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POSTGRADUATE CERTIFICATE IN TEACHING IN HIGHER EDUCATION

Cylch Dysgu 2 | Teaching Cycle 2

Methods of Assessment and the Use of Peer Review

PRIFYSGOL
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This paper has been prepared with a view to submit it for consideration by the journal entitled: 'The Law Teacher'. The Law Teacher is a fully-refereed journal of the Association of Law Teachers. It is concerned with legal education at all academic levels and from any jurisdiction.

I intend to carry out further research into the area of assessment methods before completing this draft article and submitting it. However, at this stage I hope that my paper is of an acceptable standard to demonstrate evidence of competence in a number of the areas which are examined through the Teaching in Higher Education programme and therefore to offer appropriate evidence in order for the assessors to make an assessment on my practices as a reflective teacher.
Background

As a new lecturer I inherited a module from a retiring colleague. The module had been taught for a number of years and had become increasingly popular with students. It had traditionally been assessed on the basis of a written assignment with an overall word limit of 4,000 words to be submitted at the end of the module. As the degree scheme conformed to a two-semester profile, a student would be required to submit their essay, either in December, before the Christmas vacation or in May before the summer exams, depending upon which semester the module was running in. This would be determined by a number of factors such as the scheduling of other modules owing to staff resources and sabbatical arrangements.

Planned approach and underlying rationale

From inheriting the module, I also inherited the form of assessment and therefore very early on in the module, it was necessary to draft an appropriate essay question. By reviewing the format and approach of questions set in previous academic years, it was evident that students had often been presented with a short statement and asked to discuss it. Drawing on this approach, an essay title was drafted and subsequently approved both by internal assessors and external examiners. The assignment topic set was:

"The law relating to intellectual property governs the creation, the protection and the exploitation of intellectual labour. With reference to at least two forms of intellectual property law (i.e. copyright, designs, patents, trademarks), critically analyse how effective IP law is in achieving a balance between the rights of creators and the needs of the users."

As can be seen, the assignment specifically required students to refer to at least two forms of intellectual property law. One reason for requiring students to refer to at least two forms of intellectual property law was to ensure that the method of assessment reflected the scope of their learning within the module.

Wakeford suggests that the 'assessment of students' learning is an under-discussed and, in most disciplines, an under-researched aspect of
higher education.\textsuperscript{1} Yet, in order to reflect on the suitable principles of assessment which could be seen to underpin the method of assessment for this module, a range of research material was identified and studied.\textsuperscript{2} My learning as a teacher was developed further from actively participating in the Assessment for Learning UKCLE Roadshow which provided a forum to share and discuss ideas relating to assessment and to gain some practical ideas to implement in the context of legal education.\textsuperscript{3} Following on from this, I conducted a study to find out the assessment profiles of all modules within the law department to see which other methods of assessment were employed and which weightings were given to essays and exams. The study revealed that the department uses a wide variation in its methods of assessment and a copy of the report is contained in Appendix 2.

As has been summarised by Hornby, 'assessment has four main roles: formative, to provide support for future learning; summative, to provide information about performance at the end of a course; certification, selecting by means of qualification; evaluative, a means by which stakeholders can judge the effectiveness of the system as a whole.'\textsuperscript{4} Most importantly, it should be recognised that '... effective assessment will reflect truthfully some combination of an individual's abilities, achievement, skills and potential.... To be effective, assessment will need to reflect programme content, and be valid, reliable and fair.'\textsuperscript{5} This is a fundamental principle of appropriate and effective assessment: assessment should reflect what the student has been tasked to study.

This was one of my principal aims in drafting a suitable essay title. However, there was an additional reason for requiring the students in their written assignment to cover at least two areas of intellectual property law. In previous academic years, reports had been made that

\textsuperscript{3} UK Centre for Legal Education - Assessment for Learning Roadshow, University of Wales Aberystwyth, 17 May 2004. Extensive resources were recommended during the roadshow and have since been accessed in order to support my learning as a lecturer.
students had attended lectures until the essay title had been distributed and upon finding out that the essay title predominately related to the first part of the module content, student attendance at lectures had fallen dramatically. Thus, as previous essay questions had largely only drawn on copyright law, it had been noticed that some students had only attended the first part of the module which covered copyright law and then had elected not to participate in the remainder of the course which covered other areas of IP law. From a teaching and learning perspective the problem which may be encountered was for students to disengage with the module once they had covered the material required for their assignment topic.

