



# Smart Casual

## Towards excellence in sessional teaching in law

### Final Report

### Part 1: Narrative

**Lead institution**

Flinders University

**Partner institutions**

The University of Adelaide

James Cook University

The University of New South Wales

The University of Western Australia

**Project leader**

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## List of acronyms used

ADTL	Associate Dean, Learning and Teaching (also known as, Associate Dean, Education)
AUQA	Australian Universities Quality Agency
BLASST	Benchmarking Leadership and Advancement of Standards for Sessional Teaching
CADAD	Council of Australian Directors of Academic Development
CALD	Council of Australian Law Deans
ERG	Expert review group
HEA	Higher Education Academy (United Kingdom)
HERDSA	Higher Education Research and Development Society of Australasia
HERGA	Higher Education Research Group of Adelaide
LEAD	Legal Education Associate Deans Network
LMS	Learning management system
OLT	Office for Learning and Teaching
TEQSA	Tertiary Education Quality and Standards Agency
TLO	Threshold learning outcomes
UNSW	The University of New South Wales
UWA	The University of Western Australia
WAND	West Australian Network for Dissemination

## Executive summary

The Smart Casual project was designed to create and disseminate resources to address a demonstrated national need for discipline-specific professional development for sessional law teachers.

Sessional staff deliver half of Australian tertiary teaching. The quality of that teaching is crucial to student learning, retention and progress. Yet national research, as well as a needs analysis conducted as part of the Smart Casual seed project, suggest support and training for sessional teachers remain inadequate.

Law confronts specific barriers in responding to this challenge. Discipline-specific skills and content form substantial components of law curricula, which must meet nationally mandated threshold learning outcomes (TLOs) and professional admission requirements. Sessional law teachers are often time-poor legal practitioners or postgraduate researchers who bring vital experience, commitment to quality teaching and professional networks to the students they teach and the law schools in which they work. However, many are only weakly connected to the tertiary sector and levels of teaching experience and teaching qualifications vary widely. This distinctive context demands discipline-specific sessional staff training, but our needs analysis showed that individual law schools lack the expertise and capacity to provide discipline-specific professional development.

Smart Casual addressed this national need by:

- creating, trialling and evaluating an extensive program of interactive teaching development modules
- integrating strategic themes of crucial importance to the administration of justice, and hence to the law curriculum and law teaching, across all modules
- designing and delivering resources and workshops for law staff to support best practice implementation
- inviting colleagues from other countries and other disciplines that experience parallel needs for discipline-specific professional development to use the Smart Casual approach as a customisable exemplar.

Law schools across Australia vary widely in size and resources, use of online and blended learning, rural and urban settings, the nature of their programs, and student demographics. To ensure the program met the needs of sessional staff across these diverse contexts, a project team was established with members from diverse institutional types and settings. Smart Casual recruited an expert review group comprised of leading Australian and international legal educators with knowledge of a range of institutional settings.

Smart Casual built upon the strong foundation of a seed project funded by the Office for Learning and Teaching (OLT). After mapping the extent of the national need for discipline-

specific sessional teacher training in law, the seed project responded to that need by developing, trialling and evaluating three interactive professional development modules on engaging students, teaching legal problem-solving and providing feedback. The modules were designed as self-directed professional development activities for use by sessional teachers on a just-in-time basis.

Smart Casual continued the work begun in the seed project by developing and disseminating an additional six professional development modules on teaching discipline-specific skills. The new modules address:

- reading law, the foundational legal skills of case reading and statutory interpretation
- wellbeing in law for both students and sessional teachers
- Indigenous peoples and the law in Australia
- communication and collaboration in law
- critical legal thinking
- legal ethics and professional responsibility.

The topics for the six additional modules were chosen in response to the existing literature on legal education as well as the disciplinary environment in which legal education takes place: a context in which the profession, the judiciary and admitting authorities are all active stakeholders. The approach and proposed content have been endorsed by the Council of Australian Law Deans (CALD) and Legal Education Associate Deans Network (LEAD) and reflect the TLOs for law.

Smart Casual integrated a series of strategic themes of crucial importance to legal education within the professional development modules. This augmentation recognised the need for sessional staff to integrate what may be perceived as difficult and unfamiliar themes into their teaching, assessment, support and feedback roles as they develop students' capacity to work in a changing environment. Without support for teachers, the educational aims of law programs are undermined. The three seed project modules were also fully revised and updated to integrate the themes. Smart Casual consulted with academics with recognised expertise to provide specialist advice regarding each of the strategic themes embedded throughout the modules. A matrix of all nine modules and four strategic themes appears in Figure 1.

Strategic theme	Modules (seed project)			Modules (major project)					
	Engagement	Feedback	Problem solving	Communication and collaboration	Critical legal thinking	Indigenous peoples and the law	Legal ethics and professional responsibility	Reading law	Wellbeing in law
Digital literacy	→								
Diversity	→								
Gender	→								
Internationalisation	→								

*Figure 1. Integration of strategic themes across the Smart Casual modules*

Smart Casual has addressed an established national need for a law-specific professional development program for sessional teachers. Implementation has been supported by the creation of a website on which the modules are freely available. The website also provides resources designed to support law schools in disseminating the modules and implementing high-quality teaching support for sessional teaching staff.

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## PART 1

### Project context: Sessional teachers in legal education

#### Defining 'sessional' teachers

Given the range of terminology and employment structures in use nationally, Smart Casual chose to adopt the broad definition used by Debra Herbert and colleagues, and focus on 'university instructors who are not in tenured or permanent positions'.<sup>1</sup> Staff with longer-term research and teaching contracts are likely to have access to more of the benefits that come with a balanced role and less precarious employment conditions: benefits that usually include access to professional development.

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

The project recognises that staff who are employed on a sessional basis undertake a wide variety of roles in law schools. However, Smart Casual focused on providing professional development in relation to teaching. The modules recognise that sessional teachers may not have the autonomy to establish curriculum or set assessment, though some sessional teachers will also be undertaking these roles.

#### The challenge: An increasingly casualised workforce

The higher education system is one of the most casualised industries in the Australian economy.<sup>5</sup> The massification of the Australian tertiary sector has been accompanied by a far smaller increase in staff numbers. Where additional staff have been employed to respond to

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<sup>1</sup> D Herbert, R Hannam & D Chalmers, *Enhancing the training, support and management of sessional staff*, Australian Association for Research in Education, Canberra, 2002.

<sup>2</sup> A Percy, M Scoufis, S Parry, A Goody & M Hicks, *The RED report, recognition – enhancement – development: the contribution of sessional teachers to higher education*, Australian Learning and Teaching Council, Sydney, 2008.

<sup>3</sup> J Cowley, 'Confronting the reality of casualisation in Australia. Recognising difference and embracing sessional staff in law schools', *Queensland University of Technology Law and Justice Journal*, vol. 10, no. 1, 2010, pp. 27, 28–9.

<sup>4</sup> Cowley, p. 29.

<sup>5</sup> This phenomenon is international and perhaps even more pronounced in the UK: C Bryson & R Blackwell, 'Managing temporary workers in higher education: still at the margin?', *Personnel Review*, vol. 35, no. 2, 2006, pp. 207, 208.

rising student numbers, they have primarily been employed on a sessional basis.<sup>6</sup> A significant percentage of academic staff are now sessional employees<sup>7</sup> and non-permanent staff are undertaking up to half of all teaching in Australian higher education.<sup>8</sup> Some researchers suggest that ‘on a head-count basis, [sessional] staff comprise over 60 per cent of all academic staff’.<sup>9</sup> This is a sector-wide phenomenon; all universities rely heavily on casual teaching staff. This is also true of law schools.<sup>10</sup> The work of sessional staff in law now extends well beyond those activities traditionally within the ambit of sessional ‘tutors’ whose job has been to provide small group teaching to complement lectures delivered by permanent staff.

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

Many sessional teachers in law are members of the profession,<sup>11</sup> though it appears to us that this is uneven across institution types. Practitioner–educators have an important role in legal education, as they do in many other disciplines. They have the valuable capacity to deploy their professional experience and knowledge to help students develop reflective

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<sup>6</sup> H Coates, IR Dobson, L Goedegebuure & L Meek, ‘Australia’s casual approach to its academic teaching workforce’, *People and Place*, vol. 17, no. 4, 2009, pp. 47, 48–9.

<sup>7</sup> Junor estimates that 40% of academic staff are employed on a sessional basis: A Junor, ‘Casual university work: choice, risk, inequity and the case for regulation’, *The Economic and Labour Relations Review*, vol. 14, no. 2, 2004, p. 276, citing J Buckell, ‘Fixed-term drift halted’, *The Australian Higher Education Supplement*, 17 December 2003, p. 179. Coates et al. suggest casual staff increased from 12.6% of all teaching staff in 1989 to 22.2% in 2007. May, Peetz and Strachan surveyed 19 universities in 2011 and found that on a headcount basis, 49% of all academic staff and 53% of all teaching and research academic staff (excluding research-only/research-intensive staff) are sessionally employed: R May, D Peetz & G Strachan ‘The casual academic workforce and labour market segmentation in Australia’, *Labour and Industry: A journal of the social and economic relations of work*, vol 23, no. 3, 2013, p. 258. The Tertiary Education Quality and Standards Agency (TEQSA) found that casual staff made up 22% of the academic staff employed at Australian universities in 2012: Tertiary Education Quality and Standards Agency (TEQSA), *Statistics Report on TEQSA Registered Higher Education Providers*, 2014, viewed 13 January 2017, <<http://www.teqsa.gov.au/news-publications/statistics-report-teqsa-registered-higher-education-providers>>.

