



towards excellence in sessional teaching in law

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## FINAL REPORT 2014

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## INTRODUCTION

Half of all teaching in Australian higher education is provided by sessional staff, rendering the quality of their teaching critical to student learning, retention and progress, yet national research suggests support and training for sessional teachers remains inadequate. In law, this problem is compounded by the need for staff to teach discipline-specific skills and content to students destined for a socially-bounded profession. Yet sessional law teachers are often time-poor, full-time practitioners weakly connected to the tertiary sector. The distinct nature of these sessional staff and discipline-specific learning outcomes required in law demand discipline-specific sessional staff training.

This document reports on the outcomes of a national project to identify the professional development requirements of sessional staff in law and design three professional development modules to fill unmet needs.

The resources that have been created have been distributed nationally to all Australian law schools and are also available at <[www.lawteachnetwork.org/](http://www.lawteachnetwork.org/)>.



## THE PROBLEM

### Defining 'sessional' teachers

Given the range of terminology and employment structures used around Australia, the project team has chosen to adopt the broad definition used by Debra Herbert et al and focus on 'university instructors who are not in tenured or permanent positions'.<sup>1</sup>

We have also adopted the *RED Report's* recommended terminology referring to these instructors as 'sessional teaching staff'.<sup>2</sup> The term 'sessional' avoids the negative connotations that may be associated with 'casual' teaching.<sup>3</sup> As Cowley argues, finding an appropriate definition for this group of academics matters because they are too often excluded from conceptions of the academic workforce, rather than being perceived as valued and vital members of larger teaching teams.<sup>4</sup>

### The challenge: an increasingly casualised workforce

The higher education system is one of the most casualised industries in the Australian economy.<sup>5</sup> Massification of the Australian tertiary sector has been accompanied by a far smaller increase in staff numbers. Where additional staff have been employed to respond to rising student numbers, they have been employed on a primarily sessional basis.<sup>6</sup> A significant percentage of academic staff are now sessional

<sup>1</sup> Debra Herbert, Rachel Hannam and Denise Chalmers, *Enhancing the training, support and management of sessional staff* (2002, Australian Association for Research in Education).

<sup>2</sup> Alisa Percy et al, *The RED Report – Recognition, Enhancement, Development – The contribution of sessional teachers to higher education* (2008, Australian Learning and Teaching Council), 4.

<sup>3</sup> Jill Cowley, 'Confronting the reality of casualisation in Australia: valuing sessional staff in law schools' (2010) 10(1) *Queensland University of Technology Law and Justice Journal* 27, 28., 29.

<sup>4</sup> Ibid 209.

<sup>5</sup> This phenomenon is international and perhaps even more pronounced in the UK: Colin Bryson and Richard Blackwell, 'Managing temporary workers in higher education: still at the margin?' (2006) 35(2) *Personnel Review* 207, 208.

<sup>6</sup> Hamish Coates et al, 'Australia's casual approach to its academic teaching workforce' (2009) 17(4) *People and Place* 47 48-49.

employees<sup>7</sup> and non-permanent staff may be undertaking up to half of all teaching in Australian higher education.<sup>8</sup> This is a sector-wide phenomenon; all universities rely heavily on casual teaching staff.<sup>9</sup> This is also true of law schools.<sup>10</sup>

The quality of teaching by law teachers employed on a sessional basis is critical to the experience of law students around the country. It impacts on students' learning, retention and progress. The quality of teaching undertaken by sessional staff is also critical to the capacity of law schools and universities to meet their responsibilities to students and their wider goals in relation to quality assurance and income generation.

Many sessional teachers in law are members of the profession.<sup>11</sup> Practitioner-educators have an important role in legal education. They are able to use their professional experience and knowledge to help students develop reflective practice, and bridge the gap between the academic and professional worlds;<sup>12</sup> however, professional expertise does not guarantee an individual has the skills required to be an effective teacher.<sup>13</sup> Sessional law teachers may have limited teaching qualifications and little teaching experience. Despite this they are 'often marginalised in terms of their access to professional development programs'.<sup>14</sup> This project sought to identify the current development opportunities available to sessional law teachers, and create, trial and distribute discipline-specific development resources suitable for use in all law schools across Australia.

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7 Junor estimates that 40% of academic staff are employed on a sessional basis: Anne Junor, 'Casual university work: choice, risk, inequity and the case for regulation' (2004) 14 (2) *The Economic and Labour Relations Review* 276, citing J Buckell, 'Fixed-term drift halted' (2003) *The Australian Higher Education Supplement*, 17 December, 179. Coates et al suggest casual staff increased from 12.6% of all teaching staff in 1989 to 22.2% in 2007: Coates et al above n 6 48.

8 Percy et al, above n 2, 3.

9 Denise Bradley et al, *Review of Australian Higher Education Report* (2008, Australian Government DEEWR) [3.1.5], [4] <[www.deewr.gov.au/he\\_review\\_finalreport](http://www.deewr.gov.au/he_review_finalreport)>.

10 Cowley, above n 3, 28.

11 Cowley, above n 3, 37-39 and Junor, above n 7, 286.

12 Joseph Chan, 'The use of practitioners as part-time faculty in postsecondary professional education' (2010) 3(4) *International Education Studies* 36.

13 Coralie McCormack and Patricia Kelly, 'How do we know it works? Developing and evaluating a professional development program for part-time teachers' in Fran Beaton and Amanda Gilbert (eds), *Developing effective part-time teachers in higher education* (2013, Routledge) 94, 106; Yenna Salamonson et al, 'A comparative study of assessment grading and nursing students' perceptions of quality in sessional and tenured teachers' (2010) 42(4) *Journal of Nursing Scholarship* 423, 424.

14 Salamonson et al, above n 13, 424.

Professional development opportunities for sessional staff  
Several national projects have emphasised the need for and lack of provision of high-quality professional development opportunities for sessional staff. The 2003 AUTC-funded *Training, Support and Management of Sessional Teaching Staff* project identified a widespread lack of ongoing professional development and support for sessional teachers.<sup>15</sup> The 2008 *RED Report* found a particular gap relating to the leadership and management of sessional teachers by course coordinators, which it found jeopardises the quality of the student learning environment.<sup>16</sup> This led to the 2011 ALTC-funded *Coordinators Leading Advancement of Sessional Staff* project.<sup>17</sup>

Despite these projects, there is evidence that support and training for sessional teachers remains inadequate.<sup>18</sup> In terms of support, Suzanne Ryan and her colleagues' recent research summarised a variety of forms of exclusion from conditions and benefits, and from workplace and infrastructure support, experienced by sessional teachers in Australia.<sup>19</sup> They include underpayment, poor management, unpredictability of work and delayed access to infrastructure, including internet access and library resources. There is also evidence of continued widespread lack of access to opportunities for developing teaching practice.<sup>20</sup>

This problem is not unique to Australia, nor to the discipline of law; it is recognised around the world in a wide variety of tertiary institutions and across discipline areas.<sup>21</sup> Finding a solution is complicated by the fact that different disciplines have varying expectations of sessional staff. It is not 'one size fits all' when it comes to the professional development of

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15 *Training, support and management of sessional teaching staff final report* (2003, Australian Universities' Teaching Committee).

16 Percy et al, above n 2.

17 Geraldine Lefoe et al, *Subject coordinators leading professional development for sessional staff final report* (2011, Australian Learning and Teaching Council).

18 This is supported by the data obtained from a survey of sessional law academics employed at the University of Adelaide, Flinders University and University of Western Australia which was conducted as part of this project. See the summary at pages 15-24.

19 Suzanne Ryan et al, 'Casual academic staff in an Australian university: marginalised and excluded' (2013) 19(2) *Tertiary Education and Management* 161, 165.

20 Peter Knight et al, 'Enhancing part-time teaching in higher education: a challenge for institutional policy and practice' (2007) 61 *Higher Education Quarterly* 420.

21 Bland Tompkinson, 'Supporting part-time and other teaching staff: who are they and why are they important?' in Fran Beaton and Amanda Gilbert (eds), *Developing effective part-time teachers in higher education* (2013, Routledge) 21, 30.

sessional teachers.<sup>22</sup> In law, specifically, sessional staff need to be able to teach discipline-specific skills and content to students destined for a socially-bound profession.

In the last decade, a new paradigm for learning and teaching has emerged across the Australian higher education sector: a focus on quality. The establishment of TEQSA affirms the government's commitment to 'ensuring that growth in the higher education system will be underpinned by a robust quality assurance and regulatory framework'.<sup>23</sup> This approach continues the work of the AUQA, which consistently called for the introduction and systematisation of support for sessional staff across the sector.<sup>24</sup>

TEQSA has now identified a 'significant reliance on academic staff employed under casual work contracts' as one of the key risks to the reputation of Australian higher education.<sup>25</sup> The regulatory focus on quality teaching and the provision of development opportunities to sessional staff provide further reasons for the development, adoption and use of appropriate development strategies in all institutions.

## WHAT OUR RESEARCH REVEALED

Professional development for sessional teachers (as for other academic staff) has three primary purposes. They are to:

- enable sessional teachers to support students
- support the development of sessional teachers
- support wider school and university objectives.<sup>26</sup>

Development resources can be useful if they contribute to the achievement of one or more of these purposes and do so in a manner that is accessible and effective.

