

# TELLING IT LIKE IT IS: ORAL PRESENTATIONS AND PEER ASSESSMENT FOR BUSINESS LAW STUDENTS

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## ABSTRACT

As academics, we are constantly encouraged to devise assessment tasks that engage students. Much research has been conducted into devising assessment that is *for* learning, rather than *of* learning. In three business law units over the past three years, one assessment task that has been utilised is that of an oral presentation which is assessed by the presenter's peers, and in some cases, by the tutor as well. One of the reasons this method of assessment was chosen was that having to assess your peers and be assessed by them is a realistic mode of assessment since in working environments, many of us have to present in a group and may be assessed, formally or informally, by our peers. Assessing someone else can also be one of the best ways of learning about ourselves. This paper reflects on the research with regard to peer assessment as both a formative and a summative assessment tool. It observes how the peer assessment tasks in Curtin Law School have been informed by research, and concludes that overall, peer assessment is positive for student learning, provided that it is utilised within certain well-defined parameters. It is hoped that this paper will lead to further investigation into developing a peer assessment approach that can be applied to engage students across many disciplines.

## I INTRODUCTION

Assessment can perform two different functions. It can be a tool (for both teacher and student) to evaluate student performance in a particular subject (assessment of learning). It can also however, be a learning tool in itself (assessment for learning). As Brown states, 'assessment is probably the most important thing we can do to help our students learn.'<sup>1</sup> For many students, knowing that they will be assessed on a certain topic gives them the motivation to learn as much about the topic as they can. This is further supported by Weurlander et al, who state that 'assessment sends a strong message to students about what counts as knowledge in a particular learning environment.'<sup>2</sup>

Unfortunately, at times, assessment does not adequately focus on the process of learning, and particularly on how students will learn after the point of assessment.<sup>3</sup> This means that teachers may be missing an opportunity to better prepare students for their professional lives post-graduation.<sup>4</sup> This is significant given that there is new pressure on teaching academics to

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1 Sally Brown, 'Assessment for Learning' (2004) 1 *Learning and Teaching in Higher Education* 81, 81.

2 Maria Weurlander, Magnus Soderberg, Max Scheja, Hakan Hult and Annika Wernerson, et al, 'Exploring formative assessment as a tool for learning: students' experiences of different methods of formative assessment' (2012) 37(6) *Assessment & Evaluation in Higher Education* 747, 748.

3 David Boud and Nancy Falchikov (eds), *Rethinking Assessment in Higher Education: Learning for the Longer Term* (Routledge, 2007) 3.

4 Glyn Thomas, Dona Martin and Kathleen Pleasants, 'Using Self- and Peer-assessment to Enhance Students' Future-Learning in Higher Education' (2011) 8(1) *Journal of University Teaching & Learning Practice* 1, 1.

develop forms of assessment which promote efficient learning for more students for a longer time – assessment for life-long learning.<sup>5</sup>

Therefore, the challenge of devising assessment that is inclusive and engages students is imperative.<sup>6</sup> Further, the need to ensure that learning extends beyond the completion of a subject has led to the adoption of assessment approaches that emphasise the active engagement of students in their own learning. Peer assessment, as we explain below, can play an important role in this respect.<sup>7</sup> Furthermore, active participation by students in assessment design, choices, criteria and making judgments may be a more sustainable preparation for subsequent working life.<sup>8</sup>

Three business law units within the Bachelor of Commerce at Curtin University have utilised peer assessed oral presentations as a component of each unit's assessment. In terms of the decision to assess oral communication, it has been argued that the ability to offer analysis of a situation and to communicate that analysis effectively, are professionally valuable skills. Oral assessment in a law course is therefore well suited to assessing understanding and analysis, critical thinking and the ability to construct and defend an argument — attributes that are highly valued in a legal education. In this way, deep learning can be encouraged since oral assessment can test students' ability to discuss and defend their ideas and arguments in a way which static and one-way written communication does not.<sup>9</sup> This is primarily because of the questioning and dialogue that can form part of oral assessment.<sup>10</sup> Further, it has also been suggested that oral assessment is interpersonal in a way which written assessment often is not. The foregrounding of the personal relationship can also increase motivation on the part of the student. This may simply mean that students are able to perform to a higher standard or engage with the material they are studying, in a more in-depth manner.<sup>11</sup>

