DESIGNING PRINT MATERIALS FOR FLEXIBLE TEACHING AND LEARNING IN LAW

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Sydney • London
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This manual is the second book in the Cavendish Legal Education Series, produced in conjunction with the Faculty of Law at the University of Melbourne. It is a guide or workbook, building upon educational theory and research, which aims to provide law teachers with a way of thinking about the development and use of teaching materials in undergraduate or graduate law teaching. The idea of a manual on developing teaching materials emerged while Richard was writing *Printed Teaching Materials: A New Approach for Law Teachers* (1996, London: Cavendish Publishing). Gordon, who read and commented on that manuscript, suggested that law teachers might be further assisted by a more practical manual, which set out steps which might be followed in producing teaching materials for law students. This manual is the result of our subsequent collaboration.

While the issues we discuss and the suggestions we make in this manual have been applied in the context of legal education, we have drawn on work developed in a range of discipline contexts. We have found the work of writers in the field of distance education and open and flexible learning particularly helpful. Professor Derek Rowntree of the Open University has written three books which have strongly influenced the approach we take: *Preparing Materials for Open, Distance and Flexible Learning; Teaching through Self-instruction;* and *Exploring Open and Distance Learning*. These are referenced at the end of this book.

This book was written while we were developing two workbooks, *Planning for Flexible Learning* and *Developing Print Materials for Flexible Learning*, for the Griffith Institute for Higher Education. Those workbooks share with this book a common conceptual framework and many ideas.

We are grateful to the Dean of the Faculty of Law at the University of Melbourne, Professor Michael Crommelin, for his support (including a commitment of financial support from the Law School) for the Legal Education Series. We also express our gratitude to Jo Reddy of Cavendish Publishing, who was instrumental in ensuring that Cavendish Publishing undertook to publish the books in the series, and who has overseen the implementation of the whole project. We acknowledge the helpful and constructive comments on earlier versions of the manuscript from members of the Editorial Board, and in particular Rosemary Hunter, Ian Malkin and Marlene Le Brun. We also thank the teachers in the subjects of Torts and the Process of Law and Property at the University of Melbourne for permission to use extracts from their teaching materials in Chapter 4, pp 71–73, 78–79, respectively; Peter MacFarlane and Poh-Ling Tan at the Queensland University of Technology for agreement to use extracts from their published
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Richard Johnstone and Gordon Joughin
May 1997
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1.1 WHY A GUIDE TO DESIGNING MATERIALS?

This book provides a framework and a set of procedures which might be followed for developing teaching materials in law. We believe that it meets a specific need not covered by other books on tertiary or legal education.

Recent works such as Ramsden’s *Learning to Teach in Higher Education* and Le Brun and Johnstone’s *The Quiet Revolution: Improving Student Learning in Law* provide thorough introductions to university teaching in general and the teaching of law in particular. These two works are guides to current issues and recent research into student learning and its implications for teaching. Joughin and Gardiner’s *A Framework for Teaching and Learning Law* provides a detailed mapping of the key elements of legal education, and while it touches on the use of materials, it does so in the context of a much broader framework of issues, concepts, and processes. Johnstone’s *Printed Teaching Materials: A New Approach for Law Teachers* contains a detailed discussion of the principal concepts and issues involved in the use of materials in legal education and focuses on providing law teachers with a ‘way of thinking’ about the development and use of such materials.

This guide and workbook is different. While we hope it is well informed by educational theory and research, it is essentially a guide to action for those tasks that teachers can usefully engage in to produce effective teaching materials.

Designing and developing materials for teaching and learning is not just about writing, whether for print- or screen-based materials. It involves a number of other things:

- It is about teaching through materials, so your ideas about teaching law, and about how students learn law, are incorporated in your materials.
- It is about making your teaching ‘public’ – your materials are available for scrutiny not only by your students but your colleagues.
- It is about teamwork. Developing your teaching through materials opens opportunities for support from others with specialist expertise such as colleagues, educational developers, instructional designers, graphic artists, Web designers and editors.
- It is about developing a tangible ‘product’. This involves a ‘production’ process with a need for scheduling, co-ordinating people and resources, and monitoring quality.

These factors indicate that designing and developing materials is a more complex task than many traditional forms of teaching. This guide therefore
provides a systematic approach to designing and developing teaching materials. We believe that by paying attention to the process outlined in this guide, you will be able to proceed with confidence, address all of the important issues involved in developing materials, and produce effective materials which will be satisfying to you and your students.

While we outline a systematic approach, we are aware that your materials need to reflect your way of teaching, your ideas about teaching and learning, your conceptions of your subject, and your relationship to your students. Moreover, your materials must be developed in, and tailored to, the particular environment in which you teach. As we have already suggested, the approach to developing materials which we present here is not meant to replace your own approach to teaching; rather, it is intended to help you to give clear expression to your ideas about how learning best occurs in your subject and to your approaches to teaching. This guide is not meant in any way to be prescriptive, to be used uncritically or to stifle your imagination in designing your teaching materials or in developing your strategies for teaching. Rather, we hope it will provide a starting framework for you to build upon as you develop your own approach.

1.2 MATERIALS FOR FLEXIBLE TEACHING AND LEARNING

The teaching of law involves the use of a lot of materials, usually in the form of cases, statutes and published secondary materials. In many instances, these materials remain ‘inert’; they are simply raw materials which may form the basis of learning if used in the right way but do not in themselves facilitate learning. The materials we are concerned with in this book are different. The materials we seek to promote are important because they enable students to gain well-structured knowledge by engaging in a dialogue with the materials.

High quality materials are not an end in themselves. The materials you develop in your courses express your commitment to your subject, determine the subject’s contents and order, and display how you expect students to be learning both in and out of the classroom. They can, for example:

• give students greater freedom in when and where they study;
• allow students ready access to a range of materials;
• reduce the need for large amounts of lecturing;
• provide the basis for highly interactive small group work both in and out of class; and
• promote a high level of student engagement with course content. (Ramsden, 1996, p iii.)

In other words, materials can stand at the centre of many key learning processes, as Figure 1 indicates.
WHO IS IT WRITTEN FOR?

This book is written for law teachers who want to design their own teaching and learning materials. It is designed for individual teachers and teaching teams who want to:

- develop materials for a whole subject or part of a subject;
- encourage active learning by students through the use of materials;
- integrate the use of materials with other teaching and learning strategies.

KINDS OF MATERIALS

Materials for teaching and learning law can take many forms. We believe that the principles and procedures outlined in this book can be applied to:

- case studies;
- guides to other material, e.g., to a textbook, casebook or statute;
- self-contained guides to specific topics;
- self-contained guides to complete subjects;
- guides for practical legal education;
- in-class and out-of-class activities;
- on-campus and off-campus study;
• undergraduate, postgraduate and continuing legal education;
• a range of media, though here we focus on print.

1.3 TEACHING MATERIALS AND THE WORLD WIDE WEB
The World Wide Web has created a number of possibilities for developing and distributing new materials, and accessing existing materials. Three common ways of using the Web have emerged.

First, materials which have been developed in the familiar print form may simply be located on the Web. This gives the materials a number of immediate benefits: the materials can be instantly accessed by students with Internet (or Intranet) access; students can manipulate text for the purpose of note-taking or assignments; and the need for the faculty or department to print and distribute materials is avoided.

Second, materials can be written specifically for the Web. While these may be similar in some respects to traditional print materials, they will differ in many ways. In particular, they are likely to be structured to take advantage of the availability of hypertext links on the Web. A plethora of advice is now available on how to structure materials for the Web, and tools are emerging which automate the process for teachers.

Third, since the Web gives access to an extensive range of legal sites, materials can be developed that direct students to these materials and guide students in their use. Such materials take on the nature of ‘wrap arounds’ or guides to existing resources (see p 34).

All the principles and procedures we consider in this guide can be applied to the development of Web-based materials.

1.4 ABOUT THIS BOOK
Every teacher has ideas about how to make learning more enjoyable and productive for students. This guide will help to make these ideas more explicit, anchor them in recent research on teaching and learning, and help you to apply them consistently to your materials. We will introduce some ideas, make suggestions, and provide a framework for you to use in planning and writing your materials. These ideas, suggestions and framework have proved to be useful for many writers, but we don’t claim that they are the only way to develop materials. Feel free to follow our framework closely and systematically if you wish, or simply use it as a starting point for developing your own approach to materials.

We have tried to write this book succinctly so you can read it from cover to cover to understand the broad framework of materials design and development. But it is also organised so you can use any part on its own. In being succinct, we have tried to provide enough information to be useful
while indicating where the more curious can follow up basic points. While the ideas expressed here are sometimes based on complex concepts and considerable research, we have tried to express them simply and clearly. But rather than outlining underlying principles in any detail, we have sought to focus on how these principles can be applied in practice.

The book is set out in chapters that correspond to the stages in designing materials. These stages, the purpose of each stage, and the corresponding chapters, are set out in the following table.

<table>
<thead>
<tr>
<th>Stage</th>
<th>Task</th>
<th>Purpose</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Identify key ideas about teaching and learning.</td>
<td>Your ideas about teaching and learning law are central to your materials. Clearly specifying the ideas you want to build into your materials is an essential first step.</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>Prepare a materials blueprint.</td>
<td>Developing a plan for materials before you start writing ensures a sound foundation and gives you a clear sense of direction.</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>Develop a sample topic or prototype.</td>
<td>By developing a single topic first, you can develop a good pattern for subsequent topics.</td>
<td>4</td>
</tr>
<tr>
<td>4</td>
<td>Develop the remaining topics.</td>
<td>With a good pattern established, developing subsequent material becomes much easier, if not routine.</td>
<td>4</td>
</tr>
<tr>
<td>5</td>
<td>Evaluate and improve.</td>
<td>Evaluation and improvement can occur at any of the previous stages, as well as at the end of the process when you revise materials for the next semester/year.</td>
<td>5</td>
</tr>
</tbody>
</table>

This guide elaborates on each of these stages, providing ideas and suggesting ways in which you can work through each stage as you design your own materials.
We have tried to structure these chapters clearly, and to ensure that each section within them includes ideas, examples and activities for you to complete. How you use these materials will depend on your own needs, circumstances and time. However, you might like to note that the activities are designed so that you can, if you wish, develop a clear plan or blueprint for your materials and a ‘sample’ topic by working through the activities as they occur.
IDENTIFYING KEY IDEAS ABOUT TEACHING AND LEARNING IN YOUR SUBJECT

2.1 INTRODUCTION

We all have ideas about what constitutes good teaching and what makes for effective learning in law. Our ideas may be drawn from our own experience of learning (whether of law or something else), our experience of teaching, discussions with colleagues, experiments we have made, workshops we have attended, or books and articles we have read. Some law teachers also have formal qualifications in education.

