback surveys. A primary catalyst was the introduction in 1993 of the *Course Experience Questionnaire* (CEQ), based on a framework developed by Ramsden (1991). This national questionnaire for the first time sought extensive feedback from newly emerging university graduates on their summative perceptions of university teaching, courses and support. Over time, the results became an increasingly public assessment of comparative university teaching performance. More recently, the results of the CEQ have become the primary data for institutional teaching ratings in the public domain via publications such as the Australian *Good Universities Guide.* This development also served to drive the gradual move to more standardised, compulsory and institutionally-public forms of collecting student feedback in Australian universities (Barrie et al., 2008). This also acted as a powerful incentive for universities to progressively frame local student feedback systems to make them potentially predictive of positive or negative outcomes in sector-level surveys. More broadly, this had the effect of further elevating the institutional significance of student feedback (Barrie & Ginns, 2007).

Problematising student feedback-based evaluation

Student feedback-based evaluation of teaching and curricula based on quantitative student opinion surveys is now an accepted and largely unquestioned orthodoxy in the Australian higher education landscape, as well as that of North America and the United

Kingdom (Chalmers, 2007; Harvey, 2003; Knapper & Alan Wright, 2001). Indeed, so dominant is it that is now axiomatic, performing diverse work as a proxy measure of teaching quality at an individual, institutional and sectoral level. Reflecting this, student feedback-based evaluation is increasingly lauded as a valid empirical foundation for the institutional assessment of academic performance and curriculum quality, academic merit and most recently, as a metric for assessment and funding of higher education institutions (Harvey, 2003). However, at the same time, student feedback-based evaluation also remains largely a frequently unwelcome fringe dweller in current academic teaching life, often responded to with scepticism and unease (Edstrom, 2008). For many academics, such scepticism arises around the real capacity of student feedback to effectively mediate the increasingly complex environments of higher education learning. Indeed, it has been argued that despite its considerable and influential institutional power, student feedback is widely perceived by academics to be inherently narrow and superficial (Edstrom, 2008; Kulik, 2001; Schuck, Gordon, & Buchanan, 2008).

It is further suggested that orthodox forms of student feedback are inadequate to analyse and respond to these demanding contemporary expectations on academics to generate high quality learning for growing, heterogeneous and increasing remote student populations (Arthur, 2009; Johnson, 2000; Kember, Leung, & Kwan, 2002). Nevertheless, arguably the primary object of student feedback is firmly established in the mind of the institution, the student and even the teacher themselves as *the teacher and their teaching*. This is even when other issues relating to learning activities, assessment and institutional support are rated (Edstrom, 2008). However, less conclusive than the object of evaluation is the actual motive for undertaking it (Johnson, 2000; Ramsden, 1992). Yet increasingly student feedback-based evaluation is the primary mechanism that is being used by institutions to negotiate understandings of teaching performativity in this complex ecology. Hence, student feedback is now central in institutional quality assurance and performance management discourses around teaching effectiveness.

Similarly, with increased competition for students and the relatively high personal costs of higher education, student feedback is also increasingly performing public work as a measure of consumer satisfaction or 'product' effectiveness. In the Australian higher education context, the last two decades has seen the rapid assimilation of neo-liberalist market mechanisms, which have had the cumulative effect of reducing social

contribution to higher education institutions. In tandem, the individual responsibility for funding education costs has been elevated, heralding the emergence of the discriminating *student-as-consumer* (Coledrake & Stedman, 1998; Marginson, 2009). This has also created an environment where teaching academics are working under mounting pressure to systematically demonstrate efficiency and effectiveness. Student feedback has been appropriated as a key means of assuring prescribed educational outcomes are defined, measured and evaluated in abstraction from mediating professional discourses (Chalmers, 2007). As a consequence, it has been argued that in contemporary academic life, student feedback necessarily vacillates between the conflicting discourses of consumerist quality assurance *(what students want to receive)* and academic quality enhancement *(what students need to effectively learn)* (Bowden & Marton, 1998; Walker, 2001).

The importance of researching student feedback

The impact of these neo-liberalist market reforms over the last two decades has put Australian higher education under escalating pressure to demonstrate its efficiency and effectiveness. This has included the introduction of further quality assurance frameworks that facilitated individual 'consumer' choice for students and parents championed by public choice theory (Chalmers, 2007; Marginson, 1993). Reflecting this reality, the notion of quality in Australian higher education has been subject to managerialist understandings drawn from its commodification as a product. Hence, it has been increasingly framed by the perceived reforming potential of the student-as-consumer (Walker, 2001). Most recently, rising economic pressures on institutions has further intensified this pressure for transparent accountability around teaching, with the relentless need to attract students in environments of financially necessary over-enrolment and uncapped student places.

Arguably, these relentless assurance and accountability imperatives around teaching and learning have progressively devalued the role of student feedback in its originating drives to encourage pedagogical development. This is because it has necessarily introduced a different object orientation for student feedback - an orientation already complicated by its conflation with academic promotion and recognition drives. It has also had the effect of potentially privileging defined and measurable standards and behaviours over the less tangible tacit and creative dimensions of teaching practices and student learning. Paradoxically, coinciding with the rising ascendency of quality

assurance drives has been the emerging recognition of the need for greater professionalism and scholarship of academics involved in teaching, to enhance pedagogical practices and learning effectiveness (Knight, Tait, & Yorke, 2006).

These forces have effectively shaped student feedback into what is considered a reliable proxy for university teaching quality. They have also increased its recognition as a reductive metric with significant utility for comparative academic, faculty and university performance (Davies, Hirschberg, Lye, Johnston, & McDonald, 2007). Moreover, the rising institutional credibility of student feedback-based evaluation has positioned it as reliable barometer of local and institutional quality, considerable resources and significance is ascribed to its outcomes in the contemporary institution, particularly those which deviate from the norm (Davies et al., 2009). There is evidence of increasing pressure to use student feedback outcomes to relationally frame teacher performance measurement, ongoing performance achievement, promotional signifiers and increasingly, external benchmarking efforts (Blackmore, 2009; Schuck et al., 2008).

As competition for recruiting and retaining students has grown over the last two decades, so student feedback has had a more powerful influence in shaping local understandings of individual and collective teaching capabilities, as well as in assessments of the quality of subjects and broader programs (Chalmers, 2007). Further, student feedback-based evaluation is now considered a valid and objectivist means of assessing a comprehensive range of activities of educational activities related to teaching – not only individual academic performance – but also such things as of technologies, pedagogies, suitability of assessment and institutional facilities (Davies et al., 2009). Student feedback has became even more influential over the last decade with the prospective introduction by the Australian government of significant performance-based funding of institutions partially based on feedback outcomes (Department of Education, 2009). Although performance funding failed to materialise in the form intended, its mere anticipation (and likely re-emergence) is of itself a powerful motivator for continuing institutional attention to student feedback outcomes.

As a consequence, student feedback increasingly has become recognised as performing powerful work in shaping perceptions of the quality of local and institutional teaching, as well as programs and courses offered by them. Given this increasingly privileged position in institutional and academic life, it is reasonable to assert that student feedback-based evaluation has become a highly influential force in the pedagogical life

of contemporary Australian higher education. This elevating influence means its foundational epistemological assumptions, rather than just its design or function, are deserving of much greater critical research scrutiny.

Research aims and questions

Using a sociocultural lens, this thesis seeks to address a discernable gap in current research by critically exploring the complex work of student feedback-based evaluation in Australian higher education. As such, this research has been designed to contribute to scholarly enquiry into the origins, contemporary work and potential of student feedback-based evaluation in Australian higher education. It contends it is an under-researched and under-theorised area of scholarly inquiry in higher education teaching and learning practice. In essence, it seeks to traverse this complex and largely unexplored terrain by:

- mapping the emergence of student feedback-based evaluation in Australian higher education, particularly the social forces that have shaped its evolution as a credible means of assessment of academic teaching
- seeking to understand how student feedback-based evaluation is currently functions and the work it does in academic discourses of contemporary Australian higher education
- analysing how the student voice can potentially afford individual and collective pedagogical development

Specifically, the research investigates what has driven the broad acceptance of student feedback as a credible means of assessment of complex academic work. It also explores how student feedback works as a shaping force on contemporary pedagogical practices. It considers the implied unproblematic pedagogical relationship between teachers and students, arguing from a sociocultural perspective that the tools of student feedback strongly historically and culturally mediate this relationship. Essential to this is the mapping of the emergence of student feedback-based evaluation in Australian universities. This allows the informed exploration of the contemporary artefacts that shape and mediate the activity of student feedback in institutional life. The study also attempts to provide an insight into how student feedback reflexively engages (or otherwise) with institutional drives, pedagogical change and learning enhancement in contemporary higher education settings. Inevitably, this means encountering the inter-

relationship between social (institutional) and individual (teacher) agency in contemporary university teaching.

This work is further informed by situated case studies, which will illuminate the current state of student feedback-based evaluation and the potential of the student voice to generate professional dialogue and knowledge in academic teaching contexts. A resonant CHAT-informed, action research framework is used to make explicit the contemporary activity of student-feedback-based evaluation in situated practice, as a means of exploring the disturbances, contradictions and apparently 'irresolvable' tensions it confronts in encountering the complex environment of higher education. In examining the current work of student feedback in Australian higher education, the research also considers the further developmental potential of the student voice.

Using these means, the study attempts to interrogate the core epistemological assumptions that underpin the contemporary design and purpose (and therefore outcomes) of student feedback-based evaluation. It also critically observes the strengthening tensions that student feedback encounters as it traverses the often-contradictory imperatives of quality improvement, quality assurance, performance management and institutional marketing. However, the research does not attempt to reconcile shortfalls or diagnose solutions. Instead, it seeks to provide insights into the formation, contemporary state and potentiality of student feedback. This has the objective of generating heightened understandings of the contested and problematic nature of student feedback-based evaluation in contemporary Australian higher education environments. Therefore, this research seeks to critically respond to these three primary questions:

- *Which factors have shaped the development of student feedback-based evaluation in Australian higher education?*

- *What functions does student feedback-based evaluation perform in the contemporary Australian higher education?*

- *Does student feedback-based evaluation have a further developmental potential beyond that derived from its conventional quantitative form?*

In undertaking this analysis, inevitably the broader topography in which student feedback-based evaluation operates will be necessarily explored. Some of these are

more familiar in higher education research. These include such things as conceptions of quality in higher education, approaches to curriculum design, methods of academic development and measuring academic performance. Others may be more peripheral, yet no less significant for this analysis. These include notions of academic professionalism, the function of scholarship, professional collaboration in disciplines and the growing implications of increasing competition amongst universities. However, this surrounding topography is considered primarily for its influence on the primary object of this research: the arguably neglected work (and potential) of student feedback-based evaluation in contemporary Australian higher education. The next chapter provides further evidence for this contention. It considers the range of primary research literature on student feedback-based evaluation. It also raises questions arising from this analysis as to the range and scope of current research and whether it leaves largely undisturbed critical assumptions that underpin conventional quantitative student feedback.

Chapter Two: Exploring research on student feedback-based evaluation

Introduction

In the last chapter, the importance of researching the contemporary role and function student feedback-based evaluation was highlighted. Student feedback is being increasingly employed to respond to multiple imperatives around quality improvement, quality assurance and performance management. In the increasingly complex teaching and learning environments of in Australian higher education, it is performing increasingly significant work as a signifier of teaching quality. Yet the quantitative ratings-based design of student feedback reflects the multiple histories that have shaped its conventional form. However, as noted in the last chapter, its foundational quantitative and summative design is shared. As will be detailed in this chapter, it is the nature of this design that has attracted, and continues to attract, the majority of research interest. Similarly, the local variations to this core design – borne of institutional differences and idiosyncratic approaches over time – are also subject to some research attention. However, as will be argued, there is less evidence of research that goes to the foundational epistemologies of quantitative student feedback. Although some significant reservations have been identified around the foundations of quantitative student feedback, polemists rather than researchers have primarily mounted these arguments. This chapter examines the range of research around student feedback-based evaluation, and contends this is area that could usefully attract a higher level of research attention beyond the conventional focus on matters of quantitative design and deployment of these outcomes.

Primary research on student feedback-based evaluation

The increasingly complex context which student feedback navigates would appear to provide fertile ground for critical educational research. Yet it is notable that a review of research literature in this area reveals a predominance of statistical accounts of quantitative evaluative methods. Such research most frequently seeks to confirm or enhance the reliability and validity of the evaluative instruments of student evaluation, or to improve the quantification of student feedback. There is also other evidence of investigations that focus on the most effective assimilation of these student feedback

outcomes into teaching practice. This related research frequently investigates and reports on localised strategies and methods to more effectively deploy quantitative student feedback. This is often centred on how to ensure identified deficiencies identified in student feedback are actually addressed. Alternatively, such research considers the strengthening of the relationship between student feedback and faculty or institutional quality assurance mechanisms.

The relative paucity of research on alternative perspectives on the formation, use and contemporary function of quantitative student feedback is conspicuous. This tends to suggest that, despite its increasingly contested and complex work in the contemporary university, student feedback is generally regarded as a technical and benign (or even as a benevolent) in form. Schuck et al. (2008) contend this may also reflect the increasing assimilation (and consequent legitimacy) of standardised quantitative student feedback driven evaluation in higher education environments. However, regardless of its origins, this limited breadth of research dialogue would appear to limit debate on this important area of higher education scholarship.

A review of research literature focussed on student feedback-based evaluation in Australian higher education confirms this same limitation. There are certainly some instances of research considering the broad role or function of student feedback in specific institutions. Some studies have considered the situated relationship between student feedback and pedagogical practice in particular institutions. Others have debated the efficacy of specific quantitative designs or the use of quantitative data for specific purposes. In addition, two recent major studies (Barrie et al., 2008; Davies, Hirschberg, Lye, & Johnston, 2008) have surveyed and analysed the use of quantitative student feedback in Australian universities, providing valuable data for this study. However, this analysis suggests that again at the local level the dominant form of research around student feedback relates to the technical questions of quantitative design - centring similarly on perfecting techniques for testing, refinement and effective use of data.

At one level, this overall conclusion is not surprising. It accords with much of the significant seminal literature around student feedback-based evaluation, which still remains influential in higher education scholarship. It continues to provide a substantial epistemological foundation for much of the current research into student feedback. Examples of these seminal contributions include:

- Biggs and Collis' *Evaluating the Quality of Learning* (Biggs & Collis, 1982) which introduced the SOLO evaluative taxonomy which introduced a measurement logic for assessing levels of student learning (and therefore teacher performativity).
- Marsh (1982, 1987) whose research situated work pioneered the socialising of US quantitative student feedback-based evaluation into Australian higher education settings.
- Ramsden (1991, 1992) who, building on the SOLO taxonomy, developed a quantitative student feedback model centred on levels of learning (which was later adapted to form the foundations for the iconic CEQ discussed earlier in this chapter).
- Centra (1993) who highlighted the significance of reflective evaluative enquiry based of quantitative student feedback.

Further, the considerations of quantitative student feedback strategies within broader academic development discourses are also relevant. Here the work of higher education researchers such as Prosser and Trigwell (1999), Toohey (1999), Laurillard (2002) and Biggs and Tang (2007) are prominent.

Considerable research can be identified which is drawn from these foundational epistemologies of quantitative student feedback. Research with a focus on the usefulness or adaptation of prominent student feedback instruments (such as the widely regarded *CEQ*) is conspicuous in this research domain. Examples of that represent this research genre include Cashin (1988), Miller (1988), Marsh and Roche (1994), Johnson (2000), Griffin, Coates, McInnes, and James (2003), Dommeyer, Baum, Hanna, and Chapman (2004), Davies et al. (2009); Richardson (2005), Tucker, Jones, and Straker (2008), Nulty (2008) and Huxham et al. (2008).

The second research focus apparent in recent research around student feedback can be broadly cast as functionalist accounts. This research centres on propositions for the modification of the use quantitative student feedback-based evaluation. Such studies characteristically tend to focus on either:

- extending the functional usefulness of student feedback outcomes.(i.e. to harmonise and align with educational objectives)

- developing and testing strategies to support greater assimilation of student feedback (i.e. to enhance the likelihood of specific actions as a result of student feedback)

Characteristic instances of these approaches include Schmelkin, Spencer, and Gellman (1997), Powney and Hall (1998), Martens (1999), Ballantyne, Borthwick, and Packer (2000), Spencer and Pedhazur Schmelkin (2002), Watson (2003), Harvey (2003), Barrie, Ginns, and Prosser (2005), Moore and Koul (2005), Hay, Wells, and Kinchin (2007), Fisher and Miller (2007), C. Smith (2008) and Kember and Leung (2008).

It is indisputable that extensive research has been undertaken since the originating work of Marsh (1987) and Ramsden (1991) around the effective design, technical precision and strategies for integration of quantitative, ratings based forms of student evaluation. Moreover, much of this research has been effective in demonstrating that student feedback metrics can provide useful evidence on the effectiveness of teaching, curriculum design and student approaches to learning. It has also been effective in identifying some of the possible fragilities in the validity and reliability of student feedback (Richardson, 2005). Such fragilities represent the subjective realities of the teacher-student relationship and are potentially reflected in distorted outcomes of student feedback. It has been suggested these subjectivities are reflected in more favourable student feedback outcomes in:

- small classes, over large ones,
- elective courses, over compulsory ones
- accessible content areas, over the more difficult,
- discussion based subjects, over lectures and in
- text based subjects, over laboratory subjects

(Gibbs, n.d.; Pounder, 2007; Schuck et al., 2008).

Several other potentially distorting influences have been demonstrated to be levels of academic charisma, gender, culture, non-verbal behaviour and levels of personal level interaction (Schuck et al., 2008; Seldin, 1989). Other research demonstrates the outcomes of quantitative student feedback are sensitive to the timing of its completion (i.e. pre/post final assessment), the context used to introduce surveys, student expectations of their eventual use, student grade satisfaction and the level of student confidence the relevance of the instrument (Richardson, 2005).

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The underlying assumptions of student feedback-based evaluation

As the last section demonstrated, although the primary research around student feedback-based evaluation is significant, its focus is firmly on the processes and integration of quantitative student feedback-based evaluation. Considerable research work and related development has occurred around quantitative feedback surveys as a result. Moreover, no doubt teaching improvements have been produced by a greater research focus on how the outcomes of these surveys are assimilated into broader academic teaching deliberations or the work of individual teachers. This research has also provided additional validity and reliability in ratings-based metrics for actual or relative teaching and course effectiveness. More recently, research on student feedback has been central to the development of frameworks for the comparative analysis with other related courses, or against faculty or institutional averages.

However, student feedback-based evaluation is much more than ratings and reports. As Barrie et al. (2008, p. 7) observe, the form of student feedback-based evaluation inevitably reflects specific beliefs about '*what* is important to be measured, beliefs about *who* should do the measurement and what measurement might *mean*' (original emphasis). Further, student feedback questions embody a specific theory of learning and a conception of what is required (and what is not) of a teacher and in curricula to afford student learning. Therefore, student feedback-based evaluation can be more broadly understood than through this conventional instrumental prism. It is a complex social activity that does considerable work in shaping teachers, teaching and courses, as well as the institutional and student sense of quality teachers and teaching. This suggests the notion of student feedback itself is not reductive to survey tools, statistical analysis or dissemination processes. Instead, it performs an increasingly significant and influential function at multiple levels in the contemporary university (and increasingly beyond).

As was argued in Chapter One, the multiple purposes for which student feedback is now used mean it is inherently complex and heterogeneous in form in the contemporary university. The multiple dimensions of student feedback, and how they are manifested in contemporary higher education environments are outlined in Table 2.1. These multiple dimensions demonstrate the importance of considering student feedback beyond the primary forms it is conventionally considered within in existing research.

Table 2.1: Dimensions and manifestations of student feedback in contemporary higher education

Dimensions	Manifestations
Multi-leveled	Student feedback is derived in both informal and formal means, as well as in formative and summative forms. This produces potential tensions between the quantified responses of students and the implicit intuitive sense of the teacher developed in the teaching environment. This creates potential tension between the relative validity and legitimacy of one form over the other.
Multi-charactered	Student feedback is a somewhat unwelcome fringe dweller in teaching areas, being often poorly regarded, conceived of as largely ritualistic and of limited 'real' value (Anderson, 2006; Edstrom, 2008). Whilst at the same time, student feedback lives a regarded institutional life as a broadly reliable, robust and accountable indicator of comparative teacher quality and, by inference, student learning outcomes (Barrie et al., 2008).
Multi-voiced	Responses to student feedback are necessarily shaped by the differing experiences, expectations and anxieties of academics, faculties, disciplines and institutions. This means responses to student feedback cannot be considered homogenous in form and are necessarily multi-voiced. Responses are therefore a construction of differing meanings that are not necessarily shared at different levels of the institution.
Multi-focused	The range of potential issues student feedback encounters includes such diverse objects as the teacher, pedagogical practices, student experiences, student engagement and curriculum suitability. In addition, its outcomes are also subject increasingly to broader inter and intra-comparability benchmarks of student opinion and courses. It therefore is also a measure of the relative value of individual and collective academic work.
Methodologically eclectic	Approaches to deriving student feedback range along a continuum from highly subjective and interpretivist forms of situated judgment, to highly rationalist and abstracted quantitative surveys that rate teachers, teaching and courses.
Locally mediated	Forms of student feedback in Australian higher education are locally mediated; being sociocultural constructions idiosyncratically shaped by the specific histories of student feedback models within institutions. Although this localism is in decline under the weight of standardised sectoral surveys, clear evidence of it remains (Barrie et al., 2008).

Considering the limitations in existing research on student feedback

As noted earlier in this chapter, it is striking that the scholarly literature on student feedback-based evaluation in higher education settings is primarily clustered around research within two primary domains. Broadly speaking, these domains can be characterised as:

a) questionnaire design, particularly around the construct validity of the quantitative instrument (i.e. how to evaluate most effectively, instrument design and methodological adjustment)

b) functional research centred on encouraging the use of these quantitative evaluation outcomes in changed approaches to academic teaching

This observation accords with that of Richardson (2005) that the primary focus of student feedback research is around the instruments for deriving feedback (particularly strategies to enhance quantitative validity) and on the effective use of the outcomes of student feedback to prospectively influence teaching practices. It was conspicuous that there was a relative paucity of research on the legitimacy of quantitative student feedback as a means of understanding and improving teaching pedagogies: that is *of itself*. Indeed, there appeared to be almost an assumed legitimacy. There was also limited scholarly interest in how quantitative student feedback had evolved into a valid means of understanding and developing teaching. Further, it was difficult to identify significant research that analysed the sociocultural origins of the quite specific form of student feedback-based evaluation in Australian universities. There was also little substantial work that critically reflected on how student feedback-based evaluation may actually work in practice to afford or constrain the enhancement of academic teaching. There was less still from a sociocultural perspective that considered the mediating effect of the student feedback on collective forms of pedagogical work in the changing realities of the contemporary university. This resulted in the puzzling conclusion that the fundamental epistemological assumptions that underpin the design of quantitative student feedback models remained largely unchallenged.

This also suggested that student feedback appeared to be a matter of lesser critical interest when compared to other dimensions of the higher education teaching and learning process. It was also apparent from this analysis that student feedback as a scholarly area of inquiry remains less disturbed by educational researchers than by

statisticians, institutional managers and occasional sectoral polemicists. Given its complex and multi-faceted character, it is difficult to understand why student feedback-based evaluation has remained relatively anonymous in research when compared to other areas of scholarly inquiry in higher education such as curriculum design, pedagogical strategies, research supervision and assessment. This is more puzzling given its increasingly significant function in the professional assessment of academic teaching. Indeed, from the results of this analysis of literature presented earlier in this chapter, it could be reasonably argued that student feedback (and its effect on pedagogical change) remains the least investigated element of higher education scholarship. Perhaps this is a consequence of its perceived peripheral assurance function or its low parity of esteem with other dimensions of the teaching and learning process (being consigned largely to being a 'student' issue). Perhaps it is the reality that the research space around evaluation has been largely occupied by statisticians and systems administrators investigating opportunities for ever-greater quantitative precision in the measurement of student opinion.

This reality is despite the rising challenges of increasingly complex environments of teaching and learning in the knowledge-technology era, where student feedback may usefully contribute greater insights to inform pedagogical decision-making. University teaching is under pressure as never before to respond effectively to the demands of more complex forms of knowledge, to abandon traditional pedagogies, to engage via multi-modal learning environments and to design relevant assessment to drive learning. All of these demands suggest an ever-greater need to understand more fully and completely the nature of student responses. These imperatives also suggest the need to explore methods that go beyond refining traditional quantitative student feedback models to more sophisticated forms of engagement with the student voice. It is also all the more curious when considering that the outcomes of student feedback have recently become more contested within institutions, as its original quality improvement motive is challenged by the rising discourses of quality assurance, performance management and even institutional marketing. As a result, student feedback-based evaluation is increasingly being called upon to do more complex work: some pedagogical, some individual, some institutional and some for the emerging student-consumer. Moreover, in recent years, the outcomes of student feedback-based evaluation in Australian universities have been made increasingly public beyond the requesting academic (Barrie et al., 2008). This would seem to create both an imperative and a fertile space for

critical research dialogue about the legitimacy of student feedback as a measure of teacher performativity. Yet critical questions remain elusive in scholarly research, including how student feedback actually *functions* to:

- inform or debase academic judgment
- afford or hinder pedagogic change
- incite or dissuade professional development
- encourage or dissuade the development of curricula enhancement, learning activities or assessment

Moreover, the role and function of student feedback also brings into sharper relief important tensions around teaching and learning practices. For instance, it necessarily encounters important contemporary tensions around:

- what constitutes valid knowledge about teaching and learning to frame prospective pedagogical development? *(i.e. the relative rights and responsibilities of academics and/or institutions around student feedback outcomes)*
- the rising uncertainties around the professional identity of teaching academics (*i.e. what rights do teaching academics have to determine the suitability of 'unpopular' pedagogies, assessment and other practices, compared to institutions and students?*)
- relative levels of autonomy of teaching academics (*i.e. who interprets and initiates action on student feedback: the academic, the faculty or the institution?*)
- the expected capability of the contemporary academic (*i.e. how much can be reasonably expected of the teaching/research academic in response to student feedback at a time of reducing resources and elevating expectations?*)

Therefore, this identified gap also became the critical foundation for framing the research questions for this study. Similarly it motivated the specific focus in these questions on how the student voice could be further harnessed to develop the quality of teaching and student learning in the ever more complex pedagogical environments of Australian higher education.

Contesting the conventional assumptions of student feedback

To consider these broader questions, it is useful to explore the arguments of those who have deviated from the dominant research discourses around student feedback-based evaluation. These perspectives provide a preliminary context for the analysis that is undertaken in this research. There are a small but increasing number of higher education researchers and polemists that are challenging the foundational assumptions of quantitative student feedback. This is particularly focussed on whether students are able to reasonably discriminate what constitutes 'good' teaching, effective curriculum and approach assessment. That is, are students reasonably able to rate teachers, teaching and courses, and on what criteria is this based. Similarly, can teaching be assumed to be 'good' if it is rated positively be students, or 'poor' if it is not rated highly? A related question is whether the 'object' perceived to be subject to evaluation (i.e. teachers and teaching approaches) is sufficiently distinct: are students evaluating the object they are assumed to be, or is it something else altogether (such as traits, environment or assessment outcomes)?

Researchers such as Schuck et al. (2008) argue that student feedback-based evaluation is increasingly sustained on powerful mythologies that offer it considerable institutional credibility as a powerful demarcator of pedagogical quality. Some researchers have also raised questions about the inherently reductive nature of metric-based student feedback that is abstracted its social and individual contexts of meaning. Others have mounted research polemics to respond is perceived as the scepticism and disengagement by academics around quantitative student feedback. Such scepticism and disengagement is seen as arising from the inherently subjective, often inconsistent and retrospective nature of the data generated by quantitative student feedback (Edstrom, 2008).

Researchers such as Johnson (2000), Kulik (2001), Kember et al. (2002), Zabaleta (2007), Schuck et al. (2008) and Edstrom (2008) have identified and explored a series of other potential limitations in quantitative student feedback-based evaluation models in higher education. Drawing from this collective research, a series of contestable assumptions around student feedback-based evaluation can be quantified. These are summarised in Table 2.2.

Table 2.2: Contestable assumptions of student feedback-based evaluation

Contestable assumptions	Responses
Higher teacher satisfaction correlates with improved student learning	It is an axiom of conventional student evaluation that positive student feedback on teaching will correlate with improved student learning outcomes, yet the significance of this link is not clearly quantified in research outcomes. Although it has been more convincingly demonstrated that student based evaluation may influence teachers to align self-perceptions with those of their students, it cannot be assumed this will actually lead to changed teaching behaviours or enhanced student learning outcomes (Richardson, 2005). Moreover, the relationship between higher evaluation ratings and higher student attainment is tenuous at best, with researchers such as Zabaleta (2007) failing to establish this in situated practice.
Measuring teaching quality improves student learning outcomes	There is an implicit assumption in student evaluation models that in conducting student evaluations the quality of teaching (and therefore student learning outcomes) will demonstrably improve. As Kember et al. (2002) and Schuck et al. (2008) have demonstrated, the correlation between evaluation and improved student learning is highly dependent on the active intervention of academic development or supplementary evaluative strategies (both of which are increasingly novel in academic environments). Although it can be reasonably argued that the assumed relationship between quality and outcomes is predicated on expectations of ancillary support –such as timely academic development support or the intrinsic motivation for promotion or other recognition – this is a difficult generalisation to sustain in the resourcing reality of the contemporary academy where evaluation data emerges largely of itself and undisturbed. Conversely, given socialised student expectations of teaching approaches, evaluation may also paradoxically act as a conservatising brake on pedagogical change for academics cautious to avoid 'disrupted' (and therefore dissatisfied) students evaluating teaching (Gibbs, n.d.).

Contestable assumptions	Responses
Students clearly identify the object of evaluation is teaching quality	It is conventionally assumed that students are able to adopt a consistent and comparable rating schema in assessing teaching quality in their range of evaluative responses, yet this object is fluid. As noted earlier, a series of subjective influences have been demonstrated to manifest themselves in student ratings, which may render student evaluation in particular contexts less a barometer pedagogical quality and more a superficial environmental measure (Schuck et al., 2008). Moreover, Likert-type scales inherently remain essentially interpretive and intersubjective, based on students' own definition of 'good' teaching, curricula and the further abstracted relationship to this imposed rating scale (Knapper, 2001). This is not to suggest that such ratings are simply dispensable or that they may not provide insight into sound or poor student approaches to learning, only that their literal use as a performative indicator must be cautiously entertained.
Institutional accountability improves professionalism	Although it is inferred that accountability driven by student evaluation enhances teacher professionalism, such professional knowledge is predicated on autonomy, independence and expertise rather than compliance to an aligned to a prescribed notion of student arbitrated 'good teaching' (Eraut, 1994). Hence, the discourses of professionalism and accountability would appear to be in conflict where enhanced professional practice is automatically correlated with student accountability (Schuck et al., 2008).
Student feedback encourages teacher performativity	There is a belief in the student evaluation model that correlates evaluative outcomes to improved teacher performance. However, rather than achieving this objective, it may instead cultivate fear and self doubt, especially when aligned to performance management or performance processes (Johnson, 2000). Moreover, given the reality that university learning cannot be defined as a 'product', this approach may actually incite a perspective that the institution should provide students what they want as opposed to what they may actually educationally need (Furedi, 2006);
Professionalism can be effectively codified	Although it is generally assumed that 'good' teachers get 'good' ratings (and vice versa), this is based on the foundational conception that such 'good' knowledge, standards, behaviours and practices can be clearly defined, agreed and understood by respondents and readily compared. Given the contested nature of this conception, this represents a complex faith-based construction that may not be realistic, appropriate or dynamic in its form (Kulik, 2001; Schuck et al., 2008).

The range of collective understandings detailed in Table 2.2 serve to legitimise and sustains student feedback models that are now so predominant in contemporary higher education contexts in Australia. Given the extent of contestable logic apparent here, it is highly desirable that these actual foundational paradigms of student feedback-based evaluation are subject to further critical scholarly enquiry. This is all the more pressing in the transforming teaching environments, where potentially fragile and reductive data may not best serve the elevating needs for pedagogical development. This is all the more essential as student feedback is increasingly employed to inform academic performance management and frame institutional reputation.

The rise of conflicting motives in Australian higher education

Having considered the primary research focus and the underlying assumptions embodied in student feedback-based evaluation, it now useful to turn our focus to the specific context of this study. In this section, the contemporary realities of student feedback in the Australian higher education environment are canvassed, particularly the rising contest of motives around its purpose. The introduction of student feedback was mildly controversial initiative when it emerged in isolated pockets of the Australian higher education landscape in the 1970's. Some concerns were articulated around the potentially corrosive impact of foregrounding student reactions (recasting the student as consumer), the 'inherent limitations' of respondents and the biases that inevitably must be manifested in such opinion (I. D. Smith, 1980).

However, as it is demonstrated later chapters, since this time student feedback-based evaluation has enjoyed a relatively unchallenged life in Australian higher education scholarship. This thesis asserts that the foundational epistemological assumptions (and related imperatives) of quantitative student feedback-based evaluation are worthy of further research. This is particularly the case given the outcomes of student feedback grow further in significance for institutional and social conceptions of quality. These assumptions remain insufficiently challenged and are increasingly contested in the elevating complexity of institutional demands and teaching environments in contemporary Australian higher education. Some of these assumptions that will be analysed in this thesis include:

a) quantitative student feedback as an objective, benign and valid measure of teaching effectiveness that demonstrates legitimate opportunities for pedagogical improvement

b) positive student feedback outcomes equate to high quality teaching, and conversely that poor student satisfaction reflects low quality teaching

c) student feedback can simultaneously respond to the demands of quality improvement, quality assurance, performance management and institutional marketing needs

d) individualised forms of metrics-based, deficit focussed student feedback are the most productive means of generating pedagogical engagement by teaching academics

e) no suitable alternative methods of harnessing the (summative) student voice are viable to improve the quality of teaching and learning

Aside from critically reflecting on these broader epistemological assumptions, it is timely to reconsider the contemporary suitability of the quantitative student feedback models. As the thesis will illustrate, these models were created for a different motive to those multiple motives that currently confront student feedback in increasingly complex higher education environments. In the contemporary Australian higher education, student feedback-based evaluation labours under the weight of several competing (and potentially conflicting) discourses. In essence, these discourses are framed around two distinct motives for student feedback, which reflect this complex sociocultural formation. These distinct motives can be broadly characterised as:

- *quality enhancement of pedagogical and other practices:* reflecting the foundational professional and scholarly imperatives around student feedback to enhance the quality of higher education teaching. In this discourse, the inherent value of student feedback is toward pedagogical development (and related academic development), or other practices associated with enhancing student learning.

- *institutional quality assurance of teachers and teaching standards*: based on a largely deficit conception of teachers and teaching, student feedback is used to benchmark individual or collective teaching performance based, on internal and/or external comparators. This primarily is directed towards demonstrable

shortfalls in performance requiring intervention or sanction. It also provides a metric for assessment of comparative academic performance for such things as appointment, promotion and awards.

As Walker (2001) observes, such motives are not only in inevitable tension, but also central to the formation of professional identities in the contemporary academy. The orthodox student feedback model is naturalised as a legitimate and 'common sense' arbiter of teaching quality. This works to effectively debase autonomous academic judgment. Hence, the individualised quality improvement motive has become largely subordinate and works relationally to challenge this dominating evaluative 'truth'. This has resulted in an ever more fragile settlement between these competing discourses (Kenway in Walker, 2001).

This research will further consider this assertion and assess whether in contemporary Australian higher education student feedback-based evaluation remains most powerfully contested between these primary motives. To do this, it will explore the tensions that are generated around these competing motives for undertaking student feedback-based evaluation. It is for this reason that this study will considers the contemporary effect of student feedback-based evaluation in practice. As well, it will explore the developmental potential of the student voice in these increasingly complex environments of learning.

Conclusion

This chapter provided an exploration of the dominant research literature around student feedback-based evaluation, suggesting this was both substantial and at the same time clustered primarily around statistical, technical and dissemination issues. It demonstrated that the foundational epistemological assumptions that guide the conventional quantitative form of student feedback lie largely undisturbed in this research landscape. Yet there are a definable range of contestable assumptions around quantitative student feedback that deserve greater attention beyond the limited number of researchers and polemists who are engaged in this questioning.

This imperative has grown as student feedback is increasingly used for differing (and arguably contesting) functions in the contemporary Australian university. This suggests the need for a heightened research focus on the validity of the core assumptions that sustain this orthodox quantitative approach. As was argued in the opening chapter, the

contemporary work of student feedback (and the key assumptions that underpin) it can only be fully understood in the context of how it has been historically and culturally shaped. This also provides a means of more effectively understanding how student feedback contributes to the formation (or otherwise) of contemporary teaching practices. It also provides a framework to consider alternative conceptions of the use of the student voice that may resonate with the elevating pedagogical demands of increasingly complex contexts of university teaching. The next chapter introduces the form of response this research uses in an attempt to address this not inconsiderable challenge.

Chapter Three: Research methodology and design

Introduction

This study adopts a qualitative methodology conceptually grounded in Cultural Historical Activity Theory (CHAT) to understand the complex and evolving relationship between student-feedback based evaluation and academic teaching practices in Australian higher education. Qualitative research approaches are increasingly significant in interpreting complex social experiences from the perspective of those involved, and to contextualise these in their sociocultural origins (Glense, 2006; Marshall & Rossman, 1999). They offer the researcher an opportunity to immerse in naturalistic contexts that provide a complex and multi-voiced perspective on individual and shared experiences. Qualitative research is centred on an emergent design, which is focussed on discovery rather than diagnosis (Schram, 2003).

This chapter outlines the methodological foundations of the qualitative inquiry used to investigate student feedback-based evaluation. The chapter opens with a broad explanation of the research methodology adopted for the study. It subsequently provides a detailed analysis of how the overarching CHAT framework will be engaged as a means of considering the research questions posed in this study. It will also assert the (contested) relevance of a complementary action research methodology, which is used to investigate and develop local activity through a case study method. In this framework, a CHAT-informed, action research model is introduced that frames the situated use of activity theory in this research. This works as a critical means of generating data simultaneously within and from the case studies. Finally, how these case studies are used to illuminate the contemporary and prospective functions of student feedback is detailed.

CHAT seeks to understand and influence the nature of complex social practices through the contextual analysis of the historical layers, mediating artefacts and object-orientation of local activity. This theory finds its origins in the cultural-historical psychology of Lev Vygotsky (1978), being subsequently developed by his student Leont'ev (1978), Luria (1976) and more recently through the work of Engeström (1987, 1999a, 2007a). The pioneering work of Vygotsky in the immediate years following the

Bolshevik Revolution in 1917 emerged as a reaction to the irresolvable tensions between the two dominant psychologies of the era: crude, reductive forms of behaviourism and subjective idealism centred on the understanding of an internalised consciousness (Wertsch, 1985). Vygotsky sought to give life to the materialist intent of Marxist philosophy, which cast human consciousness as being developed in a sensuous relationship to the external world. This contrasted to the notion of consciousness being a product of controlled learning, or formed in atomised and internalised mental processes. Hence much of Vygotsky's work before his untimely early death sought to understand what mediated the relationship between the individual and the social, with a strong focus on the mediating role of language and semiotics (Daniels, 2008).

His colleagues, A.N. Leont'ev and A.R. Luria further developed this work by broadening the Vygotskian scientific understanding of the development of human consciousness. This was to focus attention on how such development occurs through the internalising of social relations. This was grounded in the materialist notions of Marx's *First Thesis on Feuerbach*, which asserted the sensuous and material nature of human activity. From this philosophical foundation, the conception of object-orientated activity was introduced as a means of furthering understanding of how the internalising of external social actions shape inner mental processes. Though sustaining an emphasis on the critical role of mediation, Leont'ev and Luria proposed complex human activity as the unit of analysis to understand the development of the social mind. This subsequent work, constructed on the foundations built by Vygotsky, provided the framework for the later emergence of CHAT. This development understood that the 'structure and development of human psychological processes emerge through culturally mediated, historically developing, practical activity' (M. Cole, 1996, p. 108). Therefore, as Daniels (2008) observes, contemporary activity theorists 'seek to analyse the development of consciousness within practical social activity' (p. 115).

Relevance of CHAT for this research

In its contemporary manifestation, CHAT is emerging as a broadly employed conceptual framework in research. It provides a potent explanatory structure to understand the complex socially mediated and intentional processes that underpin human learning and development activity (Engeström & Miettinen, 1999). It has an increasing presence in educational research, including as a means of investigating

complex learning environments - including those of higher education (Wells & Claxton, 2002). This increasing use of CHAT in educational settings reflects a rising recognition of its capacity to foreground the social, cultural and historical mediation of human development. In doing so, it necessarily encounters the interplay between consciousness and activity, exploring the inherent dialecticism between social and individual agency. CHAT also stresses the dynamic, societal, collaborative and potentially expansive nature of human activity. Hence, as M. Cole (1996) observes, CHAT 'rejects cause and effect, stimulus response, explanatory science in favour of a science that emphasises the emergent nature of mind in activity and that acknowledges the central role for interpretation in its explanatory framework' (p. 104).

As a result, CHAT offers several compelling foundations for this form of research inquiry. It provides a means to respond to the research questions by allowing the:

- analysis of seemingly disparate social practices around student feedback, via a robust interdisciplinary framework that is explores how such practices shape the 'social mind' of individuals
- making explicit of the inherent tensions and contradictory imperatives in student feedback activity, and their implications for shared academic practices
- observation of the role that social and cultural artefacts of student feedback play in mediating and shaping complex and intentional human activity in university settings
- illumination of the expansive developmental potential of tensions and contradictions present in student feedback, to enhance broad and everyday academic practices

(adapted from criteria from Kaptelinin & Nardi, 2006; Young, 2001)

Hence CHAT provides a viable explanatory means to consider the complex origins, contemporary state and potentiality of student feedback in Australian higher education. It seeks to understand the complex social origins of such collective activity and how consciousness is shaped by mediated action within such activities. It achieves this by systematically investigating the 'psychological impacts of activity and the social conditions and systems that are produced through such activity' (Daniels, 2008). It also

considers how this developed consciousness is then shaping of future activity, providing the ability to re-envision the use of the student voice anticipated in this study.

A fundamental element of CHAT is the theoretical unit of analysis it uses to understand and further develop human functioning, characterised as the *activity system*. This notion of social activity represents a rejection of individualist and cognitivist explanations of human development. Instead, it understands such development as collective and co-constructed, being 'embedded in sociocultural contexts and intrinsically interwoven with them' (Stetsenko, 2005). The activity system is the key conceptual unit of analysis in CHAT theorising. It is the critical means of establishing the historically, culturally and socially mediated relationship between the subject (point of observation) and the object (the orientation of an activity). In exploring the tensions and contradictions within activity, it attempts to explain the nature of the activity and the dialectic relationship between the social and individual mind.

Engeström (2001) argues the nature of these complex activity systems can be captured in five explanatory principles:

- the prime unit of activity theory based analysis is centred on these collective (rather than individual) activity systems and considers the function of historically and culturally negotiated artefacts in mediating the 'social mind'
- these activity systems are multi-voiced and multi-layered, meaning they are complex and intersubjective
- activity systems are collective, culturally mediated and object orientated (that is, intentionally toward a defined object). They and are shaped and transformed by the ontogenesis of the activity system and other activity systems with which they interact
- tensions and contradictions are both inevitable and essential to change and development in activity systems
- activity systems have expansive potential for development as a consequence of contradictions being made visible and aggravated.

The primary conceptual tool used in CHAT for understanding the social form of collective activity systems has been developed by Engeström (1987). This was a further development of the individually-focussed conception of the triadic subject-object

mediation characteristic of the Vygotskian 'genetic' tradition (Daniels, 2008). Essential to this representation (see *Figure 3.1* below) is a broadened focus that considers integrates a range of additional social dimensions. This representation, cast as *second-generation activity theory*, considers the social rules that frame activity, the community that is interdependent in sharing social meaning and the division of labour which demarcates positions, roles and tasks (Engeström, 1987; Jonassen & Rohrer-Murphy, 1999). Later work by Engeström (2001) has further developed this conception, with the introduction of the notion of competing activity systems and further interest in the effect of 'boundary crossing' between such activities. This is characterised as *third generation activity theory* (further represented in *Figure 3.2*).
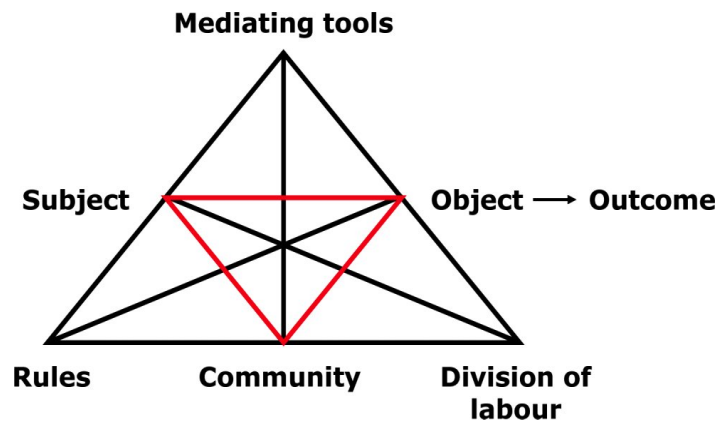
Figure 3.1: **An activity system from "Studying doctoral education: Using Activity Theory to shape methodological tools", by Beauchamp, Jazvac-Martek, and McAlpine (2009), Innovations in Education and Teaching International, 14(2), p. 268. Copyright 2009 by Taylor & Francis. Reprinted by permission of Taylor & Francis (www.tandfonline.com).**
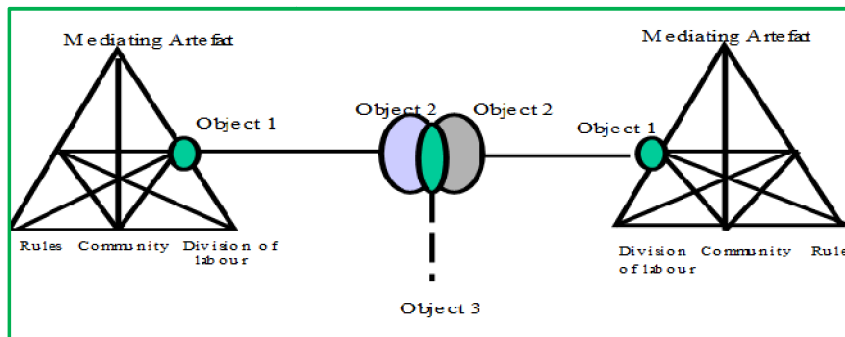
Figure 3.2: **A minimal model for third generation activity theory from "Expansive Learning at Work: toward an activity theoretical reconceptualization", by Y. Engeström, (2001), Journal of Education and Work, 14(1), p. 136. Copyright 2009 by Taylor & Francis. Reprinted by permission of Taylor & Francis LLC (www.tandfonline.com).**

CHAT as a form of developmental research

As argued earlier in the chapter, CHAT provides a robust and purposeful conceptual framework for a critical understanding of the complex social activity of student feedback-based evaluation in Australian higher education. The use of CHAT as the conceptual schema for this research will allow the systematic consideration of the historical emergence of student feedback-led evaluation in higher education environments. Importantly for the research questions, it will allow analysis of the foundational assumptions and contemporary work of student feedback-based evaluation, going well beyond the analysis of its instruments or deployment within universities. This will provide insights into its complex mediating function in contemporary constructions of pedagogy, as well as its potentiality to incite professional dialogue and pedagogical development. This will allow for the broad exploration of potential tensions, contradictions and prospects for innovation. It will provide a developed framework for exploring the inherent tensions within student feedback activity, and between it and other related activity systems in contemporary higher education environments (for instance, quality assurance and performance management activities).

Specifically, drawing on the characterisation of the potential of CHAT developed by Kanes and Stevenson (2001), this research will investigate the sociocultural trajectory of student feedback-based evaluation to:

- make visible the values, assumptions, problems, difficulties, doubts and paradoxes in its various constructions of student feedback
- investigate the incoherence, discontinuities, opposition, indifference, doubts and disruptions in its evolution and current function
- identify and analyse the socio-historical influences which have provided the layers of its meaning and action over time in Australian higher education
- make the complex work of contemporary student feedback explicit
- envision future activities by the identifying the expansive potential of the (reconceptualised) student voice

However, although given the nature of the research questions CHAT offered a compelling conceptual framework, what were less apparent were two critical

dimensions of the research task. These related to the focus and methodology to be adopted:

- firstly, what was the appropriate level of activity to consider in order to fully consider the multi-dimensional research questions posed in this study
- secondly, what complementary methodology would be most effective in providing useful data for this activity analysis?

The remainder of the chapter systematically considers these two fundamental questions. In the next section, a multi-levelled form of analysis that negotiates both the collective social and localised forms of student feedback activity is advanced. Following on from this, a methodology that is complementary to CHAT is proposed and a rationale for its adoption is provided. This methodology deviates from the conventional approach of interventionist forms of CHAT research, as it integrates an action research dimension. An analysis of contemporary research using CHAT reveals a predominance of its use as a largely heuristic device. Based on this outcome, a justification for this novel twinning of CHAT and an action research methodology is offered. It is also proposed that this approach represents a potential alternative research-development model to broaden the scope of CHAT-based research.

Research Design

This research investigates the emergence and contemporary manifestation of student feedback-based evaluation using CHAT, supplemented by a novel complementary action research methodology. Rather than seek to reconcile or diagnose solutions, this study attempts to make explicit the nature of student-feedback based evaluation as a complex sociocultural activity in Australian higher education. Student feedback is a contested activity that is strongly shaped by historical, social and cultural contexts within which it has evolved. In this CHAT-based conceptualisation, the ontogenesis of the concepts, language and tools that mediate the relationship between the individual (the teaching academic and their pedagogical practices) and the social (the outcomes of student feedback-based evaluation) is of crucial significance to understanding its function and developmental potential. This means of investigating and comprehending phenomenon is fundamental to the *historical-genetic method* of Vygotskian cultural psychology. This stresses the need to first analyse the rudimentary forms adopted by activity systems to illuminate the dynamics of their evolution into more advanced and

complex forms. According to Scribner (cited in Engeström, 1999a), from a Vygotskian perspective such investigation necessitates four distinct elements:

a) observation of contemporary everyday (rudimentary) behaviour
b) reconstruction of the historical phases of the cultural evolution of the behaviour under investigation
c) experimental production of change from rudimentary to higher levels of behaviour
d) observation of the actual development in naturally occurring behaviour.

(Engeström, 1999a p. 35)

As Engeström (1999a) observes, such steps are drawn from Vygotsky's focus on individual-level transformation through internalisation of socially derived higher psychological functions. They also provided a sound basis for understanding how individuals shape and transform cultures through the dialectical externalisation of this inner world with the social (which Engeström (1987) conceptualises as the *expansive learning cycle)*. This four-level framework provides a useful means of analysing the historical origins of student feedback-based evaluation, as well as the disturbances, contradictions and tensions within its contemporary work. It therefore provides a means for a critical understanding of the complex ontogeny of student feedback, its contemporary condition and expansive pedagogical potential. As such, it provides a framework for responding effectively to the research questions posed in this study. These four elements identified by Scribner have been interpreted into the context of the study, providing its foundational design framework. The framework is detailed in *Figure 3.3*, which provides a more detailed insight into the overall design of the study.

Phase One: An analysis of contemporary everyday activity

Introductory exploration of the current role and function of student feedback-based evaluation in Australian higher education and its evolved relationship with academic teaching.

(Chapter One and Two)

Phase Two: Historical phases of student feedback-based evaluation

Exploration of the phases in the evolution of student feedback-based evaluation. This element maps the accumulation of the layers of theoretical ideas, contradictions, tensions, artefacts and local practices that have shaped its contemporary role and function in Australian higher education.

(Chapter Four)

Phase Three: CHAT-informed, action research case studies

The framing and exploration of two CHAT-based, action research-based projects that explore the everyday state of quantitative student feedback-based evaluation. These also are used to assess the potential of the student voice to develop professional dialogue and pedagogical practices. Essential to this is making visible contractions and tensions using the explanatory potential of a CHAT framework. These case studies of situated practice are used to understand the complex interaction of individual academic and social agency in regard to the use of current and elevated forms of student feedback.

(Chapters Five, Six and Seven)

Phase Four: Analysis of actual development in naturally occurring activity

Employing an interpretivist CHAT framework, the analysis and discussion of the effect of the historicity of student feedback-based evaluation, its current form and function and its developmental application in the case studies. Here the developmental prospects of student feedback are further considered in the light of its evolved form, current work and identified potential.

(Chapters Eight, Nine and Ten)

Figure 3.3: **The research elements of activity theory and their application to this study**

This design reflects the foundational conception of CHAT that organisational and individual activity is mutually constitutive in nature. Social actions undertaken by individuals are seen as co-constructed within organisational histories, as well as shaping and being shaped (Daniels 2010). However, as Engeström, Engeström, and Kerosuo (2003) observe, this type of analysis presents significant challenges:

> Historical analysis implies a broad institutional and societal framework and a long time perspective. Situated analysis implies a focussing on the here-and-now….acknowledging the two are mutually constitutive only opens up the challenge: how does this mutual constitution actually happen and how can it be empirically captured? (pp. 286-7)

The design of this research is based on the contention that action research offers a viable complementary methodology for this challenge in CHAT-based research inquiry for this purpose. An action research methodology has the potential to offer a productive means of generating substantial data around conceptions of meditational trajectories and collective forms of activity. The twinning with action research could also further illuminate the arguably understated influence of relational ontology in activity theorising, by seeking to explore the situated relationship between the individual and the social world. Finally, given the nature of university teaching, an action research methodology also provides an accessible means of generating meaningful and authentic forms of data.

More details on the primary methods used to address the specific historical and case study dimensions of this research (that is, Phases Two and Three) are further introduced below. A more comprehensive outline of the approach used to design, develop and report on the case study component of the research is detailed in Chapter Five.

The historical dimensions of the research

As noted above, in order to understand the contemporary role, function and artefacts of student feedback-based evaluation, it is critical to analyse of the complex social influences that have acted to shape its evolution into its current form. This historicity is an essential dimension of sociocultural understanding, as it provides a multidimensional insight into how social activities are formed and transformed over time. This provides a

framework to understand the artefacts, tensions, theoretical ideas, limitations and expansive potential of student feedback (Engeström, 2001). This data affords a critical lens through which to consider the dimensions of contemporary local 'everyday' activity. This historical foundation for the later empirical stage of the study is designed to strengthen and deepen the use of the CHAT-action research based analysis emerging from the research case studies. It is also an important response to the criticism that CHAT-based research has tended to neglect the significant analytical function of historicity (Engeström & Miettinen, 1999).

The next chapter (Chapter Four) systematically investigates the key social discourses that have developed and shaped student feedback-based evaluation in Australian higher education, using a discursive sociocultural lens. This is based on the systematic identification and critical analysis of largely primary source documents on student feedback emerging from the universities and government in post-war period. This research will seek to establish what influences have shaped its developing form. Critical to this is the exploration of the changing epistemologies and mediating artefacts of student feedback. In particular, this provides an insight into how the tensions between student feedback and the discourses of academic development, quality assurance and performance management have been manifested over time.

Introducing the case studies: CHAT-informed, action research-based

The empirical dimension of this research is framed around interpretive case studies in two teaching postgraduate programs within the College of Law at The Australian National University. Case studies are a common tool of scholarly qualitative enquiry in social science, being centred on 'thick' descriptions of social environments, focussing on multiple interpretations and countenancing sociocultural contexts of activity (Glense, 2006; Stake, 1995). A case study approach offers a rich potential to undertake complex, critical and reflective 'empirical enquiry that investigates a contemporary phenomenon within its real life context especially when the boundaries between phenomenon and context are not clearly evident' (Yin, 1994, p. 13). The two programs selected for this study were selected largely opportunistically, rather than as a representative sample. Hence, the programs reported in this research represent a purposive, non-representative sample. As Stark and Torrance (2006) observe, this form of sampling is characteristic of both case study and action research-based inquiry in the social sciences and is more

orientated to illumination rather than generalisation. This approach has been adopted as it is consistent with the objective of the broader study to understand student feedback-led evaluation as a complex and socially mediated activity and these cases offer the opportunity to investigate this at a level of shared social practice. Consistent with the collective case study approach the selection of these multiple cases will lead to an enhanced understanding and theorising of a broader range of similar activity (Stake, 1995). The data generated by these case studies comes from a triangulated range of sources: student feedback via a customised, qualitative learning-focussed questionnaire, from teachers through generated artefacts, observed interaction, documented responses, focus group discussion and via a reflective questionnaire and from the researcher from case notes recorded during the action research cycle.

The case study approach represents an appropriate framework for the engagement with complex, multi-voiced and tension laden social environments implied in sociocultural research. Reflecting this, is a common analytical tool used by CHAT researchers (Yamagata-Lynch, 2010). This case study approach offers a more diffuse level of intimacy than offered by data collection centred on interview, observation or discourses analysis (Marshall & Rossman, 1999), hence being more likely to generate insights more harmonised with the conceptual framework and epistemological foundations established for this study. Moreover, as the motive is to understand collective experiences and shared meaning around student feedback-led evaluation, the study adopts a specific conceptual structure that has been characterised by Stake (1995) as a *collective case study*. The collective case study is employed to observe phenomena more broadly in order to distil a more substantial condition and to aid theorising. This differs from the single instrumental case, which aims to understand and draw meaning from the case *of itself*. This demarcation is an important given the broader sociocultural frame of this study. This research is designed to develop a social conception of activity and the shared consciousness it embodies, rather than merely investigate the everyday experiences in isolation from broader theorising (Kaptelinin & Nardi, 2006).

The case studies are designed to generate naturalistic data to bring the current influence of student feedback-based evaluation in Australian higher education into clearer focus. They investigate the effect of the historically accumulated artefacts and how they mediate the work of student feedback-based evaluation in situated practice. Primary to this is the investigation of how shared meanings are reached and how these are shaped

(and are shaping of pedagogical practice). The developmental focus of the case studies is developed by the use of qualitative forms of student feedback data generated in action research processes. This data creates disturbances by identifying the tensions and contractions in formed pedagogical conceptions. It is used as a means of generating professional dialogue and changed practices over three semesters. These cycles were developed within a CHAT-based, action research methodology, in which participants were actively encouraged to collectively frame, interpret, act and reflect upon qualitative feedback data. Within these action research cycles, the researcher functioned as a 'meddler in the middle', acting as a participant-observer to incite, disrupt, distil and investigate student feedback using the conceptual tools afforded by CHAT. This allowed the researcher to immerse in the environments and authentically trace the changes in the shared understandings of student feedback and its mediating effect on individual and shared pedagogical practices.

Further detail on the specific methods used to design, develop and report the outcomes of the case studies is detailed in Chapter Five.

Exploring the methodological ambiguities of CHAT

As introduced earlier in this chapter, this study uses a somewhat unconventional association of CHAT and an action research methodology. This combination diverges from the conventional interventionist methodologies associated with CHAT. As will be demonstrated later in this chapter, it also moves beyond the most common contemporary use of CHAT in research - that is as an exploratory device or analysis tool. Instead, it consciously adopts a developmental motive in researching the use and potential of student feedback. In this section, the nature of this deviation from conventional methodologies is outlined and a rationale for this decision is offered.

In its complexity and conceptual depth, there is little doubt that CHAT offers a unique conceptual framework for qualitative research. As Engeström (1993) explains, CHAT is unlike other qualitative epistemologies such as phenomenonology and ethnomethodologies that tend to centre on dyadic interaction or discourse of itself. CHAT defies notions of 'contexts (that) look like something that can be created at will by two or more persons in interaction, as if independently of the deep-seated material practices and socio-economic structures of the given culture' (p. 66). However, CHAT is not a methodology of itself, nor does it naturally assert one, nor offer an obvious set

of research techniques, methodologies or procedures (Daniels, 2008; Engeström, 1993). Instead, it is primarily a 'philosophical framework for studying different forms human praxis as developmental processes, both individual and social levels interlinked at the same time' (Kuutti, cited in Jonassen, 2000). However, implicit in these theoretical principles is the reality that CHAT inherently inspires research methodologies that are more conceptual and open ended, rather than empirical and diagnostic in form.

Although it is reasonably straightforward to determine what methodologies do not meet the demands of the conceptual framework established by CHAT, it is less simple to identify what actually might. Indeed, CHAT remains somewhat methodologically underdeveloped and even ambiguous in form (Sawyer, cited in Daniels 2008). At a surface level, this is perhaps unsurprising given the relatively recent emergence of CHAT as a legitimate theoretical frame. It also has a relatively complex epistemological ontogeny in the materialist notions of human activity of Marx, Vygotsky, Leont'ev and, more recently, the work of European and American theorists (most notably Engeström, Wertsch and Cole). However, at a more fundamental level of research practice, the absence of clear and accessible methodological guidance is more conspicuous given the rapidly expanding use of CHAT to analyse an ever widening array of activity settings (Roth & Lee, 2007; Yamagata-Lynch, 2010).

