

Approach to Learning undertaken by Undergraduate Distance Learning Students in Law

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(This is an edited version of a much longer report—please contact the authors for details of the full text.)

Background and rationale

The largest cohort of students taught by the School of Legal Studies at the University of Wolverhampton is that studying on the LLB by Distance Learning (DL) students, up to 1000 in number, spread across approximately 75 countries, with the largest concentration being situated in Hong Kong, Bangladesh and the Caribbean respectively. Although there is an established system of academic and pastoral support, many students undertake their studies without resorting to direct contact with academic staff.

DL students, with two exceptions, study the same modules as their campus-based counterparts attending the University of Wolverhampton. Unlike the latter, their opportunity for contact with academic staff is limited, although where student numbers justify it, DL students are given the opportunity to attend bi-annual study workshops, which are currently delivered in London and Hong Kong by a specialist team. Students may also obtain academic guidance by submitting written queries to staff by post or e-mail. Most students, however, rely solely on the printed teaching materials provided on commencement of the study of a module¹.

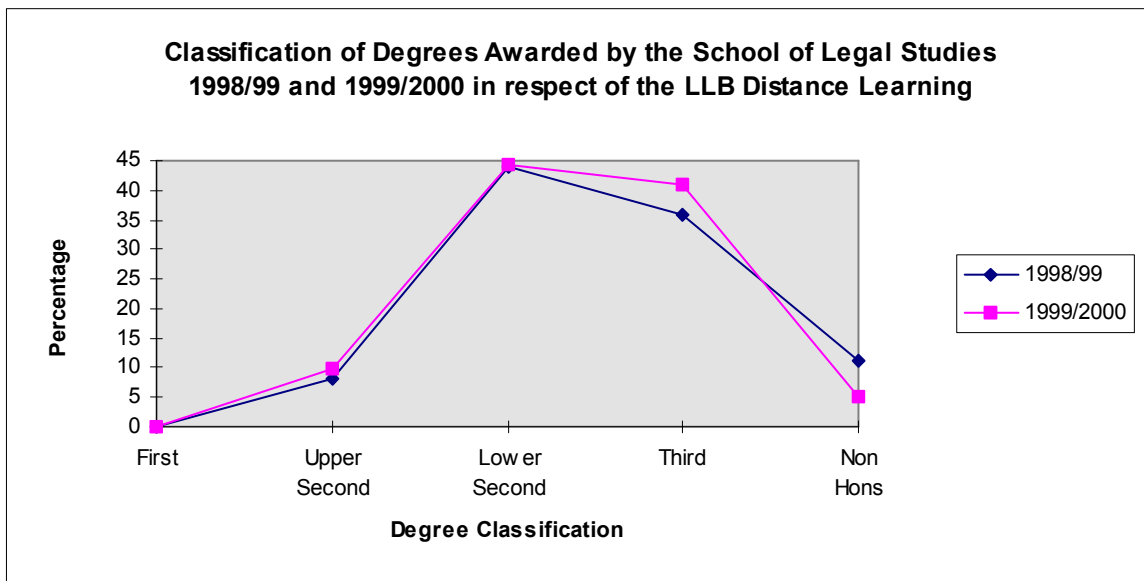
Assessment at the three undergraduate levels is uniform across the programme and differs from that applied to campus-based students. DL modules are assessed by a standard format unseen examination, unlike the diversity of approach to be found in respect on the modules delivered on campus. Although it is a facility taken up only by a minority, DL students are given the opportunity to undertake formative assessments.

Prior to this research project no systematic attempt² had been made to establish how DL students approach their studies. Whilst the format of distance learning teaching *materials* has not changed since 1991, a review in 1998 led to significant changes in respect of assessment practice, the structure of the academic year and the credit volume of contributing modules. The assessment regime changed from one which had previously utilised both coursework and unseen examinations to one where students at all levels were assessed solely by examination. Modules were also reduced from a unit size of 30 to 15 credits and the academic year was re-structured to achieve three equally spaced assessment points in January, May and September, giving an added element of flexibility which is of considerable value to DL students. That review also saw the introduction of modules defined by learning outcomes, and a change in the format of the London and Hong Kong programme component delivered by travelling teachers, from a focus on providing revision sessions concentrating on substantive law to study workshops containing the skills needed to succeed in the study of law³.