In this chapter we do three things: first, and most importantly, we invite you to identify clearly the ideas about teaching and learning which you presently consider to be important.

Secondly, we outline some key ideas about teaching and learning that have been influential in higher education – you may well be familiar with some or all of them. You might find some or all of them helpful as you set about planning your materials. The three ideas are:

- deep approaches to learning;
- situated learning;
- templates for the design of teaching.

Finally, we invite you, in light of the ideas raised in these sections, to revise the key ideas about teaching and learning that are important to you and that will form the basis for your materials.

What is good teaching and learning in law?

We introduce in this chapter some ideas about teaching and learning that have been quite influential in higher education in general and have often been applied to the development of materials. They are provided to help you to clarify and perhaps extend your own ideas about teaching and learning.

Since this chapter focuses on your ideas about teaching and learning, it may be useful to identify your current ideas about teaching and learning before we look at the other ideas noted above. The following two activities are designed to stimulate your thinking about (i) learning, (ii) how learning can be facilitated, and (iii) what you most value in teaching. Your responses to these activities will form a useful backdrop to the consideration of the ideas about teaching and learning in the following sections. At the end of this chapter we will invite you to revisit your responses.
Reflecting on learning

1. Think about a recent experience you have had of learning. Select something other than law, eg learning to use the Internet, to play a musical instrument, or to cook a particular dish.

2. How did you go about learning? You might like to make a few notes here about what happened, who was involved, etc.

3. If you had a ‘teacher’, what role did the teacher play in enhancing your learning? Alternatively, if you didn’t have a teacher, what role could a teacher have played in improving your learning?
Identifying Key Areas about Teaching and Learning in your Subject

This activity will have started you thinking about how you have learnt, and what might have helped that learning, in an informal, non-law context. But your responses to these questions may give you a useful basis for considering how you, as a law teacher, can help your students to learn about law. Let’s turn now to your own teaching of law, and to your students’ learning.

What is good teaching and learning in law?

- What do you value most about your current teaching practices?
- What constitutes effective learning in your subject/s?
- What constitutes effective teaching in your subject/s?
In the above activity you will have identified a number of elements that are already part of your own teaching and your students’ learning. You might like to compare your responses with our own responses which we have set out below.

### What is good teaching and learning in law?

What do you value most about your current teaching practices?
- Providing students with a good structure for learning.
- Giving clear explanations of key concepts.
- Enabling students to learn by engaging in realistic activities.
- Providing students with feedback on their progress in the subject.

What constitutes effective learning in your subject/s?
- For us, good learning occurs when students:
  - question what they are studying;
  - relate what they are learning to what they already know;
  - apply their developing knowledge in realistic situations;
  - express their understanding of underlying concepts and identify misunderstandings;
  - use materials to work through the subject matter in their own time;
  - use materials independently, with other students, and in structured classroom activities.

What constitutes effective teaching in your subject/s?
- Good teaching is whatever helps to make the above happen.

Now that you have clarified some of your ideas about teaching and learning, we would like you to take a brief look at some of the key ideas in the educational literature. As you do so, you might like to test these ideas against your own current perspective and note if they help to clarify and/or extend your understanding of what constitutes good teaching and learning in law.
2.2 DEEP APPROACHES TO LEARNING

‘When a student learns, he or she relates to different tasks in different ways.’ (Ramsden, 1992, p 40.) Sometimes students may see the learning task as requiring understanding of a topic and will immerse themselves in it, or rework ideas they come across until they are satisfied they have come to grips with them. At other times, they may try to memorise factual information or procedures in order to pass an exam. Numerous studies (for a summary of these, see Ramsden 1992, Chapter 4) have identified at least two such approaches that students typically take to their study – a surface approach to learning and a deep approach to learning.

An approach to learning has two components:

- the student’s intention or motivation – what is the student trying to achieve, eg an understanding of the author’s underlying intentions or the capacity to reproduce key points?
- the student’s strategy to satisfy this intention – eg by asking themselves questions about what they are reading, or trying to rote learn key points.

Deep approaches to learning

Deep approaches to learning typically involve:

- looking for the underlying meaning of what is being studied;
- relating new knowledge to previous knowledge;
- relating theories to everyday experience;
- organising ideas into a coherent whole. (Ramsden, 1992, p 46.)

Surface approaches to learning

Surface approaches to learning typically involve:

- focusing on words rather than on their underlying meaning;
- memorising information for assessment;
- failing to distinguish principles from examples;
- associating facts and concepts unreflectively;
- focusing on unrelated parts of a task. (Ramsden, 1992, p 46.)
Example

Desired approaches to learning in contract law

The contract law teaching team at the Queensland University of Technology identified the approaches to learning they wanted to encourage their students to adopt:

- contract law seeks to encourage students to adopt approaches to learning in which they:
  - argue with themselves and others over why the law is as it is;
  - build up knowledge by consistent and careful reading of cases and materials;
  - look at relationships between cases;
  - compare and contrast the development of contract law with other substantive areas of law; and
  - search for precise definitions of terms.

(MacFarlane and Joughin, 1994, p 157.)

Desired approaches to learning in your subject

Note how the contract law example describes not what students are learning but what they are doing when they learn. How would you like your students to go about learning in your subject? Use the space below to list some phrases that describe the approach you would like them to be taking.
**Reading**

The notion of ‘approaches to learning’ is not complex, but it is also not necessarily easily grasped. You may find it helpful, and even stimulating, to discuss it with your colleagues or to read a little about it in Ramsden’s, *Learning to Teach in Higher Education* (Chapter 4) or Le Brun and Johnstone’s, *The Quiet Revolution: Improving Student Learning in Law* (pp 59–63). (See References at the end of this book.)

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### Your materials and students’ approaches to learning

When you are developing materials for flexible teaching and learning it is useful to think about how students will relate to those materials. How can your materials encourage your students to adopt the approaches to learning you described in the preceding activity?

### Gibbs’ dimensions of learning

Graham Gibbs (1992) has outlined two dimensions of learning that are useful in considering how students learn through materials. While these dimensions apply to all kinds of learning, we have adapted his descriptions to materials-based learning specifically. Gibbs’s dimensions of learning are expressed by the following diagram:
The **horizontal** axis deals with *kinds of material* and their structure:

- The *expository* extreme describes materials that are purely didactic, such as lecture notes or sequential information in computer-based materials. Students have no control over what they can read or the order in which they work through the materials.
- The *exploratory* extreme, on the other hand, involves a rich array of resources that students can use at will, including notes, problems, materials representing a variety of perspectives, cases and, increasingly with computer-based learning, videos and access to external databases.

The **vertical** axis deals with how students relate to the materials:

- The *rote learning* extreme involves students in seeking to remember what they are reading with a view to repeating it in examinations.
- The *meaningful learning* extreme does not exclude memorising but emphasises students’ efforts to understand the material through case studies, the application of principles to novel situations, and processes of reflection and critical analysis.

The vertical axis is closely related to student approaches to learning.
2.3 SITUATED COGNITION

Starting from the assumption that knowledge is of no use unless it can be applied, ‘situated cognition’ accepts: that learning involves constructing knowledge, rather than simply receiving or recording it, by building on current knowledge; and that learning is shaped by the situation in which it takes place. Instead of transferring knowledge to students, the teacher’s role is to help students to construct their own knowledge. The theory of situated cognition rejects the ideas that concepts are abstract or that self-contained knowledge can be separated from the contexts or situations in which it is learned and used. Students need to ground concepts in experience and practice, before they can begin to develop more abstract concepts. Generalised knowledge is to be developed by students reflecting on what they have learned in different contexts or situations and developing broad concepts from that contextualised learning.
Cognitive apprenticeship

Brown, Collins and Duguid outline a series of steps providing a structured framework to guide student learning based on the principles of situated cognition.

- First, teachers should ensure that their students’ involvement with a topic begins with activities already familiar to students, drawing on their current everyday experience of life and their existing knowledge of the subject.
- Teachers should model for their students ways of tackling the problem, but should reduce the degree of modelling as their students develop competence in solving problems.
- Teachers should encourage students to take different approaches to solving typical or authentic problems in the discipline in order to demonstrate that solutions are tied to the particular problem and its context.
- Teachers should encourage group learning so that students can pool their knowledge and get feedback as they learn.
- Teachers should ensure that students then reflect upon, argue about and interpret their newly acquired knowledge so that they build up robust and abstracted conceptions of the subject which are based on the knowledge they have built up through contextualised activities. (Brown, Collins and Duguid, 1989; Laurillard, 1993, pp 17–29.)

Example

Situated cognition in contract law

Students come to contracts with their own experiences of contracting. At the beginning of the subject they can be asked to pair off, with one student playing the role of the solicitor for a drycleaner and the other the role of the solicitor for a customer who wishes to have a precious garment drycleaned. The students are asked to negotiate a drycleaning contract which protects their clients’ interests. To do this, they draw on their own knowledge and experience of drycleaning, contractual clauses they have previously come across, and negotiating. They will realise that, in fact, they have quite a developed understanding of contracting as the result of negotiation, and are likely to come up with contractual concepts and terms which will be examined later in the subject. They will also begin to appreciate the context of contracting, particularly the importance of bargaining power.

For a further example of situated cognition, see Johnstone, 1996, pp 103–86.
2.4 TEMPLATES FOR THE DESIGN OF TEACHING

So far we have considered ways of thinking about learning. In this section, we will consider some implications of these for teaching. Research and theories about how students learn have led some educationalists to prescribe steps, or ‘templates’, that should be followed if effective learning is to occur. Here we outline two highly regarded templates that many teachers have found helpful. We do not mean to suggest you should adopt either one – we simply present them here for your consideration. They may suggest ways of structuring your own materials.

