

2011

**Good Practice Guide
(Bachelor of Laws)**

**COLLABORATION SKILLS
Threshold Learning Outcome 5**

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Introduction

This Good Practice Guide was commissioned by the Law Associate Deans Network to support the implementation of Threshold Learning Outcome 5: Communication and collaboration in its Collaboration aspect.

The Threshold Learning Outcomes (TLOs) for the Bachelor of Laws were developed in 2010 as part of the Learning and Teaching Academic Standards (LTAS) Project, led by Professors Sally Kift and Mark Israel.¹ TLO 5: Communication and collaboration is one of the six TLOs developed for the Bachelor of Laws. All six TLOs are:

- TLO 1: Knowledge
- TLO 2: Ethics and professional responsibility
- TLO 3: Thinking skills
- TLO 4: Research skills
- TLO 5: Communication and collaboration
- TLO 6: Self-management

The TLOs were developed having reference to national and international statements on the competencies, skills and knowledge that graduates of a degree in law should have, as well as to the emerging descriptors of the Australian Qualifications Framework (AQF) for Bachelors Degrees (Level 7) and Bachelors Honours Degrees (Level 8).²

TLO 5: Communication and collaboration

Graduates of the Bachelor of Laws will be able to:

- (a) communicate in ways that are effective, appropriate and persuasive for legal and non-legal audiences
- (b) collaborative effectively.

This Good Practice Guide seeks to assist law schools and legal educators in implementing TLO 5 in its Collaboration aspect by:

- providing a concise summary of existing research and good practice in the area
- synthesising the key considerations to be taken into account in determining how to implement TLO 5: Communication and collaboration
- identification of areas in which further work is needed.

This is a Guide to the introduction of collaboration skills training into the law curriculum – that is, the skills of ‘teamwork, working in groups, and working cooperatively with others’.³

¹ Sally Kift, Mark Israel and Rachael Field, *Learning and Teaching Academic Standards Project: Bachelor of Laws Learning & Teaching Academic Standards Statement December 2010*, Australian Learning & Teaching Council (December 2010) <http://www.altc.edu.au/system/files/altc_standards_LAW_110211.pdf>.

² Ibid. See relevantly the Notes on TLO 5 at 20-22 and the sources and relevant equivalent or contributing statements to TLO 5 that are summarised at 46-49.

³ Sally Kift, Mark Israel and Rachael Field, *Learning and Teaching Academic Standards*



At the outset it is important to distinguish this skills training from the overlapping but distinct practices of group learning and group assessment. Students who learn or are assessed in groups are not necessarily trained in collaboration. Nor are collaboration skills necessarily assessed in groups. It is possible to imagine a law teacher putting students in groups to learn collaboration, but assessing each student separately on how well he or she has achieved that skill.

As a practical matter, however, it is impossible to think of collaboration skills training without at least touching on group assessment and especially group learning. Therefore this Guide covers all three.

If one wishes to teach collaboration skills, it is necessary to put students into groups and give them something to collaborate on. Presumably this 'something' will be the learning of legal content, be it substantive law or some other part of the LLB course. Therefore one can practically treat group or collaborative learning as a *sine qua non* of collaboration skills training.

The link between collaboration skills training and group assessment may not be so strong but that form of assessment does recommend itself in this context. One reason is that a plan for group marks is an expression of trust and optimism that groups will collaborate effectively. The corollary to this is that the prospect of a group mark could maximise the motivation to do so.

Moreover, in many situations where a group is not collaborating effectively, then every member of that group is demonstrating equally poor collaboration skills. If one group member is 'socially loafing', for example, and the other members tolerate that and fail to take action, they are just as much at fault as the loafer. Collaboration includes the 'ability to negotiate and work effectively through team disputes and problems with team dynamics'.⁴ In this sense, individual marks may often be somewhat artificial.

For these reasons the following literature includes material on addressing student resistance to collaborative learning and group assessment, as well as material on how to actually establish a collaborative learning setting. The latter material has been further broken down into that which addresses group process (how groups are formed, what tasks they are given), that which provides a comprehensive description of a group work program in the Australian context and that which addresses assessment and accountability.

Before proceeding, however, we note that there is some overlap between these categories. For example, the way that you set up assessment might well be a means of assuaging student anxiety about group work. Therefore comprehensive information can be gained only by reading all the categories.

Authors

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Project: Bachelor of Laws Academic Standards Statement (Strawberry Hills, 2010), 22.

⁴ Ibid.



School of Law; and Sally Kift of QUT Faculty of Law. All errors and omissions are those of the principal author.



Part 1: Literature review

General

Sarantos Psycharis, 'The Relationship between Task Structure and Collaborative Group Interactions in a Synchronous Peer Interaction Collaborative Learning Environment for a Course of Physics' (2008) 13(2) *Education and Information Technologies* 119

Very informative overview of the development of constructivist group work theory from early 1990s to 2000s.

Collaborative group tasks that can impact on group interactions have two dimensions:

- a) number of solutions (variable answer or single answer)
- b) collaboration (true group or individual helping)

SG Cohen and DE Bailey, 'What makes teams work: Group effectiveness research from the shop floor to the executive suite' (1997) 23 *Journal of Management* 239

This is a literature review/summary of group work theory from 1990 to 1996. Its focus is on team work generally rather than team work in an academic context.