A notable exception to this broader ambiguity is offered by the interventionist organisational research of Engeström (1993, 1999b, 2000a & 2008). Engeström's use of CHAT employs a methodology characterised as *developmental work research*. This methodology employs a broadly developmental ethnography to undertake highly contextual analysis of localised forms of collective activity. Engeström (2000b) challenges what he asserts is the conventional preoccupation of ethnography with largely passive techniques centred on observation, mediation and recording. His *developmental work research* model asserts the essential hegemony of the researcher-designer-consultant role. This role centres on abstracted analysis of local activity and the design of modelled development within contested organisational terrains. Engeström describes this methodology as:

> developmental transformations seen as attempts to reorganise, or re-mediate, the local
> activity system in order to resolve its pressing inner contradictions…the emergence,

aggravation and resolution of contradictions may be regarded as a development cycle in the life of the activity system (Engeström, 2000b, p. 152).

Using this research orientation, which he casts as being based on an 'ethnography of trouble', Engeström (2000b) sees the methodological challenge as making visible the contradictions in the activity system by creating disturbances. Such disturbances are designed to engage practitioners in analysis (and aggravation) of these inner contradictions in activity. The objective of this method is to induce connections and realise their expansive (learning) potential for the object of the activity. Essential for Engeström is a methodological portrayal that is founded on a 'bold experimental attitude' and the triggering of 'powerful and unpredictable cognitive, emotional and social dissonances' (2000b, p. 159). Engeström's *developmental work research* method is strongly predicated on the logic of the analysis of the 'local': the concrete workplace context. Understanding comes in the disturbances experienced in daily work and demands for innovation. It is guided through a systematic process he describes as 'expansive visibilization' which is designed to harness the expansive potential of the activity system (Engeström, 2000a). Although Engeström characterises this approach as the 'test bench' of CHAT, it is explicitly predicated on a largely bounded and immediate context: that is, that the:

> fundamental societal relations and contradictions of the given socioeconomic formation - and thus the potential for qualitative change - are present in each and every local activity of that society. (Engeström, 1999a, p. 36)

More recently, Engeström (2008a) has advocated the further radicalising of this methodological orientation toward what he characterises as formative interventions that accentuate the relationship between CHAT and designed practice. Drawing on the Vygotskian notion of double stimulation, Engeström advocates for stronger interventionist methodology that epistemically aligns theory, methodology and research. He argues this would allow a greater focus on experimentation that is argumentative, provocative and actively guided toward largely defined interventionist solutions. Some similar methodological work has emerged in a range of other interventions studies using CHAT (for instance, Edwards, Daniels, Gallagher, Leadbetter, & Warmington, 2009; Noffke & Somekh, 2006; Sannino, Daniels, & Gutierrez, 2009). However, evidence of the long-term effectiveness of *developmental work research* remains largely uncertain, not least of all as the work remains in its infancy. Yet there is little doubt that the

pioneering work of Engeström and colleagues in the Center for Activity Theory and Developmental Work Research, based on this interventionist *developmental work research* method, has proven highly influential in attempts to understand the application of activity theorising to the analysis of collective activity in bounded activity systems (Roth, 2004).

Exploring the methodological dimensions of contemporary CHAT-based research

Yet in reviewing the range of CHAT-based research, it is appears that most studies employ more exploratory and less interventionist methodologies. Indeed, in considering specific methodological approaches of CHAT research for this study, it emerged that most contemporary researchers tended to employ CHAT as a broad heuristic to investigate situated practice, or as an explanatory tool to understand expansive potential within and between activity systems. Such studies are most characteristically framed around multi-site, qualitative case study approaches. Rather than directly engage in the form of 'radical localism' implied by *developmental work research,* much CHAT-based research tends to have an exploratory or discursive focus. However, given there has been limited research on the actual form that CHAT research is adopting, it is difficult to definitively confirm this assertion. For instance, Roth (2004) and Roth and Lee (2007) have explored the use of CHAT in research at a meta-level, though only through the quantitative lens of citation frequencies. Yamagata-Lynch and Smaldino (2007) contend that many studies in North American education research using CHAT tend to use it primarily as a descriptive tool, rather than in the interventionist form anticipated by Engeström.

Given this lack of empirical confirmation, a review was undertaken of recently published CHAT-based research. This was in order to confirm the primary methodologies of research using an explicitly CHAT-based conceptual framework. This was also necessary to explore potential alternative methodologies emerging beyond the discursive or heuristic use of CHAT. The research considered was from peer-reviewed, English-speaking journals published in the last decade and studies were selected on the basis that they foregrounded the use of CHAT as the conceptual basis for their research. No authors were included more than once so as not to weight the review toward a particular chosen methodology and this meta-level review consciously excluded the

research work of Engeström and his immediate colleagues (given its characteristic adherence to the *developmental work research* methodology).

The number of studies selected was largely opportunistic – being based on a broad search of research databases and identifying those studies that were of sufficient scale to allow methodological issues to emerge. Using these criteria, this meta-level review involved the systematic analysis of the methodological approaches used in 24 identified CHAT-based studies. An inherent limitation of this review was that it only observed the direct material published by the authors in these research papers and did not encounter the broader projects or related data on which they were reporting. This analysis produced a series of significant outcomes. Firstly, the methodological divergence amongst studies broadly developed under the conceptual frame of CHAT was pronounced. It was also apparent that the relationship between CHAT and the chosen methodology for research was often implicit or largely ambiguous in the vast majority of these studies. Indeed, it was conspicuous that the majority of studies undertook limited exploration or rationalising of the relationship between chosen methodologies and the transformative motive implicit in CHAT that emerges from its drawing together of informed agency, action and context (Edwards, 2000). This observation also seems to affirm criticisms that CHAT researchers often inadequately express the methodological assumptions on which their research is based, perhaps reflecting the epistemic struggle to separate the individual and social mind in research practice (Daniels, 2008).

In considering the actual methodologies used in these 24 analysed CHAT-based studies (again recognising this analysis was limited to the stated methodologies published in the papers themselves), the following broad observations were made:

- 22 of the 24 studies explicitly employ case study methodologies, with 14 studies adopting a multi-site focus, and the remaining ten a single research site

- 15 studies derive empirical data from either participant interviews (e.g. Russell & Schneiderheinze, 2005; Trowler & Knight, 2000), participant surveys (e.g. Hopwood & Stocks, 2008) or a combination of interviews, observation and/or participant reflection (e.g. Crossouard & Pryor, 2008; Hardman, 2005)

- three studies specifically engage forms of discourse-content analysis (e.g. Brine & Franken, 2006; Foot, 2001), two make use of a largely atomised action research methodology (e.g. Wilson, 2004) and only two directly embrace the either orthodox

developmental work research methodology (Meyers, 2007) or an emergent version of this methodology (Ellis et al., 2010)

▪ a further two studies use the analytical potential of activity systems analysis to collaboratively evaluate practices (Yamagata-Lynch & Smaldino, 2007) or assess the efficacy of professional development (Yamagata-Lynch, 2003)

These outcomes are significant in that they demonstrate several important realities about the relationship between CHAT and associated methodologies. Firstly, there is an apparent dissonance between CHAT-based methodological approaches in mainstream application and the more determinedly interventionist and pre-structured motive of *developmental work research*. Secondly, the majority of the research adopts a broader frame of inquiry beyond Engeström's vision of 'radical localism' (Engeström, 1999a). Most use more generalised investigations of multi-sites, collective practices or shared pedagogical orientations. Finally, what this meta-level review also revealed was the dominantly heuristic use of CHAT. This suggests that CHAT operates primarily as a discursive framework of analysis in dominant research application. This capitalises on the explanatory and inductive potential of CHAT, rather than its use as an interventionist tool. Hopwood and McAlpine (2007) lucidly explain this heuristic motive as using CHAT as a:

> vehicle to understand relationships between (i) individuals, what they do and what motivates them, (ii) the communities and contexts in which they are embedded, including the norms which regulate interactions and the way different roles and tasks are assigned, and (iii) the tools people use to help achieve their objectives. (p. 3)

The predominant heuristic motive identified in this meta-analysis would seem to represent a legitimate, yet incongruous, motive given the interventionist drive of CHAT-based research. This collective methodological response contrasts sharply with the explicit hegemonic orientation of CHAT as a tool of intervention in localised activity as asserted by *developmental work research*. This outcome could suggest that the *developmental work research* methodology might work to limit, rather than expand, the utility of CHAT as a framework for research inquiry. To further confirm this thesis, a more detailed analysis of the methodologies used in these reviewed studies was undertaken. This revealed a range of explicit and implicit motivators for the embrace of

this 'alternative' heuristic imperative. These distilled motivations and the assumed

rationale for these divergent approaches are described in Table 3.1.

Table 3.1: CHAT-based research motivations

Motivations	Assumed rationale
Suitability of developmental work research methodology (and the perceived value of broader analysis of activity beyond the workplace level)	The developmental work research methodology as represented by Engeström is a highly complex and staged re-mediation of a largely temporally and spatially bounded activity systems. The underpinning 'ethnography of trouble' (Engeström, 2000b) requires extensive analytical groundwork by skilled external expertise, defined staging and aggravation of contradictions with the activity system. However, the resonance of this situated research with other 'similar' activity systems is largely ambiguous. This is because its actual sustainability both in the local site and as a model for other sites remains largely unclear. Engeström (1999a) argues outcomes of such research are 'novel activity-specific intermediate level theoretical concepts and methods–intellectual tools for reflective mastery of practice' (p. 36). Yet, it is apparent that research that employs CHAT as a heuristic seeks to define the activity level in a less local and bounded form. Instead, it opts to research the nature of broader mediated networks of social practice. This sense is reflected by Hopwood and McAlpine (2007), who explain that using activity theory as a heuristic 'helps us think of the individual in the context of different constellations of social communities, tools, tasks and rules...(and) understanding the tensions experienced by students as they navigate different systems and engage in different activities' (p. 7).
Enhanced understanding of the relational interdependence between individual and social agency in activity	A significant feature of divergent methods of CHAT-based inquiry is the more conspicuous engagement with what Billett (2006) has conceptualised as *relational interdependence* in the exploration of activity systems. This is expressed in an explicit focus on the collaborative exploration of the interdependence of reflexive social and individual agency in activity systems. In the CHAT-based research, there emerged a clear desire in activity theorising to understand the strong influence of the pre-mediated experiences of individual learning that takes place outside the frame of the social. This tension suggests a desire amongst some activity theorists to adopt a more relational ontology. This would appear to reflect some apparent reluctance to reductively engage individual agency where there are 'inconsistencies and incoherencies in activity systems (that) are far more complex in origin and manifestation' and therefore may defy deterministic prescription (Blackler, 1993).
	Developmental work research methodology features a strongly interventionist orientation centred on a conscious motive to lead the

Avoidance of potential methodological and situational rigidity	re-mediation of local activity. This approach is based on what Engeström (2000b) has cast as the 'ethnography of trouble' and employs a highly structured process to incite the expansive potentialities of disturbances and ruptures of everyday actions (Engeström, 1999b). Further, as Blackler (1993) asserts, the inherent expectation of the Engeström *developmental work research* model is that the function of such research is to alert participants to contradictions, in order to spark the process of *expansive visibilization* and its revelatory potential. Although this approach has produced significant empirical outcomes, it seems to remain largely novel in the broader CHAT-based research community. The 'unorthodox' methodologies of CHAT research explored in this meta-level review were generally characterised by forms of engagement that was less directive in tone. Arguably, this form of engagement may reflect the less hegemonic mission of most CHAT researchers, who appear to be more discursive in intent rather than strongly interventionist in motive. Arguably this is an outcome of the absence of a clear methodological paradigm that permits more collaborative forms of intervention in activity systems.
Expectation of exposing CHAT itself to critical re-mediation	Paradoxically, although there is acknowledgement that CHAT itself necessarily must develop as an open, multi-voiced and constantly re-mediated collective activity (Engeström, 1999a), its primary methodological discourses seem to be subject to limited critical reflection and firm orthodoxies. The range of research methods emerging using CHAT as a conceptual framework, but not necessarily embracing the *developmental work research* model, suggests there are contestable (or perhaps even contradictory) perspectives emerging. These contestable perspectives debate what constitutes the appropriate level of analysis of activity systems and the relationship of the 'local' and the 'social'. The divergence between the local and social, most acutely demonstrated in methodological variance from research of workplace level activity to broader level of networked activity, clearly has an expansive potential itself for CHAT that could be usefully debated.

These broader findings on CHAT methodologies in research use are highly significant for this study. They imply that the methodological utility of Engeström's *developmental work research* approach may be limited. Moreover, it may also not fully encounter the challenges of relational agency or broader domains of professional practice. Given the specific focus of this study on the developmental potential of student feedback in the professional domain of higher education (embodied in the third research question), this conclusion meant this CHAT-based research could be more effectively developed using a broader relational methodology. Such a methodology would also need to go beyond an exploratory heuristic. Given the nature of the context of the study, a largely imposed interventionist approach would not have proved effective. In essence, it would essentially require a more collaborative methodological form. This created the challenge of determining a complementary CHAT-based methodology that was capable of engaging the important relational interplay between individual academic agency and the social contexts of meaning around student feedback. This analysis led to the decision to use a CHAT-based, action research methodology. The next section provides a rationale for this decision to adopt this methodological orientation to complement the explanatory capacity of CHAT.

Action Research: a complementary CHAT methodology?

Given its shared foundations in understanding and developing shared social practice, it is perhaps surprising that action research has been infrequently identified as potentially complementary for CHAT-based research. Conversely, the most common theoretical link drawn with action research remains in the critical theory of Habermas which shapes its emancipatory form (Noffke & Somekh, 2006). Yet, action research would seem to offer significant potential as a viable and credible alternative methodology for CHAT research. It similarly engages the foundational bias of activity theorising for developmental intervention at the level of activity. CHAT also provides a reciprocal potential to deepen the theoretical roots of action research by providing a more substantial social framework of meaning around the notion of mediated action.

Action Research is a widely adopted developmental methodology centred on investigating social practices. It was originally developed in the 1940's by Lewin and

subsequently refined, most notably in the critical theoretical work of Carr and Kemmis (1986). Carr and Kemmis explain action research has two fundamental objectives: firstly, the improvement of social practices and the involvement of participants in the underpinning research and secondly, the enacting its outcomes. Action research seeks to develop practice by improving the understanding of it by practitioners, through the cycles of planning, action, observation and reflection. In its contemporary manifestation, action research has emerged as an increasingly critical and discursive social science. It has moved from its seminal technical interest in structural change, to focus more on reflective inquiry. It has heightening interest in dialectical processes in broader sociocultural, historical and ideological domains, being clearly orientated toward emancipatory change (Kanes, 2004).

As Edwards (2000) has observed, at the macro level there are strong resonances between action research and CHAT. The two perspectives are attentive to collective agency, orientated to building capability for informed action and have an intention motive for systematic collective development. Indeed, it has been contended that CHAT could be considered itself to be methodologically a form of action research given the mutual stress on the reflexive integration of theoretical work with empirical practice (Langemeyer & Nissen, 2006). It is notable that the potential relationship between CHAT and action research remains under-theorised. It is also infrequently considered in debates of complementary CHAT methodologies. Yet action research methodologies directly engage practitioners in systematic forms of enquiry toward broader theoretical knowledge. Even at a broad level, they would seem to offer a valid and reliable means of expanding the potentiality of CHAT-based research. Moreover, they may also offer the potential for CHAT-based development research to be framed in more accessible, collaborative and more sustainable forms.

This democratising of CHAT may also offer a response to persistent concerns (Billett, 2006; Wheelahan, 2007) that it may tend to oversocialise the individual by reducing individual intentionality to social determinants. This is also a criticism more specifically mounted against the interventionist intent of *developmental work research* methodology (Avis, 2009). Hence, action research methodologies may also allow CHAT to more broadly encounter the more complex and reflexive inter-relationships between individual and social agency. As Billett (2006) warns:

without including and embracing individual agency and intentionality, theories of learning that privilege situational factors may well fail to account for individuals' role in transforming culture…their ontogenetic development and perhaps most important, the nature of the relationship that constitutes the social contributions to human cognition (p. 59).

In considering resonant methodologies for this study, and in the context of the clear reservations emerging around conventional CHAT approaches, it was apparent that this potential could not be easily discounted. In its inherently collaborative and reflexive orientation, action research methodology has the potential to more effectively reveal the relational interplay between individual and social agency in activity systems (Wheelahan, 2007). It may also expose the learning derived beyond the local activity system by individuals, which may be otherwise concealed in developmental–ethnographic observation.

This melding between CHAT and action research offers another significant enhancement for activity theorising – a methodological accessibility that is elusive in *developmental work research*. This pairing offers a methodology that more naturally engages with the reflective, enacting and evaluative practices of educators in higher education environments. As such, it can be argued that a CHAT-based, action research methodology increases the potential to further develop the potency of CHAT as a conceptual framework by integrating more accessible and explicitly collaborative motives of action research inquiry. On this basis, this largely novel CHAT-based, action research methodology was chosen to support the empirical dimension of this study. In the next section, the specific strategies used to align and develop this blending are explained in further detail.

Framing the conceptual-methodological alignment

Some preliminary guidance as to the potential complementarity of CHAT and action research is offered by Kanes (2004). Kanes speculates on the likely resonance of activity theory and action research in his tentative theorising of the conception of an *emancipatory activity theory*. Recognising the work of Carr and Kemmis (1986) in using Habermas' critical-theoretical lens to develop action research, Kanes (ibid.) explains that this prospective alignment of CHAT and action research that creates the conditions for a reflexive and participatory critical praxis. Such praxis would meet

Engeström's expectation of a 'dialectical movement between activity level visions and action-level concretisations' (Engeström, cited in Kanes, 2004). Such an alignment could offer:

- *activity theory* a methodological frame more capable of multimodal, collaborative and diverse forms of situated analysis; and
- *action research* a theoretical perspective that encourages 'more systematic rather than episodic principles of elaboration', centred on ontogenetic, current and prospective activity, action and operation (rather than future action alone) (Kanes, ibid.).

Other tentative theorising on the potential complementarity of CHAT and action research is offered by Dixon-Krauss (2003). She asserts this melding creates the potential for dynamic mediation design for action research. This acts to systematise inquiry and democratises researcher-participant collaboration. Based on her own experiences in researching educational activity systems, she elucidates how action research can enhance the prospect for research to better understand the use and transformation of cultural artefacts. Through active researcher-practitioner collaboration, researchers can better understand how such artefacts act to constrain, afford and expand mediated learning in activity systems. This is seen as a significant attraction in professional environments like education and health. Here individuals are strongly driven by professional imperatives and therefore understanding professional identity is critical to productive development through research activity. According to Dixon-Krauss (2003), the melding of CHAT and action research provides a more significant acknowledgement of the collaborative relationship that is essential to effective situated research. This gives analytical depth to the socially mediated subjectivities that practitioners necessarily bring to the research of activity systems.

So what does the nexus between CHAT and action research therefore mean in practice, and how might this relationship be conceptualised? Firstly, there is little evidence that any significant work has been done to explore the potential mechanics of the relationship between the two currents. This is not entirely surprising given the dominating effect of interventionist methodologies of existing CHAT-based developmental research discussed earlier in this chapter. There is also some unease about the more open and prospective orientation of conventional forms of action research in CHAT-based research (Kanes, 2004). At the same time, caution is equally

essential to avoid what Engeström (1999a) has reasonably critiqued as the dangers of 'naive forms of action research, idealizing so-called spontaneous ideas and efforts coming from practitioners' (p. 35). This challenge points to need for a sophisticated conception of action research that is theoretically rooted in a CHAT framework and that can offer the potential of productive collaborative inquiry. Here action research is framed by a determined focus on object-orientated and culturally mediated activity systems.

However, explorations of the possible relationships between activity theory and action research methodologies have tended to analyse the potential of the theory to relate to the method rather than the method to the theory (Dixon-Krauss, 2003; Edwards, 2000; Kanes, 2004). Although Kanes (2004) has tentatively identified *emancipatory activity theory* as a potential re-conceptualising, this model would seem to over privilege the action research method (and its origins in critical theory) over CHAT. Having said this, Kanes' identification of parallels between Engeström's *expansive visibilization* and the conventional cyclical action research model is instructive. He points to a shared resonance that offers a potential way forward in aligning theory and method. Based on this broad staring point, Table 3.2 (below) offers a proposed framework developed for a CHAT informed-action research methodology. The Table also contrasts this approach with Engeström's conventional *developmental work research* methodology.

Table 3.2: Comparisons of CHAT-based action research and developmental work research methodology

Dimension	CHAT-based action research	Developmental work research
Form	Participatory action research developed via critical engagement in complex social practices. Framed beyond the localised-situated to identify expansive potential.	Developmental ethnography ('ethnography of trouble') in abstract, enacted in engagement with CHAT tools to explore emerging practice and alternative conceptions.
Method	Integration of CHAT analytical framework (activity system analysis) within ongoing cycles of action research	Process of four stage expansive visibilization (expert analysis, modelling prospective activity systems, design/implement, review)
Researchers	Practitioners guided conceptually to deepen beyond the local to the mediating role of cultural-historical artefacts in shaping practice	External experts engaging local participants in exploring the development potential of the analysed cultural historical activity system
Motive	Developmental change to collaborative activity to sustain improved practices and deepen and extend theoretical knowledge of practice over time	Expansive visibilization and 'radical localism' to reform situated practice, with indistinct connection to broader social domain
Sources of data – focus	Tensions, contradictions and expansive development potential critically developed in relational agency (i.e. social/individual)	Tensions, contradictions and expansive potential theorised in activity analysis to incite expansive visibilization process
Sustainability	Ongoing CHAT-based AR cycle and modelled social learning practice	Effect of expansive changes made in intervention process

This framework seeks to enhance the developmental potential of the action research cycle by engaging research participants in the broader analysis of collective social practices (and what mediates these) to deepen theoretical understanding of practice. This form of complementarity is intended to generate a more robust collaborative framework of inquiry. It also has the objective of enhancing shared forms of learning in order to make the model more sustainable beyond the research intervention itself. Through this approach in an academic setting, this melding could also democratise the use of CHAT as a developmental tool. This is possible by increasing the levels of shared professional engagement in research processes, their outcomes and its further development. Importantly, this democratising effect could also serve to broaden the scope of data collection and analysis processes. This could act to frame more reflexive engagement between the researcher and participants, providing greater situated depth and enhanced recognition of the reciprocity of individual and social agency in collective activity.

This CHAT-based, action research also offers an accessible framework that could more directly engaging practitioners in complex social explorations of tensions and contradictions inherent in social sites of enquiry such as that which is at the centre of this study. This has the potential of building a capability for sustaining learning beyond the immediate intervention stage (as implied by the episodic nature of *developmental work research*). This combination also offers the potential to enhance the utility of CHAT beyond the heuristic and exploratory.

This alignment could also provide a viable alternative for CHAT-based development research that may be potentially hindered by incidental forms of consultancy-based, developmental intervention. For instance, the introduction of action research methodologies could limit participant dependence that often arises comes from such inherently hegemonic forms of interaction. This lessens the likelihood of the transient change characteristic of over-reliance on the outcomes of abstracted inquiry. Hence, collaborative action research practice framed within the conceptual domains of CHAT, potentially offers an improved accessibility and responsiveness of the theory as a robust and sustainable model of developmental learning. In order for CHAT to further develop as an accessible and responsive conceptual framework for exploring social activity, it is axiomatic that researchers are able to engage critical methodologies that reflect the collaborative, reflexive and expansive philosophy of the theory itself. Action research

has the potential to further develop as such a legitimate complementary methodology for CHAT-based research, particularly in environments of professional practice like higher education.

Further details on the specific design of the CHAT-based, action research methodology is provided in Chapter Five, which introduces the two case studies included in this research.

Conclusion

This chapter introduced the overall conceptual and methodological design of this study. It also provided the framework used to develop the stages of the research. The study is founded on an analysis of the current 'everyday' state of student feedback and in the layers of history through which it is formed. The mediating effect of student feedback is further understood in its situated realities in a university setting, and finally a consideration is given of the developmental potential of the student voice in the contexts of collective professional dialogue. The chapter also introduced the critical deviation the study proposes from conventional CHAT interventionist methodologies with the design of a CHAT-based, action research methodology. This combination has the potential of expanding the theoretical breadth of CHAT. However, equally its novel use also raises reasonable questions about the validity of this approach that this chapter sought to address. The following chapter moves to the next phase of this study. It considers the historical and cultural layers that have formed to shape the contemporary state of student feedback-based evaluation in Australian higher education. It analysis the social forces that have been critical in framing these layers of development and the mediating impact these have had on the evolving nature and use of student feedback.

Chapter Four: Mapping the development of student feedback-based evaluation in Australian higher education

Introduction

An essential foundation of sociocultural enquiry using a CHAT framework is the exploration of the socio-historical dimensions of the activity system under scrutiny. This is because contemporary activity can only be fully understood as a historically developed phenomenon. This approach is drawn from the Vygotskian notion of the historically mediated nature of human consciousness. Specifically, it is centred on understanding the prospective development of *higher mental functions* in material social relations that unfold over time (Scribner, 1985). For Vygotsky, this represented a critical dimension of researching human psychology that is all too often reduced to the mere study of something past and as an atomised phenomenon from present-day activity. Instead, he argued:

> *To study something historically means to study it in the process of change;* that is the dialectical method's basic demand. To encompass in research the process of a given thing's development in all its phases and changes – from birth to death – fundamentally means to discover its nature, its essence, for it is only in movement that a body shows what it is (Vygotsky 1978, p. 64-65, *original emphasis*).

In the later work of Leont'ev, Luria and most recently Engeström, this recognition of a pervasive historicity is broadened to form an essential lens in developing an explanatory analysis of:

- how contemporary activity systems have evolved and the layers of history that have shaped their form, artefacts and contradictions

- how purposeful collective activity is mediated over time by historically formed tools and artefacts

- the future trajectories of activity systems

As Engeström (1999a) argues that much contemporary empirical research using CHAT tends to neglect this critical historical lens. In doing so, it runs the risk of adopting a more relativist and one-dimensional understanding of what is essentially evolving in multi-voiced activity systems. This has effect of limiting the ambitious expectations of CHAT, limiting the depth of its theoretical analysis. This may render it less able to make grounded value judgments about what has productively and negatively affected the emergence of contemporary activity (Engeström, 1999a).

For this reason, to fully consider the contemporary state of student feedback-based evaluation, its complex history needs to be foregrounded as a critical dimension of this analysis. The complex and contesting social forces that have shaped student feedback frame this analysis. This historicity is important, as it can reveal how this activity was formed in the Australian higher education environment and how this worked to shape its contemporary function and primary artefacts. From this sociocultural vantage point, these historical processes around student feedback are understood as 'dialectic relationships between continuity and change and the reproduction and transformation of social structures and relationships, underpinned by a complex chronology of development' (Ellis et al., 2010, p. 5). The specific form of quantitative survey-based student feedback has not emerged organically. Instead, it is the outcome of a complex socio-historical activity that has engendered in it a defined character. This formation therefore affords important layers of meaning for the research questions foregrounded in this study.

In this chapter, the complex social origins of student feedback-based evaluation in Australian higher education will be systematically considered. By using the CHAT framework outlined in Chapter Three, the changing forms and functions of student feedback will be mapped and critically debated. This will be toward a deeper analysis of the current state of student feedback-based evaluation in Australian higher education. This analysis is commenced in this chapter, and is supplemented by empirical data from the case studies reported in later chapters. This historical exploration will investigate the earliest forms of quantitative student feedback: in early behaviourist experimentation and its subsequent development as a response to student protests and broader dissatisfaction around educational quality in the United States. From these seminal origins, the chapter will track its initial experimental appearance in Australian higher

education and its early piloting as a response by newly emerging academic development units to the emerging challenges of teaching quality in a growing higher education system. From here, the emergence of student feedback as an early response to the pressures of rapid growth in student numbers and related introduction of student fees in Australian higher education will be analysed. Finally, the transforming pressures of the emergence of market liberalism that sought reframe student feedback as a quality assurance mechanism (and later a public performance measure) is considered.

As observed in Chapter One, student feedback-based evaluation is an accepted orthodoxy in the contemporary landscape of North American, the UK and Australian higher education systems (Harvey, 2003). Yet its emergence is a relatively recent phenomenon, having only been in broad application since the mid-1980s. This is significant as student feedback-based evaluation is considered axiomatic in these contemporary higher education environments. In these higher education environments, it now performs increasingly diverse work as a proxy measure of teaching and curricula quality at an individual, institutional and sectoral level (Blackmore, 2009). Student feedback is generally regarded as a valid and reliable empirical tool for the local, institutional and increasingly sectoral assessment of:

- academic performance and curriculum quality
- broader academic merit for appointment or promotion
- assessment and funding of higher education institutions

(Davies et al., 2007).

Therefore, given this powerful social role that student feedback-based evaluation performs in framing the conceptions of current academic practice in Australian higher education, it is useful to critically explore its primary evolutionary phases of student feedback-based evaluation, from:

a) its initial localised and experimental emergence as a teaching improvement tool in established Australian universities
b) its broadened use with pressures for improved student retention and performance, as well as the introduction of quality auditing of student satisfaction levels

c) its subsequent universal application in Australian higher education as a response to rapid system expansion, rising marketisation of and heightened demands of institutional performance management

The early phase: the emergence of student feedback-based evaluation

Informal forms of student feedback-based evaluation are likely to have origins as ancient as the university itself, though this is difficult to establish definitively. However, its earliest formal forms were most likely to be identified in the early medieval European universities Here committees of students were appointed by rectors to assure teachers adhered to defined orthodoxies and met prescribed time commitments, with penalties in place for miscreant teachers (Centra, 1993). In addition, students were afforded a further and quite tangible form of evaluation with their feet. This was manifested quite literally as a direct form of in-class disapproval or by simply not attending class - as teacher salaries were formed by student attendance fees (Knapper, 2001). Perhaps fortuitously, such forms did not sustain themselves (at least in this harsh form) into the modern age of universities.

The modern appearance of student feedback-based evaluation is generally linked to two closely related activities:

- the introduction of a student ratings form at the University of Washington in 1924 (and several other US universities in the following years) and
- the release of a study on the design of student ratings by researchers at Purdue University in 1925

(Flood Page, 1974; Kulik, 2001; Marsh, 1987).

The outcomes of the experimental Washington student ratings are unclear, however the work of Remmers (1927) and his colleagues at Purdue did continue to resonate in isolated parts of the American higher education system. The instrument developed by Remmers (the *Purdue Rating Scale for Instructors*) focussed on establishing whether judgements about teaching by students coincided with that of their peers and alumni (Berk, 2006). For instance, in the early 1950's it was estimated that about 40% of US colleges and universities were using this type of instrument for student feedback-based evaluation (McKeachie, 1957). However, an actual study in 1961 suggested 24% of a

broad sample of US colleges and universities were regularly using quantitative student feedback-based evaluation drawn from the Remmers model (Flood Page, 1974).

However, Centra (1993) contends student feedback-based evaluation was largely in decline until a pressing need emerged for its re-invigoration as a result of the broad student protest movement that swept US universities in the late 1960's. Rising levels of student dissatisfaction with US intervention in the Vietnam War and support for gender and race-based liberation movements generated militant and well organisation student organisations. The development of these student organisations, predicated on a range of democratic struggles, inevitably also turned their attention to the form and quality of education university students were experiencing during this period. As Centra (1993) observes:

> the student protest movements that rocked so many campuses …were in reaction not only to the Vietnam War and related national policies but also to policies in effect on their campuses. An irrelevant curriculum and uninspired teachers were among frequently heard student complaints. Increasingly student saw themselves as consumers. They demanded a voice in governance; they want to improve the education they were receiving. (p. 50)

Student feedback-based evaluation was not the only demand by protesting students - for instance, there was a strong push for a voice in university governance. However, student feedback carried an iconic status, as it represented a potent symbol of a democratising university campus. To this end, increasingly in this period students began to develop their own ratings systems in the form of alternative handbooks. These offered unreliable yet influential insights into the quality of university teachers and teaching for intending students.

It was within this increasingly volatile context the American universities rapidly moved to introduce formal student feedback-based evaluation systems. Given the intensity of the student movement and the consequent need to respond rapidly to rising student discord, the original student ratings model pioneered by Remmers three decades before became the overwhelming choice of approach (Flood Page, 1974). However, as Chisholm (1977) observed, this form of student feedback-based evaluation was:

spawned under the least favourable circumstances – pressure…in many instances a result of a gesture by harassed administrators in response to the demands of militant students in an ugly frame of mind. (p. 22)

So rapid was this introduction that such systems had virtually reached all US universities by the end of the 1960's (Centra, 1993; McKeachie, Lin, & Mann, 1971). It is difficult to overestimate the scale of this transformation, which over just the period of a few years dramatically reframed the traditional and largely distant relationship between institution, teacher and student. Reflecting the scale of this change, the influential text, *Evaluation in Higher Education* (Dressel, 1961) - published less than a decade before – dedicated just five of its 455 pages to student feedback-based evaluation, cautioning about the limitations on the validity and reliability of such instruments and their inherent danger to incite faculty discord. Although this prominent compendium grudging recognised the potential ancillary value of student opinion, it stressed an essential ingredient was the reciprocity of students in rating their own efforts and application. The primary relationship between students and evaluation was seen here was as means of students learning 'something of the making of wise judgments by being both an observer and a participant in the (teaching) process' (Dressel, 1961, p. 26).

Therefore, the development of student-feedback based evaluation in US universities was a clear response to the broad social forces for change that was manifested in widespread student militancy in the late 1960's and early 1970's. The introduction of student feedback was to provide a safety valve to rising discontent about the quality of teaching and what was seen by students as the an ingrained disregard of student opinion. However, this drive was in almost immediate tension with the very structures it sought to influence. As Chisholm (1977) observes, these student feedback systems were administratively imposed on academic teaching by university administrators, without a clear motive beyond addressing rising dissent (and perhaps these alternative handbooks). This was the origin of a seminal tension around student feedback that has become more significant over time. This was between the competing motives of student feedback as a means of improving the quality of teaching by informing academic judgement, as opposed to a quality assurance mechanism of teaching quality responding to student (and institutional) demands. This core tension was to become highly significant as the student feedback-based evaluation model was taken up more broadly.

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Having said this, in its early forms in the US, student feedback models remained voluntary and localised for academic use. Nevertheless, elevating pressures to accede to the student voice put considerable pressure on academics to participate in student feedback systems, particularly if they were to seek promotion or tenure (Centra, 1993). However, those academics choosing to participate quickly discovered that although student opinion may prove illuminating, it was often difficult to find academic or resource support to facilitate the changes demanded (Chisholm, 1977). Here a second related tension appears in early student feedback models around the notion of the student-as-consumer. This is demonstrated in core tension between what students want to receive (as expressed in student feedback outcomes) and what an academic can reasonably (or be reasonably expected to) provide in response.

The haste with which feedback was introduced in US institutions meant little institutional support had been established for academics to either interpret or effective respond to this often-confusing data. Nor was there until much later a more critical research-led debate on the validity and reliability of student rating systems. This was despite the fact that these had rapidly evolved during this period from the temporally distant Purdue instrument. Some of those not engaged in feedback systems warned of the imminent arrival of 'intellectual hedonism'. Student feedback-based evaluation was elevating the anxiety of academics unconvinced by the move to this form of student judgment, particularly given the broader democratising of governance that were emerging as a result of student protest movement (Bryant, 1967). This was seen to foretell academic reluctance to challenge, disrupt or unsettled the student, all of which was seen as essential to teaching and to learning. Here again we see a critical early tension manifested between academic judgment and the potentially powerful influence of student ratings in the assessment of teaching quality being played out. This is the ontogeny of later debates around its potentially positive and negative implications of student feedback for the understanding and development of pedagogical practices. This era, which heralded the widespread emergence of student feedback-based evaluation and the related disruption of largely unchallenged academic practices, is characterised in *Figure 4.1* using the critical descriptive lens of activity theory.

Rising cultural expectations of the student voice in
universities, ossified academic practices, Purdue/
Remmers student evaluation instruments, idealised
student-led formations of academic practice (mediating
artefacts)

University
administrators
(subject)

Deficient academic
practices (object)

Perceived improvements
in teaching quality with
the impact of the student
voice (outcomes)

Responses to
student
dissatisfaction, new
consumerist drives
in education (rules)

University
administrators,
student activists,
teaching academics
(community)

Academic practices-
curriculum responsive to
student feedback
(division of labour)

Figure 4.1: **An activity theory conception of the early emergence of student feedback-based evaluation in US higher education**

As noted earlier, the introduction of student feedback-based evaluation as a legitimate assessor of academic practices was largely a response of university administrations to student activism. It was a response largely designed to harness student dissatisfaction around perceptions ossified and unresponsive academic teaching practices. In CHAT terms, this represents the formation of a collective activity responding to a communal motive (Engeström, 1987). Hence the initiating actors in student feedback-based evaluation were university administrators (hence are cast here as the subject) whose object-orientation was to disrupt and reform potentially deficient academic practices as a response to student dissent. What mediated the relationship between the administrators and academic practices were the:

- changing and diversifying demands of the late 1960's campuses, where student activism was rising on the back of broader social movements
- key drivers of student dissent in universities, such as the student-activist assertions of uninspiring academics and irrelevance of the curriculum

- quantitative student feedback instruments pioneered over half a century earlier that allowed some form of comparative analysis of academic practices

This formation, as well as the tensions it created in its introduction, provides an important insight into the later evolution of a much broader system of student feedback-based evaluation. Most significantly, student feedback became a legitimate formation between the university and the student. In essence, the student voice was credited for the first time as a capable evaluator of academic teaching practices and courses. This was also firmly founded on a deficit conception of academic work: that is, problems were to be discovered through student feedback and action taken to correct them. The mediating sense of what was the 'desirable' model of academic practice remained ambiguous in this activity construction. It appeared to vacillate between the Purdue/Remmers questionnaire-driven conceptions of 'good' teaching and curricula, and the idealised visions of democratised learning environments pursued by student activists (Chisholm, 1977).

Hence, in this earliest formation the teaching academic was held to account via this uncertain formation. In essence, the origin of this formation in student dissent effectively diminished the significance of professional judgement around the nature of productive pedagogical labour and effective curriculum design. This introduced student voice became a valid means of producing the desired outcome of this object-orientated activity: assuring the quality of teaching and curriculum. This embodied an explicit acknowledgement that students were legitimate evaluators of teaching activity. Yet some of the real limitations on these practices - such as allocated resources, broader program structures and educational facilities - were rendered largely moot in this new focus on the perceived quality of teaching and curriculum in the instruments adopted.

This also had the effect of redefining the position of the student from their conventional position as a participant in higher education to one more akin to student-as-consumer. Now instead of being a mere recipient of academic labours, the student was recast as a potentially discriminating actor. As the student fees subsequently grew, this ontogenesis would prove highly significant in defining the later relationship between student opinion (as defining as the emergent higher education 'marketplace') and academic teaching practices. The consequences of this simple reform on the academy were profound. The relationships in the university community were progressively redefined, the rules of how teaching quality was understood were rewritten and the roles of teacher and student

effectively blurred. Unsurprisingly this redefined relationship generated considerable tension in US universities, as the traditional division of labour between the academic and the student was disrupted with such legitimacy being engendered in the inherently heterogeneous and arguably unpredictable student voice.

Moreover, the orientation of university administrators was toward a deficit conception of academic teaching, which represented a significant historic concession on the quality of such practices. Yet the conception of what constituted the 'ideal' form (and the related deficiencies) of academic practice that student feedback-based evaluation sought to identify remained uncertain. Although this was mediated both by the historical framing of the dominant Purdue instrument and the demands of student activists for new formations of university learning, its form remained implied, ambiguous and arguably therefore unattainable. Here another clear tension was formed around student feedback: students were to rate to an indeterminate standard, for which remedial action was implied should it not be achieved. Hence, who was to define (and enforce) quality academic practices: the teaching academic, the institution or was this to be shaped by the very student dissent that initiated the activity system itself?

Further, although the traditional teacher and student division of labour was preserved at one level (by things such as pedagogy and assessment), it was fundamentally disturbed at another level. As the student voice became an arbiter (in at least in some form) of academic teaching performance, it blurred the distinction between the relative positions of teacher and student. As the activity of student feedback-based evaluation emerged in the years immediately following, this tension was to become a more significant issue as academic tenure and promotion were later to further intersect with this activity system. These important early tensions provide a significant context for the emergence of student feedback-based evaluation in Australian higher education. Although student feedback didn't emerge at exactly the same time or in the same precise form in Australian institutions, these layers of meaning and related tensions were to shape its essential form and function. The next section looks specifically to this development.

Emergence of student feedback in Australian higher education

From these turbulent origins during the late 1960's and early 1970's, student feedback-based evaluation gradually began to gain institutional and broader social credibility in

the United States universities. Much of this came from a subsequent decade of research activity around student feedback-based evaluation, which progressively affirmed its broad construct validity and institutional potential as a discriminator of teaching quality (Centra, 1977). The credibility of student feedback also was enhanced by some evidence that student feedback may actually be contributing to the improvement of the quality of teaching and curricula. According to Centra (1993), this period represented the 'golden age of research on student evaluation', creating the conditions for its near universal institutional acceptance and use across American higher education. However, the contesting motives behind student feedback-based evaluation emerging from this turbulent origin remained largely invisible and unresolved. The focus of early and developing research was clearly focussed on student feedback instruments and the deployment of its outcomes. These contesting motives – such as the democratising student intent, the administrative desire for academic accountability and the academic motive for pedagogic enhancement – remained largely unexplored. As noted in Chapter Two, this was to become a characteristic trait of later research into student feedback.

It was also a period where the broader utility of student feedback-based evaluation as a deficit model for teaching measurement and remedial intervention began to be realised. Though in this period student feedback was not as a trigger for taking direct action against teaching staff, the use of student feedback outcomes for such tenure and promotion discussions clearly laid the tracks for its later use in performance management processes. It also began to form an 'objectified' basis for assessing teaching quality in academic tenure or promotion (Centra, 1977).

Student feedback-based evaluation does not have as deeper roots in Australian higher education as it does in the American system, nor has it generated the same level of academic or research interest (Marsh & Roche, 1994). However, there is evidence that the early forms of student feedback-based evaluation in Australia were strongly shaped by its origins in United States institutions. Its introduction in Australia was also partly a response to volatile social forces generated by campus-based student protest movements in the late 1960's (Marsh, 1981; I. D. Smith, 1980). Although this protest movement was not of the same scale, it did create a comparable imperative. However, unlike the American system, the centralised and largely government funded form of Australian higher education meant there were a series of significant and ongoing public debates in the post-war period around the quality of university teaching. These worked to shape

individual and institutional expectations of academic teaching practices, particularly as the Australian higher education system began to grow more rapidly. Such debates had been sparked by changing social expectations of higher education, which generated a series of national reviews from the post-war period to the most recent *Review of Australian Higher Education* undertaken in 2008-2009 (Bradley, Noonan, Nugent, & Scales, 2008) and *Review of the Demand Driven Funding System* (Kemp & Norton, 2014)*.* In broad terms, such reviews coincided with a series critical historical phases that reflected the changing social environment which was progressively reconceptualising the role and function of universities. What is conspicuous is the progressive move of teacher and teaching quality (and later student feedback) from a background consideration, to being a central matter of focus. These broad phases and their relationship with the emergence of student feedback-based evaluation are plotted in further details in the following sections.

Early phase: Challenging demands on education in post-war reconstruction

The experiences of the Second World War exposed critical deficiencies in the capacities of the then small and largely elite Australian university system (most notably engineering and in the sciences). However, this was to be dwarfed by the considerable social and economic demands of post-war reconstruction efforts. Such circumstances generated the imperative for the federal government to begin to concern itself with the affairs of Australia's six, state-run, teaching-focussed universities, two university colleges and the around 30,000 students studying within them (Marginson, 1997). Although the Australian Constitution vested the responsibility for education in state governments, the enormous challenges of war and reconstruction meant that the States did not resist the assertion of Commonwealth interest in higher education. Moreover, this compliance is unsurprising given the Australian university of late 1940's was, 'small, poor and for the most part treated with indifference by a society hardly renowned for its concerns about things of the mind' (Martin, cited in Treuren, 1996, p. 52). This led to the creation for the first national Universities Commission in 1942, which oversaw the development of a national research-only university in 1946 (being The Australian National University). It also heralded a broadened focus for existing institutions, with the introduction by the Menzies Government of part-Commonwealth funding authorised under the new *State Grants (Universities) Act* of 1951. The Murray

Report, commissioned by the same government six years later, found Australian universities to be 'short-staffed, poorly-housed and equipped, with high student failure rates' (Davis, 1989). The Menzies government largely endorsed the recommendations of the Murray Report, which in subsequent years produced initiatives including:

- the establishment of a new triennial cycle of university funding, primarily resourced by the Commonwealth rather than the States
- the replacement of the original Universities Commission with a more substantial Australian Universities Commission, with an expanded focus on long-term planning and higher education policy development
- the establishment of a framework for more direct engagement in the remuneration and industrial arrangements for university academics (that broadly persisted until 1993).

These moves secured a direct interest for the federal government into the management of state-run Australian higher education institutions (Treuren, 1996). However, as Marginson (1997) observes, this initial interest in university industrial relations in the Murray Report was largely subdued and centred on recruitment of an expanding academic workforce, hence was akin to infrastructure issues such as buildings and student scholarships.

These changes produced relatively significant growth in the university sector. By 1960, enrolments in university education had doubled from the immediate post-war period and a further three universities had been opened (Marginson, 1993). Yet despite heightening post-war expectations of social progress borne of rising middle class prosperity, university education in 1960's still remained a largely elite formation and provided virtual no access for students outside privileged social circumstances. However, the introduction of centralised funding, heightened policy interest in higher education and an initial move into management of universities provided important foundations for later development. It also provided the foundations for the later ability of the federal government to exercise policy influence over the form and function of student feedback across the Australian university sector.

Growth phase: demands for expanded higher education

Significant further pressures mounted during the 1960's to expand Australian higher education. Industrial development and rapid growth in primary industries (most notably

mining) were generating more complex and broadened demands for higher skills level in the economy. Coinciding with this, emerging economic development theorists were drawing new correlations between expansion of the higher education sector and economic growth. Heightened prosperity was also creating increasing expectations in families that their children would be able to access a university education. Despite this, the conservative Menzies government remained anxious that a rapid growth in universities would be an expensive and largely unpopular priority. Despite the earlier introduction of some centralised funding, in the mind of most of his colleagues universities remained largely a responsibility of the States (Laming, 2001). Moreover, it was feared by others that the persistent demands of an aggressive labour market expansion might challenge the elite liberal university model currently in place. These demands were seen as creating an imperative for a more explicitly vocational framework that would potentially undermine the social standing and standards of universities.

It was in response to these rising tensions that the Menzies government established another inquiry into tertiary education under the stewardship of the conservative head of the then Universities Commission. This inquiry, known as the Martin Committee, eventually reported in 1965. After five years of often-turbulent deliberations, this review recommended strategies to allow all those who wished to engage in tertiary education to be able to do so. However, it asserted that this could not be achieved solely within universities due to the diverse nature of emerging labour market needs. It therefore advocated the establishment of a binary system. This involved the modest and managed expansion of the traditional universities and the creation of new Colleges of Advanced Education (CAE's) focussed on vocational and technical areas of study required by industry and commerce (Davis, 1989). However, the first CAE's opened in 1965 were established on uncertain educational demarcations with universities, primarily framed around a fragile theoretical versus applied dichotomy. This introduced demarcation was neither clearly articulated by government, nor accepted broadly by academics (Laming, 2001). Similarly the relationship between the vocational focus of the state-based technical colleges and the 'advanced' vocational skills of the new CAE's also remained ambiguous.

Nevertheless, the expansion of tertiary education was to dramatically accelerate in the decade following the Martin Inquiry. There were seven universities with around 70,000

enrolled students in Australia in 1963, yet only a decade later there were 17 universities and an additional 77 CAE's, with total enrolments of around 230,000 students (Marginson, 1997).

Formative development of student feedback

One of key observations of the earlier Martin Report (released in 1964) was that the teaching methods currently in use in Australian higher education had not kept pace with advances in pedagogical knowledge. It therefore urged reform, arguing this represented a 'challenge to universities to take active steps to consider the nature and improve the quality of their teaching' (Committee on the Future of Tertiary Education in Australia, 1964). The report recognised some recent localised attempts to improve the quality of teaching, including the opening of a small teaching development and research unit at the University of Melbourne and courses on teaching practice at the University of Queensland and the University of New South Wales. It also anticipated an issue that would grow in significance in coming years. This was to prove prophetic, though perhaps not for the reasons anticipated by this Inquiry.

As was the case in the United States, rising levels of student activism were to be a driver for demands for improvements in the quality of undergraduate teaching. In 1969, the National Union of Australian University Students demanded a range of improvements to university teaching including:

- the establishment of teaching and learning units in all universities
- compulsory teaching qualifications for new academics
- an assessment of teaching ability in decisions about tenure and promotion

(Johnson, 1982)

These sentiments were quickly reflected in the rising protests against university administrations around teaching quality, particularly in the newer universities such as Monash, La Trobe and Flinders. This increasing dissent was harnessed by national student leaders to influence the upcoming triennial negotiations between the Australian Universities Commission and government to highlight the need for improved teaching quality (Marginson, 1997). The evolving student movement in Australia was beginning for the first time to operate in the mould of trade unions, advocating for improved conditions for tertiary students through active research, representation and debate. This

level of focussed student activity inevitably created interest from Australian universities and teaching academics about the responses being devised to respond to similar student unrest in the American higher education system (Marsh & Roche, 1994). This included the initial discussion of student feedback-based evaluation as means of responding to rising student dissatisfaction and by implication, to differing levels of quality in Australian university teaching.

Harnessing phase: Recessions, new public management and accountability

The growth in Australian universities was to further quicken with the election of the Whitlam Labor government in 1972. The new Labor government made a series of major policy decisions around higher education during its brief period in office. There primary objective was to broaden access of students from lower socio-economic backgrounds to the then traditional university student. These wide-ranging decisions included the:

- abolition of tuition fees in tertiary education
- introduction of a living allowance for students from low-income households
- assuming of total funding responsibilities for Australian universities from the state governments
- planning of a range of new universities in growth regions of major cities

A hostile Senate, an international oil crisis and the subsequent recession of 1974-75 curtailed the complete fulfilment of all these aspirations. However, they did represent the first coalescing of the tertiary sector under a unified national framework of funding and policy formation. This move build on the earlier centralising foundations of the preceding Menzies era - increasing further the direct interest of the Commonwealth government in universities and their management. This more substantial interest provided the immediate platform for the introduction and broadening of student feedback-based evaluation that followed. However, the basis for this intervention would not be that expected in this period of halcyon growth for the university sector.

The international recession of 1974-75 (which was reprised shortly after in 1982-83) had a profound effect on the Australian economy and the university system. It was to significantly recast the context of higher education. The last budget of the Whitlam government for 1974-1975 rapidly reversed growth in government spending as the anti-

Keynesian monetarist philosophies of Freidman and Hayek began to gain traction in Western economies struggling with rampant inflationary pressures (Marginson, 1993, 1997). Funding across the public sector, including for universities and CAE's, was frozen. This was despite the ambitious growth trajectories anticipated by the 'education for all' mantra of the Whitlam era. This response, and that which followed in the immediately following years, represented a major turning point in government and broader social conceptions of the Australian higher education system. The rising tide of monetarist economics was cultivating a strong drive to reduce public spending and to enhance the potential of markets to underpin the delivery of activities formerly funded directly by government. Such approaches were also being actively promoted in major international economic formations (such as the OECD and the World Bank) and increasingly appearing as economic orthodoxy in academia and the media. As Marginson (1997) observes:

> By the late 1970's views about the public sector had changed, and the concentration of resources in a sector not subject to market forces came to be seen as harmful to efficiency. This was becoming translated into radically different policy discourse in education. The emergency measures of 1975 had become the cornerstone of a new era. (p. 74)

Elected in December 1975, the Fraser government largely reacted to the severe economic and social shock generated by recessionary inflation and unemployment by using strong monetarist strategies. In declaring an end to the era of post-war growth, the Fraser government progressively consolidated this anti-Keynesian market liberalism into a broader policy framework, which gradually began to further reshape the higher education landscape. Using the springboard of a comprehensive initial review of government spending and a second more comprehensive review in 1981 (dubbed the Lynch Razor Gang after the treasurer who led it), higher education funding was reduced in real terms. In addition, triennial funding was suspended, fees were introduced for second degrees and postgraduate awards were significantly reduced (Laming, 2001). For the first time during this period, the number of tertiary institutions declined with the forced broad-scale amalgamations of Colleges of Advanced Education. Arguably, this retreat would have been more significant had the Fraser government opted to reintroduce the tertiary fees abolished by the Whitlam government in 1974 (as it reportedly considered). Nevertheless, for the first time since the Second World War, the

higher education sector was to stop growing. This was despite the increasing numbers of students completing secondary education.

Much of this government response was founded on the broad ideological foundation of market liberalism, which stressed that open markets, competition and individual effort based on 'free' choice was the essence of human fulfilment (Marginson, 1997). It represented the antithesis to the Keynesian orthodoxy of government-led social and economic development centred on the strategic use of collective taxation. Critically, the changed nature of political debate centred on the need for a more flexible and responsive economy sufficiently agile to embrace the looming tides of globalisation. This created the public policy logic for elevating levels of accountability, transparency and a relentless pursuit of cost efficiencies in all public institutions, including universities. This logic, often characterised as *new public management*, rested on corporate forms of planning, budgeting, quantifiable outcomes and devolved authority to act (Marginson & Considine, 2000). This inevitably generated elevated levels of policy interest in the reform of specific micro-economic facilitators of economic development, not least of all in Australia's higher education system. This was for two primary reasons: firstly, it was an area of relatively high federal government expenditure that could be subject itself to reform, and secondly it had a prospective role in building competitiveness and economic growth. Ironically, this elevated interest was to reach its zenith following the subsequent election of the Hawke Labor government in March 1983, which adopted an even more systematic and broadened engagement with the drives of market liberalism.

Emergence of localised forms of student feedback-based evaluation

The introduction of student feedback-based evaluation in Australian higher education can be directly traced to the progressive establishment of academic development units in universities during the late 1970's and early 1980's. The emergence of academic development initiatives can be traced to two sources. Firstly, rising student discord over teaching quality from more articulate and active student bodies, described earlier in this chapter, provided an initial imperative. Much of this student concern was directed toward what was perceived to be the unchallenged authority in academic disciplines and the sense of teaching as being merely an 'impersonal pontification or expounding'

(AVCC, 1981, p. 1). Iconic of this movement was the rapid development of 'alternative handbooks' that were produced by student associations or activist groups. These provided intending students with an informal and often scandalous interpretation of the quality of various academics and their approaches to teaching.

However, these units were also an explicit and largely necessary response to rising government demands for improved institutional performance and real funding reductions, as the strains of market liberalism took hold. Academic development units developed from smaller and disparate research units focussed on academic teaching that formed during the preceding decades in several universities. Johnson (1982) observed these research units were created:

> quite pragmatically to find out information about their students in order to reduce wastage (including failure in courses); and they appointed staff to advise on teaching methods for the same reason. (p. 9)

Most of these research units were based in faculties of education and sought to work in formative educational development activities around teaching and learning to improve student retention and performance. Much of the work of these early research units focussed on the identification of primary arenas of student failure and the design of specific interventions to encourage more effective teaching strategies (AVCC, 1981). With the growing number of academics and opportunities for promotion, there was also increasing anxiety in university administrations, amongst academics and to a lesser extent, in government about the continuing abstract link between teaching capability and academic tenure and promotion. This was an issue first canvassed in the Martin Committee on Higher Education in 1965, however in the view of the Australian Vice-Chancellors Committee (AVCC) in 1981, it remained an unresolved matter (AVCC, 1981). However, growing student demands and increased competition for tenure and promotion caused by relative resource decline in the post-Whitlam funding era meant this issue was gaining considerable traction in university discourses of the early 1980's.

This imperative, combined with increasing public debate on the quality of academic teaching as the numbers of students (and therefore families) exercised judgments on university education, created a strong pressure for the more systematic judgments on the quality of teaching being offered across institutions. These range of social forces were identified as a key driver in the emergence and rapid expansion in the creation of academic development units (Johnson 1982). Indeed, by the late 1970's, most

universities and CAE's had such units, albeit in various configurations, though with often-unclear roles and uncertain purpose (AVCC 1981, Johnson 1982).

Nevertheless, a common responsibility of these emerging academic development formations was to provide courses and advice on effective teaching and assessment practices. An experimental tool used in some established universities were quantitative student feedback questionnaires. These were offered as one means (amongst a menu of options) to inform academic thinking about teaching improvement. Unlike the early forms of student feedback-based evaluation in universities in the United States and the United Kingdom (which primarily centred on academic accountability), in Australian institutions this initial adoption of student feedback was framed as a voluntary model for individual academics to improve their teaching. In some of these institutions, it also became a form of early data to support claims for tenure and promotion (Miller, 1988; I. D. Smith, 1980).

Reflecting this, much of the early discourse around models of student feedback-based evaluation was framed by higher education researchers and isolated academic developers. This early focus was on the potential of student feedback as a means of sparking interest in professional development offerings designed to improve the quality of lecture-based teaching and assessment (and consequently individual prospects for tenure and promotion) (Johnson, 1982). This was also considered as a necessary response to the danger of the potential complacency that could emerge as universities moved into a more 'steady state' following the relatively tumultuous period of strong student activism and university expansion over the preceding decade (I.D. Smith, 1980). This reality meant that the early design of student feedback-based evaluation models were institutionally driven. This meant such models remained eclectic and idiosyncratic in form and both voluntary and inconsistent in its use across universities and in teaching environments (Moses, 1986). However, significantly reflecting the historical construction of student feedback in the US, these models were almost exclusively based on adaptations of quantitative, ratings-based student feedback questionnaires. They also embodied in their design the core quantitative logic of student rating scales as a valid means of assessing teachers and teaching approaches.

Therefore, using the explanatory prism of a CHAT framework (demonstrated in *Figure 4.2*), this early stage form of student feedback-based evaluation in Australian higher

education can be considered as an activity that was primarily formed around an academic development discourse. However, it was strongly mediated by the artefacts that it adapted from the quantitative student feedback models that preceded its introduction.
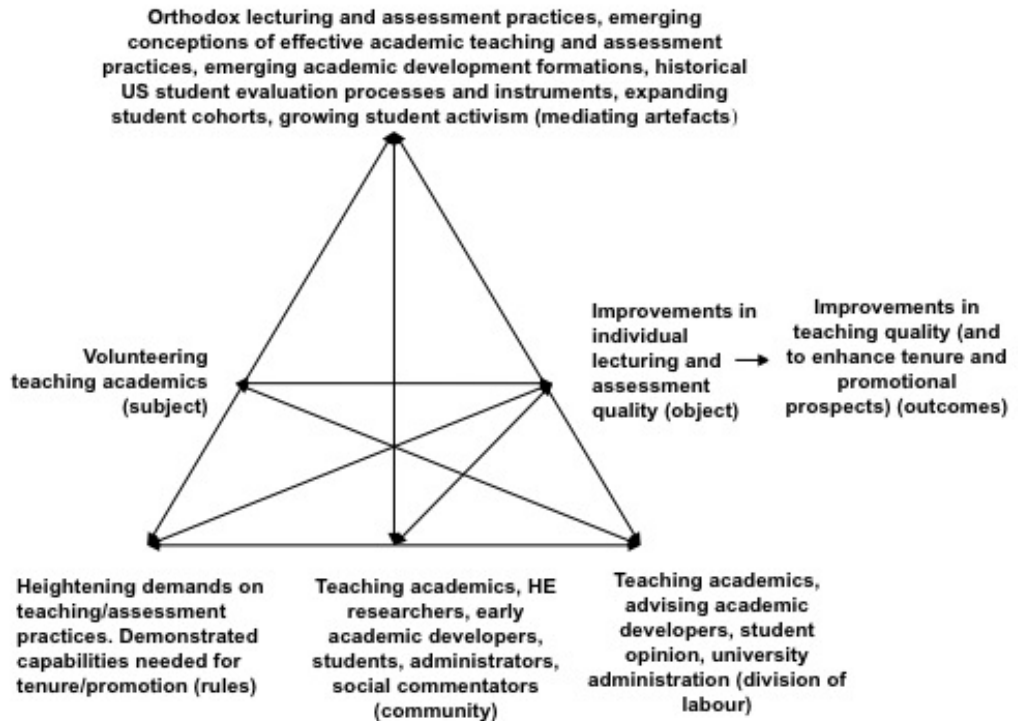
Figure 4.2: **An activity theory conception of the early student feedback-based evaluation in Australian universities**

The *subject* of the activity was fundamentally different (volunteering teaching academics), as was the object orientation of the activity (improvements in individual teaching or toward enhanced tenure or promotional prospects). Yet, as noted the key artefacts that mediated this activity were largely those that emerged from the earliest stages of student feedback research (i.e. quantitative student questionnaires based on the Remmers model). This mediating effect would provide the underpinnings for later tensions around the nature of academic autonomy as it introduced for the first time student opinion as a proxy measure for teaching quality. Even in limited use, such student opinion would be considering the effectiveness of the entrenched approaches to teaching and assessment practices. This necessarily laid the foundations for changing

student expectations (and to some extent academic expectations) of teacher-student relationship. This tension was further aggravated by:

- rising institutional interest in student retention
- increasing pressures on academic selection methods
- in broader debates about the quality of academic teaching

It also heralded a new emerging division of labour in the design of university teaching in Australian higher education. Teaching effectiveness was now subject to the potential challenge of the student voice and also the developmental intervention of forming academic development units. Both entities would subsequently contribute more significantly to the framing of teaching expectations and conceptions of quality. However, what was on the immediate horizon was the additional prospect of a much stronger demands from government for universities to assess teaching quality.