The decision to utilise peer assessment of oral presentations and the design of the various peer assessment tasks under discussion in this paper was informed by the literature. This paper reflects on some of the points noted above by the scholars cited, in particular with regard to peer assessment as both a means of assessment for learning, as well as assessment of learning, and as a means of actively engaging students. To study students' perceptions of this approach, we will review eVALUate (the Curtin University student teaching evaluation report) survey data relating to students' experience of assessment in three business law units from Semester 1, 2012 to Semester 2, 2015.<sup>12</sup> These surveys were completed voluntarily and anonymously by students who wished to comment and/or reflect on their teaching and learning experiences in particular units. Specifically, the qualitative data provided in these eVALUate surveys will be used to illustrate our respective experiences of using peer assessment to assess aspects of student learning (oral communication) in each of those three units. This analysis informs our conclusions on the advantages, disadvantages and unique challenges of this form of assessment, and will enable us to determine whether the use of peer assessment advocated by the literature

5 Steinar Kvale, 'Contradictions of Assessment for Learning in Institutions of Higher Learning', in Boud and Falchikov (eds), above n 3, 5.

6 Damian Cooper, *Talk About Assessment: Strategies and Tools to Improve Learning* (Thomas Nelson, 2006).

7 Dorothy Spiller, 'Assessment Matters: Self-Assessment and Peer Assessment' (Working Paper, Teaching Development, The University of Waikato, February 2012), <[http://www.waikato.ac.nz/tdu/pdf/booklets/9\\_SelfPeerAssessment.pdf](http://www.waikato.ac.nz/tdu/pdf/booklets/9_SelfPeerAssessment.pdf)>.

8 David Boud and Nancy Falchikov, 'Aligning Assessment with Long-Term Learning' (2006) 31(4) *Assessment and Evaluation in Higher Education* 399.

9 See generally Chloe J Wallace, 'Using Oral Assessment in Law: Opportunities and Challenges' (2010) 44(3) *The Law Teacher* 365, 370.

10 Gordon Joughin, 'Student conceptions of oral presentations' (2007) *Studies in Higher Education* 323.

11 Wallace, above n 9, 370.

12 The authors obtained ethics approval to use the anonymous student comments: approval number RDBS-92-15.

as a means of promoting assessment for learning, active student engagement and enhanced communication and decision-making is in fact reflected by the students themselves.

## II PEER ASSESSMENT AS FORMATIVE AND SUMMATIVE ASSESSMENT

Whilst there are many variants of peer assessment, what they all have in common is that students provide grades and/or feedback to other students on the quality of their work. As Falchikov outlines:

Peer assessment requires students to provide either feedback or grades (or both) to their peers on a product or a performance, based on the criteria of excellence for that product or event which students may have been involved in determining.<sup>13</sup>

Peer assessment is founded in philosophies of active learning<sup>14</sup> and andragogy<sup>15</sup> and may also be seen as a manifestation of social constructionism<sup>16</sup> since it often involves the joint construction of knowledge through discourse. A key component in peer assessment is, as noted above, the fact that students receive feedback on their performance from their peers (sometimes in addition to their tutor's feedback). Receiving feedback assists students to 'monitor the strengths and weaknesses of their performances, so that aspects associated with success or high quality can be recognised and reinforced, and unsatisfactory aspects modified or improved.'<sup>17</sup> In this sense, peer assessment can be viewed as a type of formative assessment, that is, assessment which is specifically intended to generate feedback on performance in order to improve and accelerate learning.<sup>18</sup> In other words, it is assessment *for* learning. As Brew observes:

Assessment and learning must increasingly be viewed as one and the same activity; assessment must become an integral part of the learning process [...] when teachers share with their students the process of assessment – giving up control, sharing power and leading students to take on the authority to assess themselves – the professional judgment of both is enhanced. Assessment becomes not something done to students. It becomes an activity done with students.<sup>19</sup>

In contrast to formative assessment, summative assessment refers to an assessment that is designed purely to contribute to an overall grade at the end of the study unit,<sup>20</sup> that is, it is assessment *of* learning by the teacher. Peer assessment takes the form of summative assessment where it is used towards students' grades in a particular study unit. However some academics may be cautious about using peer assessment as a form of summative assessment that actually

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13 Nancy Falchikov, 'The Place of Peers in Learning and Assessment' in Boud and Falchikov (eds), above n 3, 132.