These and associated changes were intended to enhance the opportunities for DL students to gain a deeper understanding of the material they were learning, rather than being forced to rely on memorisation and mechanical reproduction. The research project provided an opportunity to gain an insight into the efficacy of these changes in view of practitioner based evaluation being recognised as an important basis for developing quality and improving learning in distance education⁴.

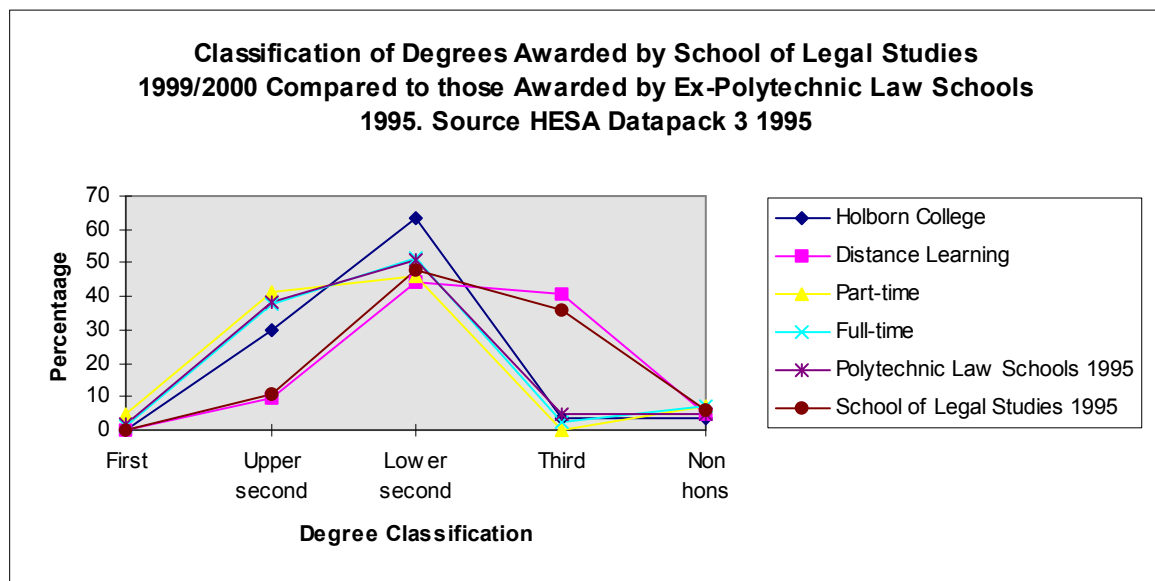
One of the problems faced was that the extent and quality of data available to support an evaluation of the DL degree has always been in rather short supply. Taken over a recent two year period, the available information shows consistency in the degree classification awarded to distance learning students (see table 1).

Table 1



When this is compared to the School’s other undergraduate cohorts, DL students can be seen to be performing at a lower level (see table 2), being less likely to be awarded an upper second class degree and more likely to obtain a third class degree.

Table 2



In addition, when average module grades are calculated for each of the School’s undergraduate cohorts, those for DL students are the lowest of the six cohorts concerned (see Table 3). It is to be noted that the improvement in the average module grade for DL students moved from a fail (4.54) to a pass (5.52) in the year (1998) in which the changes referred to above were implemented.

Table 3

Average Module Grades			
Cohort	97/8	98/9	99/0
1. Full time students studying on the Wolverhampton Campus of the University	7.10	7.77	7.35
2. Part time students studying on the Wolverhampton Campus of the University	5.48	7.31	8.27
3. LLB (Hons) by Distance Learning students	4.54	5.52	5.18
4. Full time students studying on the franchise of the LLB (Hons) course to Holborn College, London	6.68	7.36	6.71
5. Part time students studying on the franchise of years 1 and 2 on the LLB (Hons) course to Wigan and Leigh College	9.31	8.96	8.12
6. Students studying Criminal Justice as single or joint honours	-	8.31	8.44

It was, therefore, thought appropriate to undertake research into how DL students approach their study. This, together with the information to be gained from internal university audit of the programme against the Quality Assurance Agency's Guideline on Distance Learning⁵ could then be used to inform the future development of the LLB by Distance Learning.