'Shared benefit' phase: Globalisation, the reformation of higher education

In its earliest period of power following its election in 1983, the Hawke Labor government demonstrated how comprehensively the Labor Party had re-formed its economic and social philosophy around market liberalism (Laming, 2001). It harnessed networks in business and the trade union movement in a national summit to construct a tripartite consensus, framed around an unprecedented *Prices and Income Accord*. With the objective of increasing Australia's international competitiveness, this Accord was primarily driven on securing real wage reductions and a compensatory increase in the so-called social wage provided by government. Prime Minister, Bob Hawke and his Treasurer, Paul Keating simultaneously launched an unprecedented liberalisation of the Australian economy, building on the broad foundations laid by the preceding Liberal government. This involved opening up the Australian economy to the harsh realities of global economic forces, and included the removal of tariff barriers, floating the Australian dollar and opening up competition for the private provision of government services. This was largely legitimised as a response to a (further) economic recession in 1982-83, which produced ongoing budget deficits, rising inflation and unemployment. This created fertile monetarist ground for the sharp reduction in both government expenditure and taxation levels. During this period, budget outlays decreased in real terms for the first time since the Second World War (Marginson, 1997).

The effect of this transformation on higher education was not initially dramatic, at least publicly. The first Education Minister in the new Labor government, Susan Ryan was initially able to sustain higher education expenditure. This was based on the need to preserve this neo-Keynesian, Accord-based 'social wage' and a related policy commitment to double the number of students completing secondary education. However, from 1985 as economic conditions deteriorated further and the demands for surpluses and tax cuts grew, so did the demands from Treasury and Finance (with the support of their Ministers) for much harsher discipline on public expenditure.

It progressively became harder for Ryan to resist the inevitable fiscal demands on the third largest spending area of the Commonwealth (Ryan, 1999). A key Treasury priority was to canvass the re-introduction of tertiary fees abolished by the previous Whitlam Labor government, as well as the potential opening of private universities to compete with public universities (Ryan, 1999). Implicit in this argument was the reframing of university education as a private gain rather than a public good, an argument led at time by Finance Minister, Peter Walsh and strongly supported by Treasurer, Paul Keating. Further, consistent with the principles of market liberalism, it was argued that the funding of higher education (like other services) needed to be subject to the efficiency of a consumer-driven market imperative. Fundamental to this paradigm was the private exercising of preference in order for expenditure to be most effectively targeted, based on the discriminating power of consumer demand (Marginson & Considine, 2000).

In tandem with a deteriorating economic situation, growing secondary retention rates meant there were rising social (and therefore political) demands for further significant growth in university places. This meant the continued growth in funding of Australian universities was under pressure like never before. This was not made any easier by the fact that public universities were also held in generally low regard within the prevailing market orthodoxies of the Hawke era. As Ryan (1999) later observed:

> According to the marketplace universities had failed. Competition did exist among
> them for the brightest students and the most distinguished staff, and among students
> for the most rigorous courses. This was not the right kind of competition; it was not
> price-based. The excellence achieved by the system as demonstrated by our
> disproportionately high number of Nobel prizes was not the right kind of
> excellence. It was produced by public, not private investment. (p. 197)

Responding to the rising pressures on higher education expenditure levels, the Commonwealth Tertiary Education Commission (CTEC) recommended in 1984 the first cross-sectoral measures around student demand, student progress, productivity and significantly for this study, academic performance. Although highly tentative in form, this initiative responded to elevating government expectations around accountability in tertiary education. This was despite the complexities of this type of comparative performance analysis in a largely under-analysed binary system of universities and Colleges of Advanced Education. However, reflecting the nature of the period, the Commission ominously warned that the 'paucity of obviously important information cannot be allowed to continue' (Linke, 1984). A further *Review of Efficiency and Effectiveness in Higher Education* by the CTEC quickly followed this move in 1986. This review analysed the effect of a 25% increase in student numbers without any real increase in funding over the preceding decade, and the prospects of this continuing into the future. It recommended a greater focus on the raising of private sector income, the embrace of new learning technologies and further moves to measure and assess institutional effectiveness (Laming, 2001; Ryan, 1999). However, as then Education Minister, Susan Ryan later observed of this development:

> the economic rationalists were far from satisfied with such moderate measures...the temper of the times demanded a more radical approach (Ryan, 1999 p. 253).

Such radical change was to occur following the 1987 election when ambitious economic reformer and former Finance Minister, John Dawkins, was appointed Education Minister in the third Hawke government. For the first time, higher education was integrated into portfolios of employment and training. This anticipated the clear intent to harness education to more directly to respond industry and labour market needs. Such change was consistent with a broad reformist zeal of the government to urgently restructure the Australian economy, with a belief that this would enhance its productivity and competitive strength in a globalising marketplace. Essential to the Dawkins approach to higher education was to significantly increase the size and scale of the university system to contribute to enhance Australia's competitive position. However, consistent with the position of continuing government economic orthodoxy, this growth should not be at the expense of the Commonwealth. In early speeches, Dawkins offered strident criticism of university responsiveness and efficiency, the effect of ambiguities inherent in the binary system and the urgent need to bring

universities under more direct control of government in a period of economic transformation (Milne, 2001). Indeed, it was reported that Dawkins believed universities to be 'fat, lazy, complacent institutions unprepared to face reality and make hard decisions' (Maslen & Slattery, 1994, p. 25).

Impatient for change, Dawkins moved rapidly to initiate a major review of higher education and to disband the independent Commonwealth Tertiary Education Commission (CTEC). He moved both the direction and policy framing for higher education under his direct Ministerial and Departmental control. Although this arrangement was subsequently blunted by a Senate amendment to create an advisory board across the education portfolio, it did little to limit his intent to directly intervene in university matters and ensure compliance with government policy frameworks for the sector (Laming, 2001). Moreover, the introduction into the Australian Industrial Relations system of a so-called two-tier wage fixation system by the Hawke government in 1987 also introduced an additional lever. This system introduced a so-called second-tier salary increase (beyond that then provided by central arbitration) as a result of locally negotiated productivity improvements in university-based enterprise agreements. The stage was set for what became known as the 'Dawkins Revolution' of Australian higher education.

Breaking with tradition, a review of higher education initiated by Dawkins was not undertaken by an expert panel but instead by Dawkins himself, supported by a group of handpicked (and allegedly sympathetic) academics and departmental staff (Maslen & Slattery 1994). It was suggested that this represented an attempt to circumvent those who has prevented reform and produced inertia in the preceding Ryan years, such as the Australian Vice-Chancellors Committee and academic unionists (Ryan, 1999; Laming, 2001). The eventual report, cast somewhat unimaginatively as *Higher Education: a policy discussion paper* (Dawkins, 1987), recommended an array of radical and instantly controversial initiatives including:

- the end of the binary system of universities and Colleges of Advanced Education, effectively creating a dramatically expanded university system and as a consequence reducing both the status and power of established universities

- a simultaneous increase in the level of institutional autonomy and accountability for educational outcomes, with university governance reformed in the image of a

corporate entity. This was centred on strengthened institutional leadership and streamlined councils in the image of a board of directors

▪ the introduction of institutionally specific funding agreements which would necessitate acceptance of a range of provisions defined by the Department of Education, Employment and Training around governance, teaching arrangements, equity goals and performance indicators (including teaching performance)

Whilst this report was being formulated, Dawkins also appointed a former State Premier, Neville Wran, to lead a committee to consider future higher education funding. This committee reported in May 1988 and argued that the abolition of tertiary fees had not achieved its stated intent of broadening participation. It asserted there was a continuing inequitable private benefit toward 'small and privileged sections of the community'. Marginson (1997) argues that this committee was established primarily to legitimise a fee system for higher education that had been a subject of ideological dispute in the Labor government over the previous four years, under the rising tide of market liberalism. This formed the foundation for the introduction of the Higher Education Contribution Scheme (HECS) in 1989, where students were required to pay up front or deferred fees for higher education. As Marginson (1997) further observed:

> By dividing the population between 'beneficiaries' and 'payers' Labor fractured the social solidarity necessary to a system of universal financing and provision. In place of equity as equal economic rights, it substituted equity as participation. It substituted the public choice theory notion of individualised benefits in exchange for individual taxes, in place of social programs as common benefits. (p. 227)

In late 1988, all Australian tertiary institutions (that is, both the then 19 universities and 54 Colleges of Advanced Education) were invited to apply to be part of a new unified national university system. The invitation specified key criteria around minimum student numbers and research loads. It also insisted on a series of commitments to management efficiencies, equity objectives, credit transfer, and significantly, a range of specified performance measures (including related to student satisfaction levels). For instance, measures to bring 'greater accountability for performance of the academics primary duties of teaching and research' and 'more rigorous review procedures to assist decision on salary levels' needed to be agreed as a pre-requisite for access to the system (Dawkins, 1987, p. 57). One specific measure sought was the introduction of the *student*

assessment of teaching as an indicator of staff performance. Although the initiating review recognised that most institutions had procedures in place for student feedback around teaching improvement, clearly what was envisaged was fundamentally different. Student feedback was to become an indicator of academic performance. Ominously, the Review warned that the introduction of such assessment procedures for academic teaching staff were 'essential' as they had the 'potential to make a significant impact on the efficiency of institutions and must therefore form part of the Government's considerations on the distribution of limited resources' (Dawkins, 1987, p. 58). Student feedback-based evaluation was therefore mandated in the accords between government and new institutions. This represented the introduction of a largely new and contesting motive around student feedback in Australian higher education environments. It also provided a foundation for that which was to follow, which progressively expanded the role of student feedback as an essential proxy for teaching quality in Australian universities.

The so-called 'Dawkins Revolution' produced 39 'new' universities. It also profoundly changed the relationship between government, higher education institutions, academics and students by taking unprecedented control of the sector (Marginson, 1997). In enacting the models of public policy framed by Hayek and Freidman, the Labor government had essentially framed a devolved market-based system of managing higher education. As a result, Australian universities (old and new) were to be subject to unprecedented levels of accountability, measurement and scrutiny. It had managed to tackle the sacred cow of tuition fees, laying the groundwork for what was to be the further evolution of higher education students as market consumers in a purchaser-provider relationship with their institutions.

A core underpinning assumption of this reformation was that students would act as rational consumers if they were better armed with performance information on the available higher education 'marketplace'. This would in turn (inevitably) improve the efficiency and quality of institutions and therefore the sector (Harris & James, 2006). One central market measure would become quantitative student feedback. The comparative data generated by such feedback provide an attractive and arguably unique metric to quantify teaching performativity within and between institutions. This move meant the role of student feedback was about to change significantly within institutions and across the higher education sector more generally. It was to be assimilated as a

standard and highly regarded measure of teaching quality in internal and external quality assurance processes in Australian higher education in the following decades (Barrie & Ginns, 2007; Davies et al., 2009).

The emergence of accountable student feedback as a market measure

With the establishment of the new unified university system in 1990, the government quickly moved to establish the specific measures that would be used to assess the performance of Australian universities. It commissioned a research team lead by Professor Russell Linke to develop and trial a range of suitable quantitative performance measures to assess the quality of teaching, research and equity of Australian higher education institutions. In introducing the project, the authors argued that:

> Performance appraisal in higher education has become a matter of increasing importance over the last twenty years. The trend in Australia derives mainly from continuing pressures for expansion of higher education associated with general funding constraints. Partly as a result of these conflicting pressures and partly because of the perceived slowness of change in higher education institutions, there has emerged a persistent and increasing call for improved efficiency and public accountability in all aspects of higher education. It was in this context that the current project was established. (Linke, 1991, p. xi)

This research proposed and trialled a series of potential indicators of the effectiveness of teaching and learning outcomes. These were centred on three areas: quality of teaching, student progress and achievement, and graduate employment. Although measures were generally available to collect data around progress and employment, more work was required on measuring teaching quality. This was achieved through the adoption of the *Course Experience Questionnaire* (CEQ), which was largely based on the earlier work of Entwistle and Ramsden (1983) and Martin, Ramsden, and Bowden (1989).

The CEQ centred on the assessing student engagement in school and higher education settings. Paul Ramsden was engaged as a consultant to the research and designed the CEQ as a quantitative survey of the overall and specific perceptions of undergraduates, reflected at the completion of their program of study. It used perception scales (ranging from *strongly disagree* to *strongly agree*), drawing on the familiar quantitative design of student surveys in localised use in Australian universities (which itself found its origins

in the early work of Remmers described earlier in this chapter). The CEQ was designed to generate data on overall satisfaction as well in five distinct scales: *good teaching*, *clear goals*, *appropriate workload*, *appropriate assessment* and *generic skills* (Ramsden, 1992). However, although the survey was more sophisticated and framed around a clearer conception of learning than 'standard' forms of student feedback, the foundational assumptions that quantitative student feedback represented a valid and reliability means of assessment of teaching and course quality was never challenged anywhere in this research. This suggested that, even after only a decade of localised use in Australian universities, the appropriateness of quantitative student feedback as a quality measure was firmly established in the collective mind of both policy makers and educational researchers.

A trial CEQ was completed in late 1989 by 3372 graduating students in a targeted range of programs across 13 institutions (Linke, 1991). Although the report recognised the construct validity of the instrument and that it was 'basically sound', it noted reservations about its ability to offer the level of specific data to mount a legitimate comparative or localised assessment of teaching quality. It therefore recommended the further development of additional sub-scales to facilitate this objective. Specifically, it recommended that:

> a) an appropriate indicator of perceived teaching quality, similar to that used in the trial, be incorporated into any national system of performance indicators;
> b) further research is supported to allow the evaluation of teaching quality on a departmental or discipline basis for national application;
> c) the CEQ be institutionalised as part of an existing graduate survey; and
> d) further consideration was given to generating data at the minor discipline group or subject area
>
> (Linke, 1991)

With former Education Minister, John Dawkins having been promoted to Treasurer, new minister Peter Baldwin in October, 1991 offered the governments' response to the Linke report on performance indicators delivered earlier that year. In this response, *Higher Education: A Policy Statement*, the government noted that the:

> consumers of higher education legitimately expect to be informed and assured about the quality of provision and that this was primarily the responsibility of individual higher education institutions to satisfy the various stakeholders,

including government, HECS paying and international students and industry.
(Baldwin, 1991, p. 29)

The response also attempted to capture rising public concern about the effects of a rapid expansion in the university system post the 1989-1990 reforms, as well as the effect of an effective decline in per student funding. Baldwin's response to these rising pressures was to insist quality was not only about resources, but the way those resources were being used. He therefore argued that this demanded government 'promote institutional management of quality and to demonstrate the system is meeting expectations' by introducing a series of measures around the quality of teaching (Baldwin, 1991, p. 30). Aside from seeking to have further work undertaken to define what quality teaching actually was ('so as to broaden the debate beyond resourcing issues'), this response insisted institutions move to establish internal quantitative performance indicators to maintain and enhance teaching quality. To encourage this, prospective funding for the 1994-95 financial year was to be tied to the establishment of such quality assurance and enhancement programs to encourage this approach.

Following this logic, the Course Experience Questionnaire was included from 1992 in the annual survey of all graduates from Australian universities. This questionnaire was based on a similar version to that trialled in the Linke research, with the addition of a Generic Skills Scale that, unlike other elements of the CEQ, sought student self-reports on their levels of skills development (Harris & James, 2006). These data would become important evidence for universities as the Commonwealth progressively moved to institute a program of quality audits across the sector in the following years. From the late 1990's on, CEQ data began to be published in a global form, having previously remained exclusively in the domain of the owning universities. Following criticism of the focus of the CEQ on framing the undergraduate learning experience solely in-classroom, the questionnaire was further expanded in 2002 to add further scales around levels of student support, learning resources, learning communities, graduate qualities and intellectual motivation (Barrie, Ginns & Simon, 2008). From this time, universities were required as a minimum to collect graduate responses to the *Good Teaching* and *Generic Skills* scales, as well as the *Overall Satisfaction* item as part of their mandated quality assurance and improvement plans.

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From 2005, this student feedback was released in detailed form via public announcement and to the commercial publishers of university league tables designed for the student (and parent) market. The following year, it formed the basis of a new performance based funding model that allocated funding according to institutional performance in what were defined as the teaching performance indicators in the CEQ. As Barrie and Ginns (2007) observe:

> Universities were now publicly competing with each other for significant amounts of government funding on the basis of these student survey results and senior management began to take a far greater interest in the results then when they had simply been returned 'for information' only. (p. 276)

Moreover, not only were they competing for Commonwealth funding. The intensifying competition between institutions for students as a result of contesting variable domestic demand and international student interest, meant the ability of the university to effectively market and promote itself had progressively become inextricably linked with student satisfaction outcomes. Internally student feedback had also become firmly entrenched as valid evidence (or otherwise) for appointment or promotion to academic positions.

The subsequent Liberal government (which was in power from 1996 to 2007) oversaw a further development of the market–based model of higher education. Early in its term, the new government commissioned *Review of Higher Education Funding and Policy*, which recommended radical deregulation of forms of university funding and student fees. It also proposed increased 'consumer protection' arrangements for students. These Review's recommendations built on other mounting pressures in the teacher-student relationship. These included:

- rapid cuts in Commonwealth funding (down to 49% by 1999 from 68% a decade before)
- significant increases in student HECS contributions
- tightening industrial legislation which further controlled the rights and permissible activities of university staff

These factors led to the levels of accountability and measurement of the contributions of individual academics being heightened to unprecedented levels during this period (Marginson, Considine, Sheehan, & Kumnick, 2001). This reality changed little under

the stewardship of the subsequent Rudd and Gillard Labor governments (2007-2013), with the retention of the framework for performance indicators it inherited and the further advancing of institutional performance funding. The *Review of Australian Higher Education* in 2008 strongly affirmed the ongoing role of the CEQ and further suggested the adoption of a further survey on student engagement should be added. Two of the Rudd-Gillard Labor governments most significant moves in higher education policy - to uncap university places and to establish mission and performance-based compacts with universities - demonstrated a continuing intention to pursue the market model pioneered by Labor predecessors in the Hawke-Keating era. Similarly, the new Liberal government elected in 2013 has also made it apparent in its early policy approaches. The review of the outcomes of the recently introduced demand-driven funding of Australian higher education, commissioned by the new Abbott government, observed that:

> in a student choice-based system prospective students need information to help them decide on institutions and courses. Without it, prospective students may choose based on historical reputations rather than recent performance. (Kemp & Norton, 2014 p. 59)

It consequently recommend even greater forms of transparency and accessibility of student feedback outcomes, to allow intending students more immediately comparable assessment of scores across universities. Indeed, it recommended the adoption of a reporting model introduced in the United Kingdom that automates this comparison to further afford (consumer) choice. This would suggest the quality assurance imperative for student feedback, built on the foundational assumptions of market liberalism, will continue to expand in Australian higher education.

Assessing institutional impacts from its origins to its current state

As detailed in this chapter, the emergence of student feedback-based evaluation in Australian higher education institutions can be traced to the development of newly emerging academic research or development units in the early 1980's. These units used student feedback as a formative development tool to assist academics to improve their teaching (Moses, 1986; Nulty, 2000). The design of these tools tended to reflect the seminal work of local researchers Falk and Dow (1971) and Marsh (1981, 1982), who

advocated the use of such instruments in Australian universities. Archival research suggests most of the initial exploratory use of student feedback-based evaluation in the early to mid-1980's was in universities with sufficient resources to support such work - most notably the University of Sydney, the University of Melbourne, the University of Queensland and the Australian National University. Using the example of the Australian National University, Miller (1984) identified six reasons that had been identified to adopt student feedback-based evaluation. Four of these were clear academic development motives (albeit largely in deficit form):

- investigating a known problem
- improvements to a program
- re-organisation of material
- examining the impact of an innovation

The remaining two were more aligned to accountability:

- the validation of a programme or course (in anticipation of a course review)
- supporting applications for tenure or promotion.

At another early adopting institution (the University of Queensland), the reasons identified by staff using the new student feedback-based evaluation model were similarly focussed around academic development. In two separate broadly-based surveys of academics conducted in the early 1980's, over 80% of respondents identified diagnostic feedback to improve individual teaching as their motive in volunteering to participate in the use of student feedback surveys. A further 20% gave promotion as either the sole reason, or one of the reasons, for involvement in student evaluation (Moses, 1986). This also demonstrates that even in its earliest Australian manifestations, the tensions between what Barrie et al. (2008) succinctly describes as *improving versus proving* were apparent. Yet, as a national survey of Directors of the emerging academic development units in Australian universities conducted at a similar time illustrated, student feedback was still considered to be a peripheral development tool when compared to staff consultation, professional development or curriculum or course reviews (Moses, 1985).

However, gradually over the next two decades, student feedback-based evaluation was to be progressively adopted across all Australian institutions. It would also play an ever-

greater role in informing the contested domains of teaching quality improvement and institutional quality assurance (Barrie et al, 2008). However, as evidence presented in this chapter has demonstrated its role in quality assurance was to gradually overwhelm its original quality improvement motive. Critical to this was the elevating levels of quality assurance, including:

- the introduction of externally-defined performance measures from 1991 for Australian universities, following on from the Dawkins reforms
- the introduction of regular national quality assurance audits of all institutions from 1993 to determine the quality of internal practices
- the formal linking of university self-assessments, external monitoring and funding in 1999 with the establishment of the Australian Universities Quality Agency, which highlighted the need for mandatory student feedback on units for 'consistency and other quality assurance purposes' (Alderman, Towers, & Bannah, 2012, p. 268)
- the introduction of performance funding in 2005-06 and its formalising into the Learning and Teaching Performance Fund in 2007

It has been argued these series of significant actions effectively transformed the 'academic performance evaluation process from an autonomous self-critical exercise undertaken voluntarily, to an externally monitored surveillance exercise (Schuck et al., 2008, p. 244). However, perhaps most influential in accelerating the take up of internal forms of student-feedback based evaluation was the introduction of the national *Course Experience Questionnaire* in 1993, combined with its further expansion and the public release of its outcomes from 2002, outlined earlier in this chapter. This effectively elevated student opinion as a key metric in how universities were perceived, how they were funded (at least at some points over the last two decades) and the ability of institutions to recruit new students. As Barrie (2000) observed:

> For academic development units, the collection of student evaluation of teaching data (had) traditionally focussed on the use of such data as a prompt for reflection and as a basis for planning improvements…while many academic units have, in the past, been primarily concerned with *improving* teaching and learning at the level of individual teachers or courses, increasingly they are now also being called upon to *prove* teaching and learning quality at an institutional level. (p. 3 *original emphasis*)

It is difficult to over-estimate the impact of the introduction of the CEQ in driving to fundamental reforming of the function of institutional student feedback systems. The data generated by the CEQ is aggregated from the reflections of completing graduates observing in retrospect their learning experiences across comparative courses of study (and not individual units or lecturers). As CEQ outcomes rose in social prominence throughout the 1990's, a strong incentive was created for institutions to more critically scrutinise context-specific student feedback to address potential problems that may emerge more publicly later in lag CEQ data (Barrie & Ginns, 2007). At first glance, the most logical step would have seemed to be adopting the CEQ as an internal student feedback questionnaire. However, the specific design of the CEQ as a national graduate survey, did not lend itself easily to this adaptation. This meant, as Barrie et al. (2005) observe, 'rather than adapting the national survey….most Australian universities have instead developed new surveys for use at the level of the individual subjects that make up a degree course' (p. 278). Reflecting this effect, research conducted in 2008, 2009 and 2012 demonstrate that:

- almost all Australian universities had a developed a quantitative form of student-feedback-based evaluation, however there is considerable variance between institutions (Alderman et al., 2012; Barrie et al., 2008; Davies et al., 2009)

- these approaches to student feedback-based evaluation are strongly idiosyncratic, reflecting individual institutional histories, cultures and politics in which they have developed (Barrie et al., 2008)

- surveys rarely have any explicit theoretical basis, but have generally carried face validity in their design (Barrie et al., 2008)

- most universities had a range of standardised surveys (most frequently around teaching and course design) that were voluntary and initiated by the individual, typically involving core and optional items (Barrie et al., 2008; Davies et al., 2009)

- at an *individual level*, data was primarily used for 'individual improvement and to inform teaching practice', but with an equally strong focus on evidence for promotion and performance management.

- at an *institutional level*, it was used in four ways: strategic performance management, performance-based funding, internal/external quality audits and internal comparisons and reviews (Barrie et al. 2008 pp. 27-30)

- use of student feedback data was rapidly changing and being re-orientated to 'direct and monitor strategic change rather than simply collecting data for individuals' use in promotion or for individual teaching improvement' (Barrie et al. 2008 p. 49)

The Tertiary Education Quality and Standards Agency (TEQSA), which was established in 2011 to regulate and assure the quality of Australian higher education has mandated the use of student-feedback based evaluation as part of institutional quality assurance systems. This, along with the 2014 Review of the Demand Driven Funding System detailed earlier, has further institutionalised student feedback as a seemingly permanent fixture in the Australian higher education landscape. However, in the contemporary higher education institution, significant tensions remain unresolved. Layers of institutional history frame the internal shape and use of student-feedback based evaluation. These shape continuing localised tensions between the contesting objectives of academic-course development, internal and external quality assurance and individual performance assessment. Reviewing a range of available institutional discussion papers, university trade union reflections and student feedback forums, it seems these tensions are embodied in current internal policy debates around critical questions (some of which are familiar and some emerging) such as:

a) whether participation in student-feedback based evaluation should be voluntary or made compulsory for academics (and even students);
b) whether data should be private to the requesting academic or publicly available;
c) whether evaluation processes should be overseen by academic development units or statistical or quality assurance units;
d) whether student feedback outcomes should be a valid metric for negative (as well as positive) performance assessments;
e) whether data should be made internally and externally comparable so as to enhance the scope of the metric (and thereby increase levels of accountability);
f) whether declining student response rates to online surveys is lessening the validity and reliability of the data;
g) whether internal institutional questionnaires are more directly aligned to the national CEQ to maximise the opportunities to identify 'problems' before they emerge more publicly; and

h) less frequently, but no less importantly, whether student-feedback based evaluation remains a useful determinant input into the assessment of the quality of teaching and learning.

Framing the current state of student feedback in CHAT terms

The work of Engeström (2001) introduced in the last chapter provides a useful framework to explore this current state further from a CHAT perspective. Engeström has introduced the notion of interacting activity systems, cast as *third generation activity theory.* This conception considers the effect of not only the internal tensions within a particular activity system itself, but also the tensions and contractions between these differing activity systems that are focussed on a shared object. Using this conceptual tool, we can analyse the broader tensions and contradictions that emerge in this 'third space' where similarly focussed activities interact. In this case, we can identify three distinct interacting and networked activity systems around student-feedback based evaluation in contemporary Australian higher education: quality improvement of individual or course teaching *(Activity One)*, quality assurance of teaching and learning practices *(Activity Two)* and individual performance measurement *(Activity Three)*. All have a distinct historicity, having been shaped by diverse institutional and sectoral forces over long periods of time. Similarly, each carries similarly distinctive artefacts, communities, rules and divisions of labour. Fundamentally, as we see evidenced in the contemporary constructions of student feedback-based evaluation discussed in the latter part of this chapter, each of these interacting activities exist with contradictions which create what Engeström (2001) has described as 'historically accumulating structural tensions' within and between these networked activity systems.

The nature of these distinct activity systems related to student feedback-based evaluation and the interactions between them are characterised in *Figure 4.3*. Here the different subject and object orientations related to the use of student feedback-based evaluation are modelled are demonstrated, along with the primary elements that mediate the relationship between the two. As the model demonstrates, each activity carries distinct rules, communities and divisions of labour, yet all activities are interconnected by their collective orientation to the use of student feedback. These differing specific orientations (i.e. improvement, assurance and performance) inevitably create strong

tensions and contradictions in the contemporary use of student feedback. These key tensions identified in this analysis include the simultaneous demands for:

- voluntary, compulsory and/or pragmatic collection of student feedback;
- private, public and selective use of generated student data;
- use of data for academic development, quality assurance and human resource purposes;
- individualised, aggregated and comparative forms of data analysis;
- framing of outcomes for localised improvement, program or institutional assurance and comparable institutional or sectoral reputation.

Finally, this analysis model points to an important outcome of this form of CHAT analysis: the potential from these tensions and contradictions for further development of the activity: what Engeström (2001) describes as its *expansive learning* potential. The conception of expansive learning seeks to identify from these historically formed and inherently interrelated activities what development potential exists to form new approaches to go beyond the inherent limitations identified in each of these interrelated activity systems. The potential areas for expansive learning (identified in the box included in *Figure 4.3*) arise from an analysis of these tensions and contradictions in the differing object orientations of these specific, but necessarily related, activities around the use of student feedback. These identify the possible opportunities for future development in the contemporary Australian higher education system given the trajectory analysed in this chapter. It is this identified potential that provided the orientating frame for the two case studies that will be introduced and detailed in the following chapters.

Quality improvement of individual or course teaching
(Activity One)

Local 'idiosyncratic' student feedback systems, academic development tradition

Volunteering academics

Improved student learning

Heightening professional demands for improved teaching practice

Academics and academic developers

Individual academics

Individual performance measurement
(Activity Three)

Promotional/tenure/ performance management processes requiring quantitative evidence of teaching quality

Academics seeking tenure/ promotion or identified for poor performance

Improved individual outcomes

Selection and performance demands

Academics and university administration

Academics and panels

Student feedback based evaluation

Shared Object

Quality assurance of teaching and learning practices
(Activity Two)

Sectoral accountability demands, CEQ, public league tables

Improved student evaluation outcomes

All teaching academics

Institutions and regulators

Students, institutions and regulators

Sectoral performance standards and related funding

Potential for expansive learning

Use of student feedback as a tool for *individual and collective* improvement of teaching and learning quality at a course or program level

Make visible the *broad range and implications* of student feedback to highlight areas of potential improvement to encourage professional dialogue

Frame situated academic development around the outcomes of this professional dialogue toward *substantial and demonstrable improvement*

Provide *more substantial and valid qualitative data* of individual and course change and improvement as a means of assuring later quantitative outcomes

Provide basis for *more sophisticated evidence of performance* and/or improvement in teaching

Figure 4.3: **Mapping the interrelated activities of student feedback-based evaluation in Australian higher education**

Conclusion

The current state of student feedback-based evaluation in Australian higher education remains strongly contested. The original motive of student feedback to improve the quality of teaching and courses teaching is under increasing challenge by the rising tides of internal and external quality assurance mechanisms, as well as the intensification of managerial performance management models in universities. This originating improvement motive is also increasingly confronted by rising competition amongst universities to attract students and the deteriorating employment environment created by increasing insecure work in universities. Nevertheless, the powerful traces and key cultural artefacts of early-stage, localised forms of quantitative student feedback-based evaluation remain largely in place in universities and continue to inform of local practices, policies and questionnaires. However, these are gradually homogenising under these newer demands of heightened accountability, comparability and transparency. These tensions have rendered student feedback an increasingly complex social activity within the contemporary Australian university.

This chapter has sought to further develop an understanding of student feedback-based evaluation in Australian higher education by using the critical lens of historicity. Consistent with the CHAT theoretical framework that underpins this study, this analysis forms a critical foundation of understanding how the contemporary activity of student feedback-based evaluation has been formed and how the tools that mediate its use have evolved. It also provides a basis for considering the likely future trajectories of student feedback-based evaluation in its current or in a disrupted form. In the next three chapters, the analysis moves from the broad historical evolution of student feedback-based evaluation to its localised contemporary form, introducing and reporting on two case studies in an Australian university centred on student feedback. Using a CHAT-informed, action research framework, these case studies provide a critical lens with which to further consider the current and prospective activity of student feedback and its relationship to pedagogical practices in university teaching.

Chapter Five: Introducing the case studies exploring the expansive use of student feedback

Introduction

A key focus of this research is the contemporary character of student feedback-based evaluation in Australian higher education. Critical to this analysis is a consideration of the cultural-historical influences that shaped its formation (detailed in Chapter Four), and how student feedback has been variously analysed and understood in recent higher education discourses (explored in Chapter Two). This chapter introduces two practice-based case studies from an Australian university that are designed to provide an insight into the contemporary nature of student feedback-based evaluation.

Firstly, these case studies systematically explore the everyday form, function and influence of orthodox quantitative student feedback. This informs the second research question which frames this study. Secondly, the case studies provide an opportunity to also assesses the developmental potential of student feedback to enhance teaching and learning at a local level (which responds to the third research question). Essential to these tasks was harnessing what Engeström (2000b) has evocatively described as the *ethnography of trouble* – making the contradictions, tensions disturbances and ruptures visible in this conventional 'everyday' activity – in order to engage case study participants in critical analysis toward innovation and developmental change.

As described in Chapter Three, the explanatory and developmental tools of CHAT play a central role in both developing the case studies and the subsequent analysis of their outcomes. For the research, this CHAT-based case study intervention provided an opportunity to go beyond mere observation of practice, to engage in ongoing dialogue with actors moving with the uncertain flow of impediments, affordances, disruptions and developments that characterise the realities of daily work. As Engeström (2000b) suggests, this interventionist model of research engagement is clearly aligned toward a developmental motive:

> If actors are able to identify and analyse contradictions of their activity system, they may focus their energy on to the crucial task of resolving those contradictions by means of

reorganising and expanding the activity, instead of being victimised by changes that roll over them if forces of a natural catastrophe. (p. 153)

This inevitably casts the researcher as an interventionist and developer, providing a toolkit of conceptual tools for generating rich data that is deeply contextual and developmental in its potential impact (i.e. having the potential to lead to the reconceptualising of pedagogical work).

As introduced in Chapter Three, these two localised case studies were developed using a novel melding of an action research methodology with CHAT. The imperatives for this approach were manifold. Action research method focussed on pedagogy is used widely in education, as it affords the opportunity to 'systematically investigate one's own teaching/learning facilitation practice with the dual aim of modifying practice and contributing to theoretical knowledge' (Norton, 2009, p. xvi). This orientation aligns well to the broader developmental bias of CHAT, providing the basis for theoretically informed exploration of practice (in this case using the prism of student feedback).

This melding of action research and CHAT challenges the hegemonic role of the interventionist researcher that is characteristic of Engeström's (2000b, 2001) *developmental work research* approach. As argued in Chapter Three, it offers the potential to more actively and directly engage participants in the work of developing of teaching and learning, as well as to more effectively evaluate the potential of the more critical use of student feedback data to develop professional dialogue around pedagogical practice. This CHAT-based action research model appeared to present a more engaging method by which to collectively consider the contemporary usefulness of student feedback as it has further taken on a quality assurance function. It also provides the opportunity to more effectively assess the potential impact of an elevated student voice in encouraging situated forms academic development. Finally, this somewhat novel use of action research as a complementary methodology for CHAT had the potential to expand theoretical knowledge.

Case studies represent instances of a social activity that illuminate the complex social dimensions of the phenomenon. As Yin (1994) observes, case studies are useful in that they allow the investigation of a 'phenomenon within its real life context especially when the boundaries between phenomenon and context are not clearly evident' (p. 13).

Specifically in their use in CHAT, they also afford a situated environment to test the expansive learning potential of the area of inquiry (Stark & Torrance, 2006). Given this, case studies offer a useful means of casting light on the two of the critical questions that are at the centre of this study around the contemporary condition and developmental potential of student feedback. Firstly, given the increasingly standardised use of student opinion in Australian universities detailed in Chapter Four, situated and contextual case studies are a reliable means of assessing the actual effect of student feedback in practice. Secondly, case studies framed by an interventionist motive allow the assessment of what potential student feedback holds to develop professional dialogue pedagogies. They provide a contextual opportunity to evaluate the broadened or diversified use of such feedback to shape and further develop pedagogical practice. Therefore the case studies used in this research can be reasonably seen to provide a valid and useful means of understanding the complex nature of student feedback beyond this localised manifestation. They proffer an insight into the realities of the interaction between student and academic assessments of teaching and learning quality in contemporary Australian higher education settings.

Context for the case studies

Based on these assumptions (and the theoretical logic established in Chapter Three), the empirical dimension of this research was centred on CHAT-based action research case studies in two distinctive environments in the College of Law at the Australian National University (ANU). The College of Law is one of the five colleges of the university and offers a broad range of undergraduate and postgraduate coursework programs, as well as higher degrees by research. In 2011, it had 1573 full-time equivalent students (with roughly half being undergraduates) and 126 staff (76 of whom were academics).

As introduced in Chapter Two, ANU was an early adopter of student feedback based evaluation. In the early 1980's, the ANU Office for Research in Academic Methods (ORAM) developed a student feedback system, which was broadly based on the work of Falk and Dow (1971) and TenBrink (1974) (Miller, 1984). A series of quantitative, ratings-based student questionnaires on teaching and courses were developed, which offered the opportunity for academics to choose questions from a question bank. The voluntary system was designed to be administered either by ORAM or individual academics. The explicit objective of the system was to improve the quality of individual teaching and to counter the rising negative teaching reviews offered in student

alternative handbooks (Miller, 1984, 1988). In early 1994, a new and expanded student evaluation system (the *ANU Student Evaluation of Teaching*) was introduced. This coinciding with the rise of the broader quality assurance demands for the higher education sector and the introduction of the CEQ described in the previous chapter. This more automated and centrally managed system remained voluntary, but offered an expanded range of questionnaires for large and small class teaching, courses and an open-ended question form. For the first time, the system produced computer-generated student feedback reports that, over the following years, generated a longitudinal database (which aggregated data in discipline clusters). Areas of the university were encouraged to use this aggregated data to review performance and undertake planning. However, individual data was to remain private and the system not compulsory (despite a number of subsequent internal debates on these matters). The system also was administered and supported by the recently formed ANU academic development unit, the Centre for Educational Development and Academic Methods (CEDAM).

A major review of the ANUSET system in 2006 found a growing use of the student feedback system over the preceding five years, with around half of all courses offered by ANU being evaluated (Wellsman, 2006). Based on a series of interviews with key university leaders, this review concluded that the main driver behind participation in the ANUSET system was academic promotion and school positioning in difficult student markets, rather than course improvement as such. The Review also discovered some 'impatience' amongst these leaders as to the:

- non-compulsory nature and inconsistent levels of use of the system
- lack of broad access to feedback data on individual academics
- limited ability to undertake comparative analysis of academic performance

(Wellsman, 2006)

In 2008, with a plateauing in the use of ANUSET system, a further review was undertaken. This review, which was one of the catalysts for this study detailed in Chapter One, radically overhauled the fourteen year-old ANUSET model. As a result, a new Student Evaluation of Learning and Teaching (SELT) system was introduced in 2009. It was broadly based on two online student questionnaires:

a) a compulsory *Student Evaluation of Learning* questionnaire, largely modelled on the national CEQ survey. Its outcomes were to be made public within the university and subject to comparative analysis against other outcomes in the university

b) a voluntary *Student Evaluation of Teaching,* whose data remained private unless agreement was given for its release for such things as performance management, promotion or teaching grants and awards

The comparative ANUSET and SELT questionnaires are compared in *Appendix One*. This comparison demonstrates the retention of a dual motive in the new system with the collection of teacher-only student feedback data on teaching the objective of quality improvement, as well as for the first time (internally) public feedback data on student opinions on the affordances and constraints to their learning, orientated to quality assurance. This latter questionnaire replaced a previously private series of ANUSET course questionnaires aimed at particular forms of teaching groups and a stand-alone open-ended answer questionnaire. This change was also accompanied by a new policy framework around student feedback, which introduced for the first time institutional requirements for reporting to Academic Board where numeric averages were not achieved on the public forms of data (this policy is included at *Appendix Two*).

Although this new policy framework (further revised in 2013) noted for the first time that student feedback was for both quality assurance and quality improvement purposes, it significantly required ANU Colleges to formally report to the University Education Committee where 'overall satisfaction agreement level (is) below 50%', outlining the 'specific actions and timeframes to improve the student experience' (ANU, 2013, p. 2). It is also notable that shortly after the introduction of the new SELT system in 2009, the administration and support for the student feedback system was moved to the ANU Statistical Services Unit, from its home of the preceding three decades in ANU research and academic development centres (ORAM and CEDAM).

Framing of the case studies

It was in this turbulent context of change in 2009 that the two case studies reported on in this thesis were being planned, creating some uncertainty around the context in which the study would take place. Conversely, whilst the new system and related policy were still in their infancy, it was also an opportunity to undertake research in student

feedback-based evaluation when there was a transition underway between the historically well-regarded and longitudinal ANUSET system and its intended replacement. In order to provide a useful comparable context for analysis of the use, impact and potential of student feedback-based evaluation, it was important that the case study sites had substantial experience in using the ANUSET model (and a related openness to engage with the student voice). This was not as straightforward as it would have seemed, with differing areas of the ANU having divergent levels of engagement with the ANUSET system.

From an analysis of the ANUSET usage data, one of the areas of the university with a consistent high participation was the ANU College of Law. Further, opportunistically the researcher also had been offered an academic development position in the College the following year, making the ability to carry out the research in the form intended much more viable than it may have been elsewhere in the university. It also provided the opportunity for an immersive form of research investigation as a *participant observer,* allowing the researcher to experience reality as participants do, while also using personal experience and reflections to deepen the nature of inquiry (Marshall & Rossman, 1999). This was further appropriate given the Vygotskian foundations of CHAT inspires an inherently developmental form of research inquiry into social practices, with the research itself forming part of these very social practices it seeks to investigate. Therefore the methods natural to CHAT–informed, action research are necessarily immersive, highly interventionist and hermeneutic in form. Indeed, as Langemeyer and Nissen (2006) observe, rather than offering:

> a fixed set of rules or recipes to be followed, (a CHAT-based) method is the ongoing theoretically informed reflection of the social practices in which research participates; yet method is also, still, a tool for research, a specific cultural object produced to form and transform that activity. (p. 189)

As also argued in Chapter Three, a clear and productive resonance can be drawn between CHAT and action research. Action research represents a complementary method, as it is orientated to collaboratively investigating situated social practices from within and developing a defined knowledge cycle to expansively improve such practices. In doing so, it also seeks to reduce the barrier between theory and practice by applying and further constructing research knowledge (Noffke & Somekh, 2006). This

underpinning framework founded on CHAT-informed action research meant the researcher could be most productive when acting as an active *participant observer* in this empirical element of the project. As Glense (2006) observes, by being immersed in a social setting, researchers learn:

> first hand how the actions of research participants correspond to their words; see patterns of behaviour; experience the unexpected and develop a quality of trust, relationship and obligation with others in the setting. (p. 49)

Further, as R. E. Cole (1991) argues, this form of *participant observer* research, combined with a key organisational role within the actual work environment (i.e. as an academic developer), offered extraordinary access to the organisation and its everyday information networks. It allows the collection of a wide range of internal situated data that otherwise would be very difficult to access. It also permits ready access to participants, management and importantly, the everyday affordances and impediments that reflect the reality of life within the case study sites and the university more generally. Moreover, from a theoretical standpoint, this opportunity for immersion was a critical advantage in developing the study. As Sannino et al. (2009) contend:

> First, activity theory is a practice-based theory. Second, it is a historical and future-orientated theory. We argue that there are methodological issues that distinguish an activity theoretical approach from traditional approaches to research. Activity theory involves the researcher throughout the course of the development, stagnation, or regression of the activities under scrutiny, as well as in the activities of the research subjects. This deep involvement in everyday human life is a crucial resource of activity theory. (p. 3)

The posture as *participant observer* was made more feasible (and arguable more acceptable to the action research teams) as the researcher had extensive experience - and resulting credibility - as an academic developer and student feedback administrator in a broader university role prior to the study. This meant a series of established direct relationships with many participants also already existed. Given the researcher also had some experience in advising Program Directors and the College Executive on academic development matters prior to the commencement of the study, there was little apparent anxiety about the potential of the action research to generate disruptive change.

Selecting suitable locations for the case studies

The first task was to identify suitable sites within the College of Law for the case studies. Given the nature of the research questions, it was determined that two differing sites would be desirable: a single site may prove overly narrow and reductive, and more than two may generate excessive data or, given the immersive nature of the work, may limit possible research engagement with the sites. It was also resolved that a period of three semesters would be optimum to conduct the study, providing sufficient time for the study to develop with three successive action research cycles. In essence, the two sites to be researched needed also to represent a *purposeful concept sample,* that is potentially information rich and that allowed a clear understanding of the phenomenon under investigation (Patton, in Cresswell 2005). Based on this broad framing, the following specific criteria were developed by the researcher for discussion with a range of program convenors to determine site suitability:

a) a coherent teaching program with a range of subjects with differing student cohorts

b) a relatively stable teaching team with experience in conducting, and responding to, student opinion surveys

c) a willingness for the academic teaching team to actively engage in a CHAT-based, action research project over at least three semesters

d) demonstrable focus on innovative or disruptive pedagogies which may or may not have impacted on student feedback outcomes

e) capacity to further develop curriculum, teaching strategies, course materials, learning technologies and assessment based on the outcome of research

f) openness to further develop the individual and collective pedagogical capabilities of academics based on the outcomes of research

g) agreement for the outcomes of the research be investigated and published (subject to appropriate ethical clearances and informed individual participant consent)

Based on these criteria, two suitable programs were identified and subsequently offered by program convenors as case study sites for the research. The site of the first case study was the recently formed Migration Law Program. This Program is primarily focussed on delivering the *Graduate Certificate in Australian Migration Law and Practice,* a significant course with approximately 500 student enrolments per year. The second case stud was the ANU Legal Workshop, which offers a specialist program for

law graduates centred on professional legal education for practice. The Workshop's core program – the *Graduate Diploma in Legal Practice* (GDLP) – is a mandatory qualification for access to a legal practice certificate. Although it had been offered for over thirty years, its mode of delivery had been recently radically reformed to a blended learning mode using a combination of face-to-face and online teaching. It had around 1100 to 1400 student enrolments in recent years. Several further potential sites for case studies were identified but were discarded, as they either:

- could not effectively support the collaborative action research model being proposed
- had specific situational limitations that would prevent investigation of the current use or prospective use of student opinion
- were constrained in their capacity to develop programs or the capabilities of academic staff based on research outcomes, for a range of differing reasons

Put simply, given the nature of the research proposed, the two case studies were selected as they afforded the best opportunity to understand the use and potential of student feedback, whilst at the same time possessing a genuine interest in developmental improvements in program design, teaching and academic capabilities. One important aspect of the recently revised ANU policy framework also assisted in facilitating this approach. This was the continuing ability of individual programs within the ANU to develop specific local strategies to seek student feedback outside the conventional quantitative mode. This afforded this action research approach in the two selected sites, and allowed the broad exploration of different approaches to the collection and use of student feedback data.

Although these two College of Law programs sat within the same broad discipline and in single College of the University, they embodied the policy and procedural approaches of the broader university (and the sector more generally) in regard to the use of student feedback-based evaluation. Both programs had previously employed the standardised ANUSET student opinion surveys, and were preparing to move to the new ANU student feedback system (as discussed earlier in this chapter). Therefore, the relevance of these programs lay not in their specific discipline or location, but their employment of broadly standardised quantitative student opinion surveys and the related mandatory responsibility to respond to its outcomes. In addition, both programs were actively seeking to:

- improve teaching and assessment quality using a collaborative action research framework
- wished to identify and act on opportunities for substantial program and academic development
- were open to forms of development they may be generated by collective assessment of mediated student opinion

As Norton (2009) argues, action research in university settings is most effective when it is a result of a perceived need for enquiry into what is already being done, rather than imposed as a formalised staff development initiative. For this reason, the action research was clearly framed around the history and trajectory of the individual programs rather than as a generic research initiative being bought to bear on the program for purely academic interest.

The two case studies foregrounded in this study also represent instances of the rapidly changing environment of higher education, sharing the characteristics of:

- large-scale teaching programs with complex curriculum and rigorous assessment demands in a broad discipline domain
- offering teaching and assessment in mixed modes of delivery (i.e. both face-to-face and online)
- being under considerable pressure to recruit and retain students, maintain high levels of student satisfaction and meet rigorous expected graduate capabilities in the emerging Australian higher education 'marketplace'
- operating under various demands of institutional accountability, program and academic responsiveness and broader pedagogical effectiveness, with all of which student feedback influences in one form or another

However, they also have key differences that are important as they create a distinctive character for each case:

- one program is primarily offered via online learning with limited face-to-face orientating seminars, whilst the second carries a more significant face-to-face component (though with considerable with online elements)

- one program has highly diverse student demographics and academic entry levels, whilst the second has a more homogenous cohort with a standard academic entrance expectation
- one has a large casual teaching group (most of whom also work in professional practice) and a small core full time academic staff, whilst the second has primarily a permanent teaching workforce of full-time academics, supplemented by a cohort of casual teachers from a variety of backgrounds
- one program had developed and modified curriculum from scratch over the last five years (within a mandated competency framework), whilst the second has an accumulated history over two decades with relatively stable curricula (and has shaped the broader curriculum framework used across the sector)

In CHAT terms, these shared and distinctive characteristics of the two programs provided the opportunity for the contextual exploration of activity settings that are discrete but are also what Yamagata-Lynch (2010) describes as 'highly interrelated bounded systems' (p. 79). This provides the ability to conduct sociocultural analysis of the outcomes of the cases that is multi-dimensional, and allowing a greater understanding of the effect of individual and shared agency in activity.

Ethical dimensions

The relationship between student feedback and pedagogical work of teaching academics is an understandably sensitive area in the contemporary university. As discussed in Chapter One, it necessarily encounters the volatile domains of academic professional identity, individual reputation, educational credibility and even promotional prospects. As a consequence any research (and particularly research with a developmental bias) must be designed and conducted with considerable care and caution to ensure student learning and academic work is not negatively disrupted. Hence the ethical responsibilities in designing the empirical component of this research were significant and carefully considered. Given the research was to be conducted involving actual teaching academics and student opinion, it was essential the development focus of the approach productively enhanced curricula design, pedagogical practices and student learning outcomes. Similarly, as the research was to be directly focused on the collaborative academic inquiry, the research needed to be designed to respect the professionalism of academic staff and the inherent value of the student voice in reflecting on teaching practice. Therefore, none of the research strategies could act to

undermine either academic teaching or student learning in the two selected programs.

In designing the research and the related *ANU Human Ethics Application* (Protocol No. 2010/080, approved 2/5/10), it was proposed that professional facilitation of face-to-face and online academic collaboration was essential in order to ensure research activities and outcomes productively contributed to pedagogical outcomes. In addition, it was critical that any strategies around the use of student opinion data and resulting actions aligned with the specified rights and responsibilities in the academic and student policies and procedures of the ANU. Both participating staff and students whose opinion would be sought needed to be provided clear documentation on the research, the contact details of the researcher for any questions and be offered the ability to opt out of the research at any stage during its progress.

For staff participating in the action research teams, this documentation was offered in an *Information Sheet* and *Consent Form* (included at Appendix Three). For students, whose opinion would be critical data for the research, it was resolved all questionnaires would advise students of the:

- nature of the research,
- individual responses would remain strictly confidential
- contact details of the researcher for any questions or concerns
- offer to opt out of providing their opinion if they wished.

Moreover, given students are also in an uneven power relationship with teachers, it was essential student opinion was securely electronically collected and stored by the researcher and that outcomes of student opinion were not released until semester results were issued to ensure there was no perception of bias or intimidation.

Given the polemic nature of the data to be considered, it was important the researcher's dual role as a participant and observer was made explicit. As a result, aside from the information provided to participants, this was detailed in the opening workshop in each case study site. Equally, it was essential that the action research groups fully understood that subsequent meta-level data analysis of such things as group interactions, action research trajectories, forms of epistemologies emerging and the nature of change generated by the action research cycles, would be undertaken by the researcher. To facilitate this, all participants were provided a comprehensive briefing on the broader

research project in these introductory sessions. Subsequent to these briefings, participants were asked to complete a *Consent Form* on the meta-level research project should they wish to participate. All participants provided this signed consent prior to the commencement of the work.

Entering the case study sites

All available participants in the two projects were engaged in separate introductory sessions facilitated by the researcher. As discussed in the last section, these first introduced the broad framework of the research project. The parallel motives of localised action to maximise the benefit of student opinion and contribution to broader theoretical knowledge in this domain were subsequently foregrounded. It was ensured that participants clearly understood these dual imperatives up front. These sessions were timed to be well in advance of the start of the first semester of the action research to allow sufficient time for deliberation, formulation of approaches and the planning of research activities. As participants were largely unfamiliar with the process of action research, let alone its potential relationship with CHAT, materials were developed and circulated in advance of the sessions to allow advance organising of this proposition and to allow clarification and debate in the introductory sessions.

An *expansive learning evaluation cycle* was proposed by the researcher as a means of practically representing a possible project frame around student evaluation. This explanatory sequence was designed to conceptualise the nature of the envisaged CHAT-based, action research cycle and was introduced for discussion in introductory sessions via the representation in *Figure 5.1*. Consistent with the approach outlined in Chapter Three, this model melds the conventional action research cycle associated with the work of Carr and Kemmis (1986), with the expansive learning cycle developed by Engeström (2001) and later further refined by Postholm (2009).
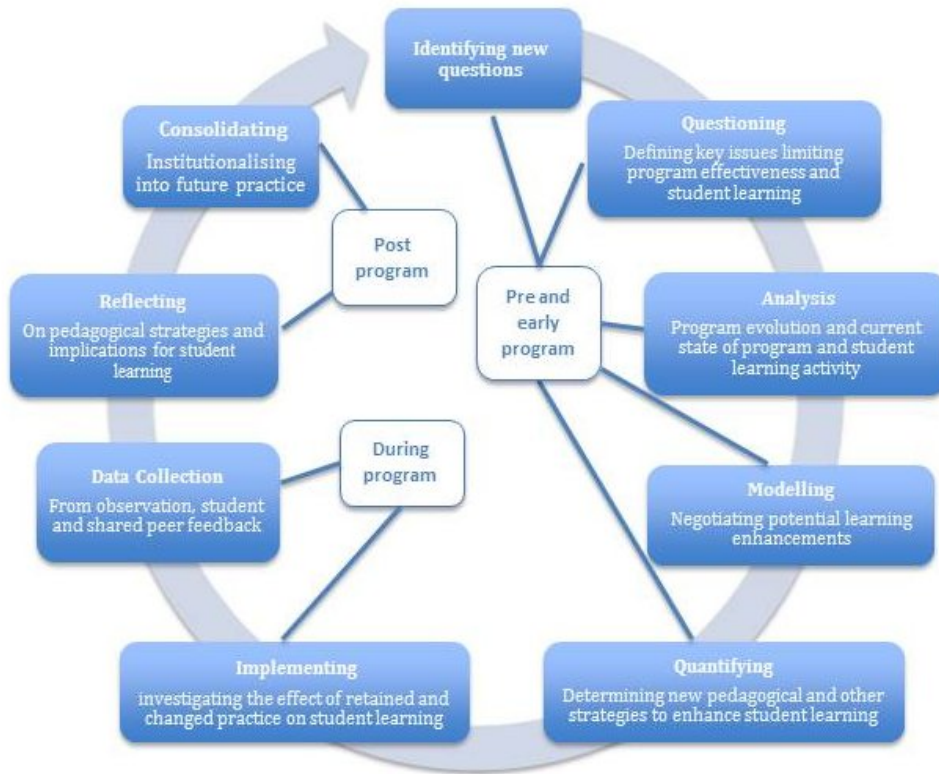
Figure 5.1: Expansive Learning Evaluation Cycle

Adapted from Carr & Kemmis (1986), Engeström (2001) & Postholm (2009)

With its dual origins in CHAT and action research, this model was introduced by highlighting its foundational elements, which included:

- the framing of a CHAT-based, action research model that is focussed at the collective action at the program level (to stress integration and enhancement), centred on a research cycle driven by the outcomes qualitative student feedback and ongoing academic reflection
- the casting of the student voice as a potentially productive contributor to professional academic learning through a reflective and ongoing action research collaboration with colleagues
- a focus on student learning outcomes, understood through a diverse range of professional inputs (but with the catalyst of student feedback) to identify program development opportunities

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- determined attention to the perceived affordances and constraints on student learning (rather than on teachers, teaching and courses of themselves) to drive professional dialogue and pedagogical change
- a focus on situated forms of academic development, with responses designed to identified learning needs addressed collectively and individually within the potent reality of ongoing practice and tested for effectiveness in successive semesters
- a deepened recognition of the complex and often contradictory forces that play out in contemporary higher education learning environments

Whilst the researcher's preceding academic development experience and anticipated participant-observer role was important in establishing the research, it presented major implementation challenges. Firstly, given the accepted educational leadership role the researcher had within the faculty, it was initially difficult to establish the logic of the action research cycle, and the need to divest responsibility for it the action research teams. Similarly, Program Directors had also initially expressed their expectation that the research would be largely researcher-led and would essentially be a professional development episode for participants. To counteract this, an explicit protocol was negotiated with the two teams about the researcher's role as a participant-observer. It established that the researcher was primarily engaged in a form of critical ethnography characteristic of CHAT-based inquiry (as described in Chapter Three). This protocol clearly identified the action research teams as the primary initiators and drivers of the action research projects. The role of the researcher was defined to be:

a) introducing the CHAT-based, action research model
b) generating data and analysis around student feedback in the three semesters
c) framing potential program development options for teams to consider
d) providing ongoing advice during the projects, where participants sought this

The teaching cohorts in each program and support staff (primarily educational designers) would form the action research teams. However, involvement would be voluntary and levels of input self-determined. This would form the basis for a series on action research cycles to be completed over three semesters, the outcomes of which would be critically assessed in comparison to the preceding use and impact of quantitative student feedback.

Based on the CHAT framework and the work of Norton (2009) on pedagogical action research in higher education presented in Chapter Three, the primary imperatives of the empirical dimension of this research were:

- exploring and analysing the developmental potential of student feedback to influence and transform situated pedagogical practice in the identified programs
- conscious focus on the investigation of the tensions and contradictions inherent in this activity (and between inter-related activities)
- assessing the potential of this form of CHAT-based action research to stimulate developmental change and situated forms of academic development, evaluating the relative effectiveness of this approach compared to the use of orthodox quantitative student opinion data
- contributing to broader theoretical knowledge about the use of student feedback in contemporary higher education settings as a result of the action research outcomes.

Participants were introduced to, and subsequently debated, the primary conflicts that have been identified in literature around academic teaching, particularly as it intersected with student feedback. Within this broad framework, participants in the introductory seminars defined a series of critical questions they believed the action research projects should be seeking to address in the first semester of the project. These questions were refined by the researcher and returned to the teams for confirmation. Once agreed, a draft project plan for the first research semesters was developed in liaison with program leaders and circulated for feedback from participants. Based on this, a range of data was generated around student opinion and this became the basis of reflection during and the end of the semester. This formed the basis for collective deliberation and decisions about program development, as well as the foundation for subsequent action research cycles in the following two semesters.

Data collection methods

Given the inherently interactive nature of participatory action research, the researcher is necessarily intrusive. They work with participants to frame questions, to create provocations and gather data important to the questions being explored in the broader research inquiry (Marshall & Rossman, 1999). However, as R. E. Cole (1991) observes,

when the researcher undertakes this form of research within a broader organisational development role, they necessarily adopt an even greater interventionist persona. This has the effect of further blurring the demarcations between these researcher and developmental roles. This means that the nature of data collection is also inevitably subject to heightened personal subjectivities and more difficult to isolate from existing understandings of the situational context in which such data is collected. In this research, this is further complicated by the objectifying of the theoretical model use in this study within the design of the CHAT-based, action research approach used in the case studies themselves. For these range of reasons, the data collection process needed to be carefully conceived and managed to ensure trustworthiness and limit potential imposed subjectivities that could hinder its reliability. Consequently, aside from establishing the protocols for the role of the researcher and action research teams outlined earlier, a series of other strategies were put in place including the:

- collection of data from multiple perspectives, including from the participants working as an action research team as well as individually, from students and from artefacts generated before, during and after the action research process (providing triangulation)
- testing and modification of key data with action research participants, such as the outcomes of action research, analysis of student feedback and individual interview responses (providing verification)
- recording and/or systematic collection of 'thick data' from student feedback, action research workshops and interviews to ensure a depth and breadth of analysis (providing complexity).