<sup>8</sup> Percy et al., p. 3.

<sup>9</sup> R May, G Strachan, K Broadbent & D Peetz, ‘The casual approach to university teaching: time for a re-think?’, in K Krause, M Buckridge, C Grimmer & S Purbrick-Illek (eds.) *Research and development in higher education: reshaping higher education: refereed papers from the 34th HERDSA Annual International Conference, 4–7 July 2011, Gold Coast, Australia*, 2011, p. 188. Rothengatter and Hill explain that ‘given the high turnover of casual academic staff and the absence of complete records, we may never know the precise number—FTE or otherwise—of those who pass through the university system’. They argue that collection of data about the number of casual academic employees at universities is often ‘shoddy and incomplete’ and casual employment is calculated on a full time equivalent basis by universities which does ‘not allow for a clear picture in relation to how many casual staff actually work in universities at any given time’: M Rothengatter & R Hill ‘A precarious presence: some realities and challenges of academic casualisation in Australian universities’, *Australian Universities Review*, vol. 55, no. 2, 2013, pp. 51, 52.

<sup>10</sup> Department of Education, Employment and Workplace Relations (DEEWR), *Review of Australian Higher Education: Final Report*, DEEWR, Canberra, 2008, report prepared by D Bradley, P Noonan, H Nugent, B Scales; viewed 13 January 2017,

<[http://apo.org.au/files/Resource/higher\\_education\\_review\\_one\\_document\\_02.pdf](http://apo.org.au/files/Resource/higher_education_review_one_document_02.pdf)>; Cowley, p. 28.

<sup>11</sup> Cowley, pp. 37–9; Junor, pp. 286.

practice and bridge the gap between the academic and professional worlds.<sup>12</sup> However, professional expertise does not guarantee an individual has the skills required to be an effective teacher.<sup>13</sup> Sessional law teachers may have limited teaching qualifications and little teaching experience. Despite this, they are ‘often marginalized in terms of their access to professional development programs’.<sup>14</sup>

### Professional development opportunities for sessional staff

Several national projects have emphasised the need for, and lack of provision of, high-quality professional development opportunities for sessional staff. The 2003 Australian Universities Teaching Committee-funded Training, Support and Management of Sessional Teaching Staff project identified a widespread lack of ongoing professional development and support for sessional teachers.<sup>15</sup> The 2008 *RED report* found that the inadequate level of leadership and management of sessional teachers by course coordinators jeopardises the quality of the student learning environment.<sup>16</sup> This led to the 2011 Australian Learning and Teaching Council-funded Coordinators Leading Advancement of Sessional Staff and Benchmarking Leadership and Advancement of Standards for Sessional Teaching (BLASST) projects.<sup>17</sup>

Despite these projects, there is evidence that support and training for sessional teachers remains inadequate in the view of both supervisors and sessional teachers.<sup>18</sup> In terms of support, Suzanne Ryan and her colleagues’ research summarised a variety of forms of exclusion from conditions and benefits, as well as workplace and infrastructure support, experienced by sessional teachers in Australia.<sup>19</sup> They include underpayment, poor management, unpredictability of work and delayed access to infrastructure including

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<sup>12</sup> J Chan, ‘The use of practitioners as part-time faculty in postsecondary professional education’, *International Education Studies*, vol. 3, no. 4, 2010, p. 36.

<sup>13</sup> C McCormack & P Kelly, ‘How do we know it works?: Developing and evaluating a professional development program for part-time teachers’, in F Beaton & A Gilbert (eds.), *Developing effective part-time teachers in higher education*, Routledge, London, 2013, pp. 94, 106; Y Salamonson, EJ Halcomb, S Andrew, K Peters & D Jackson, ‘A comparative study of assessment grading and nursing students’ perceptions of quality in sessional and tenured teachers’, *Journal of Nursing Scholarship*, vol. 42, no. 4, 2010, pp. 423, 424.

<sup>14</sup> Salamonson et al., p. 424.

<sup>15</sup> Australian Universities Teaching Committee (AUTC), *Training, Support and Management of Sessional Teaching Staff: Final Report*, Teaching and Educational Development Unit, University of Queensland, St Lucia, 2003.

<sup>16</sup> Percy et al.

<sup>17</sup> G Lefoe, D Parrish, J Malfroy & J McKenzie, *Subject Coordinators Leading Professional Development for Sessional Staff Final Report*, Australian Learning and Teaching Council, 2011; K Luzia & M Harvey, ‘The BLASST guide: Benchmarking with the sessional staff standards framework’, 2013, viewed 13 January 2017, <[blasst.edu.au](http://blasst.edu.au)>.

<sup>18</sup> This is supported by the data obtained from a survey of sessional law academics employed at the University of Adelaide, Flinders University and University of Western Australia which was conducted as part of the Smart Casual seed project. See the summary below. D Davis, B Perrott & LJ Perry ‘Insights into the working experience of casual academics and their immediate supervisors’, *Australian Bulletin of Labour*, vol. 40, no. 1, 2014, p. 46; J Leigh, ‘“I still feel isolated and disposable”: perceptions of professional development for part-time teachers in HE’, *Journal of Perspectives in Applied Academic Practice*, vol. 2, No. 2, 2014, p. 83; K Higgins & RE Harreveld, ‘Professional development and the university casual academic: integration and support strategies for distance education’, *Distance Education*, vol. 34, no. 2, 2013, p. 189.

<sup>19</sup> S Ryan, J Burgess, J Connell & E Groen, ‘Casual academic staff in an Australian university: marginalised and excluded’, *Tertiary Education and Management*, vol. 19, no. 2, 2013, pp. 161, 165.

internet access and library resources. There is also evidence of continued widespread lack of access to opportunities for developing teaching practice and of payment for sessional teachers undertaking professional development.<sup>20</sup>

This problem is not unique to Australia, nor to the discipline of law; it is recognised around the world in a wide variety of tertiary institutions and across disciplines.<sup>21</sup> Finding a solution is complicated by the fact that different disciplines have varying expectations of sessional staff. It is 'not one size fits all when it comes to the professional development of sessional teachers'.<sup>22</sup> In law specifically, sessional staff need to be able to teach discipline-specific skills and content to students, some of whom are destined for a socially-bound profession.

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

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

A Smart Casual seed project survey found that despite their interest in and willingness to undertake professional development, sessional staff from the participating institutions, The University of Adelaide, Flinders University and The University of Western Australia, were not engaged in professional development because:

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<sup>20</sup> P Knight, D Baume, J Tait & M Yorke, 'Enhancing part-time teaching in higher education: a challenge for institutional policy and practice', *Higher Education Quarterly*, no. 61, 2007, p. 420; Davis, et al., p. 46. In one small study, 'Only 16% of respondents reported having been paid to attend training and development sessions. Furthermore, more than 60% of respondents had not received any formal evaluation or relevant feedback on their work': A Nadolny & S Ryan, 'McUniversities revisited: a comparison of university and McDonald's casual employee experiences in Australia', *Studies in Higher Education*, vol. 40, no. 1, 2015, pp. 142, 149–50. In a National Tertiary Education Union study of casual staff, 51% of respondents had attended 'staff development or training' but only 57.8% of these were paid for attending: National Tertiary Education Union (NTEU), *Casual Teaching and research staff survey 2012: summary of key results*, 2012, viewed 13 January 2017, <<http://www.nteu.org.au/library/view/id/2568>>.

<sup>21</sup> B Tompkinson, 'Supporting part-time and other teaching staff: who are they and why are they important', in F Beaton and A Gilbert (eds.), *Developing effective part-time teachers in higher education*, Routledge, London, 2013, pp. 21, 30.

<sup>22</sup> B Bevan-Smith, J Keogh & B D'Arcy, 'Determining the support needs of casual academic staff at the frontline', in F Beaton and A Gilbert (eds.), *Developing effective part-time teachers in higher education*, Routledge, London, 2013, pp 34, 36.

<sup>23</sup> Tertiary Education Quality and Standards Agency website: <http://www.teqsa.gov.au/about>.

<sup>24</sup> M Harvey, 'Setting the standards for sessional staff: quality learning and teaching', *Journal of University Teaching & Learning Practice*, vol. 10, no. 3, 2013, pp. 4, 1–3.

<sup>25</sup> Tertiary Education Quality Standards Agency (TEQSA), *Regulatory risk framework*, 2012, p. 25. These risks have also been recognised in the UK, where regulatory frameworks have been created to respond to them: Bryson & Blackwell.

