



Understanding our present: teaching disputes resolution through online role-play

Darryl Saunders

School of Law
Charles Darwin University

Alison Reedy

Office of Learning and Teaching
Charles Darwin University

The Disputes Resolution unit in the School of Law at Charles Darwin University demonstrates how new technologies can be used in higher education to design connected, innovative and interactive learning environments that stimulate the teaching of practical mediation skills. A pedagogic approach suited to online teaching is used in which online role-play scenarios are conducted using a variation of the online fishbowl approach. With this approach internal and external students take on character roles and interact in a synchronous online environment during a two-week intensive teaching block. The students jump in and out of their roles over the course of the two weeks as they research, role-play, interview and conduct peer reviews of the interactions. New technologies combined with innovative pedagogy enable the repositioning of external students as very much internal in the learning process and a new level of connection and interaction is possible between internal and external students.

Keywords: law, disputes resolution, online fishbowl, role-play, situated learning, learning technologies

Background

In this age characterised by the fast-paced churn of new technologies this paper presents a timely examination of the application of these technologies in higher education. The paper explores our dreams of connected, innovative and interactive learning experiences and environments in higher education in the School of Law at Charles Darwin University (CDU). While on one hand new technologies are supporting the realisation of these dreams, the efficacy and sustainability of new pedagogies and approaches to learning and teaching are challenged by the very technologies that have inspired their development.

CDU is a regional university located in the Northern Territory (NT) of Australia. The physical isolation and low population of 233,000 people in the NT have created the incentive for CDU to invest heavily in the online delivery of many of its units. In the School of Law 100% of units are online reliant, that is they are delivered online with internally and externally enrolled students engaging with online content and activities and interacting in the online space. Online teaching and learning is facilitated via CDU's Learning Management System.

The Disputes Resolution unit was redeveloped as an online unit for the start of 2011. At the time it was the only skills based unit in Dispute Resolution offered fully online by an Australian university. Most opted for face-to-face block components. The unit is highly practical and aims to provide students with the opportunity to develop the dispute resolution, negotiation and mediation skills required in the practice of law. The unit redevelopment presented a challenge with regard to how to develop practical skills in an online environment, particularly given that role-play scenarios were the principal means of developing these skills. In addition to developing the practical skills, a design solution was required that would also meet other desired outcomes of the unit,

including the creation of a learning community integrating both the internal (on campus) and external (off campus) participants.

Theoretical basis for the innovation

The Disputes Resolution unit is underpinned by Lave and Wenger's (1991) theory of situated learning and subsequent refined versions of the theory (Herrington, Reeves & Oliver 2010; Korthagen 2010; Light 2006; McLoughlin & Luca 2006). Situated learning postulates that learning takes place in social contexts and over a period of time. Participation in learning activities is designed to increase levels of involvement, knowledge and competence commencing with legitimate peripheral participation in a community of practice, during which a cognitive apprenticeship is taking place. This leads ultimately to full participation in the community. Situated learning aligns with the concept of authentic learning in the online environment. Authentic e-learning involves immersion in realistic tasks that involve opportunities for collaboration in complex activities (Herrington, Reeves & Oliver 2010). Those that undertake the unit are actively participating in their skills acquisition and are called 'participants' rather than 'students' to reflect this.

The Disputes Resolution unit provides a context for the application of the practices of situated learning, authentic e-learning and the development of a community of practice. The participants in the unit enter an online learning environment where they become 'practitioners'. They assume roles and identities at the peripherals and as they learn they move towards the centre of the community. Interactions are modelled by the lecturer, invited guests and peers and the student practitioners learn from these and develop competence as they engage in role-play scenarios. By the time they have reached the centre of the community they will have mastered the discipline and will in turn be showing others.

The process of community building in the unit is structured around the three-stage community building paradigm in distance education identified by Brown (2001), whereby:

1. The participants make online acquaintances through interaction;
2. Community ferment and acceptance is gained through discussion with numerous class participants;
3. Camaraderie is developed based on long term or intense associations.

The emotional connectedness that is achieved through community building underpins student success in a particular unit of study and contributes to 'a positive lifelong affiliation with both the department and the degree-granting institution' (Brown 2001 p.19).

Design of the Disputes Resolution Unit

The Disputes Resolution unit is designed around a two week intensive block which participants attend in person or online. Activities that occur prior to the intensive block prepare students and provide the causal conditions for the development of an online community (Brown 2001). During the intensive block mediation skills are acquired through role-play within a supportive environment where cognitive apprenticeship takes place and expertise is developed. Follow up activities encourage reflection and consolidation of the learning.

An introductory lecture is held four weeks prior to the intensive block. This initial contact is synchronously held with all participants via the online classroom. This models the integration of both external and internal participants into the online space visually and orally. Between the introductory lecture and the intensive block the online classroom and video conferencing facilities are available for participants to meet, forge community alliances and practice.