14 Nancy Falchikov and Judy Goldfinch, 'Student Peer Assessment in Higher Education: A Meta-Analysis Comparing Peer and Teacher Marks' (2000) 70(3) *Review of Educational Research* 287, 287. As to philosophies of active learning see, for example, Jean Piaget, *Science of Education and the Psychology of the Child* (Derek Coltman trans, Longman 1971) [trans of: *Psychologie et pédagogie* (first published 1969)].

15 See, for example, K Patricia Cross, *Adults as Learners: Increasing Participation and Facilitating Learning* (Jossey-Bass, 1981).

16 See, eg, Lev Vygotsky, *Thought and Language* (MIT Press, 1962).

17 D Royce Sadler, 'Formative Assessment and the Design of Instructional Systems' (1989) 18 *Instructional Science* 119, 120-21.

18 *Ibid.*

19 Angela Brew, 'Towards autonomous assessment: Using self-assessment and peer assessment' in S Brown and A Glasner (eds), *Assessment matters in higher education: Choosing and using diverse approaches* (Open University Press, 1999) 159, 169.

20 This distinction appears to have been first made by Benjamin Bloom, John Hastings and George Madaus in *Handbook on Formative and Summative Evaluation of Student Learning* (McGraw-Hill, 1971).

counts towards students' grades.<sup>21</sup> This is in part, due to concerns about the objectivity and reliability of peer assessment.<sup>22</sup> These concerns are considered later in this paper.

### III RESEARCH INTO THE BENEFITS OF AND CONCERNS AROUND PEER ASSESSMENT

A number of benefits of peer assessment have been claimed. As noted above, one of the features of peer assessment is that students are active participants in the assessment process. Student involvement in assessment appears to have been increasing in recent years, and this increase appears across the spectrum of discipline areas including science and engineering, arts and humanities, mathematics, education, social sciences and business studies.<sup>23</sup> Active involvement of students in assessment can increase engagement in the learning process and improve both short and long-term outcomes by requiring students to 'make sophisticated judgements about their own learning, and that of their peers.'<sup>24</sup> Active involvement in assessment may mean that students are more motivated in the task at hand<sup>25</sup> or the learning process in general.<sup>26</sup> It has also been found that students are motivated by peer assessment due to the desire to impress their peers.<sup>27</sup>

In addition to allowing students to be active participants in the learning process, peer assessment also provides opportunities for students to become independent learners. This is because by being 'made aware of their own learning'<sup>28</sup> and learning to judge their own performance realistically, students are able to monitor their own learning, rather than having to rely on their teachers for feedback.<sup>29</sup> Topping found that peer assessment also provided opportunities for students to help each other,<sup>30</sup> and it has been observed that some students perceive peer feedback marking to be more beneficial than traditional marking.<sup>31</sup> This perception of the value of peer feedback could be due in part to the fact that feedback is available with more immediacy than teacher feedback.<sup>32</sup> Sun et al found that peer assessment actually resulted in a 'small but significant gain in student achievement',<sup>33</sup> and Falchikov found that peer assessment enhances student learning by providing the opportunity for reflection, analysis and diplomatic criticism.<sup>34</sup>

21 Thomas, Martin and Pleasants, above n 4, 3.

22 Linda Leach, Guyon Neutze and Nick Zepke, 'Assessment and Empowerment: Some Critical Questions' (2001) 26(4) *Assessment and Evaluation in Higher Education* 293, 297.

23 Falchikov and Goldfinch, above n 14, 287.

24 Thomas, Martin and Pleasants, above n 4, 1.

25 Lorraine A J Stefani, 'Peer, Self and Tutor Assessment: Relative Reliabilities' (1994) 19(1) *Studies in Higher Education* 69, 73.