Taxonomy and research

In undertaking this project, consideration was first given to the most appropriate methodology to use. It was decided for domestic developmental reasons that it would be more appropriate to utilise expertise gained from the participation of the School during the academic year 1990–91 in the 'Improving Student Learning' project⁶, which utilises the SOLO taxonomy⁷.

Drawing upon an earlier report⁸ the School's previous project identified as a key feature of the quality in student learning:

*'...the difference between attempting to memorise the subject matter and attempting to understand and apply knowledge—and the role of teaching and assessment methods in influencing the quality of student learning.'*⁹

The criteria used to assess and measure this were originally developed through interview studies carried out by Marton and Saljo in 1976 and again in 1984¹⁰. Students who adopt a surface approach to learning have a propensity to reduce what is learnt to a series of facts, which are then memorised and subsequently reproduced in a similar format as their response to assessment. Those who adopt a deep approach make an attempt to understand what they have learnt and provide evidence that they have made connections between the separate components of the areas of knowledge they have been studying.

Whilst students may successfully adopt both surface and deep approaches to learning and may be rewarded for the adopting the former, the level of understanding associated with the former is considered to be considerably less than that obtained from a deep approach. It is less likely that a student adopting a surface approach will gain a real understanding of the material being studied which s/he can go on to use in a creative manner. Gibbs states that they are likely to produce work which consists of a series of unrelated components, rather than work which can be characterised as multicultural or relational. In respect of the latter the components are integrated into a coherent structure or involve development beyond the immediate area of study¹¹:

*'...it is very unlikely that a student who takes a surface approach will gain a full understanding of a concept, an overview of a topic, a grasp [of] the main ideas in a chapter, be able to distinguish principles from examples, write an essay with a logical argument, or recognise the key ideas in a lecture.'*¹²

Course design is not the only determinant of how students approach their studies. Many features of DL study may be considered to be associated with a surface approach to learning. Students, the majority of

whom are combining their studies with full-time employment and family responsibilities, are faced with a demanding and heavy study workload. Each 15-credit module undertaken should involve a minimum time commitment of 150 hours, and they may study up to four modules at any one time. For the majority of DL students there is no class contact at all, and even for those able to attend study workshops time for face to face tuition is minimal. This can be a cause of anxiety as they have to place primary reliance on their own time and study management skills. There is inevitably a considerable volume of material to be read and understood, not to mention inwardly digested, and many students are studying in a second or subsequent language. The use of unseen examination, although mitigated by the fact that one question is set on a pre-disclosed area of study¹³ and students have the opportunity to refer to casebooks, textbooks and up-dating materials during the examination, may nevertheless still be perceived as threatening and anxiety-provoking. Factors such as these do not necessarily determine that students will inevitably take a shallow approach, but might well tend to mitigate towards it.

It should be borne in mind that other factors might come into play. It is not every student by any means who studies for the love of it and wishes to acquire a deep understanding. Within some cultures the fact of studying law may provide a certain status, and for many students the speed of acquiring a law degree may take a higher priority than the standard of degree obtained. There is scope for further research on cultural and other factors that would have a bearing on the content, delivery and assessment of the DL degree.

Certain features of the LLB by Distance Learning could be considered to be associated with a deep approach. One of these factors is the absence of class contact hours. Another is the motivation that underpins and often defines the reason why a student is undertaking distance learning. DL students are typically undertaking study of an LLB because of a desire either to enhance their current skills and knowledge or achieve a career change and many are well qualified senior status students already firmly established in alternative careers. Additionally, their programme of study, to which they will have made a significant financial investment, is often of great emotional importance to them, and this is one of the characteristics associated with a deep approach to learning. What DL students do not usually enjoy, however, is an opportunity to interact with fellow students in the same way as their on-campus counterparts.

The deep/shallow learning factors should also be considered in the context of transactional rather than physical distance, the 'distance students feel from ...the interaction of classroom instruction'¹⁴. The isolation of students can give rise to feelings which 'have been described as promoting disengagement from the course work'¹⁵. The more that students are required to self-regulate their study the more they need to make use of metacognitive strategies¹⁶.

It was therefore considered important to determine just what approach was being taken by the DL law students. This involved the collection of both quantitative and qualitative data. The former was obtained, as it had been during the earlier project, through an application of a shorter version of the 'Approaches to Learning' Questionnaire developed at the University of Lancaster in the late 1970s, and was further investigated through interviews conducted with DL students. Given the obvious problems of establishing personal communication with DL students it was decided to focus particular attention on those attending study workshops in Hong Kong and London in the autumn of 2000 and spring of 2001.