In the current academic year, there was potential for this problem to be exacerbated even further as departmental practices had since changed, with the effect that essay titles would be issued at the start of the course. Therefore, students would know from the start of the module which areas they would be required to draw upon for assessment purposes. Clearly, this could have the effect that the students' learning would become predominately 'assessment driven'. Indeed, 'research informs us that assessment drives learning' and further that students 'interpret the values of their programme and those of the profession through what is assessed. In students' eyes anything that is assessed is important. The converse is also true and in increasingly competitive market-led times students can be forgiven for attributing less status to those activities that are not formally assessed.' This was not a situation which I intended to attempt to change, but rather a factor which I perceived needed to be considered and accounted for, in drafting an appropriate assessment topic.

Therefore, within the parameters of the noted constraints, by specifying that the students must refer to 'at least two forms' of IP law, I felt this was in part, a simple measure which hopefully, would encourage student engagement with the whole of module content. It was hoped that students would study each area of intellectual property law as covered by the module, before deciding which areas they would choose to focus on in their assignment. Encouraging and facilitating student participation and engagement with the subject matter was an important objective for me.

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7 Burridge, Hinett, Paliwala & Varnava (2002) Effective Learning and Teaching in Law, p. 54
as module co-ordinator. An obvious indicator of student engagement would be student attendance at lectures and it was hoped that the assignment topic which had been selected was one measure which could be effective in maintaining student interest. I was keen to resolve the problem reportedly experienced before, as it would undoubtedly prove discouraging to conscientious students and also to me, to see attendance levels fall considerably half way through the module.

Feedback

As with other modules of equal credit weighting on the degree programme, the course delivery involved 20, one-hour lectures and 4, one-hour seminars over the semester. Mid way into the module, students were asked to offer their feedback on the module to date. The feedback form was presented as follows:

"As part of a continual review of this course, please set out below any comments you would like to make relating to the module, including comments on things you liked about the module and areas which you think could be improved. Your response should be anonymous."

I have used this feedback form on a number of occasions to gather informal feedback from students. The students have seemed very willing to express their views through this medium. I have retained the comment sheets as submitted over the semesters in which I have been teaching and have therefore been able to actively reflect on my teaching practices. I have willingly shared this information with my mentor and also, with other colleagues, in order to further assist me in developing my teaching skills and methods of employing reflective practices. I have found these feedback forms to be an invaluable source of teaching practice evaluation.

Following on from gathering informal feedback, the students were formally requested to submit Course Evaluation Results for the Session 2003/04 Semester 2 for review, and also for statistical analysis, at Faculty level. A copy of the Course Evaluation Results is also available in Appendix 2. This is accompanied by a report prepared by myself to the Departmental Student Affairs Committee summarising the students' written responses and presenting my own comments as requested.
Although the feedback covered a range of issues, many of which can be reflected upon, for the purposes of this paper, the focus is on the predetermined method of assessment. From reviewing the feedback with this issue in mind, it was evident that a number of the students wished to express their concern that as the written assignment accounted for 100% of the assessment, they were worried about writing the wrong thing or heading off in the wrong direction. Some students requested more information of what was required to answer the essay question.

Recognised Constraints

It was evident that students wanted to receive guidance in writing their essay. In order to do this, the proposed solution had to operate within the appropriate framework for submission of written work. In accordance with Departmental Guidelines I could advise on how to answer essay questions generally, but could not give advice on how to deal with specific aspects of the set question. It was therefore necessary to act in accordance with Departmental policy and within Departmental guidelines in addressing the feedback request for more information.

The students were directed to the information relating to 'Consultation with teaching staff on questions set for assessment' guidelines in operation within the Department. The guidelines state:

When candidates have notice of questions set for assessment, either as coursework or as part of 'seen' examination papers, they may only ask for advice from members of teaching staff on the general approach to answering questions and may not obtain advice on how to deal with specific aspects of any set questions, since this would defeat the point of the process of assessment. Advice on how specific questions have been answered may be obtained after the answers have been marked and finally assessed, as part of the normal process of providing feedback on academic progress.

The rationale for this approach is clear: it would defeat the objective of assessment if students were given guidance on how to deal with specific aspects of the question set.