Pauline Collins, Toni Brackin and Caroline Hart, 'The Rocky Rhetoric and Hard Reality: The Academic's Dilemma Surrounding Assessment' (2010) 20 (1&2) *Legal Education Review* 129

Results from a national course experience questionnaire regarding student beliefs about assessment methods in law degrees showed that students felt that group assessment accounted for slightly less than 20 per cent of overall assessment.

While increased group work is encouraged, it imposes a greater burden upon academic staff, which conflicts with reductions in resources across universities.

Creating positive attitudes to collaboration

Any academic who wants to institute group assessment, or possibly even group learning, needs to anticipate student resistance and consider ways of addressing it. Included here are articles on determinants of student satisfaction with group work, on the assumption that one can use the same measures to address student concerns in advance.

Ellen Lynch and Susan Polich, "'No Offense, But They're Not Experts!": Preparing Students to Collaborate in Groups with Anticipatory Case Studies' (2009) 23(3) *The Journal of Faculty Development* 37

A risk when introducing group work is that students come to the process with a negative perception of it, and lack the skills to perform effectively within a group environment.

This article discusses one strategy to overcome this risk, which is to teach students how to effectively collaborate by using anticipatory case study. The case study introduces students to a hypothetical group, and they must discuss and anticipate problems this group will experience.

Instructor-formed groups of five is their preferred approach.

The remainder of the article instructs a facilitator how to implement the hypothetical case study in a class. The case study is attached as an appendix. It includes having



students develop and sign 'ground rules' for their groups.

DR Ettington and RR Camp, 'Facilitating transfer of skills between group projects and work teams' (2002) 26 *Journal of Management Education* 356

This article links university study to employment, and argues that displaying the relevance of group processes as a future work skill is important in motivating students.

It argues that the group project should be as similar as possible to work situation students will find themselves in.

Feedback on performance of individual members is important throughout the group process.

CH Castore and JK Murnighan 'Determinants of Support for Group Decisions' (1978) 22(1) *Organizational Behavior & Human Performance* 75

Attainment of individual goals in group setting influences satisfaction with group decisions.

Students complete a multiple choice quiz individually and then in groups. They are then surveyed on satisfaction with process, outcome and group.

Satisfaction with group in early stages is dependent upon performance of the individual student and on the degree of improvement in their results from individual to group.

Satisfaction with group process in later stages (eg third and fourth session) is determined by prior satisfaction. It is vital for group members to be satisfied in early stages, requiring strong performances by facilitators of the process in initial sessions.

J Burdett & B Hastie, 'Predicting satisfaction with group work assignments' (2009) 6(1) *Journal of University Teaching & Learning Practice* 61

This article states that the best predictors of group dis/satisfaction were perceptions of learning outcomes from the process and satisfaction with workload within the group.

Workload issues can be dealt with by: peer assessment; allowing expulsion of group members or modification of marks; in-class meetings; capping group size at four.

LC Huff, J Cooper and W Jones, 'The Development and Consequences of Trust in Student Project Groups' (2002) *Journal of Marketing Education* 24

This article discusses how students care more about fellow group members doing their share than they care about honesty or capability. Communication is vital to ensure trust within groups. Where students feel they don't trust a member, they will be excluded from the process.

Instructors should establish a rapport and strong lines and communication with each group. Establish clear penalties for 'free riding'.

Group process

The following articles touch on matters relating to how one might structure collaborative learning and/or collaboration skills training. For example, how are groups selected? What bonding activities do they engage in? What tasks are they given to do? How is technology used?

Noreen M Webb, 'Learning in Small Groups' in Thomas L Good (ed) 21st



Century Education: A Reference Handbook (SAGE Publications, 2008)

This article examines various types of small group learning approaches, such as cooperative learning, collaborative learning, peer tutoring, and peer-based or peer-directed learning.

Group work encourages cognitive conflict, which leads to higher levels of learning.

Vygotsky, in the 1970s, posited that group work is effective when a more expert person helps a less expert person. Therefore, students assist each other by their understanding of each other's misunderstandings and their ability to explain concepts in familiar terms.

Co-construction requires a high degree of coordination among group members. Highly coordinated groups acknowledge each other's ideas, repeat others' suggestions, and elaborate on others' proposals.

Cooperative learning methods that use both group rewards and individual accountability generally produce greater achievement than cooperative learning methods that include only one or neither of these components.

Encouraging social cohesion of groups through use of team building exercises is recommended.

Potential flaws in group learning are non-participation, failure to seek help, too much or too little cognitive conflict and lack of coordination.

S Volet, M Summers and J Thurman, 'High-level Co-regulation in Collaborative Learning: How Does it Emerge and How Is it Sustained?' (2009) 19(2) *Learning and Instruction* 128

Group interactions can be divided into high level cognitive processing and low level cognitive processing.

High level includes elaborations, speculations, justifications, inferences, drawing relations, asking thought-provoking questions and negotiation.