**Laurillard’s Template for the design of teaching**

Diana Laurillard’s ideas about how students learn incorporate both deep approaches to learning and situated learning. Her ‘template for the design of teaching’ has been particularly useful in the design of computer-based learning materials but is equally relevant to print materials. She suggests that effective learning materials incorporate the eight steps presented below (Laurillard, 1993, pp 195–96).

<table>
<thead>
<tr>
<th>Step</th>
<th>Teaching/learning process</th>
<th>Materials should contain</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Teacher presents ideas, evidence, etc.</td>
<td>Clear explanations, examples, principles and evidence which help to convey ideas.</td>
<td>Text-based materials are excellent means of conveying ideas.</td>
</tr>
<tr>
<td>2</td>
<td>Students question, clarify, express their understanding of ideas.</td>
<td>Activities requiring students to express understanding.</td>
<td>Most students will be more motivated to express their understanding if they have an audience.</td>
</tr>
<tr>
<td>3</td>
<td>Teacher re-expresses ideas based on student misconceptions.</td>
<td>Discussion of common misunderstandings and re-expression of ideas in light of these.</td>
<td>Materials need to anticipate common misconceptions and address them.</td>
</tr>
<tr>
<td>Step</td>
<td>Teaching/learning process</td>
<td>Materials should contain</td>
<td>Comment</td>
</tr>
<tr>
<td>------</td>
<td>---------------------------</td>
<td>--------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>4</td>
<td>Student re-expresses understanding in light of 3.</td>
<td>Follow up activities inviting student to re-express understanding or review previous activity.</td>
<td>Materials here are used to enable the teacher to have a dialogue or conversation with the student.</td>
</tr>
<tr>
<td>5</td>
<td>Teacher sets a task.</td>
<td>Activities requiring application of ideas.</td>
<td>These tasks should require application based on previously established understanding.</td>
</tr>
<tr>
<td>6</td>
<td>Student acts.</td>
<td>Requirements and guidelines for student responses.</td>
<td>Student action could take a variety of more or less realistic forms.</td>
</tr>
<tr>
<td>7</td>
<td>Student receives feedback.</td>
<td>Feedback, eg sample answers.</td>
<td>Feedback within materials can take many forms. Sometimes feedback from the teacher is essential.</td>
</tr>
<tr>
<td>8</td>
<td>Student improves performance in light of feedback.</td>
<td>Extensions of previous activities.</td>
<td>The opportunity to respond to feedback with improved performance is rarely provided.</td>
</tr>
</tbody>
</table>
Identifying Key Areas about Teaching and Learning in your Subject

**Gagné’s *Principles of instructional design***

Robert Gagné (1985, p 246) suggests that successful learning involves nine steps (or what he terms ‘instructional events’). The following table lists these steps and suggests how materials can be used to achieve them.

<table>
<thead>
<tr>
<th>Step</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  Gain attention.</td>
<td>State why the topic is important, eg in the context of the subject, professional practice, or assessment.</td>
</tr>
<tr>
<td>2  Inform learners of the objectives.</td>
<td>Tell students what they should be able to do after effectively studying the topic. Clear aims and objectives will achieve this.</td>
</tr>
<tr>
<td>3  Stimulate recall of prior learning.</td>
<td>Remind students of previous related topics, or include an activity that requires them to recall relevant knowledge.</td>
</tr>
<tr>
<td>4  Present new information.</td>
<td>Present information clearly and in an interesting way.</td>
</tr>
<tr>
<td>5  Provide ‘learning guidance’.</td>
<td>Lead students through the new material, providing whatever guidance you think they need.</td>
</tr>
<tr>
<td>6  Elicit performance.</td>
<td>Include activities that require students to express and/or apply what they are learning.</td>
</tr>
<tr>
<td>7  Provide feedback.</td>
<td>Give informative, useful feedback.</td>
</tr>
<tr>
<td>8  Assess performance.</td>
<td>Include activities which students can assess themselves; include activities that are submitted and contribute to grades and provide feedback.</td>
</tr>
<tr>
<td>9  Enhance retention and transfer.</td>
<td>Encourage students to review regularly what they are learning. Provide opportunities to apply ideas to a variety of situations.</td>
</tr>
</tbody>
</table>
Templates and your materials

Laurillard’s template or Gagné’s principles may suggest to you a way of proceeding with the design of your own materials.

- What aspects of Laurillard’s template or Gagné’s principles seem useful to you?

- Do some aspects seem too prescriptive or inhibiting?

- If the notion of a template appeals to you, you might like to use the space below to outline a tentative template for your own materials. (Although the template should apply to all of your materials, you might find it helpful to keep a specific topic in mind as you do this exercise.)
For more information

If you want to learn more about Laurillard or Gagné’s approaches, you could consider the following:

Read Laurillard’s book, *Rethinking University Teaching*. This is not an easy book to read, but it is an important work, especially if you are considering developing computer-based materials. Computer assisted learning specialists in your university may be familiar with it and may be able to discuss Laurillard’s ideas with you.

Talk to an instructional designer in your institution about principles of instructional design that could be useful in your project. Instructional designers can often be found in distance education centres, flexible/open learning units, or computer-based education sections.

### 2.5 CONSOLIDATING KEY IDEAS ABOUT TEACHING AND LEARNING IN YOUR SUBJECT

This part of our guide began with an invitation to identify those ideas about teaching and learning which are most important to you in your subject area. Now we provide you with an opportunity to draw together those thoughts on teaching and learning that you would like to inform your materials. Doing this can give you a clear sense of purpose and direction as you start planning your materials.

**Sources of key ideas**

To identify the ideas that will inform your materials, you might like to consider at least three possible sources of ideas:

| Your experience | Your own experience of teaching and of being taught has given you a wealth of ideas about what matters in your teaching and your students’ learning. Your knowledge of what is essential, what works well, and the sorts of problems students typically experience may be particularly helpful. You will already have identified some of these ideas in the exercise, ‘What is good teaching and learning in law?’.
|
|-----------------|----------------------------------------------------------|
| Educational literature | You may wish to adopt some of the ideas we have considered in this part of the guide, or draw on other educational literature or ideas with which you are familiar. |
| Formal documents | Curriculum review documents, faculty teaching and learning plans, and university mission statements often incorporate good principles that you may wish to draw on. |
Key ideas about teaching and learning

Use the space below to list the most important ideas about teaching and learning that you might want to apply to your materials.
3.1 DEVELOPING A MATERIALS BLUEPRINT: 
AN OVERVIEW

The materials blueprint is a reasonably detailed plan for your subject or topic and the materials that will be used in it. Just as the plans for a building show how the building will be constructed, so the materials blueprint shows what teaching materials should be like when they are completed. The materials blueprint does this by clearly specifying the key educational components of the subject or topic which is to be covered by the materials.

Purpose

The blueprint can serve several purposes. It can:
• ensure that all of the basic issues of subject design have been adequately addressed;
• give shape and direction to the task of producing teaching materials;
• identify potential problems in developing the materials; and
• give members of a teaching team a common understanding of what is required.

Components

The components of the blueprint and the basic task associated with each component are set out in the table below.

<table>
<thead>
<tr>
<th>Component</th>
<th>Task</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students</td>
<td>Describe your students – their characteristics (see p 27) and the implications of these for your subject and your materials.</td>
</tr>
<tr>
<td>Learning goals</td>
<td>Consider the goals for learning, bearing in mind the characteristics of your students, and define the aims and objectives of the subject or topic.</td>
</tr>
<tr>
<td>Content</td>
<td>Decide on the materials’ content and how this content is best structured.</td>
</tr>
</tbody>
</table>
Component | Task
--- | ---
Teaching and learning strategies | Outline the broad teaching and learning strategies: • types of activities; • feedback processes; • where, when, and how materials will be used.
Assessment | Outline how the students’ use of materials will be related to assessment tasks.
Types of materials | Determine the kinds of materials required, for example: • a guide to existing materials (eg text books); • edited cases; • a guide for student activity and reflection.
Use of materials | Plan how students will use the materials, for example: • in individual study; • independent small group learning; • field work; • classroom activities.
Managing the design and development process | • Identify management expectations. • Identify available and required resources for the project. • Involve all appropriate people at the earliest appropriate time. • Develop a time-frame. • Document the project.

Developing a blueprint for your materials

Each of the steps outlined above is considered in more detail in the following sections. These sections have been designed to help you develop a blueprint for your own materials by:
• systematically working through these sections;
• completing the activities in each section; and
• consolidating these activities by using the blueprint pro forma at the end of this chapter, or developing a pro forma of your own.
3.2 DESCRIBE YOUR STUDENTS

When you design and develop materials, you do so for a specific group of students. This group may or may not be homogenous. They may be well known to you, or you may not know them at all. We need to have a sense of who our students are so that we can write materials that will be appropriate for them. Therefore, we need to:

- decide what we need to know about our students;
- decide how to find this information;
- think about its implications for our teaching and materials.

Example

Students in labour law

A fourth or fifth year class in labour law, an optional subject, may include:

- older students with experience of industrial practice in employer organisations, trade unions or industrial tribunals;
- school leavers with no practical experience of industrial relations; and
- students who are interested in broad policy issues.

Most students in the class will have undertaken two or three years of study in the undergraduate law programme, and will accordingly have a fairly wide range of legal knowledge. This class profile suggests that the teacher will have to provide the younger students with concrete examples of industrial issues and their relevance to law. This can be done by drawing on the experience of the older students. The legal rules can be contextualised in broader policy discussion in which the third category of student can be expected to take a greater interest.
Student characteristics

Use the table on the opposite page to work through the following steps:

• Identify characteristics that you think may influence your students’ learning. You may like to use our categories, add some of your own to our list, or make up your own list.

• Use whatever sources of information that are available to you to describe these characteristics. Sources may include:
  o your own previous experience with these students;
  o experiences of colleagues with these students;
  o meeting with a group of students before the course commences (if possible);
  o your experience with similar students;
  o your experience in previous years of the subject.
Note these characteristics in the second column of the table.