However, I was keen to alleviate student concern in relation to the assignment topic, and devise a way of getting around the perceived problem. In doing this, it was acknowledged that any proposed solution would have to adhere to the recognised constraints.
Plan and Proposed solution

I identified that although I could not give students specific advice on how to answer the essay question one possible solution could be to use the tool of student peer review. Research conducted by Rust, Prince and O'Donovan has demonstrated that student learning can be considerably improved through self-assessment and peer review.\(^8\) I believed this could be an important tool in assisting student learning. As Miller notes, 'peer assessment and self-assessment of student performance in small group work are becoming more common in higher education, because they can be used for both formative and summative purposes.'\(^9\) Of the four seminars available on the programme, I devised a seminar plan for the final seminar which related to the use of peer review as an effective learning tool. The process was explained to the students through both oral explanation in a lecture and supported in written form by means of a seminar handout.

The seminar handout read as follows:

The assessed essay for this module is due for submission by [date]. This seminar is intended to assist you in improving your written assignment.

In preparation for the seminar you are required to write around 300 words on your essay topic. You may choose to write 300 words on any topic of intellectual property, or alternatively two shorter pieces of approximately 150 words, on two forms of intellectual property law. The piece you write may be specifically an extract of your essay or more generally, an abstract of the essay.

You will need to bring 4 copies of your written piece/s to your seminar.

The seminar will use the learning tool of 'peer review' and to facilitate this approach you will be placed into small groups. You will be given the opportunity to review and discuss your own and others' written work. In addition, you will be given a copy of the departmental classification guidelines and asked to (informally)

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grade the work in accordance with those guidelines. Each member of
the small group will receive feedback on their work from the other
members of that group. It is hoped that the feedback you receive
may assist you in improving your written work before the submission
deadline for the completed essay.

Please note that this seminar will be conducted within Departmental
guidelines regarding matters such as consultation with teaching staff
on questions set for assessment, unfair practice and plagiarism. The
seminar tutor will remind students of these matters before the
seminar commences.

Progress Notes

This exercise was conducted over two academic years. The first teaching
cycle took place in Semester 2 of the academic year, 2003-04 and the
second teaching cycle took place in Semester 1 of the following academic
year, 2004-05.

Test: Student engagement with the module measured by attendance
levels

I decided that one measure of student engagement with the module could
be to monitor attendance levels. Within the law department, attendance
at lectures is not formally monitored and therefore no records are
maintained to show whether students have attended lectures or not.

On the other hand, seminar attendance is formally monitored and
students are required to report and explain their absences from
seminars.

The two issues to be tested in the teaching development reports were:

• Do lecture attendance levels noticeably fall, after sufficient
  material has been covered in the module to prepare an answer to
  the assessed essay question?

• Acknowledging it as only one indicator of measuring students’
  engagement with the learning process, what conclusions can be
  drawn from examining the attendance levels for the seminar which
  used the learning tool of peer review?
Progress Notes: Lectures

I explained to the students at the start of the module that I would like to record attendance levels for the purpose of conducting a study for my T.H.E. qualification. I explained that the attendance record was anonymous and that the only requirement I had, was for it to be accurate and therefore if they were absent to please not distort the figures by asking a friend to record their absence on their behalf.

I was quite surprised with how actively the students engaged with this process. I think on the whole, they perhaps enjoyed the idea of being involved in a study. Over the course of the module there were a number of occasions when some students were enthusiastic and committed to 'tick the attendance form'. I would ask at the end of each lecture if there was anyone who had not ticked the form and if there was, rather than allow another to add a collective number of ticks, students were often quite keen to make their own mark on the form. A sample of some of the attendance forms is included in Appendix 2 and as can be seen, some students preferred to record a distinguishable mark - a smiley face, or a star, rather than a tick and therefore in some ways reduce the anonymity of the records on the form. I imagine that a psychologist could draw a number of findings from this behaviour, but for my purposes I was purely interested in the number of students attending each lecture! The attendance level figures for the two teaching cycles are reported in Appendix 2.

Results of Study and Conclusions Drawn

It is openly acknowledged that the validity of this study as a research exercise from which solid conclusions can be drawn is questionable. Nonetheless it is believed that a number of general conclusions can be drawn for discussion. A relevant point to note is that the exercise was an engaging activity to conduct which proved to attract interest from both the students and other staff members.
First Teaching Cycle

The first teaching cycle took place in Semester 2, academic year, 2003-04. Some comments which may be made are as follows:

- Attendance figures for a few of the earlier lectures were above the number of total students finally registered for the module because during the early stages of the course students are encouraged to attend a wide range of modules before reaching their definitive selection of modules for the academic year.