Students' answers to the questionnaire produced 'scores' from 0–24 on three scales. The first measured what is characterised as '*strategic orientation*', a high score on which indicates competitiveness and well-organised study methods. The second measured '*reproducing orientation*', where a high score indicates a surface approach to learning. The final score, referred to as a '*meaning orientation*', indicates whether students are taking a deep approach. The questions on the form are juxta-positioned and somewhat oblique and it is not obvious to the interviewee what aspects are being addressed and how the answers given will translate on to the scales eventually obtained to assess their individual scores.

Questionnaires were completed and interviews undertaken with (for Level 1) newly recruited students in London and Hong Kong in the early part of their first year of study in 2000, and the repetition in March 2001 to ascertain whether, and if so to what extent, student approach to learning had changed. Data were also obtained for students who had progressed to study at Level 2. To supplement this

process, all undergraduate DL students were offered the opportunity to complete a questionnaire that asked them to identify improvements they would like to see in the support they received.

Outcomes

For the first batch, the Level 1 students scored higher on the achieving and meaning scales than they did on the reproducing scales. By March 2001 the position had changed and they were scoring more highly on the reproducing score, indicating a greater propensity towards a surface approach.

Level 1 Distance Learning

	Achieving	Reproducing	Meaning
Dec-00	17.73	16.99	19.64
Mar-01	16.58	18.11	17.32

That the reproducing score of the DL students increased and that the meaning score decreased are points in particular interest as an indication of how their attitude to obtaining and using legal knowledge had altered over a relatively short period of time.

The interviews conducted during December 2000 produced evidence of some students undertaking a deep approach to their studies. Examples are:

'I do not believe purely memorising everything will mean success, but rather demonstrating that we really understand the question is far more important.'

'The continuously demanding requirements for further professional development, which are necessary in my field of working as well as the end for having acquired an enhanced level of academic/professional achievement has motivated me for further studies.'

'I am inclined to think that the examiners are looking for reflecting of appropriate knowledge and answers be demonstrated in the answer papers... and are looking for demonstration of an appropriate legal understanding at individual levels of studies.'

Those interviews conducted in March 2001 tended not to produce such statements. One student indicated that what s/he was thinking about when studying was *'keeping my mind conscious to memorise the principle of law'* and added that what motivated him/her to undertake her/his studies was that *'I really want to be a holder of (an) LLB degree.'*

In respect of the Level 2/3 students who completed the questionnaire, the following scores were recorded.

Level 2/3 Distance Learning

	Achieving	Reproducing	Meaning
Dec-00	15.36	16.73	17.18
Mar-01	16.30	16.30	17.80

In these instances students achieved a higher score on the meaning scale in comparison with the reproducing scale. There is, however, a question to be asked in respect of the consistently high scores on the reproducing scale. A number of hypotheses might apply:

- DL students, by virtue of the fact that they undertake the majority of their studies in isolation and under significant time pressure, tend to place a great deal of emphasis on the memorisation of the material they read, and it might be that they prefer the certainty of being able to reproduce information they feel is accurate and correct, sometimes at the risk of not necessarily understanding it all, or at least the entirety of the context in which it appears
- The way in which module planners are structured might not sufficiently emphasise that the reproduction of legal material is not the primary objective of the assessment regime

- That law, with its focus on the mastery of cases and statutory legal principles, is one of those subjects that tends towards a surface approach to learning, risking the parroting of undisputed facts rather than the reasoning process by which justifiable conclusions are reached
- That students are not receiving an appropriate level of support in respect of study skills, to the extent that such study skills enhance and foster a tendency towards reasoned thinking
- That further thought might need to be given to assessment aspects as well as the learning materials

As this research seeks in particular to inform the format, revision and development of the module planners that guide students through their study of individual modules, it was appropriate to identify students' perceptions of this document. In response to the question '*which of the materials with which you are provided do you find most useful, and why?*' only 35% of interviewees specifically identified the module planner as the most useful document. One student who did identify it as a key document stated that '*the module planner seems to be indispensable for me to know the scope and what has to be learnt.*' Another said that '*[the module planner] tells me what I need to know and the key objectives of each chapter, and on what depth for each topic.*'

But the majority did not consider the document that defines the learning outcomes in which each student had to show competence, and indicates the expectation of examiners in respect of the area of law to be studied, to be a key document, despite what has perhaps unthinkingly been considered to be self-evidently obvious nomenclature. Many considered the textbook or casebook to be the most useful documents. In a sense one can understand why from the students' perspective¹⁷, and it is a reminder that care should be taken constantly to ask not only appropriate questions, but to phrase those questions in an appropriate way.