The limited evidence about student expectations indicates university students 'expect a high-quality learning and teaching experience, delivered by teaching staff well versed in disciplinary context and teaching methodology'.<sup>27</sup> These expectations demonstrate some concordance with the research evidence about the support that sessional staff identify they need. For example, Bevan-Smith et al conducted a survey of sessional teachers at a research-intensive University in 2009 which concluded the topics in which sessional teachers were particularly interested were:

- giving effective feedback
- learning how to mark assessment items
- coping with difficult classroom situations
- planning and managing a class
- developing a teaching style.<sup>28</sup>

Wilson also identified that new sessional teachers wanted assistance with managing teaching and students, and on assessment, grading and feedback.<sup>29</sup> The relevance of these topics for sessional teachers in law is supported by the survey run as part of this project (discussed further below).

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22 Bronwyn Bevan-Smith, Jayne Keogh and Bruce D'Arcy, 'Determining the support needs of casual academic staff at the frontline' in Fran Beaton and Amanda Gilbert (eds), *Developing effective part-time teachers in higher education* (2013, Routledge) 34, 36.

23 Tertiary Education Quality and Standards Agency website: <[www.teqsa.gov.au/about](http://www.teqsa.gov.au/about)>.

24 Marina Harvey, 'Setting the standards for sessional staff: quality learning and teaching' (2013) 10 (3) *Journal of University Teaching & Learning Practice* Article 4, 1-3.

25 Tertiary Education Quality Standards Agency, (2012) *Regulatory risk framework*, 25. These risks have also been recognised in the UK, where regulatory frameworks have been created to respond to them: Bryson and Blackwell, above n 5.

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26 Anne Gaskell, 'Policy and practice to support part-time teachers at scale' in Fran Beaton and Amanda Gilbert (eds), *Developing effective part-time teachers in higher education* (2013, Routledge) 47, 52.

27 Natalie Brown et al, 'A message from the chalkface – what casual teaching staff tell us they want to know, access and experience' (2013) 10 (3) *Journal of University Teaching & Learning Practice* Article 6, 1.

28 Bevan-Smith et al, above n 22, 40.

29 Louise Wilson, 'Welcome on board: designing support interventions to meet the real needs of new part-time lecturers' in Fran Beaton and Amanda Gilbert (eds), *Developing effective part-time teachers in higher education* (2013, Routledge) 117, 128.





Law schools and universities have their own objectives, which may overlap with what students expect and what sessional staff want. Emerging research from countries facing the challenges that increased reliance on sessional teachers has produced in the Australian context suggests that, if universities want highly skilled, committed and motivated sessional staff, those institutions need to demonstrate their commitment to sessional staff. The provision of high-quality professional development is one way in which universities and schools can demonstrate their side of a mutually-committed relationship with sessional staff.<sup>30</sup> This may be particularly important in professional disciplines such as law where retention of prestigious and skilled practitioner-teachers may depend more on the relationship between school and sessional than on a purely transactional approach to sessional employment.<sup>31</sup>

Many Australian universities have invested time and resources in formulating general policies and guidelines to ensure quality of academic instruction. Generic, systematic and coordinated institution-wide programs are an important part of supporting sessional staff;<sup>32</sup> however, university-wide programs have significant limitations if left to stand alone. According to Jacobs, 'Uniformity of practice may be administratively efficient but educationally unsound.'<sup>33</sup> Different authors give different reasons for this conclusion. Boud argues that it is in the site of academic practice – the school or faculty in which a sessional teacher works – 'that academic identity is formed and is most powerfully influenced'.<sup>34</sup> Viskovic concurs, arguing working knowledge and teacher identity develop in the discipline or teaching team.<sup>35</sup> Healey and Jenkins support a discipline-based approach to academic development because teachers must 'translate' generic forms of teaching into the culture of a discipline, and link curriculum development to a discipline's

conception of knowledge.<sup>36</sup> In law, specifically, Cowley argues engaging in a discipline-specific development program assists 'sessional academics in law to engage with the students to achieve better student learning outcomes'.<sup>37</sup> Finally, limited research evidence about the support sessional teachers seek suggests that sessional teachers themselves request discipline specific support.<sup>38</sup>

The discipline-specific or generic nature of development tools is not the only factor to be considered in ensuring effectiveness. Sessional teachers, particularly those who are in practice, may have particular requirements regarding the type of development opportunity they will actually use. Wilson has found professionals require information on an 'as-needs' basis (not supplied to them according to someone else's timetable), and want development to be time-efficient.<sup>39</sup>

Gaskell proposes central principles for professional development. First, development cannot be a 'one-off' event; development is an **ongoing** process. In addition, development should be **collaborative**, and should **encourage reflective practice**.<sup>40</sup> Hamilton et al argue factors such as these confirm the **need for local, discipline-specific development** opportunities:

[Because generic development programs] are offered to sessional academics at the commencement of their contracts or the teaching semester, they (necessarily) provide pre-emptive training and advice, which is encapsulated in the moment of delivery. Local approaches are also needed to address unique faculty contexts with their varied cultures, processes and practices. And ongoing, just-in-time support and advice is needed to enable inexperienced sessional academics to successfully navigate the complexities of their day-to-day teaching.<sup>41</sup>

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30 Bryson and Blackwell, above n 5, 216-217.

31 Ibid 219-220.

32 Ibid 210.

33 Frederic Jacobs, 'Using part-time faculty more effectively' in David Leslie (ed), *The growing use of part-time faculty: understanding causes and effects* (1999, Jossey Bass) 14.

34 David Boud, 'Situating academic development in professional work: using peer learning' (1999) 4(1) *International Journal for Academic Development* 3, 3.

35 Alison Viskovic, 'Becoming a tertiary teacher: learning in communities of practice' (2006) 25(4) *Higher Education Research & Development* 323, 323.

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36 Mick Healey and Alan Jenkins, 'Discipline-based educational development' in Heather Eggins and Ranald Macdonald (eds), *The scholarship of academic development* (2003, Open University Press) cited in Viskovic, above n 35, 325. See also Len Webster, Patricie Mertova and Joanna Becker, 'Providing a discipline-based higher education qualification' (2005) 2(2) *Journal of University Teaching & Learning Practice* 75.

37 Cowley, above n 3, 28.

38 Bevan-Smith et al, above n 26, 40. Further discussion of the survey upon which this research was based can be found above.

39 Wilson, above n 29, 127.

40 Gaskell, above n 26, 52.

41 Jillian Hamilton, Michelle Fox and Mitchell McEwan, 'Sessional academic success: a distributed framework for academic support and development' (2013) 10(3) *Journal of University Teaching and Learning Practice* Article 9, 1.

Based on empirical work with a group of part-time teachers in universities which explored how they developed their expertise as teachers, Knight et al propose effective teacher development is ‘ecological’ in that it is evoked by engagements with other colleagues.<sup>42</sup> This finding is echoed in the literature on ‘communities of practice’.<sup>43</sup>

The resources proposed by this project will satisfy some, but not all, of these principles. They will be available on an ‘as-needs’ basis, so sessional teachers can use them as required. They will also be designed to be time-efficient; however, in isolation the resources will not engage sessional teachers in collaborative endeavour or collegial discussions which are also important in developing teaching expertise.

We acknowledge developing **situated, non-formal opportunities for connection and learning for sessional teachers** is also important, and hope to be able to address this need in a future project. We have identified a number of other significant issues which cannot be ignored when considering professional development of sessional teachers. For example, the *RED Report* determined that development opportunities for sessional staff should be **contextualised, accessible, mandatory and paid**.<sup>44</sup>

It is hoped the *Smart Casual* project will contribute to the provision of contextualised development opportunities by producing discipline-specific resources. The project team is also developing distribution strategies to encourage the adoption of the resources by Australian law schools, which we hope will ensure our resources are accessible to all sessional law teachers. Key related issues of mandating some development activities and paying sessional teachers for undertaking development are beyond the scope of this project.

42 Knight et al, above n 20, 421.

43 Viskovic, above n 35, 323.

44 Percy et al, above n 2, 22.

## DATA COLLECTION METHODOLOGY

Data were collected by means of two surveys:

- an online questionnaire administered to sessional teachers at Adelaide University, Flinders University and University of Western Australia
- a survey by telephone conversation or email of Associate Deans (Learning and Teaching) (or equivalent, or nominee) at Australian law schools.

## WHAT SESSIONAL TEACHERS TOLD US

### General information

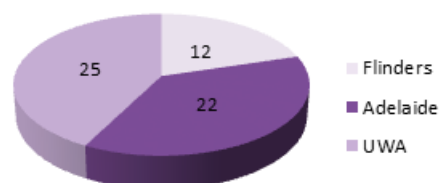


Figure A 1: Distribution of responses between participant institutions

We surveyed sessional staff in three institutions: Adelaide University, Flinders University and University of Western Australia. The three universities reported having 108 sessional staff in total. We received 59 responses (see Figure A-1), a response rate of 55 per cent. Most sessional staff were still students in some capacity, and around a third worked in legal practice. Respondents had a mean age of 36.41 years, and 53 per cent were female.

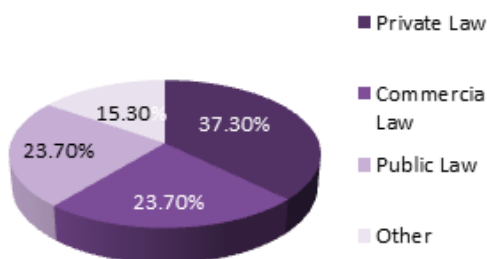


Figure A 2: Distribution of reported primary teaching area between respondents



A large proportion of participants identified Private Law as their primary teaching area (37 per cent) with almost one-quarter teaching in Commercial Law and another quarter Public Law. Others taught Legal Research, Criminology, Legal Theory, Clinical Legal Education, Law and Society and areas such as Procedure and Advocacy (see Figure A-2).