26 UNSW, *Assessment Toolkit: Student Peer Assessment*, 30 March 2015 <<https://teaching.unsw.edu.au/peer-assessment>>.

27 Stephanie A Hanrahan and Geoff Isaacs, 'Assessing Self- and Peer-assessment: The Students' Views' (2001) 20(1) *Higher Education Research and Development* 53, 63.

28 Weurlander et al, above n 2, 757.

29 Geoffrey Crisp, *The E-Assessment Handbook* (Continuum, 2007); see also Keith A Oldfield and J Mark K Macalpine, 'Peer and Self-assessment at Tertiary Level – an Experiential Report' (1995) 20(1) *Assessment & Evaluation in Higher Education* 125, 129.

30 Keith J Topping, 'Peer Assessment' (2009) 28(1) *Theory into Practice* 20, 20.

31 Nancy Falchikov, 'Peer Feedback Marking: Developing Peer Assessment' (1995) 32(2) *Innovations in Education and Training International* 175, 181.

32 Topping, above n 30, 25.

33 Dennis L Sun, Naftali Harris, Guenther Walther and Michael Baiocchi, 'Peer Assessment Enhances Student Learning: The Results of a Matched Randomised Crossover Experiment in a Student Statistics Class' (2015) 10(12) *PLOS One* 1, 5.

34 Falchikov, above n 31.

Peer assessment can also assist students to gain professional and social skills. Biggs and Tang argue that the ability to make judgments about whether a performance or a product meets given criteria, is vital for effective professional action in any field,<sup>35</sup> a view echoed by Oldfield and MacAlpine.<sup>36</sup> Topping notes that learning how to both give and accept criticism is a useful and transferable social skill.<sup>37</sup>

It has been found that students may feel anxious about oral assessment tasks and that anxiety can affect the reliability of oral assessment.<sup>38</sup> It is submitted that one benefit of peer assessment, therefore, is that it can provide an opportunity to reduce that anxiety level. It is possible that one source of that anxiety is the power imbalance between a student and teacher. As noted by Leach, teachers have traditionally been 'all-powerful' in assessment processes.<sup>39</sup> Therefore, the involvement of students challenges these traditional power relations and can give students a sense of empowerment.<sup>40</sup>

In addition to benefitting students, peer assessment can benefit the teacher. Peer assessments may be an efficient and/or inexpensive way to provide personalised feedback.<sup>41</sup> Another benefit to teachers is that peer assessment can encourage a focus on developing clear assessment objectives and purposes, criteria and grading scales.<sup>42</sup>

In addition to the benefits claimed for peer assessment, a number of concerns have been raised. As already alluded to, academics may be reluctant to use peer assessment for grading students. It seems that this reluctance may be due to concerns about the validity of peer assessment, specifically the extent to which peer assessment is objective and reliable.<sup>43</sup> However, it has been observed that in almost all studies examining the reliability of peer assessments, indications of reliability were concerned with the extent to which there was agreement between those grades given by peers and those given by teachers in relation to the same product or performance.<sup>44</sup> These studies often involve implicit assumptions that teacher assessments are reliable, an assumption that may be open to challenge particularly in respect of assessments of oral presentations.<sup>45</sup> Indeed Topping found that a peer assessor with 'less skill at assessment but more time in which to do it could produce an equally reliable and valid assessment.'<sup>46</sup> Others have found that students can make rational judgments on the achievements of their peers.<sup>47</sup> It has also been suggested that reliability is increased where assessment criteria are jointly constructed, discussed and negotiated with learners,<sup>48</sup> and research has been conducted

35 John Biggs and Catherine Tang, *Teaching for Quality Learning at University: What the Student Does* (Open University Press, 3<sup>rd</sup> ed, 2007).

36 Oldfield and Macalpine, above n 29.

37 Topping, above n 30, 24.

38 Wallace, above n 9, 369, citing L Clouder and J Toms, 'Impact of Oral Assessment in Physiotherapy Students' Learning Practice' (2008) 24 *Physiotherapy Theory and Practice* 29, 42.