So far as the students' *strategic* approach to the module is concerned, this amounts to evidence of a significant misunderstanding of the relative importance of the materials provided. The module planner is specific to the LLB Distance learning; the other materials are not necessarily so, and in many instances are general texts covering generic areas of law not limited to the scope of DL law modules. Without recourse to each requisite module planner students will not receive guidance appropriate to the module they are studying. They will also not understand or even know the learning outcomes which they will be expected to achieve. If they are failing to read the planners, or to understand the significance of the information being provided therein, they are at best not making the optimum use of the study time they have available, and it would appear in some cases probable that they are not achieving grades of which they might well be capable, or worse still may end up failing the module altogether.

It would therefore seem to be imperative that course teams should pay particular attention to the importance of ensuring that module planners (or their equivalents) provide a clear guide to student learning. It has to be noted that the students who were interviewed as part of this research were selected on the basis of their attendance at study workshops run by lecturers from the university's law school. Part of the workshops involve addressing the use of the module planner as a tool to inform and guide the learning process and part recognise the more general increasing emphasis on learning to learn.

Students were also asked to identify areas in which they would wish to see improvements. Most again made little or no reference to the module planners, focussing on administrative matters. Those who did were concerned with such matters as the co-ordination of all the materials¹⁸, simplification of the language, and clear instructions of relative importance both in respect of materials and study timing. It was also clear that what academics may regard as self-evident is not always so to students. In this regime the learning project accounts for 50% of the examination marks, with a further two out of four questions required to be answered for 25% each. That ought to provide an indication of relative importance both in terms of study and examination, but it is clear from the research and the conduct of study workshops that such things still need to be spelt out whilst at the same time attempting to avoid the risk of being over-prescriptive. But the salutary conclusion here was a realisation of the importance of emphasising the true strategic as well as the study value of the module guides.

Benefits of the research

This kind of research is very useful and much to be recommended both in terms of forcing reconsideration of matters of academic principle, and in encouraging the continuing review and revision that is needed to ensure that teaching retains its relevance and appropriateness. In consequence of this particular research it has been decided that the module planners will be subject to a major review, initially at Level 1, which will involve amongst other things:

- The publication of specific module planners to support DL students (rather than combining them with other materials for more general use)¹⁹
- A reconsideration of the sequencing of material within each planner and the provision of clearer instructions to students on study order
- The provision of clear guidance on the time to be devoted to each area of law covered by a planner, both in absolute and proportional terms²⁰
- A review of the case and statute law material referred to in each planner to ensure it is commensurate with the scope and level of the module
- Provision of indicative answers to all questions provided for the purpose of diagnostic or formative assessment
- Publication of a clear statement that accompanying texts must be read in conjunction with the module planner
- The inclusion in each planner of an evaluation questionnaire which students will be asked to complete and return to the university on the completion of the module
- A rewriting of the text within module planners to ensure that they are more easily understood by the target audience

It is intended that a sample group of DL students will be asked to contribute to this process to ensure that a student perspective is maintained throughout. Other perhaps broader benefits of the research have been that:

- It has permitted the first thoroughgoing reconsideration of the approach taken to learning by DL students
- It has promoted consideration of learning and teaching issues amongst the DL course team, and brought them together to consider the practical consequential redrafting
- In addition to improvement of learning materials and assessments, students should in future directly benefit by being able to utilise their limited study time more effectively, and the overall quality of the degree should be enhanced by achieving a higher level of consistency in delivery and perhaps better grades

Evaluation and future developments

Evaluation of the outcome of the project is on-going and will be measured eventually by the extent to which the new module planners are more successful from the previous ones in finding acceptance as useful learning tools by DL students. The DL team will continue to monitor the way students approach their learning and it is hoped that further formal research into the pedagogy of distance learning will be possible²¹. It would also be informative to determine whether and if so to what extent cultural considerations impact on the ways in which students approach their studies, and how these might be taken into consideration in designing materials to be used to support students on a programme delivered across such wide geographical and cultural boundaries—some 75 countries across the world.