Respondents had been teaching for an average of 3.3 years, and nearly half (45 per cent) for 3 to 5 years. Most participants taught 4 to 6 hours per week (42 per cent) or 1 to 3 hours per week (37 per cent).



## ACTIVITIES TO IMPROVE TEACHING

Participants were asked about their past experience with activities to improve teaching described in terms of nine distinct teaching development activities ('activities'):

- thinking about effective teaching methods before and after class
- speaking with other staff about teaching
- reviewing student evaluations of their own teaching
- attending a workshop or seminar on teaching and learning at their own university
- reading book/s and/or article/s on teaching and learning (either offline or online)
- having a colleague observe class/es and provide feedback
- formal meetings with a teaching mentor
- working through a teaching and learning manual/module
- keeping a journal about teaching.

Not surprisingly, as illustrated in Figure A-3, activities that required the least effort were engaged in the most (thinking about teaching, speaking with staff about teaching, and reviewing student evaluations). Activities that required the greatest amount of effort (for example, keeping a teaching journal) had been performed the least. Working through a teaching manual/module had been engaged in the second least. This raises the possibility that a teaching and learning manual/module is not readily available for the majority of participants that completed this survey.

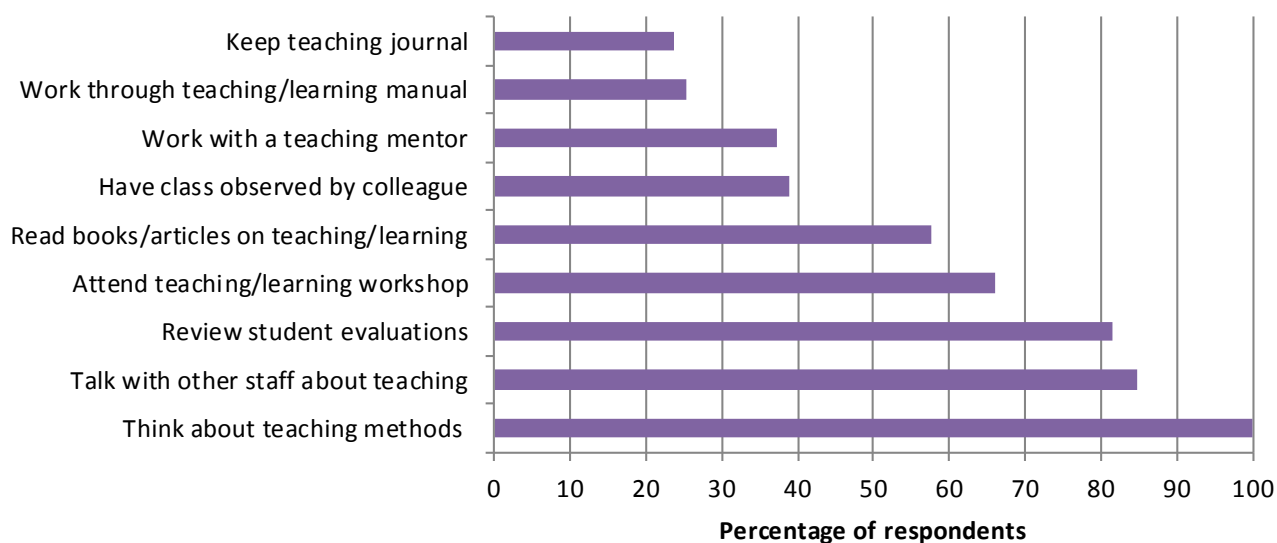


Figure A 3: Percentage of participants who have engaged in each teaching development activity

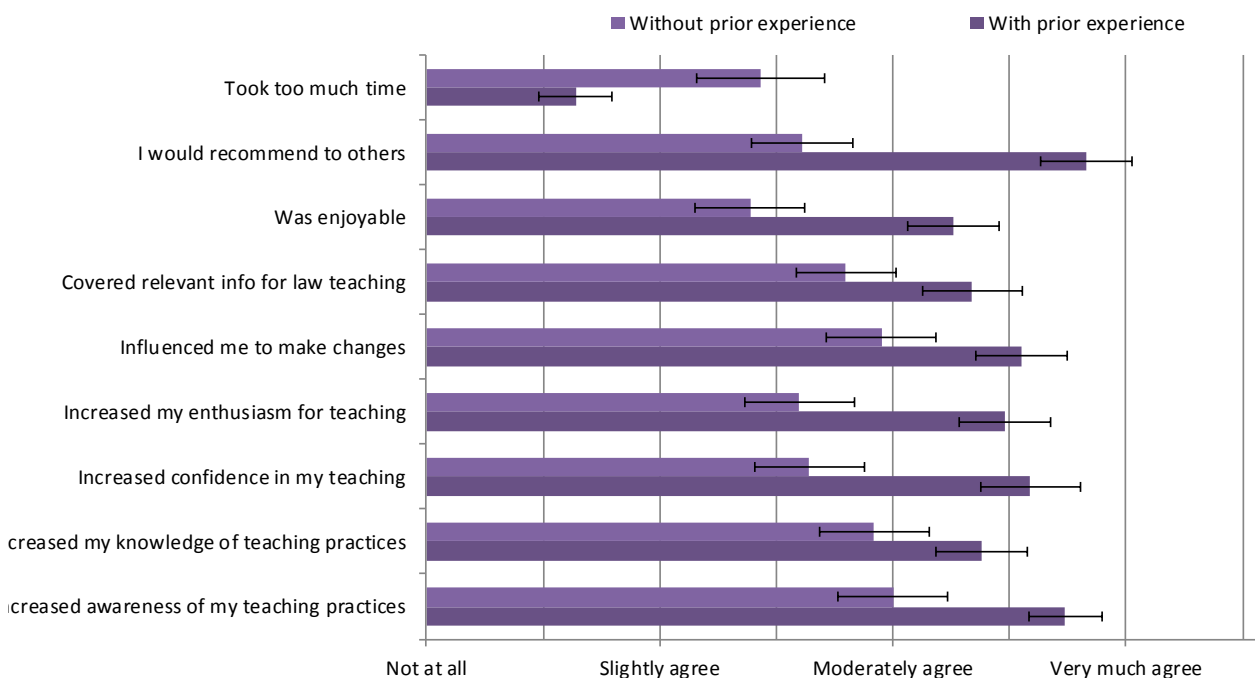
Prior experience with an activity led to a more favourable attitude towards that activity. Those who engaged in the activities did not believe that the activities took too much time. The time taken by an activity was more of a concern for those not engaging in that activity.

An overall favourability score was calculated for each activity; however, favourability was consistently lower for those without prior experience of an activity. The more positive an attitude an individual had towards any one activity, the more their positive attitude for all other activities.

The ordering of favourability from best to worst depended on prior experience (see Figure A-4). For both teachers with experience of teaching development activities and those without, having a teaching mentor and having a colleague observe their class and provide feedback were perceived more favourably than the other activities surveyed.

Working through a teaching manual, reading articles/books on teaching and learning and keeping a teaching journal were rated less favourably compared with other activities surveyed.

Those without experience of teaching development activities appeared to view reviewing student evaluations and attending a teaching workshop more favourably. This suggests that the more opportunity staff had to use them, the less favourably they came to consider student evaluations and workshops.



Note: Error bars represent 95% confidence limits.

**Figure A 4: Favourability means for each teaching development activity by prior experience**





The list of teaching development activities which participants indicated they regarded most favourably is set out in Table A-1 in order of favourability.

**Table A-1: Favourability towards teaching development activities by prior experience**

Prior experience	No prior experience*
<ul style="list-style-type: none"> <li>• Working with a teaching mentor</li> <li>• Having a class observed by a colleague</li> <li>• Talking with other staff about teaching</li> <li>• Reviewing student evaluations</li> <li>• Thinking about teaching methods</li> <li>• Attending teaching/learning workshop</li> <li>• Working through teaching/learning manual /modules</li> <li>• Read books/articles on teaching/learning</li> <li>• Keeping a teaching journal</li> </ul>	<ul style="list-style-type: none"> <li>• Reviewing student evaluations</li> <li>• Working with a teaching mentor</li> <li>• Attending teaching/learning workshop</li> <li>• Having a class observed by a colleague</li> <li>• Talking with other staff about teaching</li> <li>• Working through teaching/learning manual /modules</li> <li>• Read books/articles on teaching/learning</li> <li>• Keeping a teaching journal</li> </ul>