- there were not suitable professional development programs available, to the best of their knowledge
- they did not have time to commit to professional development
- they would not be paid for time spent on professional development activities.

This suggested that if time-effective, paid, suitable professional development resources were available, sessional teachers in law would consider using them.

### Existing development opportunities for sessional staff in law

The Smart Casual seed project surveyed Associate Deans of Learning and Teaching/Associate Deans (Education) (or equivalents) to determine the current practice of law schools around Australia with respect to training and development opportunities available to sessional teachers in law.

Of the 36 Australian law schools, a total of 25 responded, representing a 69.4% response rate.

Based on data provided by the respondents, 72% of responding universities offered formal induction programs for all sessional staff. These programs were generic rather than discipline-specific in nature. Approximately half of all sessional staff were paid to attend these induction programs (48%).

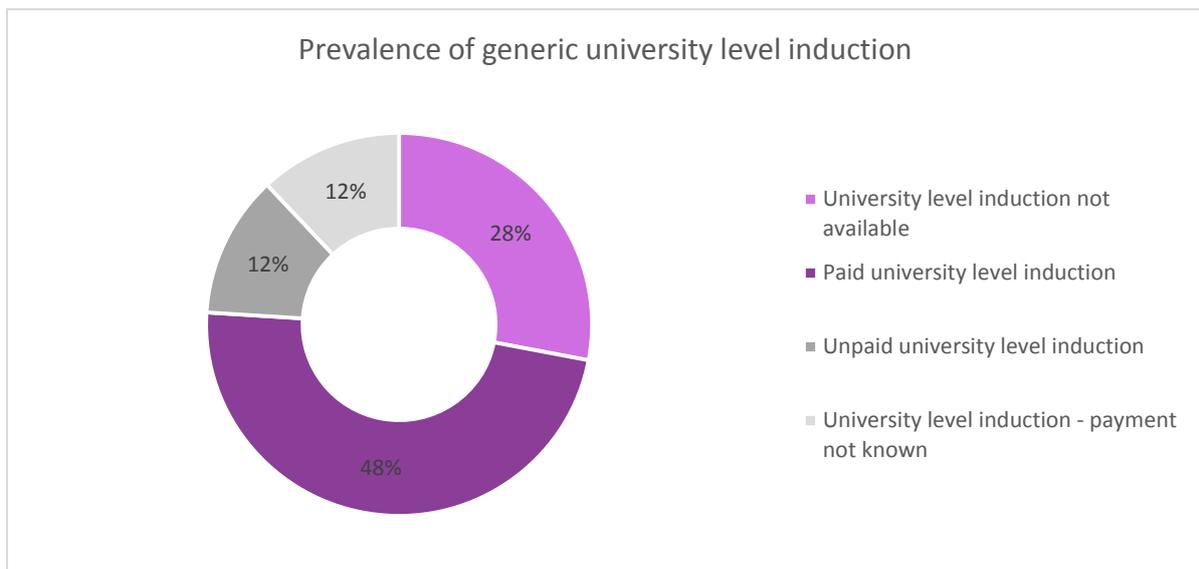


Figure 2. Prevalence of university level induction for sessional teaching staff

At the discipline level, 22 of the 25 law schools surveyed (88%) reported that some form of introductory teacher development was offered to sessional teachers by their school. However, not all development opportunities could be categorised as discipline-specific or teaching-focused. Our respondents suggested that most introductory development opportunities offered by law schools could be categorised as generic and primarily focused on administrative matters. Very little training for teaching was offered. Twelve per cent of respondents indicated that sessional staff in law had no access to any training or development.

Finally, while sessional law teachers at most institutions receive some introductory training, the provision of ongoing development and support was much less consistent. Only nine responding schools provided ongoing support and development opportunities for sessional staff. Although those opportunities were often technically available to sessional staff, our discussions with Associate Deans suggested they are not well advertised or well used, and the vast majority of sessional teaching staff are not paid for undertaking such activities.

While some institutions and some schools offer sessional teachers strong support, there are clearly gaps in provision. Despite the recommendations in the literature, discipline-specific professional development directed at improving teaching quality in law is very limited.

### What is needed

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

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

Staff development resources are of value if they contribute to the achievement of one or more of these purposes in an accessible and effective manner.

The limited evidence about student expectations indicates university students ‘expect a high-quality learning and teaching experience, delivered by teaching staff well versed in disciplinary context and teaching methodology’.<sup>27</sup> These expectations demonstrate some concordance with the research evidence about the support that sessional staff identify themselves as needing.<sup>28</sup>

Law schools and universities have their own objectives, which may overlap with what students expect and what sessional staff seek. Emerging research from outside Australia suggests that if universities want highly skilled, committed and motivated sessional staff, institutions need to demonstrate their commitment to sessional staff. The provision of high-quality professional development is one way universities and schools can demonstrate their side of a mutually-committed relationship with sessional staff.<sup>29</sup> This may be particularly important in professional disciplines such as law where retention of prestigious and skilled

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<sup>26</sup> A Gaskell, ‘Policy and practice to support part-time teachers at scale’, in F Beaton and A Gilbert (eds.), *Developing effective part-time teachers in higher education*, Routledge, London, 2013, pp. 47, 52.

<sup>27</sup> N Brown, JA Kelder, B Freeman & A Carr, ‘A message from the chalk face – what casual teaching staff tell us they want to know, access and experience’, *Journal of University Teaching & Learning Practice*, vol. 10, no. 3, 2013, p. 1.

<sup>28</sup> Bevan-Smith, et al., p. 40. See also L Wilson, ‘Welcome on board: designing support interventions to meet the real needs of new part-time lecturers’, in F Beaton and A Gilbert (eds.), *Developing effective part-time teachers in higher education*, Routledge, London, 2013, pp. 117, 128.

<sup>29</sup> Bryson & Blackwell, pp. 216–17. For recent Australian exemplars, see the approaches documented in J Banks, ‘Promoting change: professional development to support pedagogic change in sessional teaching staff’, *Procedia – Social and Behavioral Sciences*, No. 228, 2016, p. 112; G Crimmins, G Nash, F Oprescu, K Alla, G Brock, B Hickson-Jamieson & C Noakes, ‘Can a systematic assessment moderation process assure the quality and integrity of assessment practice while supporting the professional development of casual academics?’, *Assessment and Evaluation in Higher Education*, vol. 41, no. 3, 2016, p. 427.

practitioner–teachers may depend more on the relationship between school and staff member than on a purely transactional approach to sessional employment.<sup>30</sup>

Many Australian universities have invested time and resources in formulating general policies and guidelines to ensure the quality of academic instruction. Generic, systematic and coordinated institution-wide programs play an important part in supporting sessional staff.<sup>31</sup> However, university-wide programs have significant limitations if left to stand alone. According to Jacobs, '[u]niformity of practice may be administratively efficient but [it is] educationally unsound'.<sup>32</sup> Different authors provide a number of reasons for this conclusion. Boud argues that it is in the site of academic practice – the school or faculty in which a sessional teacher works – 'that academic identity is formed and is most powerfully influenced'.<sup>33</sup> Viskovic concurs, arguing that working knowledge and teacher identity develop in the discipline or teaching team.<sup>34</sup> Healey and Jenkins support a discipline-based approach to academic development because teachers must 'translate' generic forms of teaching into the culture of a discipline, and link curriculum development to a discipline's conception of knowledge.<sup>35</sup> In law, specifically, Cowley argues that engaging in a discipline-specific development program assists 'sessional academics in law to engage with the students to achieve better student learning outcomes'.<sup>36</sup> Finally, the limited research evidence that we have about the support sessional teachers themselves seek suggests that sessional teachers want discipline-specific support.<sup>37</sup>

However, the discipline-specific or generic nature of development tools is not the only factor to be considered in ensuring their effectiveness. Sessional teachers, particularly those in professional practice, may have particular requirements regarding the type of development opportunity they will actually use. Wilson has found professionals require information on an 'as-needs' basis (not supplied to them according to someone else's timetable), and want professional development to be time-efficient.<sup>38</sup>

Gaskell proposes central principles for professional development. First, development cannot be a 'one-off' event; development is an ongoing process. In addition, development should be collaborative, and encourage reflective practice.<sup>39</sup> Hamilton and colleagues argue factors

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<sup>30</sup> Bryson & Blackwell, pp. 219–20.

<sup>31</sup> Bryson & Blackwell, p. 210.

<sup>32</sup> F Jacobs, 'Using part-time faculty more effectively', in D Leslie (ed.), *The growing use of part-time faculty: understanding causes and effects*, Jossey Bass, 1999, p. 14.

<sup>33</sup> D Boud, 'Situating academic development in professional work: using peer learning', *International Journal for Academic Development*, vol. 4, no. 1, 1999, p. 3.

<sup>34</sup> A Viskovic, 'Becoming a tertiary teacher: learning in communities of practice', *Higher Education Research and Development*, vol. 25, no. 4, 2006, p. 323.