¹ For most modules this is standardised into a module planner, text book, case and statute book, revision work book and introductory audio tape; in addition all students receive a comprehensive annual up-date book. Students who have the facilities available to them may access the University's general learning centre and legal resources, but this is not a requirement and they can study successfully without doing so.

² There has, of course, been the usual feedback obtained for annual monitoring purposes and other random but otherwise previously uncoordinated student comment.

³ When the distance learning degree was delivered by means of 30 credit modules taught over one academic year, staff attended twice during the study period to provide review and revision lectures, the content and approach varying to some extent according to the module and time of delivery. The emphasis is now on participatory study workshops, approaches to which are still evolutionary and which comprise the subject of a separate paper currently being researched.

⁴ THORP, M (1988) *Evaluating Open and Distance Learning*. Harlow: Longman. REKKEDAL, T. (1994) *Research in distance education—past, present and future*. (<http://www.nettskolen.com/alle/forskning/29/intforsk.htm>) accessed 21 September 2001. All websites referred to in these end notes were accessed on this date, unless otherwise stated.

⁵ THE QAA FOR HIGHER EDUCATION, *Distance Learning Guidelines*, (2001) <http://www.qaa.ac.uk/public/dlg/contents.htm>

⁶ For the methodology used see GIBBS, G (1992) *Improving the Quality of Student Learning*, Technical and Educational Services Ltd., England. There is also a useful summary of the concept of deep and surface approaches to learning at UNIVERSITY OF IDAHO, COLLEGE OF ENGINEERING, *Strategies for Learning at a Distance*, <http://www.uidaho.edu/evo/dist8.html>

⁷ JACKSON, B *Evaluation of Learning Technology Implementation*, discusses the use of the SOLO taxonomy at <http://www.icbl.hw.ac.uk/lti/evalstudies/esevalimp.htm>

⁸ HMI (1989) *The English Polytechnics*, London, HMSO.

⁹ GIBBS, *op. cit.* page 2.

¹⁰ MARTON, F and SALJO, R (1976) *On qualitative differences in learning I: Outcome and process, and II Outcome as a function of the learner's conception of the task*, *British Journal of Educational Psychology*, at pages 46, 4–11 and 115–127.

¹¹ Moving from the knowledge, comprehension and application levels associated with Bloom's taxonomy towards analysis, synthesis and evaluation.

¹² GIBBS, *op. cit.* page 3.

¹³ This is characterised in the assessment regime as the 'learning project', and is meant to provide one means of encouraging distance learning students to attempt to incorporate elements of deep learning within their studies. As they are not required to submit traditional essays as part of their summative assessments, the learning project brings in a type of hybrid unseen question into the examination on a seen and guided study area.

¹⁴ BARNARD, J *Bibliography on transactional distance, Distance Education and Transactional Distance*, <http://www.asu.edu/lib/webdev/trans.html>

¹⁵ *Ibid.*

¹⁶ PINTRICH, P. R. and DE GROOT, E (1990), *Motivational and Self-Regulated Components of Classroom Academic Performance*, *Journal of Educational Psychology*, 82, 33–40.

¹⁷ Bearing in mind that the text book contains the ‘meat’ of the knowledge the need to acquire, and that the case and statute books are available to them to use during the examination; the importance of developing and adopting a strategy towards study and assessment is too often overlooked by the student.

¹⁸ This is always problematical when course and module guides, text books, case and statute books, and other materials provided all have to be kept synchronised and up to date.

¹⁹ Previously the distance learning materials had also been used by franchise students.

²⁰ Although there is already clear guidance about the University policy that students should devote some 150 hours study time to a 15 credit module, anecdotal evidence would seem to indicate that probably the majority of students spend significantly less time than this on each module, although most students do not keep an accurate record of the time spent on study.

²¹ GARRISON, R *Theoretical Challenges for Distance Education in the 21st Century: a Shift from Structural to Transactional Issues*, and SABA, F *Research in Distance Education: A Status Report*, both in *International Review of Research in Open and Distance Learning*, Volume 1, No. 1, June 2000.