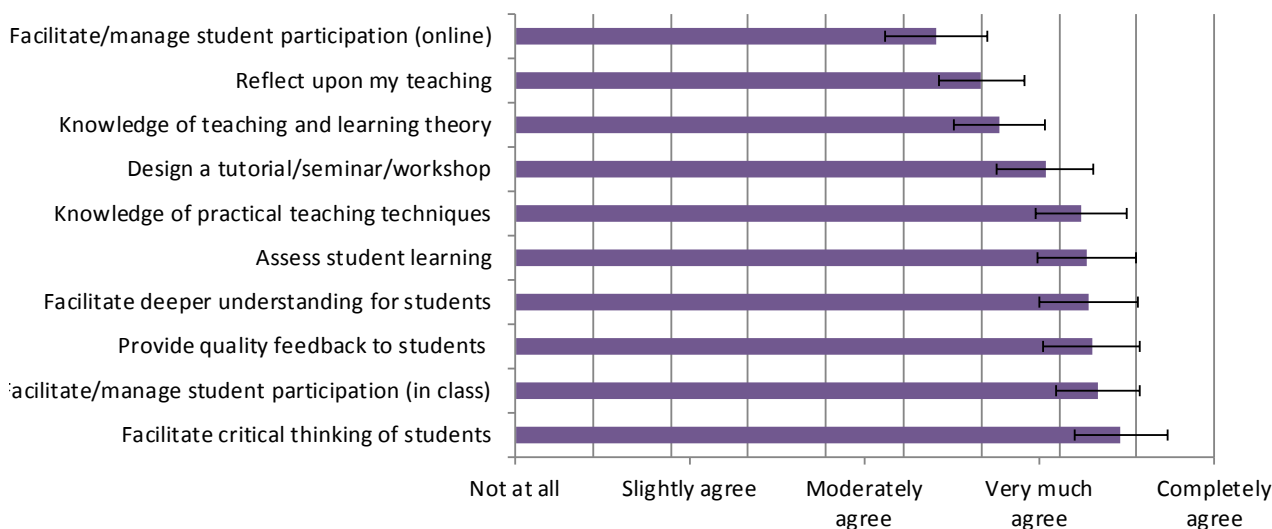
\*Favourability by no prior experience is not included for ‘thinking about teaching’, since all participants reported having engaged in the activity.

## CONFIDENCE AND DESIRE TO IMPROVE TEACHING SKILLS

Participants were asked about their confidence in, and desire to improve, their capacities in relation to the following teaching qualities and skills:

- knowledge of teaching and learning theory
- knowledge of practical teaching techniques
- ability to facilitate and manage student participation (in class)
- ability to facilitate and manage student participation (online)
- ability to reflect upon my teaching
- ability to design a tutorial/seminar/workshop
- ability to facilitate deeper understanding for students
- ability to facilitate critical thinking of students
- ability to provide quality feedback to students
- ability to assess student learning.

Wanting to develop skills in any particular area was associated with wanting to develop skills for all other teaching abilities; however, participants were least interested in obtaining knowledge about theory of teaching, improving their ability to reflect upon teaching practices and improving their ability to facilitate and manage student participation online. This is set out in Figure A-5 below.



Note: Error bars represent 95% confidence limits.

**Figure A 5: Areas of teaching in which participants would like to improve their confidence and ability**

This data suggests that participants particularly want to improve their confidence and ability in:

- facilitating critical thinking among students
- encouraging and managing class participation
- providing feedback
- facilitating student understanding of substantive content.
- Professional development in teaching

A majority (51 per cent) of participants reported they had participated in professional development program/s for teaching. Overall, they had a fairly positive attitude toward professional development programs and there was no major difference between those with and without experience of such programs.

Most participants would prefer a one-off program (58 per cent); however, a significant number of participants were willing to be part of an ongoing program (37 per cent).

Participants were asked to choose between teaching development activities which should be incorporated in a professional development program to which they would be prepared to commit. Over half the sample chose (from most to least popular):

- talk with other staff about teaching
- think about effective teaching methods before and after class
- attend a workshop on teaching and learning at own institution

- have a colleague observe your class and provide feedback
- have formal meetings with a teaching mentor at your university
- review student evaluations of own teaching.

Much less popular were (from most to least popular):

- work through a teaching and learning manual
- read books and/or articles on teaching and learning
- keep a journal about teaching.

Participants identified the best professional development program or activity on teaching and learning they had taken part in as:

- workshop [8]
- mentoring [3]
- having teaching observed and obtaining feedback [3]
- observing other staff member teaching [2]
- reviewing student evaluations
- marking assignments
- discussion with post-grad students
- keeping a teaching journal.

Participants identified their reasons for not engaging in more teaching and learning professional development programs or activities as:

- lack of professional development programs available, or lack of awareness of available professional development programs [13]
- lack of time available to commit to professional development [12]

- reluctant to spend time on professional development activities if not being paid for it [7]
- professional development program content too basic for own existing level of knowledge [3]
- no programs available specifically for teaching law [3]
- can improve simply by doing teaching [1].

## TEACHING STRATEGIES

Participants were asked to identify teaching techniques they have used in the past (see Table A-2):

**Table A-2: Teaching techniques previously used by respondents**



Teaching technique	Frequency	% sample
Paired or group work	50	85
Brainstorming exercises	40	68
Structured legal problem-solving (e.g., MIRAT or IRAC)	34	58
Changed seating arrangements to facilitate discussion	30	51
Socratic Method for class discussion	27	46
Role plays	21	36
Moots	19	32
Multimedia	17	29
Online discussion boards	14	24
Scaffolded discussion	11	19
Fishbowl	7	12
Flipped classroom	5	9

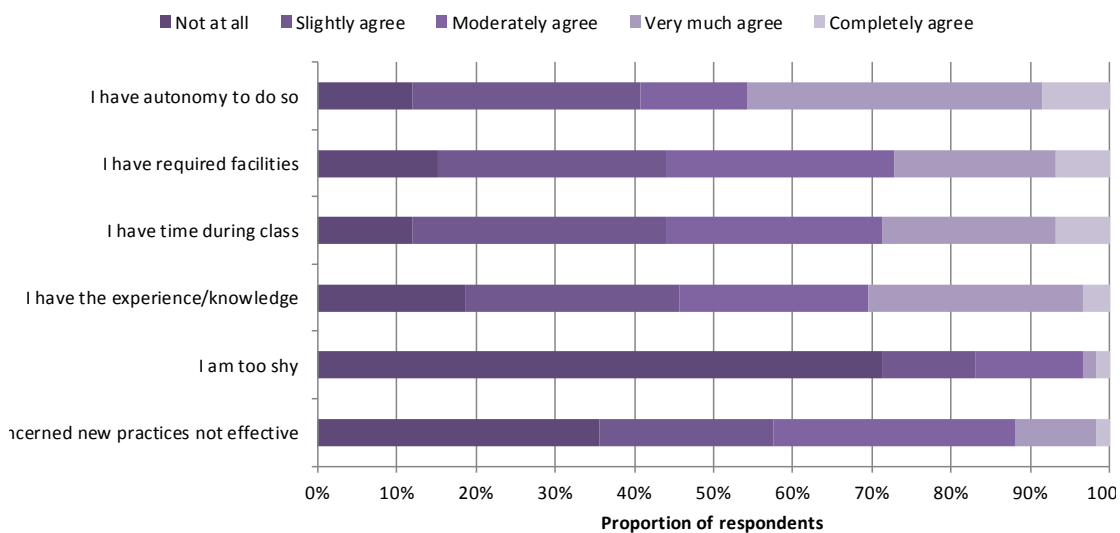
Other teaching techniques participants have used were reported in an open-ended question and included:

- debates [2]
- posing a question to a class and then guiding the class to develop an answer/ answers/ options to the question posed [2]
- class discussion
- class quizzes (not for assessment), ‘muddiest point’ exercises, 3-2-1 review
- whiteboard for discussing complex concepts that people need to be able to see and have enough time for the ideas to ferment
- humour

- ‘I use the methods that the course coordinator asks me to use. I’m not being paid to dream up teaching techniques. I’m being paid to teach a class and to convey the necessary material to the students. If the course coordinator wants me to do this in a specific way, he/she will tell me to do that.’

Participants were asked what factors influence their decision to implement new teaching practices (see Figure A-6). Shyness appears to be an issue for 30 per cent of participants. 65 per cent of participants experienced concern that new teaching methods might not be effective to some extent.





**Figure A 6: Reasons given by participants for not having engaged in new teaching practices**

Finally, participants were asked to provide an open-ended response regarding any other factors that influence their teaching. Common responses included:

- too much content needs to be covered in classes [6]
- lack of knowledge on part of instructor [4]
- student resistance/lack of engagement [4]
- tutorials are only short (in regards to time available) [2]
- classroom layout and issues regarding space [2]
- class size too large
- a lack of clear law school expectations of sessional staff
- easy to fall into habits/routine
- lack of autonomy.

## CONCLUSIONS

Our survey identified that, of the options presented, sessional staff at Adelaide University, Flinders University and University of Western Australia are most interested in one-off professional development opportunities. The staff surveyed expressed most enthusiasm for face-to-face professional development; however, such face-to-face development activities are difficult to schedule, resource-intensive to run and beyond the scope of this project.

Sessional staff indicated they do not currently engage in professional development because:

- There are not suitable professional development programs available, as far as they know.
- They don't have time to commit to professional development.
- They won't spend time on unpaid professional development activities.

This suggests that if there were time-effective, suitable professional development resources available, sessional teachers would consider using them.

The sessional staff who responded to the survey indicated they were most interested in professional development opportunities that would improve their confidence and ability in:

- facilitating critical thinking among students
- encouraging and managing class participation
- providing feedback
- facilitating student understanding of substantive content.

## WHAT LAW SCHOOLS TOLD US

We approached all the Associate Deans (Learning and Teaching) (or equivalent, or nominee) at all Australian law schools to determine the current practices around Australia with respect to preliminary and ongoing training and development opportunities available to sessional law teachers. Law schools were contacted by email and, if necessary, this was followed by a phone call by one of the project team. Data was collected by a Smart Casual project team member or our research assistant via telephone interview or email, depending on the preference of the interviewee. We asked about:

### Preliminary teacher training/development opportunities

- Are formal and informal preliminary training/development opportunities or materials made available to commencing law sessional staff?
- What do those development opportunities or materials involve and how are they run?
- Are they law-specific or generic to all university teachers?
- Are they voluntary or compulsory?
- Are sessional staff paid to be involved?
- Approximately how many sessional staff take-up training or support per semester/year?