Low level includes sharing information, exchanging ideas, clarifying understanding, and providing definitions without evidence of transformation or integration with the student's own mental representations.

High level co-regulation is most often preceded by a question or explanatory statement.

Four factors which contribute to high level co-regulation are: tentativeness, question-asking, background knowledge, and shared positive emotions.

DM Wegner, 'Transactive Memory: A Contemporary Analysis of the Group Mind' in B Mullen and GR Goethals (eds), *Theories of Group Behavior* (Springer-Verlag, 1978) 185

This article is about the 'group mind' as opposed to the 'individual mind'.

It is important for group members to have an awareness of 'who knows what?' within the group.

Group work reduces the cognitive effort required to solve a problem individually, but increases the cognitive effort required to communicate information to fellow group members.

Group learning is superior to individual in highly complex tasks but inferior to



individual learning in low complexity tasks.

Instructional method also has major impact on effectiveness. Problem solving places a high cognitive demand, especially where there is no pre-existing schema.

Worked examples – that is, exercises where the answer is provided – do not place a high cognitive demand upon students, so learning is less efficient when groups work using this instructional method.

Collaborative work should be used only where there is a high cognitive demand placed upon students.

RS Hansen, 'Benefits and Problems with Student Teams: Suggestions for Improving Team Projects' (2006) 82(1) *Journal of Education for Business* 11

The article recommends:

- emphasising the importance of group work
- teaching teamwork skills
- conducting team-building exercises
- that the teacher should select teams
- assigning a reasonable workload and setting clear goals
- requiring team members to have assigned roles
- requesting interim reports
- allowing class time for group meetings
- requiring individuals to keep a personal contribution file
- peer assessment.

Femke Kirschner, Fred Paas, Paul A Kirschner and Jeroen Janssen, 'Differential Effects of Problem-Solving Demands on Individual and Collaborative Learning Outcomes' (2011) 21(4) *Learning and Instruction* 587

This article discusses the concept of positive interdependence and the need for social cohesion or a sense of 'belonging' for effective groups. This can be achieved through group bonding activities.

Peter Blatchford, Peter Kutnick, Ed Baines and Maurice Galton, 'Toward a Social Pedagogy of Classroom Group Work' (2003) 39(1-2) *International Journal of Educational Research* 153-172

This article discusses how group outcomes are influenced by:

- 1) The use of hierarchical or mutual scaffolding to bring about cognitive enhancement (scaffolding is an educational psychology principle where teachers, or in this case fellow students, assist fellow learners to understand concepts which they would not otherwise be capable of understanding).
- 2) Variations in motivations and attitudes towards co-operative methods.
- 3) The extent to which group members accept ownership and consequences of joint decisions.

It contains a good summary of the historical development of group work theory over the past century, including the theoretical approaches finding their origins in the writings of Piaget and Vygotsky.

M Arvaja and P Häkkinen, 'Social Aspects of Collaborative Learning' in P Peterson, E Baker and B McGaw, *International Encyclopedia of Education*



(Elsevier Ltd, 2010), 685

How well a group works depends on the degree of coordination. Three forms of coordination are explained in this article: shared task alignment, mutuality, and jointly-focused attention. (This is lifted from a study in 2000 by Barron.)

The impact of friendship on collaboration is examined. The research on this is divided, and there is no unanimous verdict on whether friendship improves or hinders collaboration.

Perceptions (accurate or not) of academic status have a major impact upon how a group operates. Someone perceived as having high academic status will dominate a group situation. The popularity or 'coolness' of a group member can also have an impact.

The impact of gender is still under debate. Males tend to perform better and are more respected in science activities.

Power balance within a group is not static, but rather dynamic throughout the group process. At this stage there is not enough research investigating this aspect.

MK Bolton, 'The Role of Coaching in Student Teams: A "Just-in-Time" Approach to Learning' (1999) 23 *Journal of Management Education* 233

The author encourages group coaching or training before commencement of group work, four weeks into group process and a reflection one week after conclusion of process.

The article contains examples of group agreements and charters.

PL Cox and PE Bobrowski, 'The Team Charter Assignment: Improving the Effectiveness of Classroom Teams' (2000) 1 *Journal of Behavioral and Applied Management* 92

Students are encouraged to identify their skills at the outset. The facilitator then selects teams based on complementary skill sets.

A team charter should include attendance, lateness, interruptions, work breaks, participation, behavioural norms, decision-making, conflict management, sanction issues, and team member strengths and weaknesses.

The author encourages team journals.

A revisiting of the team charter, mid-process, is also recommended. The team charter assignment is attached as an appendix to the article.

PL Cox and P Bobrowski, 'Power Tools for Teams: A Model for Improving the Teamwork Skills of First-Year Business Students' (2004) 5 *Journal of Behavioral and Applied Management* 204

This article outlines an extensive approach to group work. It discusses the team charter assignment, as mentioned in article above, as well as peer assessment, ice breaker activities etc.