• Note the implications of these characteristics for your teaching and materials in the third column. What specific actions might you need to take to accommodate the various characteristics of your students?
<table>
<thead>
<tr>
<th>STUDENT CHARACTERISTIC</th>
<th>DESCRIPTION</th>
<th>IMPLICATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demography</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Age and level of maturity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gender</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ethnic background</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Class background</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Motivation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Why are students taking this subject?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>What are their hopes and fears?</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Educational history and ability</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prior educational experiences</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level of ability</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prior work experiences</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Knowledge, skills and attitudes students already have about the subject</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Relevant general interests</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
3.3 DEFINE THE GOALS FOR LEARNING

What are you hoping students will learn from your subject or topic? What would you like your students to be able to do as a result of their study? How should they have changed? By clearly defining your goals, you will have a clearer sense of:

- what you are wanting to achieve through your materials;
- what students will be able to learn through them;
- the teaching strategies and methods you should be employing;
- the assessment tasks that should be embedded in the materials; and
- the nature of the materials required.

Levels of learning goals

Learning goals can be described at various levels of specificity. At the level of a whole subject, it may be appropriate to define a single statement of purpose for the subject, along with a number of aims. At the level of a single topic, more specific objectives may be more appropriate.

Example: subject aims

Contracts at the Queensland University of Technology: aims

Contracts seeks to develop in students:

- an understanding of the context of contract law;
- a coherent knowledge of the substantive law of contract;
- the capacity to analyse problems;
- a knowledge of where and how to find the law;
- skills in communication;
- enthusiasm for the law as a discipline; and
- an understanding of contract law which allows for the integration of new ideas within the student’s personal framework.

(MacFarlane and Joughin, 1994, p 156.)
Planning Materials

Example: topic objectives

Agreed damages clauses: objectives

At the end of this topic you should:

1. Be able to describe the legal and commercial functions of agreed damages clauses, and give examples of their impact on the person whose possible breach of contract has given rise to the drafting of the clause.

2. Be able to describe the basic principles of the law relating to these clauses.

3. Have further analysed the judicial ideologies and ideologies of contract that have shaped the development of the law by the courts.

4. Be able to draft and construe these clauses by applying the basic legal principles, your understanding of the commercial functions of these clauses and the underlying policy issues.

5. Be able to explain how an economist would analyse these clauses and the law that governs them.

6. Have developed proposals to reform the law governing these clauses. These proposals should be based on your understanding of the legal principles, and your awareness of the practical, theoretical and policy issues that arise from these clauses.

7. Have evaluated the Victorian Law Reform Commission and international proposals for reform of the area.

(Johnstone, 1996, pp 110–11.)

Guidelines for writing aims and objectives

- As far as possible, express your aims and objectives in terms of your students and what they will know or be able to do as a result of their study, rather than what you will do or how you hope they will be studying.

- Express each aim or objective as clearly as you can.

- Be as specific as possible about what students should be able to do at the end of the subject/topic/class.

- Ensure that your goals include not only intellectual knowledge but also intellectual skills, values, interest and attitudes.
Aims and objectives in your subject or topic

• What is the overall purpose of your subject? Can you express this in a sentence or two?

• What are your subject’s aims? Can you express these in three to seven points?
  •
  •
  •
  •
  •
  •
  •
For each topic, list a set of three to seven *objectives*.

- 
- 
- 
- 
- 
- 
- 

For further advice, see *Rowntree* Preparing Materials for Open, Distance and Flexible Learning* (see References for details).
3.4 DECIDE ON CONTENT, STRUCTURE AND SEQUENCE

The content of a subject or topic can depend on many factors, only some of which may be under your control. It is usually worthwhile spending a little time thinking about, or rethinking, what should be in the subject or topic. Where you are working as part of a group, this is an essential group exercise.

Even if content is predetermined, it is still necessary to decide how it is best structured and sequenced. The structure of a subject or topic can help students develop a ‘big picture’ of the area and relate the parts to the whole.

Guidelines

Some of the questions to ask in deciding about content might include:

- Is there too much content?
- Is content well balanced between principles and facts, major ideas and detail?
- Is there an appropriate balance between theory, doctrine and practical aspects of the subject?
- Is content sequenced to help students build up an understanding of it?
- Is content systematically broken up into manageable chunks (subject → modules → topics → sub-topics)?
- Are the content and its structure clearly presented to students, perhaps in diagrammatic form?

A concept map in land law

(From Tan, PL, Webb, E and Wright, D, *Land Law*, 1997, p 80, Sydney: Butterworths.)
Structuring and sequencing your content

The following activities are best done in rough drafts before finalising them. Working on a whiteboard is often the most helpful way to proceed. Large sheets of paper may suffice if a whiteboard or blackboard is not available.

- Draw a diagram of the key topics in the subject, or sub-topics of the topic.

- Experiment with your diagram until it is the most appropriate representation of the content and the relationships within the content.

- Review your diagram again. Does its indicate the most appropriate way of sequencing content to facilitate student learning? How could it be improved?

- Does your concept map give your students a sense of ‘the big picture’ of the subject, including a sense of how the various concepts fit together and of the main dynamics of the subject?
3.5 DECIDE ON THE KINDS OF MATERIALS REQUIRED

Teaching and learning materials can take many forms. The type of materials you develop will depend on a number of factors, including the needs of your students, the time and support you have available to prepare the materials, the nature of the subject you are teaching, and the aspect of learning that the materials are intended to support.

Kinds of materials

The following table suggests some of the more commonly used types of print materials. The first four types are derived from Derek Rowntree’s descriptions (Rowntree, 1994).

<table>
<thead>
<tr>
<th>Kind</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tell-and-test</td>
<td>Materials are similar to ‘lecture notes’, a package of information which learners manage as best they can, before answering a set of questions. The materials may be stimulating, or (more frequently) ‘a dreary wodge of bumf!’ (Rowntree, 1994, p 14.)</td>
</tr>
<tr>
<td>Tutorial in print</td>
<td>The ‘tutorial in print’ tries to create a kind of dialogue between teacher and student, paralleling a one-to-one discussion. Usually the materials present ideas, invite students to reflect and respond, and include frequent comments, prompts for learning, and encouragement.</td>
</tr>
<tr>
<td>‘Wrap arounds’</td>
<td>The ‘wrap around’ is based on existing materials, eg a textbook, casebook, or resources available on the Web, and provides advice, commentary, explanations of difficult sections, and activities.</td>
</tr>
<tr>
<td>Reflective action guide</td>
<td>The reflective action guide is based on student activities and experiences and invites student reflection and learning from these.</td>
</tr>
<tr>
<td>Case studies</td>
<td>Case studies usually involve a scenario with commentary and exercises.</td>
</tr>
<tr>
<td>Readings</td>
<td>Collections of key articles (print- or Web-based) are particularly useful for off-campus students or to reduce demand on libraries.</td>
</tr>
</tbody>
</table>
3.6 SPECIFY HOW STUDENTS WILL USE THE MATERIALS

Specifying how students will use materials is as important as planning the materials themselves. In fact, imagining how students will be using materials, as you are developing them, can be a useful way of ensuring that the materials you are working on will be usable.

**Integrating materials into the curriculum**

There are many ways in which students can use materials. Some common ones are listed below.

<table>
<thead>
<tr>
<th>Independent study</th>
<th>Students use materials individually, at home or on campus. Much distance education material is used in this way.</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-class activities</td>
<td>Materials are used to facilitate individual and small group activities within the classroom.</td>
</tr>
<tr>
<td>Independent study and in-class activities</td>
<td>Students work through materials before class. Class time is used for full class or small group work in which students further develop their understanding and get feedback.</td>
</tr>
<tr>
<td>Lecture and independent study</td>
<td>A lecture is used to provide an introduction/overview to the key concepts. Students follow these up through ‘tutorials in print’ (see p 34).</td>
</tr>
<tr>
<td>Practical work</td>
<td>Students undertake laboratory or field work guided by questions and activities in workbooks.</td>
</tr>
<tr>
<td>Group study</td>
<td>Students use materials for independent group study.</td>
</tr>
</tbody>
</table>
Example

Private study and classroom activities in contract law

<table>
<thead>
<tr>
<th>Private study prior to class</th>
<th>In-class activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1   Students read objectives.</td>
<td>Teacher gives mini-lecture in previous class together with overview of topic. (15 minutes.)</td>
</tr>
<tr>
<td>2   Recap principles of previous topic.</td>
<td>Students compare summaries in pairs. Or Controlled discussion in which the teacher calls up a few students to report until all principles are before the class. (Five minutes.)</td>
</tr>
<tr>
<td>3   Examine a real-life example of an agreed damages clause and think of other examples.</td>
<td>Buzz group discussion. Or Full class discussion. (10 minutes.)</td>
</tr>
<tr>
<td>4   Examine and compare other clauses in the extracted contract.</td>
<td>Buzz group discussion. Or Full class discussion. (10 minutes.)</td>
</tr>
<tr>
<td>5   Draft an agreed damages clause.</td>
<td>Discuss in pairs. (15 minutes.)</td>
</tr>
<tr>
<td>6   Consideration of policy and theoretical considerations.</td>
<td>Pyramid, pair of pairs from previous activity, and then full class discussion. (10 minutes.)</td>
</tr>
</tbody>
</table>

(Johnstone, 1996, p 110.)

Integrating materials

The following questions may help to ensure that materials will be used effectively by students.

- How will students use your materials?
- Will students realise the importance of using the materials?
- Are the materials an essential part of the subject?
- Are the materials supplementary? (ie not essential, or not necessary.)
- How will students’ use of materials assist them in completing assessment tasks?
3.7 RELATE THE MATERIALS TO ASSESSMENT

A subject’s assessment regime has a powerful influence on what students will study and how they will study it. If learning materials are to be effective, and if students are going to engage themselves with the materials, a clear relationship should exist between assessment tasks and the materials.

Integrating materials and assessment

This relationship between materials and assessment can take at least three common forms:

- The materials contain information to which students will need to refer in order to complete an assessment task.
- The materials contain activities that are similar to assessment tasks that students will be required to complete later in the subject. These activities, therefore, constitute an opportunity for practice and feedback.
- The materials contain activities that are assessable in themselves. Students complete these activities and then submit them for assessment.