<sup>35</sup> M Healey & A Jenkins, 'Discipline-based educational development', in H Eggins & R Macdonald (eds.), *The scholarship of academic development*, Open University Press, London, 2003, cited in Viskovic, p. 325. See also L Webster, P Mertova & J Becker, 'Providing a discipline-based higher education qualification', *Journal of University Teaching and Learning Practice*, vol. 2, no. 2, 2005, p. 75.

<sup>36</sup> Cowley, p. 28.

<sup>37</sup> Bevan-Smith, et al., p. 40.

<sup>38</sup> Wilson, p. 127.

<sup>39</sup> Gaskell, p. 52. See also JL Hunzicker, 'Effective professional development for teachers: a checklist', *Professional Development in Education*, vol. 37, 2011, p. 177. Recent studies focusing on mentoring and support for sessional teachers emphasise collaboration and reflection: P Byers & M Tani, 'Engaging or training sessional staff: evidence from an Australian case of enhanced engagement and motivation in teaching delivery',

such as these confirm the need for local, discipline-specific development opportunities. As they state, because generic development programs

are offered to sessional academics at the commencement of their contracts or the teaching semester, they (necessarily) provide pre-emptive training and advice, which is encapsulated in the moment of delivery. Local approaches are also needed to address unique faculty contexts with their varied cultures, processes and practices. And ongoing, just-in-time support and advice is needed to enable inexperienced sessional academics to successfully navigate the complexities of their day-to-day teaching.<sup>40</sup>

Based on empirical work with a group of part-time university teachers, which explored how they developed their expertise as teachers, Knight and colleagues propose that effective teacher development is 'ecological', in that it is evoked by engagements with other colleagues.<sup>41</sup> This finding is echoed in the literature on communities of practice.<sup>42</sup>

The resources developed by the Smart Casual project satisfy some, but not all, of these principles. They are available on an 'as-needs' basis, so sessional teachers can use them as required. They have been designed to be time-efficient. However, in isolation the resources will not engage sessional teachers in collaborative endeavour, nor in the collegial discussions that are also important in developing teaching expertise.

We acknowledge the importance of developing situated, non-formal opportunities for connection and learning for sessional teachers. New models for supporting sessional staff in this way continue to emerge.<sup>43</sup> Yet, participants in high-quality programs that focus on support and relationship building, as well as opportunities for training and reflection, continue to produce feedback that 'sessional academics wanted more opportunity to participate in professional development, particularly teaching techniques and student engagement.'<sup>44</sup> The implementation workshops run as part of the Smart Casual project have both promoted and discovered existing and planned approaches to the use of the modules. These integrate the modules into wider, localised programs of support and development for sessional (and non-sessional) teachers in law.

We have identified a number of other significant issues that cannot be ignored when considering professional development for sessional teachers. For example, the *RED report* determined that development opportunities for sessional staff should be contextualised, accessible, mandatory and paid.<sup>45</sup>

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*Australian Universities Review*, vol. 56, no. 1, 2014, p. 13; A Bell & R Mladenovic, 'Situated learning, reflective practice and conceptual expansion: effective peer observation for tutor development', *Teaching in Higher Education*, vol. 20, no. 1, 2015, p. 24; J De Four-Babb, J Pegg & M Beck 'Reducing intellectual poverty of outsiders within academic spaces through informal peer mentorship', *Mentoring and Tutoring: Partnership in Learning*, vol. 23, no. 1, 2015, pp. 76–93.

<sup>40</sup> J Hamilton, M Fox & M McEwan, 'Sessional academic success: a distributed framework for academic support and development', *Journal of University Teaching and Learning Practice*, vol. 10, no. 3, 2013, p. 1.

<sup>41</sup> Knight, et al., p. 421.

<sup>42</sup> Viskovic, p. 323.

<sup>43</sup> See, for example: R Hews, J Yule & J Van Winden 'Sessional academic success: The QUT law school experience', *Journal of the Australasian Law Teachers Association*, vol. 7, no. 1, 2013, p. 15; Hamilton et al.; Crimmins, et al.

<sup>44</sup> Hews, et al., p. 25.

<sup>45</sup> Percy et al., p. 2, 22.

This project has produced discipline-specific resources that are designed to support the provision of contextualised development opportunities. The project team developed distribution strategies to encourage adoption of the resources by Australian law schools. These strategies are designed to help ensure the resources are accessible to all sessional law teachers. Our implementation resources for universities make recommendations for best practices for using the Smart Casual resources as part of an integrated, paid program that further addresses the professional development needs of sessional teaching staff, including providing opportunities for discussion and reflection among sessional teachers. However, ensuring the national adoption of these best practices lies beyond the scope of this project.

## Conclusion

Smart Casual's needs survey showed that discipline-specific development focusing on quality teaching is not widely available to sessional teachers in Australian law schools. The sessional teachers we surveyed indicated their willingness to engage with development that is relevant to their needs, accessible, time-efficient and flexible. National and international research offers good reasons to believe discipline-specific professional development would be of significant benefit to sessional staff and the students they teach, as well as assisting law schools and universities to meet their wider teaching quality and staff development objectives.

The research literature suggests that professional development should, wherever possible:

- be situated in context
- be ongoing rather than 'one-off'
- allow for the development of collegial connections
- be available on an 'as-needs' basis.

Smart Casual therefore set out to design and create resources which are:

- **practical** and readily applied in a teaching context
- **available as needed**, allowing sessional teachers to access and refer back to the resources as required
- as **concise** as possible, in order to maximise efficiency, without sacrificing content
- supported by purpose-designed implementation materials which support **best practice** in the use of the modules.

## Part 2

### Project approach

#### Strategic themes

The Smart Casual professional development modules **integrate a series of strategic themes** of crucial importance to the administration of justice, and hence to legal education. The themes have been integrated across the three revised modules from the seed project as well as the six new modules. This augmentation recognises and responds to the support needed for sessional staff to integrate what may be perceived as difficult and unfamiliar themes into their teaching, assessment, support and feedback roles as they develop students' capacity to work in a changing environment. The themes are:

- digital literacy
- diversity
- gender
- internationalisation.

Strategic theme	Modules (seed project)			Modules (major project)					
	Engagement	Feedback	Problem solving	Communication and collaboration	Critical legal thinking	Indigenous peoples and the law	Legal ethics and professional responsibility	Reading law	Wellbeing in law
Digital literacy									
Diversity									
Gender									
Internationalisation									

Figure 3. Integration of strategic themes across the Smart Casual modules

The themes of diversity and gender are intended to respond to longstanding criticism of law's assumptions of homogeneity. Critiques of the capacity of the law to deliver justice have focused on its exclusion of Indigenous<sup>46</sup> and gendered<sup>47</sup> perspectives, beginning in law school. Discrimination within the legal profession remains entrenched<sup>48</sup> and the embedding

<sup>46</sup> M Burns, 'Towards growing Indigenous culturally competent legal professionals in Australia', *International Education Journal*, vol. 12, no. 1, 2013, p. 226.

<sup>47</sup> Australian Law Reform Commission, *Equality Before the Law: Justice for Women: Part I*, ALRC Report 69, Commonwealth of Australia, 1994.

<sup>48</sup> A Wallace, C Harkness, L Holloway, S Hatherly & D Fase, *National attrition and re-engagement study (NARS) report*, Law Council of Australia, 2014.

of Indigenous perspectives across the law curriculum 'is yet to happen' in many schools.<sup>49</sup> Equipping graduates to read the law critically in relation to Indigenous inclusion, for example, would not only comply with the TLOs for law, which represent a consensus between stakeholders in legal education, but also align with recommendations of the *Review of higher education access and outcomes for Aboriginal and Torres Strait Islander people*.<sup>50</sup>

Likewise, internationalisation of the law curriculum goes beyond the general needs of higher education.<sup>51</sup> International law is a recognised source of Australian law, demanding a working knowledge of the global and local cultural contexts within which law operates.<sup>52</sup> While many professions require digital literacy, the practice of law faces fundamental disruption with the capacity to affect access to justice.<sup>53</sup> Legal research, client communication and legal processes are being transformed. The contemporary teacher must appreciate how legal practice might look in the future, while teaching a discipline whose educational structure and approach is rooted in the past. As curricula develop to meet these needs, sessional staff will need to be able to enhance their capabilities to engage students in these approaches to law. Further information on Smart Casual's approach to these key themes is provided in Appendix B.

### Implementation support strategies

Smart Casual's implementation strategies respond to demands for the professionalisation of the academic workforce in the context of the Australian University Teaching Criteria and Standards Framework. In line with the criteria for good practice established by the OLT-funded BLASST Sessional Staff Standards Framework<sup>54</sup>, purpose-designed implementation resources have been created to assist law schools to place the modules within a wider teacher development program. These resources include best practice implementation templates. These resources are freely available on the Smart Casual website.

### Developing the modules

Having established the need for professional development for sessional teaching staff in law, and identified best practice principles for providing professional development, the Smart Casual project designed, trialed and evaluated a series of modules.