CJ Gersick, 'Time and Transition in Work Teams: Toward a New Model of Group Development', (1988) 31 *Academy of Management Journal* 9

This article suggests that groups do not work in an incremental and linear manner, but rather go through periods of inertia and revolution. Norms are set at a very early stage in a group's life, but then they go through a period of inertia. As deadlines near, groups undergo a revolution, where the norms and operation of the group drastically alter.



Jessica J Summers, 'Cognitive Approaches to Motivation in Education' in Thomas L Good (ed), *21st Century Education: A Reference Handbook*. (SAGE Publications, 2008)

This article claims that heterogeneous cooperative groups should be used to foster peer interaction, because cooperative learning is often associated with increased mastery goals among individual students.

S Attle and B Baker, 'Cooperative Learning in a Competitive Environment: Classroom Applications', (2007) 19(1) *International Journal of Teaching and Learning in Higher Education* 77

This article addresses the debate over the merits of competition amongst students versus cooperation. You can have a combination of both competition and cooperation by pitting teams of students against each other.

The authors favour random assignment of group members, with the maximum group size being five.

With group presentations, it is suggested that groups present individually, without other groups being present.

DR Bacon, KA Stewart, and WS Silver, 'Lessons from the Best and Worst Student Team Experiences: How a Teacher Can Make the Difference' (1999) 23 *Journal of Management Education* 46

According to a study that the authors carried out:

- Self-selected teams have best outcomes.
- The longer a team is together, the greater chances of success.
- It is better to describe the product that the teams must submit than to describe the group processes required.
- The weight of team grade, team size and management training had no impact on team process and performance.
- The use of peer assessment had a negative impact.

Pauline Collins, 'Inclusive team assessment of off-campus and on-campus first year law students using instantaneous communication technology' (2010) 44(3) *The Law Teacher* 309

This article describes and evaluates the use of a debate as an assessment item in a distance-learning environment.

Assessment used: web-based conferencing tools (Elluminate, Wimba); community resources (Queensland Debating Society members as guest lecturers and adjudicators); and elaborate scaffolding, including modelling of theory and teaching discourse; students adjudicating a filmed debate; and students comparing their adjudication with that of an 'expert' adjudicator.

Students were given a choice of how teams were to be allocated; staff-allocated teams were favoured by distance students as they could be grouped along geographical lines. In many cases this made face-to-face meetings possible.

Small groups of three have very clear role expectations based on debating rules. Competitive setting reinforces cooperation within teams.

Peer assessment was used for one third of the total mark for the debate, based on contribution to team effort rather than performance in debate.



Robert L Bowman and Vicki E Bowman, 'Life on the Electronic Frontier: The Application of Technology to Group Work' (1998) 23(4) *Journal for Specialists in Group Work* 428

The article provides some interesting insights on how technology might influence interpersonal communication. For a 1998 article, it is somewhat prophetic.

The article identifies limitations associated with the lack of visual and auditory input into communication. The authors also wonder whether communications such as email raise a risk of pretence and lack of genuineness. Reliance on technological communication might impede development of genuine interpersonal relationships.

The article identifies ethical issues relating to confidentiality – this resonates for law teachers in questions about how much to divulge to group members about each other or criticising one member in front of others.

If members have varying access to technology, this might cause difficulties in groups.

There is a risk of computer dependency – over-reliance on computers.

There is a need to be careful how technology is used to make sure it adds value, but doesn't displace interpersonal relationships and group dynamics.

Ruslan Ramanau and Fawei Geng, 'Researching the Use of Wikis to Facilitate Group Work' (2009) 1(1) *Procedia – Social and Behavioral Sciences* 2620

Wikis are believed to be useful tools for aiding collaborative learning. The study asks, how can Wiki space be designed to support collaborative learning?

Males are more likely to use Wikis than females. The 20 to 25 year old age group are most likely to use them.

While students did find the use of Wikis beneficial, the technical complexity of using them should not be underestimated.

Glenn Gordon Smith, Chris Sorensen, Andrew Gump, Allen J. Heindel, Mieke Caris, Christopher D. Martinez, 'Overcoming Student Resistance to Group Work: Online Versus Face-to-face' (2011) 14(2) *The Internet and Higher Education* 12

This article concerns the difference between group work in a face-to-face environment compared to online (distance learning). It contains a succinct (one page) literature review of relevant group work articles.

Group work can overcome the isolation felt by students undertaking an online course.

Logistical difficulties of working in groups are harder to resolve in an online environment. This is largely due to greater communication difficulties.

There is greater student resistance to online group work, because students who engage in distance education are accustomed to asynchronous learning.

D Norton, 'Promoting Group Participation: A Conscious Approach to Collaboration' in *Diversity: A Catalyst for Innovation: EA Conference Sydney 13-15 September 2007* (English Australia, 2007)

This article focuses on the impact of group work on international students. International students are often bypassed or marginalised. The authors developed a participation program to address these issues.



While language is the main barrier, there is also a suggestion that international students lack a familiarity with group dynamics, and also lack confidence in their skills to contribute.

Throughout the program, roles within groups were rotated, eg leader, energizer, time keeper etc.