The range of empirical data collected in this study (and common to both case studies) is summarised in Table 5.1 below.

Table 5.1: Sources of data for the empirical stage of the research

Data form	Source	Form of capture
Preliminary orientating interviews	Program leaders (Program Directors and Subject Convenors)	Field notes
Proceedings and reflections on initial orientation workshops	Action research teams	Field notes, session recording, written respondent feedback
Qualitative student feedback (over three semesters)	Student responses to qualitative questionnaires/semi-structure interviews (over three semesters)[4]	Online qualitative questionnaires or interview records
Proceedings and reflections on end-of-semester and pre-semester workshops of action research teams (over three semesters)	Action research teams	Field notes, session recording, written respondent feedback
Individual interviews for action research teams members at conclusion of the three semesters	Action research team members	Field notes and recordings
Key program artefacts	Program documentation, minutes, reports and related actions generated during the action research	Collection of relevant artefacts for analysis

The nature of the CHAT-informed, action research model used in multi-dimensional form in this study had important implications for what and how data was to be collected. Firstly, it meant an emphasis in framing appropriate data collection methods to ensure the accurate mapping of the 'structure of the transformations made (so they) can be retraced and critically reflected' (Langemeyer & Nissen, 2006, p. 190). Essential to this was the collection of data that was sufficiently broad to consider what evidence of learning and change emerged with the aggravation of the tensions and contradictions

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[4] semi structured interviews used only in first semester of the graduate law program

generated by the *expansive learning evaluation cycle* described earlier in this chapter. Engeström (2007b) suggests evidence of what he defines as *expansive learning* is where an activity system resolves 'pressing internal contradictions by constructing and implementing a qualitative new way of functioning for itself' (p. 24). Such expansive learning is reflected most acutely in:

a) the broadening of the shared objects of professional work to seek to identify and respond to problems

b) the development of new forms of knowledge and tools to engage with identified problems

c) lived, yet invisible, cognitive trails of reformed work

(Daniels, 2008; Engeström, 2007a)

Hence, in order to understand the potential expansive learning in these case studies, the framing of data collection was around these three key points of potential reformulation in pedagogical activity: reformed approaches to teaching, generation of new or modified shared objects and the 'invisible' experiences of participants in the action research.

There are clear strengths in an immersive form of research engagement for enhanced data collection as a result of proximity, access and subsequently, deepened analysis. However, there are also inevitably weaknesses that need to be recognised and managed. The proximity and access of the researcher to the object of study means that it was consistently difficult to clearly demarcate the academic developer versus researcher role. This resulted in a series of limitations that will be further explored in later chapters. However, it is reasonable to conclude that the organisational and positional power held the researcher demonstrably distorted some outcomes. Further, as is not uncommon in qualitative study, the effect of being studied in-depth in action (the so-called *Hawthorne effect*) inevitably changed how participants acted and responded, despite the longitudinal nature of the study. Finally, the case studies represented the reality of a specific spatial and temporal reality, which inevitably shaped and contextualised the data generated in the study. The effect of these limitations will be explored further in the conclusion to this study.

Forms of data interpretation

Consistent with the methodology of this study, data collected from participants and students was interpreted using a broad thematic coding method, which is characterised by Marshall and Rossman (1999) as *emergent intuitive.* This relies on the immersive and intuitive capabilities of the researcher to develop emergent themes for analysis of the data. To effectively manage this, a seven-stage model for thematic analysis was designed. This is framed by the thematic analysis framework for pedagogical action research in universities developed by Norton (2009) and integrates in its stages approaches for specifically analysing CHAT data offered by Langemeyer and Nissen (2006). This adaptation took the form outlined in Table 5.2.

Table 5.2: *Data interpretation method*

Stage	Activity
One	Immersion*: comprehensive consideration of collected data, including its cultural-historical mediation and broad relationship to frames of expansive learning (outlined above). Consideration of broad initial categories.
Two	Generating categories: initial identification of emerging categories in the data, particularly around developmental change (or its absence)
Three	Deleting categories*: identifying categories where there is insufficient justification for it to be considered significant compared to other identified.
Four	Generating themes: identifying and theoretically organising key themes where commonalities have emerged.
Five	Checking themes: ensuring thematic allocations are reasonable and defensible, particularly from a theoretical and methodological perspective
Six	Linking themes: establishing the possible inter-relationship between identified themes.
Seven	Presenting outcomes and methodological reflections

Adapted from Norton (2009) and Langemeyer and Nissen (2006)

The samples of data presented in the following two case study chapters is descriptively categorised according to its method and time of collection. For example, the category *ML-2-12,* indicates firstly it was the data was collected in the Migration Law program ('ML', or alternatively 'PPC' for the second program the Professional Practice Core in the *Graduate Diploma of Legal Practice*). The second number used represents the instance it was collected, such as at a workshop, in an evaluative response post-workshop or a semi-structured interview. The final number represents the respondent

identifier used in collecting the data. All other data is reported according to its specific description, but is formed around the broader range of sources included in Table 5.1.

Conclusion

This chapter provided a description of the framework used to determine, collect, thematically code and analyse data collected for the empirical dimension of this research. This provides an important context for the following two chapters, which systematically report on the data collected over three semesters in the two qualitative case studies based on the methods described in this chapter. As this description suggests, the methods chosen to generate empirical data for this study are cognate with the conceptual and methodological framing of the research detailed in Chapter Three. This ensured the case studies would provide further insights into the key questions that frame this study. The next chapter (Chapter Six) details the first case study undertaken in a migration law program, and the following chapter (Chapter Seven) outlined the second case developed in a postgraduate law program. The two subsequent chapters (Chapters Eight ad Nine) systematically analyse the outcomes of these case studies in the light of the socio-historical research presented in Chapter Four.

Chapter Six: Case Study One - ANU Migration Law and Practice Program

Introduction

The site of the first case study was the ANU College of Law's Migration Law Program. This Program is primarily focussed on delivering the *Graduate Certificate in Australian Migration Law and Practice*. This is a significant and highly visible course for the university, with approximately 500 student enrolments per year,. This program accounts for around half of all graduate certificate enrolments at the ANU. The *Graduate Certificate in Australian Migration Law and Practice* is one-year part time program with two intakes a year. It is offered in multiple capital cities across Australia using a blended delivery model, pairing a series of face-to-face introductory workshops, online Moodle-based modules and ongoing online engagement. The program is made up of four courses:

- Australian Migration Law and the Migration Agents Registration Agency (MARA)
- Australia's Visa System
- Visa Compliance, Cancellation and Review
- Applied Migration Law and Practice Management

The course is jointly delivered by a three full-time academic staff (based in the ANU College of Law) and around 20 part-time teaching academics, most of whom are practicing migration law specialists. This academic workforce composition is a consequence of a range of factors, including:

- highly variable enrolment levels and the dispersed delivery mode, which requires considerable staffing flexibility
- the dynamic and complex nature of the legislative and practice environments in migration law
- the recent establishment of the program, reflecting the changing nature of academic employment in Australian universities

- the difficulty of attracting and retaining experienced practitioners into full-time academic work, given the income disparity between practice and academic environments.

With three other Australian universities offering similar migration law courses, there is considerable competitive pressure between institutions for a limited number of potential students. There is also significant regulatory scrutiny of courses by the federal government regulator (Migration Agents Registration Agency, known as MARA), who provides accreditation for graduates to practice in this specialised and highly sensitive field. Interestingly, MARA retains the right to undertake quantitative student opinion surveys in the program to assure its ongoing quality within universities. The ANU program is relatively recent - having been first offered in 2006. However, given the dynamic change in this politicised arena of law and the sustained competitive pressures on the program, it had been subject to ongoing reformation of its content and modes of delivery since this time. At the time the research commenced, this program was generally considered to be broadly successful and had retained a relatively consistent student load since its introduction. As discussed in the last chapter, this site was selected as it met a range of criteria for the study. Migration law offered a large-scale teaching program with complex curriculum assessment demands, seeking to enhance both its credibility and responsiveness (including from student feedback) to improve its pedagogy. It also had previous experience with the ANUSET system and possessed an openness to engage in collaborative action research around the elevated use of student feedback.

Initial discussions to formulate the action research

Following the logic established in earlier chapters, the educational leaders of the program were initially engaged to discuss the parameters of the action research model. These leaders included the Associate Dean (Education) of the College, the program convenor and two full-time academics who'd had experience in convening individual subjects. This was arranged as a facilitated discussion by the researcher and ran over a three-hour period. The session was recorded with the consent of the group and notes were taken by the researcher of then subsequently circulated to the group for confirmation.

The program leaders first considered the anticipated focus of the action research and the potential for the elevated use of qualitative student feedback. It was quickly apparent that there was a shared disengagement from quantitative student feedback used broadly within the university. A consensus emerged that the ANUSET model, though broadly informative as a metric of relative student opinion, had failed to provide useful or consistent insights for program improvement. This is well reflected in this observation by one of the leaders captured in this session:

> …there is no doubt the student voice is important, however what this voice is saying and what it is expressing needs to be more explicit if it is to be acted on. Too much emphasis is currently placed on knee-jerk reactions to numbers, sometimes doing more harm than good. (ML-1-13)

Participants drew reference to the elevating significance of student feedback surveys in the university, with a recent policy introduced requiring programs to respond where ratings were beneath the universities average level. In discussion, the comparative value of qualitative student opinion surveys was also debated. Some differences became apparent about what were the appropriate levels of accountability to student opinion that academics should have to demonstrate. This is captured in these contrasting responses below, where the tension between educational judgement and program reputation with students is evident:

> …the reality is that students are more than capable of making judgments about teaching, however the real question is how this is understood, and by who, and what it is weighed up against…it is one important input into judging teaching effectiveness, but one of many. (ML-1-6)

> ….students pay a considerable amount of money to study programs like ours and we need to know promptly and clearly when teachers are not meeting their expectations. Otherwise, we will lose students as word-of-mouth will undermine this program very quickly. (ML-1-8)

However, there was general agreement that current quantitative student feedback surveys lacked sufficient depth to effectively and consistently guide program development decisions. A number of examples were offered where conclusions had been drawn from student evaluation reports that had proven misleading and had subsequently led to poor decisions having been made. This was observed as a particular

danger where those without an intimate knowledge of the program, its trajectory or limitations may reach forms of arbitrary judgement. This sentiment is captured well by the commentary of one participant:

> ….there is a great temptation to simplify complex teaching and assessment situations to a number and make an equally simplistic judgement about the quality of the teacher or whatever….we have subjects (like on legislation) that are challenging that are always rated more negatively because students have preferred other types of subjects. (ML-1-44)

This led to a substantial discussion around how to maintain a reputation for quality in the university, within the industry and with the education provider regulator (MARA) if conventional forms of student feedback-based evaluation were disrupted. This was seen as a serious impediment to the action research approach being proposed. The group then debated the divergent research on quantitative student evaluation that was circulated by the researcher in advance of the discussion (summarised in Chapter Two). It was broadly agreed that there were grounds for the developmental use of student feedback using an action research model (as outlined in Chapter Three). However, this model needed to represent a highly credible alternative to be accepted within the institution and by stakeholders outside the university. Lingering concerns clearly remained as to how be seen to be genuinely accountable in the absence of a defined metric.

Nevertheless, consensus was reached around the need for enhancing student learning to be the primary object of the action research model, rather than just the outcomes student feedback of itself. The tone of this consensus is reflected in this observation:

> In the end, student opinion is just reflecting the student view….we need to respect it of course, but we need to focus on the primary issue of creating the context for good curriculum, good teaching and good assessment. Student reactions are the outcome, not the core of our work here. (ML-1-7)

In considering the specific nature of the action research response, program leaders returned to how vulnerable the program was to the effect of inadequate student learning. Although the ANUSET results the program had received were on or above institutional averages, some sharp anxiety about the actual quality of student learning prevailed in the group. Based on anecdotal evidence and several significant student complaints

(ironically outside conventional student feedback mechanisms), the intuitive sense of these leaders was that such elements as the design of online teaching, assessment and feedback had the potential for improvement. They also aspired to broaden the pedagogy of the program to offer more innovative forms of learning, whilst also wanting to assure the educational foundations on which the program currently rested. Yet there was also continuing unease on the viability of an ongoing action research project and the time demand it may place on teachers. There were several reasons for this. Most academics teaching on the program were engaged on part time contracts and given their predominant roles as migration law practitioners spent limited time at the university. Similarly, despite some attempts at professional development, most were 'accidental' teachers, engaged primarily (though not exclusively) for their discipline expertise. These teachers were also dispersed across three capital cities outside Canberra from where the program was offered. One participant observed this paradox as:

> …a fragile balance between raising educational expectations whilst keeping these teachers on board….they have the capacity to simply not continue if they feel expectations of them by us exceed what they believe to be reasonable. (ML-1-7)

Equally, there were concerns about the potential resource implications of greater developmental imperatives being identified as a result of elevated student feedback data. Several participants raised another paradox here: making more visible the limitations of student learning could increase academic dissatisfaction if these issues could not be effectively addressed.

Ultimately, a shared commitment developed to test broadened engagement with qualitative student feedback as a means of potential pedagogical improvement. It was also hoped that the action research may incite further engagement of the largely part time teaching workforce in the collective task of program enhancement. It was agreed that an introductory seminar involving all program teachers would be convened prior to the commencement of the following semester (Semester One, 2010). This seminar would be designed along the lines described in the previous chapter, with participating teachers being provided material in advance on the proposed CHAT-based, action research model and its motivation to enhance student learning and provide the opportunity for situated academic development.

Introductory workshop

The researcher facilitated an initial one-day introductory workshop, involving all 24 teachers from the Migration Law program. The session was framed by an introduction to the broad research project around the use of student feedback in Australian higher education and the CHAT-based action research model circulated in advance to participants. The broad reaction to this introduction was restrained, with the subsequent discussion being more characterised by clarification, rather than engagement. As one participant recorded in their assessment of this part of the day:

> I was really unclear about why we needed to have such an elaborate model as presented….surely just focussing on where we were falling short of student expectations and developing some thinking around this would be sufficient.   (ML-2-21)

It was quickly apparent that even though the approach had been framed with an action research focus, the CHAT dimensions of the model proved overly complex and somewhat confusing for most participants. This is perhaps unsurprising given the overwhelming majority of participants were part time legal academics who would have had limited exposure to this epistemological sphere. For this reason, the theoretical foundations of the approach were subsequently minimised in the remainder of the session. A clearer and more practical focus developed around the more familiar action research cycle (i.e. reflect-plan-act-observe-reflect). It was apparent from participant responses that this was a more effective orientation. A typical evaluation was:

> …I really struggled to understand the first session, but when we began to discuss the 'how-to' of action research and what we might look at in this process, it was much clearer. I could begin to see some benefit for us spending the time needed to make this work worthwhile. (ML-2-13)

Participants in this component of the introductory session were generally more engaged - exploring and debating approaches to action research based on thinking provided in advance on the developmental potential of student feedback. Much of this was stimulated by a series of provocations prepared for the workshop on the nature of the existing ANU Migration Law curricula, learning activities and assessment, and how these compared leading forms on innovative practice in the higher education sector. A summary of this interaction and the key

outcomes of this broad deliberation (and that of the second case study group) are reported and analysed in Chapter Eight (and specifically consolidated in Table 8.2).

Based on this analysis, participating teachers spent the final two sessions devising and then refining a broad action research framework to guide the first semester of the cycle. Teachers debated what specific issues could be researched using student feedback in order to improve the pedagogy and effectiveness of the program. The broad framework for the action research was captured on the day and subsequently re-circulated to the group and refined to until broad agreement was reached amongst participating group members. This agreed framework is reproduced in Table 6.1 below.

Table 6.1: *Potential action research cycle - Migration Law Program*

Stage One (pre-semester): Framing the action research

- identification the range of issues that need to be considered to potentially improve student learning outcomes
- collaborative review of existing curricula, learning outcomes, learning activities and assessment and consideration of alternative approaches to teaching and learning, including those used in other universities in discipline area and in other disciplines
- negotiation of potential learning enhancements and formulation of collaborative responses
- formulation of research questions around enhanced learning effectiveness to be individually and collaboratively investigated
- identification academic development and educational design needs for the semester
- publishing of any agreed changes and research questions.

Stage Two (during semester): Ongoing professional inquiry and dialogue

- implementation of agreed learning approaches by individual academics or group collectively
- critical action research based enquiry of student learning outcomes, using a variety of sources including professional sense, student feedback, peer input and research outcomes.
- publishing of individual research outcomes in a collective space (such as a wiki or blog).

Stage Three (end of semester): Review Conference or Seminar

- collaborative reflection on action research outcomes and determination of future responses (such as to institutionalise, expand further, modify or abandonment)
- publish outcomes and identify opportunities for future expansive potential for the program or sub-discipline (i.e. new questions).

Formulating evaluative questions

There was a reasonable straightforward consensus achieved around the nature of the action research framework - albeit with some reservations about additional workloads. However, there was more significant debate about the questions that would guide the action research itself (and therefore the data that would be canvassed from students). After assessing a range of possible action research questions generated by small groups, a series of broad questions were agreed around learning enablers, impediments and program learning activities, as well as on assessment and feedback strategies. After a clarifying debate, the teaching group resolved a series of research questions. These are detailed below in Table 6.2.

Table 6.2: *Action research questions - Migration Law, Semester One, 2010*

1. Effectiveness of assessment design

1.1	Have we developed appropriate structures and reliable consistency across the range of student assessment and in specific subjects?
1.2	What could be improved in how we assess across the program and in specific subjects to enhance student learning?

2. Blended teaching and learning

2.1	How effective have we been as blended teachers this semester: have we been clear about our roles and have we improved levels of student engagement?
2.2	Were we able to effectively use the potential of the online innovations (i.e. Wimba/Mahara) to improve student learning?
2.3	What other online resources could we add to Wattle to improve the quality of online teaching and student engagement?
2.4	Are there professional development areas that would assist to improve the quality of our online learning?

3. Future Directions

3.1	Are students being effectively exposed to the emerging trends in Migration practice?
3.2	If not, what may need to be added or highlighted to improve graduate capabilities?
3.3	With the continued discussion surrounding the introduction of additional short courses that may lead to a Graduate Diploma in Migration Practice, what do we need to consider from a course and program level

Based on these research questions, a series of directly related qualitative student feedback questions were to be designed by the researcher to inform the professional deliberations of the teaching group. However, considerable tension emerged in the final stages of the workshop around how student feedback data would be presented, who would draw implications from it and how the individual and institutional responsibilities for outcomes would be reported and understood. Following this, several participants began to doubt the viability of the action research process itself. Representing this, as one participant noted in their assessment of the session:

> It is all well and good to investigate at a 'deeper' level, but the university is still going to make judgments and more extensive data may only lead to more developed conclusions about the teaching approaches….it is essential that more evaluation doesn't just lead to more blame. (ML-2-17)

Later interviews with individual teachers (discussed later in this chapter) provide a clear logic for this anxiety. A significant number of teachers reported feeling unsettled and even undermined by previous student feedback ratings they had received. For some, the demands for explanation for these quantitative outcomes by program leaders only accentuated this anxiety about student feedback. To counteract this anxiety, program leaders (in tandem with the researcher) needed to negotiate a series of commitments to secure the confidence of teachers to engage in the action research process. These four explicit commitments included that:

1. The focus of data collected would be on student learning (as implied directly by the proposed model) rather than narrowed to teaching performativity
2. Consideration of qualitative student opinion would be mediated by the researcher and thematically coded, so the primary issues of concern would be debated (rather than matters of individual performance)
3. The professional insights of teaching academics would be foregrounded as a key mediating factor in considering student responses
4. To ensure transparency, issues emerging from student feedback and related professional dialogue would be collectively considered in a similarly convened end-of-semester forum, as well as progressively during the semester via online forums.

Having broadly addressed these concerns, teachers then considered what evaluative questions may be asked of students. The researcher-facilitator provided some guidance

on possible questions that may naturally flow from the earlier determined action research questions. From this base, teachers agreed on a series of open-ended qualitative questions that would be put to students via an online survey toward the conclusion of the semester. These are detailed in Table 6.3.

Table 6.3: Student evaluation questions: Semester One, 2010

1. What elements of this subject were most effective in assisting your learning in this area of Migration Law?
2. What elements of this subject made learning in this area of Migration Law more difficult?
3. How effective was the assessment in developing your understanding of this area of Migration Law?
4. How useful was the feedback you received in clarifying your understanding of this area of Migration Law?
5. How effectively did you think this subject related to other subjects in the Graduate Certificate Program?
6. From your experience in this subject, what changes would you suggest for this subject in the future to make it more effective?
7. Do you have any other comments on this subject or the program more generally?

In addition, teachers agreed to participate in an ongoing professional dialogue with peers throughout the semester, both informally and via a blog that centred on the key evaluative questions defined in the pre-workshop. To facilitate this, the researcher established a series of blogs on *Mahara* (an online collaborative blogging software tool) around the three key areas identified in the action research questions outlined in Table 6.2. A further development workshop was scheduled for the end of the semester where this dialogue and student opinion outcomes would be considered, developmental options and impediments identified and actions for implementation defined.

Outcomes of the first action research semester (Semester One, 2010)

Despite the commitments given in the introductory workshop, teachers were quite reluctant to participate in online professional dialogue around the three identified areas of action research focus during the first semester. Only 16 of the 24 teachers offered posts and the total number of posts throughout the semester was only 36. Moreover,

most commentaries were brief and not clearly related to the questions posed in the research. Instead they were largely anecdotal accounts of incidents or problems in practice. This participation was far less than anticipated in the overall research design and in the action research model itself. Program leaders speculated that this low engagement partly related to teachers working remotely and not feeling either connection with peers or the collective ambition of the original action research plan.

Ongoing feedback from teachers during the semester also suggested some frustration and/or unfamiliarity with the technology, yet improved instructions and online encouragement to participate failed to improve responses. However, subsequent analysis of the end-of-semester workshop suggested this was instead more a result of unfamiliarity with blogging, a reluctance to publicly speculate on student learning and limited confidence in having a useful perspective to offer. Whether this was characteristic of this specific teaching group, or a more flawed assumption in the research model is a matter that became more apparent in further semesters (this will be returned to later in the chapter). However, this limited response in the first semester meant only a small amount of useful data was generated that could be meaningfully considered.

Toward the end of semester, students were asked to respond to the series of qualitative evaluative questions formulated in the introductory seminar. The survey was administered by the researcher and offered to students using the online *Survey Monkey* tool, with an initial email and two follow up emails all carrying an embedded link to the survey. The survey was completely anonymously. By the conclusion of the survey period, 102 responses to the qualitative questionnaire were submitted across the four subjects of the Graduate Certificate program. This represented an acceptable response rate of around 30% and was broadly similar to the response rates for previous quantitative surveys for this group. However, unlike previous quantitative evaluations, the open-ended questionnaire generated a considerable amount of data - in excess of 20 000 words of student feedback on their learning. Although responses ranged significantly from great detail to superficial overview, much of the data was rich in form and usefully related to the action research questions that framed the feedback. By coincidence, the MARA had also decided to conduct their standard cross-university quantitative survey during this same semester. In effect, this meant students were asked to complete both a qualitative and quantitative survey for the same subjects. The

outcomes of this survey, which generated 118 responses to a series of standard quantitative student evaluation questions using a Likert-type scale, were also made available to the researcher. This data provided a useful comparator in later analysis of the outcomes of the qualitative data.

Consistent with the methods described in Chapter Five, the extensive data emerging from the qualitative student survey was thematically coded and analysed, along with the more modest data generated via the teacher blogs. As Glense (2006) observes, thematic analysis is the most widely accepted means of data analysis in the sociological tradition. It allows the researcher to effectively segregate qualitative data into clusters for further description and systematic analysis. To develop the analysis in this and the second case study, thematic coding was emergent in form. For instance, as a result of some difficulties in category coding, a second taxonomy was developed to assist in analysis.

This second layer employed the categories proposed by Cresswell (2005): *ordinary themes, unexpected themes, hard-to-classify themes* and finally, *major and minor themes*. In considering student and teacher responses, the themes were allowed to naturally emerge from the data without preconceived expectations of clusters, though the emergent themes were also broadly framed in the language and context of the program itself. This provided utility for developing a report for the action research team, as well as providing a valuable data set for the broader research intent of considering the developmental potential of student opinion. Based on this data analysis, an *Evaluation and Course Development Report* was produced by the researcher for consideration by the action research team. The full report is included at *Appendix Four*. In summary, this report sought to illuminate the key thematic outcomes emerging from the data and the broad program and course development issues these outcomes implied. In summary, the outcomes of this analysis of the data was that:

a) a significant majority of students were broadly satisfied with their learning experience in the Graduate Certificate program

b) there were clear indications that as the program and its learning approaches were maturing and that student learning was improving

c) the efforts of teachers to facilitate the program was generally highly regarded and valued, with a large number of students singling out teachers for high-level acclaim

d) most students thought that flexible access to online resources, forums, quizzes and live classrooms was a major positive in the design of the program

e) several elements of the programs were highly regarded as contributing to learning (most notably face-to-face intensives, discussion forums, assignments and quizzes)

f) there were widespread reservations about the value, credibility and relevance of the mandatory MARA exams as a form of assessment (which was clearly shared by program teachers), that was seen seriously inhibiting the ability of the program to broaden and innovate in the learning approaches it could adopt

g) the onerous time limitations on subjects was a source of considerable student and teacher anxiety and frustration, especially around the ability of students to absorb and reflect to the level required for both assessment and later practice

h) there was also considerable anxiety over the reliability and accessibility of the multiple technologies being used by the program

i) there was some apparent tension between lawyers and non-lawyers in the student cohort, particularly around inequitable levels of participation in discussion questions (from those with legal training) and unrealistic entry-level legal knowledge expectations (from non-lawyers).

Consistent with the design of the study outlined in Chapter Five, the report also offered stimulus questions that could be usefully considered in order to potentially develop the program and student learning. These questions, broadly developed around the issues emerging from student responses, are reported in Table 6.4.

Table 6.4: *Course Development Issues*

a) How can forms of assessment (and the exams specifically) more reliably and validly assess the knowledge, skills and capabilities that are taught in the program and required for practice as a Migration Agent?

b) How can the limited teaching periods be further enhanced to allow students to sense they are sufficiently prepared for assessment and later practice?

c) How can the online learning technologies used in the subjects be more effectively harnessed to enhance the student learning experience?

d) Can we create a greater sense of a community of practice between students within the subjects as a means of allowing greater self-direction, more equitable online participation and peer support?

e) Are there strategies to engender clearer student expectations and related teacher-student protocols that would increase student certainty around subjects and the program more generally?

f) What changes may create the foundation for an even more positive learning environment for students to enhance their overall experience in the qualification?

Consistent with the agreed action research model, a two-day, post-program workshop was convened immediately at the end of the semester. This workshop included 21 of the 24 teachers engaged in the action research. The key focus of the workshop was the data and conclusions drawn in this first *Evaluation and Course Development Report*. In introducing the data to the workshop, the researcher encouraged participants to critically reflect on both their personal and shared experiences during the semester, and to identify potential program development options from this debate. Further, consistent with the underpinning CHAT foundations of the action research model, participants were encouraged to consider the complex, and at times contradictory, expectations of pedagogical practice the report raised. As a result, a novel focus of this collaborative dialogue was the discussion of the tensions emerging in the feedback outcomes and

what would be classed in CHAT terms as their expansive learning potential. The broad primary tensions that were identified and debated included the tension between:

- pedagogical expectations of professional self direction in learning *and* the pragmatic student drive for expedient completion of specified learning and assessment activities

- exploratory engagement in professional practice discourses *and* the largely rigid demands of required professional–vocational competencies at the completion of the program

- the rich and collaborative learning engagement possible via simulated learning technologies *and* the individualised nature of study which used inter-subjective professional contexts of judgment

- differing formal and informal pedagogical approaches designed by teachers and educational designers in the program, from simulation in a virtual environment, to scaffolded building of professional capability to assessment of student responses against 'real' interpretations of professional practice.

This formed the foundation for workshop dialogue, which also explored a range of course development options (and possible enabling pedagogies) for enhancing student learning. Further details of how these tensions were understood by participants - and the range of responses developed in response - are outlined in detail in Table 6.5.

Table 6.5: Issues, tensions and potential options identified in evaluation process

Identified Issues (derived from teacher/student data)	Primary Tensions (identified by the researcher)	Potential Course Development Options (debated in post-program workshop)
Considerable student frustration around the dissonance between learning experiences and summative exam based assessment: how can forms of assessment (and the exams specifically) more reliably and validly assess the knowledge, skills and capabilities that are taught in the program and required for practice?	Breadth of student engagement in learning design/explicit practice focus versus professional accreditation demands/assessment reliability-validity across cohorts	*General Assessment*: Increased number of practice-based assessment activities, assessment progressively timed during subjects, assessment of contributions to discussion or client management, increased use of 'informal' or formative assessment. *Exams:* More scaffolding around likely questions, issuing of non-assessable practice exams, access to previous exams, generation of a more positive climate around the exam context, design of student intercommunication online space around assessment to facilitate peer support.
Significant student workload in teaching periods inhibiting required levels of preparation and engagement: how can the limited teaching periods be further enhanced to allow students to sense they are sufficiently prepared for assessment and later practice?	Intensive-blended teaching model assumes strong learner self direction and engagement versus Students part time combining demanding work and study, often adopting a necessarily pragmatic approach	Earlier release of learning materials/activities to allow early start, inclusion of podcasts on key issues that can be downloaded to portable media devices for more flexible engagement, content review to ensure alignment of learning materials/ activities with both needs of practice and assessment, reshaping student expectations of commitment in blended learning program, introduction of re-occurring cases throughout subjects to increase research efficiency, teacher professional development to further improve the effectiveness of teaching, communication and assessment practices.
Student disorientation in navigating online program site and methods of using the site effectively: how can the online learning technologies used in the subjects be more effectively harnessed to enhance the student learning experience?	Imperative to create a rich and engaging online site that allows the use of multiple technologies and high levels of self-direction versus Limited student exposure to both the online learning platform and use of Web 2.0 technologies, low tolerance for ambiguity-disorientation	Creation of an online 'road map' for students that includes key guides on technologies and the expectations in subjects of their use, some improved consistency across the subjects around expectations of students online and these communicated consistently, creation of frequently asked questions site for students online, simplification of the strategies for use of online blog tool, establishing email alerts to students of additions and changes across subjects, further professional development for teachers on the effective pedagogical use of learning technologies.

Identified Issues (derived from teacher/student data)	Primary Tensions (identified by the researcher)	Potential Course Development Options (debated in post-program workshop)
Student concern about inequitable workload and different levels of pre-existing expertise being offered in collaborative work: how can we create a greater sense of a community of practice between students within the subjects as a means of allowing greater self direction, more equitable online participation and peer support?	The rich affordances of online technologies to allow ongoing peer collaboration and sharing of perceptions and practice across differing domains of practice versus The individualistic nature of online engagement and subsequent assessment, the personal connection with local professional contexts and related expectations	Establish special interest spaces online for students with different needs (i.e. para-professionals, students currently in professional environments, overseas/remote students etc.), introduce/increase assessment around online contributions, create scaffolding resources online for students who sense a deficit in particular aspects of their knowledge or skills, more systematic introduction of online environment in face-to-face intensives, additional professional development for program teachers in facilitating and sustaining online engagement.
Are there strategies to engender clearer student expectations (and related teacher-student protocols) and greater levels of flexibility whilst ensuring students retain a sense of direction in their engagement: how do we increase student certainty and satisfaction around the program?	Imperative to improve student sense of navigating the program, enhance the utility/scaffolding of its flexible dimensions/transparency of assessment versus Limitations in teacher capabilities (both physical and technical), maintenance of the pedagogical paradigm of self-direction and restrictive accreditation standards that curtail levels of possible transparency	Development of a more defined framework of expectations for students in orientation, introduction of an online road map, establishing a range of reasonable response times for student enquiries and assessment across the program, introduction of more standards forms of feedbacks via program wide templates, move toward assessment rubrics for non-exam assessment, strategies to increase transparency in approaches to assessment, open access to learning resources, enhanced scaffolding where students need further support, more flexible learning resources via podcast and other web based technologies, advocacy of changes around exam based assessment.

As a result of the collaborative academic dialogue, in the final session of the workshop formalised a series of specific response strategies (in the form of a *Course Development Plan)* for implementation in the following semester. These would also frame the further deliberations of the action research teams in the following semester. In addition, the *Course Development Plan* (included as *Appendix Five*) anticipated a series of related professional development initiatives to support these enhancements. It also envisaged longer-term educational design projects that could be productive to further improve program effectiveness. The primary course development elements of the Plan included:

a) encouraging stronger and earlier student engagement with learning materials

b) enhanced sharing of online discussion stimulus activities

c) establish clearer expectations around teacher and student responsibilities

d) more active forms of collaborative engagement with student blogging responses

e) building a key point of assessable continuity throughout the subjects of the course

f) ensuring online modules are available well in advance of face-to-face sessions with students to improve integration of the subject components

g) creating a stronger online student community across all sites

Specific academic development initiatives were planned around the improved use of online classroom technologies, design of practical cases and more effective facilitation of blogging.

Preliminary analysis of the first cycle of action research-evaluation

In reflecting on field notes from the introductory and post-semester workshops, it is apparent the action research project was a complex and at times contrived episode for many of the participating teachers. This conclusion was subsequently confirmed in later individual interviews (detailed later in this chapter). In the introductory workshop, the researcher encountered dual scepticism. This was firstly a product of lingering anxiety and uncertainty about the outcomes of previous quantitative evaluation (undertaken by both the university and the regulator). Secondly, it arose from the complex and even more disruptive form of elevated student feedback being proposed in this project. It was also the case that few in the group had any experience or even familiarity with the

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action research model, let alone its underpinning CHAT foundation. What this resulted in was an action research group that was overly dependent on the researcher in its initial work (and even to some extent in its later work). At one level, given an element of the research was to explore situated forms of academic development, this became also an opportunity to engage this action research team in critical analysis within authentic pedagogical practice. However, at another level, as the researcher withdrew in the progress of the semester and more conclusively in the post-semester workshop, action research participants tended to retreat into more functionally driven responses to the complex and rich data that the qualitative student feedback was generating.

Despite the *Evaluation and Course Development Report* highlighting a range of potential improvement options (which would be the orthodox advice of academic developers), the team opted merely to bring forward the release of learning materials and elevate expectations of student engagement. This example pointed to another broader limitation: though the action research (drawing on its CHAT foundation) highlighted a range of contradictory imperatives that emerged in and within the student and teacher data, solutions defined tended to be the most obvious responses and, at times, even simplistic in form. As the primary discourses noted in the field notes for the post semester workshop illuminated, the orientation of the action research became instrumental in focus and single loop in form – that is, what is the problem and how do we fix it.

Yet the framework of the overarching *learning evaluation model* was orientated toward more paradigmatic objectives: the double loop learning of not just correcting problems but critically reflecting and evaluating the very frames of reference that bounded pedagogies in use. This initial outcome underpinned the power of what Stacey (2000) describes as shared mental models in organisational practice. The disruptive effect of the action research approach was clearly insufficient to displace the more familiar shared responses to student feedback outcomes. In this first semester of CHAT-based action research, the significant challenge of disrupting the socially negotiated understandings on teaching and learning practices (and their improvement) was clearly demonstrated. The discord between the modest instrumental outcomes generated from the rich and complex student feedback data was apparent. This dissonance was also evident to participants. This was captured most acutely in an incidental conversation at the final break of the post-semester workshop, where one participant wryly observed:

> …well that was a lot of work for not much return….perhaps next semester we could streamline the process and just identify the things that need tweaking rather than look in such depth at everything. (ML-3-117)

Similarly, in wrapping up the final workshop, the program convenor made this telling conclusion:

> …we have discovered a great deal about the program through this process, we know now what are the key challenges and we just need to now act on these few things so our future evaluations will tell the story of the changes we made here. (ML-3-119)

This well reflected dissonance between the complex and even at times contradictory data generated by the evaluation-research method and the actual course and academic development outcomes resolved by the action research team. This indicated that the action research had developed an incidental rather than ongoing character. It also suggested that the form of data generated was neither sufficiently engaging nor accessible to inspire actions beyond the instrumental.

Outcomes of the second action research semester (Semester Two, 2010)

Despite the limitations emerging in the outcomes from the first semester, at the first post-semester workshop the action research team resolved to continue the model for a second semester. However, some reservations were emerging amongst both program leaders and participants given the now apparent imbalance between the extent of data generated and the actual outcomes it produced. Participants had agreed to use the same questions and data collection approaches as used in the first semester. However, in contrast to the considerable unanimity to date, this decision was not universally agreed. Several members of the action research team began to more publicly express anxiety about the limited student feedback on their individual subjects or specific issues they were concerned about. Similarly, the program convenor expressed private doubts about the loss of the ability to use student feedback to scrutinise the performance of individual teaching academics. As this pressure grew, it was became apparent that some more subject-specific data would need to be included in the *Evaluation and Course Development Report* (should this emerge in sufficient definition to be meaningful).

In the second semester, 91 students contributed evaluation responses to the qualitative questionnaire across the four subjects of the Graduate Certificate program. This represented a reasonable response rate of around 30% and was broadly similar to the response rates for previous semester. Similarly, in common with the previous semester, the open-ended questionnaire generated a considerable amount of data – this time around 18 000 words of student feedback on their learning. Again responses ranged significantly from great detail to superficial overview. Ten of the 22 program teachers contributed their thoughts about the effectiveness of the program using an online *Mahara* blog. From this data, a second *Evaluation and Course Development Report* was generated, which used a similar format to the first (though including more subject-specific observations).

It was apparent that a range of significant student frustrations expressed by students in the previous evaluation (in regard to such things as exam preparation, alignment of activities and assessment, instructions, equitable participation and the online site) had receded considerably in this evaluation. Put simply, the student feedback outcomes in this second semester suggested the instrumental steps taken in the previous semester had seemingly addressed some of the key problems identified. Nevertheless, some problems remained and others had emerged (with some a direct result of changes made in the previous semester). These related to course design, student workloads, quality of feedback, differential levels of teacher engagement and forms of assessment. Reflecting this, the following questions were generated for the action research team to consider from the thematic analysis of student feedback:

a) Are there strategies to increase the time students have to review and reflect on learning materials (to militate against the relatively short teaching sessions)?

b) Are we offering too many discussion forums, are the forum questions engaging and open enough and are they clearly aligned to student learning progress through the subject?

c) How can feedback be improved and made more consistent to enhance student learning?

d) Is there a need to develop a broader and richer range of case studies and related client files to provide more selection options for students?

e) Is there a means of enhancing the online face-to-face connection by the limited introduction of tutorials?

f) Are we developing quizzes at the right level and can these also be morphed into forms of exam preparation?

g) Is sufficient allowance provided for a) some of the specialist interests of students and b) submission and other forms of writing?

h) Can we provide scaffolded support for oral assessments (and can these be made more authentic)?

i) What are the alternatives to Mahara blogs and the response to the seeming unreliability of Wimba?

As with the previous semester, 19 of the 22 teachers teaching that semester met for a post-semester action research workshop. In advance of this workshop, participants were provided both a copy of the *Evaluation and Course Development Report* for the semester, and the previously developed stimulus document - *Issues, tensions and potential options identified in evaluation process* (see Table 5.1 above). Program teachers met over two days and debated the evaluation report and considered options for further course development raised by the questions emerging from data. The researcher played a limited facilitation role in the workshop, primarily introducing the *Evaluation and Course Development* Report and then allowing the action research team to further consider the data and possible responses.

As a result of this dialogue, the action research team defined a series of course development responses including:

- providing more open forms of access to intending students to allow great opportunities for early engagement
- limiting the number of discussion forums to a core that were actively facilitated by designated teachers to ensure the forums actually contributed to interaction and student learning
- developing assessment rubrics to make assessment feedback more consistent across subjects and developing associated guidelines on providing effective feedback that aids student learning

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- working on the redevelopment of current case studies over the next two semesters, with an objective of stronger and more tangible alignment to the core client file assessment tool
- seeking budget support to expand the number of face-to-face tutorials in order to enhance student engagement
- redesigning quizzes so they are more aligned to the learning outcomes for each subject and the eventual assessments students will undertake
- over the next two semesters, reviewing the course as a whole to look to introduce opportunities across subjects for developing specialist interests
- persuading the regulator the need for enhanced focus on writing skills (as it is currently outside the registration requirements tested in formal assessment)
- developing additional learning materials for supporting oral assessment, including the inclusion of 'model' presentations to assist student prepare for delivery
- investigating the pilot next semester of alternative online technologies for student blogs and inter-communication.

The action research team also defined developing and improving assessment rubrics and designing feedback for student learning as priorities for academic development leading up to, and during the following semester. In this second semester, the discourse of the action researchers was again largely dominated by a similar instrumental drive to that emerging in the first semester. Interestingly, the introduction of subject-specific data created new tensions as individual participants defended or assailed particular outcomes. A noticeable breakdown in the social solidarity of the group occurred at these points.

However, there was equally evidence in the outcomes of some maturing of the collective inquiry model and some indication of a deeper level of engagement. Indeed, in this second semester, the researchers field notes suggested a greater level of engagement with the issues of tensions in the teaching and learning process (as captured and recirculated from the first semester). This produced a more sustained level of scrutiny of the more complex dimensions of the student feedback data. In essence, what was evident in the deliberations of the action researchers in this second semester was a greater level of responsiveness to the feedback data. This lead to evidence of a broadened professional dialogue, albeit with not infrequent retreats into more pragmatic responses. Nevertheless, the action research team remained broadly enthusiastic about

the approach and the development outcomes it generated. Demonstrating this, they planned a third semester of evaluative activity using the same framework used for the preceding two.

Outcomes of the third action research semester (Semester One, 2011)

The third semester of the model was developed in difficult circumstances for the program. Student numbers unexpectedly had dropped, meaning fewer teachers were engaged to teach in the semester. This had the effect of fragmenting the action research team, with only a core of 14 teachers remaining of the 26 that had been involved in the first semester. This also meant the level of collaborative evaluative dialogue during the semester – which was already limited in previous semesters – all but disappeared in this semester. Added to this, the reduced number of students meant the responses to the student feedback questionnaire halved from the levels of the first semester, significantly reducing the breadth and depth of student input. It was clear even from the early stages of the semester that the momentum behind the model and its developmental intent was to be defied by the contraction occurring in the program. Discussions with the remaining academics during the semester reflected a growing unease about the future of the program, meaning that thinking was more centred on survival than on the improvement imperatives that dominated previous semesters. Moreover, given the reduced numbers of participating teachers, the continuity of the action research cycle was clear disrupted to a point where it seemed to have effectively reached an end.

Nevertheless, a further *Evaluation and Course Development Report* was produced for this semester for the remaining action researchers to consider in an end-of-semester forum. The qualitative student data generated (with this more limited sample than previous semester) suggested there were further indications that the program was continuing to mature and that student engagement was improving. Indeed, in this third qualitative assessment by students it was conspicuous that the efforts of teachers was increasingly regarded, with a large number of students singling out teachers for acclaim. How much of this reflected the value of several semesters of action research and situated academic development was difficult to assess, but it was a conspicuous feature of this semester's student response. Similarly, a significant majority of students thought that many of the core online elements of the program were working in a highly effective

way to enhance learning. This represented a significant turn-around from the initial semester of the action research model.

Several specific elements of the program developed as a result of the action research were considered by students as highly effective contributing to their learning: most notably the more effective integration of face-to-face intensives and online sessions, the better aligning of teaching and assessment strategies (centred on a mock 'client file') and better facilitated discussion forums. In addition, compared to previous evaluations, there was far less concerns expressed about the value, credibility or relevance of exams and oral presentations as a form of assessment, which suggests scaffolding developed in response to previous evaluations was proving effective. Similarly, the time limitations on subjects that were a source of considerable anxiety and frustration for students in previous evaluations were not a significant feature in this data (with the earlier distribution of course materials).

However, several issues remained problematic: there were inconsistencies emerging in the levels and timeliness of assessment feedback provided by different teachers (seemingly reflecting differing levels of engagement with rubrics and feedback guidelines). Some new frustration also emerged from students around inequitable levels of participation in discussion forums, with a significant minority of students decidedly unhappy that some students seemed to exercise disproportionate effort (suggesting some continuing issues with either forum design or facilitation approaches). From these outcomes, a series of course development questions for the remaining action researchers to consider. In this semester, these questions needed to be devised in the context of several new factors, including the:

- primarily instrumental focus of the action research in previous semesters, despite some limited evidence of maturing of the model
- limited number of remaining participating teachers and
- reality that the program was itself focussing on its immediate survival (and was generally in a pedagogically sound state).

In this context, more modest development questions were therefore formed as:

a) How can approaches to feedback been made more consistent to ensure students feel this is equitable across subjects?

b) How can more equitable participation in discussion forums be generated?

c) How can the online learning technologies used in the subjects be more effectively harnessed to enhance the student learning experience?

In considering the *Evaluation and Course Development Report,* the remaining members of the action research team were largely focussed on broader strategies to enhance student recruitment to the program, as this was the most pressing need felt by participants. This rendered matters of course development largely secondary. This resulted in the action research component of the end-of-semester workshop being reduced to little more than a half day (after being conducted over two days in the first two semesters). Despite this limitation, several improvements were defined for implementation in the following semester including:

- further professional development on rubrics and feedback
- greater access to 'model' feedback that had been well received by students
- enhanced quality assurance of the quality of feedback to student assessment by sampling of responses by the convenor
- sharing and mentoring of effective online facilitation techniques between program teachers
- continuing work already commenced on improving the design of online elements used in the program.

Interview data from action research participants

Two months after the final workshop, the researcher invited all of the original 26 teachers who had participated in the action research to participate in a semi-structured interview. Of these, 13 teachers accepted the invitation. Perhaps unsurprisingly, those who took up the offer had been involved in the three semesters of the action research. Six of the interviews were conducted face-to-face and the remaining via telephone. In order to understand the context of participant reflections, the interviews sought to initially explore the levels of teaching experience of the participant, some of the influences that had shaped their current approaches to teaching and the affordances and hindrances they perceived to initiating pedagogical change. From here, the primary focus was moved to experiences with student feedback and specifically their reflections on the action research model.

Broadly, the teachers interviewed roughly divided into two categories: teachers who had been teaching since the inception of the program in 2006 (with around six years experience in the program) and the remainder with two to three years experience. Within these two cohorts, there were differing professional backgrounds: around half were migration law practitioners who melded this with their academic work, whilst the remainder were experienced in the field but currently only worked as full or part time teachers (as well as researchers and/or public policy advocates) in migration law.

These differing origins were clearly reflected in how participants responded to most questions. An example of this was to the question of what had primarily shaped their approach to teaching migration law. Those who maintained a migration law practice were strongly shaped by the need to develop an appropriate and robust array of skills and interpersonal capability for the profession. Alternatively, those outside immediate practice tended to focus on the need to effectively educate, inspire and/or challenge students around the role and purpose of migration law (and therefore migration agents). It was also apparent that those who had been involved with the program from the beginning carried a somewhat more sophisticated understanding of the challenges of teaching curricula which included a difficult and regulated combination of legal, practical and interpersonal knowledge in a blended delivery mode. Similarly (and unsurprisingly) those teachers newer to the role generally reported the most change to their teaching approaches over time. However this was manifested more in regard to functional use of the online mode of delivery and in preparation students for assessment, rather than in broader pedagogical domains.

In further background to the specific issue of student feedback, teachers were asked to reflect on what they perceived to be the most significant constraints to improving the effectiveness of their teaching. Interestingly, practitioner-teachers universally identified a lack of teacher education as the most significant. Conversely, those more experienced in teaching largely cited a lack of available time and resources as constraining. Both categories of teachers were however anxious about the unbounded potentiality of emerging learning technologies (including some of those currently in use in the program). Several developed this further to express that these technology challenges - in combination with perceived onerous assessment demands -were making pedagogical innovation a fraught proposition. The dual pressures of limited time, technical skill and high regulatory scrutiny of student learning outcomes created significant apprehension

and acted as a powerful constraint to innovation. One teacher (a practitioner-teacher) succinctly captured this range of anxieties and their constraining effects, commenting:

> Time limitations are a big issue - that is, the limited time for preparation for each course, in combination with the speed at which we need to move through the material in an intensive form makes changing teaching difficult. Although getting training and confidence in all the technologies available might help develop my teaching, I don't really know if I could find the time to develop and use it effectively. And the (regulator) insists on an exam at the end and this really limits what we can do…we know being an agent is much more than this, but if the students do not pass the exam we are seen as being poor teachers. (ML-8-4)

Participants were also asked to reflect on their previous experiences with quantitative forms of student feedback (the ANUSET system). For the inaugural teachers in the program, this experience was over six semesters (and for some longer where they had taught in other areas), and for newer teachers only over two or three semesters. Yet all but one of the thirteen participants reported negative or null experiences with quantitative student evaluation feedback. Several respondents remained sceptical:

> …a lot of surveys and not much use….it seems they were for bureacratic reassurance rather than to improve our teaching. (ML-8-4)

> …you got the impression that that as long as not too many students are complaining and everything is done on time, then ANU is happy. (ML-8-7)

> …the sole focus seemed to be recording student feedback as the only way to 'really' evaluate (the effectiveness of) a program…this seemed more a process than an action. (ML-8-13)

Other respondents doubted their real value in providing insights into teaching quality:

> ...these (quantitative) evaluations, because they were really not aggregated or analysed, have not been particularly useful in guiding us as teachers….to know how to improve the program and our teaching. (ML-8-2)

> …individual comments from students give some clues, but it hasn't really been possible to know whether or not that comment is representative of many students' experience. (ML-8-5)

…as far as I knew, students completed their questionnaire and that was about it….no real impact unless a real problem was apparent. (ML-8-1)

One respondent adopted a different posture on qualitative student feedback, best captured when they observed:

…we need to hear clearly the student perspective no doubt, and understanding this in the context of what's happening in other courses and comparing results. This means teachers are forced to think hard about what they are doing, particularly if its poorly regarded by students, and whether they should do things differently. (ML-8-3)

Nevertheless, what was apparent from all respondents was a genuine recognition of the important role of student feedback could perform in improving teaching and enhancing student learning. For most this was grounded in a commitment to create a productive learning environment, as well as produce graduates capable of contributing positively to migration advice and advocacy (though with varying emphases and characterisations). Some representative observations on this were:

…my objective is to assist students understand some fundamentals of migration law and practice. So I want students to engage in the course and appreciate what they have learnt during it. (ML-8-6)

…I really would welcome more opportunities to evaluate the program – in whatever way it needs to be done – and make changes that improve their outcomes. (ML-8-10)

….as I spend a lot of time guiding students through the subject, answering questions, highlighting the relevance of critical components and clarifying the areas students are having difficulty understanding…it is critical I know how appropriate the judgments I make on these matters actually are from a student perspective. (ML-8-3)

Respondents were then asked to reflect on the action research model they had encountered over the three previous semesters. All respondents were broadly positive about the action research model, albeit with varying levels of enthusiasm. Six of the respondents offered a highly favourable assessment of the model. It is notable all those in this category were primarily the teachers who were part of the original group of

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teachers recruited to the program. They included both full-time and part-time teachers. Some observations that characterised this group included:

> …..very useful and I have taken a lot on board and changed (my teaching) to reflect that. (ML-8-6)

> …it was extremely useful, part of that was seeing the evaluation of the program overall and not only the individual courses. (ML-8-11)

> …of particular value was how the (action research) based evaluation identified key questions based on student responses, as well as some potential responses. These were a brilliant springboard for the review sessions. (ML-8-9)

> …it was the first time that an attempt was made to provide feedback in an organised manner. It was useful in that it challenged me to consider some of the harder educational issues involved, when I hadn't really been previously aware of them. (ML-8-8)

Other respondents were less certain. Although they saw the potential value of the action research model, they were somewhat more equivocal about how realistic it really was given the time limitations between review sessions and the recommencement of teaching. Some of these sentiments are represented by these observations:

> ….it was great to sit down and spend some time and discuss what worked and what didn't. However we needed more time to actually think through and implement what was decided was necessary or useful. (ML-8-3)

> …I would have liked more time to go back over the recommendations and evaluation report to see what more I might do. At times it seemed we had so much data that it was very challenging to prioritise it, let alone act on all of it. (ML-8-1)

> …quite useful, but for me it reinforced many of my perceptions, perceptions that have been difficult to really act on given my limited time and resources etc. (ML-8-12)

Other respondents, though positive about the model, saw it as part of a useful enterprise that was more general and not necessarily unique to this form of enquiry:

> …quite useful, though I'm not sure it didn't tell us anything we didn't really know if we had considered it at this level of detail. (ML-8-2)

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…reflection is always useful, though this work did use considerable resources and really needed someone to be co-ordinating and driving it if it was to succeed. (ML-8-7)

…I got some useful information, for instance understanding the online lurkers and problems with our assessment and feedback. These are things that are useful to know. (ML-8-10)

However, all respondents agreed that the focus on evaluating student learning (as opposed to more conventional focus on evaluating teaching) was a useful enhancement. It was also universally regarded as providing a more legitimate basis for determining the quality of teaching pedagogies than conventional quantitative ratings. Yet respondents were more equivocal on how influential in actual practice the action research outcomes were. Around half the respondents provided substantial examples of how the action research model outcomes had impacted directly on their own teaching approaches. This is captured well in these observations:

…the (action research) was quite influential. I have implemented changes. For example, better setting up of student expectations and trying to scaffold and support student assessments. I now highlight the relevance of certain activities and relate learning more to migration agent practice. (ML-8-11)

…I was inspired to think more clearly about my expectations and those of the students, how to integrate the worlds of learning and practice and how to ensure students were learning for assessment, and what is the most feedback, like rubrics. (ML-8-8)

…it did change the way I looked at myself as a teacher and forced my to reconsider habits I had developed. (ML-8-6)

Other respondents were less convinced about the actually impact of the action research on their teaching approaches. Notably most of these responses came from those who were part-time teachers simultaneously engaged in professional practice.

…it was only moderately useful. It certainly raised issues but the question was how much could realistically be achieved in the time available. (ML-8-1)

… reasonably influential I guess, but having said this I found it actually reinforced the way I was headed anyway, so it didn't provide a direct impetus for change, but a motivation to continue. (ML-8-3)

….it has been useful to better understand the process and the impact of teaching and supporting students. But I also think it put a lot of pressure and maybe unrealistic expectations on those of us who weren't here all the time to do more in our own time. (ML-8-7)

Conclusion

The CHAT-based, action research model used over three semesters in the Migration Law Program was moderately effective in sustaining engaged professional dialogue and in generating some tangible developmental change. The model over its life generated three substantial *Evaluation and Course Development Reports*, around 60 000 words of qualitative student feedback, some significant evidence of pedagogical improvement and a modest range of situated academic development. Equally, it was not fully effective. The original model proposed engaging teaching academic reflections alongside that of students reflecting on their learning. This proved largely ethereal during the three semesters, with reflective dialogue by teaching academics was largely confined to the pre and post semester workshops.

Further, as was reported in participant reflections at the end of three semesters, there was some uncertainty about how influential the model was in practice. Its initial introduction proved challenging due to the complex conceptual framing of the model. Its broad collective nature also created some early reservations with the lack of specific focus on individual subjects and teachers. The nature of this teaching workforce, involving a small core of conventional academic teachers and a second larger group of practitioners from the field engaged in teaching, had divergent responses to elevated student feedback which seemed to limit its potential developmental impetus. Moreover, the significant time and resource limitations of the primarily part time teaching workforce, in tandem with an unexpected fall in enrolments and staff in the third semester, made it difficult for the action research to gain genuine momentum.

The next chapter reports on the second case study. Following this chapter, a more comprehensive analysis of this case - in the broader context of the two case studies - is offered.

Chapter Seven: Case Study Two – Graduate Diploma in Legal Practice

Introduction

The second case study in this research was undertaken in the ANU College of Law *Legal Workshop*, which offers a specialist program for law graduates centred on professional legal education for practice. The Workshop's core program - the *Graduate Diploma in Legal Practice* (GDLP) - is designed around the *Competency Standards for Entry Level Lawyers.* These competencies are based on admission standards defined by the Australasian Professional Legal Education Council and Law Admissions Consultative Committee. The successful completion of the Graduate Diploma is mandatory requirement for lawyers to be admitted to legal practice. The GDLP has a thirty-year history and is a well-established program. In 2009, the program was radically redesigned. It abandoned its conventional face-to-face teaching approach and adopted a blended learning model based on a combination of intensive workshops and online learning modules (including the use of a simulated learning environment). In addition, the previous fixed two-semester program was made more flexible, so it could be completed in a minimum of five months, or in up to a three-year period. The GDLP (in this re-designed form) comprised four distinctive component elements:

- *Becoming a Practitioner*: a five-day intensive foundation subject, with subsequent online modules
- *Professional Practice Core*: an 18 week part-time course where students collaborate in legal firms within a simulated online legal practice environment, undertaking subjects in practice management, property law, civil litigation and commercial law practice
- *Legal Practice Experience*: placement of between 4 and 16 weeks in a legal practice environment
- A series of elective coursework subjects offered in both face-to-face and online forms

Over the period from 2009 and 2011, the GDLP had between 1100 and 1400 student enrolments per semester. Given this scale, the program had a substantial core of 18 full-

time academic staff, most of who taught primarily on this program (with some academics undertake postgraduate teaching on the *Masters of Law* program). The program also retained a considerable network of around 180 part-time tutors who were responsible for working with students in a variety of forms across the four component elements of the Graduate Diploma. These tutors tend to be roughly divided between recent law graduates and more experienced legal practitioners. However, most were currently engaged in part-time teaching and in legal practice. In contrast to the Migration Law program, the Legal Workshop had a well-established program with a relatively large cohort of permanent full-time academic staff and more conventional peripheral workforce of tutors directly responsible to subject convenors. Moreover, despite its move to a blended mode, it retained an explicit reliance on a largely conventional formulation of curriculum, rather than relying the inherent expertise of practitioners-in-practice to drive the learning process. This formulation is a result of several factors. This included the impost of an externally mandated competency framework prescribed by the legal profession for admission to practice (based on the requirements of the ACT *Legal Profession Act 2006*). It also took account of the challenging scale of teaching delivery and the need for both consistency and complementarity across the range of somewhat eclectic subjects in the Graduate Diploma program.

This type of Graduate Diploma program is offered by a small number of universities across Australia (six institutions in the period considered here) as well as by one large private provider. Despite the limited number of providers and graduating law students needing to achieve this additional qualification to enter legal practice, the level of competitive pressure on the program had grown significantly in recent years. This has been primarily a result of the growth in more time-flexible study programs and the more expansive use of technology. This has meant students no longer needed to re-locate to undertake GDLP study at a particular institution (as had been historically the case). In the case of the ANU program, it faced strong and direct competitive pressure from the Sydney-based specialist private provider, which had invested considerable resources in online learning in its program during the period investigated in this study.

As was the case with the previous case study, this program met the range of criteria established to be a suitable site for this study (outlined in Chapter Four). It was a

substantial program, with a complex range of curriculum, teaching modes and academic engagement. Academic staff also had previous experience with using the quantitative ANUSET student feedback model. Program leaders were open to program development based on an elevated use of qualitative student feedback and the use of a collaborative action research model. Indeed, given the considerable competitive and internal pressure the program was under to sustain learning quality (given the disruptive impact of these recent pedagogical innovations) meant program leaders felt this was a highly desirable intervention.

Initiating the action research project

After some preliminary discussions with the Program Convenor and individual subject co-ordinators, the broad notion of a CHAT-based, action research project was proposed to a meeting of the GDLP Program Committee. This committee included representatives of academic staff, administrative staff, academic developers, students and a representative of the ACT Law Council (the local professional body). The researcher, adopting a similar approach as with the earlier described Migration Law case, provided an outline of the *learning evaluation model* and its broad theoretical and methodological foundations. Although the Program Committee enthusiastically embraced the broad proposition, there were some reservations around the whole-of-program ambition of the action research (given the large scale of the GDLP program). From this discussion, it was agreed that the action research should instead focus on the primary core element of the program, the recently redesigned *Professional Practice Core* (PPC). The PPC is a compulsory 18-week component of the Graduate Diploma and covers the core practice subject areas of *Practice Management* (including *Ethics and Accounts*), *Property Law Practice, Civil Litigation Practice* and *Commercial Law Practice*.