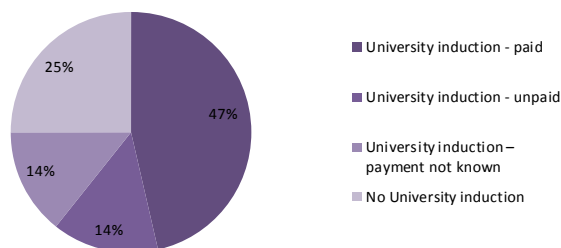
### Ongoing teacher training/development opportunities

- Is ongoing training and support offered to sessional staff?
- What form does the ongoing training and support take and how is it run?
- Is that training law-specific or generic to all university teachers?
- Is it voluntary or compulsory?
- Are sessional staff paid to be involved?
- Approximately how many staff take-up training or support per semester/year?

Of the 36 law schools around Australia, a total of 28 responded to our request for information. This represents a 78 per cent response rate.

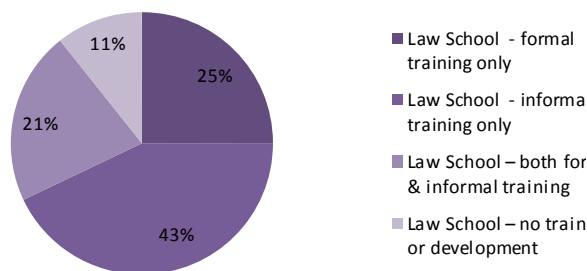
## Summary of findings

Based on data presented by the 28 respondents, 75 per cent of responding universities offer formal generic induction programs for all sessional staff. In approximately half (47 per cent) of these institutions sessional staff are paid to attend these induction programs (see Figure A-7).



**Figure A 7: Availability of university-level induction for sessional staff**

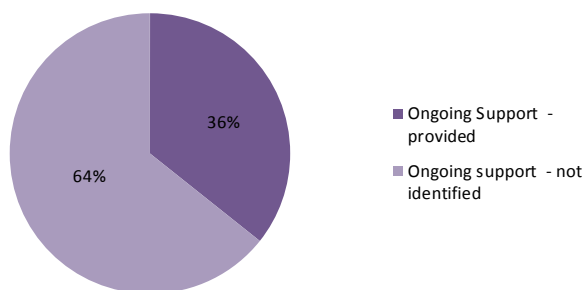
At the discipline level, of the 28 law schools who provided information, 25 (89 per cent) reported that some form of introductory teacher development is offered to sessional teachers by the law school. This includes formal (workshop, seminar or induction session) and informal (ad-hoc meetings on an as needs basis) teacher development. Of these 25 law schools, 10 (40 per cent) reported paying sessional staff to attend formal and/or informal development sessions.



**Figure A 8: Availability of formal and informal sessional teacher development in law schools**

Not all the development opportunities available to sessional law teachers could be properly categorised as either discipline-specific or teaching-focused. The associate deans suggested most introductory development opportunities offered by law schools were, in fact, more appropriately categorised as generic. Indeed, the primary focus of most

of these development opportunities was on administrative matters (for example, use of technology, orientation around the law building, information regarding the law library and other available resources, tour of offices and introduction to general policies and procedures). Very little training was offered on teaching itself. In addition, 11 per cent of respondents indicated sessional staff in law had no access to any training or development at all. While some institutions did offer sessional teachers more development opportunities than others, there were clearly gaps in provision and the overall picture is not positive. So, despite the clear recommendations in the literature, discipline-specific professional development directed at improving teaching quality in law is, in fact, very limited. Finally, while sessional law teachers at most institutions received some introductory training or development, the provision of ongoing development and support was much less consistent. Only 10 schools (36 per cent) provided ongoing support and development opportunities for sessional staff (see Figure A-9). In addition, although the vast majority of ongoing support and development opportunities were technically available to sessional staff, the associate deans suggested they were not well advertised to staff and not well used, and the vast majority of staff (70 per cent) were not paid for undertaking such activities.



**Figure A 9: Availability of ongoing teaching development opportunities for sessional staff**

In summary, while the majority of law schools around Australia are committed to offering some training and development opportunities to sessional staff, these opportunities are inconsistent. In particular, there is a notable lack of discipline-specific and teaching-focused development opportunities. The scope of this problem is significant in terms of number of law schools, numbers of sessional law staff, and numbers of law students potentially affected. The data discussed above presents a strong case that the resources and opportunities for most sessional law staff presently available are far from sufficient and that Australian sessional staff in law need far better resources to help build their teaching skills.

## CONCLUSION

Discipline-specific development tools focusing on quality teaching are not being used to support sessional teachers in many Australian law schools despite good reasons to believe they would be of significant benefit to these teachers. The provision of professional development to sessional teaching staff might also be expected to benefit students taught by sessional staff and assist law schools in meeting their wider teaching quality and staff development objectives.

Our survey of Australian law schools supports the conclusion that limited development and support systems are available to sessional teachers and there is a particular lack of discipline-specific and teaching-focused development opportunities. This finding, and the particular need for resources which will allow sessional staff to build their teaching skills, is consistent with the national and international literature.

The sessional teachers surveyed indicated a willingness to engage with development resources if they are well tailored to their needs. In particular, they suggest development should be relevant to their needs, accessible, time-efficient and time-flexible.

The literature suggests that development should, wherever possible:

- be situated in discipline-specific context
- not be a 'one-off'
- allow for development of collegial connections
- be available on an 'as needs' basis.

While this project was not able to produce a comprehensive development package, it was determined that the resources that were produced

should be:

- practical in nature and easily applied in a teaching context
- available as needed, allowing sessional teachers to access and refer back to the resources as required
- as concise as possible without sacrificing content in order to maximise efficiency.



# WORKING TOWARDS A SOLUTION

## Project outcome

The major outcome of this project has been the development and distribution of three modules providing law-specific guidance for sessional teachers on engaging students [*Module 1: Engagement*], teaching legal problem-solving [*Module 2: Problem-solving*] and providing feedback [*Module 3: Feedback*].

These modules are self-directed development activities with which sessional teachers can engage on an as-needs basis and which can provide an ongoing teaching resource for law schools. They take into account best practice in sessional teacher development as well as information on professional development needs obtained from sessional teachers at University of Western Australia, Flinders University and Adelaide University Law Schools. The project team designed the modules to complement existing teacher development and support systems.

The resources created were designed to be **SMART**: **Specific** to the teaching of law; **Meaningful** to the needs of law teachers; **Accessible**, allowing sessional teachers to access and refer back to the resources as required; **Realistic** and easily applicable to the varied contexts in which session teachers work and their many roles; and **Time-efficient** by being as concise as possible without sacrificing content.

The final modules are accessible in Articulate Storyline, and each models a variety of methodologies, ideas and teaching strategies, which are illustrated by purpose-made videos of sessional staff sharing their teaching experiences. The modules have been designed to encourage self-reflection and are suitable for sessional teachers with a wide range of teaching experience.

The modules have been distributed to all law schools in Australia, are publically available on the Legal Education Associate Deans' Network (LEAD) website at [www.lawteachnetwork.org](http://www.lawteachnetwork.org) and have been promoted at a number of venues including workshops at the University of Western Australia, Flinders University and Adelaide University. In addition, the resources will be promoted at a number of local and national conferences in 2014.

## Evaluation process

Before finalisation, the modules underwent three stages of review and refinement. This process is illustrated in Figure A-10 below.

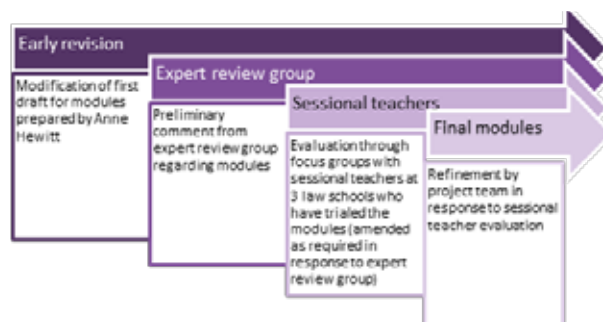


Figure A 10: Module evaluation stages

More detail about each of these evaluations is provided below.

## Early revision

Prior to the funding of the *Smart Casual* project, Anne Hewitt had developed draft modules in a handbook format. In the initial stages of the project the project team evaluated those modules in light of the information regarding sessional teacher development needs and best practice gleaned from the literature and data received from our survey of sessional teachers. This informed development of a second draft of the modules, which was distributed to our Expert Review Group (ERG) for comment in late 2013.

## Expert Review Group

On 18 November 2013 the members of the ERG were emailed a project position paper and the three draft modules, two of which were in Microsoft Word format and one of which was a PowerPoint with embedded links to online content. The ERG was asked to provide their expert feedback. In particular, the ERG was asked to consider:

1. how useful the proposed resources might be for sessional teachers
  - a) at your law school
  - b) across the sector, given the diversity of students, delivery modes, and staff in Australian law schools
2. how we might improve the proposed resources, for example
  - a) Are there components that should be cut?
  - b) Are there omissions that should be rectified?
  - c) Which components do you like?
  - d) Which do you like least?
3. how we might best distribute and promote use of the resources.