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<sup>49</sup> A Wood, 'Law studies and Indigenous students' wellbeing: closing the (many) gap(s)', *Legal Education Review*, Vol 21, no. 2, 2011, p. 251; A Steel, *Good practice guide (Bachelor of Laws): law in broader contexts*, LEAD, 2013.

<sup>50</sup> S Kift, M Israel & R Field, *Learning and teaching academic standards project, Bachelor of Laws learning and teaching academic standards statement*, Australian Learning and Teaching Council, 2010; Department of Education and Training, *Review of Higher Education Access and Outcomes for Aboriginal and Torres Strait Islander People: Final Report*, Commonwealth of Australia, Canberra, 2012, report prepared by L Behrendt, S Larkin, R Griew & P Kelly.

<sup>51</sup> International Legal Services Advisory Council, *Internationalisation of the Australia Law Degree*, Commonwealth of Australia, Canberra, 2004.

<sup>52</sup> R French, 'Horses for courses', paper presented to the Internationalising the Australian Law Curriculum for Enhanced Global Legal Education and Practice National Symposium, Canberra, 16 March 2012.

<sup>53</sup> R Susskind, *Tomorrow's lawyers: an introduction to your future*, Oxford University Press, 2013.

<sup>54</sup> Luzia & Harvey.

The project was developed in six stages:



### *Stage 1 – Establishment*

The establishment phase of the project involved building on the research base of the seed project in order to establish the focus of the modules and themes. During this phase the underpinning structures of the project were established.

The team began by undertaking a literature-based needs analysis of proposed topics for the new professional development modules and the proposed strategic themes and developing a position paper based on this research. This paper provided a basis for engagement with the expert review group (ERG) and our partner organisations. We updated our review of the pedagogical literature on effective, sustainable systems of teacher development. We began the process of engagement with stakeholder organisations, liaised with the Australian Law Students' Association to invite them to become a stakeholder organisation (to which they enthusiastically agreed) and confirmed the membership of the ERG.

At the same time, the project team applied for research ethics approvals for conducting focus groups with sessional law teachers, developed a detailed engagement and dissemination plan, and engaged and briefed the project evaluator.

### *Stage 2 – Consultation*

The consultation phase used the position paper to engage with stakeholder organisations and with the ERG. The team sought feedback on the proposed module topics, strategic themes and implementation resources and finalised the project plan on the basis of input from the ERG and stakeholders (in particular, LEAD). Once the strategic themes were finalised, the project team identified and contracted consultants who could advise and assist in integrating the themes in all modules. In the light of conversation and negotiation with Ambelin Kwaymullina in relation to the Indigenous inclusion theme, a decision was made to add a module on Indigenous peoples and the law, establishing baseline knowledge needed for legal academics engaging with Indigenous students and with Indigenous content in the curriculum for all students, to be authored by Ambelin Kwaymullina. As a consequence, the Indigenous inclusion theme was merged within the broader diversity theme and the number of planned modules rose by one.

### *Stage 3 – Construction*

In the construction phase, the team researched and drafted five new modules on the topics finalised during stage 2. Ambelin Kwaymullina commenced construction of the Indigenous peoples and the law module. With the assistance of the theme consultants, each of whom produced a paper to inform the team's work, we worked to integrate the themes established in stage 2 across all Smart Casual modules, including the modules developed in

the seed project. Pairs of team members worked on each module, and the wider team reviewed each of the modules, offering feedback, evaluation and proposals for refinement.

Drafting of the implementation support resources and templates, drawing on input from stakeholders in both projects, began during this phase.

Once the modules were available in draft form, they were sent to ERG members with relevant expertise. In some cases, additional experts were recruited to peer review and provide feedback on the modules. This stage of the project allowed us to liaise with other OLT-funded projects on legal education, in particular 'Towards growing Indigenous culturally competent legal professionals in Australia', led by Marcelle Burns, and 'Stimulating curriculum and teaching innovations to support the mental wellbeing of university students' led by Wendy Larcombe. In each case, members of the other project team agreed to act as reviewers for the relevant Smart Casual modules and consider how they might best relate to the resources in development in associated projects.

The team finalised the modules and implementation resources and held a face-to-face meeting to discuss the strategies it would adopt to trial and disseminate the modules. This built upon the monthly online meetings that were held for the duration of the project, and provided a solid foundation for the online meetings that followed.

During this stage of the project, the team established, but did not promote, an online interactive space for sessional staff on Facebook.

#### *Stage 4 – Trial*

In stage 4, we trialled the modules at five representative institutions, which were selected to include inner urban/outer urban/regional law schools, a variety of institution types, various states and a variety of law programs. The seed project experience led us to trial the draft modules in the software in which they would ultimately be made available, Articulate Storyline, rather than using a cheaper and simpler prototype in PowerPoint, which we believed had distracted seed project trial participants from providing feedback on the content, structure, quality and utility of the modules. After distributing the draft modules to sessional staff in the representative institutions, we organised focus group sessions in which participants evaluated and provided feedback on the modules.

The focus group feedback was used to further refine the content and structure of all modules. This resulted in significant rewriting of some modules, with a focus on creating more practical examples, reducing the length of some content, and recalibrating the balance between inviting reflection and providing guidance based on research evidence and experience.

We invited participants in the trial to join the online networking space for sessional staff, and some chose to do so. However, the focus groups were predominantly critical of this space, for a diversity of reasons. Some were opposed to using Facebook, because they did not use it at all, because they saw it a personal space rather than work space, or because they found it inappropriate for creating or sustaining work-related contacts. Other participants said they would prefer contact with staff at their own institution and would

prefer a networking space through the learning management system (LMS) at their own university.

In the course of the project, there were two high profile cases of Australian academics suffering employment-related consequences for their activities on social media, and Facebook changed its privacy arrangements. This context, taken in combination with the focus group responses, caused the group to re-evaluate the proposed national online networking space. It could not be nationally available if it were set up within an institutional LMS. Any free and nationally available setting would have to use a social media platform, raising privacy concerns. Sessional teachers are some of the most vulnerable members of the academic workforce. We believed that the team would be unable to ensure that sessional staff could be protected from potential negative consequences to their present or future employment which might arise from statements made in the national networking space. Ultimately, in consultation with the OLT, we made the decision to close that space. We advised all members of the group that it would be closed at a stated future date, and closed it when the advertised date arrived.

As a result of feedback and evaluation, the team made the decision to create an additional smaller module introducing sessional staff to the scholarship of teaching and learning and proposing access points to literature likely to be of particular relevance to them. We also created a short presentation explaining the underpinning rationale for each of the strategic themes. Shared content that had been included in every module was relocated to the webpage from which all modules could be accessed, making its introductory character clear from the outset and avoiding the necessity for users of the modules to navigate through or around this material in each and every module.

Team members attended a LEAD meeting in order to run a workshop focusing on the implementation support resources and templates. We sought LEAD members' evaluation of and feedback on the draft resources, and discussed strategies for contextualising the modules in specific institutions and disseminating them effectively to all of the staff who might wish to use them. The feedback provided by the LEAD members was incorporated into the implementation resources, and members' ideas for contextualising the modules in their own situations were included in the resources as examples that others might wish to adopt.

### *Stage 5 – Dissemination*

Dissemination of project processes, findings and outcomes continued throughout the project, but reached its most important stage as the modules reached completion.

The Smart Casual project materials were presented to Australian law schools through CALD and LEAD. We also sought to share them with non-CALD providers of legal education nationally.

The project reported to CALD at one of its national meetings. CALD members were enthusiastic about the resources and produced several ideas for future projects for the team. CALD provided further feedback on what its members would hope for from the implementation resources. Team members also presented the resources to LEAD and

Council of Australian Directors of Academic Development (CADAD) at their national meetings.

Discipline-specific implementation workshops were run in Adelaide, Brisbane, Melbourne, Sydney and Perth. As the workshops rolled out, each workshop presenter aimed to learn from the experience of those who had presented already. The team will receive funding from the Law Foundation of South Australia to run face-to-face professional development workshops with sessional teachers from all South Australian law schools in Adelaide in 2017.

Members of the team presented numerous conference papers and sessions about the project throughout its duration. They included papers presented at the Chinese University of Hong Kong Teaching and Learning in Law Conference; a staff seminar at the University of the South Pacific in Vanuatu and a presentation at the Law and Society Annual Conference in New Orleans.

The Australasian Law Teachers' Association conference in 2016 took place prior to finalisation of the modules. Members of the team presented a paper on the project which created interest from Aotearoa/New Zealand as well as from LexisNexis, a major law publisher. The team will run a further discipline-specific national workshop at the Australasian Law Teachers' Association conference in Adelaide in mid 2017, which will be accessible to law schools from around Australia and beyond.

Members of the team presented several multidisciplinary workshops using Smart Casual as a showcase. One of these has resulted in a collaboration with Health Care Management on the potential for a similar project that might be taken up by a national consortium. The multidisciplinary presentations revealed a widely shared experience of casualisation as presenting multiple challenges to the tertiary education sector and in relation to professional development for sessional staff in particular. Many professional disciplines, as well as some less obviously tethered to specific professions, expressed their interest and enthusiasm for the Smart Casual approach to addressing some of these issues on a national basis.