The PPC component was one of the most radically redesigned elements of the GDLP program. It transformed in 2009 from a traditional face-to-face lecture/tutorial program to a blended learning model based on an initial one-week intensive orientation and a range of semi-structured learning activities undertaken in a simulated learning environment. This simulation was centred on a fictional township, legal firms and a virtual office space. Students were formed into four-person 'legal firms' and then operated these firms throughout the simulated elements of the program. This included managing simulated transactions in property, commercial and civil practice matters

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(including the firm's accounts, its ethical conduct and management of the firm's business practices). In the PPC, academic staff work in the simulated roles of 'Senior Partners' and 'Practice Mentors': providing instructions, guidance, supervision, feedback and they anticipate future demands that need to be considered by the firms. Tutors acted in the role of 'Junior Associates' and provide practical 'everyday' advice and ongoing support to the virtual firms. These tutors also facilitate liaison with clients, banks and other firms involved in the simulation. An online Moodle site houses all the elements of the simulations. All online communication is managed through tools also within this online platform.

Following further consultation with the Program Convenor and co-ordinator of the PPC, it was agreed to seek support in the PPC teaching cohort for engaging in the CHAT-based, action research model. However, given the extent of recent pedagogical disruption in the program, it was decided by this group that a more structured form of action research than was adopted in in the Migration Law program was desirable. A framing document that proposed a specific action research strategy was designed jointly by the Convenor and the researcher and circulated prior to the workshop. This framework, included at *Appendix Six*, suggested a model aligned to the still-evolving change occurring in the program as it moved somewhat uneasily from a traditional to simulation-based learning environment. As was the case with the Migration Law program, an initial one-day introductory workshop was convened which involved the core academic teaching workforce (18 academics) and the key part time academic convenors of tutors working in the differing subject areas of the PPC (a further 12 staff). In addition, two academic developers and three administrative staff attended the workshop.

The workshop was initially introduced to the action research model and its theoretical underpinning. In the subsequent discussion, a number of significant issues quickly emerged. Firstly, the level of enthusiasm for the enhanced use of student feedback by participants in the workshop was limited to a small number of individuals, and most of these were those co-ordinators who had been involved in preliminary discussions. Based on the comments offered, it seemed this limited enthusiasm was primarily revolved around two related reservations:

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- that the level of change and disruption that the program was already going through made it poor time to be assessing the quality of student learning

- whether the elevated use of student feedback would only serve to aggravate existing tensions, frustrations and external perceptions about the effectiveness of this pedagogical transition.

From the earliest discussions in this workshop it was apparent that participants had endured a significant and challenging transition from a traditional learning environment to one that was largely centred in an online simulation. Many participants gave life to the challenges of this transition: dramatic and uncertain curriculum reformations, unfamiliar technological demands, untried and radically altered pedagogies, as well as fundamentally different forms of student engagement, assessment and feedback. Much of this change had been progressively introduced to the PPC over the twelve months immediately preceding the workshop. These lingering anxieties was well captured by several participants when related to the proposed action research:

> ….is this really the right time to be asking for more student feedback or assessing student opinion more directly?…it has been a difficult and sometimes not entirely successful transition….I am not sure we or the students are actually convinced it *(the PPC)* will work as intended. (PPC-1-05)

> ….aren't we already committed enough, this has all been pretty tough going for us all and I think that our energy is best used in trying to make things actually work rather than adding new ways of discovering how they are not. (PPC-1-09)

> …there are already many people who have serious doubts about the effectiveness of this change and I am really having enough trouble keeping things together….this is probably something we should do when it is all bedded down. (PPC-1-12)

Conversely, there were a significant minority offering a differing perspective on this same question:

> …we have made some very major changes, of course it would be crazy to simply make a standard judgment on student evaluations…however I can tell you from my perspective we definitely need a clearer understanding of how to make student learning more effective in this environment. (PPC-1-16)

> ....if we show we are on the front foot, asking the hard questions of students and ourselves, then surely that demonstrates that we are serious teachers working in a difficult changing environment. (PPC-1-17)

These samples characterised the core of a prolonged debate. In essence, this came down to two key propositions:

- whether it was wise to provide more extensive evidence on the apparent fragilities of a new and immature learning approach
- whether a higher level of student insight and related academic debate would maximise the potential to improve the effectiveness of the program.

For many academics, the current outcomes of student opinion surveys were not as problematic as anticipated by program leaders (or indeed by the consensus of the first Migration Law cohort). In debating this matter in the workshop, it emerged that overall the PPC in its earlier (more traditional) form generally received consistent sound student feedback ratings. Indeed, some clearly saw the PPC as a successful and well-regarded program that had gone off the rails. According with this assessment, it was actually the case that previously achieved student opinion survey ratings for the PPC tended to exceed the averages across the College of Law. Other academics in the workshop reported generally low concern with student surveys until the introduction of the new simulation-based PPC (as ratings had fallen in implementing the new model).

However, further reflecting on the recorded dialogue in this element of the workshop, it appeared this response was complex than it initially seemed. It represented a mixture of satisfaction with the previous achievement of good 'student numbers' and lingering and largely unresolved dissatisfaction with the recent change in the mode of pedagogy and resulting forms of student (dis)engagement. Several experienced academics, who'd noted their previous student survey scores 'ticked the boxes' for management, captured this general sentiment most effectively when they declared:

> …why on earth would we now move to extend our evaluation efforts when we aren't even sure we have the teaching right….how can students possibly favourably review such an obvious work-in-progress? (PPC-1-25)

> …we knew this new simulation model was a radical departure and we may just be giving further ammunition for how radical, and probably foolish, it actually was. (PPC-1-27)

What was conspicuous in this part of the discussion was the intensity of the unresolved dissatisfaction with this move. Clearly a significant number of teaching academics felt that a successful two-semester based Graduate Diploma program had been injudiciously replaced with a speculative, and thus far unsuccessful, flexible model. As a result, it was difficult to unravel concerns about the developmental use of student feedback from these lingering concerns. This inevitably meant a reprise of the debates that led up to this change in 2009. Program leaders, other academics and academic developers countered with their belief for the need for the program to evolve and adapt to changing student, technological and market demands. This generated a further broader ranging debate about effective pedagogies and valid epistemologies in legal education. However, little of this debate troubled matters of student feedback.

Nevertheless, following an uneasy form of détente agreed around these polemics, it was seemingly resolved that a trial of a CHAT-informed, action research model would be at least of some value to the PPC. This however was only on the basis that the learning evaluation model was to carry an explicitly developmental character (given the relative immaturity of the program). Similarly, there was recognition that given the challenging adaption required by many academics teaching within of the program, and the continuing fragility of the technology being employed other modifications were necessary.

Firstly, student feedback outcomes were to be confined to the teaching group and not subject to the broader scrutiny of the College or University Education Committees prior to this being agreed by a similar forum. The outcomes of the action research would also remain internal to the group. Secondly, action research questions would centre on the broad improvement of the PPC overall and the related identification of further program and academic development needs. That is, it would not focus on individuals or specific elements of the PPC modules as such. Essentially, this acted to lessen concerns of some teaching academics that they may be negatively reflected upon in something they were not convinced by. Casting the action research in this confined state was agreed by the program leaders present, and later was confirmed with the College Executive. This provided an uneasy yet important foundation for the research, but also enhanced the

broader prospects of the program winning greater acceptance amongst the experienced academics teaching on it. As a result, the developmental evaluation became inextricably linked to the fate of the program. This created a distinctly different dynamic to the first Migration Law case. The assessments of the day by participants remained highly mixed, ranging from enthusiasm to little less than a sense of impending doom (and much in-between these two poles). For instance, one academic wrote:

> …I really think this is the right time to look hard at what we've done with the program and actually analyse our claims about simulations and flexibility. (PPC-1-66)

Whilst another cast a darker shadow over proceedings:

> …I'm sure there are good intentions behind improving how we evaluate it (the Diploma), but it is all about timing…airing your dirty laundry may create some good outcomes, but it also has the potential for some pretty negative consequences for individuals as well. (PPC-1-74)

A third offered a somewhat more ambivalent take on proceedings:

> …I guess we will just have to see what comes of it, we are all feeling a bit battered by the change, but maybe understanding how we can improve the program with the help of some experts here could make things better. (PPC-1-65)

The results of the workshop were summarised by Program leaders in liaison with the researcher and subsequently circulated to all participants for feedback. Aside from some minor changes of emphasis, this summary was largely unchanged and was subsequently endorsed by the Program Committee for trial implementation in the coming semester, and for potential use in subsequent semesters subject to its effectiveness. The model negotiated is outlined in Table 7.1 below.

Table 7.1: *Agreed PPC action research model*

Stage	Responsibility	Actions
Stage One: early semester/ ongoing	Regular teaching team forums	- identification the range of issues that need to be considered to potentially improve student learning outcomes - collaborative review of existing curricula, learning outcomes, learning activities and assessment and consideration of alternative approaches to teaching and learning, including those used in other universities in discipline area and in other disciplines - negotiation of potential learning enhancements and formulation of collaborative responses - formulation of research questions around enhanced learning effectiveness to be individually and collaboratively investigated - identification academic development and educational design needs for the semester - publishing of any agreed changes and research questions
Stage Two: during semester	Action Research team (teaching team and educational design team)	- implementation of agreed learning approaches by individual academics - critical action research based enquiry of student learning outcomes, using a variety of sources including professional sense, student feedback, peer input and research outcomes - publishing of individual research outcomes in a collective space (such as a closed wiki or blog)
Stage Three: end semester	Review Conference or Seminar	- collaborative reflection on research outcomes and determinate future responses (such as to institutionalise, expand, modify or abandonment) - publish outcomes and identify opportunities for future expansive potential for the program or sub-discipline (i.e. new questions)

Outcomes of first action research semester (Semester One, 2010)

Given the significant reservations evident in the introductory workshop about the possible outcomes of a more determined canvassing of student feedback, the researcher (in consultation with the teaching team) agreed to use semi-structured interviews of

students to provide data for this first semester of the action research. This decision was prompted by the concerns of several participants that a survey-based model of student opinion, even in the more qualitative form proposed, would not illicit sufficient depth to allow the primary objectives of this evaluative work to be met. These primarily objectives were established in the often turbulently negotiated consensus of the introductory workshop reported in the last section.

The key challenge arising from this encounter was to ensure the action research constructively contributed to program development. Internal speculation by some suggested the learning evaluation model would only generate negative data that could be used (inadvertently or otherwise) to diminish the efforts of academics engaged in a recently introduced and radically different pedagogy. Hence ongoing communication was essential around the collaborative nature and developmental intent of the model. Throughout this initial semester, the action research team was also regularly convened as part of scheduled forums, with a specific focus on analysis of the pedagogical effectiveness of the program and identifying areas for reform and targeted professional capability building for teachers and tutors working on the program. This was to some extent framed by the reflections of teaching academics during the semester, which was intended to inform both ongoing and summative professional dialogue about their work during the semester (as a mediating dimension to the outcomes of student feedback).

At the conclusion of the first trial semester, the researcher and two research assistants interviewed 63 completing PPC students (representing roughly 40% of the cohort) using the agreed semi-structured interview method. The sample size was chosen so as to be sufficiently large to offer significant data outcomes, whilst the range of students was defined opportunistically based on their availability and willingness to participate. The interviews were based of three primary semi-structured questions which were defined so as to product a broad range of qualitative data on the affordances, limitations and potential of the program from a student perspective. These questions were:

a) What did you find effective in the course?

b) What didn't you find effective?

c) Is there anything else about the program that you would to provide feedback on?

A rich array of data was collected from these interviews, with over 40 000 words of data transcribed. Based on the same logic described in Chapter Five (and used in the last case study), this data was systematically analysed using a multi-levelled thematic coding model to establish the primary issues that emerged. This was further refined to generate the outcomes for the first *Evaluation and Course Development Report* for the PPC.

Overall, students participating in the program expressed strongly divergent opinions around their learning experiences in the PPC. These ranged from:

- strongly positive reflections on the simulated practice based nature of learning
- mixed responses that while broadly supportive of the approach, disputed the quality of its implementation by the university
- highly negative reactions that saw the flexible PPC as completely ineffectual way of completing this mandatory program.

These divergent responses meant developing generalised outcomes from the semi-structured interviews unrealistic. As a result, the thematic analysis inevitably tended to privilege these majority perspectives of respondents, rather than those with more equivocal or novel opinions. This outcome meant the data in the eventual *Evaluation and Course Development Report* for this first semester tended to be far more polarised in form than was the case with the Migration law case. This in turn tended to render it more a chronicle of debate, without a distinct developmental trajectory being implied (in stark contrast to the Migration case for the first semester). Undoubtedly this disparate response reflected the largely polarised student responses to the changed mode of delivery of the program. However, distinguishing how much of this was about the effectiveness of the mode itself and how much was about the pedagogical quality of the program became a serious challenge to this new model in its first iteration. This was difficulty was only amplified by the existing volatility of the teaching group.

The key major positive themes to emerge in this first collection of student feedback were around the:

- levels of program flexibility
- value of a simulated rather than abstracted environment for considering issues of professional practice (although this view was by no means universal)

- value of group collaboration (amongst functioning groups)
- the contribution of practice mentors (i.e. teachers).

In addition, less significant positives identified by the students included the use of authentic artefacts and 'real' time expectations, variable completion periods and peer mentoring.

However, it was evident from the feedback data that the negative observations considerably outweighed the positive in the majority of interviews. In considering the range and intensity of the most significant negative responses, it can seen that these related broadly to:

- unfulfilled student expectations
- inadequate orientation
- loss of more familiar approaches to learning
- a functionalist drive in enrolling in a program toward admission
- inconsistent and/or unreliable responsiveness by teaching academics.

Other student frustrations included the lack of timely or consistent feedback, inadequate communication at a range of levels, inconsistent forms of program and assessment design, unreliable technology and program signposts. Several other minor negative factors were identified including excessive workloads (particularly in comparison to more confined conventional teaching models) and the dysfunctional (and on occasions dystopian) state of a small number student groups.

In regard to the third development-focussed question in the semi-structured interviews, the following primary themes emerged as areas for potential improvements:

a) increased face-to-face seminars in the orientation phase of the program to more clearly set expectations and clarify assessment requirements

b) increased online scaffolding to provide more detailed instructions and guidance around the 'how to' of the program

c) mandating feedback practices to improve assessment usefulness to students

d) introducing step assessment that allow formative activities to be assessed

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e) establishment of clear professional standards to enhance the expectations of the behaviour, collaborative inclination and dispute resolution in practice firms

f) provision of more resources to relieve the workload of practice mentors

g) reduced practice firms to pairs.

From this data, the researcher generated the *Evaluation and Course Development Report* for the semester. In reporting on these outcomes, it was noted that earlier concerns in the teaching cohort about the likelihood of considerable student dissatisfaction were to some extent realised. In order to provide a constructive basis for considering these outcomes, the significant tensions and contradictions identified in student responses were further distilled to assist this debate. These were reported as:

- the expectation of the program as a straightforward access program to the legal profession, built on a familiar legal education pedagogy *versus* the educational objective of the program to be a challenging and highly self-directed program, centred on the development of autonomous skills for professional practice

- the ambiguity of expectations of legal practice skills within the simulated learning environment *versus* the objective of students drawing on undergraduate legal education to build capability for individual and collaborative professional actions

- the individualistic and conventional nature of preceding student legal education *versus* the collaborative and virtual demands of the PPC

- the built expectations of the engagement in actual environments of legal practice *versus* the under-developed or unconvincing program artefacts deployed in a necessarily generic and contrived simulated learning environment

- the framing of academic staff as practice leaders, mentors and advisers *versus* the reality of these staff also assessing the quality of student performance based of fulfilment of assessment criteria (i.e. rendering authentic forms of trial and error in professional practice problematic)

- shaped expectations of working in authentic environments of professional practice *versus* the diffident realities of academic response times, fellow student limitations and other intangibles not found in practice contexts (such as problems with learning management systems or communication tools)

- the primarily utilitarian motive of a significant minority of students to get into practice having completed an arduous five-year legal degree *versus* the critical gatekeeping role of the program to ensure sufficient professional competence to practice.

The implementation of the PPC represented a significant pedagogical re-alignment of legal practice education. Inevitably in the significance of this change was severely tested in practice, particularly as most students would have had little if any experience with either online learning, high level simulated learning environments or even group collaboration. It was conspicuous that many of the students most hostile to the new approach had expressed deep frustration about the online simulation as a form of learning (and its radical difference from that which they expected to encounter). Others had endured ongoing group dysfunction.

After much deliberation, the researcher identified a range of questions that could be (re)considered by the teaching team for the next iteration of the PPC. These questions were framed in the following way:

a) Given the overwhelming majority of students have undertaken a conventional form of legal education, how can the expectations for autonomous professional practice in a largely virtual learning environment be better framed?

b) How can students be better scaffolded in the transition to this very different learning environment?

c) How can the relevance of the program to looming professional practice be enhanced?

d) Are there means to improve how dysfunctional student groups can be assisted?

e) Are we (and therefore students) clear on the relationship between a simulation and the actual environments of legal practice? Can this resonance by improved?

f) Is assessment doing the work of enhancing learning of professional practice given the obvious tension between staff as guides and as assessors?

g) Do we need to regulate academic responses into a standard form to better reflect what we see to be sound professional response approaches?

h) How do we know that the program is achieving its objectives? Is it in student engagement, is it developed artefacts they develop or is in the assessment outcomes?

Initial post-semester workshop

Consistent with the agreed action research model, a post-semester workshop was convened approximately a fortnight after the circulation of the *Evaluation and Course Development* Report that included the data outlined in the preceding section. Given the relatively complex divergence in student feedback, the Report also included a tag cloud reflecting the range and intensity of student opinion on the positives, negatives and ideas for innovation. In total, 16 academics, 11 tutors and five support staff attended this first post-semester workshop.

At the commencement of the workshop, consistent with the CHAT-informed model in use, participants were encouraged to consider the complex and contradictory nature of the student feedback. This was offered as a potentially useful basis for constructive professional dialogue around the state of the program, and particularly where improvement was clearly necessary. Some brief discussion had already occurred about the Report in the regular team discussion, as well as in the corridors of the College. Hence, it was quickly apparent that the Report had also already created considerable debate amongst program teachers, leaders and designers. This meant that the workshop rapidly developed a combative atmosphere, primarily around the usefulness of student feedback, the program's current pedagogical construction and the value (or otherwise) of this form of student feedback. For most participants, this meant defending their individual efforts or alternatively doubting the value of the pedagogy. Little early focus came on overall program improvement issues.

Unlike the opportunities presented in the Migration Law program, this workshop was largely unsuccessful in reaching any depth of analysis. The divergence in student feedback, rather than presenting a potential dialectic force, instead offered opportunities for advocates and detractors to offer their various perspectives on the PPC. As one academic poignantly observed in their end-of-workshop feedback:

The only thing really achieved here today was to again rehearse the various pros and cons of moving from face-to-face to online. The feedback from students served primarily as evidence to support pre-existing views one way or the other. (PPC-2-8)

However, as one of the program leaders also observed slightly less pessimistically:

I guess we at least brought all the tensions in the group into the open and we did ensure that the difficultly of the change we have gone through was clear. But the student feedback allowed us to actually debate issues in a more tangible and less rhetorical way, so I suppose that's a step forward. (PPC-2-21)

The notes taken during the workshop reflect that the level of professional dialogue was a dramatic departure from what was anticipated in this action research process. Instead of a collaborative engagement around key professional issues, the workshop was dominated by dichotomous thinking that reflected the seemingly unresolved tensions in the group. Again, as was the case in the initial workshop, this was contested between those who were aggrieved about the relatively recent move from conventional teaching and those who had embraced the new blended model. Consistently this was further aggravated by the ambivalence of other teachers (most notably recently engaged tutors). In addition, the persistent failures of the online resources and tools in use in the program to effectively deliver a high quality platform for quality teaching and learning proved a highly distracting issue. This dilemma was captured in the following exchange recorded in notes taken during the workshop:

Speaker One: One of the key issues to be improved that was identified in the Report was orientation and ongoing support for students in their online work.

Speaker Two: Well, if we actually knew what we could usefully orientate them to and support them with, then we might be able to do something.

Speaker One: What do you mean…we need to give students a clear understanding of what to expect online and then build better support to ensure this actually happens.

Speaker Two: But we ourselves have no real understanding! We knew what to teach when they were here, but now it's all open and uncertain. Anything goes…what is a simulation meant to do anyway?

Speaker Three: but don't we have to do it, so isn't it better to just get on with it, but as a newish tutor I do have to say I agree with (*Speaker Two*)…I really am not sure what I am meant to support.

As a result of this dynamic, combined with the reality that few teachers had seemingly engaged in any productive professional reflection during the semester, meant that the workshop descended into a pragmatic, and at times tense, exchange about specific remedies to largely superficial issues raised in the *Evaluation and Course Development Report*. In essence, many of these debates simply resulted in imposed outcomes being defined by program leaders, as no real consensus could (or would) be reached even at this level of base-level engagement. The workshop outcomes were consequently modest in form and largely without a clear relationship to the broad matters raised in the *Evaluation and Course Development Report*. Some of the more fundamental tensions emerging out of the student data were disregarded for what was cast by wry participant as 'short-term wins'. In summary, the broad outcomes were:

- *Technology (largely agreed):* improve site navigation and make 'look and feel' more sophisticated, explore use of Skype (as a replacement for failing Wimba), make use of RSS feeds, create a single sign on and develop and internal email.

- *Student support (largely imposed):* develop a new online orientation (as no consensus on this being in the face-to-face orientation), develop guidelines on appropriate communication protocols, standardising artefacts (as no consensus on what would be authentic artefacts), review of student workloads across subjects.

- *Staffing (largely agreed):* increase co-ordination of online component, produce position descriptions for various staff roles, more training on working in online environments (nature not specified, as could not be agreed), greater mentoring and debriefing of tutors, consider manuals to guide work of specific roles.

- *Educational Structure and Design (largely imposed):* introduce form of compulsory individual assessment, improve capacity for more timely feedback, audit next course for consistency of assessment feedback, consider how to lessen student workload where considered excessive.

Hence, the first semester of the action research model ended as it had started, largely mired in the unresolved controversies about the move to a blended delivery model for the PPC. Although the elevated level of data had created some tentative debate, it had functioned primarily to amplify existing dissention or to harden the defiance of those leading the changed pedagogy. The range of course improvements, partly agreed and

partly imposed, were modest and pragmatic in form, characterised either by low-level action or abstract intent. Returning to the participant feedback at the end of the workshop, we see these various sentiments reflected in the commentaries provided on the effectiveness of the workshop:

Good try, but this issue is bigger than a semester of student feedback. Little can be resolved until (*Program leader*) finally realises that students don't want this sort of amateurish online stuff and come here for a decent and well organised teaching program. (PPC-2-1)

I think we made some progress, some people are still struggling with the change and I understand that. The main thing is that we plough on and improve what I think will be a great program once we iron out the teething problems that must always be part of a new approach. (PPC-2-6)

It was a bit frustrating, being new I have only experienced conflict about this program…I enjoyed trying to work online as a teacher and as a mentor for new lawyers. It does take a bit of getting used to but I think we also just have to recognise it takes time to move from something standard to something very new. I think the problem is that some people don't want to leave what they know well and I respect that. Maybe they need to look at moving into other teaching, I don't really know. (PPC-2-19)

This is beginning to look like a pretty dangerous program to be involved in…one thing I realised from today's workshop is that we have some pretty serious problems and these are both practical and educational. I'm just not sure looking at student feedback in greater depth is actually helping, it seems to be just inflaming the two sides of this argument further. (PPC-2-3)

Although the collaborative action research model had generated considerable data during this first semester, it was hard to argue it had achieved much more (and particularly collaboration). Rather than work as action researchers, the group had appeared to further fracture. It seems the unintended benefit of more compelling evidence simply made the fissures more acute, in that it could be used to further support unresolved arguments for and against the changed pedagogy. Yet it was still likely some elements of the program would be improved based on student feedback, and it was hoped by program leaders that this dialogue, however flawed, may have moved this

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debate on in some more material form (that is, beyond its characteristic rhetorical form). However, it was evident that program leaders needed to deal with the broader unresolved issues about the program's redesign if a serious professional dialogue centred on student feedback were to be effective in subsequent semesters.

Outcomes of second action research semester (Semester Two, 2010)

The period between the first and second semester of the project was significant, with a number of disgruntled staff exiting the PPC program, a number of the tutors opting not to continue. The number of students enrolling also fell from the level of previous years. The tumultuous level of debate generated by action research was generally credited with encouraging departing academics to leave the program, whilst the problems with the online simulation was seen as the primary reason for falling student numbers. Anecdotally, it was reported student word-of-mouth had created considerable anxiety amongst potential students and many of these had opted to study the *Graduate Diploma in Legal Practice* elsewhere. Hence, the second semester was destined to present further challenges no only to the PPC program, but also to the action research model itself. Given this context, and the experiences of the first semester, the Program Committee and the College Education Committee became more active in debating how the performance of the program and how it could be most productively improved. This inevitably intersected with the action research project, with greater expectations placed on it to drive program enhancement. This heightened the anxieties of some of the remaining program academics that student feedback may be used more directly to assail academic performance.

It was in this more complex context that a slightly reduced number academics and program support staff (14 academics, 10 tutors and four support staff) reconvened to consider the design of the second stage of the action research. The researcher provided a critical assessment of the outcomes of the first semester project, highlighting the limitations in the outcomes given the then profound tensions in the group about the shifting pedagogical foundations of the PPC. Put in CHAT terms, this had meant the assumed shared object of the action research (i.e. program improvement) had been supplanted by a fundamentally different object orientation: the appropriateness of the change from conventional to a blended learning model. Similarly, the distinct vantage points of action research participants meant neither was there a shared subject

perspective. In essence, this meant its developmental potential to improve teaching and learning was seriously hindered. Perhaps its primary contribution was to further aggravate the tensions around pedagogy, as well as to identify some pragmatic options for short-term enhancements. Program leaders then introduced the changes that had been made to the PPC this semester as a result of the outcomes of this work in the previous semester. They also aired concerns expressed in education committees of the College regarding the decline in program enrolments and the consequent significance of improvement that could be identified through further collaborative action research efforts in Semester Two.

As discussion about the next stage of the project developed, it was quickly apparent that the departure of several key protagonists and the urgency of the situation confronting the program had engendered a different disposition in the group. Recognising the limitations of the first semester, there was a productive debate around modifying the action research model to ensure it legitimately did the development work expected of it in its initial manifestation. There was a strong consensus that the experiences of program teachers and tutors needed to be a more significant element of the research process and this should accord with the expectations of the model proposed in Semester One. This meant greater ongoing reflection during the semester and all participants agreed to a semi-structured interview at the end of semester on these reflections so this could be directly fed into the action research.

Ironically, there was also a strong desire of the group to 'balance' the broader student feedback data with some very specific questions to ensure that the largely minor changes put in place for the current semester as a result of the previous semesters' research actually had proved effective. Moreover, given the strong pressure that academics were absorbing about problems in the program, there was a universally agreement that there was a need to supplement the qualitative thematic coding of student data. The group resolved to introduce a quantitative scale and several forced answer responses from students. These were seen in the mould of quality assurance: providing the potential capacity to market program improvement more effectively to those external to it. This resulted in a new series of student and academic questions being negotiated during the workshop. These are detailed in Table 6.2.

Table 7.2: Agreed student and academic questions, Semester Two, 2010

1. Student questions

Open questions

What do you think worked effectively to support your learning about legal practice?

What do you think was less effective and hindered your learning about legal practice?

In your opinion, what aspects of the program need improvement?

Forced answer questions with ratings (with area for explanation of responses)

How effective were the simulations in developing your understanding of legal practice?

How effective was the group-based firm structure in assisting your learning?

How effective did you think the virtual firms were in simulating a legal practice environment?

How useful did you find the WATTLE site and Virtual Office Space (VOS)?

2. Academic questions

End semester semi-structured interviews based of captured reflections during semester

What do you think worked effectively in supporting and expanding student learning?

What do you think was less effective and constrained student learning?

What specific elements of the program need to be further developed to be more useful to further student understanding of legal practice?

How effective were the range of learning activities (such as group activities, mentoring and reflections) used in your subject area?

How effective do you think the group-based firm structure worked?

How effectively did students perform in assessment and are there any issues that arose from it?

How effective do you think the online site and simulation were?

Were there specific issues this semester that you think needed to be further considered by the teaching group?

Do you have any other observations you'd like to make?

In post-workshop feedback, participants generally expressed much more positive sentiments on the action research process than in the previous semester, albeit with

some lingering reservations. Characteristic of the primary responses are the excerpts from responses highlighted below:

> I think we are more on track this semester, we are clearer on what we need to do and that we all have to get involved if we are going to made the PPC work as was intended…. if we can get a better balance between student and academic input maybe we can avoid a situation where we are defensive, but are able to really take on what challenges we find. (PPC-3-13)

> The negativity of last semester seems to have faded and it seems we know we are more cohesive…I just hope the action research gives us what we need to develop and improve the course and that it doesn't come back to haunt us given the efforts we are all trying to make this semester. (PPC-3-1)

> If we can't get this right then our student numbers will fall further and we will find it even harder to make the program effective, so the challenge for all of us if to work to understand what will make this program a success, both in the short and the longer terms (PPC-1-22)

Given the heightened anxiety about the program and possible student feedback, it was agreed that the research process and associated academic reflections of teaching would be a standing item for discussion at team meetings. In addition, academic development activities centred on areas identified as challenging from the earlier student feedback were scheduled during the semester. These various forums were used during the semester to focus the attention of teaching staff on professional reflection and dialogue and proved broadly (though not universally) effective in elevating the level of analysis of the PPC as it evolved during the semester.

At the end of semester, all students participating in the PPC were asked to complete an online questionnaire designed on Survey Monkey. An online questionnaire, rather than the previous approach of student interviews, was employed for several different reasons. Firstly, as noted earlier, there was a desire amongst the group for the introduction of quantitative questions and it was reasonably considered these would be most validly responded to with some greater level of anonymity. Secondly, there was a consensus that the very extensive data collected from students via interview in the first semester had proved overwhelming for the process of deliberation of the teaching team, particularly in the absence of a reflective response from teaching staff as a

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countervailing force. Finally, given the related desire for more direct academic input, resources were required for what would be time-consuming semi-structured interviews (hence meaning insufficient resources could be provided for similar student interviews in the narrow window of time available).

At the end of the data collection period, 113 students responded to the online survey (representing an impressive response rate of around 60%). This response rate was achieved by the use of a series of direct emails from the Director of the Program who highlighted the critical role student feedback was to play in the future improvement of the program. In addition, semi-structured interviews were undertaken with all 28 academic and administrative staff directly involved in the PPC in Semester Two, in either one-on-one interviews or in extended focus group discussions. The data gathered in interviews, focus groups and via the student surveys was systematically analysed using similar thematic coding methods described earlier to establish the critical themes that emerged from data. These again were then further refined to generate the outcomes for the Semester Two *Evaluation and Course Development Report* (included at *Appendix Seven*).

In summary, this second evaluation of the PPC suggested there had been:

- a substantial improvement in student opinion from the first evaluation, with a much higher level of satisfaction with the program overall, a more positive tone in responses and lessened anxiety about several key impediments identified in the Semester One evaluation around group work, communication and expectation setting
- considerable student dissatisfaction remained around the online design, primarily the complexity of the overall online site, the limited sophistication and low quality of the simulation and unreliability of inter-communication tools;
- with the benefit of greater academic input, it emerged there was considerable epistemological confusion evident amongst staff (and to a lesser extent, students) regarding the overall objective of the program: put in its most simple form, was the PPC intended to replicate or simulate legal practice environments and is it to prepare students for professional practice, or assess capability for it (or even toward further academic study)?

- uneven workloads were still problematic both for students and teachers, with some thought needed to reduce the emphasis on the enabling administrative/ procedural tasks to enhance the terminal objectives of professional practice capability
- improvement was still needed in the quality of orientation and ongoing guidance provided to students. Clearer communication protocols between teachers, students and groups were also necessary.

In a significant turnaround, the majority of students and teachers responding identified the collaborative work in the PPC with mentors and other students as a key positive element of the program. Students reflected on the benefits of working in a firm frequently observing they found it useful to learn from each other as well as the lecturer. Academic staff broadly expressed that a positive group experience for students improved the overall learning experience and there was a general consensus that the overall quality of final work submitted was of a much higher standard than in the previous semester. Group work was also seen by most staff and students to effectively teach interpersonal skills, time management skills and other general professional skills, which would transfer well into legal practice environments. This was a particularly significant outcome as it was a critical underpinning of moving to a simulated and collaboratively based learning environment.

Although some residual concerns remained around several dysfunctional groups and some individual student were concerned about equitable workloads, these were relatively isolated examples and starkly different from the level of dissatisfaction around this issue that emerged so strongly in the Semester One evaluation. Moreover, academic staff observed that those firms that worked exceptionally well together were much more proactive about organising weekly meeting times and often had face-to-face meetings, as well as using the online tools. Additionally, some staff indicated that they themselves benefited from working with a team of teachers and sharing ideas and problems, though this was tempered by concerns that communication between staff needed to be further improved.

Despite some lingering concerns about the form and quality of the simulation, its authenticity was considered to be higher by most students and teachers than in the previous semester. This was an area of improvement identified in the Semester One

evaluation that had been worked on by both Program leaders and educational designers. Clearly, this design work that attempted to better replicate realistic work practices (i.e. that reflected the pressures and daily ups and downs of legal practice) had yielded this improved response. Staff felt that this more practice-focussed approach to learning made students much more 'practice ready' as they had to face real challenges in their firm work. The exposure to 'real' documents was also considered to be useful in supporting the overall authenticity of the tasks and there were suggestions as to how resources used in the PPC could be further developed to enhance the authenticity of future iterations.

It was also generally considered by teaching staff that an authentic approach was a good way to transition students from the traditional forms of learning in undergraduate to real work practices. This was embodied in a new model (introduced this Semester following the earlier evaluation) that attempted to bridge learning in practice and assessment. This approach - characterised as *feed forward* - assisted students in that they could now make mistakes in a safe environment and learn from these mistakes without immediate implications for assessment. Here a Senior Partner reviews work for accuracy and quality, providing advice but not an assessment grade. Both staff and students saw this to be an effective scaffold and to have considerably reduced some of the anxiety around eventual assessment of these tasks. To give students more than one attempt at getting a task right, to provide ongoing monitoring of students' work and providing early intervention when things appeared to be going wrong was clearly positive for the overall learning experience.

The students also appreciated the constant feedback and online communication with lecturers that allowed for fast turnaround of feedback. They viewed *feed forward* as a constructive way to improve on what they already know and a useful way to learn to do certain tasks better. Critically for the success of the new blended mode, students also felt that the authentic tasks helped to bridge the gap between the theories that they learnt in undergraduate with the practical nature of real practice. Staff and students both felt that learning by doing in real legal scenarios and the practical nature of the PPC led to generally positive learning outcomes. In addition, it was apparent that other key areas of the program subject to improvement following the previous semester, such as clarifying the function of tutors as mentors, improved online scaffolding and improvements to the online site, had generally improved the student learning experience.

As noted earlier, the student response in this evaluation was considerably more positive than the initial evaluation conducted in Semester One. It is also notable that the intensity of feeling so evident in the first evaluation around group work, communication, and unmet student expectations were not apparent in this evaluation. This meant student opinion was more diffuse and less clustered around specific concerns. Similarly, staff feedback offered quite diverse and even divergent perspectives on program improvements in the next iteration.

However, what was perhaps most significant from a program development perspective emerged around the significant uncertainty about what actually was the shared educational mission of the PPC. In the *Evaluation and Course Development Report* this was cast as the question to the action researchers: *What is it we are trying to create (or what is the program epistemology)?* It was evident in a range of staff and student responses that there was considerable ambiguity about what form of learning environment that the PPC is actually trying to create. This ongoing ambiguity impacted in a variety of ways on the design of the program, forms of interaction and on ill-determined student responses. It was to some extent apparent in the Semester One evaluation, but was overwhelmed by the more immediate and pragmatic matters that distracted the developmental drive of the research. On closer analysis of the data, most notably that generated from the semi-structured interviews with teaching staff, it seemed there were strong tensions around the educational work range that the PPC is doing (or should be doing). These tensions were also explicitly manifested in a variety of program artefacts: in the differing conceptions embodied in program marketing, in orientation, in learning materials, in expectation statements of interactions between academics and students and in how students were assessed. These tensions were centred on differing epistemic conceptions of the PPC, which variously emerged around beliefs that the program was either:

- a simulated environment for broad learning about the nature of professional legal practice;

- a program for the preparation of law graduates for prospective professional practice; or

- an actual professional practice environment with its authentic expectations and demands.

The specific nature of these tensions are explored in more detail in Table 7.2, which outlines how these epistemological tensions manifested themselves in practice based on the data provided by academics, educational designers and students.

Table 7.2: Key epistemic tensions identified in PPC evaluation

Assumed Function	Manifestations
Simulated learning environment **(mentors/students)**	*Teacher-student relationships*: strongly mentored and highly context dependent *Pedagogical orientation*: discovery learning based on trial and error *Learning activities*: generic based on perceptions of professional environment *Assessment*: against a predetermined academic-professional standard Terminal Objective: supported experience in a generic practice environment
Preparation for professional practice **(teachers/student practitioners)**	*Teacher-student relationships*: professionally informed with developmental motive *Pedagogical orientation*: scaffolded learning - transition from known to unknown *Learning activities*: scaffolding toward professional entry level expectations *Assessment*: progressively focussed on building professional capability *Terminal Objective*: broad entry level capability for professional practice
Professional practice environment **(practitioners/ employees)**	*Teacher-student relationships*: aloof and representative of professional expectations *Pedagogical orientation*: authentic engagement in realities of practice context *Learning activities*: replicating actual professional activities and practices *Assessment*: based on prevailing professional standards/expectations of practice *Terminal Objective*: capability to operate in professional practice environment

This outcome then provided a lens for considering some of the issues that clearly remained problematic in the program, including:

- significantly differing relationships being established and/or expected between teachers, students and groups
- differing levels of support, guidance and feedback in learning activities
- significant variance in the workload demands in differing elements of the program

- adoption of differing teaching personas (and resultant uncertain student expectations) from the role of an engaged mentor, to strategic guide, to unforgiving sage
- frustration about the appropriateness and adequacy of the online platform and simulation design that underpinned the program
- distinct variation in the focus, design, standards and forms of assessment (and related feedback provided).

Consistent with the *learning evaluation model*, a post-semester workshop was convened several weeks after the issuing of the *Evaluation and Course Development Report*. This workshop was attended by broadly the same group who attended the pre-semester workshop. Perhaps unsurprisingly, given the more positive nature of this evaluative outcome, this workshop proved highly productive with staff actively engaged in debating the outcomes of the research and its implications. The primary focus of the forum became the issue of epistemological tensions identified in the data and the implications of this ambiguity for the program. Notably, several participants sought to reprise of the seemingly redundant CHAT framework that underpinned the action research model, recalling the relevance of its conceptions of a shared object and mediating artefacts and its exposure of tensions within activity systems.

From this framework, the workshop discussed the implications of lacking a shared epistemic object and the related uncertainty in the teacher and student mind as to the overall educational objective of the PPC. It was generally agreed that this had far reaching implications for the design of learning activities, forms of interaction, simulation design and the nature of assessment. Given the three different perspectives in evidence (i.e. the 'safe' simulation, practice preparation and replication of 'real' practice) some resolution to this tension was seen as necessary. All were seen as potentially valid, but in uncertain combination they tended to create considerable pedagogical confusion. For teachers, this framed their relationship with students, how expectations were formed and the way assessment was used. For students, it was fundamental in a simulated environment as to the capability they were expected to acquire and demonstrate, as well as the reciprocal form of relationship they had with teachers. It was agreed that this lack of clarity had led to specific concerns of teachers and students as to the appropriateness of the design and facilitation. This had also

resulted in quite different forms of learning activities, varying expectations of student engagement and interaction, roles of teaching academics and most significantly, uncertainty in assessment and related feedback. Therefore the strong consensus of the workshop was that there was the need to clarify, and more clearly articulate, the program epistemology. This epistemology then needed to be more clearly used to align approaches used across the program.

The changed tone and significant outcomes of this post-semester workshop compared to the preceding semester were reflected in feedback provided after it. Some representative excerpts included:

> I finally think we are getting down to the important questions…instead of dealing with this problem or that problem, we are looking at a deeper level, at the cause rather than the symptoms. (PPC-4-10)

> It has been a very useful discussion and it has made me think much more about what I have been doing and what approach I have been taking to my teaching…I think I have been focussed on the 'preparing for practice' space and it was clear from colleagues that we aren't all in that space. (PPC-4-5)

However, despite the broad consensus, not all were entirely convinced:

> Although I understand that it may be useful to clarify the teaching approach (and I certainly don't oppose that) we only have a limited time before the next semester and I won't be able to revise everything…I think this is something we need to work on over time. (PPC-4-16)

During the period leading up to the next semester, program leaders convened a number of forums to consider further this epistemic ambiguity and its implications for the PPC. This resulted in several teachers researching this matter further, producing a collaborative research paper titled: *What is our epistemology?* From subsequent discussion of this work by members of the action research team, it was agreed that the PPC needed to be collectively understood as a program that prepared students for entry to professional practice (as opposed to a simulation of practice or alternatively 'real' practice). This had a significant effect over the coming semesters in clarifying and reshaping collaborative and individual efforts to align course pedagogies, artefacts and assessment with this refined epistemological framework. This commonality also assisted in building a shared perspective in pedagogical discussions between teaching

staff and educational designers, easing the transition of learning materials and assessment in reformed artefacts. Moreover, this debate was also to further influence broader College and institutional discussions around the nature of learning design for programs preparing students for professional practice environments.

Outcomes of third action research semester (Semester One, 2011)

Prior to the third semester of the action research, considerable re-design work was untaken collaboratively between teaching academics and educational designers. This sought to improve the alignment of the program, its artefacts and assessment strategies with the renewed educational focus of the PPC as *preparation for entry to professional practice*. This proved a challenging process, as it involved significant further critical debate amongst the teaching team and supporting educational design staff. Substantial professional dialogue occurred in the action research team during this intervening period around what specifically demarcated this orientation and what this would mean for the pedagogy of the program. It also debated the nature of the relationship of teaching staff to students and the nature of valid assessment. This refocusing raised the difficult fundamental questions of what was the actual nature of professional practice that students were being prepared for (given it was not a unitary object) and secondly should this be a current or prospective reality of professional practice given the rapidly transforming nature of legal practice environments. All questions proved polemic, but were largely constructively resolved.

It was within this ongoing dialogue that the action research team met to debate and plan the use of student feedback and evaluation strategy for the final third semester. This workshop was characterised by determined but practical debate about the refocussing of the program and its likely implications. It was notable that attendance at this workshop was considerably smaller than in the previous two semesters, with a significant number of academics and tutors giving their apologies (with 9 academics, 6 tutors and four support staff participating). Unsurprisingly, participants were keen to ensure this semester's evaluation was designed to ensure the effect of the clarification of the program's epistemology proved effective and that the coherence of the program was sustained in this renewal. It was apparent from the debate that the teaching group had now moved well beyond the seminal debates of conventional versus blended teaching

and were broadly motivated to deal with the maturing of the blended model so as to maximise its potential. Perhaps reflecting this, the debate in the workshop was less referential to preceding semesters, being more future focussed and sophisticated in form. Fortuitously, improving student enrolments for the upcoming semester added a renewed sense of optimism to the group in its deliberations (particularly after the decline of the previous semester). What was apparent in this final semester was that the *learning evaluation model* had been normalised to the point where it was accepted as a legitimate process.

Unfortunately, this also meant to some extent that some participants seemed to be traversing the action research process merely as a necessary ritual, tending to re-adopt previously used strategies without significant question as to the effectiveness of preceding outcomes. This was most notable amongst program leaders. This included the continued use of quantitative questions (in addition to the range of qualitative questions). The group had seen this as improving the recognition of the success of the program by key stakeholders, both within and outside the College in the preceding semester. It was also felt that a similar online survey, using the same questions as posed in semi-structured interviews in the previous semester, would suffice for academic and support staff (with the related commitment to ongoing professional reflection throughout the semester, appearing more aspirational than real). However, it was agreed that a series of questions would be added to both student and staff surveys to assess the effectiveness of the renewed focus of the program as preparation for entry to professional practice.

In this third evaluation, only 59 students responded to requests to complete an online survey (representing a lower response rate of around 35%). The reasons for this lower participation are unclear, but it would appear from the data that students might not have felt the same drive to contribute this semester given the improving trajectory of the program. It may have also reflected the diminished levels of encouragement to participate by program leaders. In addition, 19 academic and support staff responded to the new online academic survey. The data gathered in interviews, focus groups and surveys was systematically analysed and thematically coded to establish the critical themes that emerged, which were then refined further to generate the outcomes for the third *Evaluation and Course Development Report*.

The student feedback in this third semester demonstrated a continuing improvement trajectory compared to preceding surveys undertaken post-implementation of the blended model. Broadly the student feedback demonstrated an elevating level of satisfaction with the program overall, with a more diffuse range of lower level concerns emerging than the more clustered and intense concerns characteristic in early stage evaluations. Its outcomes tended to reflect the consensus struck in the pre-semester workshop of a growing maturation of the program, with an increasingly more satisfied student cohort. Having said this, students continued to identify further improvement potential in the PPC. Some student dissatisfaction remained in regard to technology, primarily revolving sophistication and relevance of the online simulation and uncertain reliability of online communication tools. It was becoming clear over the semesters that those students currently in legal practice in particular found the simulated learning environment quite unconvincing and lacking in authenticity.

Aside from feedback provided by program leaders and educational designers, the responses by PPC teaching staff was disappointing, with the few survey responses providing brief and largely superficial insights. Therefore, unlike the rich data generated by the semi-structured interviews in the preceding semester, this data offered little beyond broad generalisations (though such generalisations tended to accord with the perspectives offered by students). A clear and important conclusion drawn by the *Evaluation and Course Development Report* was that there was a defined lessening in the level of epistemological confusion evident amongst staff and students in the previous two evaluations. This suggested the initial work to clarify the knowledge focus of the PPC in collective dialogue, in pedagogical orientation and artefact design had proved effective. For instance, the areas identified by students as improving their capability for legal practice were more eclectic and less concentrated than in previous evaluations.

This third evaluative cycle suggested that as the program has matured, the design has offered a more coherent learning experience (as opposed to earlier evaluations more polarised around more defined strengths and weaknesses). Students identified the practical nature of the activities and artefacts of the PPC as representing its major area that contributed to the improvement in their legal skills. In the various areas of the PPC, the relevance of tasks that were providing the opportunity to engage in activities that

replicated practice environments were strongly valued. It was notably that this was most consistently recognised by students in areas where they had had no previous exposure to legal practice. Related to this was a clear and frequently expressed recognition of the value of the real-world artefacts on which many of the activities across the PPC were hubbed. Having said this, some of these artefacts used, in the view of those with experience in specific areas, may have needed further review to ensure their continuing contemporary application to practice.

For the first time in this survey, a significant number of students positively reflected on the benefit of undertaking a range of practical writing and drafting tasks. Many students observed such tasks provided a highly useful and relevant precursor to this form of work in practice environments. Others also drew on the challenges and learning of writing within and to other groups as it provided the opportunity to more rigorously assess the quality of individual writing and drafting tasks. Again, for the first time, all of the various elements of the PPC received differing forms of recognition from students for improving relevant legal practice skills. Staff identified an extremely diverse array of positives, without any clear dimension dominating comments. Generally staff felt efforts to improve professionalism and communication were the most effective elements of this semester's activity in the PPC.

Although a series of minor irritants were identified by a number of students, it was conspicuous that a series of issues that have featured prominently in previous student feedback in the two preceding semesters (and had received considerable attention as a result) did not significantly appear. These included concerns about group work, student workloads, quality of feedback, quality of instructions and the online platform. The significant majority of students felt that the program was effective in encouraging professional conduct amongst colleagues. Many students spoke very positively about their experiences in establishing professional relationships with peers in the PPC. Those who did not think the PPC effectively encouraged professionalism cited the failure of individual group members, the limitations of the simulation or the inadequate replication of real practice in-group work.

Staff were largely unanimous in the view that in this semester's PPC students engaged more professionally than previous, albeit some feeling this was constrained by continuing problems with the quality of this simulation and online communication tools. There was no doubt from the data that this third evaluation demonstrated a continuing

improvement trend in the PPC. As was the case in the previous semester, it is apparent that the significant implementation concerns of students have faded considerably, as has the intensity of student dissatisfaction that characterised earlier rounds of feedback. There was still clear development potential in the uneven quality and sophistication of the online simulation, in the intermittent unreliability of online communication tools and greater definition in the functional relationships that underpinned the program.

The end-of-semester workshop to consider the third *Evaluation and Course Development Report* was scheduled twice and subsequently cancelled due to significant staff unavailability. Given this, the Program Committee (made up of convenors, designers and external representatives of the profession) instead considered the report as part of their regular business at their next scheduled meeting. The report excited little debate and its broad recommendations were discussed in general terms over less than an hour. It was agreed that a series of further refinements would be made to the program for the following semester and these would be the responsibility of the program leaders and educational designers to design and implement.

Interview data from action research participants

Two months after this final committee meeting, all teachers and support staff were invited by the researcher to participate in a semi-structured interview around their broad experiences with student feedback and their specific reflections on the use of the CHAT-based, action research model used over the preceding three semesters. Despite repeated requests, only ten academics agreed to participate. It is notable that all those responding worked full time on the Program and no casual or sessional staff volunteered to participate (although two had previously been engaged in program teaching as sessional staff). The semi-structured interviews were conducted face-to-face and the questions posed mirrored those put to the respondents in the Migration Law program. Again, in order to understand the context of responses, the interviews initially explored the teaching experience of the participant, some of the influences that had shaped their current approaches to teaching and the affordances and hindrances they perceived to initiating pedagogical change. From here, the primary focus moved to their previous experiences with student feedback-based evaluation and their experiences and reflections on the use of the, action research model.

Given the domination of full time staff in the sample, it was perhaps unsurprising that all but one of the respondents had in excess of five years teaching or design experience in this program. The only exception was one teaching academic whose arrival had coincided with the introduction of the blended teaching model two years before. Respondents offered a diverse array of influences that had shaped their approach to teaching in the program: mentoring with program, personal learning experiences in legal education (both positive and negative), experiences in legal practice, a personal motivation to generate productive learning experiences and professional development and research on teaching. Only a single teacher (and almost as an afterthought) nominated student feedback as a shaping influence on teaching.

Indeed, it was conspicuous that more generally in responses that little reference was made to students (aside from they being the beneficiaries of teaching work). More consistently expressed was the influence of teaching peers or mentors, personal experiences of legal education or the professional drive to adequately prepare students for effective legal practice. In considering the question of what had changed in their teaching over time, respondents with less teaching experience (that is less than five years) tended to suggest fundamental changes following particular experiences or professional development, whilst conversely longer-term teachers highlighted the effects of the recent moves to online teaching and what adjustments to their teaching methods had been required. Moreover, strong distinctions emerged between newer and more experience teachers. Newer teachers cast their trajectory toward improving their ability to support and mentor student learning. Longer-term teachers were more concerned with ensuring professional practice standards were clearly articulated, taught and assessed. This consistent dichotomy is well captured in these two counter posed excerpts:

> I have begun to include more reflective tasks in my teaching as I have begun to understand how important it is for students…and myself…to continually learn from what we are doing and identify what else we need to learn as we develop. I see my role as supportive where I can encourage students to work well, work effectively together and develop an ability to reflect….so they can continue improving skills throughout their careers. (PPC-7-3)

> I have rearranged my course materials going online to make them hang together better, modified the form of the seminars to fit them into the simulation and I have

encouraged students online to get more early feedback prior to any submission to prevent the substantial failures we were getting on key tasks. I am focussed on issues such as consistency, setting the right tone, co-ordinating with my colleagues and other important structural considerations of the PPC. (PPC-7-9)

Similarly, in reflecting on what was currently constraining them in making further changes to their teaching practice, the same broad dichotomy emerged. Whilst some respondents felt the constraint of expectations of professional education practice, others were dissuaded by more pragmatic realties of changing learning materials in an online environment:

I require further time to read and synthesise material on teaching, formulate a course design to discuss with the educational designers and my peers, as well as revise and develop it in practice. I would also like to better understand other teaching methods that students have experienced and develop strategies that allow a smoother transition for students. (PPC-7-1)

There a significant numbers of constraints in the locked format of the online elements of the PPC…one simple change you want to make can take an awful lot of mucking around, it can involve the convenor to ensure it is consistent with the overall strategy, the educational designers to make sure it can be done and the technical people in order to actually make it happen. It sometimes seems easier to just work with what I've got. (PPC-7-4)

When asked to consider previous experiences with the conventional forms of student feedback used previously, responses were considerably more varied. These ranged from the very positive, to ambivalence, to the hostile.

Positive and more positive. I really benefitted from the great student feedback I received and it certainly seem to make others understand I was a teacher committed to student-centred learning. I'm also sure it was central in getting recognised via my teaching award. (PPC-7-1)

The evaluations were often useful in isolating some of the detail that needed improvement. It was always nice to get good feedback. However there was always one or two students who were vitriolic in their feedback, but I generally tried to not let this affect my teaching practice. (PPC-7-7)

Evaluation was just forms handed out at the last minute in the last lecture. The value of responses therefore was always limited by low student motivation and insight. Yet when I received a high student satisfaction I was told I was putting too much effort into teaching rather than my research! I got very little useful that I ever took seriously. (PPC-7-9)

All but one respondent positively reflected on their experiences working with the new *learning evaluation model* over the preceding three semesters. There was a clear consensus that considering qualitative student feedback incited discussions of the broader structural issues of the program (although, as noted earlier, the experiences recorded particularly in the first semester didn't appear to necessarily reflect this in reality). Some representative observations of these sentiments included:

I found the new evaluation process highly effective for reflecting on my approaches to teaching. I was required to give deep thought to what I did and articulate these views. The process allowed other thoughts to crystallise and also allowed me to identify some patterns in my teaching, both good and undesirable. (PPC-7-6)

I reflected on my approach to sharing with my colleagues and placing greater value and priority to communication with my peers. I discovered more about the teaching experiences of my peers that really helped me understand what I did. (PPC-7-9)

It was so much more informative than the previous model…the combination of qualitative and quantitative data worked really well. Also very important was the staff view – especially since we have significant numbers of casual staff who are removed from the design process. (PPC-7-10)

It was excellent. The synthesis of the divergent outcomes and their presentation in a clear format with choices and strategies for discussion was priceless! (PPC-7-3)

However, the sole dissenting respondent raised an important alternative perspective that was occasionally in evidence in other interviews (albeit largely implicitly):

I didn't find the process particularly useful, it took a lot of time and resources, encouraged disagreement and in the end, like I think most teachers, I wanted to know what they (*the students*) learned from my course and whether it was what I was trying to teach. (PPC-7-2)

Broadly similar sentiments emerged when respondents were asked to consider the usefulness of the *Evaluation and Course Development Reports*:

> The reports provided a useful basis for a very animated and exciting discussion (and subsequent actions) regarding our objectives with this new teaching model. It highlighted that whilst we thought we were all approaching the course from the same perspective, this consistency of approach was not evident to the students. (PPC-7-9)

> The reports were highly influential on my subsequent approaches to teaching and working with colleagues. In fact, I would go as far as to say what I learnt from them has directly shaped my course design. (PPC-7-10)

> Very useful as it provided important clarification of our professional objectives and how effective we'd been in achieving these. The fact the second PPC came out much better than the first was a significant boost to morale, and it was good to get positive feedback we could trust and how this generated informed discussion amongst staff. (PPC-7-8)

However on this question, there was also evidence that the reports were not as influential for some academics:

> To some degree they were useful, although I had already started of thinking of new ways to approach my teaching regardless even before these evaluation reports were issued. I tend to revise my approaches as I receive the immediate feedback of colleagues and my sense of how students are responding. (PPC-7-2)

> Not very much…because in the end I remain unconvinced that this model of delivery is actually effective and like the reports I don't believe that creating 'real' tensions via group work and online simulation is necessarily the best way to learn practice skills. (PPC-7-4)

When asked to consider the overall effectiveness of the model, a similar pattern emerged with most academics identifying it as a valuable enhancement, but a minority not sharing this perspective. Some exemplar observations of this range of views included:

> I have generally found the evaluation model to be far more effective than any other evaluations I have been involved in. The way the data was given to us really

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allowed us to focus on some of the broad issues we needed to address rather than get stuck on individual staff/student popularity based comments. (PPC-7-6)

It (*the model*) seemed to provide much more depth and therefore it resulted in much more useful insight and change. I think having all staff engaged directly in face-to-face discussions about the feedback is great. Combining the student and staff feedback provides a much more holistic understanding of what worked and what didn't and how to improve. (PPC-7-10)

I think this new evaluation model offered great potential as a tool for aligning teaching philosophies while allowing for many diverse methods that utilise the strengths of individual teachers to emerge. (PPC-7-4)

Less enthusiastic commentary revolved around two important matters - direct relevance to individual subject areas of teaching and time limitations to enact change:

Although I found the evaluation outcomes reasonably interesting, they lacked clear relevance to the course I was teaching. I needed much more specific material that gave me a better insight into what the students felt they learned in my component and what helped and hindered this. It was hard to understand this from the broad form in which the data was produced and presented. (PPC-7-4)

Time is a constraint in this mode. We unfortunately have very little turnaround time between beginning and end of these courses. And the clear expectations are that we act on the feedback regardless of the demands on our time. So we were always prioritising and compromising on what we could actually develop. This is even a more significant problem where it involves changes to the online simulation or the platform. (PPC-7-2)

Conclusion

This second case study proved to be more demanding and volatile than the first case study outcomes in the Migration Law program. The research commenced in the context of strong unresolved tensions over the move from a conventional teaching model to a blending approach using an early generation online simulation. For the process, this inevitably meant that the participants in the action research did not have a shared object of inquiry, with this being fragmented between the value of the blended model and its further development. Similarly, debates about the way the program was designed and the related artefacts that supported it, were initially mired in more fundamental tensions

about whether this was an appropriate form of pedagogy for the learning of professional legal practice skills. This had the related impact of intermittent and uneven academic participation in the action research process. It also produced a disproportionate and arguably further polarising influence of a large amount of student feedback data.

As this strong tension began to fade, the research was more centred on some of the immediate and largely superficial problems that were hindering the effectiveness of the online elements of the program, including orientation for the online environment, communication protocols and artefact design. Although for the third semester more fundamental issues around program epistemology emerged (perhaps reflecting the development of a genuinely shared object of inquiry), the level of academic engagement with the research process had faded to the core group directly responsible for the program. Nevertheless, there is reasonable evidence from the data gathered during the action research cycles that the heightened use of qualitative (and later some quantitative) student feedback generated an elevated level of professional dialogue and effected some productive change in the PPC.

However, as one academic pondered in the interviews at the conclusion of the third semester, would this have to have happened regardless of this intervention, given the turbulent state of the program and the urgent need for its development? Although it is impossible to answer this question, it is apparent that the qualitative nature of the derived student feedback forced a collective dialogue that may not have occurred with more reductive quantitative data. This debate forced the group to move beyond the ferocious differences about new teaching modes, to more fundamental questions of student learning. The action research outcomes also demonstrated that such productive dialogue, prompted by critical engagement with qualitative student feedback, could be rapidly normalised and future focussed (regardless of the serious limitations imposed by program histories). Equally, it can be also observed from these same outcomes how rapidly this collectivist perspective can retreat into the more familiar and less critical patterns of individualised concerns, as can the corollary: the re-imposition of the hegemonic drives of program leaders. As with the previous case, this case similarly raised further questions about the viability of a CHAT-informed, action research model in the real environments of academic work, beyond its clear potential value as a short-term interventionist tool.

Chapter Eight: Analysing the contemporary function of student feedback

Introduction

In the last two chapters, the empirical data generated by the two CHAT-informed, action research case studies - centred on elevated use of qualitative student feedback data - were detailed. In the next two chapters, the data emerging from these case studies will be further examined and critically analysed to assess the broad implications of their outcomes, both individually and across the two cases. Consistent with the approaches of sociocultural forms of qualitative research, this analysis will focus on the development of consciousness within practical social activity. For this study, this centres on the value to professional academic dialogue of the student voice in (re)considering collective approaches to teaching and understanding student learning. In CHAT terms, this necessarily involves the consideration of the social, cultural and historical factors that have shaped the contemporary state of student feedback-based evaluation. In addition, it also involves the further analysis of how individual and collective agency in the elevated use of qualitative student feedback acted to shape the forces which were active in shaping them (Daniels, 2001). This provides the basis to directly consider the implications of this for three research questions at the centre of this study.