The members of the project ERG who provided this feedback were:

- Professor Paula Baron
- Associate Professor Donna Buckingham
- Ms Kate Galloway
- Professor Mary Keyes
- Professor Alex Steel
- Professor Vicki Waye.

The feedback received by the ERG has been divided into general comments and suggestions for future directions. A summary of the feedback received appears below.

## General Comments

In relation to the project overall, the ERG gave positive feedback regarding the modules as beneficial for sessional teachers. They also made some constructive suggestions regarding their improvement. One area of feedback that the project team identified as particularly useful related to the tone of the modules. The ERG suggested – in the project team’s view, rightly – that the modules needed to take a ‘peer-to-peer’ tone. As one member of the ERG stated, ‘Professional development for sessionals needs to be about sharing, not training.’ This comment was reinforced by other suggestions that the modules should be designed for adult learners and concentrate on solution-driven approaches. The ERG also made practical suggestions about how this could be accomplished, and suggested adding context by embedding quotes or videos of sessional teachers speaking about and/or applying the techniques and principles under discussion. The ERG also identified that this would create a virtual sharing of practice between sessional staff, which would have practical benefits and be likely to increase engagement with the modules.

The ERG also commented that the practical suggestions within modules on implementing ideas canvassed were likely to be very useful for sessional staff and encouraged inclusion of further practical suggestions in each module. An associated suggestion was that the range of examples should be diverse, to cover as many teaching methods, institutional contexts and subject areas as possible. In addition, the ERG suggested that the modules should explicitly address national and institutional contexts for the teaching of law. For example, the modules should (where appropriate) make sessional staff explicitly aware of the Priestly 11 and Discipline Standards for Law, and should encourage sessional teachers to engage with their own institutional context by identifying relevant local policies (for example, on academic honesty).

Finally, the ERG made a number of comments regarding the format of the modules. Two of the modules had been

provided in Word format, in which reflection activities and questions followed a narrative introduction to the module content. One module had been provided to the ERG in PowerPoint format, in which an overview of relevant concepts was provided with embedded links to relevant readings and online content. While the PowerPoint format had some teething issues, which the ERG identified, several members of the ERG commented that the format was more interactive and would allow for greater autonomy to be exercised by sessional staff completing the module.

## Future directions

The ERG noted a number of areas not covered in the existing modules, which might require future consideration. These included:

facilitating learning for Indigenous students  
online learning environments  
external teaching methodologies  
the role of a sessional teacher within the institutional context.

The ERG suggested further that a number of other development and networking methodologies would complement the modules. For example, they suggested an online forum in which sessional staff could engage with each other, face-to-face development opportunities and a complementary ‘handbook’.

## Further revision

In response to the feedback from the ERG, the project team undertook a substantial revision process. The revisions responded to a number of specific comments about the content of individual modules, but more sweeping changes were also undertaken.

The more significant changes which were made included:

- converting all modules into a PowerPoint format for the trial, with the eventual goal of moving them to a more stable platform
- modifying the format and tone of each module so as to ensure it took the ‘peer-to-peer’ approach suggested by the ERG
- developing a series of short videos in which sessional teachers spoke about their teaching experiences, which were used to inform and contextualize module content
- ensuring a diverse range of practical examples were included in each module
- providing broader national and institutional context where appropriate.

## Sessional teacher trial

In February 2014 sessional teachers from the University of Western Australia, Flinders University and Adelaide University participated in a trial of the third draft modules in PowerPoint format.

In March 2014 a series of focus groups were conducted in Perth and Adelaide with sessional law teachers who had participated in the trial of the modules.

The methodology employed was semi-structured focus groups. Six focus groups were conducted over a two-week period in March 2014 and ranged in length from 45 minutes to 60 minutes. Participants consisted of 28 sessional law teachers at the University of Western Australia, Flinders University and Adelaide University.<sup>45</sup> A range of sessional teachers were represented in the focus groups, including PhD students, members of the legal profession and individuals for whom sessional teaching was a primary focus.

Focus-group participants were asked to comment on the modules as they related to their teaching experience in law. The questions in the focus groups were structured around four main topics:

1. module content and utility for sessional teachers
2. format (including accessibility)
3. areas for improvement
4. additional content/topics with which sessional teachers require assistance.

The focus groups were audio-recorded with express written consent provided by each participant. In the following summary, portions of the audio recordings have been transcribed to illustrate various viewpoints and to demonstrate how sessional teachers expressed, in their own words, suggestions for improvement. In order to ensure anonymity and confidentiality of study participants, all possibly identifying information has been replaced with pseudonyms or removed. Input from the facilitator or moderator of the focus group has been incorporated where relevant.

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<sup>45</sup> Two focus groups were held on campus at Flinders University on 24 March and 28 March 2014, each of which was attended by three Flinders Law School sessional teachers. Two other teachers provided written feedback on the modules. Two focus-group interviews were conducted at The University Western Australia on 20 and 21 March with six and five participants respectively. Three other respondents supplied written comments in response to the topics raised. Two focus groups were run at Adelaide University on 24 March with a total of 11 participants.

The audio recordings were analysed for common themes regarding sessional teachers' recommendations for improvement of the modules trialled. The analysis focuses on suggestions provided by most of the participants except where specified. Although the analysis focuses on majority opinion, effort has been made to highlight the disparity in opinions, which underscores the inherent complexities of accommodating a diversity of sessional teachers teaching in very different environments.

Sessional teachers were paid to undertake the trial of the modules and to participate in the focus groups.<sup>46</sup>

## ANALYSIS

### 1. Content

There was overwhelming support from focus group participants for the broad content of the three modules. Participants agreed that the subject areas were useful and relevant to their teaching experience.

*Participant A: It was really pleasing to open the modules and think, 'Oh, someone is really concerned about me and what I'm doing.' Normally you get things that are vague and generic and just about 'teaching', not teaching law, which is very, very different.*

*Moderator: Why is it different?*

*Participant A: Cultural reasons.*

*Participant B: The profession.*

*Participant A: The students.*

*Participant C: Students' expectations, their ambitions, everything, their perfectionist qualities.*

A number of participants also suggested that the module content was well-targeted to the role of the sessional teacher, and they felt that the content empowered them in a largely powerless role by emphasising areas over which they had important responsibility while not suggesting (for example) a sessional teacher could necessarily influence curriculum or assessment design.

*The third one I really liked. As a casual teacher I find I am rather bereft of power and rights, but I have plenty of the responsibilities. In the other modules there was plenty to do with things like rearranging the furniture and all the things you can do in a class, but, with feedback and its relationship to assessment, as a casual teacher you don't really get any control over the*

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<sup>46</sup> Human Research Ethics approval was granted for the focus-group research (approval number HP-2013-080).



substance. That's the topic coordinator (who may also be a tutor). Gearing the feedback towards the outcomes required of the assessment was really good to see in the module – the steps we can take as teachers giving the feedback to take back some of the power.

### Need for discipline-specific resources

There was strong agreement among participants about the need for discipline-specific resources. Those who had undertaken cross-disciplinary teaching training specifically noted the lack of law content. One had asked herself: 'What about law? What about law?' Another said these forms of training contained a lot of irrelevant material in the effort to train people from so many different disciplines and roles.

*'It's nice to have something that is focused on the special things that we go through. Our graduates have different attributes, they need to be able to do different things, they need different skills, and how do we best teach them those things? So I think discipline-specific is the way to go.'*

*'I think the students in different disciplines want to take different things out of their university experience and so it's important that you're tailoring your teaching to what law students want to take out of their experience.'*

*'This was much more law focused [compared with prior generic training] which made it much more helpful for filling in the gaps I hadn't already received from that sort of [generic] training.'*

Participants also overwhelmingly agreed that teaching law was different to teaching in other disciplines and that the discipline-specific nature of these modules increased their relevance and also the likelihood sessional teachers would complete them.

Participant D *I felt much more connected to it [the modules – because they were discipline specific]. It was easier to engage and more relevant.*

Participant E: *You look at a concept, particularly in module 2, and you think "oh that's exactly how that works and exactly how that links in". The connection to what you are actually teaching and the process you are using is much better articulated than in generic university level programs.*

Participant F: *I felt it was really beneficial.*

Moderator: *So the modules were more relevant to your teaching experience. Did that make you more willing...*

Participant D: *To keep going.*

Participant E: *Yep.'*

Participants also commented that the relevance of the modules to their teaching experience and practice increased their enthusiasm to complete the modules.

*My only other experience about getting something like this was when I started teaching at [a university in another state] and we had a 3 hour classroom type thing and it was just an induction on OH and S... I just remember being so bored. Whereas this stuff [the modules] I was like "click, click, this is great". I found it much more engaging and much more relevant.*

### Need for teaching-focused resources for sessional law teachers

Participants also overwhelmingly agreed that the modules responded to a need to relevant teacher development resources. The lack of access to teaching-focused resources was commented on explicitly, as was the limited relevance of generic (non-discipline-specific) development resources and opportunities.

Participant G: *The [face-to-face induction] session we [indicating another participant] went to was not discipline-specific – it was the whole uni and all of the casual tutors who were starting out. I think that let it down a bit because the way law is taught is very different to everything else, really.*

Participant H: *Yeah, that's a good point.*

Participant I: *And compared to someone who is going in to take eight-hour labs once a week the requirements on us are very different. It makes it hard to generalise that, for instance, how to handle a problem situation: 'Oh, but my problem is a chemical spill.'*

More experienced teachers commented that the resources would have been enormously useful to them early in their teaching careers, particularly if they were a legal practitioner or not otherwise embedded in the academic community.