Example 1

Your final examination may contain a question which will require you to draw upon the materials in this topic in order to write a letter of advice to a client as to whether a particular clause is an agreed damages clause or a penalty clause.

Example 2

The following question is taken from the 1996 property law exam. It is typical of the kind of question you should expect in this year’s final exam. Attempt an answer of no more than four pages. Compare your answer with the answer of at least one classmate. Twenty minutes will be set aside in week 8 to discuss problems arising from this question.

Example 3

Topic 3 includes four questions. You are required to complete each of these on the tear-out sheets in the workbook and hand them in by the end of week 4.
Self-assessment questions

Self-assessment questions are designed to allow students to measure their own progress towards meeting the topic’s objectives. While the form they take may vary, their purpose is primarily diagnostic. Self-assessment questions typically occur at the end of a topic, and are directly related to the objectives stated at the beginning of the topic.

Example 4

The following questions are designed to check your understanding of the key concepts in this topic. If you have difficulties with any of them, revise the relevant parts of this topic until you can answer the questions confidently.

(See also the extended example of self-assessment questions on pp 80–83).

Assessment and your materials

Consider the relationship between your materials and student assessment by thinking about the following questions.

• What link will students see between using the materials and the assessment?

• If this link is unclear or weak, what implication might this have for students’ use of the materials?

• How could this link be strengthened?
3.8 MANAGE THE DESIGN AND DEVELOPMENT PROCESS

Designing and developing materials for teaching and learning often introduces a new element into teaching. Usually a number of people will be involved in teaching the subject and in developing materials. Particularly when large sums of money are being spent on a project and when people with different skills and perspectives are required, it becomes important to ensure the project is effectively managed.

Key issues and suggestions

The following table lists some of the key issues in managing the design and development process and suggests ways of dealing with these issues.

<table>
<thead>
<tr>
<th>Issues</th>
<th>Suggestions</th>
</tr>
</thead>
</table>
| Management and co-ordination | • Projects will not manage themselves. Recognise the need for management and make sure the project manager is clearly identified.  
 • Designate a project co-ordinator (who may be the project manager or a different person). |
| Team members           | • Involve all appropriate people at the earliest possible time.  
 • Specify roles and responsibilities.  
 • Keep all team members involved and informed. |
| Timelines               | • Identify all significant milestones and designate completion dates for them. |
| Budget/resources        | • Identify all required resources.  
 • Identify all available resources.  
 • Note internal and external funding available and/or being sought.  
 • Monitor participants’ time input as a major resource.  
 • Help negotiate for more time if required. |
| Documentation           | • Document all of the above as part of the materials design blueprint. |
Managing the development process

• Which of the suggestions listed above are particularly relevant to your project? How?

• What action needs to be taken in relation to them?
3.9 A BLUEPRINT PRO FORMA

This blueprint pro forma can be used to express the plan you have for your materials. Each heading relates to the sections that have been dealt with in this chapter. You can use the headings as they stand, or modify the pro forma to suit your own needs.

### Student characteristics

Note any characteristics of your students (see pp 25–27 above) that need to be taken into account in designing your programme.

### Intended learning outcomes

List general aims and any more specific objectives.
Content

Outline the programme’s content. Consider a diagrammatic representation.

Teaching and learning strategies

Outline broad learning strategies that students will be following in order to achieve the intended learning outcomes.
Assessment

Outline the assessment tasks which students are required to complete and the relationship between assessment and the materials.

Types of materials

Describe the kinds of materials required.
Use of materials

Describe how students will use the materials.

Management issues

Outline any management issues that need to be addressed.
CHAPTER FOUR

WRITING A TOPIC

4.1 WRITING A TOPIC: AN OVERVIEW

The topic is the basic building block of materials. Sometimes materials will cover only a single topic – an in-class activity would be a common example. More often, materials will cover a number of topics – a study guide for off-campus students, for example, may consist of several modules, with each module covering several topics.

This section will help you develop your own approach to writing topics. It suggests:

• an appropriate style for self-instructional materials; and
• common elements of topics in self-instructional materials. These elements apply to most kinds of materials (see p 34 above), but you will need to adapt them to the particular kind of materials you are developing.

Elements of a topic

Each topic has a beginning, a middle, and an end, or

• an introduction, which places the topic in its context and gives students a sense of direction;
• the body of the topic, which includes information, readings and activities you provide; and
• a conclusion, which helps students consolidate what they have learnt.

A topic may therefore have some or all of the following elements:

<table>
<thead>
<tr>
<th>Part</th>
<th>Element</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>• Introduction</td>
</tr>
<tr>
<td></td>
<td>• Objectives</td>
</tr>
<tr>
<td></td>
<td>• Relating the topic to existing knowledge</td>
</tr>
<tr>
<td>The body of the topic</td>
<td>• Information</td>
</tr>
<tr>
<td></td>
<td>• Readings</td>
</tr>
<tr>
<td></td>
<td>• Activities</td>
</tr>
<tr>
<td></td>
<td>• Feedback</td>
</tr>
<tr>
<td>Conclusion</td>
<td>• Summary (and if necessary a link to the next topic)</td>
</tr>
</tbody>
</table>
Developing a topic pattern

A useful approach to writing materials is to develop your own pattern for writing topics. Your pattern could include all of the elements listed above, or your own variation of them. With a pattern to follow, your task may seem less daunting and more easily managed. Following a consistent pattern is also helpful for your students. But, as we have emphasised throughout this guide, you should not follow the suggested pattern slavishly if you have a better or more appropriate way of structuring a particular topic.

4.2 USE AN APPROPRIATE STYLE

It is easy to forget that you are writing for students. Sometimes teachers are so conscious that their materials will be read by their fellow academics that they feel obliged to maintain a ‘scholarly’ style.

Teaching and learning materials are not academic treatises. They should be written in a style that suits their nature, purpose and audience. That is, they should be written in a style that will help students learn. Rowntree (1994, p 139; 1990, pp 208–32) summarises this style as conversational, welcoming and plain.

Example 1

Workers’ compensation law

Our next step is to examine in broad detail the current provisions of workers’ compensation legislation in the different Australian jurisdictions. This is a topic of great practical relevance to practitioners, and it also raises very interesting philosophical and social policy issues. Earlier in the course, we examined the historical development of workers’ compensation legislation in Britain and Australia. We saw that in the early 20th century, beginning with South Australia in 1900 and ending with Victoria in 1914, the Australian States adopted no-fault workers’ compensation schemes, based to a large extent on the model developed in Britain at the end of the 19th century and beginning of the 20th century, in particular the 1897 and 1906 English Workmen’s Compensation Acts. We also noted that from the 1980s on there was a period of rapid reform of the workers’ compensation statutes across Australia. The broad purpose of this topic is to provide an overview of the basic structure of the current Australian workers’ compensation law, and to provide a brief survey of some of the key current issues in workers’ compensation in Australia.
Remember that you are not expected to know the statutes in any great detail – rather you should focus on key concepts, and broad policy issues raised.

(Adapted from Johnstone, 1997, para 11.1.)

Example 2

Introduction to law

This week you will begin to read cases – a fundamental skill which you should try to master as soon as you can in your study of law. You will find it to be difficult and frustrating at first. Remember that everyone else in the class will be experiencing a similar level of exasperation – talk to your friends in the class and compare your experiences. Work hard, persevere and focus on the basic principles involved in case reading – after a while reading cases will become a routine and at times even enjoyable activity.

[The materials would then outline approaches students might take to reading cases.]

Guidelines

The following guidelines are derived from Rowntree (1994, p 139) and Race (1992, pp 107–20):

- Be informal or ‘conversational’ – imagine you are talking to a single student.
- Be personal. Let your students know who you are, and refer to yourself as ‘I’ and the student as ‘you’.
- Remember who your learners are as you ‘talk’ to them.
- Write clearly; explain difficult or unfamiliar terms; avoid unnecessary jargon.
- Anticipate difficulties your students may have.
- Use lots of headings and subheadings to structure your writing.
- Use action language – active rather than passive voice. (Your grammar check will pick you up on this.)
- Use short sentences and paragraphs.
- Use charts, tables and other graphic devices wherever appropriate.
- Consider how much students can reasonably be expected to read.
Developing your own style

• Keep the above guidelines and examples in mind as you start writing.
• Review your writing in light of the guidelines.
• If you have access to other teaching and learning materials, notice the style in which they are written. Does their style include features you would like to emulate?
• Actively seek the views of students and others on your ‘style’.

4.3 INTRODUCE THE TOPIC

Purpose

The introduction is an important part of any topic. The introduction prepares the student for what is to follow. By setting the scene, a good introduction helps students make more sense of what is to follow. An introduction serves at least three purposes:
• it identifies what the topic is about;
• it motivates students; and
• it helps students relate to the topic by connecting the topic with their existing knowledge or experience.

Components

An introduction should not be long. One paragraph may suffice, and more than one-and-a-half pages is probably too long. What matters is that the introduction performs its function of preparing students for the topic. In your introductions, you might like to consider including some or all of the components in the table opposite.
## Writing a Topic

<table>
<thead>
<tr>
<th>Component</th>
<th>Suggested action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify the topic</td>
<td>Name the topic and define it.</td>
</tr>
<tr>
<td>Give an example</td>
<td>Exemplify the topic with a concrete example that epitomises most aspects of the topic.</td>
</tr>
<tr>
<td>Contextualise</td>
<td>Place the topic in the context of • the subject (relate it to other topics); • professional practice; • current issues.</td>
</tr>
<tr>
<td>Motivate</td>
<td>Say why the topic is important – how it is applied in practice; how it may promote insight; how it will help with assessment tasks.</td>
</tr>
<tr>
<td>Overview</td>
<td>Give a brief overview of the topic, including sub-topics and how these are related to the whole.</td>
</tr>
</tbody>
</table>

### Example

**Health and Safety at Work: Rehabilitation of Injured Workers**

**Rehabilitation: basic concepts and issues**

This part of the course looks at Australian government policies (in the form of legislation and policies and procedures of workers’ compensation agencies) in relation to the rehabilitation of workers suffering from work-related injury or disease. For present purposes, rehabilitation involves restoring injured workers to their fullest physical, mental, social, vocational and economic capacity. This topic builds on many of the issues that we examined in our introduction to workplace health and safety at the beginning of the course, and in our previous topic, workers’ compensation. Here our focus is on the basic legal concepts, their practical implementation, and the overall policy issues involved in rehabilitating ill or injured workers.