Groups have four phases (developed by Ehrman and Dornyei):

- The Formation Phase (politeness and harmony)
- The Transition Phase (conflict)
- The Performance Phase (where group is most productive)
- The Dissolution Phase

After the Formation Phase (initial period of working together), the groups were asked to evaluate the roles they played within the group process. When a member was identified as playing a negative role, they would subsequently modify or abandon the previous negative role in future.

If the Formation Phase is rushed, groups may not be capable of dealing with the Transition Phase. Performing a bonding activity during this stage was found to be beneficial.

It is during the Transition Phase that group members feel comfortable in 'airing dissenting views'.

A reflective report is useful during the Transition Phase, because it allows students to consolidate their understanding of group behaviour, but also gave them an opportunity to express their negative feelings.

During the Performance Phase, too much involvement of the teacher can have a stifling effect.

It is important to mark the end of the group process with some form of closure. A reflective discussion is useful.

James D Hunter, Jo Vickery and Robyn Smyth, 'Enhancing Learning Outcomes through Group Work in an Internationalised Undergraduate Business Education Context' (2010) 16(5) *Journal of Management and Organization* 700

This article focuses on the increase in students in Australian universities with English as a second language and the impact this has on group work outcomes.

Students should be made aware of the prejudices they bring to group situations, especially regarding how fellow members speak. Ignoring people because of language barriers will reduce future contributions by that member.

There is a discussion of the reasons why group work is important for business graduates.

Attitudes towards group work are influenced by:

- workshop design
- language proficiency
- leadership style



- perceived and actual social loafing.

Intervention took place by keeping groups small (eg no more than six), mixing ES and ESL students and allowing a dedicated section of the class for students to build rapport.

This intervention had a positive impact upon the students' experience of the group work process.

Australian case studies

The following articles contain detailed descriptions of recent practice in law schools around Australia.

Mark Israel, Elizabeth Handsley and Gary Davis, 'It's the Vibe: Fostering Student Collaborative Learning in Constitutional Law in Australia' (2004) 38 *The Law Teacher: International Journal of Legal Education* 1

The authors introduced a program to train students in collaborative learning in a second year subject at Flinders University in 2002. Key features were:

- Dedicated activities to train students in collaboration (readings, showing of film extracts, 'dummy group' exercises)
- Random allocation to groups of four to six, which worked together in fortnightly, two-hour workshops to find solutions to problems from past exams
- First workshop included each group choosing a name for itself and participating in trivia quiz type activity
- A prescriptive approach to the preparation that was to be done – and not done – for each workshop; students were to have completed the reading and attended the lecture, but not to have attempted a solution to the problem
- In workshops facilitators moved between the groups, helping sort out any issues, but students worked independently to a large extent
- Private discussion topic on WebCT for each group and facilitator; students were encouraged to use this rather than other forms of communication (email, text message etc) where possible as it creates a permanent, generally-accessible record of interactions and is useful in assessing the students' group process
- Group presentation at the end of the semester on one of the problems worked on in class, marked on main criterion of effectiveness of the group work
- Individual reflective report halfway through the semester, including peer evaluation (but not assessment) – this served the double purpose of focussing student attention on the group process, and of alerting facilitators to any problems in groups
- Deliberate steps were taken to show students the benefits of collaborative learning and the acquisition of group work skills
- A discipline system for 'social loafers' based on a philosophy of enabling the 'freeloader' to make up for missed contribution and be reincluded in the group as an equal, or lose some or all marks for the presentation

The following further observations are included:

- The program's introduction was funded by a Teaching Innovation Grant from the university.
- Because more in-class time was devoted to group work, other strategies were



adopted to support learning of topics that were not covered in the workshops.

- The use of WebCT may have limited the impact of dominant personalities.
- If the assessment criterion is quality of group process, then group marks are easier to justify: all members are, in principle, responsible for allowing unequal contributions to continue.
- Students are encouraged to see unequal contribution as an opportunity to develop their collaboration skills, not as a problem.
- In formal evaluations, the feedback from students was positive overall.
- Benefits for staff and for the university are also discussed; those for staff include motivating students to prepare better and enabling teaching activities to engage at a higher level.

**Author's note: as one of the key participants in this program I can report the following developments since this article was published:*

- *Introduction of a **mark for in-class group work**, as we found that the presentation mark was not enough of an incentive for students to work on their group process throughout the semester.*
- *Introduction of a **pre-allocation survey** to match students with others who have a similar level of commitment to their studies. This was in response to a perception that students resented policing each other's contributions – and being policed – where student objectives within a group often varied greatly. Groups have remained diverse as to background, ethnicity, maturity and academic ability. Sometimes it is the groups with the lowest commitment that perform the best as groups!*
- *Introduction of a **formal group agreement** negotiation process. This serves many purposes, the main one being to focus attention on the fact that non-preparation cannot simply be glossed over, but needs to be addressed at a group level.*
- *Introduction of **workshop reports** as a formal assessment strategy, maximisable against students' individual exam marks. The reports consist of a write-up of the group's solution to the fortnight's problem. This was in response to negative student feedback about the fact that under the previous system, the first time they were assessed on the legal content was in the exam. Maximisability emphasises the formative nature of the assessment (since the same material is summatively assessed in the exam) and minimises the potential for unfairness to an able student who is teamed with less able groupmates.*
- *Because a substantial proportion of the mark is based on group work, and these marks tend to be quite high, students **must pass the exam** in order to pass the subject.*
- *The program has now been moved into a **first year subject** following the 2009 curriculum review; but is being continued in second year as well in the transition.*
- *Occasionally students pass the group work component but then withdraw without completing the exam, and so have to repeat the subject. I am open to carrying forward the group work marks to the second attempt. However I tell students that if they wish to be enrolled in a workshop, they **must repeat the group work component** as well. This is because it is very important to foster a sense of common endeavour, and it is unfair to the other group members if there is one member who has already passed and therefore has nothing at stake in the group's activities but is only preparing for the exam. This is not an ideal solution for the student, who may need the learning support that comes from the workshops, but I try to support those students in other ways. (It is never more*