Participant J: *I think they [the modules] would be very useful if you've never done it [teaching] before, and if you're an isolated sessional teacher ... if you worked, and you come in, or you're a practising solicitor doing some units, because you're very thorough and very detailed ... If I was just coming in cold, as a newly-graduated student, or someone with no contacts, it would be really useful.*

Participant K: *This would be so beneficial if you were a solicitor or if you'd never taught before because it highlighted a lot of my concerns.*

Participant L: *I would endorse that. I am a practitioner. I'm not hanging round the law school all the time.'*

*'Every module was extremely important. When I first started tutoring 3 years ago I literally got a textbook handed to me and a topic guide and they said, 'Off you go.' I had never done any teaching before and had*

*no idea what I was doing. And I felt sad when I went through this USB [containing the three trial modules] because I thought, 'Luckily enough, I have developed all of these things myself and I do all of these things, but it has taken me three and a half years to figure it out.' If I had just had someone hand this to me they would have got a lot more quality out of me from the get go.'*

Participant F: *I would have found it really useful going in the first time, particularly how it highlights this is what a student might suggest as the issue and how they might frame what the issue is, as opposed to how we see it going in. I went in [to teaching] blind and was feeling my way through as I went, and realised what was happening and adjusted, whereas having that [module] from the start would allow me to adjust how I introduced concepts and framed questions, which would have been very useful.*

Participant H: *I thought that was good too – and included really good use of examples.'*

Relatively inexperienced teachers commented on the utility of the modules for their day-to-day teaching experiences.

*'It was good – targeted to steps and things you can actually do in a vague abstract sense but also with the real practical examples.'*

*'The content was perfect. Every question I had over the last three years was answered by these modules; however, I think you always need to reflect and revise your skills, so this is something I could pick up again in two or three years' time and look over and still get something out of.'*

Many participants said that they found the modules reinforcing, reassuring and validating where informal discussion was their primary source of professional development. There was also agreement about the utility of replaying the modules at different stages.

*'They're also things you could probably go back to once you've got the overview, if you did them beforehand.'*

Many sessional staff spoke about the capacity of the modules to trigger wider conversations with fellow tutors, mentors, supervisors and friends who were also teaching.

## 2. Format

### PowerPoint format

All participants trialled the modules in PowerPoint format. The general feedback from participants was that the modules were readily accessible: *'They were very, very easy to use.'* Nonetheless, there was also agreement that PowerPoint was a 'clunky' platform for this purpose and that a platform which allowed for a more seamless experience would be preferable.

### Self-paced

The self-paced nature of the modules was seen as a real asset. Participants reported spending more time on modules that met their current needs (engagement, problem solving) and less time on modules not relevant to them at this stage (feedback, because the focus groups were conducted early in the semester). Several participants thought that they would revisit the modules as they became more relevant to their current needs (for example, replaying the feedback module when marking was approaching) or because they thought they could obtain value from repeated use of the modules as their teaching experience unfolded and they reflected on the content more.

Participant E: *It means you can come back to it later, as well.*

Participant D: *Yeah.*

Participant E: *If you were taught it in a session at the start of the year, you know, you'd probably remember a few things but you wouldn't remember every single point.*

Participant D: *I was already thinking I'm going to be playing it again.*

Participant E: *Specially things like the marking, for example... that kind of washed over me a bit because it wasn't immediately relevant but I imagine I'll go back to it.*

Participant F: *Yeah.*

Others found the self-paced nature of the modules helpful given their multiple commitments. They could fit them in around other commitments, such as PhD study. Several participants believed face-to-face sessions would be very difficult to schedule by comparison.

*'I liked that you could go through it at your own pace. I found that really useful, 'cause sometimes I have another commitment, so I'd be able to just pause it and stop it and then pick it up where I left off last.'*

The round-the-clock accessibility of the modules could also come in use in seeking guidance prior to taking up the time of supervisors who were seen as busy.

*'It means if I'm going to ask a question [of my busy supervisor] I'm able to click through your slides and see if I can answer it before I go to someone.'*

*'It sort of gives you more confidence if you've got to ask a question up higher [the subject coordinator]. ... [Due to the times of work commitments] I'm probably not able to make a phone call or send an email at certain times when I have a question, whereas you could go through this and find an answer. ... and I think that would probably be very complementary for a lot of researchers who are PhD or Masters students and doing sessional work, 'cause it means they can fit it around their research, so that gives them lots of flexibility.'*

### Videos

The participants agreed that the videos brought the material to life. Some found the videos especially good because they offered multiple perspectives.

*'I thought the format was accessible and user-friendly.'*

*'It was really good the videos were coming from people at our level. It was really nice to hear some of the tips about what people do and the tricks they use. For me it was almost reassuring to see some of the things I do echoed in their comments.'*

*'[The] videos were good. Didn't just tell you what was on the PowerPoint slides but in video form they added to them, which was good.'*

*'It was nice the videos weren't a lecture. You weren't just being talked at; it was like they were trying to engage with you a bit.'*

*'I can't talk about the videos highly enough., I thought that the different perspectives, that the way they engaged with us, that the tips they gave us was fantastic.'*

*'Particularly with the videos ... you still wanted to watch because what they were saying was so connected with what was going on [in your classroom].'*

Some participants were distracted by the video quality; however, others did not feel this detracted from their utility.

Participants also commented it was useful the videos showed a range of perspectives from different institutions.

### 3. Areas for improvement

Some participants commented that they appreciated the opportunities for self-reflection which were embedded into Module 1, and suggested that more triggers for such reflection should be incorporated into other modules.

*'I really liked the way the module invited teachers to self-reflect. If you can't self-reflect as a teacher you are going to run into a lot of troubles. But sometimes you don't really know how. I liked the questions that asked, "How do you think this is relevant to you?", "What do you think you could change?"'*

Some participants also suggested the modules should emphasise process in teaching (identifying problems, trialling and evaluating solutions, and developing a toolkit of potential responses) rather than presenting solutions in isolation.

*'I really think the emphasis on process, and thinking of teaching more as a process, and being reflective and critical on the process itself with identifying problems, coming up with a range of solutions, being prepared to think of them more as a toolkit that you might draw on depending on the specific situation, rather than there being a single answer, is important.'*

The addition of links to further resources received positive comment, as did the inclusion of a brief description of the nature and utility of the resources (rather than just a link).

Participants commented that ensuring visual consistency between the modules was useful and suggested Module 3 was not visually coherent with the other modules in places.

#### Useful additions

Focus group participants made a number of constructive suggestions regarding useful additions to the project. These consisted both of additional content that should be covered, additional tools, and resources that they would find useful and utilise if they were available.

#### Additional content

Several participants suggested that there were particular complications associated with managing cultural issues in the classroom in the context of law teaching, which they thought warranted specific consideration.

Participant H: *Another important thing is being able to respond to cultural demographics and the demographics of your particular class. So, if you are teaching torts and you are dealing with Stolen Generations, that's a subject with implications for students in your class. They may react to*



that. The same sort of thing when you are dealing with state cases: you are going to have people in the class who know the family or the people involved. I think having some sort of resource about ways to deal with that and ways to combat that would be very useful as well.

Participant I: *And helping people recognise that will be there, because plenty of teachers will think, 'How do I pick up on this cultural stuff? How do I recognise it might even be there?'*

Participants also commented that the online learning environment, and online marking, created unique problems which deserved particular attention. So too did dealing with disabilities in the classroom and how to manage student stress and promote wellness.

A module on legal writing (to complement the problem-solving module) was recommended as a useful addition. Finally, participants suggested that one of the most significant challenges they faced as sessional teachers, particularly in their early experience of that role, was negotiating the expectations of performance of the role in their institutional context. They suggested that a resource which facilitated negotiating and managing institutional and student expectations in a positive and constructive manner would be enormously beneficial.

### Other resources

Some participants expressed a desire to have the module accompanied by additional 'handout' or checklist-style resources which they could take into their classroom or teaching content.

Regarding other development resources or formats, some participants expressed eagerness to participate in a Facebook page for sessional teachers, particularly if the page had forums on topics of interests or advertisements for sessional teaching and research assistant vacancies; however, a number of other participants expressed a strong view that Facebook was private and personal and they were not interested in using it for professional purposes. Overall, there was strong support for a forum in which sessional staff could engage with each other.

Participant M: *So often as a casual tutor you come here for an hour and teach and leave. You don't stay on campus ...*

Participant N: *You are not connected at all ...*

Participant M: *So having [a discussion forum] there, even if you didn't know the people, would be another teacher to bounce ideas off.*

*'The idea in there of having a Facebook page where you could be ... part of a community of sessional teachers,*

*where you could dip in and have those resources available ... and even just communicate with other people – I know sometimes being a sessional teacher is very isolating. We're generally not on campus a lot ... I've got that support but I know there's a lot of people that don't. Having that Facebook sort of outlet where you could ask someone a general question, and even seek reassurance ... I like that idea. That would be really useful.'*

Some participants felt face-to-face sessions which modelled the strategies in the modules would be helpful, but they acknowledged the scheduling problems that would involve. They also felt the flexibility of the modules potentially outweighed the benefits of face-to-face development.

Participant D: *The flexibility of being able to do it [complete the modules] in your time wherever you are –*

Participant E: *– is really helpful as a casual.*

Participant D: *- outweighs any benefit there might be from having a set class [on the same content].*

Another participant suggested the modules could be complemented by a handbook for sessional staff on negotiating their role within their institution.