Unit readings are made available with an expectation of completion prior to the intensive block. Access to the readings removes the stress and fatigue on participants of not being able to prepare and study during the teaching block and empowers them by being in possession of all the materials for all activities prior to them occurring (Ramsay, 2011). Observation shows participants seek each other out in the online environment to confirm their new found knowledge and seek reassurance. Informal online synchronous interaction about the readings and technology leads participants towards the second stage of Brown's community-building paradigm (2001) where acceptance into a community is conferred after participants engage in discussions of importance with others.

Role plays are not widely used in online tertiary teaching (Douglas & Johnson 2008 p.105) despite the contribution they can make to practical skills development, due mainly to logistic and technical restriction. In the Dispute Resolution unit the two week intensive block is structured around eight seminar topics that provide

the context for role-play. Participants are introduced to a case file which they work on continuously throughout the intensive. The role-play activities involve taking on different roles and perspectives in relation to the case. It is at this point that those undertaking the unit move conceptually from being 'students' to 'participants'. The role-plays are recorded and assessed and this places an imperative on the students to engage fully with the case and the community that is invested in its resolution.

The role-plays are conducted using a version of the online fishbowl approach. As described by Douglas and Johnson (2008, 2010), online fishbowl role-plays may stop and start as participants jump in and out, for example 'to consult relevant literature before deciding on mediator interventions' (p. 97). The lecturer can also model 'appropriate mediation and legal practice...by jumping into a role to demonstrate 'best practice'' (ibid.). In the Disputes Resolution unit, however, it is not just the role-play but the entire two week intensive that represents an online fishbowl. In the virtual environment video and audio link internal and external participants and spaces, and fluid engagement between participants is possible across space and time zones. Participants move in and out of a number of role-plays related to each seminar topic rather than in and out of individual role-plays and everything that happens in the online environment is seen and recorded.

Peer review of role-plays and individual journals of the process embed observation and reflection as processes of legitimate peripheral participation. These observations and reflections are linked to a final take home exam, done after completion of the intensive, requiring students to look back at their journal and reflect on the learning that took place during the intensive.

Technological perspectives

The design of the Disputes Resolution unit reflects an understanding of new possibilities. These are afforded by new technologies alongside a vision of connected, innovative and interactive online learning environments. The use of this technology enables external participants to experience a real-time animated environment containing audio, visual and motion and allowing multi-channel audio and visual communication between internal and external participants. The aim was to overcome some of the early deficiencies of virtual classrooms, for example, that 'even where the virtual classroom's video capabilities are utilized, students nevertheless lack sufficient aspects of context, peripheral vision, continuous auditory environment and continuity of feedback through facial expressions and other means, all of which are inherent characteristics of the face-to-face classroom' (Parish, 2011 p.431). This criticism is mitigated in the Disputes Resolution unit where the 180 degree peripheral vision and a continuous auditory environment supported by continuous text chat transforms the external participants from passive peripheral entities into panoptic observers sharing power with the internal participants (Foucault, 1977).

Feedback

The Dispute Resolution unit has been extremely successful at connecting internal and external participants in a practical higher education unit. When the new Dispute Resolution unit was delivered in 2011 a voluntary and anonymous participation satisfaction questionnaire was made available to participants on line. The questionnaire asked what could be improved in the areas of teaching, content and technology. A small return rate of 29% (10/35) was achieved with 100% of those responding providing positive feedback on the unit, including comments such as 'I found this to be a wonderful learning experience', 'A really engrossing unit, the best so far at CDU' and 'I feel it is one of the most important topics in my degree, and this utility is because of the ample opportunity provided for 'practical' application of topic content. In short the class involvement and participation 'made' this topic what it was. However with such a small response rate it is impossible to tell if this is an indicative response or the views of a vocal minority.

The success of the redeveloped online unit is demonstrated by an increase in student enrolments, with eight-fold growth from 2010 to 2012. Enrolments in the unit increased from 18 students in 2010 to 28 in 2011 (the year the unit was introduced in its new form) and to 138 in 2012. There are a number of factors that make the unit attractive to law students. The unit is the only practically oriented dispute resolutions unit offered fully online at an Australian University. The intensive format of the unit with course content largely covered in a two week online intensive block increases the availability and attractiveness of the course for students who prefer this mode of study. The unit is practical in nature and accordingly does not have an externally invigilated exam but instead has practical assessments which build the case file. In addition, the unit develops useful and practical mediation skills that can be applied broadly, in the practice of law as well as in business and community contexts (Douglas & Johnson 2008 p. 95). These factors cannot on their own, however, explain the high growth

in student numbers in the year following the redevelopment of the unit. The satisfaction surveys suggest that word of mouth endorsement has led to some of the increased enrolments in this elective unit.