- There is a pattern which emerges showing that the lectures on Thursday lunchtime were better attended than lectures held on Friday afternoons.

- Although attendance levels did decline overall through the module there was no sharp decline after sufficient material had been covered to address the assignment topic. The hypothesis being tested was whether attendance levels would fall dramatically after enough material had been covered, which in terms of the time scale was after 26\(^{th}\) February. There was no sharp decline after this date.

- Attendance levels did steadily decrease throughout the module. However, from discussions with other colleagues in the department, attendance for this module was considered to be relatively high in comparison with other modules, including those for which students would be undertaking an examination in, at the end of the semester.

- It is noticeable from the results that there was a sharp decline in attendance levels after the Easter vacation. It is suggested that this fall in levels may be largely attributable to the fact that students had a number of other modules to prepare examination revision for. Perhaps students were being selective as to what to spend their time studying. As they already had the assignment topic for this module and had certainly covered enough material to prepare an essay, they could direct their study time available to other modules which they would be examined on in the forthcoming weeks. This is evidence that assessment can drive learning. Therefore the trend may be explained by the earlier quote from...
research conducted by Burridge et al. 'In students' eyes anything that is assessed is important. The converse is also true and in increasingly competitive market-led times students can be forgiven for attributing less status to those activities that are not formally assessed.\textsuperscript{10}

Second Teaching Cycle

The second teaching cycle took place in Semester 1, academic year, 2004-05. Many of the points raised in relation to the first teaching cycle can also be made in relation to the second teaching cycle. However, some additional points which may be made are as follows:

- On the whole it would appear that the overall profile of attendance levels was higher in the second teaching cycle.

- The trend towards higher attendance levels in the second teaching cycle, may be explained in different ways. The optimistic view would be that my lecturing style had improved and that the lectures were more engaging for the learner! The more realistic view is likely to be that the subject was being delivered in the first semester when students were more refreshed after their summer vacation and therefore more committed to their studies. In the first semester it is possible that students feel more able to commit themselves to a subject because most of their exams take place at the end of the second semester.

Personal Learning and Reflection

It was interesting that in both teaching cycles, a number of students would offer explanations for their absences. As mentioned earlier, formal monitoring of attendance at lectures is not undertaken and students are not required to offer explanations of their absences from lectures. However, on a number of occasions, students would volunteer this information - saying for example, "I could not come to the lecture because I had a doctor's appointment". In each instance, the student would refer to the attendance list, saying that it was not that they did

\textsuperscript{10} Burridge, Hinett, Paliwala & Varnava (2002) Effective Learning and Teaching in Law, p. 54
not want to be in the lecture but that they could not attend. Overwhelmingly, I found the students adopted a conscientious attitude to the attendance list. I personally found it to be interesting to see how lecture attendance levels varied and I found it supportive to hear from other colleagues that I was securing fairly high levels in comparison to other modules. On the whole, I actually believe that the form itself, encouraged attendance! Of course, it is recognised that attendance at a lecture in itself does not equate to an effective learning experience but all the same, I think that the use of the form produced some interesting results and this is an exercise which I intend to carry out again in the future.

Progress Notes: Seminars

As outlined above, the idea for seminar 4 utilising the tool of peer review was researched into and following on from this, a seminar plan was devised and fully explained to the students. A copy of the pack of information which was distributed and explained to the students in the peer review seminar, is included in Appendix 2.

I recognised the potential value that the tool of peer review could have for the students given the 'recognised constraints' that I could not assist them specifically with their essays, but rather that they could assist each other. Indeed, the Dearing Report 1997,\(^\text{11}\) refers to the need to diversify learning and teaching methods and particularly advises of the need to 'put students at the centre of the process of learning and teaching'.\(^\text{12}\) It was hoped that through using the tool of peer review in the seminar setting this would facilitate student learning, assisting them in becoming responsible for monitoring and assessing their own and their peers' progress against a clear set of objectives and departmental guidelines.

As seminar attendance is formally monitored within the department it was anticipated that attendance levels would be high, perhaps higher than for lectures, because records showing non-attendance are maintained and can be relied upon by staff when writing references. In short, the stakes

\(^{11}\) Dearing R (1997) Report of the National Committee of Inquiry into Higher Education (Hayes: NCIHE) available on line at <http://www.ncl.ac.uk/ncihe>

\(^{12}\) See further Hinett (2002) Developing Reflective Practice in Legal Education, p.9
are higher for a student failing to attend a seminar, rather than a lecture. Therefore it was anticipated that this would have an impact on attendance levels. In addition to this, attendance levels at seminar 4 could be examined as a possible indicator of the students' attitude towards and engagement with the learning tool of peer review.