than one or two a year.)

- The **discipline system** requires review: the non-freeloading students perceive it as only creating more work from them (prescribing the make-up contribution, and policing its completion) when they just want the freeloader to start contributing to the task at hand.

Kate Lewins, 'The Group Work Experience in Civil Procedure' (2006) 14(1) E-Law Journal 13

This article describes how in 2002, 2004 and 2005, students at Murdoch University worked on drafting activities in groups during the subject of Civil Procedure.

Intense competition for high grades for purposes of employment is listed as one reason why group work is disliked.

Students simulate a law firm while responding to a factual scenario.

Groups of four or five were formed by self-selection. They were then required to draft a code of ethics. Groups must complete three group exercises, each worth 10 per cent of the overall mark. Each member was awarded the same mark.

For each exercise, the groups were required to design a 'work program' outlining what each member is required to do. Students were also encouraged to keep a work log, outlining how much effort they put in.

Students were required to sign a declaration at the end of the final exercise stating they had all participated and were happy to accept a group mark. Failure to do so would result in a review by subject coordinator.

Groups had a right to exclude a member if they failed to adhere to the group agreement. Subject coordinator has power to arbitrate.

Self-selection caused many problems.

M Castles, M Goldfinch and A Hewitt, 'Using Simulated Practice to Teach Legal Theory. How and Why Skills and Group Work Can Be Incorporated in an Academic Legal Curriculum' (2007) 26(2) University of Tasmania Law Review 120

One advantage of group work is that it shares the load and prevents individual students from placing too much emphasis on practical considerations, to the detriment of academic learning.

There is discussion about the advantages of group work, and why law students are less amenable to group work compared to students in other disciplines.

The authors introduced group work in 2000 at Adelaide for third and fourth year students, allowing them to self-select groups of three. Self-selection can have many problems, including maintenance of friendship groups, disadvantaging minority students and causing polarity between high achieving and low achieving academic groups.

In first semester, groups of three worked on practical litigation exercises (including 1 hour mock trial and one hour observation or two hour mediation). In second semester, groups of three worked in practical advocacy exercises (including one hour mock trial and one hour observation).



The article discusses the following practical lessons from group work:

- Having a group work training day prior to commencement improves outcomes.
- Groups should be observed and assessed in their early stages so that problems are detected during infancy.
- Groups should develop a conflict management plan from the outset.
- Intervention in group conflict by tutors should be limited.
- Various methods for dealing with 'free riders' are suggested.
- Asynchronous communication should be encouraged to overcome difficulties in organizing group meetings.
- Smaller groups (no bigger than three) operate more effectively

Appendix A discusses the program adopted and Appendix B discusses a survey on the success of the program.

Mary Keyes and Kylie Burns, 'Group Learning in Law' (2008) 17(1) *Griffith Law Review* 357

Group work is under-utilised in the law curriculum. This article discusses the approach implemented by Griffith Law School. There is a valuable summary of the development of group work theory over the last century.

The current approach favoured by law schools is the vicarious/self-learning method. The authors encourage a constructivist approach to learning, where students use their own experiences and real world examples. Group work is an essential component of constructivist approach.

Law students are accustomed to traditional assessment and may be hostile to group work. However, group work benefits those from marginalised backgrounds.

There is a potential for resistance against group work approaches by teaching staff. Teachers should sometimes absent themselves from the process, as their presence can have a chilling effect.

Group work should be introduced as whole of degree initiative, not in an individual subject, to overcome resistance to the individual subject. Group skills should be taught incrementally throughout the degree.

Griffith developed an Offices program, where students would meet regularly without a teacher present to complete set tasks.

Significant weighting should be given to group work to ensure that it is taken seriously.

Peer evaluation is valuable.

There is a discussion of how to select groups.

K Nelson, T Creagh, S Kift, J Clarke, *QUT Transition Pedagogy Handbook: A Good Practice Guide for Policy and Practice in the First Year Experience* (2010)

A good practice approach to teaching is defined here as including '[p]ositive peer-to-peer and collaborative learning experiences with as wide a range of other students in the class as possible' and 'where students are required to do teamwork, it is made explicit to students if they will be taught teamwork skills or expected to self-manage their team.'



Good practice in assessment includes 'being explicit about how much of the mark is for team processes and how much is for the final product as well as whether the mark will be shared by the group or include an individual component'.