The project team wrote multiple peer reviewed journal articles in relation to the project which will assist in its being distributed more widely. These publications are listed below on page 26.

### *Stage 6 – Evaluation*

In addition to ongoing iterative evaluation, as described on page 28, an independent evaluator, Professor Richard Johnstone, undertook an outcomes evaluation of the project. The evaluation report is included in Appendix D.

## Part 3

### Project resources and outputs

#### Modules

Building on the research conducted and modules developed in the seed project, Smart Casual developed, evaluated, disseminated and embedded an additional six professional development modules on discipline-specific skills and content. The topics of five of the modules were determined in the planning of project. An additional module, addressing Indigenous peoples and the law in Australia, was developed in the course of the project. The expert author of this module is Ambelin Kwaymullina from The University of Western Australia.

The original modules, which were fully revised and updated, focus on:

- engaging students
- providing feedback
- teaching legal problem solving.

The new modules address:

- critical legal thinking
- communication and collaboration in law
- Indigenous peoples and the law in Australia
- legal ethics and professional responsibility
- reading law, including the foundational legal skills of case reading and statutory interpretation
- wellbeing in law for both students and sessional teachers.

The modules are self-directed professional development activities with which sessional teachers can engage just-in-time and which provide an ongoing teaching resource for law schools. Each module incorporates a literature review, a guide to resources, and a toolbox of ideas for implementing pedagogical principles in legal education. Each includes short videos in which sessional teaching staff share their experiences as teachers and their high-quality practices. There is an additional short module which introduces the scholarship of teaching and learning.

The modules are freely available on our website, [smartlawteacher.org](http://smartlawteacher.org), and are also hosted on LEAD's website, [lawteachnetwork.org](http://lawteachnetwork.org) and the Department of Education and Training's website.

## Theme presentation

As the modules proceeded through trial, evaluation and feedback processes, it became clear that while the themes were integrated within the modules, they were not independently explained and their underpinning rationale was not set out in the modules. We therefore created a brief presentation designed to communicate this aspect of the project. This was not a promised deliverable but the team decided that it would be a valuable tool in concisely communicating the importance of the themes and how they are presented in the modules. The theme presentation is freely available on the project website, where it can be accessed along with the other materials that introduce users to the modules. See Appendix B.

## Implementation resources

The project's implementation strategies respond to demands for the professionalisation of the academic workforce in the context of the Australian University Teaching Criteria and Standards Framework. The project team's close relationships with CALD and LEAD, both of which endorsed the project's proposed content and approach and registered strong interest in the new modules, assisted in meeting these goals.

In line with the criteria for good practice established by the OLT-funded *Benchmarking Leadership and Advancement of Standards for Sessional Teaching* (BLASST) Sessional Staff Standards Framework<sup>55</sup>, purpose-designed implementation resources were created to assist law schools place the modules within a wider teacher development program. These resources include best practice guidelines for integrating the modules into programs of professional development, and templates to assist Deans and Associate Deans (Teaching and Learning) (ADTLs) (or equivalent) to disseminate the modules to their staff.

The implementation resources have been distributed to CALD and LEAD and are freely available on our website.

See Appendix E for examples of promotional and implementation materials.

## Implementation workshops

### *For people responsible for professional development in law schools*

Implementation workshops focused on law as a discipline and sought to engage with the staff responsible for ensuring the professional development needs of law teachers in their schools are met, often ADTLs, though precise roles and titles vary nationally. These workshops focused on showcasing the modules and setting them in the context of best practice (as described in the literature) and in the context of the quality practices of law schools already using the modules. They also invited participants to discuss how they might best contextualise the modules and make them accessible to the staff who might most value and benefit from using them.

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<sup>55</sup> Luzia & Harvey.

Implementations workshops were run (or are planned to run early in 2017) in:

- Adelaide
- Brisbane
- Cairns
- Melbourne
- Perth
- Sydney.

The workshops were facilitated by team members based in or already visiting these cities. Although enthusiasm for the project and the modules was frequently communicated by invited participants, attendance at many of the implementation workshops was low. In some cases, the team opted to arrange individual meetings rather than running group workshops.

#### *For people in other disciplines*

The project team presented at a range of multidisciplinary forums in the course of the project. Four key implementation presentations were at a UK Higher Education Academy (HEA) webinar, the national CADAD conference, the Higher Education Research Group of Adelaide (HERGA) conference and the West Australian Network for Dissemination (WAND) sharing day. At each event there was considerable interest in the project and enthusiasm for the approach being taken in the modules. The HERGA conference ultimately generated a collaboration with Health Care Management (initially, at Flinders University). In late 2016, Health Care Management commenced research among sessional staff in their discipline, using a purpose-modified version of one of the modules. They were investigating the possibility of a national collaboration to fund development of their own suite of modules.

The team also presented more focused papers to national and international conferences, including the International Society for the Scholarship of Teaching and Learning conference, the Commonwealth Legal Education Association, the Higher Education Research and Development Society of Australasia (HERDSA) conference, and the Chinese University of Hong Kong, Conference on Teaching and Learning in Law.

#### **Website and blog**

Smart Casual created a website [smartlawteacher.org](http://smartlawteacher.org) to become a repository for the modules and implementation resources. It became a simple way for people to access the modules as they became available. The site includes a blog on which we have published regular posts related to teaching in law. The website has also enabled connections with and links to other websites.

The website was established in November 2015. By the end of 2016, it had been viewed more than 2400 times by more than 1000 unique visitors. The majority of visitors to the site

were from Australia; however, there were visitors from around the world including Brazil (160 views), the UK (144 views), US (76 views) and Aotearoa/New Zealand (39 views).

### Online interactive space

One of the deliverables we proposed was an online forum hosted on Facebook. This was intended to assist with implementation and to address the need for professional development to promote collaboration and reflective practice.

The Facebook group was established and operated for some months with a number of sessional staff participating. However, changes to Facebook and feedback from participants in our focus groups suggested that Facebook might be an inappropriate context for such a forum. With OLT approval, the Smart Casual team opted to close the forum.

We initiated some alternative strategies to address the need for opportunities for sessional teachers in law to develop collegial networks and develop space for reflective practice. Some of the sessional teachers who participated in our focus groups advocated for an online space hosted on their own campus. Although this is something the project clearly could not deliver, this recommendation is reflected in the implementation resources for law schools. Options for using the modules as part of a program of professional development, with in-person or online opportunities for discussion and reflection, are also provided in the implementation resources.

### Additional research and publications

The project produced a significant number of publications in addition to the modules, website and associated project documentation. Some papers are still under preparation, several are in press, and early publications have already appeared.

The video recordings of sessional teachers speaking about their experiences of and approaches to teaching, which were made in order to be included in the modules, produced such a wealth of information and illustrations of points raised in the modules that we sought an extension of our ethics application to carry out emergent research using them together with data from the focus groups.

Some papers emerged from the process of constructing the modules and considering feedback and evaluation of the draft modules. Each module required considerable research and reflection. In some cases, collaboration between team members on this process produced a distinctive approach to the pedagogy of specific legal skills or to classroom interaction. These emergent theories of teaching are reflected in several publications. See page 26 for a list of publications.

### Disciplinary and interdisciplinary linkages

The Smart Casual resources have attracted international interest. They have been recognised as having application to law schools in other common law systems, in particular, the Higher Education Academy (HEA) expressed interest in working to build a parallel project in the UK. To facilitate future collaboration, the HEA's former Discipline Lead for Law (a senior British legal educator), and a New Zealand representative were included in the

ERG. Members of the team were invited to present a Smart Casual webinar to HEA, and this took place in May 2016. The University of South Pacific, Vanuatu is interested in modifying the modules to use in orientation for all teaching staff across levels and disciplines. BABSEACLE, an organisation that supports collaboration between Southeast/South Asia and Australia in developing university-based clinical legal education and community empowerment programs, approached Smart Casual indicating interest in its potential as part of a project tender in relation to capacity building in Myanmar. Smart Casual team members have been in discussion with the University of Manchester, Queen Mary University of London, the University of Cape Town, South Africa, the University of Portsmouth, University of Hong Kong, Chinese University of Hong Kong and Kings College, London.

Smart Casual has initiated discussion of sustainable, discipline-specific teacher development with other disciplines, using the Smart Casual project as an exemplar. The model of professional development created through Smart Casual is likely to be of value to other disciplines, though the distinctive content and skills critical to other disciplines and professions will necessarily be different. The initial focus has been upon professional disciplines facing challenges similar to those in law, such as a high proportion of sessional staff being practitioner–teachers. The project team is in conversation with teachers from other disciplines in our own institutions (including in behavioural sciences, engineering, education, accounting, nursing and medicine). They have been impressed with the quality and utility of the Smart Casual resources and can see the potential for their own disciplines to create parallel resources. In some cases, the project team has been approached by people from other disciplines, as was the case with The Australian Sociological Association.