First Teaching Cycle

The first teaching cycle took place in Semester 2, academic year, 2003-04. Some comments which may be made are as follows:

- The self and peer review process was explained in detail to the students within a lecture. I explained the perceived benefits of the process being that the students would have the opportunity to actively start and to expand and improve their work before submission of their essay. I also described how peer review is a very valuable tool in all areas of academia - and that although it may seem scary at first to show your work to someone else, in actual fact it really can help you to improve - we have substantial resources available to us in the knowledge of other people, and we can use this. I showed the students the proposed seminar work and gave them time to discuss it amongst themselves and ask any questions. I asked the students to vote by raising their hands as to who was in favour of proposed seminar and 70% voted in favour.

- The seminar was scheduled to be held during the first week back after the Easter vacation and therefore two weeks before the essay was due to be handed in.

- The seminar attendance levels for the peer review seminar, in the first teaching cycle were very poor. In April 2004, 25 out of 73 students attended Seminar 4.

- I was personally very disappointed with this situation and learnt a lot from this experience. I reflected on the situation and believed that the following conclusion could be drawn: Students clearly did not perceive the tool of self and peer review to be as advantageous as I did. Perhaps as students had been asked to vote for or against the seminar, I suspected a number of them saw it more as an optional exercise, or at least one in which they could refuse to
take part. Indeed as one student reported - "I was absent from [the seminar] due to not agreeing with handing out copies of part of my assessed essay..."\textsuperscript{13} Students had chosen to vote with their feet. An element of poor attendance I think can be attributable to the fact that some students reported that they did not have available time before the seminar to start writing their essay as they had other pressing assignment deadlines.

- On a more positive note, of the students who did attend the seminar and actively engage with the process, a number of them reported that they could now understand the benefits of peer and self review. Some reported that they had not studied the departmental guidelines for assessment criteria before and this in itself had proved useful to them. A number of them reported that the exercise had, they believed, enabled them to improve upon their written work and each of them reported the exercise had been beneficial, even if only for the practical benefit of encouraging them to start writing their essay earlier than otherwise may have been the case.

\textbf{Second teaching cycle}

- I reflected on the poor attendance levels in the first teaching cycle and decided to present the format of the seminar in a different way. Rather than hold a vote to gather students views on the process I presented it as an invaluable exercise which they would benefit considerably from emphasising that students who had actively engaged in process last year had found it very useful in their essay writing.

- Attendance levels for this teaching cycle were higher: 82 out of 110. This was actually higher than the lecture attendance levels for the same week.

- The written and verbal feedback from seminar 4 was positive. Some students reported it was a very useful exercise - they had never done that kind of thing before and it had really helped them. In a straw poll in a seminar group of 11 students, when asked to mark out of 10 for 'value' the seminar was awarded 8/10. Most

\textsuperscript{13} Copy of email from student relating to seminar 4, in Appendix 2
students offered the view that the seminar had been a good idea to offer them the opportunity to start writing in advance of the essay deadline.

**Conclusions and Implications for Future Practice**

As Hinett notes: 'Both self and peer assessment can be used to support reflective practice, since they involve students thinking about their own learning'.

I witnessed at first hand that employing the learning tools of self and peer review can be a productive and beneficial exercise. I found it offered a varied and interesting experience for the students who chose to actively engage in it, and it offered a valuable teaching experience to me.

From the students who engaged in the process, a range of positive feedback was offered. Some of the comments offered on the module evaluation form specifically referred to seminar 4, with one student commenting: "Seminars are informative and prove to be a good exercise in practical application and a chance to improve essay ideas." It is recognised however, that for the students who did actively participate in the seminar, there was no recognition of their input. For future practice it may be appropriate to incorporate a reflective piece of work in the overall assessment of the module. It is possible that students could be asked to hand in with their assessment a reflective account on how they used the learning opportunity to assist them in achieving their outcomes. The possibility of incorporating this into the module is an area which I hope to explore further in the future.

[For a full list of references and sources please see section 9 of the portfolio.]

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15 Ibid, p.51