K Nelson, S Kift, T Creagh and C Quinn, *QUT Teamwork Protocol: Enhancing Transition at QUT* (Queensland University of Technology, 2007)

<<http://www.fyhe.qut.edu.au/projects/documents/QUTTeamworkProtocolCompressed.pdf>>

Recommendations include:

- Provide written description of the teamwork project, plus oral explanation.
- Articulate the project expectations.
- Make the assessment criteria available to all students.
- Allow for tutorial time that incorporates teamwork activities.
- Facilitate access to guidelines and resources on fundamental teamwork skills.
- Consider providing templates of agendas, team contracts, timelines, team ground rules etc.
- Establish teams in the second or third week to allow for members leaving the unit; teams stay between three to six people in size.
- Use peer review process to keep all team members on track.
- Allow teams to form organically after appropriate 'familiarisation' activities or preparation *but* ensure diversity.
- Ask students to reflect on their progress to date.
- Consider an autocratic approach to intervention – mandate task allocations, behaviour expectations and create goals and deadlines.
- Set aside specific times each week or fortnight to deal with team issues/counselling/problems.
- Provide easy access and links to online resources – provide a resource sheet of texts, articles and web links.

Assessment and accountability

These articles deal with some aspect of assessing group work, which includes ways of holding students accountable for their group contributions. If development of collaboration skills is to be assessed, it is important not to lose sight of the latter.

Note that some of the articles summarised above touch on assessment/accountability as well.

K Nelson, S Kift, T Creagh and C Quinn, *QUT Teamwork Protocol: Enhancing Transition at QUT* (Queensland University of Technology, 2007)

<<http://www.fyhe.qut.edu.au/projects/documents/QUTTeamworkProtocolCompressed.pdf>>

This protocol suggests that the distribution of marks in a teamwork project incorporate either the 'Redistribution model' or the 'Individual plus teamwork' assessment model. These models are viewed as reducing conflict and encouraging team participation, as well as accommodating learning processes in a first year program. Self and peer assessment should be incorporated in the assessment model so that first year students can reflect on and evaluate their individual and team processes.



M Galton, 'Assessing Group Work' in P Peterson, E Baker and B McGaw, *International Encyclopedia of Education* (Elsevier Ltd, 2010) 342

In this article difficulty assessing group work is listed as one of the main reasons why teachers are reluctant to use it in the class room.

When groups form on their own, they generally align on gender, ethnic, academic level lines etc. This causes problems, as does combining students of differing academic levels.

It is advisable to assess both individual involvement in the group process and the achievements of group as a whole. Assessing both improves overall performance.

The best way to evaluate individual performance is through peer assessment (with or without self-assessment).

When evaluating the quality of the work produced by the group as a whole, the groups need to be aware of what is being assessed, the quality or quantity, from the beginning of the group process.

Lower achievers achieve better academic results in heterogenous groups.

It is useful for teachers and/or students to utilise assessment checklists throughout the process. Students could use diary entries to track performance of their group. Teachers and students should be involved in the assessment process.

It needs to be made clear what the purpose of group work is – learning outcomes or group processes.

Marilyn A Dyrud, 'Group Projects and Peer Review' (2001) 64(4) *Business Communication Quarterly* 106

This article describes how student groups conducted formal and informal reviews throughout the course. Peer review can help short circuit dysfunctionality, improve productivity, provide instructor with a snapshot and provide for fairer assessment.

The author then provides an overview of the peer assessment model that she used, saying that it eliminated all difficulties.

Naomi Elliott and Agnes Higgins, 'Self and Peer Assessment – Does it Make a Difference to Student Group Work?' (2005) 5(1) *Nurse Education in Practice* 40
Self and peer assessment is a potential option for eliminating 'free riders'.

The article contains a useful summary of previous research, especially on peer assessment.

Some teachers may find it difficult to relinquish the control of assessment, but self and peer assessment are useful in developing critical thinking.

The results of a study showed that students were overwhelmingly in favour of self and peer assessment. It was also shown that this form of assessment increased student motivation.

Students had no problems 'down-grading' fellow students who did not put in equal effort, but were reluctant to down-grade fellow group members if they knew they were experiencing personal problems etc.

Attached as appendix is an example of a peer assessment sheet.



Other resources

(accessed 23/09/2011)

<http://teaching.unsw.edu.au/sites/default/files/upload-files/groupwork_ideas.pdf>

<<http://creative.canberra.edu.au/groupwork/index.html>>

<<http://www.cshe.unimelb.edu.au/assessinglearning/03/group.html>>

<<http://spark.uts.edu.au/>> (Self and Peer Assessment Resource Kit)