In 2012 and 2013 the participation satisfaction questionnaire was replaced with an ethics approved qualitative survey for use in a longitudinal study. In 2012 responses were received from 20.89% of students (28/134). While continuing to receive highly positive feedback on the unit, its popularity and the subsequent growth in student numbers impacted on the effectiveness of the pedagogical approach. The student responses indicated a sense of frustration with the inability of the lecturer to keep up the pace of synchronous lecturer interaction simultaneously with multiple student groups during online role-plays. The growth in numbers in the Dispute Resolution unit after the redesign of the unit highlights some challenges in developing connected, innovative and interactive learning online. The pedagogy employed in the unit was highly effective in 2011, the year it was introduced. When student enrolments grew to over 100 the following year it became clear that the pedagogy was not suitable in its current state for large groups. With large numbers, the speed of role-play interactions was beyond the capacity of the lecturer to control and facilitate in real time, thus diminishing the opportunity for expert participation and modeling. The dilemma was then to restrict the enrolment numbers or redesign the unit. The compromise was to use tutors to facilitate 3 streams of students.

While the technology held up with the increase in student numbers, glitches with technology did occur along the way. A full time technical expert and advisor worked alongside the lecturer for the duration of the development and for each of the intensives but this may not always be the case. With respect to the design, implementation and sustainability of innovative online environments while much is possible, a high level of technical support and lecturer expertise is needed to bring the possibilities to fruition and to sustain them over time.

Conclusion

With the pace of technological development occurring at a faster rate than the development of new pedagogies there is a risk that the use of new technologies in higher education will not live up to the potential for connected, innovative and interactive learning experiences and environments. The Disputes Resolution unit at CDU, however, demonstrates that at the point where theory, pedagogy and technology intersect to influence online learning design the possibilities afforded by new technologies can be realised. In this unit, interaction takes place between internal and external participants in practical and interactive role-plays in a synchronous online environment. The nature and structure of the learning activities build a connected community of practice between the participants and lecturer. The development of new software and the increasing speed and allocation of internet bandwidth allows the seamless audio and visual interactions to take place in the Disputes Resolution between internal and external participants. Despite some concerns with the sustainability of learning innovations that require high levels of technical support, it is clear that technology is providing opportunities for innovative online teaching practices in higher education.

References

- Brown, R. E. (2001). The process of community building in distance learning classes. *Journal of Asynchronous learning networks*, 5(2), 18-35. <https://doi.org/10.24059/olj.v5i2.1876>
- Charles Darwin University (2013) Online Students CDU Law 20130628v2-DRAFT. Spread sheet for internal use only.
- Douglas, K. & Johnson, B. (2008). The online mediation fishbowl: Learning about gender and power in mediation. *Journal of the Australasian Law Teachers Association*, 1(1&2), 95-107.
- Douglas, K. & Johnson, B. (2010). Legal education and E-Learning: Online fishbowl role-play as a learning and teaching strategy in legal skills development. In *eLaw Journal: Murdoch University Electronic Journal of Law*, 17(1).
- Foucault, M. (1977). *Discipline and Punish: The birth of the prison*. Vintage
- Herrington, J. Reeves, T.C. & Oliver, R. (2010). *A guide to authentic e-learning*. New York, Routledge.
- Korthagen, F.A. J. (2010). Situated learning theory and the pedagogy of teacher education: Towards an integrative approach to teacher behavior and teacher learning. *Teaching and Teacher Education*, 26(1), 98-106. <https://doi.org/10.1016/j.tate.2009.05.001>
- Lave, J. & Wenger, E. (1991). *Situated Learning: Legitimate Peripheral Participation*. New York: Cambridge University Press. <https://doi.org/10.1017/CBO9780511815355>
- Light (2006). Situated learning in an Australian surf club. *Sport Education and society*, 11(2), 155-172.
- McLoughlin, C. & Luca, J. (2006). Applying Situated learning theory to the creation of learning environments. to enhance socialization and self-regulation. In T. Herrington and J. Herrington (Eds.), *Authentic Learning Environments in Higher Education*. Hershey; Idea Group Inc.

- Parish, K. (2011). Flexible, Blended and Intensive Learning in law. In S. Kift, J. Cowley, M. Sanson & P. Watson (Eds.), *Excellence and innovation in legal education*. Chatswood: Lexis Nexis.
- Ramsay, I. (2011). Intensive Teaching in Law Subjects. U of Melbourne Legal Studies Research Paper No. 523. <http://ssrn.com/abstract=1743865>

Author contact details: Darryl Saunders, Email: darryl.saunders@cdu.edu.au
Alison Reedy alison.reedy@cdu.edu.au

Please cite as: Saunders, D. & Reedy, A. (2013). Understanding our present: teaching disputes resolution through online role-play. In H. Carter, M. Gosper and J. Hedberg (Eds.), *Electric Dreams. Proceedings ascilite 2013 Sydney*. (pp.796-800). <https://doi.org/10.14742/apubs.2013.1425>

Copyright © 2013 Darryl Saunders & Alison Reedy

The author(s) assign to ascilite and educational non-profit institutions, a non-exclusive licence to use this document for personal use and in courses of instruction, provided that the article is used in full and this copyright statement is reproduced. The author(s) also grant a non-exclusive licence to ascilite to publish this document on the ascilite web site and in other formats for the *Proceedings ascilite Sydney 2013*. Any other use is prohibited without the express permission of the author(s).