In the first few weeks of the course we saw that until the 1980s the Australian workers’ compensation legislation, reflecting its British origins, largely ignored the issue of occupational rehabilitation. The workers’ compensation systems were more concerned with determining whether a worker was suffering a work-related injury or disease, and the level of monetary compensation payable to the injured worker. Not only was rehabilitation
ignored, but delays in delivering benefits, and the emphasis on lump sum payments, provided major disincentives to workers to recuperate and to return to the workforce. Although there were some initiatives in the 1970s to encourage the rehabilitation of injured workers, the major developments in rehabilitation date from the 1980s. Since then all of the Australian jurisdictions have introduced measures specifically aimed at providing injured workers with rehabilitation facilities, and to facilitate their return to work. The development of the rehabilitation provisions has involved a great deal of trial and error, but recent trends suggest that the current approach to rehabilitation is based on an understanding that effective rehabilitation must be focused on the workplace, rather than on activities abstracted from the workplace environment, and ‘must be a highly focused, pragmatic, work-based effort which requires the active involvement of both the employer and the injured worker’. (Clayton, 1995, para 1.3.)

The broad purpose of this topic is to provide an overview of the provisions dealing with rehabilitation in the Australian workers’ compensation statutes, to explore the underlying policy issues, and to outline the issues which will govern the development, and the delivery, of rehabilitation services to injured workers, and to expedite their return to work. Rehabilitation is an important issue in social and legal policy – soundly developed rehabilitation policies can greatly reduce the human suffering resulting from workplace injuries and disease, it can assist workers to reclaim their social and working lives, and helps to reduce the costs of the workers compensation system.

The topic examines:

• the definitions of ‘rehabilitation’ and ‘total injury management’;
• the types of incentives that might influence the attitudes towards rehabilitation of employers, employees and rehabilitation service providers;
• the statutory provisions enacted in the 1980s making provision for rehabilitation;
• the current rehabilitation arrangements in the different Australian workers’ compensation and rehabilitation statutes;
• current thinking about the most effective means of providing rehabilitation for workers; and
• the proposals of the Industry Commission and the Heads of Workers’ Compensation Authorities.

(Adapted from Johnstone, 1997, para 12.1.)
Introductions

• Write an introduction to one of your topics.

• Review the introduction against the components listed above. What does your introduction need to achieve for students? Does it include all of the suggested components? Do some components not apply? Have you identified some other components for your introduction?
4.4  GIVE STUDENTS A SENSE OF DIRECTION

Setting out the objectives for the topic gives students a clear sense of purpose as they embark on the topic and clarifies our expectations of their performance. To ensure that students are committed to the objectives, you may need to discuss the objectives with the students and give them an opportunity to modify the objectives to reflect their interests or concerns. It is equally important to describe how they can reach these objectives by making the structure/stages/process of learning transparent.

The materials blueprint developed in the planning stage should include a statement of the overall purpose of a subject, along with a set of subject aims (see pp 28–31) The blueprint may also include a set of objectives for each topic. Here, at the topic level, you can simply insert the specific objectives already developed, or develop them now. You may find the guidelines for writing aims and objectives set out on p 29 helpful.

Example

Rehabilitation

Having studied and reflected on this topic, you should be able to:

• describe the key elements of an effective system of rehabilitation (or ‘total injury management’);
• outline recent developments in statutory provisions for rehabilitation in Australia;
• identify key aspects of rehabilitation practice in Victoria;
• evaluate the strength and likely effectiveness of the current Australian provisions for rehabilitation; and
• describe and evaluate the proposals for the reform of rehabilitation arrangements in Australia.
Stating aims or objectives for the topic

- Formulate or revise the aims or objectives for a topic.

- Do these aims or objectives indicate clearly to students what they should be able to do after completing the topic? If not, revise.

- Are the aims/objectives achievable? If not, revise.
4.5 RELATE THE TOPIC TO STUDENTS’ KNOWLEDGE AND EXPERIENCE

Students will be more receptive to new material and will make more sense of it if they can see how it relates to their previous learning and experience. Helping students to become aware of what they already know is an important stage at the beginning of each topic.

Example 1

CONTRACT: AGREED DAMAGES CLAUSES

Revision: the calculation of contractual damages

The law relating to agreed damages clauses builds on the last topic, the remedies available to a plaintiff where there has been a breach of the contract by the defendant. We have considered a number of different remedies, including the awarding of damages to the plaintiff.

As basic revision, and as a springboard for the current topic, summarise, in a few lines, the basic principles followed by the courts when awarding damages to the plaintiff. Refer to your class notes or a textbook if you need to refresh your memory. Put the major principles in the box for further revision and reference.

Summary: basic principles of awarding damages to the plaintiff
• Which aspects of this topic would you like to discuss further in class?

• What are the advantages of the contractual parties, at the time of concluding the contract, agreeing on the damages payable for particular kinds of breaches of the contract?

• Can you foresee any problems with this approach?

(Adapted from Johnstone, 1996, para 111.)
Example 2

**CONTRACT: EXCLUSION AND LIMITATION CLAUSES**

**Learning activity**

These activities will help you draw upon what you already know about exclusion and limitation clauses. The activities will enable you to build upon your experience with these clauses and understand the purpose and consequences of the clauses.

1. The following clause has been reproduced from the ‘conditions of parking’ drawn up by a large national company which runs a large number of parking garages around the country.

   The company shall not be liable for the loss of any motor vehicle, or for any damage to any motor vehicle, or for the loss or damage to any of the motor vehicle’s accessories or contents or to any articles left with the company for safe custody howsoever such loss or damage be caused, subject only to the company’s obligation to render its services with due care and skill.

   Have you seen a similar clause before? If so where?
What is the function of the clause extracted above?

Why would the garage owner include such a clause in the conditions of parking?

How would the clause affect you as a car owner wishing to park in the garage?
Can you provide another example of an exclusion or limitation clause that you may have come across in the past year or so? Describe the clause. If you can’t think of a clause that you have actually come across, make up a clause, and write it out in the space below.

(For a further example, see Johnstone, 1996, pp 112–16.)
Guidelines

• Recap relevant aspects of the subject and related subjects to show students how what they have already learnt provides a platform for later parts of the subject.
• Ask students to recap key principles from the preceding topic or other relevant topics.
• Explain to students how they already have experience of aspects of the topic and ask them to give examples of their experience of the topic.

Relating the topic to existing knowledge

Select a topic. Think of at least three ways of linking the topic with student’s existing knowledge or experience:

•
•
•
4.6 INTEGRATE READINGS

Most flexible learning materials make use of existing materials or readings such as articles, textbooks, cases, statutes, official statistics and examples of legal documents. In fact, some flexible learning materials are built entirely around such extant materials. For example, in many subjects where a casebook is used, materials may provide additional commentary, guidance and activities. Such materials are sometimes referred to as ‘wrap arounds’ (see p 34).

A single topic may require students to read an article, a section of a textbook, a case, or several of these in various combinations. Your task is to help students to make the most of their reading, and to integrate it into their learning.

Benefits of readings

Some of the benefits of integrating readings are listed below. You can probably think of several more in your subject area.

• Students have direct access to primary and secondary sources.
• Students are exposed to a variety of perspectives.
• Students can often approach readings more critically than they can your own comments.
• You don’t have to write as much!

Selecting readings

The following guidelines for selecting readings are suggested:

• Choose materials that are directly related to topic objectives.
• Where appropriate, consider editing materials or cases to focus on those parts that are relevant to the topic’s objectives.
• Choose materials that reflect a variety of different ‘voices’.
• Beware of providing an excessive amount of reading. This often induces a surface approach to materials.
• Remember, it is what students do with readings that matters. Don’t provide a reading unless you specify how students should be using it.
• Be aware of copyright provisions.

Guidelines: introducing a reading

Some teachers find it helpful to think of what they would say to a face-to-face class if they were advising them to read before the next class. Some things you might do in this situation, and which you can do in your materials include the following:
Writing a Topic

• State the purpose of the reading and locate it in the context of the topic.
• Explain how students will benefit from it.
• Explain why the reading is particularly relevant, important and interesting.
• Note any inherent difficulties, such as unfamiliar terminology.
• Draw the students’ attention to particular aspects of the reading.
• Draw the students’ attention to any activity to be completed after the reading.

Guidelines: following a reading

Consider following the reading with some or all of the following:
• an activity (see p 68–76);
• your own comments on the reading;
• information that updates the reading or provides more details; and
• where a reading is based on overseas material, include relevant local (eg Australian) information.

Example

The potential breadth of the employer’s statutory
general duty to employees

As we have seen in the previous part of these materials, in most jurisdictions, the employer’s statutory general duty towards employees is expressed in very broad terms, and is quite capable of being interpreted to place an ongoing duty on an employer to set up and maintain a system of work to ensure that employees are not exposed to hazards. Two cases illustrate the potential breadth of this general duty, and introduce three important issues: (i) the breadth of the employer’s general duty; (ii) the liability of employers under the general duty where it can be argued that an employee’s carelessness or disobedience played a part in the incident giving rise to the unsafe situation, or the risk to employees’ health; and (iii) the extent of the employer’s duty where independent contractors (see above) are involved. Consider when you read the first case, Cullen v State Rail Authority, how the court conceives of the ‘system of work’ and the significance the court attaches to the actions of the worker who was killed in the incident. When you read the second case (R v Swan Hunter), think about the applicability of the employer’s general duty when independent contractors, and their employees, are involved in the activities at the workplace.

[Cullen v State Rail Authority (NSW) [1989] IR 207 is then introduced, extracted and followed by guiding questions.]
The *Swan Hunter* case

A second example is *R v Swan Hunter Shipbuilders* [1982] 1 All ER 264, which involved the employer’s general duty in s 2 of the British Health and Safety at Work etc Act 1974. Note that s 40 of the British Act places on the defendant the onus of proving that measures required by the general duty provisions were not reasonably practicable in the circumstances.