### **Analysis of factors critical to the success of the project and factors that impeded success**

The seed project provided a strong foundation upon which to build the methodology, approach, content and disciplinary support for Smart Casual. It also allowed the formation of a strong project team, which was enlarged for the major project by including two of the members of the seed project’s Expert Reference Group.

The research undertaken for the seed project also established the national need and desire for the resources the larger project could build. The success of the seed project created confidence in the outcomes of the larger project on the part of crucial stakeholders such as LEAD and CALD, whose endorsement and support have been crucial. The imprimatur of the OLT was a valuable asset in communicating the quality and national recognition of the program to stakeholders and external organisations, including those in other countries.

The involvement of a variety of law schools at different universities – with different geographical locations, institution types, program types, and levels of resources – enabled the team, and ultimately, stakeholders, to ensure that the Smart Casual resources would be adaptable to and useful in a wide range of different settings.

The iterative approach to evaluation and feedback taken in this project meant that the resources it created were strengthened by the evaluation, expertise and experience of sessional teachers themselves as well as the ERG and the consultants who supported the project.

Each of these features of the project combined to mean that disseminating the project has been a pleasure. We were able to bring much-needed, high-quality, research-based resources to law schools that need and will use them. People working in other disciplines are nevertheless facing similar challenges and have similar needs. The evidence base for this project meeting an established need was met by the experience of having the resources welcomed and recognised as valuable in the many places we sought to publicise their existence and explain their value. The fact that they were being offered as a free solution to an unmet need was an added benefit to potential users, both institutional and individual.

The team itself has been the central strength of this project. Skilled project management ensured the project was constantly kept on track, on budget and in good humour. Regular online team meetings and preparedness to maintain online task tracking and collaboration systems have supported the ongoing work of the team through all stages. The environment of mutual support and collaboration among a team with a diversity of expertise has enabled us to create high-quality resources. It also allowed the team to weather immense changes in the lives of some team members during the life of the project while continuing to keep the project on track. The strong relationships between team members and the expertise and experience of the team as a whole has formed the ground upon which a wealth of writing for publications associated with the modules has been able to grow and develop, often in directions that could not have been anticipated at the beginning of the project. We have also had the extreme good fortune to work with and beside leaders in legal education during the project through stakeholder and ERG engagement as well as with collaborators on building the project itself. We have had extraordinary support from sessional staff, and have learned much from the time we spent talking with them about the nature of teaching and learning.

### **Insights as to how the Smart Casual approach and outcomes are amenable to wider implementation**

In the course of this project we have investigated multiple opportunities for wider implementation. We have also been approached by people from other disciplines and other countries, and people within our own discipline nationally who believe that these resources are valuable for non-sessional law teachers.

Within our own discipline, we have received requests and suggestions for a wider range of modules, addressing more topics. For example, we have had a request for a module addressing complex staff–student interactions: those which may require higher order skills and a reflective approach from staff and which may involve a disproportionate risk of complaints from students concerning staff conduct. We have had repeated proposals that the resources be made available to all staff in law regardless of the terms of their employment (the resources are, of course, freely available to anyone who may wish to use them). We have been told of schools where sessional and non-sessional law teachers alike are using the resources; where Associate Deans are recommending them to all staff; or where proposals for building staff capacity involve all staff meeting to discuss the modules after working through them. We have had proposals for a further project that would involve discipline-specific professional development for early career academics in law using the Smart Casual model.

Other disciplines approached us as the project became better known, and in the context of presentations in multidisciplinary settings. They immediately recognised features of the landscape that Smart Casual set out to address, including casualisation, the wide variety of skills and aptitudes of sessional staff entering teaching, and the need for discipline-specific professional development. The quality and accessibility of the Smart Casual approach has been widely appreciated and the desirability and efficiency of creating a national response to a national need has been well-recognised.

International responses to the project have varied widely, reflecting the diversity of contexts in which legal education occurs internationally. In some countries, casualisation is not widespread and professional development tailored to meet the needs of sessional staff is therefore of less interest. However, this is uncommon. We have spoken with academics from other countries where casualisation is marked and where the issues Smart Casual set out to address are equally evident. Academics in those countries are very interested in the model Smart Casual has created and how it might be adapted for use by sessional staff in their own contexts. However, we have also been approached by academics from countries in which discipline-specific professional development (or professional development of any kind) is unavailable for law teachers. In these contexts, we have spoken with staff who see great potential for professional development for all law teachers irrespective of the nature of their employment. We have also spoken with Australians working on development projects in which building the skills of the academic workforce is an important feature. All see immense potential in the Smart Casual approach.

In each of these contexts, the limiting factor on further application of the Smart Casual model has been the availability of funds. Even with the potential to use Smart Casual as a template, contraction of funding for tertiary education in Australia, and the limited funds available in some of the countries which have expressed interest, seriously curtails the potential for purpose-designed or suitably modified professional development on this model. We are keen to find sources of funding to continue this work and are happy to partner with other disciplines and countries where that may be appropriate.

### Links between project and other projects in OLT priority areas

As discussed above, Smart Casual has liaised with the following current OLT projects:

- Indigenous cultural competency for legal academics program<sup>56</sup>
- Stimulating curriculum and teaching innovations to support the mental wellbeing of university students
- Shaping the 21st century student experience at regional universities
- Educating diverse learners for local/global citizenship: Curriculum and pedagogical frameworks that bring global perspectives from the periphery to the core.

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<sup>56</sup> A Smart Casual team member attended the ICCLAP consultation workshop in Canberra in September 2016. The workshop provided an opportunity to identify how the two projects might work together, and to raise awareness among attendees of the Smart Casual resources.

## Part 4

### Impact: Project dissemination and evaluation

#### Dissemination

The modules and implementation resources were delivered to all Australian law schools in December 2016. A number of activities to ensure access to, and awareness of, the modules have been undertaken, and others are planned.

The modules have been circulated through both LEAD and CALD electronically. Team members have presented the final outcomes of the project and showcased the new modules at national meetings of LEAD and CALD. The project now has champions at a number of institutions nationally. A second round of electronic dissemination is planned for early in the 2017 academic year, timed to coincide with the point in time at which schools are likely to be recruiting sessional staff for 2017.

Information about the resources has also been sent to all project stakeholders and contacts. Three discipline-specific implementation workshops have already been held (Adelaide, Melbourne and Perth) while others are planned for early 2017 (Sydney, Brisbane). Several interdisciplinary implementation events have been held. Further conference presentations and workshops designed to disseminate information about the project are planned or in process. In-person dissemination opportunities are being supported through project business cards, USB drives linking directly to the online location holding the resources, and postcards (see Appendix E for examples).

Table 1. List of presentations

Date	Event	Presentation	Presenters/ authors
10 April 2015	2015 BLASST Summit: Recognising and rewarding good learning and teaching practice with sessional staff, Macquarie University	National Keynote, 'The disciplinary level: Smart Casual 2'	Natalie Skead, Alex Steel, Kate Galloway, Mary Heath, Anne Hewitt, Mark Israel
27 May 2015	Australian School of Management, Perth	'Assessment and feedback principles'	Mark Israel
13 June 2015	Staff seminar at University of the South Pacific in Vanuatu	""Smart Casual"": Promoting excellence in (sessional) teaching in law'	Natalie Skead
18 July 2015	ALTA Conference, LaTrobe University, Melbourne	'Smart casual: promoting excellence in sessional teaching in law'	Kate Galloway, Mary Heath, Anne Hewitt, Mark Israel, Natalie Skead, Alex Steel
21 September 2015	Higher Education Research Group of Adelaide conference, Adelaide University	'Smart Casual? A project to identify and respond to the needs to sessional law teachers'	Kate Galloway, Mary Heath, Anne Hewitt, Mark Israel, Natalie Skead, Alex Steel
30 October 2015	International Society for the Scholarship of Teaching and Learning conference, Melbourne	'Smart Casual: Promoting excellence in casual teaching in law'	Anne Hewitt, Mark Israel, Kate Galloway, Mary Heath, Natalie Skead, Alex Steel
2 December 2015	Law and Society Association of Australia and New Zealand conference, Flinders University, Adelaide	'Empowering engagement: Developing skills for embracing, celebrating and accommodating diversity in law school classrooms and beyond'	Kate Galloway, Mary Heath, Anne Hewitt, Mark Israel, Natalie Skead, Alex Steel
10 December 2015	Teaching Legal Analysis and Writing Skills, Melbourne Law School	'Reading Law, a module from Smart Casual: Promoting excellence in sessional teaching in law'	Alex Steel, Kate Galloway, Mary Heath, Anne Hewitt, Mark Israel, Natalie Skead
22 April 2016	Staff seminar at University of the South Pacific in Vanuatu	'Smart Casual'	Natalie Skead
2 June 2016	Law and Society Annual Conference, New Orleans	'Building teacher awareness of student learning approaches and issues: Reflections from the Smart Casual online initiative'	Alex Steel, Mark Israel, Mary Heath, Anne Hewitt, Kate Galloway, Natalie Skead
3–4 June 2016	Chinese University of Hong Kong Teaching and	'Building the capacity of sessional law teachers to	Natalie Skead, Mark Israel, Kate Galloway,