In this chapter, this interpretive analysis will firstly consider the initial state of the activity of student-feedback based evaluation in both sites. This will encounter how this activity had been shaped historically and how - to that point - it had mediated the relationship between academics, students and the institution. As activity systems are shaped and transformed over time, this will also mean drawing back to the socio-historical data presented in Chapter Three so as to understand this local history and its implications for the shape of current practices. This will cast light on the evolved relationship between student feedback-based evaluation and academic work. Further, the experiences during the development of the case studies will be analysed in order to assess whether the elevated use of qualitative student feedback-based evaluation acted as a productive disturbance.

Secondly, in order to critically consider the levels of agency afforded by the CHAT-informed, action research model, an analytical tool developed by Rogoff (1995), and subsequently developed in the analysis of activity systems in education by Yamagata-Lynch (2007, 2010), will be used. This tool offers three interrelated and mutually constituting planes of sociocultural analysis in order to understand the mutuality of development between the individual and the social environment. These planes of sociocultural activity recognise that development occurs at multiple levels: at the community/institutional level, at the interpersonal level and at the personal level. The community/institutional level will frame understanding of the extent of personal engagement in shared activity, the interpersonal level on evidence of collaborative participation in social activity and the personal on evidence of change through involvement in such activity.

In the next chapter (Chapter Eight), evidence of the developmental potential of the elevated use of student feedback-based evaluation as a tool for expansive learning will be assessed. This will consider evidence from the case studies that indicates new ways of individual and collective functioning, the creation of new forms of pedagogical knowledge and of re-formed approaches to academic teaching.

The initial context: tensions in orthodox student feedback-based evaluation

As described in Chapter Four, the ANU was an early adopter of student feedback-based evaluation, having introduced a voluntary system in the early 1980's coinciding with a developing academic development function. As it evolved, it was used both for academic development work, as well as providing increasing important evidence for appointment, tenure and promotion (Wellsman, 2006). Although this system had broadened in use, it remained largely undisturbed until 2009. The timing of the two case studies coincided with the major redesign of the ANU student feedback-based evaluation system. This introduced for the first time elements increasing familiar to contemporary student evaluation systems in Australian higher education: compulsion to engage, semi-public release of data, explicit links to quality assurance practices and performance management processes. Hence, the issues around the elevated role of quantitative student feedback-based evaluation were being vigorously debated as the case studies commenced, with the ANU system evolving from one framed within a

primarily academic development discourse to that with an explicit quality assurance and accountability ambition. Significantly, both programs had a substantial number of teachers who had engaged with the former ANU student evaluation system (ANUSET) prior to the commencement of the case studies.

What was apparent in entering both case study sites was the considerable scepticism and unease amongst participants about the use of the outcomes of student feedback-based evaluation. This reaction was distinct from the actual reaction to student feedback that was highly variable amongst participants, normally based on their individual experiences of positive or negative forms of student feedback. Although the specific histories of heightening accountability in the post-Dawkins era were not explicit concerns, the cultural impositions and artefacts this history produced clearly were. In considering conventional forms of student feedback in collective introductory workshops and in later individual reflections, strong interrelated tensions emerged around the need to simultaneously:

- maintain student satisfaction above benchmarked averages, despite the inherently challenging nature of legal education
- sustain and enhance learning quality, despite significant time and resource pressures
- meet the demands of graduate capabilities, despite these being competency-framed and therefore potentially pedagogically disruptive
- build enrolments in an increasingly competitive student marketplace, with the danger of lowering threshold expectations to improve student satisfaction
- navigate individual performance assessment and career aspirations, which were in terms of teaching performativity were increasingly framed by the reductive power of student feedback ratings

What is notable is that these tensions around orthodox quantitative student feedback-based evaluation identified in this localised context well reflected the broader and increasing uncertainties in the Australian higher education sector outlined in the latter stages of Chapter Four. This was primarily around the uncertain object of contemporary student feedback, contested as it is between the demands of quality improvement, quality assurance and individual performance measurement. Given this, it is useful to analyse the contradictions that appeared to underpin these tensions and how these were

manifested in everyday practice at the commencement of the case studies. In Table 8.1 below, summarises the key identified contradictions around orthodox forms of student feedback identified in the case studies. This is based on material drawn from the thematic analysis of the initial collective dialogues, later individual reflections and the evaluation-related artefacts. In addition, the primary manifestations of these contradictions, as observed in everyday practice by participants are also reported.

Table 8.1: Key contradictions around conventional forms of student evaluation

Key identified contradictions	Primary Manifestations
Maintaining learning quality versus need for 'above average' student satisfaction levels	Standards/satisfaction: tough professional practice and assessment standards, contrasting with student evaluation policy imperatives
Drive for pedagogical innovation versus the need to meet student expectations-demands	Innovation/acquisition: disruptive pedagogies linked to changing professional practice domains, contrasting with student-as-consumer gaining legitimate access to professional domain
Accountability to the discipline for standards versus individual accountability as an 'effective' educator to institution and students	Professional/educational: the powerful drive of discourses of professional knowledge-practices, scrutinised by regulators, contrasting with the institutional and student perceptions of what constitutes quality teaching and learning engagement
Quantitative assessment versus need for broader qualitative insight and support to pedagogical improvement	Quantitative judgement/improvement imperative: the inadequacy of summative quantitative student assessment to provide substantial insights into successful or failed practices, contrasting with a desire to improve the quality of pedagogy
Pressure to sustain student enrolments versus need to challenge/broaden legal knowledge and disrupt ingrained assumptions about effective legal practices	Market imperative/challenging environment: the market pressure to sustain student enrolments at highest possible levels, contrasting with the need to provide a challenging and robust exploration of requisite legal knowledge and legal practice environment

What is apparent in this data is the strong reflection of the historically shaped contradictions generated by the contesting discourses around the use of the student voice. The resulting tensions have seemingly had a strong shaping effect on approaches to assuring learning quality, levels of engagement in innovation, and in producing real pedagogical uncertainty in teaching practices. However, further apparent in the case study outcomes was an additional contradiction. This was generated in both programs by the critical scrutiny of the legal profession and government regulators, who assess educational effectiveness from the distinct (and divergent) perspective of exiting graduate knowledge and professional competence. This scrutiny has a power in that it provides licence for the continuation of teaching and access for graduates to the professional registration. This lingering attention was significant for both programs, as they were dependent on ongoing accreditation to function. This provided considerable ongoing agency to regulatory expectations.

This was more problematic given this was expressed largely via an essentially vocational competency framework that was used to assess both curriculum design and as a form of final assessment. This had the effect of forcing a range of curriculum and assessment responses, many of which elicited negative student responses (most notably, the need for a comprehensive range of legal matters to be 'covered' and the use of end of program examinations set by the regulator). This fourth domain created further strong implicit tensions in the case study environments, as it further challenged the relative pedagogical autonomy of legal academics. It also created the shared imperative of needing to 'professionally guarantee' specified knowledge and practice capabilities of graduates (in order they subsequently can meet externally scrutinised expectations), whilst also maintaining requisite levels of student satisfaction. This tension, along with the range of other contradictions and related complex tensions outlined earlier, were clearly influential in both shaping, disturbing and even disrupting engagement with the student voice across the two studied programs, both before and during the action research.

Multi-voicedness: differing academic responses to tensions

However, it was significant that the impact of these contractions and tensions were perceived fundamentally differently amongst participants across the two programs. Significantly these differences tended to reflect differing relationships of participants to

the legal profession and to the academy. The analysis of the data suggests these differences (and their effect) were most notably related to:

- *the relative teaching experience of the academic:* with more experienced teachers identifying the institutional necessity to develop pragmatic means to reconcile these tensions in some form of uneasy détente, whilst newer educators (who were primarily employed part-time) illustrating persistent anxiety about the implications of student feedback on perceptions of personal and/or professional competence

- *employment status:* with those with tenure demonstrating again adopting a more pragmatic approach to these tensions, whilst those without ongoing employment demonstrating greater uncertainty about the implications of these tensions for determining 'appropriate' pedagogical practices. Decisions made here were seen as having potential implications for re-engagement should students poorly regard their efforts

- *relationship to the legal profession*: where this relationship was ambiguous (such as those who had been exclusively teaching for some time), less concern was apparent about the need to concede to the expectations of the legal profession. Conversely those in legal practice (largely, though not exclusively, part-time academics) saw this not only as a major tension but also a matter of significant professional expectation of their dual status as academics and legal or migration law practitioners

- *the distinctive role of program leaders:* who were navigating often conflicting imperatives of the university (primarily around the quality assurance of teaching and sustaining enrolments), the legal profession (around 'appropriate' representations of knowledge and contemporary practice), teaching academics of differing experience, employment status and expectations, and the actual available capability for educational development. This was all in the context of the influential demands of students in programs that were highly vulnerable to enrolment fluctuations (and word-of-mouth). Hence, leaders in both programs often exercised a high level of individual agency in response to student feedback, which that reflected the disproportionate demands of this complex negotiation of differing tensions

- *level of anxiety around the relationship of pedagogical innovation and student opinion*: the likelihood of short-term student unease with pedagogical change and its implications for student evaluation created varying levels of anxiety. This strongly reflected the cultural traces of the increasingly dominant quality assurance discourses encountered by academics in the immediately preceding period. Some academics perceived student feedback as a threat that could reflect individually on their professional competence, whilst others identified it as a useful catalyst to build a stronger and more contemporary program (this dichotomy was most notably in the PPC, given its recent and significant re-formation into a blended learning program).

In the case of Migration Law, the program was relatively new, and had adopted employment structures that are more characteristic of recent and market-exposed programs: having a relatively small core academic workforce supplemented by a large peripheral teaching workforce of practitioners. The PPC, as a long established and more core program in the university, had a large core academic teaching workforce and a relatively small group of adjuncts and tutors. These differences were most clearly reflected in the relative divisions of labour in the cases examined in this study, with the employment status and institutional-professional experience of academics produced differing roles, often amplifying these inherent tensions. From the initial entry stages to the case study sites, it was apparent in the internal dialogue that the orientation to student feedback-based evaluation was strongly framed around these histories and workplace structures.

Conversely, reflecting on the data collected on entry to the sites, there were also some shared practices around the use of student feedback-based evaluation. These practices were primarily a result of the comparative analysis and resulting co-ordinated actions formulated around the outcomes of quantitative student feedback reports. This tended to produce pedagogical responses designed to address 'problems' identified in student feedback. However, this was often without any real clarity to the nature of the problem itself (given the general nature of rating scales) and tended to focus on individual teacher or course responses in isolation from the broader program context. This suggested the strength of the layers of history, formed artefacts, rules and assumptions drawn from the well-institutionalised ANUSET system. In the period prior to the commencement of the action research, the ANUSET system was increasingly being

elevated as a quality assurance tool and as a more powerful demarcator in promotional and performance management discourses. This mediating effect had been further elevated by the recent changes at ANU to the student feedback system (reported in Chapter Four) that for the first time had introduced compulsory participation and a clearer articulation of the link to academic performance through the reporting of outcomes to students, supervisors and the Academic Board. This was widely discussed and understood by the participants in both case studies, though again with varying levels of anxiety as to its likely prospective impact. Nevertheless, clear evidence emerged that there was a broad collective understanding that student feedback was effectively working as a proxy for the assessment of teaching quality (and therefore implicitly, individual academic performance).

A significant minority of tenured staff (and a handful of non-tenured staff) had recently completed subjects in a Graduate Certificate or Masters in Higher Education offered by the ANU academic development centre. This had included several of the leaders in each program. The effect of this was to raise their consciousness about the value of reflective engagement in learning evaluation, including better using student feedback-based evaluation to improve pedagogy. As a result, there was an imperative to treat student feedback with greater regard than merely a quality assurance process and to further mine it for useful insights into the successes and failures of pedagogical practices. Although on entry this drive was generating a strong conflicting sense around the value of quantitative student feedback amongst teaching academics, it also was clearly useful in gaining eventual support for the broader research project.

These various initial dimensions demonstrated from the data represent what Engeström (2001) describes as *multi-voicedness* around the activity of student feedback-based evaluation. Social communities like those existing in the two programs invariably are constituted around differing perspectives, conceptions, experiences and histories. Moreover, the specific division of labour within the program teams - most notably forms of employment and positional roles - creates differing vantage points from which to understand student feedback. This generates dialectic potential for contested translation, negotiation of meaning and debates around innovation to develop the nature of the activity. Considerable evidence of this dialectic interplay was collected in the initial (as well as the later) data collected around student feedback discourses in the two

programs. As will be detailed later in this chapter, this was to form a key dynamic that was even more strongly shaping of the activity around student feedback in the subsequent action research phase.

Mapping the initial activity system

In *Figure 8.1* the activity system on entry to the two case studies sites is schematically mapped using the analytical capability of CHAT. It is mapped from the perspective of the teaching academics in the two programs *(the subject)*, and demonstrates the mediating effect of systems, traditions and regulations on the use of student feedback-based evaluation on the improvement of student learning through its outcomes *(the object)*. The relationship between academics and student feedback was strongly mediated by primary artefacts, such as the university student feedback system and its tools, as well as the related internal frameworks of quality assurance. Its secondary mediation comes from the cultural traditions of using such feedback in universities to influence pedagogical practices, as well as the expectations of appropriate and effective legal education.

The mapped system also represents the further mediating effect of elevating collective and individual accountability demands framed around student feedback *(rules)*, the significance of student feedback given the market and professional exposure of the programs *(community)* and the strong divisions of labour within the teaching function, which reflect differing employment status and proximity to the profession. In addition, other identified activity systems which interacted with student feedback are represented: institutional quality and performance systems, the conceptions of entry level knowledge and practice requirements held by the profession and the pressures engendered by elevated expectations of effective use of student feedback as a result of academic development programs. The key contradictions identified in this activity system at this initial stage (as outlined earlier in this chapter) worked to produce collective forms of indifference and/or uncertainty about the use of student feedback for pedagogical development, as well as anxiety about how the institution may use the data it generates *(the outcome)*. This representation provides an important insight into the broader contested contemporary functions and outcomes of quantitative student feedback in Australian higher education.

Qualitative student feedback model, culture of direction of program leaders, quality assurance demands of institution, regulatory impositions of legal profession (Mediating artifacts)

Institutional quality assurance and performance management mechanisms

Teaching academics in ANU Migration Law and Professional Practice Core (Subject)

Improved student learning in successive semester (Object)

Improved recognition of the value and potential use of student feedback for functional improvements in student learning (Outcome)

Requirement to respond to student feedback (Rules)

Students, academics and practitioners (Community)

Program Leaders, full-time tenured academics part-time teacher/practitioners (Division of labour)

Education of legal practitioners for contemporary practice

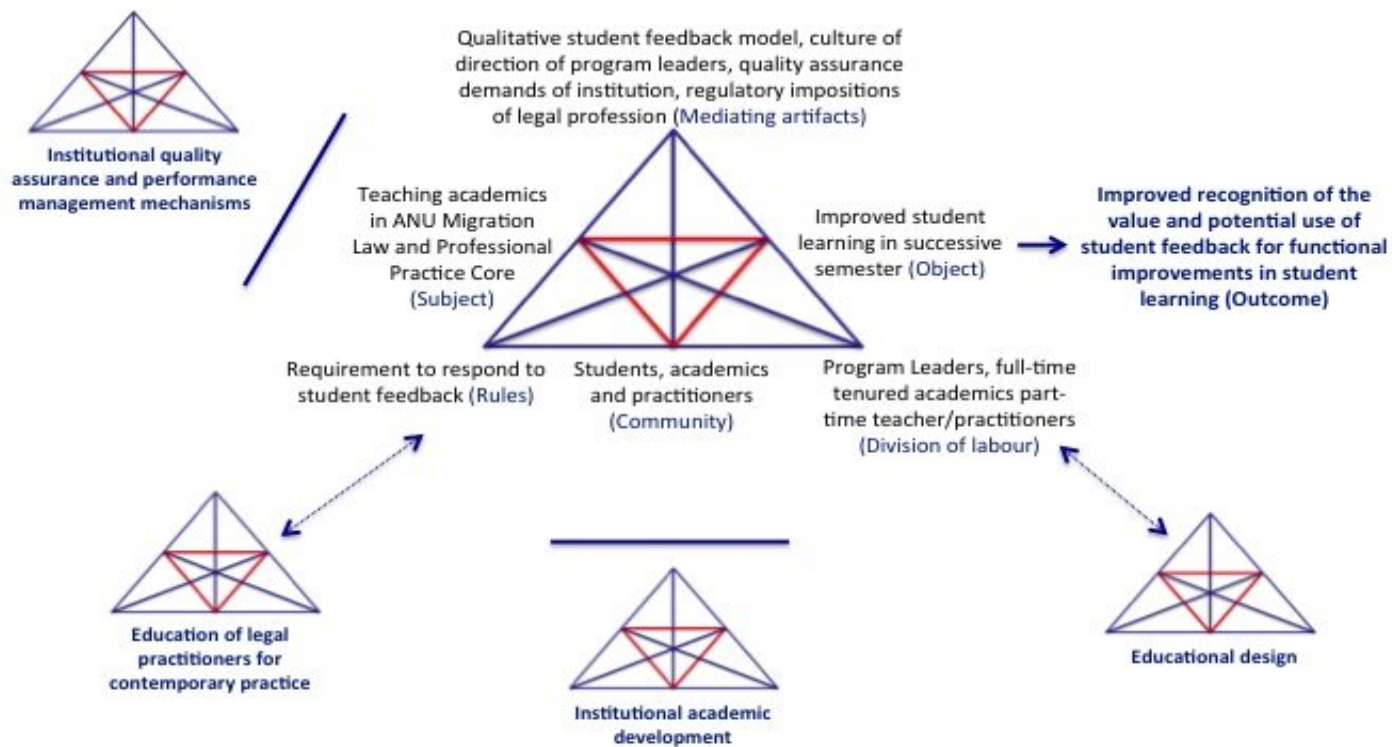Institutional academic development

Educational design

Figure 8.1: **Mapping the activity system on entry to the case studies**

Aggravating tensions: initiating the case studies

Given the contested nature of the everyday activity of student feedback-based evaluation, a key early challenge in initiating the case studies was to make visible to participants these locally mapped tensions and disturbances. These were framed within the broader context of the socio-historical influences that have provided the layers of its meaning and action over time in Australian higher education. As reported in the two previous chapters, for the opening workshops participants were encouraged to critically reflect on the affordances and constraints of the familiar ANU quantitative student feedback-based evaluation. As detailed earlier in this chapter, the general consensus of the two groups was that this form of student feedback was often rudimentary and insufficient of itself to provide compelling evidence for pedagogical change. Yet elevating institutional regard of this form of student feedback as a quality assurance mechanism meant often change was expected based on its outcomes (rather than informing a broader professional judgement). This key tension broadly framed the discourse of initial workshops, moving progressively from rhetorical form (reflecting indifference and/or uncertainty) to a more critical debate on the developmental potential of student feedback. The nature of this more critical dimension are reported in Table 8.2, based on a thematic analysis of these initial workshop discussions. It provides an insight into the nature of the framing tensions and the broad shared themes that emerged from participant responses to these tensions. It also summarises the possible broad questions around the potential student feedback that were formulated. These questions subsequently guided the design of the more specific research questions separately defined by each of the action research groups reported in earlier chapters. This data is important as it demonstrates the process, which the two action research teams further understood the developmental potential of student feedback.

In summary, the results presented in the table are presented in the following manner:

- the first column (*Identified tensions*) was developed and circulated in advance of the workshops by the researcher in anticipation of the introductory seminars in both case studies. They were expanded on in the workshops using a CHAT framework, which also had the intent of highlighting the exploratory potential of CHAT. These identified tensions were used to stimulate broad initial debate within groups around student feedback and pedagogical decision-making

- the second column *(Broad thematic categories identified)* records the consolidated thematic outcomes emerging out of the facilitated discussions about the potential relationship between these identified tensions and the anticipated action research

- the third column *(Questions emerging relating to student feedback identified)* represents the range of potential questions that could be posed in the anticipated action research using student feedback that developed in workshop discussion. These became the broad foundation for specific research questions subsequently defined by each action research team (outlined in detail in Chapters Five and Six).

Table 8.2: Aggregated outcomes of initial workshops

Identified tensions	Broad thematic categories identified	Questions emerging relating to student feedback identified
Ambiguous/ precarious position of legal academic as educator and expert practitioner	a) Academic as needing to simultaneously possess 'expert' professional currency and pedagogical capabilities (including now multi-modal design-teaching skills) b) Growing institutional expectations of being accomplished researcher and service role c) Ongoing resource decline and changing models of pedagogy requires new forms of engagement of teaching staff	• What is the right balance between professional legal and educational sense of 'effective' teaching and how do students understand this • Need to understand student learning of legal knowledge-practice (as opposed to just what a teacher does in facilitating this) • What do the evolving use of online/simulated pedagogies mean: need for better sense of what are effective forms of legal education for students • Imperative to add to scholarly knowledge of legal education, as unique and under-explored: student feedback a highly useful qualitative data source. • How can student feedback be used as a learning process that acts as situated academic development, given realistic limitations of many academics to undertake structured academic development programs?
Differing expectations between the desired and possible outcomes of student learning	a) Pressure for graduates with highly defined-assessed knowledge set, versus demonstrable need for the capacity for ongoing learning in transforming field of professional practice b) Differing levels of teaching capability/ availability and inevitable resource limitations constrain pedagogical range c) Powerful work of external scrutiny and assessment in framing form of curriculum	• Need for clarity of the design and effect of assessment on meeting these dual imperatives, as well as how assessment can be better developed to enhance student learning (rather than 'test' knowledge acquisition). • How can student feedback assist in understanding if students are being adequately introduced/exposed to emerging trends in discipline areas whilst also being able to complete assessment requirements? • How do we build a stronger collective teaching capability and what is the role of student feedback in shaping this? • Is it necessary to re-negotiate expectations with regulators over graduate capabilities: strengthening curriculum relationships between work and learning?

Complex-heterogeneous expectations of graduate learning outcomes	a) Increasing heterogeneous capabilities/ learning experiences in student entry level b) More complex social, legislative and technological expectations for graduates c) Greater demands for professional accountability	• Is the curriculum meeting diverse entry-level capabilities/experiences of students? • How do we evaluate the effectiveness of these strategies for student learning? • What are the implications for students working more independently online and in small groups, rather than in conventional classroom learning environments? • Does this mirror the likely future practice and do students understand this as the driver? • Can professional relevance of assessment be enhanced using student feedback?
Growing uncertainty around the rights and responsibilities of academics, students and institutions	a) Recasting of student-as-consumer (especially in fee paying postgraduate HE) b) Greater consequent institutional pressure to meet student expectations/maintain enrolment numbers c) Expanded technology reach: blurring of teaching role	• How do we manage the basic tension between pragmatic desire of students to complete and the need to ensure high quality learning outcomes? • How will more in-depth forms of student feedback actually improve our ability to attract and retain students over time (or just better expose our flaws/limitations)? • Will the institution regard this form of qualitative evaluation as legitimate for assurance/performance management processes? • How do valuate effective online teaching (as opposed to conventional forms of teaching) and what can student feedback provide to inform this assessment? • How can we determine the effectiveness of online tools/simulations/ communication and how they relate to teaching and learning effectiveness?
Heightening demands for accountability in academic practices	a) Privileging of metrics (i.e. assessment outcomes/student opinion data) to assess teaching quality b) Potential disincentive for innovative-disruptive change as perceived threat to academic standards.	• How can we evaluate credibly without the use of quantitative data, given this is primarily accepted as the most reliable form of assessment? • How can we avoid individual-deficit orientated use of student feedback, and conversely what is relevance to subjects/teachers so problems can be addressed? • What is the balance in using elevated student feedback with own professional judgment (and how to these perspectives, which are often at odds, intersect)? • Recent changes have been difficult and not without problems, how do we ensure this reality is reflected as consequence of changed practices rather than personal or collective failure?

As the analysis in the table illustrates, in both initial workshops these identified tensions elicited considerable debate, as did their implications for the discipline-teaching context. Aggravating these tensions - characterised by Engeström (2000b) as creating an *ethnography of trouble* - provided an opportunity for action research participants to explore the significant contradictions that were inherent in their educational roles within the College, in their relationships with the profession and importantly in their relationship with students. Observing these contradictions in collective dialogue as abstractions and essentially at a distance from individual practice sparked fundamental debates about the nature and significance of these relationships. For some participants, this resulted in the opportunity for the first time to understand these issues as broader systemic limitations, rather than as personal failure. This provided a potent means for contemplating new ways of working.

Others clearly saw this as an act of over-intellectualising (or over-complicating) the relationships between academic, students and the profession. This was memorably summarised by one participant as 'creating a lot of heat but not much light'. This was a critique that elicited some support across the PPC workshop. A third response, which was confined to the PPC workshop, and would be no surprise given the data reported in Chapter 6, offered variously sceptical (and at times cynical) reactions to the conception of teaching as a 'complex' activity. Reflecting a strongly pragmatic approach, this perspective saw inevitable dangers in making anything more visible so as to bring additional scrutiny or judgment. Here an explicit preference was expressed for rational and explicit goals that simply offered a defined approach to identified tasks. As Engeström (2000b) notes, such a motive is inherently individualistic and acts as a brake on major change. As such, it represented an antithesis of the CHAT-based, action research approach that underpinned this work, in that it denied the fundamental collective and object-orientated orientation of the model.

This range of responses to student feedback provides a useful insight into the differing reactions it provokes in academic teaching contexts. It suggests that assumptions about the largely homogenous impact of student feedback on academic teaching may not necessarily well grounded in the complex social realities of the contemporary university.

Nevertheless, as reported in earlier chapters, some broad (albeit grudging) consensus was reached around the key questions that these tensions implied for legal education. Further, it was significant that across the two workshops that CHAT-informed, action research was considered to at least have some potential to generate new and expanded dialogue and develop pedagogical practice. This outcome suggested that despite the differing perceptions of the value of student feedback, some common recognition existed across teaching academics that the student voice may have an inherent form of value. Essential to this acceptance was the reassertion of collective academic mediation in the consideration of student feedback. This had all but evaporated in the new ANU system replacing ANUSET, largely leaving individual academics to defend or ignore student rating outcomes. The action research framework provided some assurance of a transparent and broadly democratic means of collectively considering the outcomes generated from students. Hence, the design of the model, which moved beyond individual ratings of teachers and teaching, to collective debates around student learning based on data including this feedback, was generally regarded as a productive step.

However, early fractures developed within the action research teams that roughly mirrored differences in organisational roles and employment status described earlier in the chapter. It was program leaders in both programs who were generally more active in identifying potential responses to student feedback in the subsequent action research cycles. Sessional teachers (who were generally also engaged in legal or migration law practice) demonstrated responses that reflected anxieties about the overcomplicating of the teaching function through the perceived over-analysis of student feedback. Others in tenured academic roles tended to more frequently seek to rapidly distil and simplify outcomes to address apparent problems. The level of discord and anxiety over the move from a conventional to a blended mode further complicated this fracturing. This meant in PPC workshops, attempts to redefine research questions tended to be dominated by program leaders, with largely peripheral input being provided by others. This forced the research questions formulated to be very general in form.

This complex topology was to become more significant as the action research progressed during the three semesters. These fractures in the teams were to become increasingly influential in the later semesters, somewhat paradoxically coinciding with broad program improvements as a result of heightened engagement with student

feedback and professional dialogue. In the next section, the more specific implications of these broad case study outcomes are considered using multiple planes of sociocultural analysis.

Shared engagement: analysing the development of the action research

As noted in the introduction to this chapter, an analytical tool centred on three planes of sociocultural analysis developed by Rogoff (1995) will be used to consider the implications of the CHAT-informed action research on collective development in the two programs. This analytical tool offers three planes of sociocultural analysis – personal engagement in shared activity, interpersonal actions and institutional-community processes – which offer mutually constituting and non-hierarchal levels of focus of sociocultural activity. Rogoff (1995) argues that these three planes are reflected in inseparable concepts that are inherent to their form. Personal engagement is linked to the conception of *apprenticeship*, in that it analyses the processes by which less experienced individuals come to participate in sociocultural activity toward the development of more mature forms of engagement. Interpersonal actions are aligned to the concept of *guided participation*, which considers the analysis of communication and co-ordination between individuals in various processes and systems, be they face-to-face, in collaborative activity or in more distant forms of guidance. *Participatory appropriation* is the conceptual underpinning of institutional and community processes. This considers how individuals change through interpersonal engagement in activity and become capable use this involvement to change their approach to a later situation.

The first component of this analysis will consider the form and extent individual participants in the case studies engaged in the collective action research process with qualitative student feedback. This will assess what evidence emerged that this process led to a more mature form of engagement with the student voice. Secondly, the extent of communication and co-ordination between individuals will be assessed to determine the nature of collaborative development that occurred as a result of the action research. Lastly, evidence of change in participants as they engaged in interpersonal activity will be explored to assess whether experiences in socially mediated activity resulted in an internalising of changed approaches to the use and regard of student feedback.

The first plane: Personal engagement in shared activities (apprenticeship)

At the broadest level, substantial evidence emerged over the three semesters that action research participants generally engaged in an elevated form of professional dialogue. The catalyst provided by thematically framed, qualitative student feedback prompted this response. This conclusion is supported by demonstrable evidence of the critical investigation and reformation of a range of pedagogical practices, in collaborative approaches to educational design and in enhanced use of learning technologies. Most of the collective workshops, particularly those in the two earlier semesters, generated extensive (and at times highly animated) dialogue around what students reasonably could and actually did observe about the two programs. From this dialogue, tangible development outcomes were devised in response.

Further, evidence indicated that the changes negotiated collectively for programs were generally supported and enacted by individual teaching academics in practice (albeit with considerably differing levels of enthusiasm and collaboration). In addition, as the action research progressed during the semesters, the level of maturity demonstrated in dialogue clearly elevated. This was reflected in the transition from initial uncertainty and defensiveness to a more constructive - yet contested - developmental discourse. In the case of Migration Law this meant participants who sensed a peripheral right to engage (due to their part-time, practitioner status) moving more centrally into key educational debates generated by student feedback and exploring their academic development needs. In the case of the PPC, this was manifested in the defined move from largely polarised dialogue around the value of moving to a blended learning model into fundamental questions about program epistemology. It also arose around the need for greater research on the educational objectives of the program and how this could be reflected in program design and teaching. However, as will be discussed later in this chapter, although this maturation was reflected in dialogue, it was less certain in levels of engagement and action in changed practices.

The nature of this broad evolution in professional dialogue and related action for both programs is captured in Table 8.3. This table maps the maturing of key dialogue foci on entry and across semesters. What is notable about this data is the transformation from a focus on what could be broadly characterised as *what the teacher did* to *what the*

students were doing. Clearly the elevation of qualitative student feedback data (and the inherent contradictions it generated) had a significant impact in focussing the debate on student learning.

Table 8.3: Maturing of key dialogue across the semesters

Stage	Migration Law	Professional Practice Core
Entry	• Assessment reliability • Blended teaching • Graduate capabilities	• Value of blended teaching model • Danger of critical exposure with more evaluative data
Semester One, 2010	• Student engagement • Student expectations • Integrated assessment • Strategies to build more engaged online communities	• Improved online sophistication • Improved student orientation • Staff role clarification • Improve group cohesion • Compulsory individual assessment
Semester Two, 2010	• Strategies to build early/ongoing student engagement • Building online dialogue • Curriculum alignment • Designing innovative assessment	• Epistemological uncertainty: developing simulated practice, preparing students for practice, and replicating 'real' practice? • Implications for the design of learning objects, simulation and assessment
Semester One, 2011	• Development of consistent assessment rubrics for consistency/student learning • Consistent feedback • Improved online facilitation	• Further review of program artefacts • Further improve sophistication of the online simulation

As the analysis in Table 8.3 illustrates, the elevation and exploration of student feedback did produce an evolving and maturing collective focus on how to most effective enhance student learning. Evidence generated in the case study environments suggests this maturation was a consequence of the thematic organisation and pedagogical ordering of qualitative student opinion, which drove heightened forms of professional discourse during the semesters. This conclusion was reinforced by the reflective data collected after the three semesters from participants. In broad terms, this data affirmed that this collective maturation was recognised by participants in the action research. Further, many individuals identified that this shared

dialogue also served to develop their own understanding of the complex challenges of teaching and learning in legal education. Unsurprisingly this effect was uneven, with differing levels of impact related to levels of prior teaching experience and levels of engagement in the action research process. Although this reflective data was limited by the number of respondents (particularly from the PPC) and hence needs to be considered cautiously, it in combination with workshop data broadly suggested that:

a) participants with limited previous teaching experience tended to realise this maturation in terms of a deeper understanding of specific techniques to improve student learning and their potential relationship with environments of professional legal practice

b) participants with more teaching experience tended to realise this maturation in terms of collaboratively designing pedagogies to enhance student engagement and learning, as well as confronting epistemological ambiguities in preparing students for the demands of future professional legal practice

c) participants with greater proximity to current legal practice environments tended to progressively elevate the need for more developed alignment between the contexts of legal education and legal practice, particularly in the formation of program artefacts and assessment strategies

However, what is equally significant was the real difficulty encountered in the case study sites in securing and sustaining individual engagement in the action research throughout the three semesters. As was reported in the earlier chapters, there was evidence of the limited and, at times forced, reflections of teaching academics during semesters outside the introductory and post workshops. Despite the clear framing of the action research as an ongoing professional engagement throughout the three semesters, this in reality failed to materialise. This resulted in professional dialogue that was almost exclusively centred on the student voice. This was also despite persistent attempts by the researcher and program leaders to facilitate and encourage this ongoing dialogue between teaching academics during semesters. This had the effect of limiting the developmental potential of the action research. Not infrequently it led to somewhat destructive debates based on superficial consideration of the affordances and hindrances to effective student learning generated by the *Evaluation and Course Development Reports*. The primary focus on student feedback meant that the sophistication of

discussions was frequently limited and often functional or surface level solutions were developed (as reflected in Table 8.3). This effect was even more pronounced in the PPC, where participation of academics in workshop dialogue was patchy and in the early stages highly fragmented.

However, this also went beyond the limited contributions made by academics to ongoing reflection during semesters. In observational data collected in workshops, it was apparent this disengagement was, for a significant minority of participating academics, more fundamental. This differential level of engagement appeared to reflect diverse motives ranging from a sense of professional illegitimacy (with an identity of practitioner rather than educator, particularly evident in the Migration Law) to outright hostility (based on frustration with the activity given external factors, evident in the PPC). Obviously within these dichotomous poles of illegitimacy and hostility lay most of the participants in the study. Nevertheless, the impact of individuals with a part time and/or peripheral teaching role and the those reflecting the traumatic impact of moves to blended forms of learning inevitably created social learning environments that were at times not only complex in form (given the limited participation of some participants), but also tension-laden given the divergent object focus of these individuals.

This complexity tended to lead to too much of the action research design and subsequent interpretive dialogue being dominated by program leaders (and vicariously, by the researcher). At one level, this domination proved effective in driving the pedagogical developments identified with the elevated use of student feedback. It also demonstrably produced improvement in student engagement and learning over the study, given the evidence of improving student feedback outcomes throughout the three semesters. However, at another level, it also meant that the levels of participant engagement were necessarily constrained and the levels of involvement (and potential maturation) more limited than may have been otherwise possible. This was particularly evident in later stage workshops in both programs, where group numbers declined and notions of consensus tended to be more imposed than real. Reflecting this, as Table 8.3 again also indicates, the outcomes of both programs deteriorated in the final semester as a result of falling academic participation and this growing hegemony, which filled this vacuum. Although this outcome was partly related to reductions to academic staff levels with falling enrolments (primarily in Migration Law) and changed program leaders (primarily in the PPC), it also reflected a broader decline that was clearly a result of

individuals becoming disengaged from an action research model that was proving less productive, democratic and inclusive in its evolved form.

In addition, it was significant that the discourses around the action research changed in the second and third semesters with a rising surety that the programs had reached a 'threshold point' of acceptable quality. Although this sentiment was represented in differing forms, it seemed to indicate the lingering strength of the quality assurance motive of student feedback. This tended to be also reflected in a shared intent in both programs to demonstrate to the College, and the university more generally, that the programs were indeed meeting expectations. This was particularly strongly expressed in the PPC where real concerns about perceptions of the impact of changed pedagogies on learning quality were live issues of debate outside the program. Conversely, these powerful traces of a quality assurance discourse also seemingly had the effect of cruelling the momentum for substantial attempts to improve and develop the program. Essentially, this seemed to be based on the assumption that, once identified problems were broadly addressed, efforts to interrogate the student voice could be curtailed.

Unsurprisingly, observational data gathered from the action research during the semesters suggested it was the program leaders who demonstrated the strongest evidence of maturation. This was further confirmed in data derived from the post-action research interviews. In CHAT terms, this reflects the strong, culturally ascribed function of such educational leaders in a university, who are engendered with considerable authority and responsibility to act. Characteristically, such leaders tended in the practical level of pedagogy and assessment to mediate the collective sense of how teachers should relate to students. This form of mediated action was further framed by powerful, historically developed discipline and academic discourses. Similarly, although the case studies were disruptively framed within the paradigm of participative action research, they progressively were more reflective of the established divisions of labour within programs and the faculty more generally as this activity was normalised. Hence, aside from the formative workshops where participation was broad, the primary developmental work tended to be framed and driven by program leaders and convenors rather than the collective group. Data indicated that this was a retreat to the pre-existing roles that existed in programs, where because of staff being disengaged (be it in an educational or employment sense) the tasks of development conventional fell to these

leaders and convenors. This effect was intensified by short timeframes between semesters, which meant the development work tended to become centralised and controlled. This was further aggravated by the disruptive challenges of online learning technologies which created another distinct and disempowering division of labour between those most capable of analysing and developing responses in the online environment (most often, the program leaders) and those who merely enacted the outcomes of this change in teaching.

On a broader cultural level, this divide reflects the increasing intensification of academic work within Australian universities, where the conflicting pressures of teaching, research and service are limiting opportunities for collective labour. In these cases, data from participant interviews suggested this also tended to sharpen the divide between roles, particularly the capacity to innovate and develop in teaching. This meant leaders were also 'expected' to take broad responsibility for student learning and drive opportunities for its enhancement, whilst teaching academics carried the manifold responsibilities as teachers, researchers and faculty members (in the case of full time staff) or as expert practitioners with discipline currency (in the case of part time and adjunct staff). Ironically, the move to collective consideration of broad student feedback appeared to further amplify, rather than lessen, this division of labour. So pronounced was this in the PPC, that program leaders (and not teachers as was the case in Migration Law) insisted on the re-introduction of subject-level data to create a broadened imperative to act. In practice in the two case studies, the level of personal engagement in the case studies was highly variable and also evolved within fractured communities. As a result, the development imperative was met with diffuse forms of personal agency. As will be discussed further in this chapter, this created considerable tensions that remained unresolved and eventually produced levels of significant disengagement.

The second plane: Interpersonal Engagement (guided participation)

The level and extent of interpersonal engagement in the action research teams was highly variable and reflective of significant external and internal forces that were shaping each of the programs. The introductory work in both programs evolved fundamentally differently, with the formulation of the action research projects themselves. The Migration Law program, as a relatively new and successful program with a small core and large peripheral academic workforce, saw a broad and generally

enthusiastic engagement with the prospect of the use of extended qualitative forms of student feedback data. On this basis, strong interpersonal dialogue was the foundation of the introductory workshop, albeit with a somewhat loose connection with orientating CHAT-informed, action research framework.

Data indicated that this was built on an existing and established professional dialogue, centred on the objective of high quality learning for prospective Migration Agents in practice. This reflected both the strong roots the program had in the profession (given the number of sessional practitioner-teachers engaged) and the powerful need to sustain student enrolments in a market of other competing universities. Existing tools and processes were evident on entry and these provided a substantial foundation to build interpersonal engagement further in workshops around potential program improvements driven by dialogue around student feedback. It was notable that several participants clearly identified this development imperative was often constrained before the action research, as the limitations of the student feedback data derived from the existing ANUSET system hindered certainty around forms of innovation. As noted in Chapter Six, this meant the program was an amenable site for this form of study and the linkages to this established professional dialogue afforded considerable opportunity for the action research to generate significant development. However, it nevertheless proved difficult to sustain the level of interpersonal engagement over the full life of the action research. Moreover, given the relatively high levels of peripheral academic staff, interpersonal cohesion suffered as a result of inevitable personnel changes and cyclical staffing reductions. Finally, as it became apparent that improvement had occurred in the program and students were generally satisfied, the intensity for further change seemed to recede in the minds of many participants.

Conversely, the PPC program was a long established program with a strong central cohort of academic staff and a significant, but relatively small, sessional group. As noted in Chapter Seven, the research developed at a time of turbulence for the program, following closely on significant and contested pedagogical reformation. This had disrupted and seemingly even disconnected interpersonal relations, along with the systems and processes that supported them. Moreover, the program itself was struggling with this transition, magnifying the inevitable interpersonal tensions this change had generated. This played out even before the introductory workshop, with the need to

carefully frame the approach to the action research with a clear recognition of these strong tensions. This was necessary to clearly recognise these tensions and contribute strategies to rebuild interpersonal relations around program development.

The action research was both framed and largely conducted within this social environment of disconnected interpersonal relations. This encouraged a centralising drive by program leaders, leading to significant ambivalence and disengagement by many participants in the workshops and the research more generally. Student feedback outcomes inevitably formed potent ammunition to support or contest the change of teaching mode. Perhaps this would have occurred regardless of the actual form of student feedback, however the collective form of engagement no doubt provided a rich platform for determined debate. Initially, the outcomes of the action research seemed to create more polarised outcomes, tending to strengthen the dissonance of those who opposed the change (whilst also encouraging the advocates that improvement was possible). Indeed, evidence collected in the workshops and in subsequent individual interviews suggested that student feedback had effectively inspired stronger processes and systems of communication between those carrying similar perspectives. Over the life of the action research, this meant elevating engagement by some and disassociation by others. As was reported in Chapter Seven, by the end of the third semester, only the program leadership remained actively engaged in the action research in any real sense.

Similarly, the agreed development of shared processes arising from the action research teams reflected these different program trajectories. In the Migration Law program, a broad range of collective responses was defined, particularly during the first two semesters of the research. In the first semester, these included developing strategies and systems to enhance levels of student engagement (by collaborating on design elements and common earlier release dates), agreeing and more clearly articulating learning expectations, developing a collective capability to online facilitation and communities and a common core of assessment throughout the program. Some of these responses were developed as situated forms of academic development, with small groups and individuals being mentored and supported in improved practices.

However, these efforts to build interpersonal co-ordination amongst academics largely failed to materialise as co-operative forms of development, tending to be implemented in isolation by individuals (often under direction) and largely with a superficial response to the identified issues. Evidence that emerged in subsequent workshops and in the

artefacts produced suggested that there were limited co-operative responses and more manifestations of particular mandated approaches. However, perhaps the most telling evidence was that the fact that, despite the clear imperative of the action research model, little real reflective dialogue developed amongst teaching academics during the three semesters to inform the later debates around the meaning of student feedback.

Yet it was also apparent that the changes enacted by these means did actually produce improvements in student feedback in subsequent semesters in the Migration Law program. However, this result then worked to produce more framed and imposed developmental strategies in the following semester. Examples of this included limiting online discussion forums to a specific form, developing standard assessment rubrics, the adoption of a core assessment object for all subjects and attempts to push for changes to the assessment standards of the regulator. In the final semester, this further retreated to strengthened modelling, quality assurance and professional development around rubric-based feedback, sharing 'effective' online facilitation techniques and improving the technology platform further (again on the basis of positive student feedback in the preceding semester).

The reasons for this specific evolution of the critical interpersonal dimension of the activity would appear to be multiple from the data collected. Firstly, the realities in the Migration Law program of a small core of full-time academics with primary responsibility for the program, and a significant part-time practitioner-teacher group, inevitably created differential levels of power and engagement in the action research. This was most clearly reflected in the data in the generally high interventionist methods and accountability demands of the core group. This was fuelled by this group's anxieties about the limited time, capability and, at times, engagement of sessional staff. This was further accentuated by the relative stability of the core group in comparison to the peripheral teacher-practitioners, who experienced some turnover during the three semesters. In essence, this produced three different sets of interpersonal relations: two within each cohort and a third between these two groups that reflected their highly uneven power relations and relative capability to act. Although a democratic sense was employed to frame the action research, the interpersonal dialogue and actions in, and beyond, the workshops suggested the effects of this fragmentation were significant in

shaping the nature of the outcomes of the action research and how they were subsequently implemented.

In the PPC, the strong tensions within the group meant that it was difficult to identify genuinely shared processes developing between teaching academics during the life of the action research. From the highly tentative planning process with program leaders and throughout the introductory and subsequent workshops, ongoing divisions prevented any broad or effective interpersonal engagement. These fundamental divisions overwhelmed any prospect of a collective framing of (or response to) student feedback. Instead, the fracturing meant that those opposing the change developed a strong interpersonal alliance during the workshops and beyond, with a determined focus on the limitations and lost potential of the former orthodox model. This essentially served to undermine, rather than develop the program. A second group, primarily the program leaders, similarly coalesced around the imperative of further development of the new blended learning program. A third group, largely sessional and other part-time staff effectively became disengaged as this conflict raged around them (particularly in the formative stages of the action research process). The effect of this was to undermine any real shared processes or systems that could have developed the PPC as a result of the action research.

Reflecting this, the outcomes of the post-semester workshops were a mixture of generally agreed abstract developments and largely imposed specific strategies. Although some staff turnover and improving student feedback did gradually lift the level of shared dialogue (particularly around the issues of program epistemology in the second semester), the trajectory was firmly toward the action research outcomes informing the decisions of program leaders rather than as a generator of collective professional dialogue. A further indicator of a lack of interpersonal connection was the fact that virtually no reflective dialogue was generated by teaching academics during the last two semesters, despite the explicit imperative of the action research model. The data generated by semi-structured interviews of teaching staff in the first semester (itself a response to the reluctance to engage) tended to only reinforce the inherent divisions in the group. Finally, as noted earlier, the final workshop was never scheduled; suggesting by the end of the three semesters the level of interpersonal relations had essentially evaporated in any real sense.

The third plane: Community (participatory appropriation)

Rogoff (1995) describes the notion of community as the externalised outcome of the enhanced agency that comes from involvement in activity that prepares individuals for future, object-orientated activities. Here evidence of the externalisation of the experiences of learnt activity becomes significant as a form of participatory appropriation.

In considering this plane for the Migration Law outcomes, the most useful data was derived from the participant interviews at the end of the action research. It was apparent from this data that the framing of action research around qualitative student feedback was generally influential in encouraging greater reflection on the nature of individual pedagogical practice. At a basic level, the making visible of affordances and constraints to student learning was identified as significant in its function to confirm or defy existing pedagogical assumptions held by participants. More sophisticated responses suggested that the action research was similarly influential in redefining teaching identities and fundamentals of professional practice. Unsurprisingly given the earlier observations, this effect was varied according to the form of engagement teaching academics had with the program (and by extension with the action research itself). The ability of participants to more clearly identify significant issues in student feedback engendered a more authoritative sense of action and an enhanced belief in the value of the student voice. Equally, the considerable commitment of intellectual effort and time to effectively engage, respond and further evaluate student opinion weighed heavily on even those who saw future potential from the learning of the action research. The declining level of genuine engagement in the action research over the semesters and the receding form of identified development, suggested that the level of actual appropriation by participants was generally modest at best. It may have been somewhat more significant for the program leaders who possessed the direct responsibility for pedagogical improvement and quality assurance of the program.

Interestingly, a broader similar outcome can be identified in the levels of appropriation identified in the PPC. Again, the most useful data emerged from the semi-structured interviews that were conducted after the completion of the action research. Although the number of respondents was relatively low given the overall participants, the same broad responses emerged. Most participants identified the developmental value of making

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elevated use of qualitative student feedback and the action research model more generally. This was recognised as both affirming and disrupting held assumptions about what proved effective and less effective in this program. This inevitably intersected with lingering issues about the early move to blended teaching, but the relative improvement of the program along with staff turnover meant that this was not as significant as the desire to enhance things like online facilitation, the quality of simulated learning environments and attuning assessment to this new pedagogical domain.

Conversely, some frustration was apparent amongst several more experienced teachers about the collective nature of the action research outcomes, as they tended to provide only limited insights into the specific subject they were teaching. For these teachers, the sense was that the former model of subject specific quantitative evaluation held clear attraction, though this was tempered by some of the value seen in more macro forms of student feedback. As with Migration Law, evidence from the workshops suggested a declining level of engagement over the semesters of the study and later interviews suggested much of this again was a result of broader dissatisfaction with the directions of the program, the time and intellectual energy required to invest and scepticism that the development was to be 'top-down'. On this latter point, this perspective was confirmed by the actions observed in end-of-semester dialogue and implementation strategies, which generally reflected this hegemony. Indeed, program leaders acknowledged throughout the action research that this was an essential strategy to overcome ongoing resistance and 'get things happening' (so the program's ongoing viability was not threatened). Inevitably, this limited the shared meaning that could develop and the levels of appropriation that could be reasonably been expected to be an outcome of the collaborative action research model.

Conclusion

In this chapter, the preliminary state of the case study sites were considered to assess the layers of meaning that surrounded student feedback-based evaluation in these social environments. This revealed that quantitative student feedback was generally regarded with some scepticism, particularly as to its value to provide clear insights. However, it was generally understood as an increasingly significant metric for institutional quality assurance. The chapter also used three interrelated planes of sociocultural meaning to assess the effect of the action research and the elevated use of qualitative student feedback. This demonstrated that the existing cultural and structural foundations of the

programs were fundamentally important in shaping the development potential of the approach, particularly beyond the initial intervention stage. Factors such as the existing levels of collaborative professional dialogue, the divisions of labour, the nature of the teaching community and the rules which guided assumptions about program development were all significant in how the action research model evolved in response to the aggravating effect of the elevated use of the student voice.

However, it was apparent in both sites that sustaining academic engagement in the action research (and therefore its developmental trajectory) was most difficult. This outcome reaffirms the well-understood challenges of securing real ongoing academic engagement in program development tasks, given the intensifying and multifaceted work demands of the contemporary university. It also illustrates the difficulties of creating a compelling logic for the continuation of a demanding, and times confronting, process of professional dialogue framed by student feedback within this environment. In these cases, this was further complicated by the strong lingering traces of the culture of quality assurance (manifested as deficit and defence), which persisted in framing many responses to qualitative forms of student feedback. This tended to produce a more determined focus on addressing identified problems (i.e. deficits), rather than commitment to ongoing cycles of broader-based development.

In the next chapter, more specific attention turns to the developmental potential identified in the use of qualitative student feedback in this CHAT-based, action research model. This centres on evidence of the expansive learning (or otherwise) that was generated from these case studies, as well as the implications this may have had for the development of improved pedagogical and related practices.

Chapter Nine: Assessing the developmental potential of student feedback

Introduction

In this chapter, evidence that emerged in the case studies of the developmental potential of student feedback as an expansive tool for collaborative professional learning will be analysed. Specifically, the chapter will consider whether the outcomes of the case studies demonstrate the elevated student voice was genuinely influential in shaping individual and collective academic practices. To explore this, the analysis will use the criteria for assessing expansive learning drawn from Engeström (2007a) detailed in Chapter Five: evidence of the broadening of the shared objects of professional work, the related development of new forms of knowledge and tools to engage with identified problems and evidence of cognitive trails of re-formed work.

As discussed in Chapter Three, a fundamental dimension of CHAT-based research is its developmental orientation, focussed on the notion of active intervention to make visible the historicity, contradictions and tensions in everyday, shared activity. This means generating innovative disturbances in collective work, toward generating expansive solutions in order to resolve pressing internal contradictions in activity (Engeström, 1999). Such expansive solutions re-organise (or re-mediate in CHAT terms) work to make it more capable of achieving the outcomes being sought. This is the foundation of the theory of expansive learning, which asserts qualitative new ways of functioning and enhanced professional practice arise from the expansion of the object of the activity. This forms as a result of the:

> creation of new knowledge and new practices for a newly emerging activity; that is, learning embedded in and constitutive of qualitative transformation of the entire activity system (Daniels, 2008, p. 126).

Therefore, given the clear developmental focus of research based on a CHAT-informed, action research framework, an analysis of evidence of expansive learning is an important means of assessing the overall effectiveness or otherwise of this interventionist use of qualitative student feedback-based evaluation. To develop this

summative analysis, the three central characteristics of expansive learning defined by Engeström (2007) will be employed as an analytical tool. These characteristics can be summarised in the following form:

a) *transformative learning*: learning that radically broadens the shared objects of work by means of explicitly objectified and articulated novel tools, models and concepts.
b) *horizontal and dialogical learning*: learning that creates knowledge and transforms…by crossing boundaries and tying knots between activity systems.
c) *subterranean learning*: learning that blazes cognitive trails that are embodied and lived but unnoticeable…anchors and stabilizing networks that secure the viability and sustainability of the new concepts, models and tools.

(Engeström, 2007, p. 24)

Using this exploratory taxonomy, the overall outcomes of the case studies will be considered to provide further insights into the expansive learning impact of this CHAT-based, action research-led intervention.

Evidence of Transformative Learning

There is reasonable evidence from the case studies that the re-mediating impact of a qualitative student feedback was responsible for broadening the shared object of the evaluative activity and generating significant developmental change in programs. Essential to this was the shared conceptual understanding of the increasing ambiguous function of student feedback within the conflicting activity systems of quality improvement, quality assurance and individual performance assessment. The model also reconciled some of the pre-existing tensions around the role of student voice and the quantitative ANUSET model of student feedback in use prior to the research. The effect of removing the quantitative comparator intrinsic to the quality assurance uses of student feedback was to elevate its developmental potential during the three semesters. As reported, paradoxically it also had a potentially reductive effect of creating additional tensions about how to externally demonstrate teaching quality within the rising institutional accountability discourses. This resulted in some retreat to the more familiar approaches of subject specific and quantitative data during the research.

The very emergence of the tool of elevated qualitative student feedback data, codified via thematic framing, was sufficient to spark critical and important debates within the

action research teams around important matters of pedagogy, assessment and the relationship of programs to sites of professional legal practice. It also generated a subversive dialogue that engendered serious doubts as to the developmental value of quantitative feedback and the ANUSET model previously in use. In addition, the *learning evaluation model* was generally effective in inciting critical, collective dialogue around differing pedagogical approaches, particularly around the integrative use of online technologies and enhancing the cycles of assessment and feedback. This suggests that the model and conceptual tools it generated worked in some form to transform the shared objects of work. However, how radical and sustainable this transformation actually was is less certain.

There is evidence that a series of specific, situated developmental responses within the individual programs were demonstrable outcomes of the disturbances of the elevated use of qualitative student feedback. However, given these were built on the specific historical and cultural foundations of each program, they were of differing scale and eventual effect. Further, this processes of disturbance made visible contradictions in the everyday activity of legal teaching, resulting in the exposure of tensions that otherwise would have remained implicit and largely unrecognised in the programs. Examples of these more visible contradictions included:

- conflicting conceptions of the respective roles and appropriate forms of interaction between legal educators, the university, professional practice environments and professional regulatory expectations;
- often pragmatic intentions of students to expediently complete a qualification, the expectation of designing high quality learning experiences and the capability limitations on program improvement;
- uncertain epistemological constructions of legal education for professional practice: whether it is to engage students in preparation for professional practice, to educate students around the expectations of current (or prospective) practice, or for the actual realities practice itself;
- the complex tensions created by the demands of the student-as-consumer, institutional demands for rigor and accountability, external scrutiny from the profession and the maintenance of appropriate academic standards; and

- implicit tensions in responses to student feedback around what were desirable, necessary and possible given the specific histories, trajectories and resourcing of the programs.

The pre and post-semester workshops provided a broadly effective mechanism to generate significant developmental discourse, at times producing a genuine depth of analysis that led to substantial insights and resultant change. The form of this professional dialogue took differing forms in the two programs for the contextual reasons detailed in the last chapter. This meant in Migration Law, the model generated such development as re-formed student assessment and feedback, strategies for improved student engagement, reframing of student expectations and enhanced authenticity of program artefacts. Evidence indicated these outcomes were clearly a result of the developmental imperative of the *learning evaluation model*. In the case of the PPC, the legacy of its recent transition to a blended learning model and its structural differences to Migration Law produced a different developmental trajectory.

However, for the PPC, the CHAT-based, action research orientation provided a robust framework to critical (and extensively) debate the largely unresolved and volatile tensions about the recent reformation of teaching mode. Although it was not the sole impetus, evidence suggested these processes of collective debate assisted in the program resolving limitations in the online element of the model and more generally in reconciliation of the strong differences in the group over time. Reflecting this, the outcomes of student feedback generated high-level conceptual debate around ambiguity and inconsistency in program epistemology, as well as a range of related developments in response. At another level, this developmental dialogue drove significant improvements to the integration of the largely disparate online elements of the program, as well as improved forms of virtual communication with, and inter-communication between, students.

However, the broader CHAT-informed action research framework largely failed in both case studies to broaden professional dialogue beyond structured discourses. Despite persistent attempts by the researcher to encourage the formation of functional action research teams, there was little evidence of any strong collective intentionality or research inquiry beyond that framed by the workshops actually developed. Aside from some intermittent and isolated instances, no substantial professional dialogue was

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formed to provide a more critical context for the eventual consideration of student feedback at semesters end. Moreover, these limited instances of dialogue outside the structured workshops were largely rudimentary in form. Indeed, as has been detailed earlier, by the third semester the components of the action research model had all but disappeared as an explicit focus in the collective process. This suggested the broadening effect of the model was possibly more incidental, rather than a significantly transformative, form of learning. The reasons identified in the data for this limitation included:

- the absence of a culture of collective professional dialogue or tools suitable to appropriately facilitate it during the action research (with semi-structured interviews, teacher blogs and wikis all failing to broaden engagement)
- the relative complexity of the model and the considerable resources needed to sustain it (and the related over-reliance on the facilitative work of the participant-researcher)
- the belief that a 'threshold' point of quality had been reached (notably after the second semester in each program), reflecting the powerful traces of a quality assurance rather than development paradigm
- the effect of the fragmentation of the groups (most specifically around employment status and proximity to the profession) which mitigated against the development of shared meanings
- lingering discontent, or conversely confidence, in the trajectory of the action research which led to disassociation
- serious time and resource limitations of academic teachings in a context of rising and conflicting demands
- the progressive domination of the action research process by program leaders, building on a pre-existing cultural hegemony.

This absence of a stronger collective academic voice also had the negative and unanticipated consequence of amplifying the focus on the thematic analysis developed participant-researcher around student feedback. This at times resulted in workshops becoming largely dependent on the developmental options presented in *Evaluation and Program Development Reports*. This vicariously created the opportunity program leaders to (re)dominate the deliberations around development options as the semesters progressed and levels of engagement further receded, rather than broadened. However,

this domination was not merely because of the limitations of the model itself. Evidence from workshops and post-interviews with leaders suggested this heightened intervention also reflected anxiety of the program leaders about:

- the need for rapid developmental change in the program given the competitive environment in which they were operating, in tandem with the more visible nature of the imperfections identified via qualitative student feedback
- the inability of many part-time sessional staff to enact change in a timely way, given their differing responsibilities (often in demanding professional practice environments)
- elevating concerns about quality assurance and personal accountability as program leaders increasingly felt the absence of 'localised' evidence normally provided by quantitative student evaluation
- in the case of the PPC, some lingering distrust over the level of commitment of those originally opposing the change in teaching mode.

It was also notable that participants during workshops and in subsequent semi-structured interviews identified that the histories of program development preceding the action research were also a critical factor in this failure. It was apparent both programs had been operating without a culture of collaborative dialogue. This meant that there was general acceptance preceding the research that teaching academics would be largely isolated from the key decisions to enact program changes. Therefore, for some participants, the collaborative nature of the action research model lacked both authenticity within the cultures of the program, or did not possess a sufficiently legitimacy to represent a convincing framework for ongoing professional dialogue. These range of factors appeared to have significant contributed to the largely disengaged response of most participants outside the structured dialogue of the workshops. Even within the workshops, these realities tended to conspire to produce some responses from participants that were more contrived than real, whilst others simply withdrew and remained in the background. This would appear in CHAT terms to call into question how effectively the *learning evaluation model* genuinely broadened the shared objects of work or incited a transformative form of learning.

Interestingly, one further important factor was in evidence. As reported in Chapter Seven, for most participants in the action research the use of conventional quantitative

student feedback had not proved necessarily productive in inspiring pedagogical development. However, its focus on the individual outcomes of teaching meant that participants felt they gained some specific and local insights into the subject they were teaching. This conventional form forced students to assess individual teaching agency. Therefore, they as the teacher were largely responsible for addressing issues raised by students (however oblique). The move to a more collective, program level form of student feedback meant this was diluted, meaning for some a loss of direct relevance. This combined with this domination of the process by the program leaders and the researcher seemed to result in a heightened sense of disenfranchising and subsequent disengagement.