[The judgment of Dunn LJ is then extracted.]

**Questions**

1. The facts of *Swan Hunter* are complex. Summarise them. (If need be, draw a diagram).

2. Under what provisions were *Swan Hunter* and *Telemeter* prosecuted?

3. What is the relationship between these provisions?
4 What was the central issue in relation to *Swan Hunter*?

5 What did the prosecutor and defendant argue in this case?

6 What did the court decide?

7 What do the majority decision in *Cullen* and the decision in *Swan Hunter* tell you about the breadth of the employer’s general duty provision?
**Extending the employer’s general duty to cover independent contractors**

As we have seen above, modern work relationships are complex, and extend beyond the simple employer-employee relationship. In particular, work is increasingly being outsourced to contractors. Until the advent of the Robens-based OHS statutes, the Australian OHS statutes ignored the hazards that might be associated with subcontracting and other forms of outsourcing (see Mayhew, Quinlan and Bennett, 1996, pp 50–51). However, the *Swan Hunter* case shows that the employer’s general duty to employees requires the employer to ensure that the actions of independent contractors or their employees do not pose a risk to the employer’s employees. Some of the Australian OHS statutes purport to make express provisions for the extension of the employer’s duty to cover independent contractors and their employees. For example, s 21(3) of the Occupational Health and Safety Act 1985 (Vic) modifies the orthodox definitions of an ‘employee’ and an ‘employer’ in the Act as follows:

(3) For the purposes of subsections (1) and (2):
   (a) ‘employee’ includes an independent contractor engaged by an employer and any employees of the independent contractor; and
   (b) the duties of an employer under those subsections extend to such an independent contractor and the independent contractor’s employees, in relation to matters over which the employer:
       (i) has control; or
       (ii) would have had control but for any agreement between the employer and the independent contractor to the contrary.

**Questions**

1. How would the provisions in s 21(3) have applied in the *Swan Hunter* case?
2 In the light of *Swan Hunter*, or the provisions to be found below in [paragraph specified], do you think it is necessary to have a provision like s 21(3)?

**Statutory interpretation activity 1**

In order to assess your own understanding of the provisions in s 21(3) of the Occupational Health and Safety Act 1985 (Vic), consider who, in the following situations, is liable to A in each case (the examples are adapted from Creighton, 1986, p 53).

1 B, a firm of construction engineers, employs its own employees to construct a building on B’s premises. B engages A, an employee of C, to do precisely the same work side by side with B’s employees. A is injured by a hazard to which B’s employees are also exposed.

Would your answer be any different if B’s employees were not exposed to the hazard?

What would your answer be if B had no employees at all?
2 B contracts with C to erect prefabricated parts at C’s premises and then have them delivered to B’s premises for final construction. A is employed by C and is injured while working on the initial stages of the operation at C’s premises. In what circumstances might B owe a duty to A?

3 B retains the services of C to come onto B’s premises in order to carry out some highly specialised tests on work being performed by the employees of B. A, employed by C, is injured on B’s premises while carrying out the highly specialised tests. In what circumstances would B owe a duty under the employer’s general duty to A? In what circumstances would C owe such a duty to A?
4 What practical advice can you give B so that B can arrange its affairs in such a way to ensure that it complies with its statutory responsibilities to A?

(Adapted from Johnstone, 1997, paras 5.18–5.25.)
4.7 ENCOURAGE ACTIVE LEARNING

By including activities in materials you can:

• encourage students to apply ideas;
• require them to think critically about what they are reading or doing;
• help them relate new ideas to what they already know; and
• give them feedback on their progress.

Types of activities

There are many types of activities that could be used in flexible learning materials. Here are some common types which might be a useful starting point:

• questions which enable us to engage in a conversation with students using the materials;
• problems (outlining ‘fact situations’) which students can try to solve after being exposed to legal principles, or before, in which case students learn the relevant legal principles by trying to provide a legal solution to the problem;
• case preparation, providing students with an opportunity to prepare an argument in favour of one of the parties;
• simulations in which students can act out scenarios and issues;
• case studies, or simulations of complex real-life situations, requiring students to identify issues and recommend strategies; and
• projects in which students develop research questions, and choose research methods in order to explore those questions.

Examples of activities for specific purposes can be found on pp 54, 56, 62 64, 78 and 90. Two further examples are set out below.

Example 1

Tort: breach of duty of care

As we have seen, in determining whether a defendant has breached her or his duty of care to the plaintiff, the court will examine whether the defendant did what a reasonable person would not have done in the circumstances, or failed to do what a reasonable person would have done. But the first issue to consider in deciding this is what sort of risks of injury to the plaintiff (or group of persons including the plaintiff) should have been foreseen by the defendant. The court then
has to determine what a reasonable person would have done in response to that risk. The leading case on the foreseeability of risks in relation to breach of the duty of care is *Wyong Shire Council v Shirt* (1980) 146 CLR 40. When you read this case consider the following questions, which will guide you through the key issues in the case. Write brief answers in the spaces left between the questions. We will discuss your responses in class.

1. What were the crucial facts of the case?

2. What acts or omissions of the defendant council were alleged by the plaintiff to be in breach of the council’s duty of care?

3. How did the High Court state the relevant principles of law?

4. How small does a risk have to be before it will be considered by the court not to be a foreseeable risk?
5. What did the High Court decide in this case?

6. Explain what the High Court meant when it said that ‘a risk of injury which is quite unlikely to occur ... may nevertheless be plainly foreseeable’? When will it be relevant to the issue of breach of duty of care that the risk, although foreseeable, is unlikely to occur?

7. Compare the concept of foreseeability described in this case with the concept of foreseeability developed by the courts in the context of determining whether a duty exists in the first place. Are there any differences in the way in which foreseeability is used in each context?

8. Do you think that the principles set down by the High Court in this case are (i) conceptually coherent and (ii) fair?
Example 2

Torts: introductory activity

The legal principles in torts determine whether a loss suffered by one person should be shifted to another person, or borne by the person suffering the loss. (See your casebook, Lunz and Hambly, 1995, pp 7–11.) In deciding whether or not to shift the loss to another person, the courts are required to take into account, and sometimes ignore, a wide range of policy considerations. For your first class, think about the following situation. In particular consider:

1. The different types of interests which may need to be protected.

2. What you think Rima’s objectives might be?

3. Three or four ways in which these objectives could be met.
4 From these, decide the best way of proceeding.

5 Think about your reasons for choosing the course of action you did. What do these reasons say about your views concerning the respective expectations and responsibilities of Rima, the council and Dr Saxton?

Make notes under each of these headings, which you can use to help you through the class activities. The purpose of this exercise is to help you to explore the broad issues involved in accident compensation in a multicultural society. We will build on these broad issues as the course unfolds. You may find it quite difficult to develop firm ideas on the issues involved in this situation. Everyone else in the class will be in the same position as you are. Relax and try to think through the issues in a creative way. Begin by putting yourself in the situation of Rima, Rima’s family, Dr Saxton, and Dr Saxton’s hospital. Think about what each might be concerned about in this situation, and what they might want to see happen, or might want to ensure does not happen.

When you come to class you will be involved in a role play of the situation, after which we will discuss your answers to the questions 1 to 5 above. Keep your notes of this activity because we will return to them later in the subject to see how your thinking about torts has developed as the course progresses. You might also apply the legal rules you learn in the course to this situation, and see how those rules deal with the policy issues you have raised.
### The activity

In January 1997, Rima, 16 years of age, injured her back during a women’s football match organised by Daberin City Council as part of its access policy of encouraging women’s sport. Rima thinks her injury was due to the fact that the council, in seeking to involve as many 16–18-year-olds as it could in its programme, mismatched her, in terms of size and age, with the players selected to play alongside and against her.

Rima went to the nearest public hospital for treatment and was attended by Dr Gareth Saxton. Dr Saxton found it difficult to understand Rima, a recent migrant, because she had only been speaking English for a year. He was unable to get an interpreter or spend much time with her because he was very busy due to recent staff cuts at the hospital, but he said to her, ‘If you’re really in as much pain as you say you are, I think the best course of action might be spinal surgery’.

Rima initially refused surgical treatment as interventionist forms of treatment offended her cultural and religious beliefs. She wanted to be treated by some form of natural healing, but she had difficulty communicating her concerns and desires to Dr Saxton, who was getting impatient with her attempts to do so. Dr Saxton indicated that after six years at medical school he found it difficult to take natural healing options seriously – referring to them as ‘hillbilly cures’ – and thought that if Rima ‘was scared’ of surgery, he could prescribe drug treatment. Rima reluctantly agreed to having the drug treatment.

Within a month, Rima’s condition deteriorated. Despite her misgivings, she finally underwent surgical treatment. Soon after she suffered paralysis from the waist down.

(Adapted from the *Torts and Process of Law teaching materials*, Faculty of Law, The University of Melbourne, 1996. See also O’Donnell and Johnstone, 1997, Chapter 4.)
Steps in writing an activity

The following steps may be helpful in designing any type of activity:

<table>
<thead>
<tr>
<th>Step</th>
<th>Comment</th>
</tr>
</thead>
</table>
| 1  Introduce the activity | • Place the activity in the context of the topic.  
• State its purpose.  
• State the benefits the student will derive from the activity. |
| 2  Define the activity | • Specify clearly what the student should do.  
• Indicate how, when and where it should be done.  
• Indicate how much time and/or effort should be required. |
| 3  Provide structure | Provide as much structure as you think appropriate, eg have students complete a chart in space provided. |
| 4  Anticipate difficulties | Note any difficulties students may encounter and suggest ways of overcoming them. |
| 5  Provide feedback | Make some comment in response to what you think students may have done. Consider including a sample answer or a list of criteria for students to apply to their answer. You may prefer to hand this out in class after students have completed the activity. |
| 6  Conclude | Make a closing comment and lead into the next topic, reading or activity. |
Designing activities

If you have access to some self-instructional materials, review some of the activities in them:

• Which of the features discussed above are present?