	Learning in Law Conference	meet the changing demands of legal education'	Mary Heath, Anne Hewitt, Alex Steel
5 July 2016	Higher Education Research and Development Society of Australasia Conference, Fremantle	'Fostering "quiet inclusion": Interaction and diversity in the Australian law classroom'	Mark Israel, Natalie Skead, Anne Hewitt, Mary Heath, Kate Galloway, Alex Steel
8 July 2016	Australasian Law Teachers' Association conference, Victoria University of Wellington, NZ	'A thinking, reading, problem solving nexus: the Smart Casual approach'	Kate Galloway, Mary Heath, Anne Hewitt, Mark Israel, Natalie Skead, Alex Steel
15 September 2016	UNSW Law Teaching and Learning Seminar	'How to get students to better read legal materials – ideas from the Smart Casual module'	Alex Steel, Mary Heath, Anne Hewitt, Kate Galloway, Mark Israel, Natalie Skead
22 September 2016	Higher Education Research Group of Adelaide conference, Adelaide University	'Smart Casual: Providing discipline-relevant professional development for sessional teachers'	Mary Heath, Anne Hewitt, Kate Galloway, Mark Israel, Claire Nettle, Natalie Skead, Alex Steel
26 September 2016	LEAD National Meeting, Flinders University Victoria Square Campus	'Smart Casual: Professional Development for Sessional Teachers in law'	Natalie Skead, Mary Heath
4 October 2016	Occasional Learning and Teaching Conversation, UWA	'Wellbeing in Law Smart Casual module'	Natalie Skead, Mary Heath, Anne Hewitt, Kate Galloway, Mark Israel, Alex Steel
13 October 2016	CALD	'Smart Casual'	Mary Heath, Natalie Skead
4 November 2016	CADAD Conference, Sydney	'Smart Casual: Providing discipline-relevant professional development for sessional teachers'	Alex Steel, Mark Israel, Mary Heath, Anne Hewitt, Kate Galloway, Natalie Skead
9 November 2016	HERDSA Rekindled, Western Australia	'Interaction and diversity in the Australian law classroom'	Mark Israel
Forthcoming, 22 – 23 March 2017	Commonwealth Legal Education Conference, Melbourne	'Smart Casual: Using online modules to build teacher confidence and skills'	Alex Steel, Mary Heath, Anne Hewitt, Kate Galloway, Mark Israel, Natalie Skead
Forthcoming, July 2017	XXXVth International Congress on Law and Mental Health, Prague	'Supporting the mental health of lawyers and law students'	Natalie Skead

### List of publications

**M Israel, N Skead, M Heath, A Hewitt, K Galloway & A Steel**, 'Fostering 'quiet inclusion': interaction and diversity in the Australian law classroom', *Journal of Legal Education*, vol. 66, no. 2, 2016.

**M. Israel, N Skead, M Heath, A Hewitt, K Galloway & A Steel** 'Interaction and diversity in the Australian Law Classroom', *Research and Development in Higher Education: The Shape of Higher Education*, no. 39, 2016. <https://herdsa.org.au/publications/conference-proceedings/research-and-development-higher-education-shape-higher-12>

**A Hewitt, M Heath, M Israel & N Skead**, 'Beginning to address "the elephant in the classroom": investigating and responding to Australian sessional law teachers' unmet professional development needs. *UNSW Law Journal*, vol. 38, no. 1, 2016, pp260–263. [http://www.unswlawjournal.unsw.edu.au/sites/default/files/g9\\_heath\\_hewitt\\_israel\\_skead.pdf](http://www.unswlawjournal.unsw.edu.au/sites/default/files/g9_heath_hewitt_israel_skead.pdf) and UWA Faculty of Law Research Paper no. 2015–8

### Forthcoming publications

**M Heath, K Galloway, A Steel, A Hewitt, M Israel & N Skead**, 'Feeling like a lawyer'. Submitted to *Griffith Law Review* (under review).

**K Galloway, M Heath, A Steel, A Hewitt, M Israel & N Skead**, 'Working the nexus: teaching students to think, read and problem-solve like a lawyer' (accepted for publication subject to minor revisions by *Legal Education Review*).

**A Steel, K Galloway, M Heath, N Skead, M Israel & A Hewitt**, 'Becoming a critical legal reader: achieving the fundamental skill underlying legal reasoning and writing'. Submitted to *Legal Education Review* (under review).

**A Steel, N Skead, K Galloway, M Heath, A Hewitt & M Israel**, 'Enabling professional development for sessional colleagues: reflections from the Smart Casual online initiative' (in preparation).

**M Heath, K Galloway, A Steel, A Hewitt, M Israel & N Skead**, 'Standing at a crossroads: intersectionality and Australian legal education' (in preparation).

**A Steel, K Galloway, M Heath, A Hewitt, M Israel & N Skead**, 'Threshold concepts: variation theory and legal education' (in preparation).

### Web and social media coverage

In February 2015, a Twitter account was established for the Smart Casual project: @SmartCasualLaw. In December 2016 Smart Casual had published 430 tweets and had 180 followers including law schools and legal education bodies.

*Table 2. Mentions in other social media and websites:*

Date	What	Where	URL
23 February 2015	Post: 'Helping law's sessional teachers stay on top' about Smart Casual project	Flinders News	<a href="http://blogs.flinders.edu.au/flinders-news/tag/smart-casual/">http://blogs.flinders.edu.au/flinders-news/tag/smart-casual/</a>
12 April 2015	Twitter discussion about Smart Casual Keynote at BLASST presented on Storify		
31 August 2015	Post about Smart Casual modules	Law School Vibe	<a href="https://lawschoolvibe.wordpress.com/">https://lawschoolvibe.wordpress.com/</a>
January 2016	Article about Smart Casual presentation at ISSOTL	BLASST Newsletter	<a href="http://us8.campaign-archive2.com/?u=9e8293544e0b3714c9de44d15&amp;id=7676f96653&amp;e=4ffc33f4e5">http://us8.campaign-archive2.com/?u=9e8293544e0b3714c9de44d15&amp;id=7676f96653&amp;e=4ffc33f4e5</a>
11 May 2016	Kate Galloway profiled in Centre for Professional Legal Education Newsletter (2016 issue 2). Describes Smart Casual project and includes link to website		
30 August 2016	Post on Smart Casual presentation at HERDSA conference	Law School Vibe	<a href="https://lawschoolvibe.wordpress.com/2016/08/30/interaction-and-diversity-in-the-australian-law-classroom/">https://lawschoolvibe.wordpress.com/2016/08/30/interaction-and-diversity-in-the-australian-law-classroom/</a>

### *Engagement examples*

The work of the Smart Casual project team has addressed an area of real need in advancing teaching excellence for casual teaching staff. This well-conceived project has already achieved significant progress by providing resources and initiatives backed by substantive research. The team is to be commended for their thoughtful and thorough approach.

– Associate Professor Suzanne LeMire, Dean, Adelaide Law School.

The Council of Australian Law Deans (CALD) is following the progress of this project with considerable interest as all law schools are increasingly compelled to employ sessional staff. These development sessions will benefit not only the casual staff directly involved, but also indirectly the students who may come into contact with them. The real beneficiary here is the quality of legal education which can only improve as a result of Smart Casual.

– Professor Kim Economides, Dean, Flinders Law School.

The Smart Casual project has provided a number of benefits in the critical area of enhancing the teaching skills of sessional law teachers. The utilisation of sessional staff in law schools is unlikely to decrease and therefore focusing on skill-building for this subset of teaching staff is well-justified. Not only do these teachers directly benefit from professional development but the skills and expertise can be passed on to other staff, as well as to students who may themselves become sessional tutors in the future.

– Professor Erika Techera, Dean and Head of School, University of Western Australia Law School.

Please see Appendix C for Smart Casual’s Impact plan.

## Evaluation

The Smart Casual project incorporated an iterative evaluation process. Evaluation took place at multiple stages, with multiple stakeholders. For example, the team sought endorsement for the project from CALD prior to applying for funding. In the establishment stage of the project, the team consulted with CALD and LEAD. In the consultation stage, the project team sought feedback on its position paper (informed by discussions with LEAD and CALD) from the ERG prior to finalising the topics for the new modules and strategic themes. LEAD and CALD were further informed about and consulted in relation to the implementation resources as the project neared completion.

Mechanisms for ongoing input and evaluation throughout the project included:

- input from ERG and theme consultants
- focus groups
- team member reflective practice
- feedback and questions from people attending conference, seminar and workshop presentations
- input from stakeholder organisations
- unsolicited feedback from users
- input from colleagues in other disciplines and other countries interested in drawing on the Smart Casual approach
- reviewer comments on publications.

### *Formal evaluation*

Finally, the project has been subject to formal outcomes evaluation by independent evaluator, Professor Richard Johnstone.

The evaluation report is included as Appendix D.

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