Similarly, both directly in interviews and indirectly in workshop sessions, not infrequent anxieties were also expressed about the ability of academics to effectively demonstrate their individual worth to student learning. This potentially limited the personal evidence that could be provided for appointment to tenured positions, for promotional processes or simply to affirm teaching quality. Conversely, as reported earlier, this absence also frustrated program leaders who wished to assess the quality or performance of individual academics. These dual pressures led to the gradual introduction of the seeking and reporting of some student feedback data related to individual components or subjects within the programs. Although this individual data did not play a significant role directly in the workshops, it appeared to have an implicit role in changing the object-orientation of a significant minority of participants away from re-conceptualising collective activity (i.e. the development of the program) to the more narrow pursuits of individualised development gestures in component parts of the program. This all indicates that the model and its conceptual tools may not have sufficiently disrupted (or radically broadened) the existing cultural frameworks of meaning to be legitimately considered transformative in nature.

Evidence of horizontal and dialogical learning

A critical outcome of both case studies was imperative created by qualitative student feedback to cross boundaries and engage with other activity systems to create new intersubjective forms of knowledge and transform practices. The most significant example of such boundary crossing was with the professional legal practice. At entry, the relationship between the programs and professional legal practice was largely abstract in form. It was represented subjectively through forms of regulatory imposition

– most notably in the forms of mandated graduate competencies and summative assessment. This is one of the reasons – though certainly not the sole reason – that both programs employed part-time staff engaged in professional practice to support the work of the full-time tenured academic staff. The more fluid context of professional practice in Migration Law contexts meant more part-time staff were engaged in the teaching of this program than the PPC (though this also reflected the differing histories of the programs). In essence, the spatial dimensions of the programs were largely fixed. Professional dialogue around student feedback centred on to the perceived relevance of the programs to legal practice environments heightened recognition of the need for a key form of horizontal and dialogic learning about the actual and prospective nature of professional practice. As a result of the issues of relevance identified in both programs in the action research model, greater legitimacy was given to practitioner knowledge that effectively dissolved the established spatial boundaries between education and practice settings. This was largely achieved by legitimising the voice of those part-time teachers engaged in professional practice, who'd previously worked largely at the periphery of this educational discourse. This had the effect of increasing the proximity of the program to the environments of professional practice. From this boundary crossing came the integration of more authentic legal practice environments, artefacts and assessment into the design and teaching of both programs.

In the case of the PPC, this boundary crossing was a direct consequence of the strong student rejection of the simulated environment of legal practice in the first semester. It was further forced by as ongoing scepticism about the relevance of online artefacts, as well as the adopted forms of group activities and assessment. This necessitated the action researchers to horizontal engagement with the contexts of professional practice, so as to better understand how legal practice and knowledge were formed. This was facilitated by more direct dialogic engagement with the part time legal practitioners teaching on the program. It was further afforded by the critical feedback on the simulation and artefacts by those students currently in practice environments (whose dissonance was most acute). The simulated environment, related artefacts and assessment were significantly reformed over the life of the action research to align these elements more closely with real demands of practice. This provided tangible evidence of this boundary crossing activity.

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Moreover, the critical dialogue around program epistemology was also fundamental in dialogically transforming the activity further. In CHAT terms, student feedback (and to a lesser extent teacher reflection) in the PPC revealed that the program was following differing object-orientations. This dialogue, which centred on what the program was educating students for (i.e. real practice, entry to practice or learning in simulated environment of legal education), was incited by intersubjectivities produced by this boundary crossing between the program and the profession. This horizontal form of learning was demonstrable transformative, as it redefined the crucial elements of the program. Making the contradictory orientations explicit and defining shared responses significantly improving student responses to the program over the following semesters. It is unlikely this would have occurred without the action research model, as the differing subjectivities of the activity systems of education and legal practice were invisibly but firmly enforced by regulatory, cultural and physical boundaries. Instead, the model incited negotiation and exchange across these perimeters, transforming the activity through expansive learning.

In the case of Migration Law, the larger number of current practitioners in the action research teams meant a more natural crossing of the boundaries between education and practice, particularly once critical questions of relevance emerged from student feedback. The workshops identified the need, largely from student feedback outcomes as this demonstrated anxieties about the relevance of the program for their eventual roles once graduating. This revelation proved more acute as most practitioners worked alone in the field and therefore needed to be able to work largely without oversight and guidance once completing the program. Further affordances were provided by close regulatory interest in the shaping of graduates (i.e. migration agents). This was also elevated by heightening public scrutiny of the profession following a series of well-publicised failures in the conduct of migration agents.

For this program, these forces created the need to transform the existing expectations of students to more closely align these with those familiar in professional practice environments. This was particularly reflected in reformed artefacts, which were redesigned to offer more authentic representations of practice. It also was demonstrated in the significant reforming of the model of assessment across the program, to be based on an authentic artefact of practice (a progressively built client file) which captured the differing dimensions of professional work. Evidence suggested that this transformation

was not as significant as that of the PPC, primarily because the boundary crossing was a more familiar part of the work of the program. It was also the case that the number of part-time practitioners teaching on the program made for more porous boundaries with the profession. This meant that the form and outcomes of this professional dialogue in Migration Law was more sophisticated and ultimately, more pedagogically effective.

A second significant boundary crossing emerging from the case studies was between the activities of teaching and online educational design. On entry to both programs, tensions were apparent between the pedagogical intentions of teaching academics and the affordances and hindrances presented by online technologies. Unsurprisingly, given what has already been outlined, this tension was most profoundly apparent in the PPC where the orthodox teaching had been supplanted by a blended mode. With this change in the PPC, a team of online educational designers had engaged to develop the online components of the new program. This included a developed online simulation, an embedded Moodle site and online communication capabilities.

Given the ongoing divisions around this move to an online environment, a strong boundary was established between the activities of teaching and educational design. Generally those supporting the change tended to divest responsibility to this specialist educational design expertise, and those not disassociating themselves from it. As the outcomes of student feedback became apparent around the inadequacy of online elements of the PPC, the model gave licence for academics to cross this boundary and engage in dialogue around the various design issues constraining the success on the online program. As noted earlier, this form of expansive learning was not universal by any means, but it did involve a significant number of academics developing new knowledge around online design. Conversely, the educational designers also developed significant learning around the expectations of online pedagogies in this specific type of program design. Here again there was an intersubjectivity that progressively transformed an online environment poorly regarded by students, into one that generally proved effective as a learning space by the third semester. This involved educational designers being directly integrated into the action research model, actively negotiating and trading with teaching academics on prospective approaches. Arguably, by the beginning of third semester this boundary crossing had become an integral and largely natural element of program development.

Somewhat differently in Migration Law, the online focus of the program was an integral element of its design from its beginning. This meant there was a less tangible boundary between it and the activity of education design. Indeed, having not been created with an orthodox face-to-face component (aside from introductory intensives), the program had significantly relied on educational design capability. The more fluid and challenging realities of online teaching forced regular review and redevelopment of its component elements. However, the effect of the action research was to make this boundary largely invisible. This was achieved by support staff within the program taking on the co-ordination of education design, and individual academics working collaboratively on the reforming of online elements of the program. Here instances of situated academic development were apparent, with small groups and individual teaching developing the capacity to design more autonomously within the online environment.

During the semesters, more developed understandings of student feedback encouraged academics to become more directly involved around the broader dialogue around online educational design. This boundary crossing work resulted in demonstrable pedagogical development that enhanced the learning effectiveness of online artefacts, communities and forms of assessment. This suggested the effective dissolution of the boundary between teaching and educational design not only improved the program itself, but also the capability for responsiveness to feedback and the educational insights of those who had previous saw this function as largely ethereal in form.

However, the action research model failed more broadly to traverse several other important boundaries. Most significantly, neither program was satisfactorily able to work dialogically with the quality assurance activity within the College and the university more generally. There can be no doubt that the recent discontinuation of the ANUSET system and the opening of a new quantitative student evaluation system provided an ideal catalyst for reconsidering conventional approaches to student feedback. In hindsight, without this imperative, it is likely the research may have not been able to be undertaken as the pressures built within the university for heightened quantitative scrutiny of student opinion. However, for this same reason, an unresolved and uneasy relationship developed between the action research and this coinciding strengthening of quality assurance within the institution.

In essence, this saw fundamentally different object orientations develop during the life of the research. While the action research was orientated to improving the quality of the

programs, the new university policy on student feedback was accentuating its role as a tool of assuring the quality of teaching (in line with broader social pressures discussed in Chapter Four). As the role of feedback became foregrounded in university discourses around institutional and individual performance, the dissonance between the two activities became increasingly apparent. Attempts to bridge this widening gulf were made by program leaders and the College more generally. However, this merely resulted in a fence being drawn around the approach and the remainder of the conventional evaluative work of the College being reported as normal. By the second semester in both action research models, genuine unease began to emerge about the potential individual and collective risks of solely relying on broad forms of qualitative data. This came with various motives: how to demonstrate the effectiveness of the program to internal and external stakeholders, how to target particular shortfalls in individual teaching performance or the need to demonstrate personal effectiveness for the processes of performance, promotion and awards. Concerns even emerged in both programs about how to replace the conventional marketing signposts of student satisfaction, fearing the loss of quantitative expression may act to weaken student recruitment.

These sentiments reflected the strong historical dimensions of accountability that had been layered around the validity of quantitative student feedback, and its legitimacy as a proxy for teaching quality. However, the inability to traverse this boundary successfully was most acute around the potential inability to undertake effective performance management of academics seen to be underperforming, given the insufficient personalised data to with which to challenge them. This became the catalyst for the re-introduction of more subject-specific focus and, in the case of the PPC, quantitative data. This tended to only alienate, rather than engage, those staff subject to its outcomes within the broader collective imperative. Conversely, it tended to embolden program leaders to initiate more interventionist steps of their own in specific localised dimensions of the program. This further facilitated the progressive domination of the action research by leaders in its latter states that was discussed in detail in Chapter Eight. What was significant about this discord was the broad perception that the action research model could not horizontally interact with this quality assurance activity, aside from uneasily adding it to the model. Essentially, the two activities remained

contradictory and no real options could be devised to reconcile this during the life of the study. This boundary remained firmly drawn.

Secondly, the boundary with institutional academic development was not traversed by either program, despite this being a potentially critical resource in addressing issues arising from student feedback. There were several reasons for this, including the:

- limited time and inclination amongst participating academics to undertake structured academic development
- role of the researcher and experienced teachers as 'situated' academic developers that provided some strategies locally
- broad range of existing educational capabilities of staff, that allowed an 'on-demand' conception of academic development.

Nevertheless, further significant academic development needs emerged in both programs during the three semesters. These needs were only partially addressed by informal and unstructured academic development responses. In fact, most such academic development occurred in 'just-in-time' form or in response to a serious problem that had been identified. However, this tended to work more effectively for those in full-time academic roles. The result of this boundary not being crossed was that professional capability development generated by the action research was generally patchy, ad hoc and at times, ineffectual beyond the level of engendering a functional response to a specific problem.

Evidence of subterranean learning

Engeström (2007) defines subterranean learning as that which 'blazes cognitive trails that are embodied and lived but unnoticeable….anchors and stabilising networks that secure the viability and sustainability of new concepts, models and tools' (p. 24). The evidence provided by the case studies suggests that at the broadest level, there was pedagogical development from disturbances generated by the elevated use of student feedback that reflected the emergence of some forms of subterranean learning. This learning was most apparent in evidence of the laying of discernable cognitive trails as a result of the disruptive effect of the action research. The dialogue analysed in program workshops, the actions that followed them and the individual responses in subsequent semi-structured interviews, provided various forms of confirmation that participants recognised that a more systematic and analytical engagement with student feedback

provided new ways of professionally engaging and re-forming pedagogical work. The *learning evaluation model* incited an ongoing evaluative dialogue that was not reductively framed around individual performativity or metrics. Instead, it encouraged the identification and reconciliation of key tensions in student learning. As Table 9.1 illustrates, this outcome is clearly reflected in the key developmental responses across the three semesters in both programs to the primary contradictions identified in the initial workshops. Here the responses to disturbances are seen both in terms of the substantial actions that attempted to respond to these identified contradictions and the related tensions reflected in elevated student feedback.

Table 9.1: Identified primary contradictions

Primary contradictions	Key responses during the three semesters across programs
Complex-heterogeneous expectations of graduate learning outcomes	Reframing student expectations Redesigning artefacts/simulation to better reflect practice Aligning assessment to better reflect realities of professional practice Making representations to professional bodies re nature of competency-assessment expectations
Differing expectations between the desired and possible outcomes of student learning	Reframing student expectations and making these more consistent across the program Improvements to the quality of online facilitation, communication and simulations to address most serious concerns of students Scaffolding students where they have limited experience working online Improve small and larger group cohesion Reconsider program epistemology: what are we trying to do? (PPC)
Ambiguous/precarious position of legal academic as educator and expert practitioner	Reframing student expectations Use more authentic artefacts of contemporary legal practice, including as forms of assessment using 'real' implications Further integrate knowledge of sessional teacher-practitioners into the student learning experience via mentoring Ensure regulators more clearly understand distinction between education and practice
Growing uncertainty around the rights and responsibilities of academics, students and institutions	Improve orientation and initial engagement for students Strategies to build student engagement (expectations, online facilitation/communication) More consistent criteria/rubrics for assessment Clarify the roles/responsibilities of academic/support staff more clearly
Heightening demands for accountability in academic practices	Introduction of clear student expectations, assessment criteria/rubrics Ensure students are aware of the role of their feedback in further development Provide Evaluation and Course Development reports to Program and College Education Committees (summary only in case of PPC) Supplement collective feedback with subject specific data.

The success of the action research in generating some productive change in both programs clearly provided a stronger incentive for its underlying concepts to be recognised as valuable by a majority of participants. Reflecting this, the overwhelming majority of participants in Migration Law and a slimmer majority in the PPC, rated the model as valuable and influential during its life over the three semesters. Further, evidence provided by the level of dialogue during workshops suggested that participants acquired a relatively sophisticated appreciation of the interaction between student feedback, educational design and pedagogical development. For more experienced academics, this was in the form of critical engagement around the nature of curriculum, assessment and even, in the case of the PPC, program epistemologies. For those less experienced, it was often the first opportunity they had to consider teaching and assessment questions in the context of student learning. This prompted a significant number in this sub-cohort to seek out literature and/or professional development to further their understanding of effective pedagogical practice (particularly in the fraught context of legal education), as well as situated academic development. Moreover, at the time of writing (in 2014), the discernable fragments of the learning evaluation model and the tools it employed are still being used in one form or another in both programs. There is also evidence that the actual developments occurring during this period generated from the action research were sustained beyond its direct life.

However, there was far less evidence that the concepts, models or tools generated by the action research were genuinely 'embodied or lived' by most participants in the two programs. Analysis suggests that this outcome was for a number of critical reasons. Firstly, the complexity of the CHAT-informed, action research model and the collective and multidimensional form of data it produced did not well assimilate well to the often pragmatic motive of participants to simply ensure their specific subject was ready to teach. A significant number of participants were various confused, sceptical or disengaged in the introductory workshops with the CHAT framing of the action research. Similarly, many expressed frustration in subsequent workshops (and the evaluations of them) about the lack of immediacy and clarity of the thematic student feedback outcomes, prompting the progressive need for the categories used to be broadened and then the focus move to more (accessible) functional questions.

Secondly, as detailed in the last chapter, the fragmentation of the academic workforce in both programs around employment status and program role tended to lead to the action

research being progressively dominated by program leaders, meaning it largely failed to realise its collaborative potential in either program. The volatile environment in which both programs operated further compounded this, producing unpredictable forces during the three semesters. This affected staffing levels, available resources and, importantly, the level of support for specific development options. This also influenced the relative time and resources available to participants. This meant a dissonance developed between the identified desirable levels of program development and what were actually possible responses to student feedback. At times, this meant participants reported a sense of being overwhelmed by the demands or anxious about not responding to student expectations.

Thirdly, the unfamiliarity of participants with the level of analytical engagement with student feedback meant much of the discussion tended to fall into more familiar tracks of functional problem solving, rather than focus clearly on more significant issues of ongoing pedagogical development. This form of response, combined with the powerful shaping effect (for experienced academics) of previous experiences with conventional quantitative student evaluation outcomes, meant that the action research largely was formed around specific gestures for improvement, rather than more expansive pedagogical conceptions.

Fourthly, the ongoing controversy about the changed mode of teaching in the PPC seeded a deep level of alienation amongst some participants that proved almost impossible to overcome during the early stages of the action research in this program. This left strong conceptual traces in subsequent semesters, which produce a defensive assessment of the viability of new approaches and tools. For some in this program, scepticism about the value of the program changes was conflated with student feedback more generally, making substantive judgments about program development from such feedback more polemic.

Finally, it proved extremely difficult to sustaining the action research model over the three semesters. As positive developments had occurred in the programs and student feedback had generally improved, the imperative for ongoing analysis faded in the minds of participants to the point where, by the third semester, participation had largely evaporated. This offers perhaps the most powerful evidence that rather than the learning of the model having been embodied, its primary outcomes had been instead to serve the

largely utilitarian purpose of successfully reforming the two programs so that significant explicit problems were resolved and students were generally satisfied.

Conclusion

In the two preceding chapters, the key outcomes of the case studies were critically considered using a range of analytical tools drawn from CHAT, to assess the forms of collective engagement and expansive learning in evidence. This analysis demonstrated that the social dimensions of the two environments were complex and multi-voiced, with the understanding of elevated forms of qualitative student feedback strongly framed by the historical and cultural traditions in the respective programs. Further, critical differences emerged in levels of individual agency that were broadly related to employment status, positional role and proximity to the legal profession. However, as is mapped in *Figure 9.2,* the overall effect of making contradictions visible through the elevated use of student feedback in the action research sufficiently disturbed the activity in both sites to result in some demonstrable change from its initial state. Most significantly was a clearer focus on the shared object of improving student learning. A critical limitation, however, was that this focus tended to be largely of the immediate realities (i.e. next semester's program), suggesting some limitations in the level of expansive learning generated by the learning evaluation model.

Having said this, the elevation of student feedback data across the three semesters did result in some significant improvements in both programs. On notable foundation for this change was a gradual refocussing from what the teacher was doing to what students were doing (or not afforded to do). There was also evidence that the level of professional dialogue matured across the semesters - although differing levels of agency and positional power individuals brought to the debate mediated this effect. Reasonable evidence was also found to suggest that their was some broadened understanding of the use of concepts, tools and models to reform pedagogy as a result of this critical dialogue, although again this was restrained by the pre-existing layers of history in the programs and the (re)strengthening of divisions of labour throughout the three semesters. There was substantiation that horizontal forms of learning occurred with productive crossing of the previously invisible but powerful boundaries with legal practice and educational design.

Qualitative student feedback model, culture of direction of program leaders, quality assurance demands of institution, regulatory impositions of legal profession (Mediating artifacts)

Institutional quality assurance and performance management mechanisms

Teaching academics in ANU Migration Law and Professional Practice Core (Subject)

Improved student learning in successive semester (Object)

Improved recognition of the value and potential use of student feedback for functional improvements in student learning (Outcome)

Requirement to respond to student feedback (Rules)

Students, academics and practitioners (Community)

Program Leaders, full-time tenured academics part-time teacher/practitioners (Division of labour)

Education of legal practitioners for contemporary practice

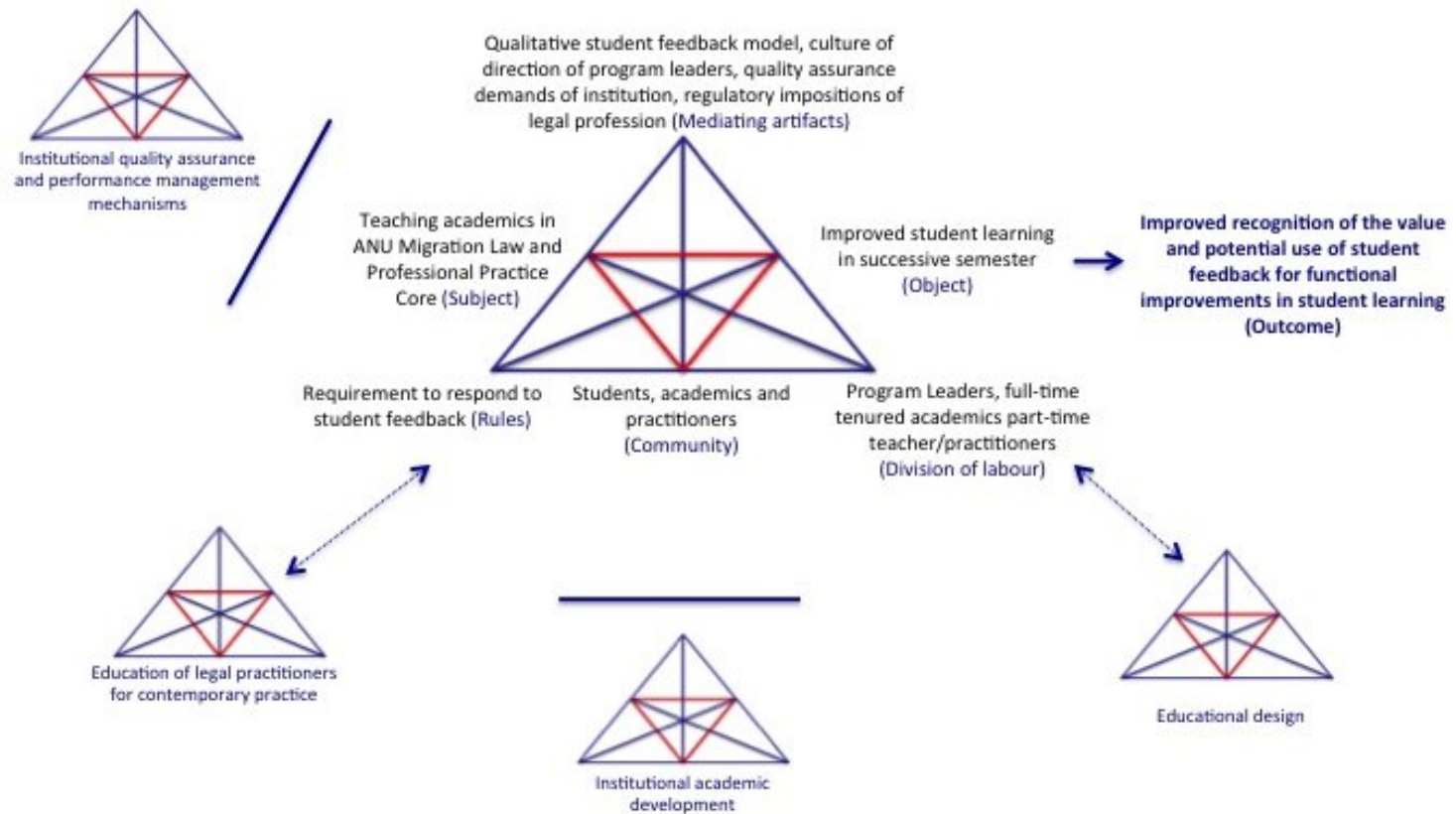Institutional academic development

Educational design

***Figure 9.2*: Activity system at the conclusion of the three semesters**

While there was some evidence that the action research took root (particularly in the early stages of the case studies), limited academic engagement outside the structured workshops meant this was less embodied and more reactive to the derived imperatives of student feedback. As the semesters progressed, program leaders exercised ever-greater levels of control to the point where, by the end of the third semesters, little sustainable action research activity was evident. Hence, though the action research certainly prompted some developmental improvement for both programs, the model on which it was based did not become embodied in the shared life of either program in any authentic sense. This meant the actual object-orientation was most often centred on pragmatic immediacy. Once the imperative of explicit student dissatisfaction receded, so did the levels of engagement with the model. Seemingly this progressive disengagement was fuelled by other factors, including the pressures of elevating university quality assurance demands and the fragmented and fluid nature of the workforces. However, in the end, the complexity of the approach and the limited capability with which programs had to respond led to its effective demise as an ongoing and viable alternative to conventional approaches to the use of student feedback.

Chapter Ten: Conclusions and Implications

Introduction

This thesis set out to consider the foundations, contemporary function and developmental potential of student feedback-based evaluation in Australian higher education. Using a sociocultural lens afforded by a CHAT framework, this analysis explored the social forces that have shaped the specific evolution of student feedback and that influence its contemporary form. It sought to go beyond the more familiar and thoroughly researched debates around quantitative student feedback-based evaluation, such as the design of reliable feedback instruments and how it can be used to influence the work of academics. Instead, it explored the fundamental assumptions on which student feedback models are based and their distinctive social origins. This meant also seeking to understand the nature of the complex cultural mediation that has shaped, and continues to shape this collective activity in the Australian higher education environment.

Of particular significance in this analysis were the tensions between originating academic development discourses of student feedback (centred on improving the quality of teaching) and later competing drives to use the student voice for academic merit assessment, systemic quality assurance and performance management purposes. These tensions were considered historically as a reflection of the changing social relationship between the university, academic staff, students and to some extent, the community more generally. Further, using the explanatory potential of CHAT, the research provided a situated analysis within two programs in an Australian university. This analysis employed a novel CHAT-informed, action research model in two case studies in order to further understand the contemporary function and developmental potential of student feedback-based evaluation. This involved a systematic consideration of the relationship between student feedback and academic teaching. By making visible the contradictions and tensions around student feedback via these means, assessment was also made of the development potential of collaborative engagement with qualitative forms of student feedback to spark deepened professional dialogue and improve pedagogical work.

In this final chapter, the three key research questions that guided this study will be explored in the light of the evidence presented in this study. These questions - which focussed on what has shaped the development of student feedback-based evaluation, its contemporary function in Australian higher education and its developmental potential beyond its conventional quantitative form - will be further considered and some tentative conclusions drawn within the clear limitations of the research design. In addition, some reflections will be made on the usefulness of CHAT (and its twinning with an action research method) as a conceptual frame for this form of research. Finally, some of the potential issues for future research will be debated.

The forces that have shaped student feedback-based evaluation in Australian higher education

Student feedback-based evaluation initially emerged in isolated forms in several Australian universities following their establishment of teaching research and academic development units in the late 1970's and early 1980's. It was introduced as a means of assisting individual teachers to improve their retention of students and improve student learning outcomes. Unlike the earlier and more widespread adoption of student feedback-based evaluation in United States universities, this adoption was not primarily driven by rising student unrest about the quality of teaching, but more by a legitimate attempt (particularly by elite sandstone universities) to improve teaching quality. This imperative arose as a direct consequence of the relatively rapid expansion of Australian universities in the preceding decade as a result of the significant investment in higher education by the Whitlam government. This had created some rising social and institutional anxiety about maintaining academic quality and retaining a broader and more diverse student population.

The early forms of Australian student feedback-based evaluation were strongly influenced by the long history of quantitative student opinion questionnaires in the United States and specifically the forms used in their more recent widespread use in US institutions. The work of early local advocates – notably Falk and Dow (1971), Flood Page (1974) and Marsh (1981) – was influential in encouraging the use of this particular quantitative form of student feedback in Australian universities.

In its earliest manifestations, student feedback-based evaluation was largely idiosyncratic in its specific quantitative form, reflecting the differing academic

development trajectories and educational priorities of individual institutions (Johnson 1982, Miller 1984, Moses 1986). Although there was some limited evidence that student feedback-based evaluation was an influence on academic tenure and promotion decisions, its primary early objective was firmly on the improvement of the quality of localised teaching. Moreover, it was also apparent that those teaching academics who'd voluntarily sought student feedback overwhelming used the data to frame a professional dialogue with academic development units around how to improve their teaching. In CHAT terms, the object of this early activity was demonstrably the improvement in individual teaching capability. The quantitative instruments adapted from US institutions (under the influence of Marsh and Ramsden) were largely mediated by the emerging academic development discourses in Australian higher education in this period. The emergence of the activity reflected growing institutional, student and community interest in university teaching quality in a system under the pressures of relatively rapid expansion and elevating social expectations.

This early phase provided substantial foundations for the further development of student feedback-based evaluation in Australian higher education. This effect was amplified by its significant adoption at the longest established and most highly regarded universities, most notably the ANU, the University of Queensland, University of Sydney and University of Melbourne (Moses, 1986). This established the foundational validity and reliability of quantitative student data. This was further strengthened with its alignment with the increasingly credible domain of academic development in these and other universities, and as student feedback outcomes began to form legitimate evidence for decisions around appointment and tenure. This created a substantial imperative for its broader adoption and later, its relatively rapid institutionalising across the Australian higher education sector.

The rise in the use of student feedback-based evaluation came as the winds of market liberalism began to blow through the Australian university sector in the late 1980's. Central to this discourse was harsher discipline being exercised on government expenditure and the need for market mechanisms to ensure efficient use of resources. This drive, in tandem with rising demand for university places, produced the circumstances where the re-introduction of an element of private funding of higher education became an inevitable option to limit economic cost of expansion (whilst still yielding the political benefit of system expansion). The re-introduction of tertiary fees, in the form of the Higher Education Contribution Scheme in 1989, effectively recast

students-as-consumers deriving future private gain from their investment in higher education. The rapid assimilation of the former Colleges of Advanced Education into the university system in 1990 under the Dawkins-era reforms also fundamentally redefined the scale, scope and diversity of higher education institutions.

These moves created a seemingly irresistible logic for universities to be subject to greater public levels of public accountability and quality assurance measures than ever before. The initial manifestation of this transition was in the form of the quantitative, end-of-program *Course Experience Questionnaire*, which adapted the earlier work of Ramsden and Entwhistle (1981, 1983). This importantly provided the first comparative tool of national student opinion from 1992. The legitimacy of the CEQ was based on these earlier foundations of quantitative student feedback-based evaluation in Australian universities (as well as its relatively sophisticated granulated scales of assessing teaching quality).

As the student feedback data generated by the CEQ became increasingly public and significant, the introduction of quality audits of university teaching and teaching performance-based funding further elevated the influential role of student feedback data. This dramatically increased the level of institutional interest in student opinion during the 1990's, with elements of funding, reputation and student demand increasingly linked to student feedback outcomes. These forces transformed student feedback-based evaluation from a fringe-dweller in academic development units to institutional significance, with virtually all Australian universities formalising student evaluation systems over the following decade. This broadened use of quantitative student feedback had the explicit motive of assuring teaching quality at a local and institutional level (Barrie et al., 2008).

The local development of quantitative models in universities was at some variance, reflecting the differing histories, cultures and tolerances for student feedback that had developed over time. Nevertheless, the broadening and normalising of student feedback-based evaluation during this period elevated tensions around its function and outcomes. Most fundamentally, this rising drive for quality assurance of university teaching was at clear tension with the originating focus on pedagogical development. To a lesser extent it was also at tension with the rising use of student feedback as a means evidence of academic performance for appointment and promotion. These tensions have heightened further over the last decade as the competition between Australian universities has

intensified, not least of all with the introduction in 2012 of the competitive demand-driven funding model that has further elevated the imperative of student opinion. These developments have seen the introduction of new levels of academic compulsion to undertake student feedback-based evaluation, its more direct use in academic performance management and a consequent decline in its function as a means of academic reflection and improvement of teaching. Reflecting this, the focus of student feedback activity in Australian universities has progressively moved from academic development to statistical or quality assurance units. It also is an increasingly visible metric in institutions and social constructions of teaching quality. Yet, as this study has broadly confirmed, its foundational epistemological assumptions remain largely undisturbed in scholarly research, which remains dominated by studies of instruments and assimilation of student feedback outcomes. As student feedback-based evaluation has enjoyed elevating institutional and social status as essentially a proxy for teaching quality, the reconsideration of these assumptions has become a more significant matter. It was within this critical epistemological space that this study was developed.

Student feedback in contemporary Australian higher education

In CHAT terms, the current state of student feedback-based evaluation in Australian higher education strongly reflects these complex historical and cultural forces that have effectively mediated its contemporary form and function. As evidence presented in this study demonstrates, student feedback-based evaluation in universities operates within the increasingly contesting activity systems of institutional quality assurance, individual and institutional quality improvement and individual performance management. The elevation of comparative quality assurance metrics across the sector and within institutions has all but assured that quantitative measurement of teaching, teachers and/or courses is institutionalised as a privileged metric in institutional, supervisor, student, academic and, even at some levels, community understandings of effective teaching practice.

The roots of current approaches to student feedback in Australian higher education are deep. They can be traced from the behavioural psychology work of Remmers and his colleagues in the 1920's, through its widespread adoption half a century ago in the US under the weight of student dissent, to its tentative use in early Australian academic development through to its assimilation as a legitimate proxy for assuring the quality of

university teaching. Similarly, evidence presented in this study indicates that whilst still performing some of its earlier academic development function, student feedback-based evaluation outcomes are increasingly prominent in institutional discourses around performance, marketing, auditing and reviews (Barrie et al., 2008, Davies et al., 2009).

This has meant the object and the outcomes of student feedback-based evaluation are subject to increasing contestation across the Australian higher education landscape. The level of contemporary research interest in the instruments and use of student feedback-based evaluation (as demonstrated in Chapter Two) suggest that there is considerable scholarly regard for the validity of its quantitative design in eliciting student responses and its potential to influence academic work. However, as this study has demonstrated, less certain are the epistemological paradigms on which it rests. For instance, is the focus of student feedback on improved student learning, is it about improving prospective student rating outcomes or about legitimising or assailing individual academic performance? Flowing from these questions come other issues: for instance, should academics be engaged voluntarily, compulsorily or as needs for individual performance evidence emerges?

This leads to considerable ambiguities around what actual rules frame its use in practice, which appear as increasingly contested between academic development discourses, quality assurance systems and performance management drives. This is reflected in related uncertainty as to who student feedback-based evaluation is actually for: that is, it for academic consumption, institutional assurance, current or potential students-as-consumers, or for broader social assurance of the efficient use of public funding (or a combination of these)? Moreover, questions also increasingly developing around divisions of labour that frame the deployment of student feedback systems at a local level. For instance, is it transacted between an academic and an academic developer, between academics and students, between students and the institution, between the academic and the institution or an academic and a supervisor or selection panel? These range of uncertainties form the basis of ongoing tensions in the activity of student feedback, creating rising ground-level debates about its contemporary role and function.

The evidence presented in the two case studies provides some localised, but nevertheless significant, insight into these debates. These outcomes reinforced the contention that the effect of these ambiguities is creating strong tensions around the

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student feedback as the object of activity is increasingly contested. In considering this data and that generated by the literature review, it can be argued these tensions are specifically manifested in Australian higher education in contemporary debates around the value of:

- voluntary or compulsory participation in student feedback-based evaluation
- private, semi-public or public consumption of student feedback data
- the alignment of student feedback-based evaluation to professional concerns of academic teaching and learning, or to key points of comparative sectoral or institutional scrutiny (such as the CEQ)
- the value of individual, faculty and /or institutional benchmarks for comparative assessment of levels of student satisfaction
- the use of outcomes to encourage individual critical reflection on teaching, or for the monitoring and directing of strategic change based on deficit analyses
- contextual consideration of semester student responses, or the comparative measurement of individual or collective performance over time

The case studies reveal that these tensions create a complex and uncertain relationship between quantitative student feedback and contemporary academic teaching. Reflecting this complexity, student feedback generates a diverse array of responses from teaching academics to its function and outcomes. These responses range from strong cynicism, through scepticism and disconnectedness, to strong beliefs that student opinion makes a critical contribution to the consideration of prospective pedagogical strategies (and understandings along this continuum). The case study data suggested that these beliefs are most frequently shaped by personal experiences of positive or negative experiences of student feedback, which may or may not have a demonstrable connection to the quality of individual work.

Further, most academics participating in this study almost naturally recognised the limitations of quantitative forms of student feedback, yet volunteered reflections of the significant emotional impact of positive, but especially negative student opinion outcomes at the end of semesters, often even where these were isolated outcomes. This suggested that despite its recognised intrinsic limitations, student feedback-based evaluation holds considerable formal and affective power over the work of the contemporary teaching academic irrespective of the tension-laden environment it

operates within. In this study this was demonstrated at a number of distinct levels. One of the early fears about the research expressed by program leaders was that it would displace quantitative student feedback, potentially limiting the ability of programs to provide evidence of teaching effectiveness to university management (or for student marketing) or to diagnose particular problems with individual teachers. For individual participants, the loss of quantitative data concerned a significant number of participants, as it would lessen the focus on their individual contribution and their ability to demonstrate personal agency in teaching. Unsurprisingly, this effect was most notable in those seeking appointment, promotion or other forms of recognition in the immediate future.

The experience of the case studies clearly demonstrated that teaching academics have an uneasy and unsettled relationship with student feedback. Early dialogue around the use of elevated levels of qualitative student feedback, even in a consolidated form, would be characteristically greeted in both action research groups with almost instinctive defensiveness. Depending on the experience of the group, either multiple diagnoses were reached for why students responded in certain ways, or urgent attempts were made to provide a placating response. It took time for these types of reactions to recede and for more reflexive forms of professional engagement to emerge. As the data suggested, this was similarly reflected in the level of responses defined, which moved from the functional to the more sophisticated as a more dispassionate understanding of student feedback evolved in the action research teams.

Nevertheless, considerable pressure was exerted by both action research groups to ensure the outcomes of the student feedback were made more broadly known with the College and beyond. This was an apparent means of addressing the cultural gap left by the absence of quantitative student opinion (even in the case of the PPC where this was agreed to not happen, due to the anxiety over recent pedagogical reformation). This reinforces the originating contention in this study that student feedback-based evaluation tends to occupy paradoxically position in contemporary institutions: occupying institutional centrality as a legitimate proxy for teaching quality, whilst simultaneously being a powerful and disturbing fringe dweller in academic teaching contexts.

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What was also apparent in the case studies was the confirmation of the further contention that homogenised understandings of teaching and learning derived from quantitative student feedback-based evaluation tend to defy the contemporary complexity of learning environments, students, stages of course development and realities of pedagogical innovation. The inherently reductive and ambiguous nature of averaged student ratings was broadly considered to defy the multiplicity of factors that intersect to form student learning outcomes. Research presented in this study also reminds us that ratings-based feedback is inherently susceptible to the subjectivities of subject focus, class size, stages of program, gender, charisma and the nature of formed student expectations. These matters have become of more material significance as quantitative student feedback has been elevated in institutional significance and therefore increasingly frame institutional (and arguably individual) perceptions of teaching effectiveness (or otherwise).

Further, this study affirms the assertion that the activity of student feedback is increasingly contested within the uncertain space between managerial, educational and marketing discourses in contemporary universities. In CHAT terms, this means that the conceptual tools that mediate the relationship between teachers and students (including student feedback) are now drawn from the conflicting institutional domains of quality assurance, performance management and institutional marketing, rather than those offered by originating academic development discourses. This means what regulates the use of student feedback is caught in the inherent uncertainties between the demands of these differing conceptual frameworks. This results in the communities that student feedback-based evaluation responds to being more abstract and indeterminate in form, meaning responsibility for acting on its outcomes is similarly contested. This all suggests the need for a genuine debate in the sector as to the actual real utility of quantitative student feedback in the contemporary higher education institution. Although it may continue to fulfil the more extrinsic motives of assurance and marketing, do the increasingly complex environments of teaching and learning demand more sophisticated tools to inform professional judgment and shared dialogue around pedagogy? As the next section illustrates, some potential can be identified for this prospect in more collective attempts to harness and interrogate the student voice.

Developmental potential of student feedback-based evaluation

The third question that guided this study was focussed on the developmental potential of student feedback-based evaluation beyond its conventional quantitative form. This question recognises the importance of more productively engaging with the student voice. This is a potential means of informing professional dialogue and providing a catalyst for pedagogical development, particularly given university teaching itself is developing a more complex and demanding form. However, given the outcomes reported in the last section, it also contemplates the rising challenges of effectively distilling meaningful student feedback as it has become a more contested and volatile activity in the contemporary institution. As this research has sought to demonstrate, the function of student feedback as a pedagogical tool of academic development has receded as the competing activities of quality assurance and performance management have been increasingly foregrounded in the life of the academy.

As evidence presented in this study has affirmed, this has resulted in the diagnostic and developmental dimensions of student feedback-based evaluation fading as pressures have grown for specified quantitative achievements that demonstrate base-level quality and/or individual teaching capability. This is most poignantly reflected in the receding in the relationship between academic development units and student feedback, and conversely the strengthening of the link with central statistical or quality assurance frameworks in institutions. This has created the imperative for compulsion to participate, the making public of 'individual' data, related comparative assessments of individual and collective performance and the elevating of student feedback data as a proxy measure of teaching performativity. As the teachers participating in this study reflected, this has meant student feedback-based evaluation is both broadly welcomed by most as a potentially valuable insight into the student voice, but equally unwelcome as a potentially reductive and unreasonable individual performance measure. Reports in this study demonstrate the implications of this: student feedback was equally an opportunity as it was a threat, developmental as it was derailing. Moreover, increasingly contemporary responses to student feedback are being essentially privatised, with academics having to variously explain, plan remedial responses or rejoice in student feedback outcomes.

Yet this study clearly demonstrated that student feedback is a valuable source of data to drive pedagogical and academic development. The data presented in the study demonstrates that significant improvements in the levels of professional dialogue amongst teaching academics can be generated when more qualitative and developed forms of student opinion are introduced into collective deliberations about pedagogical and other collective practices. Moreover, this dialogue can result in substantial development and innovation, which subsequently improves the quality and effectiveness of student learning. This study further confirmed the significance of the foundations of CHAT in this work, which foregrounded identifying of disturbances, tensions and contradictions generated by student feedback. This conceptual framing approach had the broad effect over time of elevating student feedback outcomes from the discourses of defence and remediation to those of critical engagement and future development.

Inevitably, the scale and impact of such development was strongly framed by a series of factors: the program's history and culture, the level of academic engagement, forms of employment and the resource limitations inherent in the contemporary university. Nevertheless, sufficient evidence emerged from these small-scale case studies to suggest that heightened collective engagement with qualitative student opinion has a valuable potential for pedagogical and academic development. It demonstrated a clear potential to deepen and broaden dialogue around pedagogy, assessment and academic development needs. The results of this approach in this study generated several relatively high-level outcomes around improved student engagement, educational design and program epistemologies.

Conversely, this work has also demonstrated some significant impediments that must be weighed against these affordances. Firstly, the strong mediating effect of conventional quantitative methods of assessing student opinion cannot be underestimated. Evidence presented in this study demonstrates its hegemony at the personal, local, institutional and sectoral levels, a hegemony that is strengthening as performance metrics become normalised. This meant throughout the case studies that program leaders and participants more generally were looking over their shoulders to assess how what was being done in the CHAT-informed action research would be seen, interpreted and regarded. This was differently expressed by program leaders, those seeking individual recognition or those wanting to retain students, but shared a core of shared meaning:

how could the program be justified in the absence of metrics? In one of the programs, this was even stronger where division existed about the value of recent changes, leading to calls for parallel orthodox evaluation measures to ensure 'proper' student evaluation.

Secondly, the resources required to build and sustain the alternative model were considerable. It was resource intensive and required the systematic collection, coding and reporting student feedback data, as well as facilitated discussions around these outcomes (and the identification of viable development alternatives). Clearly this level of resource commitment is a significant imposition on ever-tightening faculty budgets. The difficulties in sustaining this model toward the end of the research (and beyond it) were partly reflective of this dilemma. This must be considered in contrast to the clear attraction of maintaining orthodox forms of student feedback, with rating scales and automated processes producing simple reports that are readily generated with the push of a button.

Thirdly, there is considerable difficulty in sustaining levels of academic capability and enthusiasm for the levels of engagement required to genuinely build ongoing professional dialogue generated by the student voice. Aside from the reported reluctance of academics to engage in collective forms of reflective dialogue during semesters as the action research wore on, more participants found reasons to not (or partially) engage. The apparent reasons for this varied, from legitimate overwork, to a belief that adequate progress was being made in their absence, to implicit or explicit hostility to the approach. As reported, there is also little doubt the complexity of the CHAT-informed, action research model also provided a considerable early barrier to engaged participation. These factors, combined with ongoing anxieties about the programs in a market-exposed area of the faculty, tended to allow those in more powerful positions to progressively dominate the outcomes. This effectively lessened the levels of collective dialogue and shared outcomes. Perhaps in resource poor and high-pressured teaching environments such an evolution is inevitable, and this of itself does not necessarily diminish the value of innovative use of student feedback. However, it did undoubtedly serve to lessen the extent of expansive learning of the group by reducing the levels of collective analysis and identification of measures to address collective tensions identified in teaching activity in the programs.

Finally, what also emerges from this study was the important potential of boundary crossing that emerged as a result of higher-level engagement with student feedback. The stimulus of the CHAT-informed, action research model - however imperfect - did encourage many academics to engage much more directly with activities with which they normally held a more abstract relationship. This study demonstrated the potential pedagogical development that comes in dissolving boundaries with the professional context of disciplines. Although here the implications were specifically related to legal education, the elevated use of student feedback and collective dialogue (especially drawing on those also working in practice contexts) clearly provides a tangible means of re-envisioning understandings and representations of professional domains of practice.

In addition, the model produced a deeper engagement with questions of educational design, particularly in online environments. From initial levels of latent hostility or indifference, over the life of semesters participants rapidly developed an understanding and appreciation of the challenges of this challenging domain of educational design work. This came with the need to critically debate with designers those issues raised by students and the reasons why or why not design innovations should occur. This required some level of familiarity with the (erstwhile unfamiliar) discourses of educational design methods, complexity of online simulations and imperfect communication tools. Rather than simply being able to delegate, the model forced some real engagement and discrimination around potential options use of resources and longer-term ambitions. Over the life of the case studies, this made expectations more realistic and outcomes more tangible.

Similarly, the model provided a strong imperative for the development of situated forms of academic development. Although several participants had undertaken formal academic development programs, the majority of participants had not. The issues generated by elevated student feedback tended to also produce defined areas where collective academic development would be of immediate benefit. The catalyst of the heightened feedback created a natural dialogue about local academic development needs and how these might be effectively addressed, producing a third boundary crossing. This resulted in a series of local academic development initiatives, which although not all successful, were useful as they were authentic to the context of teaching, accessible and generally relevant directly to course improvement. Arguably, the relevance of this

form of situated academic development was a factor in the development trajectory in evidence in both programs considered in this study.

Limitations of the study

The outcomes of this study need to be considered within the limitations of the scope of this research. Firstly, the study has consciously adopted a sociocultural perspective and qualitative methodology to understand the complex relationship between student feedback-based evaluation and academic teaching. This inevitably privileges the social over the individual and the collective over the personal. It also means the study was emergent rather than fixed in its design, and drew its insights from broad thematic data rather than seeking to understand the quantitative dimensions of responses to student feedback. Therefore, it offers no response to the questions of the design or deployment of orthodox quantitative student feedback models that predominate Australian higher education, aside from locating them in a broader social discourse.

Secondly, the thesis is also strongly framed by socio-historical research on the forces that shaped student feedback since its introduction to Australian universities, and how this has shaped contemporary approaches. This framing inevitably involves making selections and determining omissions, based on the subjectivities of researcher judgment. It also relied on documented history rather than other forms of recollection (such as oral accounts or interviews) that which may have offered a differing perspective on matters considered.

Thirdly, the study is limited in its focus, having centred its empirical work on two teaching programs in the same discipline area in one university. As such, consistent with the broader qualitative methodology that underpinned the study, it sought to report on a specifically contextual outcome rather than one that could be easily generalised or replicated. This approach also involved the novel use of a pairing of CHAT and action research, challenging the more conventional use of CHAT as an interventionist research tool (i.e. Engeström's *developmental work research* approach). This meant the method was significantly experimental and, in hindsight, potentially overambitious in its form and design. This worked to limit the potential scope and utility of this pairing and subsequent uses of this approach would need to refine this method further based on the experiences of this application.

Fourthly, as noted in Chapter Four, the researcher operated in an immersive *participant-researcher* role. This inevitably meant that the interpretations made reflect the inevitable prisms of interpretation that necessarily frame these judgments. Although attempts were maintained to maximise the reliability of observations and analysis by the triangulation of data sources, this is inevitably imperfect and representations must carry traces of the cultural, educational and political understandings of the researcher. Similarly the researchers' critical perspective, borne of a range of experiences with student feedback-based evaluation, inevitably influenced the interpretations made about responses of participants and the range of potentialities identified in this research.

Fifthly, the failures of collective dialogue as the action research progressed forced a greater expansion of the participant role of the researcher, meaning that outcomes tended to be more shaped by the researcher than was desirable under the initial framing of the model and the broader research. As has been noted elsewhere, the experience of the case studies was mixed, with some evidence of successful development, but equally compelling evidence that the model and the case study outcomes had significant limitations in practice. This necessarily limits the implications that can be drawn from the study of itself, instead it points to a potential around an alternative approach student feedback-based evaluation based on the localised experiences of these cases and the broader underlying premise offered regarding the developmental potential of more development use of more qualitative forms of student feedback.

Finally, another weakness of the study related to the inability to effectively sustain participant engagement in the two case studies over the duration of the three semesters. This inability was significant in that it limited the potential breadth, depth and, in CHAT terms, the multivoicedness of the case study outcomes. This needs to be considered in reflecting on the various contentions and conclusions that have been drawn from the case study data. This weakness also has implications for the potential viability of the CHAT-informed action research model which formed a core element of this study, and whether it offers a legitimate alternative to the dominant developmental work research methodology that has been conventionally associated with CHAT (the implications of this are further explored in the next section).

Theoretical implications of the research

This study adopted a CHAT framework to pursue its broader sociocultural analysis. However, it consciously disputed some of the conventional uses of CHAT, avoiding employing it only for its explanatory or heuristic potential and instead integrating directly as part of the interventionist design of the case studies. Overall, the CHAT framework provided a robust and illuminating foundation for this study, providing a means of creating disturbances the allowed the deepened exploration and analysis of the tensions surrounding the activity of student feedback. The depth of the study greatly benefitted from the analysis of the socio-historical layers that formed the cultural foundations for the contemporary form and function of student feedback in Australian higher education. Its explanatory potential also allowed through these means to further identify the developmental potential of student feedback. It was also apparent that the work developed by Engeström (2007a) in defining *third generation activity theory* provides a highly useful means of understanding the complex internal and external forces that mediate and shaped this activity.

The study adopted a relatively novel twinning with a developmental action research methodology, explicitly rejecting the 'radical localism' of Engeström's (2000b) interventionist *developmental work research* approach. Central to this orientation was the attempt to critically re-mediate the CHAT framework to discover the potential of more democratised and less prescribed form of intervention than is conventional associated with this form of workplace-based research. Consistent with the arguments of Dixon-Krauss (2003), Kanes (2004) and Langemeyer and Nissen (2006), this study to a limited extent demonstrated the potential of action research to offer a more accessible, democratic and complementary methodology for CHAT theorising. Although clear limitations emerged around both the model's design (and particularly its perhaps over-complexity), the frame of action research provided some opportunity for participants to more genuinely engage with CHAT than would have been either feasible or desirable using a more directive interventionist method. It also facilitated developmental change over time that was more organic and self-directed than would have occurred should have the *developmental work research* model been adopted. As a result, the study was also was broadly effective in addressing the possible over-socialising of individual agency that has been identified as a potential consequence of

the conventional interventionist drives of CHAT research (Billett, 2006; Wheelahan, 2007).

The use of an action research methodology, particularly in a domain of strong professional identity such as academic teaching, had the effect of harnessing the subjectivities (and intersubjectivities) borne of individual agency rather than these being subsumed within notions of social agency alone. Indeed, much of the dynamic in the case study environments was derived from the strong tensions that emerged between individual and social agency, not least of all because of the strongly divergent views of individuals or sub-groups that at times emerged in response to the social framing of outcomes or potential developmental paths. As noted in the case study outcomes, much of this arose from the individual experiences within the legal profession, previous experiences within it, or from scholarly engagement with legal education literature. It is difficult to see how the more directive forms of intervention could have effectively navigated the eclectic and heterogeneous individual agency (and related professional capabilities) that were brought to bear in these academic teaching environments.

Hence, there would seem to be two clear methodological implications from the outcomes of this study related to the use of CHAT. Firstly, action research would appear to offer a potentially robust and viable complementary methodology for CHAT research, particularly in professional practice environments like higher education. Secondly, this combination may also mediate the potential over-socialisation that comes from more interventionist or hegemonic methodologies (such as *developmental work research*) that may not sufficiently accommodate the significant individual agency that is a critical element of development and learning in professional environments.

Having said this, the *learning evaluation model* (which negotiated this blending of CHAT and action research) proved to be underdeveloped and did not work to full effect as a mediating conceptual tool in this study. Although the work to integrate Engeström's four-stage expansive visibilization process with the conventional action research cycle appeared to offer potential as a means of framing the empirical element of this study, it instead was quickly rendered largely redundant by workplace reality. If a CHAT-based, action research model is to be functional, a much clearer design will be required than that used in this study. Participants reported the model to be confusing (even in its schematic form) and the stages defined lacked clear spatial and temporal

demarcation. This was no doubt somewhat related to the complexity of the underpinning CHAT foundations of the model, however this does not fully explain the impediment the model became as the semesters evolved, and as the approach of groups matured and less explicit guidance was demanded.

Further, the model failed to effectively respond to the consequences of pre-existing power structures that re-established themselves as the semesters progressed. Here the democratised form of design allowed domination by program leaders and the opting out by others. Finally, the model did not prove of itself sufficiently engaging to be sustained over three semesters, let alone beyond. All of these factors suggest a simplified model, which captures the granulated stages identified in the twining of CHAT and action research, is an essential should a similar study be attempted.

Potential for future research

This study has attempted to highlight the limitations of orthodox forms of student feedback-based evaluation as it is contested within the domains of academic development, quality assurance and performance management. This contestation has tended to progressively reduce the developmental potential of the student voice as the more tangible drives for accountability and measurement frame outcomes in the largely negative discourses of deficit and defence. Similarly, this study suggests the more complex, fluid and dynamic environments of learning and teaching in higher education necessitate forms of assessment beyond Likert-type scales and related reductive analysis. These serious reservations about the assumptions and value of orthodox forms of quantitative based student evaluation are not meant to suggest it is not significant or dispensable to the purpose of basic quality assurance or performance management. Instead, this study would suggest this dominant quantitative model may not be necessarily as persuasive or productive in generating and sustaining change in higher education environments as is often assumed.

Given this reality, further research is needed around alternative conceptions of student feedback-based evaluation for academic development use. This study suggests that such approaches could be usefully based on a broadened qualitative paradigm that has a clearer potential to respond more effectively to the increasingly complex, demanding and diversifying pedagogical contexts now emerging in contemporary higher education environments. This may also offer a more viable means of engaging professional

academic discourses, rather than the more conventional reductive debates around rating metrics and their primarily statistical meanings. This has the potential to provide a sounder foundation for the mediating influences of academic development, which more frequently operates around the contested edges of contemporary student feedback models.

Some opportunity for future research may be drawn from research that has called for broader evaluative conceptions, such as that of Lincoln and Guba and their *fourth generation evaluation* model. This model asserts the need in increasingly complex environments to move beyond simplistic measurement, descriptive and judgmental orientations to a paradigm centred on evaluation as negotiation (Guba & Lincoln, 1989). This casts evaluation as less a scientific or technical process, and more one that is necessarily social, political and value-orientated. This is built on the contention that contemporary evaluation needs to be understood as 'sense-making' and hence a co-construction between evaluators and evaluands (Guba & Lincoln, 1989). It also suggests evaluation is essentially sociocultural in its design and intent, meaning it encounters the environments of social meaning, of power and of mediation, and is shaped as well as shaping by the context in which it developed. Finally, it asserts contemporary evaluation needs to embody a bias for negotiated action, which engages participants seamlessly in evaluation and responsiveness, defining paths forward and similarly identifying tensions, conflicts and impediments to such progress. This epistemology would seem to present a useful framework for further exploring alternative conceptions. Future research could usefully further consider viable models that draw at qualitative depth on student's perceptions of learning affordances and hindrances, so as to create a dialectical interplay with professional judgement. As this study has tentatively suggested, this interplay is critical in that it is ultimately orientated toward more sophisticated developmental actions that are essential in ever more complex and challenging environments of higher education learning.

Finally, this study has explored the specific potential of CHAT and action research methodology as a possible means of developing such an alternative. As noted earlier in this chapter, this specific model in this small-scale study has proved broadly effective in generating some significant development, but also laboured under the weight of its inherent complexity, resource demands and tangible limits to sustainability in practice. This suggests further research to refine and improve this model is justified given its

apparent potential. As the research explored in this thesis well illustrates, there remains further potential to challenge the epistemological foundations of orthodox quantitative forms of student feedback and to devise possible alternative conceptions. Although polemicists have raised important and serious questions about its usefulness as a development tool, this has not seemingly translated into research of viable alternative models of harnessing the student voice. This study has perhaps in a modest form added some momentum to this mission, however more research in this arena is both necessary and arguable overdue.

Conclusion

This study offered an ambitious attempt to reconsider the foundational assumptions of student feedback-based evaluation and its contemporary contested function in Australian higher education. Unlike the vast majority of studies in this area, which focus on questionnaire design or its assimilation of its outcomes into practice, it set out to understand the foundational paradigms of student feedback within the social forces that historically shaped its form, its function and its contemporary state. It also sought to explore the potential of student feedback to develop and improve academic teaching practice. What emerged from this analysis was an account of quantitative student feedback-based evaluation being adopted in Australian higher education from an earlier history in the United States, under the imperative of rising concerns around teaching quality with the growth of universities in the 1980's. Later drives for efficiency and accountability introduced quality assurance and performance management dimensions, transforming student feedback-based evaluation from an academic development fringe dweller to a more prominent institutional tool.

In the contemporary institution, student feedback-based evaluation occupies a contested and even paradoxical state - caught between the positive imperatives of improvement, the largely benign discourses of quality assurance and the more treacherous climbs of performance management. It is unlikely that any of these imperatives will disappear. Indeed, data presented in this study would suggest these multiple imperatives would only heighten as social expectations of higher education intensify further in a knowledge-based economy, where pressures on resources grow ever greater and students are further reformed into consumers. What this study tentatively suggests is that it may no longer be realistic to rely on orthodox quantitative student feedback-based evaluation for these three quite distinct and increasingly contradictory

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imperatives. More complex curricula and more complex teaching environments in universities demand a more sophisticated method of articulating, analysing and acting on the student voice. Therefore, the time has come to consider moving beyond well-trodden conventional approaches to student feedback and to investigate deeper and more qualitative engagement, engagement that generates a more substantial professional dialogue centred on improvement and innovation, rather than one increasingly operating within the discourses of deficit and defence. This may mean that the substance of student feedback is re-orientated back to improving the quality of teaching and student learning, rather than becoming a reductive tool of quality assurance in the future Australian university.

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Appendixes

Appendix One: Comparison of ANUSET (1984-2009) and ANU SELT (2009-) questionnaires

ANU Student Evaluation of Learning	ANUSET Course Evaluation	ANU Student Evaluation of Teaching	ANUSET Large Group Teaching
I had a clear idea of what was expected of me in this course	Overall, how heavy did you find the workload of this course?	The lecturer taught in a way that supported my learning	Lecturer organized and managed class time and activities effectively
The teaching and learning activities (e.g. lectures, tutorials, field trips) supported my learning	The course was structured appropriately and was well organised	The lecturer stimulated my interest in the subject	Lecturer communicated course content and requirements clearly (through speech, print or internet etc.)
I had ready access to the learning opportunities provided in this course (e.g. course notes, online materials, library resources, field trips)	Teaching and learning methods and activities (e.g. lectures, tutorials, field classes etc.) were appropriate given the goals of the course	The lecturer effectively used illustrations and examples	Lecturer stimulated student interest in subject content (through approach to and methods of teaching; activities and tasks set; materials and media used; enthusiasm for teaching etc.)
The assessment seemed appropriate given the goals of the course	Readings, print materials and software was good quality for reference and support	The presentation of lectures was at a suitable pace to assist my learning	In so far as the nature of the subject and the composition of the class allowed, the lecturer provided encouragement for student participation in class (e.g. to ask or answer questions, or engage in brief discussions.
The feedback I received during the course supported my learning	Teaching staff were contactable to assist with student problems and needs	I had sufficient feedback during the course to be able to assess my progress	Lecturer had a positive attitude to students; showed concern and respect for individual student learning problems and needs
Overall, I was satisfied with my learning experience in this course	The course challenged students intellectually and facilitated	The lecturer actively encouraged student questions and participation	Lecturer provided helpful (including timely) feedback for student learning (e.g. through

	understanding (through content and materials, activities and tasks; integration and relating of content etc.)		assignments, exercises, during class, in informal interactions etc.)
What were the most notable strengths of this course? (open-ended)	Assessment tasks, requirements and criteria seemed appropriate, given the goals of the course	Overall I was satisfied with the quality of teaching	All things considered, and allowing for any perceived limitations of the course or subject matter, how would you rate the effectiveness of this lecturer?
What suggestions for improvement would you like to make? (open-ended)	Adequate and appropriate feedback was provided to assist learning and keep students informed of progress		
	All things considered, how would you rate the overall impact of this course on your learning and development (gain in knowledge, skills, motivation, development of personal attributes etc.)?		
	What were the most notable strengths? (open-ended)		
	What suggestions for improvement would you like to make? (open-ended)		

Appendix Two: ANU Policy: Student Feedback on Teaching and Learning

Principles

1. Collecting and responding to student feedback is an important means of enhancing the quality of teaching, learning and the student experience.