Part 2: Summary of key points

1. It is preferable to embed collaboration within the curriculum of a whole degree structure, rather than simply adding it in to an individual subject.
2. It is assumed that collaboration skills cannot, or will not, be taught without some collaborative learning of content, or group work. Although the literature on group work rarely addresses the teaching of collaboration skills directly, it is of interest in so far as it provides guidance on setting up and managing group learning situations.
3. Consider seeking a grant to support the development of the program at your institution. This can lend credibility to the program, among students and among colleagues.
4. If collaboration is a skill to be learnt, then it is appropriate to support that learning with readings and other materials. Some of the articles listed above could be used as readings. Other materials could include films depicting lawyers in collaborative situations. Examples include:
 - *Reversal of Fortune* (Alan Dershowitz assembles his team for a complex appeal, articulating the different skills he needs from each member)
 - *A Few Good Men* (three military lawyers argue following a setback in their case)
 - *Bastard Boys* (mini-series: union officials and lawyers meet 'rock star' barrister for the first time).
5. Learning of collaboration skills can also be supported by in-class exercises. 'Dummy' group exercises are exercises which are not necessarily related to course content, but give students an opportunity to observe their own and others' behaviour in a group situation, with students with whom they will not ultimately be required to work. This emphasises the reflective aspect of skills acquisition. Examples of appropriate exercises include:
 - a group activity to solve a 'lateral thinking' puzzle
 - a role-play to deal with a common group challenge (for example negotiating some aspect of their agreement).
6. Students need to be convinced that the process has a worthwhile goal. Consider:
 - pointing to employer surveys, indicating that collaboration skills are considered important and useful
 - building collaboration into rest of degree
 - using testimonials from past students about how much fun it is.
7. Students need to be reassured that there are safeguards in place to reduce the likelihood of unfairness. Consider:
 - comparing grade distributions with other subjects
 - requiring groups to negotiate and sign an agreement to clarify expectations and possibly to provide sanctions for not meeting those expectations
 - procedure for varying marks for intractable freeloaders ('social loafers').



8. Careful thought needs to go into:
 - how groups are selected. The literature on the whole is in favour of teacher – or randomly-selected groups no bigger than six. It is necessary to consider possible attrition when setting the initial size of groups.
 - how groups can form an identity. Activities can include choosing a name and some kind of informal competition, eg a 'trivia quiz'.
 - the tasks they will be given to do together. These should be challenging and require high engagement when the group is together; and they should be of a such a nature that they that can be completed only by a group. Live presentations are useful from this perspective.
9. Consider a prescriptive approach to some aspects of group activity, for example, levels of preparation for meetings, punctuality, communication about non-attendance.
10. In particular, participants in collaborative activities should have similar levels of preparation and it is appropriate for teaching staff to oversee this.
11. Consider how students should communicate with each other outside of class. Having a central site for communication (Moodle or similar):
 - enables the creation of a permanent record of dealings between group members
 - helps teaching staff to become aware of conflicts within groups.
12. If collaboration is a skill to be taught and learnt, it must also be assessed. Innovative assessment strategies might need to be considered, for example:
 - reflective reports
 - peer- and self-assessment
 - formative approaches.
13. It is also possible to have peer evaluation (eg reporting on relative contributions of group members) without peer assessment.
14. Consider whether collaboration skills will be graded or marked on a pass/fail basis. Pass/fail marking is often favoured for generic skills, on the theory that a student has either demonstrated a skill or not. On the other hand, graded passes provide a way to motivate students, and to recognise superior performance. They also provide an opportunity to penalise inadequate performance, without this having to mean the loss of all marks.
15. Consider also what is to be assessed: the process of collaboration or the product of the collaborative task. The balance between these might change over the course of the degree, with the proportion of the grade allocated between these two aspects changing from first to final year. For example, in first year you may be more concerned to assess (self, peer, teacher) the collaborative process more than the product and by final year the product is the most important thing.
16. Group marks are in principle justified where the assessment criterion is the quality of the group process, or collaboration. On the other hand, individual marks can be varied according to relative contributions.



17. There is a need also to decide on strategies for assessment of the content to be collaboratively learned, including whether any group assessment could be maximised against subsequent individual assessment. This can be seen as a way of reducing the likelihood of unfairness, and works best if the collaborative task serves as formative assessment.
18. Teaching of collaboration skills requires the devotion of some class time. This may require a different approach to 'coverage', for example:
 - the 'letting go' of some content
 - a search for other ways to support students' learning of material that can no longer be covered in class.
19. Collaboration skills can be successfully taught in distance mode, using Web 2.0 technologies (especially video conferencing). Distance learners may appreciate being allocated to teams by staff, based on geographical proximity.



Part 3: Further work

There is not enough research at this stage investigating the dynamic nature of the power balance throughout the group process.

There does not appear to be much literature so far on strategies for actually assessing the development of collaboration skills. Rather the assumption seems to be that the motivation for instituting collaborative learning is to enhance the learning of content, and/or for reasons of economy.

Preparing student resources – possibly even a short text book – on collaboration could add to the ‘respectability’ of collaboration skills as an area of teaching and learning.

More work could be done to raise the interest of academics in teaching collaboration skills, and to build their confidence in their capacity to do so. This *Good Practice Guide* is a start, but there may be other ways to raise the profile of collaboration skills.

In particular, considering the need to embed such skills teaching at the curriculum level, and the desirability of scaffolding throughout a degree course, there is work to be done in encouraging *all* teaching staff to accept the utility of teaching collaboration skills, and to support those colleagues who are directly involved.





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