*'It would be nice to have a handbook-type thing, I don't necessarily know all that would be in it, but I guess some of it would be expectations [of sessional staff].*

*And how to communicate with different people ... How to define the role. It would be good to have something to go to when you are staring at materials and thinking "I am completely stuck. I don't know what I am doing. Maybe I can look in this [handbook] and it might tell me something relevant that will help me get around this problem." ... Something that is sessional staff specific.'*

## 4. Final revision

The focus group feedback suggested that the three modules trialled focus on relevant and important content for sessional teachers; however, a number of constructive suggestions were made as to how these modules might be improved. The project team undertook a final refinement of the modules, informed by the focus group data. Significant changes made included:

- converting all modules to Articulate Storyline
- increasing opportunities for self-reflection throughout the modules
- more explicitly identifying teaching as a process of identifying a problem, developing a solution, implementing the solution, evaluating the implementation and so on.

## WHERE TO FROM HERE?

The focus group data confirms sessional law teachers perceive that they lack access to adequate teaching-focused development resources relevant to their teaching practice and suggests that sessional law teachers will engage in self-directed development if relevant resources are made available to them.

The feedback of the focus group participants also overwhelmingly suggests that the three modules created and trialled as part of this project are not, on their own, sufficient to respond to the needs of sessional teachers in law. In particular, the *Smart Casual* project team notes with concern the feedback, received in all three institutions at which focus groups were held, that sessional teachers need additional guidance in managing student distress. This is a critical issue in the context of law, as there is nationwide evidence that law students suffer disproportionately high levels of psychological distress.<sup>47</sup> Similar results have also been found in specific institutions. For example, in 2009 Tani and Vines reported the existence of disproportionately high levels of depressive illness in law students at the University of New South Wales,<sup>48</sup> and a 2010 study of 955 students at Adelaide found that 48 per cent were psychologically distressed, and that law students were worst affected, with 58 per cent of law respondents suffering psychological distress.<sup>49</sup> Research undertaken at the University of

Melbourne<sup>50</sup> and at the Australian National University<sup>51</sup> also reports levels of reported distress among law students that gives rise to profound concern.

As well as managing student stress and distress, sessional staff participating in the focus groups identified a number of other key aspects of law teaching in which they felt additional resources to support them would be valuable. These included managing a culturally-diverse classroom in a legal context, an issue which is likely to increase in importance as policies to increase the diversity of law student cohorts are implemented. In addition, sessional teachers identified a need for additional resources to support them in the teaching of foundational legal skills, such as legal writing. These are significant issues for law schools, law students and the legal academy, and confirm that sessional law teachers would benefit from additional support to equip them to confidently manage key aspects of discipline-specific teaching.

We contend that a high quality response to these identified needs would require the generation of additional professional development modules which might usefully address subject matters such as wellness in law; ethics and professional responsibility; communication and collaboration; critical thinking and reading the law (focusing on skills for teaching the crucial law-specific skills of case reading and statutory interpretation).

In addition, our research suggests there are a range of themes which must be integrated across the law curriculum in order to be effective. These themes appear in the literature in relation to law as well as in the focus group feedback on the existing modules, where sessional staff themselves identified responding to Indigenous issues within the curriculum, responding to student diversity and internationalisation as areas in which they needed more support to enable their integration into their teaching.

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47 For example, in 2009 the Brain and Mind Research Institute (BMRI) of the University of Sydney empirically established in a survey of students from 13 tertiary institutions that that Australian law students suffer disproportionately high levels of psychological distress: Norm Kelk et al, *Courting the Blues Attitudes towards depression in Australian law students and lawyers* (2009, Brain & Mind Research Institute, University of Sydney). See also Norm Kelk, Sharon Medlow and Ian Hickie, 'Distress and depression among Australian law students: incidence, attitudes and the role of universities' (2010) 23 *Sydney Law Review* 113.

48 Massimiliano Tani and Prue Vines, 'law students' attitudes to education: pointers to depression in the legal academy and the profession?' (2009) 19 *Legal Education Review* 3.

49 Catherine M Leahy et al, 'Distress levels and self-reported treatment rates for medicine, law, psychology and mechanical engineering tertiary students: cross-sectional study' (2010) 44 *Australian and New Zealand Journal of Psychiatry* 608.

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50 Wendy Larcombe et al, 'Does an improved experience of law school protect students against depression, anxiety and stress? An empirical study of wellbeing and the law school experience of LLB and JD students' (2013) 35 *Sydney Law Review* 407-432; Wendy Larcombe and Katherine Fethers, 'Schooling the blues? An investigation of factors associated with psychological distress among law students' (2013) 36 *University of New South Wales Law Journal* 390-436 and Wendy Larcombe, Ian Malkin and Pip Nicholson, 'Law students' motivations, expectations and levels of psychological distress: Evidence of connections' (2012) 22 *Legal Education Review* 71-98.

51 Molly Townes-O'Brien, Stephen Tang and Kath Hall, 'Changing our thinking: empirical research on law student wellbeing, thinking styles and the law curriculum' [149] (2011) 21(1) *Legal Education Review* 149.



If sessional teachers in law are fully to participate in integrating themes such as these into their teaching, professional development resources prepared for sessional staff need to address them. The need for professional development resources which take this approach is all the more crucial, given that the pace of change in legal education has meant that many graduates coming into sessional teaching now have graduated from a system in which the Threshold Learning Outcomes for Law, with their attendant focus on the contextualisation of legal rules and processes, the curriculum-wide integration of ethical and professional responsibility, had not yet been established. They studied in student cohorts in which the student body was less diverse, university-level responses to increasing diversity were still in their infancy, and teaching (and socialising) online was far less common. In short, the sessional law teachers of the future need to be able to acquire teaching skills that were not modelled to them as students.

Supporting sessional staff to develop these skills will require the integration of strategic themes of crucial importance to legal education across the design and content into professional development resources for sessional staff. Based on review of the existing literature and the needs expressed by stakeholders in the Smart Casual project, we anticipate that these themes might include responding to online environments, Indigenising the law curriculum, responding effectively to student diversity, incorporating gender perspectives and internationalising the curriculum.

The integration of strategic themes such as Indigenisation and internationalisation across the teaching of an entire professional law program is placed at risk when sessional staff do not have access to professional development opportunities to support their capacity to integrate what may be perceived as difficult and unfamiliar themes into their day-to-day teaching, assessment, support and feedback roles. The quality of development programs is similarly diminished when sessional staff are not adequately trained to implement online teaching strategies or respond to the increasing diversity of the student cohort they are teaching. Integrating these themes into training resources for teaching disciplinary skills and content could better equip sessional staff to integrate these key strategic themes into the contexts in which they teach.

Our research indicated that many law schools lack the resources effectively to implement discipline-specific professional development for sessional staff. It also showed that sessional staff experience difficulty in negotiating the institutional environments in which they are required to teach in terms of assessing how much autonomy they have in the classroom, confidently understanding what their

responsibilities toward students are, locating dependable support for the quality of their teaching and responding to the complex situations teaching inevitably generates from time to time. Associate deans acknowledged that, even where professional development is available for sessional staff and they would be paid to undertake it, sessional staff are often not aware of the resources and opportunities available to them.

Making discipline-specific professional development resources maximally accessible to sessional staff will require responding to the diverse needs of law schools in order to ensure the wide dissemination of the modules and the provision of high quality resources to support those who might be best placed to ensure they are made available to sessional teachers in a supportive context.

We believe this would require a set of purpose-designed implementation resources to assist law schools to place the modules within a wider teacher development programme which will meet the criteria for good practice established by the BLASST<sup>52</sup> Sessional Staff Standards Framework.<sup>53</sup> These resources could include a suite of best-practice implementation templates as well as an online interactive space in which sessional staff could interact with one another, using the professional development modules as an initial organising point.


The pressing need to respond to the needs of sessional teachers in higher education with high quality, discipline-specific professional development resources is not limited to Australia. We anticipate the professional development resources and the strategies for their implementation may be of interest to law schools in other common law systems facing similar or greater levels of casualization, such as the UK. Further, while we have made the case that discipline-specific resources are needed in law, a similar case could well be made in relation to a range of other professional disciplines. Some of the acute issues faced by law, such as the need to support time-poor sessional staff engaged in practising within the profession, are equally significant in other disciplines where practitioners make up a significant part of the sessional academic workforce. We therefore anticipate that a model of high quality support for sessional staff in law might represent a model other disciplines will find valuable.

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52 BLASST – benchmarking leadership and advancement of standards for sessional teaching.

53 Karina Luzia and Marina Harvey, *The BLASST Guide: benchmarking with the Sessional Staff Standards Framework* (2013) <blast.edu.au>.





The Australian higher education sector is increasingly dependent on its sessional workforce. Pressures to casualise are variously attributed to: the impact of the national economy on university budgets; an intensification of focus on research performance; a shift to demand-driven funding; pressure from unions and students, and changes in staff work preferences. Whatever the drivers, none of these pressures seem likely to recede. The deployment of sessional staff to respond to pressures such as these leaves Universities caught between the dual demands of financial and quality risk management strategies. While money is saved by cutting long-term investment in the career development of permanent academic staff, casualisation strategies mean replacing them with sessional teaching staff with less experience in teaching and less time to think strategically about the skills that future modes of delivery and student cohorts might require. Smart Casual is an attempt to respond to the needs of sessional staff for relevant and timely professional development in teaching and learning in this challenging context.