2. The university will gather and report on student feedback using ethical, systematic and rigorous processes, consistent with the Tertiary Education Quality and Standards Agency Threshold Standards.

3. Student feedback is used in conjunction with other sources of data to inform education-related decision-making.

Responsibilities

4. The University has a responsibility to:

a. Make the existence and timing of feedback mechanisms known to students in a timely fashion

b. Actively promote core and summative surveys to engage students in the feedback process

c. Ensure ethical procedures and confidentiality are upheld and regularly assessed

d. Maintain all survey data compliant with relevant legislation and survey methodology

e. Maintain a register of approved surveys in Planning and Statistical Services

f. Provide information, guidance and support to both staff and students when required

5. Students have a responsibility to:

a. Contribute constructive, honest and thoughtful feedback

b. Provide feedback that is not derogatory or vindictive

c. Recognise their important role in contributing to improvements in teaching, learning and the broader student experience

6. Teaching staff have a responsibility to:

a. Encourage students to participate in feedback processes

b. Engage with student feedback and actively respond, where possible, to improve the quality of teaching and learning

c. Maintain their own personal records of feedback, with due regard for the confidentiality of the data

d. Ensure confidentiality and ethical procedures are upheld

e. Reflect upon student feedback to provide information, guidance and support to students to enhance their learning

Evaluation Principles

Ethics

7. Surveys used for quality assurance purposes do not currently require ethics approval. All other surveys will have ethics approval from the ANU Human Research Ethics Committee.

8. All mechanisms to gather student feedback will be conducted in an ethical manner, as per the guidelines on Student Survey Ethics.

9. Participation in student feedback will be voluntary.

10. Where respondents can be identified through the collection mechanism, unique demographic characteristics or identifiable content in open-ended comments, University staff will treat the survey response as confidential and act in accordance with the Procedure: Prevention of Discrimination, Harassment and Bullying.

11. Students may lodge a complaint with the Dean of Students if they believe their survey responses have been used unethically.

Incentives/ permits

12. Students must be made aware of any incentive offered for participating in student surveys and evaluations.

13. If a prize is offered in the form of a lottery, the survey administrator must obtain a trade promotion permit from the ACT Gambling and Racing Commission at least seven days prior to the start of the survey. This permit requirement does not apply to either of the incorporated ANU student associations.

Privacy legislation

14. The extraction and use of student data for survey populations and administration must be protected in accordance with the Commonwealth Privacy Act 1988 and the University's Statement to Students on Protection of Personal Information.

15. The University will gather student feedback via three distinct mechanisms, in accordance with the Procedure for Student Surveys and Evaluations:

a. Formative feedback, primarily qualitative in nature, including informal mid-semester evaluations or feedback gathered through student representatives

b. Summative evaluations, namely the Student Experience of Learning and Teaching (or its successor)

c. Core University surveys; including routine sector-wide surveys approved by government or peak bodies, and internal surveys approved by the Vice-Chancellor, or Deputy Vice-Chancellor. Non-core surveys will be subject to an approval process.

Use of student feedback

16. University executives, University Education Committee and its sub-committees, Colleges, teaching staff and service divisions will use student feedback as one of the sources of data to:

 a. Improve the quality of courses and programs

 b. Improve the quality of the student experience

 c. Support the scholarship of teaching

 d. Inform professional development programs

 e. Improve the provision of learning resources and support services

17. Teaching staff may use student feedback as one of the sources of evidence of teaching quality for the purposes of appointment, promotion and teaching awards.

Excerpt from procedures related to SELS

Student Experience of Learning Support (SELS) reporting

16. SELS reports will be available after the release of student grades, in accordance with published survey timetable.

17. SELS reports will be provided to individual course convenors and lecturers at the conclusion of each course, regardless of the number of responses.

18. Open-ended comments will be provided to staff unedited. A staff member may apply to have offensive or threatening comments removed from their survey results with approval from their head of department by emailingevaluations@anu.edu.au with the relevant details and approval.

19. New course convenors will be able to access past SELS reports (qualitative and quantitative components) to facilitate quality improvement of the course.

20. In cases where an individual student or member of staff is identified in SELS open-ended comments, those comments will be treated confidentially.

21. Numeric SELS results, with a minimum of 5 responses, will be published on the Planning and Statistical Services website for access by staff and students. Numeric SELS results, with a minimum or 5 responses, will also be made available to University Education Committee (UEC), and used in the production of Key Performance Indicators (KPIs).

22. Aggregate SELS results will be published by Planning and Statistical Services to enable staff to benchmark course results. Benchmarks will be based on evidence of significant differences between groups.

23. Colleges will provide UEC with a succinct report for each course with a SELS overall satisfaction agreement level below 50 per cent. The report shall focus on specific actions and timeframes to improve the student experience.

Student Experience of Teaching (SET) reporting

24. SET reports will be available after the release of student grades, in accordance with published survey timetable.

25. SET reports will be provided, regardless of the number of responses, directly and only to the academic staff member to whom the survey relates, for reflection on their professional practice.

26. The staff member may choose to incorporate their SET results and anonymised open-ended comments in their teaching portfolio, for the purpose of future appointments, promotions and teaching awards. Staff may also chose to share their SET results with others, including supervisors and/or educational developers for their individual professional development.

27. Open-ended comments will be provided to staff unedited. A staff member may apply to have offensive or threatening comments removed from their survey results with approval from their head of department by emailing evaluations@anu.edu.au with the relevant details and approval.

28. Aggregate SET results will be published by Planning and Statistical Services to enable teaching staff to benchmark their results. Benchmarks will be based on evidence of significant differences between groups.

Appendix Three: Information Sheet for Participating Teachers

Research Project: *Assessing the effectiveness of a collaborative model of evaluation*

Introduction

This research project is designed to assess the effectiveness in practice of an innovative collaborative model of evaluation intended for use in a range of discipline areas at the Australian National University. This research will observe the experience of teachers and other stakeholders in the use of this evaluation model in pilot form to identify its usefulness and potential enhancements. The objective of the research is to develop a robust alternative form of evaluation for professional discipline areas in higher education.

This research project will specifically assess how effectively the learning evaluation model contributes to the improvement of student learning, teacher professionalism, curriculum quality, learning resources, assessment, subject integration and the identification of teacher professional development needs.

What does the research involve?

The research will investigate a range of data contributed in review sessions and online by teachers, peer interaction, student experiences of learning and the overall experiences of teachers throughout the three stages of the learning evaluative cycle. During these stages, data will be collected by a) recording discussions between you and your colleagues in the preliminary and concluding evaluative discussions and b) electronically via input into the Moodle based evaluation blogs for the subject. This data will be thematically coded to centre on collaborative outcomes and hence individual data will not be reported, unless your explicit permission is granted for this to occur.

The analysis of this broad range of data, along with data gained from a range of other pilots will allow the researcher to assess the effectiveness of the learning evaluation model. You have been selected as a participant as a teacher in the <program> which is a pilot program for this new evaluation model and you are likely to be able to assist us in realising the objectives of the research.

Participation in the project is purely voluntary, and there will be no adverse consequences if you decide not to participate. If you agree to participate in this research project we will ask you to take part in an initial discussion at a preliminary evaluative workshop, provide evaluative input online during the semester and contribute to the analysis in the later review workshop. You may also be asked to participate in a short (half to one hour) phone interview at the conclusion of the evaluation cycle.

You may withdraw from participation in the project at any time and you do not need to provide any reason to for this decision. If you decide to withdraw from the project, we will not use any of the information you have provided. The results of this study will be reported in academic journals or books. However, the names of individual teachers or teaching areas will not be reported in connection with any of the information obtained in interviews without written consent of the individual(s) concerned. We will provide you with the results of the research when published.

Are there any risks if I participate?

We do not intend to seek any information in data collection and subsequent interviews which is particularly sensitive or confidential. It is possible that because participants have teaching responsibilities in specific subjects, others may be able to guess the source of information provided in data or via interviews, even if it is not attributed to any person. Accordingly, it is important that you do not provide information which is of confidential status, or which is sensitive or defamatory.

Contact Names and Phone Numbers

If you have any questions or complaints about the study please feel free to contact:

Stephen Darwin, Academic Developer, College of Law, Australian National University. Tel: (02) 6125 1649 | email: stephen.darwin@anu.edu.au.

If you have concerns regarding the way the research was conducted you can also contact the ANU Human Research Ethics Committee: Human Ethics Officer, Human Research Ethics Committee, Australian National University. Tel: 6125 7945 | email: Human.Ethics.Officer@anu.edu.au

Research Project: Assessing the effectiveness of the Learning Evaluation Model

Participant Consent Form

1. I ……………………………………. (please print) consent to take part in the research project to assess the effectiveness of the Learning Evaluation model being used to evaluate subjects in the <program>. I have read the *Information Sheet* for this project and understand its contents. The *Information Sheet* provided explains the nature and purpose of the research project, so far as it affects me, to my satisfaction. My consent is freely given.

2. I understand that if I agree to participate in the research project, I may be asked to take part in an interview, which should last for no more than thirty minutes; and that in preparation for the interview I will be sent a list of questions indicating the matters to be discussed.

3. I understand that while information gained during the research project may be published in academic journals or books, my name, position title or any other identifying information will not be used in relation to any of the input I have provided to the research, unless I explicitly consent in writing to be identified when quoted.

4. I understand that personal information, such as my name and work contact details, will be kept confidential so far as the law allows. This form and any other identifying materials will be stored separately in a locked office at the Australian National University. Data entered onto a computer will be kept in a computer accessible only by password by the researcher.

5. I understand that my participation in this research is entirely voluntary and I may withdraw from the research project at any stage without providing any reason and that this will not have any adverse consequences for me. If I withdraw, the information I provide will not be used by the project.

Name……………………………………

Signed ……………………….......……….

Date …....…………………

Evaluation and Course Development Report

Graduate Certificate in Australian Migration Law
and Practice

Summer and Autumn Sessions

Semester One, 2010

Stephen Darwin

College of Law

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Introduction to the Evaluation

This evaluation report of the Graduate Certificate in Australian Migration Law and Practice is the outcome of an innovative and collaborative evaluation model that used an action research approach to investigate and understand the effectiveness of student learning activity in individual subjects and more importantly across the whole program of study. Unlike more traditional student ratings based generic evaluations; this more expansive evaluation involved the following steps, which sought to generate more substantial and deeper insights into the student learning experience:

- *an initial stage* where program teachers and the evaluator negotiated and agreed on the key questions to be investigated in the evaluation and any relevant issues of concern that needed to be understood (this was at a workshop in January preceding the start of the semester);

- *an ongoing stage* centred on a blog capturing the reflective dialogue of teachers which captured their ongoing evaluation of the student learning as it had developed during subjects, which broadly focussed on a series of key questions related to online learning, assessment and future directions;

- *a concluding stage* where an online evaluative questionnaire was distributed to all students in the two sessions, which sought their open ended feedback on their experiences of learning.

Responses

In Table One (below), the responses from students to the survey requests are outlined in detail. The shaded surveys are the primary focus of this evaluation report.

Course	Source/Data	Responses	% response
8167 Australian Migration Law and MARA	ANU/Qual	39	23
8168 Australia's Visa System	ANU/Qual	31	24
8169 Visa Compliance	ANU/Qual	29	24
8170 Applied Migration Law and Practice	ANU/Qual	13	11

Program teachers contributed 35 blog posts during the semester on issues around assessment, online learning and future directions.

Overall Outcomes

The negotiated ANU qualitative survey of student opinion generated a significant breadth and depth of data from the 112 responses it received. The broad outcomes of this student evaluative data were:

- a significant majority of students were satisfied overall with their learning experience in the Graduate Certificate program;

- that there are clear indications that, as the program and its artefacts are maturing, that student learning is improving;

- the efforts of teachers to facilitate the program is generally highly regarded and valued, with a large number of students singling out teachers for high level acclaim;

- a significant majority of students thought that flexible access to online resources, forums, quizzes and live classrooms was a major positive in the design of the program;

- that several elements of the programs are highly regarded as contributing to learning (most notably intensives, discussion forums, assignments and quizzes);

- there are widespread reservations about the value, credibility and relevance of exams as a form of assessment (which is clearly shared by many program teachers) and that is seriously inhibiting the ability of the program to broaden and innovate in the learning approaches it can adopt;

- the time limitations on subjects continues to be a source of considerable anxiety, especially around being able to absorb and reflect to the level required for both assessment and later practice;

- the multiple technologies being used by the program, their clarity and their various levels of reliability are also the cause of considerable anxiety; and

- that there is some tension between lawyers and non-lawyers, particularly around inequitable levels of participation in discussion questions (lawyers) and unrealistic entry-level knowledge expectations (non-lawyers).

Specific Areas of Survey Interest

What were the <u>most effective </u>elements of the overall program in assisting student learning?

Although there was some variation across subjects and sessions (discussed in subject summaries below), the primary elements that students assessed as most effective were:

Quality of teaching: a key theme to emerge from student responses was the quality of teaching, as demonstrated in the engaged, rigorous and responsive approach adopted by program teachers. There was also widespread appreciation of the generally high level of expertise in legal knowledge and applied practice demonstrated by teachers. Students generally appreciated the attempts to creatively deal with the challenges of online and blended learning and were particularly appreciative of innovative cases, quizzes, feedback, support and guidance individual teachers offered.

Discussion Forums: it was a notable in responses how vital students felt the discussion forums (and related quizzes and cases) were in their learning across all subjects. Indeed, students were keen to suggest ways of expanding forums via assessment, increasing their usefulness to share understandings and assessment thinking and to build more sustained and equitable participation;

Direct engagement: there was a strong sense (though not universally shared) that the opportunities for teacher-student and student-student interaction were essential to the reflection, challenge and collaboration necessary to succeed in the program. Students involved in intensives found these very valuable and indeed generally called for more. Students who felt they had successful experiences with Wimba generally felt the same;

Access to legal and learning resources: students thought that the range of legal resources (in particular Legend), client files and associated learning resources made available via Wattle were significant to their overall learning outcomes. There was

widespread appreciation of the efforts to simulate the nature of practice and advice, as well as to use the artefacts that would be common in practice.

Assessment and Feedback: a significant minority of students thought the assessment they encountered and feedback they received in subjects was effective in assisting their learning. However, views here were polarised, primarily around the learning value of exams (discussed below) and some concerns about differential levels of student feedback across subjects. Program teachers recognised that approaches to assessment were improving with the progressive introduction of higher numbers of practice scenarios, blogs, discussion and the recognition of participation. Nevertheless the teacher blog also included major reservations about the exam model.

What were the <u>least effective </u>elements of the overall program in assisting student learning?

Not surprisingly in this form of evaluation, students offered a diverse and at times contradictory range of perspectives on what was not effective for their learning. The main elements were:

Exams as a primary form of assessment: students across all subjects expressed common frustration at the high stakes exam model of assessment. This was manifested at a number of levels: the high level of anxiety (and related low performance) it generated, its narrowing of student knowledge and learning, its contrast to the more interactive and engaging practice based forms of assessment in subjects and the limited ability to anticipate and prepare for them.

This concern was equally in the program teacher blog, where reservations about the exam model were expressed and the desire for more staged and feedback informed forms of assessment that more constructively contributed to student learning. It was also apparent that this form of assessment tended to run counter for teachers to the attempts to build both engagement and depth in student learning in the blended model they enacted.

Intensity of learning and assessment expectations: there was a widespread belief that the period of study was too intensive to realise the level of learning required in subjects.

This was argued from a range of perspectives: the need for absorption and reflection, the difficulty of melding with the demands of full time work and family, the dilemmas for non-lawyers, pressures of simultaneous subject study and demands to be frequently online. Related to this, students reported feeling frequently underprepared for assessments, and in particular final exams. Several students noted the apparent irony of studying practice in an authentic way whilst being assessed in a way that would never be replicated in practice. The program teacher blog somewhat recast this debate in terms of the need to continue to clarify the nature and demands of a blended learning experience, both for students (to ensure it is seen as time consuming as online learning) and for teachers (where professional development in this unique facilitation mode is desirable).

Alignment of learning activities and assessment: a theme that consistently emerges was the perceived misalignment between the broad areas being taught in subjects and the relatively narrow issues being assessed in exams. Students reported cases of anxiety and disillusionment as a result of this perception in subsequent subjects, particular given the seeming contrast with the breadth of complementary assignments, discussion forums and client file activities which were seen to more legitimately assess student capabilities.

Technology access problems: though more pronounced in the Summer session, considerable anxiety was expressed around the availability and usability of technology. A significant number of students reported problems in being able to access online resources in a timely way, either as the resources not being posted or inaccessible due to technical failings. Some frustration was also expressed about the complexity of operating successfully across the Wattle/Mahara/Wimba platforms, retailing experiences of being confused, lost or generally unable to maximise the opportunities these platforms were meant to offer. One particular issue was around keeping on top of updates and changes without any direct email advice of such change. Given the intense nature of the subjects, this was felt has having a disproportionate impact on opportunities for students to successfully complete essential study.

This issue was also actively debated on the program teacher's blog, where there was a recognition that the expanded suite of online learning technologies had enhanced subjects but further improvement in their use and reliability was needed. Some of this came from more teacher and student familiarity and guidance, as well as further

professional development for teachers to maximise the potential these online learning technologies offer.

Response expectations: it was apparent from responses that students determined appropriate levels of responsiveness from teachers according to either their experiences with other online services or the highest levels of response that they had encountered in another Graduate Certificate subject (or university). This appeared to create onerous (and seemingly unrealistic) expectations that were almost impossible for teachers to realistically and consistently meet. One discussion thread on the teacher program blog suggested that the dispatch of a personal email alert students may be one means of limiting student frustration in constant return to Wattle without response or changes being apparent (which is currently an unused feature of Wattle);

Instructions and Scaffolding: some frustration emerged across subjects on the lack of a clearer 'road map' on the activities required to be completed, timeframes, location of key resources and instructions on the use of technologies. There were reports of considerable time wasting and confusion around navigating to a required artefact or activity that may have been eased by a clearer orientation framework. Several non-lawyers felt there was a need for additional legal resources for those with limited legal training so they are able to more effectively participate in subject learning activities;

Equity: a significant minority of students expressed concerns about equity in the program at a number of levels. Some students were frustrated at their efforts online in forums or live classroom not being matched by fellow students. Several non-lawyers commented that they felt disadvantaged in a program seemingly designed for lawyers. Others felt that the range of cultures encountered in cases and in learning materials needed to be broader to more effectively reflect social diversity. Finally, another group felt that the levels of activity and assessment expectation were beyond those of competing institutions.

How useful was the assessment and feedback in student learning?

The overwhelming majority of students in the ANU survey felt that the assessment for subjects was broadly fair and reasonable in assisting their learning. However, in analysing the qualitative responses, it is apparent this is most often with some (or even

significant) reservations about the value and breadth of a dominating exam. In addition, a significant minority of students were quite upset that they had to complete an exam given its inherent ability to incite narrow conceptions, student anxiety and unrealistic conceptions of knowledge required for practice. A range of suggestions was made across these two groups, some inspired by recent changes in assessment. These included:

- increasing the range of assessment items to make them of more modest scale but influenced by teacher feedback. This may include making blogs or discussion posts an assessable element;

- mapping learning activities to assessment to ensure that students are not either over- learning or being over-assessed; and

- providing greater scaffolding for students unfamiliar with the rigor and intensity of examinations, to allay anxieties that often can limit student ability to effective complete assessment tasks.

The vast majority of students were satisfied with the level and detail of their feedback on assessments and generally found it useful in assisting them to identify areas for further learning. A minority sentiment, confined to several subjects, was that feedback needed to be more extensive to be useful and offer more transparency to assure that grades and comments were legitimately consistent.

Were subjects in the Graduate Certificate effectively aligned?

Aside from students reporting on their first subject, overwhelmingly students felt that the Graduate Certificate subjects were effectively aligned and that the final subject worked effectively as a capstone.

What suggestions were there for changes or improvements?

Interestingly, there was little commonality (or conversely any strong sentiment) for a particular change or range of changes at a program or subject level. This suggests that the program is generally meeting most of the needs of students, whilst maintaining the

potential for further improvement. Some of the most common suggestions for change revolved around:

- modifications or abandonment of examinations

- increase in teaching periods and/or a move to a Graduate Diploma

- more structured engagement and related 'road map' (online handbook)

- better align learning activities and assessment

- expanded range of client files, case studies and scenarios

- more opportunities for real or virtual collaboration

- more weight on assignments and other non-exam assessment items

- simplifying the interface for online study to that which is critical

- improved teacher response times

- access to prior exams

- release of all subject materials on opening of session

- improved processes for exam release on a specified date

Subject specific issues (excluding the general issues outlined above)

8167 Australian Migration Law and MARA

Students expressed strong satisfaction with the face-to-face teaching and discussion forums in the subject. They also felt that their ability to understand and interpret the framework of migration law had been considerably enhanced as a result of participating in the subject. It was also apparent the weekly activities and quizzes were valued. It was also notable that several students offered very positive appraisal of subject teachers

Some frustration was apparent over the introduction and accessibility of the Legend system, particularly in the summer session. Suggestions were made that a more systematic introduction of Legend would assist students making more effective use of it. Some students also expressed a desire to see more feedback around their blog posts to allow them to assess they level of acquisition of key subject issues. It was also felt by

the autumn cohort that the first subject should have a face-to-face component and not just be delivered online given its foundational role.

8168 Australia's Visa System

Most students in this subject were positive about teaching, resource availability, the building of capability in using migration and visa frameworks and the usefulness of engaging in discussion forums. It was also recognised that teaching attempted to take reasonable account of the changing and at times fluid legislative and policy framework of the Australian visa system.

However, students largely felt the subject suffered under the weight of excessive content and related expectation given the amount of time available for the subject. This was noted as also a problem in the extensive material covered in the intensive and the need for frequent online engagement. Though most students were generally satisfied with the assessment in the subject, a significant minority of students commented on the inherent limitations of the exam, which was seen as narrow, and an unrealistic means of assessing the capability of potential agents in this important area. Unsurprisingly, these students also called for longer study periods and more diversified assessment for this subject. Having said this, students were overwhelmingly positive about the quality and extent of feedback they received and how this subject was integrated with other subjects in the Graduate Certificate program.

8169 Visa Compliance

Generally, students were very positive about the quality of teaching in this subject and thought the strategies and approaches in teaching were both logical and engaging. Similarly, most judged the discussion forums, quizzes and focus questions were seen as being useful and productive for their learning in this area.

However, students in this subject reported greater frustration with online communication than in other subjects, some need for greater clarity around and use of online technologies and a related desire for greater interaction online or in face-to-face teaching (particularly around issues of visa cancellation). Several students in both sessions (but more so in the summer session) felt a more positive environment around

the likelihood of success rather than the prospect of failure may have been more productive for their learning.

Students felt that the assessment and feedback was generally sound, however as was the case in other subjects felt that the exam was overly narrowing of the range of complex issues dealt with in the subject. Some students also thought additional scaffolding for these exams and the types of questions they asked may have been useful. Although students offered a diverse array of potential changes, none of these were broadly expressed beyond the extension of the teaching period for the subject.

8170 Applied Migration Law and Practice

The number of responses for this subject was reasonably low, making it difficult to reach definitive conclusions. Having said this, students were generally positive about the quality of teaching, learning resources and discussion forums. Several students felt more practice work and in particular client interviews may have proved helpful. Students generally felt the assessment and feedback was suitable, though several commented on their preference for more staged assessment, (perhaps to include more visa practice and business planning) and a longer period for the subject. Overall, students largely felt that this subject worked effectively as a capstone unit for the Graduate Certificate program.

Key Questions for Course Development

Primary Questions

a) How can forms of assessment (and the exams specifically) more reliably and validly assess the knowledge, skills and capabilities that are taught in the program and required for practice as a Migration Agent?

   Potential Responses: (general assessment) increased number of practice-based assessment activities, assessment progressively timed during subjects, assessment of contributions to discussion or client management, increased use of 'informal' or formative assessment; (exams) more scaffolding around likely questions, issuing of non-assessable practice exams, access to previous exams, generation of a more positive climate around the exam context, design of t intercommunication online around assessment to facilitate peer support.

b) How can the limited teaching periods be further enhanced to allow students to sense they are sufficiently prepared for assessment and later practice?

Potential Responses: earlier release of learning materials/activities to allow early start, inclusion of podcasts on key issues that can be downloaded to portable media devices for more flexible engagement, content review to ensure alignment of learning materials/activities with both needs of practice and assessment, reshaping student expectations of commitment in blended learning program, introduction of re- occurring cases throughout subjects to increase research efficiency, teacher professional development to further improve the effectiveness of teaching, communication and assessment practices.

c) How can the online learning technologies used in the subjects be more effectively harnessed to enhance the student learning experience?

Potential Responses: creation of an online 'road map' for students that includes key guides on technologies and the expectations in subjects of their use, some improved consistency across the subjects around expectations of students online and these communicated consistently, creation of frequently asked questions site for students on Wattle, simplification of the strategies for use of Mahara, establishing email alerts to students of additions and changes across subjects, further professional development for teachers on the effective (pedagogical) use of online learning technologies.

Secondary Questions

d) Can we create a greater sense of a community of practice between students within the subjects as a means of allowing greater self-direction, more equitable online participation and peer support?

Potential Responses: establish special interest spaces on Wattle for students with different needs (i.e. non-lawyers, students currently in legal environments, overseas/remote students etc.), introduce/increase assessment around online contributions, create scaffolding resources online for students who sense a deficit in particular aspects of their knowledge or skills, more systematic introduction of

online environment in face-to-face intensives, additional professional development for program teachers in facilitating and sustaining online engagement.

e) Are there strategies to engender clearer student expectations and related teacher-student protocols that would increase student certainty around subjects and the program more generally?

Potential Responses: development of a more defined framework of expectations for students in orientation, introduction of an online road map, establishing a range of reasonable response times for student enquiries and assessment across the program, introduction of more standards forms of feedbacks via program wide templates, move toward assessment rubrics for non-exam assessment.

f) What changes may create the foundation for an even more positive learning environment for students to enhance their overall experience in the qualification?

Potential Responses: strategies to increase transparency around approaches to assessment, open access to learning resources and materials, enhanced scaffolding where students feel need for further support, more flexible learning resources via podcasting and other web based technologies, advocacy of changes around exam based assessment and move to Graduate Diploma.

Appendix Five: Migration Law: Course Development Report, Spring 2010

Graduate Certificate in Australian Migration Law & Practice
ANU College of Law Legal Workshop

Analysis of Evaluation Outcomes

The evaluation project discussed in January has proceeded well, with Summer and Autumn students participating in online surveys and teachers contributing their thoughts through the Mahara blog.

The model developed is more sophisticated than past approaches and has generated deeper student reactions that can enable us to take into account our own judgements about the course we are delivering in order to refine that course in the future.

The model is an action research model: reflect – enact – plan – act – reflect in a continuous cycle.

In January teachers contributed to the design of a questionnaire with 7 open-ended questions that asked about subject elements that assisted learning, those that made learning more difficult, the suitability of assessment, the usefulness of feedback, the relationship of individual subjects to one another, suggestions for future changes, and general feedback.

The amount of data the survey has generated is immense, and provides a good platform for discussing today how we can work together to improve teaching and learning. There is not much variation from subject to subject. Students confirm there is a great deal of coherence, sequencing is right, coherence of the way that learning is happening is right. This is a great achievement for the program. Other programs at ANU are struggling with this.

We have confidence in the amount and depth of data in the evaluations. A 30% response rate is strong for an online survey. The results are not skewed to a particular

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viewpoint. The purpose of this work is to create a basis for course development discussions – not a defining document for the program. In the second half of the year there is an opportunity to reword the questions to be less generic and more specific to resonate with students.

Positive feedback from students

The students in this program were overwhelmingly positive. In the main they found studying a positive process and were satisfied and engaged. They saw the program maturing through the life of their studies. The efforts of teachers to facilitate learning are highly regarded, and teacher expertise is highly valued. Students like the flexibility of the program, and regard simple things like quizzes as learning 'scaffolds'. Discussion forums, which may be a burden, are very powerful learning spaces. Some students feel uneasy at times being in unfamiliar domains like being online, where they have never been before. The biggest dilemma in the program is the Exam. It creates dissonance. The program is practice focussed, but the structure of the exam itself sends a different message. Students are asked to work in a way that is not how they will work in their migration law practice – handwriting, without access to the internet.

We need to think through how we engage students in thinking about the exam. How we can support students in undertaking exam – there is real tension around this assessment piece. There also appears to be tension and volatility between lawyers and non-lawyers, with non-lawyers accusing lawyers of 'showing off' in the discussion forums and lawyers asserting that non-lawyers are not participating.

Issues for consideration:

- Non-lawyers should be asked to do 8167 as a stand-alone subject before moving on to 8168.

- Some teachers find lawyers struggling as much as non-lawyers, due to their expectations that the course will be easy.

- If students are finding it stressful competing with the demands of full time work we should encourage all of them to do one subject at a time.

- As much about expectations as the reality. Students need to clear their calendars when they are studying.

- We need to provide better scaffolding around the 8 weeks, encouraging people to clear their calendars early.

- We do ring all students at the end of the first week if they have not been online in the first week, advising them that they need to go online.

- Should we develop a module of some sort about studying online? Underpinned by our expectations of studying online?

- Blended students are still arriving at classes with the expectation that the course only comprises the face-to-face classes.

- The main issue students seem to have is technical disorientation. Maybe we need to get them working on navigation early, looking for particular things on the wattle course site.

- Teachers are encouraged to read 'The Program Outline', & 'Assessment in the Program' (on the program home page) and the individual 'Course Outlines'. They provide answers to many questions, including 3.1 'Allocate Sufficient Time to Study' and 4.1 'Blended students are expected to invest as much study time as Online Students'. Although we are trying to establish the correct expectations students are not reading these documents.

- Convenors should direct students to these documents so that expectations are clear from the outset.

Agreed action 1

Encourage the students to do their first posting on their understanding of reading the critical documents: 'The Program Outline', 'Assessment in the Program' and the individual 'Course Outlines'.

To encourage each student to contribute, assign tasks for this project e.g. Student A please do a post on what the invigilated exam is, Student B please do a post on how much study time you should allocate, Student C please do a post on blogging, Student D please do a post on what you find under quick access links etc.

Suggestion from teachers for consideration

- If a practising lawyer doesn't need to do the Graduate Certificate to practice as a migration agent, can we develop a stand-alone 8168/8169 course specifically for lawyers?
- MIA does do it – only face to face – there could be an opportunity online
- Short course 68/69 offer it online differential standard in the industry
- Lawyers would do it for 10 Continuing Legal Education points (which cost about $1,000 through the Law Society)
- CLE Continuing Legal Education
- ANU should lobby to make it a legal requirement that lawyers have this training
- Course could focus on Cancellations, Visa Criteria and problem solving, and the concept of 'satisfying the Minister'
- Question from teachers: Would it be useful to have a word limit in Forums? It is difficult when you get someone answer everything.
- Not really to do with word limits
- We need to ensure that the design of our Forum activities are based on Open, not closed questions
- We need to encourage continuing discussion, not just accept long-winded answers
- In the past, some convenors have reviewed the best and worst discussion forum activities. With convenors moving from one course to another this information can be lost.
- Phillip was able to make a model answer for each Discussion Forum activity out of the student answers: it involves them and they have an example of how it works.

Agreed action 2

Build up a central resource of discussion forum activities that all teachers/convenors can access and update. This could be done as a wiki? Or a glossary? Educational Designer to investigate and make recommendation. This central repository could include model answers – the best answers from each Discussion Forum contained in one place.

Discussion point from facilitator

- There seems to be tension from subject to subject about the varying degree of involvement of teachers, the amount of feedback, and the role of teachers generally.
- There is a sense of inconsistency of teacher behaviour across subjects
- Tension around feedback
- Some students expect more 'high school teaching' rather than adult graduate level learning
- There are some complaints that 'X sent things back straight away but Y didn't
- Students expected teachers to provide them with high school type teaching.
- Need to set some standards which are fair on everyone as teachers.

Agreed action 3

Develop a template for Convenors to use when designing their first welcome message – a kind of checklist that sets up appropriate expectations for each course. Convenors will still design their own welcome message but the checklist will set the scene.

Convenors should include a message that makes it clear we are busy professionals teaching as part of a commitment to the profession. This is not the only thing we do and we cannot be online 24 hours a day to answer every little question.

We should stress the amount of change we have to deal with providing students with the most up to date information possible due to our involvement in the industry.

The practice should be to under promise and over deliver. The template could establish a kind of contract between students, teachers and convenors 'we will and you will'.

What to do first – three things you have to do now are:

- Talk about what's good about this course – promo – particularly about keeping law up to date.
- Who I am, and how I and my teachers will interact with you.

Discussion point from workshop

- We need to say something about why exams are as they are. The most stressed student responses were not people saying 'I should have passed' but people saying 'I couldn't cope'.
- We are now allowed to view past exams and provide to students
- This time for 8169 we offered a choice of 2 questions
- We have to go back to offering a choice of two

Discussion point from teachers

- The invigilated interview worked really well
- Very professional – couldn't fault it
- Discussion point from facilitator: a couple of good, thinking students recommended more efforts to build 'community' online.
- Keep monitoring what they are saying and use the line 'what do the rest of you think?' to encourage more interaction
- Informally they do meet and find the other students in Perth, Melbourne, they do have little study groups
- Encourage them to have these networking groups

- There is a connection issue and maybe encouraging networking at a peer level would take some pressure off the teacher as the centre
- While they do informally maybe we can aid that connection (who's from Perth? Get in touch with each other)
- Strong networking can help build a sense of professional identity
- Teachers must encourage students to load a personal photo (can we make this compulsory throughout, not just in 8170 where photo id is required for the invigilated interview? e.g. You must have your picture up or you won't get into exam)
- We have tried to encourage some sense of professional identity by renaming the Discussion Forum groups 'Agents 007, Agents 008' etc.
- Teachers develop a little introduction to their own agent groups describing the practice of 'Agents 007' etc. to give the group a sense of identity.

General discussion by teachers about assessment & feedback

- Formative assessment like the quizzes are highly regarded
- There is some student desire for a quiz at the end of each Discussion Topic – instead of a model answer there could be a quiz. (This won't be physically possible until at least next year)
- Teachers need to summarise Discussion Forum answers and add value to them.
- There is a wattle feature called 'Lesson' which is a combination of module notes and a quiz. Students can't progress through the notes until they answer a question (or questions) correctly. Longer term we could look at adding some Lessons into each course.
- Facilitator doesn't think we have any major concerns about feedback. The issues with feedback focused on people who didn't like the actual feedback that they got or the mark they received
- Legend times out in a very short time, we need to provide more cautions about how to use legend correctly, in the case of drop out or Legend unavailability it would assist students if we introduced a Camtasia of Colman
- Discussion about the videos (Good interview/Bad interview/Client from Hell)
- Client from Hell…light-hearted, a bit extreme
- We need to add some commentary in the books (where the video is shown) that includes discussion questions that make it clear the videos should generate thought e.g. what do they perceive an agent as doing? Why is all this complexity involved – helping to fill out the form – a lot more to it than that.
- Expectations of the profession – expectation of them as students – what do you expect to be doing as an agent?
- Provide good interview (part 1) in 8167. Ask students to blog on the good interview in 8167.

- Show good interview (parts 1 & 2) again in 8170. Ask students to blog, and review their 8167 blog – how did you interpret it in 8167 and what is different now?
- Save bad interview/client from hell until 8170

General discussion on reflections (Blogging)

- The compulsory blogs are excellent – student reflections overall are excellent
- Many teachers love them, find them a really useful tool for getting to know the students
- The motivation to read them is to get to know the students on a personal level – much deeper than 'surface' introductions on the forums
- The capstones were great this session. For the first time ever there were no student questions about 'what is a capstone'. Famous quote: 'for the first time ever there was no 'c$%&p about the capstone'. Students themselves found that it was amazing to go back and look at their state of mind in earlier courses, to understand how much they had learned.
- Only issue is a variety of student expectations about how often a teacher would look at a blog. Some teachers could not access student views of blogs
- Set up a teachers group for each course and ask students to make their blogs visible there. All teachers and convenors could access all blogs in a single place
- Need to address concern that this may raise student expectations teachers will review each and every blog. Can do this by ensuring teachers all adopt a common approach
- Teachers reported not too many students ask for individual feedback on all blogs
- Maintain the compulsory feedback on the assessable blogs in week 1 and week 8 and set expectations that only this feedback will be provided

Agreed action 4

Set up a teachers group for each course and ask students to make their blogs visible there. All teachers and convenors to access the blogs in a single place. Teachers could keep an eye on who is blogging and encourage those not doing it to do it.

Convenors could go in with a comment like 'good to see you working on this' at the two week point to offer reassurance. Convenors will encourage their teachers to give feedback from time to time. Manage that part of the program and its operations and make sure it is under control. General discussion on Assessment Marking (particularly participation).

Participation is a holistic assessment. Teachers requested a rubric to assess participation. The blog counts towards participation. There is some confusion about how to mark the assessable blog, the original intention was that it be 100% for submitting it, 0% for not submitting. Teachers began to use discretion to set a range of marks 'this blog is not good enough' therefore deserves less than 100%.

General discussion on Client File Activity

- Proposition: continue with the Client File that travels through the subjects OR Convenors develop a client file for each subject.
- Students loved Bob the Builder. Minister kept changing the legislation, so students could see this was really happening to Bob.
- Teachers feel more comfortable with a Client File based on one of their own cases (obviously it needs to relate to the Course). If it is not their own case they have less understanding of it.
- The original concept was a single family that manages to have a lot of problems across the spectrum of all the courses
- This was a good concept but difficult to manage as a sequence
- Students who were doing two subjects at a time or who had missed a session found it difficult to understand the sequencing
- The idea of a single case study is much more successful for the originator of the case study.

Agreed action 5

The Convenor should be originator of the case study and should run this activity.

If the Convenor runs the activity there will be consistency across the activity. The Convenor can direct student questions back to the teachers. The Convenor must keep the teachers well briefed about the Client File.

General Discussion: Expectations of Blended Students

Blended students are winging it, turning up to the weekends without engaging online and then wondering why they are in trouble.

Suggestion: Put a hard copy of the Program Outline and Assessment in the Program in the enrolment pack

Agreed action 6

We need to release ALL the modules that are discussed at a face-to-face weekend before that weekend. This can only be done if Convenors stick to deadlines for modifying modules. If Convenors can do this, modules will be released (for blended students only)

The Convenor must keep the teachers well briefed about the Client File.

Agreed action 7

It should help to create a community online for blended students if we clearly mark Sydney Student/Melbourne Student forums. Agreed to create buttons for each.

General Discussion: Wimba

- Students relate well to Wimba
- It is a bit awkward but students find it fruitful, enjoyable, and record numbers are turning up in the classrooms (compared with teleconferences)
- Convenors should encourage each of their teachers to get practice in running a Wimba classroom.
- Blended teachers can work with their Convenors to invite students into a Wimba Classroom
- Convenor will do a Wimba Classroom for other teachers and convenors on how to use powerpoints etc. in Wimba

Appendix Six: Proposed Learning Evaluation Strategy

Graduate Diploma in Legal Practice
Proposed Learning Evaluation Strategy
(tabled January 2010)

Introduction

An innovative strategy has been designed to evaluate the learning effectiveness of the Graduate Diploma in Legal Practice that more effectively reflects our shared commitment to continuously improve the quality of the program. This strategy reflects emerging educational research around how higher education learning can be most effectively evaluated to improve student learning outcomes. This relates only to the **GDLP Professional Practice Core** – program-level and elective evaluation yet to be discussed and further negotiated

This evaluation strategy:

a) uses an action research model, provide continuous and more meaningful insights into the what is enhancing and impeding student learning in the program;

b) draws more directly on a much broader range of sources of intelligence, with greater emphasis on the professional judgment of program teachers and qualitative understanding of student experiences of learning;

c) encourages more collective and open discussion of program challenges and methods to improve the overall effectiveness of the program, as well as its specific component elements; and

d) specifically seeks to explore the impact on teachers and implications for students of the move to simulated learning environments to inform and improve the expansion of this approach.

Professional Practice Core, Semester 1 – Strategy Elements
The evaluation strategy is based on program and/or subject development during the life of the program (not just end of subject student evaluation).

Stage One: Preliminary Discussions

- identification the range of strategies that have been considered to potentially improve student learning outcomes in the preparation for this semester

- formulation of evaluative questions around these areas identified to enhance student learning to assess whether these strategies are indeed proving effective (with a specific focus on the simulated elements of the program)

Stage Two: Ongoing staff discussion during semester

- in program meetings and via web conferencing progressively during semester

- formal project debriefs, conducted by Transaction Convenor short summative discussion by Convenor, highlighting major issues / interesting points about simulation, followed by open discussion.

- short semi-structured phone interviews of participating students at during course aimed at elicited ideas and comments, conducted by academic developers

Stage Three: End Semester Review (PPC Staff group fora, Web-conference debrief for Practice Mentors and Subject Mentors)

Considering the following data:

- formal project debrief and evaluative focus group/s around final practice management tutorial

- collective review of student experience of learning questionnaires, outcomes of student personal logs (subject to student agreement) and assessment outcomes

- collaborative reflection on outcomes and determination of future responses (such as to institutionalise, expand further, modify or abandonment)

- identify opportunities for future improvement of subjects/program

- anticipate academic staff development needs

Research

This innovative evaluation strategy, and the results of it produces, will be researched to improve understandings of its potential to enhance higher education evaluation.

Evaluation and Course Development Report

Professional Practice Core: GDLP Integrated

Learning Environment

Semester Two, 2010

Stephen Darwin

ANU College of Law

Professional Practice Core: GDLP Integrated Learning Environment

1. Introduction to the Evaluation

This is the second substantial evaluation of the Professional Practice Core (PPC) of the GDLP Integrated Learning Environment (ILE) that again employs and innovative evaluative method centred on the qualitative analysis of academic and student reflections on the quality of learning generated by the program. The initial evaluation, undertaken at the end of Semester One 2010, was necessarily centred on largely formative issues of implementation and discovered several significant impediments that were limiting the potential of the embryonic PPC. These impediments were considered and responded to by program designers, teachers and administrators, with a series of changes implemented for Semester Two, 2010.

This evaluation has been designed to broadly assess the quality of learning offered by the PPC and to specifically consider the effectiveness of these changes (along with the maturation of program itself) in enhancing student learning.

2. Evaluation Method

This evaluation is based on the qualitative responses of 113 students who undertook the program and 28 academic and administrative staff directly involved in the PPC in Semester Two. Students responses were collected via an online survey and staff were either interviewed or participated in extended focus group discussions.

The data gathered in interviews, focus groups and surveys was systematically analysed to establish the critical themes that emerged, which were then refined further to generate the outcomes of the evaluation data which are reported here.

3. Overall Evaluation Outcomes

This second evaluation of the Semester Two, 2010 PPC demonstrates:

- a substantial improvement in student opinion from the first evaluation, with a much higher level of satisfaction with the program overall, a more positive tone in

responses and lessened anxiety about several key impediments identified in the Semester One evaluation around group work, communication and expectation setting;

- considerable student dissatisfaction remains around technology, primarily the complexity of the Wattle site, the sophistication of the VOS and reliability of Wimba;

- epistemological confusion remains evident amongst staff and students regarding the overall objective of the program: is the PPC intended to replicate or simulate and is it to prepare students for professional practice, or assess capability for it (or further academic study)?

- workload is still problematic both for students and teachers, with some thought needed to reducing the emphasis on the enabling administrative/procedural to enhance the terminal objectives of professional practice; and

- improvement is needed in the quality of orientation and ongoing guidance provided to students and clearer communication protocols between teachers, students and groups.

4. Key major positive themes emerging in the evaluation

a) Group work

In stark contrast to the Semester One evaluation, the majority of students and teachers saw group work as an overall strength of the PPC in Semester Two. Students reflected on the benefits of working in a firm in their personal logs stating that they found it useful to learn from each other as well as the lecturer. Staff expressed that a positive group experience for students improved the overall learning experience and there was a general consensus that the overall quality of final work submitted was of a much higher standard. Group work was also seen by most staff and students to effectively teach interpersonal skills, time management skills and other general professional skills, which transfer well to practice.

The students that had a positive impression of group work reflected on how their team members complemented each other in knowledge, skills and experience. They particularly appreciated being able to test ideas and share their drafts for critical review before submitting a final document. They felt that they developed good working relationships and that overall it was less stressful than working in isolation.

Group work and the ability to interact with other people were seen as good professional development. Some residual concerns emerged around several dysfunctional groups and some individual student concerns regarding equitable workload, however these were relatively isolated examples and starkly different from the level of dissatisfaction around this issue that emerged so strongly in the Semester One evaluation.

Staff observed that those firms that worked exceptionally well together were much more proactive about organising weekly meeting times and often had face to face meetings as well as using the online tools. Additionally, some staff indicated that they themselves benefited from working with a team of teachers and sharing ideas and problems, though this was tempered by concerns that communication between staff needs to be improved, especially between SMs and PMs.

b) Authenticity

The authenticity of the simulations was thought to be of a high standard by most students and teachers, imitating realistic work practices that reflect the pressures and daily ups and downs of legal practice. Staff felt that the practical approach to learning made students much more 'practice ready' as they had to face real challenges in their firm work. The exposure to real documents was also considered to be useful in supporting the overall authenticity of the tasks and there was a suggestion that the resources used in the PPC could be further developed to enhance the authenticity of future iterations of the PPC.

It was also generally considered by teaching staff that an authentic approach was a good way to transition students from the traditional forms of learning in undergraduate to real work practices in which no mark is given but a Senior Partner reviews work for accuracy and quality. Students also felt that the authentic tasks helped to bridge the gap between the theories that they learnt in undergraduate with the practical nature of

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real practice. Staff and students both felt that learning by doing in real legal scenarios and the practical nature of the PPC led to generally positive learning outcomes.

c) Support mechanisms

The associate character was considered to be very useful for supporting student learning. Staff commented on the approachable, hands-on nature of the associate as helping students with the problems they were experiencing at any given point in a simulation. Students also found it useful to be able to ask questions of the associate character and have their drafts checked before submitting to the Senior Partner.

The Practice Mentor role was also seen as an important support by providing a 'real' person for students to talk to. Students spoke highly of the relationship they developed with their PM and how this was invaluable to assisting their overall learning. For staff themselves, the relationship between SMs and PMs was seen to be crucial in supporting student learning and finding out if there were any issues within a group. This relationship is something that it was considered could be further developed in the future. For staff, a strong relationship with the Project Convenor was also thought to be beneficial as the convenor provided SMs and PMs with support, backup and guidance about each simulation.

Key minor positive themes

d) Learning environment

There was a general consensus amongst teaching staff that the online learning environment was much improved on the first iteration of the PPC and students expressed less dissatisfaction (though, as noted later, some students remained quite unimpressed) . Improvements to the VOS made by the IT team were acknowledged and were considered to have helped the functioning and ease of use of this learning space. Most students felt that the VOS was generally effective in assisting their learning by simulating real legal work practices. The WATTLE site was considered by teaching staff to be much more effective this time around too as it was easier to find things and less cluttered, but some substantial concerns about its complexity and design remained amongst teachers and students (see below). Moreover, a strong sentiment remained that the VOS needed to be more realistic, sophisticated and intuitive than it is at present to credible contribute to the program.

e) Feed forward

The use of Feed forward was reflected upon by staff as being useful when it was quick and continuous. The fact that students could make mistakes in a safe environment and learn from these mistakes was thought to reduce some of the anxiety that they often feel. It was considered to be fair to give students more than one go at getting a task right and that continuous monitoring of students' work and early intervention when things appeared to be going wrong was positive for the overall learning experience. The students also liked the constant feedback and online communication with lecturers that allowed for fast turnaround of feedback. They viewed Feed forward as a constructive way to improve on what they already know and a useful way to learn to do certain tasks better.

f) Learning Materials

The learning materials were thought to be well compiled and useful for student learning. Step by step instructions were seen to assist students and templates used to guide and scaffold learning helped both student learning and ease of marking for staff. Students felt that the resources were comprehensive, clear and informative and helped them to understand the subject matter and they found the audio-visual materials particularly useful. Staff commented that some materials could be further developed to make them more authentic and to provide a wider variety of approaches to the way in which they are presented (more audio-visual materials).

g) Flexibility

Students spoke positively of being able to undertake the course online and the ease with which they could submit assessment tasks.

5. Key improvement themes identified in the evaluation

As noted earlier, the student response in this evaluation is considerably more positive that the initial implementation evaluation conducted in Semester One. It is also notable that the intensity of feeling so evident in the first evaluation around group work, communication, and unmet student expectations were not apparent in this evaluation. This meant student opinion for was more diffuse and less clustered around specific

concerns. Similarly, staff feedback offered quite diverse and even divergent perspectives on program improvements in the next iteration.

Nevertheless, from student and staff evaluation data, the following major and minor themes were distilled:

a) What is it we are trying to create (or what is the program epistemology)?

It was evident in a range of staff and student responses that there remains some ambiguity about what form of learning environment that the PPC is actually trying to create. This ongoing ambiguity impacts in a variety of ways on the design of the program, forms on interaction and on ill-determined student responses. It was to some extent apparent in the Semester One evaluation, but tended to be overshadowed by the more immediate and intense matters this evaluation discovered.

In essence, it seems there are a range of perspectives on the work that the PPC is doing. Some are created by program marketing, others by learning materials, and others in interactions between PM's, SM's and groups and more still in how students are assessed. These differing perspectives are summarised in the Table below.

Assumed Function	Possible Responses
Simulated learning environment (mentors/ students)	*Teacher-student relationships*: strongly mentored and highly context dependent *Learning activities:* generic based on perceptions of professional environment *Assessment:* against a predetermined academic-professional standard *Terminal Objective:* supported experience in a generic practice environment
Preparation for professional practice (teachers/student practitioners)	*Teacher-student relationships*: professionally informed with developmental motive *Learning activities*: scaffolding toward professional entry level expectations *Assessment*: progressively focussed on building professional capability *Terminal Objective:* broad entry level capability for professional practice

Professional practice environment (practitioners/ employees)	*Teacher-student relationships*: aloof and representative of professional expectations *Learning activities*: replicating actual professional activities and practices *Assessment*: based on prevailing professional standards/expectations of practice *Terminal Objective:* proven capability to operate in professional practice environment

This ambiguity emerged in the evaluation in a variety of forms:

- significantly differing relationships being established and/or expected between teachers, students and groups;
- differing levels of support, guidance and feedback in learning activities;
- adoption of differing teaching personas (and resultant uncertain student expectations) from the role of an engaged mentor, to strategic guide, to unforgiving sage; and
- apparent variation in assessment design, assessment standards and forms of feedback provided.

It was notable that this ambiguity was a key theme that was manifested in the focus group discussions with tutors and other teaching staff less intimately connected with the program and its design. This suggested the dual need to more clearly articulate the program epistemology and to align approaches used across the program to these assumptions.

b) Online Learning Environment

There remains significant staff and student dissatisfaction with elements of the online learning environment, despite the level of this discontent being markedly less than revealed in the evaluation in Semester One.

The primary areas of concern were:

- the VOS: which was regarded by a significant minority of students and some program teachers as lacking the necessary sophistication that is required for a program of this type and the functionality characteristic of the contemporary professional legal practice domain

- the program Wattle site: which was rated by a similar number of students and teachers as being overly complex and lacking the range of functionality required to be a substantial platform to support student learning. It was observed not infrequently by students that the design of the Wattle site was adding considerable time, complexity and frustration to their study and needed to be more facilitative of student learning
- Wimba: this proved unreliable during the semester and hence generated some significant teacher and student frustration.

c) Student Workload

A significant majority of teachers felt the workload for students was still excessive and needed to be further streamlined, particularly to ensure students were sufficiently focussed on professional quality rather than academic quantity. A series of specific suggestions were made around consolidating certain activities, though no clear consensus emerged. The changes to the block structure (made after Semester One) were generally not considered to have greatly impacted to alleviate student workload.

However, what was notable in this evaluation compared to the last evaluation, was the dramatic reduction in student dissatisfaction with the PPC workload. Indeed the primary concerns were around the difficulty of navigating the website and some of the instrumental demands placed on students, rather than the level of work required of itself. This no doubt reflects the work done in Semester Two to make student expectations of required student workload clearer and to streamline elements of the program.

d) Focus of Assessment

Perhaps unsurprisingly, considerable teacher and student comment was offered on the design and administration of assessment. Aside from the issues of ambiguity about the role of assessment raised earlier (i.e. what is the capability we are seeking to assess and how is feedback is then provided?), several other issues emerged. These included:
- the need for more consistent assessment guidelines that provide greater equity and certainty for students was raised by a significant minority of teachers;

- a significant number of students raised the need for clearer instructions about assessment expectations and a streamlined form of access on the course Wattle site to identified support materials;

- several students and teachers also questioned the balance between assessment of the procedural-technical and substantive-professional learning domains, with the argument suggesting this was overbalanced toward affirming the former which lessened the potential outcomes of the latter;

- continuing debate that again emerged around the desirability of moving beyond competency based assessment in a professional practice program (and the related question of the role of academic forms of marking in this domain); and

- some students expressed dissatisfaction about the move to introduce individualised assessment in group activity, questioning whether this rendered the group mark redundant. Similarly, several students and teachers felt this new assessment approach may have been making it more difficult to obtain the 'big picture' with individuals then assuming the specific knowledge of 'their' week.

Key minor improvement themes

Several other improvement suggestions were made that weren't as significant as those outlined above. These included:

e) Orientation (in BAP?)

The unmet expectations of students who did not fully anticipate what lay ahead of them emerged as a key negative of the Semester One. Importantly, this concern was virtually non-existent in this semesters' evaluation. However, a number of teachers and students identified that student learning may have been enhanced by a more defined orientation (perhaps during the BAP) that more clearly introduced the program, the online environment and the form the student-teacher relationship would take.

f) Responsiveness

The issue of problems with communication between teachers, students and groups was another key theme of the Semester One evaluation, which again was a much more

minor sentiment in the Semester Two data. Having said this, there are still clearly some problems:

- continuing problems are apparent in some transactions between groups and with SM's, with the suggestion of clearer response protocols being made by several as an inherent dimension of the professional practice relationship; and
- the Shelly character has improved responsiveness, though some students and teachers felt these responses were too slow and often inconsistent with other advice provided.

g) Scaffolding technical skills

Several teachers raised concerns about some of the entry-level capability assumptions that are inherent in the PPC and whether students can be legitimately assumed to possess these. This was in regard to two domains:

- firstly the assumptions of certain legal-knowledge skills that underpinned the design of some of the subject areas that may not necessarily exist (or conversely may be in excess of that which is assumed leading to student frustration at repetition; and
- secondly, the range of technical skills required to effectively participate in the PPC, such as project and time management, professional communication and conflict resolution.

h) Relationship with electives

Although not directly emerging from the evaluation, there is indirect evidence from the data and from debates in other discussion forums that a clearer integration and pedagogical accommodation of GDLP electives (including the valuable teaching modes they employ) needs to be formalised. The ability for students to successful complete both the electives and the PPC without compromising their commitment to either is questioned by both issues of workload management raised in the PPC evaluation and anecdotally by elective convenors. Clearly some form of settlement that holistically encounters the strengths of the entire GDLP and its eclectic teaching modes is essential to ensuring one part of the program does not entropy its other component parts.

6. Student Responses on specific areas of the PPC

a) How effective were the simulations in developing your understanding of legal practice?

　n=103 responses (Semester One results in brackets)

Effective (%)	Not Effective (%)	Partially Effective(%) *
51 (45)	20 (23)	29 (32)

* Those responding in this category felt the simulation had merit and/or relevance however was not as effective as it could have been due to design limitations of the VOS, time limitations or responsiveness of groups or mentors.

b) How effective was the group-based firm structure in assisting your learning?

　n=103 responses (question not asked in Semester One)

Effective (%)	Not Effective (%)	Partially Effective(%) *
62	17	21

* Those responding in this category felt the group based structure had merit and/or relevance however was not as effective as it could have been due to uneven work distribution, lack of exposure to a range of activities and the lack of reality in how the group necessarily had to function.

c) How effective did you think the virtual firms were in simulating a legal practice environment?

　n=103 responses (Semester One results in brackets)

Effective (%)	Not Effective (%)	Partially Effective(%) *
49 (43)	34 (21)	17 (36)

- Those responding in this category felt the virtual firm structure had merit and/or relevance however was not as effective as it could have been due to design limitations of the VOS and the responsiveness of groups or mentors.

d) How useful did you find the WATTLE site and Virtual Office Space (VOS)?

n=103 responses (question not asked in Semester One)

Effective (%)	Not Effective (%)	Partially Effective(%) *
28	39	33

* Those responding in this category felt the Wattle and VOS sites were broadly useful but would have been enhanced by a defined 'hands-on' orientation, a simplification of the site structures, automation of site features or integration of the two sites.

e) Transaction Projects

Separate reports will be provided to convenors and teachers in each stream.

7. Key Questions for further PPC development

Overall, the data in this evaluation suggests the second iteration of the PPC has demonstrably improved student learning outcomes, with the resolution of some of the primary impediments identified in the Semester One evaluation around group work, communication and student expectations of the form of their learning in the PPC. However, this evaluation has identified other issues that are essential to the further enhancement of the PPC, most of which are now more apparent with the resolution of the inevitable implementation challenges of the PPC.

The key program development questions that arise from this evaluation are:

1. **Clarifying, agreeing and aligning what is it that the PPC is seeking to achieve (or what is the program epistemology)?**

It is apparent there remains some uncertainty in the teacher and student mind as to the terminal objective of the PPC. This has far reaching implications for the design of learning activities, forms of interaction, simulation design and the nature of assessment. Currently there are primarily three different perspectives in evidence: the 'safe' simulation, practice preparation and replication of 'real' practice. All are valid, but in uncertain combination create considerable epistemological confusion as to the domain we are teaching within and the capability students are expected to acquire and demonstrate. This has clear implications that lead to the design and facilitation of quite

different forms of learning activities, varying forms of student engagement and interaction and most significantly, uncertainty in assessment and related feedback.

2. Renovation of VOS, Wattle and Wimba

One of the key pressure points in student learning is their engagement with the online learning environment based around the VOS, Wattle and Wimba. Although many students and teachers are content with these platforms, those who are not express serious and often animated frustration at the sophistication of VOS, the complexity of Wattle and the unreliability of Wimba. It is notable that these student observations tend to correlate with students currently working in 'real' practice environments. Given these are all critical tools for the facilitation of the online learning experience it is essential this (differential) feedback is fully considered.

3. Student Orientation

How can student orientation to the PPC and the learning technologies be achieved (without imposing on BAP or other program elements)? Is there also a need to strengthen new teacher orientation to ensure the adoption of common practices and assumptions?

4. Workload

It is apparent that a significant minority of teachers and students judge the PPC workload to be excessive and in need of streamlining to enhance the quality of contributions (and therefore practice). Further deliberation over the role of procedural and instrumental tasks in assessment needs to occur to ensure this matter is under active consideration.

5. Role Clarification

How can the roles of PM's and SM's be more clearly quantified to lessen the ambiguity of the role in practice, for the benefit of both teachers and students?

6. Communication Protocols

Can a series of professional communication protocols be developed to set expectations and quantify expected standards for inter-communication in the PPC? Can these be codified in a form of manual, which specifies these agreed standards for professional communication?

7. Group/Individual Assessment

Clearly the move to introduce individual assessment in group activities has been successful at one level, but seems to having an unintended consequence of fragmenting student learning in-group activities along the lines of individual responsibilities. How can this be reformed to meet the dual objectives of individual incentive and collective learning in firms?

8. Review of instructions and guidelines

The evaluation suggests there are the dual needs for the development of assessment guidelines or rubrics to guide teacher assessment judgments and more comprehensive and accessible online guidance and/or instructions for students detailing the expectations on them for the completion of assessment.

9. Scaffolding technical skills

Is there a need to provide addition scaffolding for students on the range of technical skills that are essential to there completion of the PPC, most notably project/time management, conflict resolution