• Which of the features discussed above are not used?

• Which of the features do you think are most helpful?

• What difficulties might students have in completing the activities?
• How could the activities be improved?

• What features do you consider are most important for your own activities?

• As you develop activities, you might like to use the ideas in this section (‘Encourage Active Learning’) as a checklist.
Writing a Topic

4.8 FINISH THE TOPIC

How a topic finishes is important since it can help to consolidate the students’ learning and prepare them for the next topic.

Options

There are at least five ways of concluding a topic:

- You provide a summary of the topic.
- You invite the students to generate their own summary.
- You invite the students to consolidate their learning by applying what they have learnt to a new type of problem or to a new field.
- You invite the students to review their own learning through a ‘self-assessment question’.
- You preview the following topic and indicate how it develops out of the topic just completed.

<table>
<thead>
<tr>
<th>You summarise</th>
<th>You might include a straightforward summary of what has been covered in the topic, highlighting important or difficult points.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students summarise</td>
<td>You might include a short activity requiring the students to identify key points, difficult areas, or questions that they have.</td>
</tr>
<tr>
<td>Students apply</td>
<td>While the topic itself may have included activities where the students applied key concepts, you might extend this application by inviting the students to apply key ideas from the topic to a new area. This may assist the students to transfer learning to novel situations later on.</td>
</tr>
<tr>
<td>Self-assessment questions</td>
<td>You might pose a simple quiz and provide answers or direct students to the source of the answers.</td>
</tr>
</tbody>
</table>
Example 1

**PROPERTY: PRIORITY RULES BETWEEN COMPETING INTERESTS**

**Revision questions**

To help you consolidate your understanding of this topic, write short answers to the following questions. Make a note of the things that you have difficulty in understanding or applying and bring them to class where we will devote half an hour to resolving difficulties that you might have with this topic.

A enters into a contract with B to put up posters on the wall of a factory. The agreement is for five years and A pays $500 per annum. A had paid the first year’s fees. B is the registered proprietor of the factory. B enters into a contract to sell the factory to C. C has told A that A’s contract with B is worth dirt and A will have to take her posters elsewhere.

1. Advise A what interest, if any, she has arising from her agreement with B.

2. A wants to lodge a caveat against the title to prevent registration of the transaction to C. Does she have a caveatable interest?

3. If B completed the sale to C and C registered and then denied A’s right to put up posters, what remedy would A have?
4 Would your advice to A in relation to question 1 differ if the substance of the agreement between A and B was that A could come onto B’s land and remove stones from the land? Why?

5 Could A lodge a caveat against B’s prior title to registration on the basis of the agreement in question 4?

6 What principles would you apply to determine whether A could assert her interest against C if C obtained registration of title and denied A access to the property to pick up rocks?

7 Would it make any difference to your answer in question 6 if C inherited the land from B? Why?

(Adapted from Property Reading Guide, Faculty of Law, The University of Melbourne, 1997.)
Example 2

PROPERTY: PROPERTY IN LAND

Self-assessment exercise

This exercise is voluntary. It is designed to test your understanding of the readings prescribed for the classes on topics 3 and 4 of the reading guide: Property in Land – the Doctrine of Tenure: public land and native title. There is no need to do outside research. Your answer should be in point form and be no longer than the space provided. The exercise is for your benefit and the answers should not be handed in.

From the readings and discussion in class, answer the following questions:

1(a) What are the requirements for establishing possessory title to land?

(b) Can the superior title of a third party be used as a defence to an action by a prior possessor?

2(a) Is there such a thing as absolute ownership of land?

(b) What are your reasons for your answer?
3 Briefly describe the operation of the doctrine of tenure in Australia before the *Mabo* decision.

4 According to Blackburn J in the *Milirrpum* case, what was the effect of the acquisition of sovereignty by the Crown upon indigenous systems of land tenure?

5 Did the members of the High Court in *Mabo* agree with Blackburn J? If not, on what basis did they disagree?
6 What was the conceptual significance of the doctrine of tenure in the *Mabo* decision? Is it affected by the *Wik* decision?

7 To what extent do you believe that you understand the essential features of the *Mabo* and *Wik* decisions, their relationship to the doctrine of tenure and subsequent statutory provisions?

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<th>Very well</th>
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</table>
8 List the issues with which you are having difficulty:

Go back to the textbook and your notes to revise these issues, and if you are still unclear about the issues, discuss them with some of your classmates.

You will receive point form answers to the above questions in class to help you check that your understanding of the topic is satisfactory.

(Adapted from *Property Reading Guide*, Faculty of Law, The University of Melbourne, 1997.)
Finishing

Consider the above examples and options for finishing a topic.

• What ideas can you draw from them for your own writing?

• Review some of your own ‘finishes’ and consider how they could be improved.
5.1 IMPROVING YOUR MATERIALS

Evaluation has become part of the professional activity of most university teachers. Most universities have established processes that allow teaching staff to engage routinely in some sorts of evaluation of their own teaching or of the subjects that they teach. Ramsden and Dodds’s *Improving Teaching and Courses: A Guide to Evaluation* is an excellent, succinct handbook of advice and suggestions for teachers wanting to evaluate their subject or teaching, while Armstrong and Conrad’s *Subject Evaluation* is a longer but highly practical outline of approaches to evaluation and includes a range of computer-based evaluation tools. Details of both publications can be found in References at the end of this book.

Here our focus is more limited, since our interest is in the evaluation of materials. Evaluation is important not only to establish if the new materials are effective, but to find out how they can be improved. Evaluation entails seeking information about materials for the purpose of improvement.

**Sources of information**

It may be helpful to consider three approaches to evaluation that can be applied during the development of materials:

- **Self-evaluation.** Here you try to stand back and review your own materials. You can develop a checklist of features that you consider important. See if they are consistently present in your work. Make amendments when they are not.

- **Evaluation by peers.** Here you seek feedback from colleagues. These may be (a) subject experts from your own university or from elsewhere whom you ask for comments on the content of your materials, or (b) educational development or media specialists from whom you seek comments on the educational or technical aspects of your materials. In either case, you will need to provide your colleagues with some guidelines which specify the aspects of the materials you wish them to comment on.

- **Evaluation by users.** This is often referred to as ‘piloting’ or ‘user testing’. A small number of students may be asked to work through the materials and provide detailed comments. Another form of piloting involves a small number of students using materials in a reasonably ‘authentic’ way – they may even be formally enrolled as the first students in the programme.
Detailed comments are sought from them, and the programme is modified or even rewritten before being used with large numbers of students.

Once the materials have become an established part of the subject, you can seek student feedback on the materials as part of your ongoing student evaluation of the subject.

**Focusing evaluation**

Whether feedback is sought from colleagues or students or through your own reflection, some focusing of attention is required. It is important to identify what aspects of your materials you would like others to comment on, as well as having some more or less objective framework to guide your self-evaluation. The following table outlines the principal elements of materials you might seek feedback on, and suggests the sorts of questions you might pose to various respondents.

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<td>Subject content</td>
<td>• Is the content up-to-date and accurate?</td>
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<td></td>
<td>• Does the content reflect different perspectives?</td>
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<tr>
<td></td>
<td>• Is the content too difficult? Too easy? At an appropriate level of intellectual challenge?</td>
</tr>
<tr>
<td></td>
<td>• Is there too much content? Too little?</td>
</tr>
<tr>
<td>Aims and objectives</td>
<td>• Are aims and objectives appropriate for the subject?</td>
</tr>
<tr>
<td></td>
<td>• Are aims and objectives made clear to students?</td>
</tr>
<tr>
<td></td>
<td>• Do the aims and objectives include an appropriate balance of cognitive skills and values-related learning outcomes?</td>
</tr>
<tr>
<td></td>
<td>• Can the aims and objectives be achieved through the materials?</td>
</tr>
<tr>
<td>Activities</td>
<td>• Are activities included to help students achieve the stated objectives?</td>
</tr>
<tr>
<td></td>
<td>• Are the purposes of activities made clear to students?</td>
</tr>
<tr>
<td></td>
<td>• Are activities explicitly related to assessment tasks?</td>
</tr>
<tr>
<td></td>
<td>• Do activities provide an appropriate level of intellectual challenge?</td>
</tr>
<tr>
<td></td>
<td>• Is appropriate feedback required?</td>
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### Evaluating Materials

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<tr>
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| **Structure** | • Do the materials have a clear and explicit structure?  
• Are the materials broken into manageable chunks?  
• Do topics have clearly signalled beginnings and endings?  
• Does the structure allow students to deal with progressively more complex ideas and tasks?  
• Are the materials easy to follow? |
| **Style** | • Is the style clear and friendly or overly ‘academic’?  
• Are potential student difficulties acknowledged and addressed?  
• Are graphic devices such as tables and flow charts used when appropriate? |
| **Readings** | • Do readings reflect a variety of different voices?  
• Is the relevance of readings made clear to students?  
• Is the quantity of readings excessive for the study time available?  
• Do activities and assessment tasks require students to make use of the readings?  
• Are copyright provisions satisfied? |

### Evaluating your materials

Outline how your materials could be evaluated. The following are some of the questions you might like to consider:

- How could you get feedback, and who could provide it, during the development phase?
- What sort of feedback, about what aspects of the materials, would be valuable (a) during development and (b) once the materials have been implemented?
- Is evaluation of your materials a formal requirement of any funding you have received?
- What advice or information about evaluation is available to assist you in developing and implementing an evaluation plan?
REFERENCES

Joughin, G and Gardiner, D, A Framework for Teaching and Learning Law, 1996, Sydney: Centre for Legal Education.
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Universal Design for Learning (UDL) is an approach to teaching aimed at meeting the needs of every student in a classroom. It can be helpful for all kids, including kids with learning and thinking differences. But UDL takes careful planning by teachers.

3. Flexible Work Spaces. UDL promotes flexibility in the learning environment. That’s why in a UDL classroom, there are flexible work spaces for students. This includes spaces for quiet individual work, small and large group work, and group instruction. So in a UDL classroom, materials are accessible for all types of learners. Students have many options for reading, including print, digital, text-to-speech and audiobooks. For digital text, there are also options for text enlargement, along with choices for screen color and contrast.