39 Leach, Neutze and Zepke, above n 22, 293.

40 Although it is important to bear in mind, as Leach et al point out, that 'empowerment is not the same for everyone. A process that is empowering for some may be disempowering for others and will be resisted by them': Ibid 294.

41 Sun et al, above n 33, 23.

42 Topping, above n 30, 24.

43 Douglas Magin and Phil Helmore, 'Peer and Teacher Assessments of Oral Presentation Skills: How Reliable Are They?' (2001) 26(3) *Studies in Higher Education* 287, 288, citing various studies that consider questions of objectivity and reliability.

44 Magin and Helmore, *ibid* 288, citing Topping, above n 30.

45 Magin and Helmore above n 43, 291, note a study by Van der Vlueten et al that found that observational methods were less reliable than other forms of agreement (citing C Van Der Vlueten, G Norman and E De Graaff, 'Pitfalls in the Pursuit of Objectivity: Issues of: Reliability', *Medical Education* 25, 110-118).

46 Topping, above n 30, 25.

47 Stefani, above n 25, 69.

48 Topping, above n 30, 25.



to explore ways in which assessment criteria can be made more explicit and better understood by students.<sup>49</sup>

#### IV PEER ASSESSMENT IN CURTIN LAW SCHOOL BUSINESS UNITS: BACKGROUND

##### *A The Peer Assessment Task and Assessment Structures of Units which contain a Peer Assessment Task*

The units in which peer assessment has been adopted in the Curtin Law School are offered to students enrolled in a Bachelor of Commerce Degree and (for the most part) pursuing a business law major. They are as follows:

1. BLAW 2008 Public Relations Law – This unit is offered to second and third year Bachelor of Commerce students. It is a core unit for students in the Public Relations Major and an elective unit for other students, including those studying Business Law as a single major. The unit aims to give students a broad understanding of laws and legal issues impacting upon the practice of public relations, and covers areas of law that include contract, intellectual property, defamation, confidential information and negligence, among other things. The unit is always offered at Curtin’s Bentley campus in Perth and as a fully online unit. The unit is also offered in some semesters through Curtin partner institutions in Miri, Sarawak, Mauritius and Singapore. However the fully online students did not undertake a peer assessment task in the period covered by this paper. In this unit the relevant peer assessment task requires students to prepare a ten to fifteen minute presentation to a small group of their peers on a tutorial question assigned to them by the tutor. The assessment contributes towards 10% of a student’s final mark. The tutor does not award a mark for this particular assessment. The other assessment tasks in this unit are a written summary, addressing the same question that students presented orally (and which is assessed by the tutor only and worth 20% of the unit marks); a written assignment (20%) and a final exam (50%). The average yearly enrolment in this unit since 2012 is approximately 200 students.
  
2. BLAW 2014 Tort Liability for Business – This unit is offered to second and third year Bachelor of Commerce students and is a core unit in the B.Com Business Law Major. The unit runs in semester one of each year only, and in semester one 2015 it had 98 enrolled students. The unit aims to provide students with knowledge of fundamental tort law principles in the areas of negligence, principles of damages, intentional infliction of economic loss, defamation and trespass. The unit is always offered at Curtin’s Bentley campus in Perth and as a fully online unit. In some semesters the unit is also offered through Curtin’s partner institution in Mauritius. However, the fully online students did not undertake a peer assessment task in the period covered by this paper. As with Public Relations Law, students are required to deliver a ten to fifteen minute presentation to a small group of their peers on a tutorial question assigned to them by the tutor. The assessment contributes towards 10% of a student’s final mark. The tutor does not award a mark for this assessment task. In addition to this assignment, students prepare a written answer on the same question they presented on (worth 20% and marked by the tutor) and attempt another written assignment (20%) and a final exam (50%).

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49 Lin Norton, ‘Using assessment criteria as learning criteria: A case study in psychology’ (2004) 29(6) *Assessment and Evaluation in Higher Education* 687, 689. Norton also found that requiring students to use rubrics to assess the work of their peers also helped them to understand how those assessment criteria would be used to assess their own work.

3. TAXA 3002 Australian Tax Law Cases - This unit is offered to second year Bachelor of Commerce students. It looks at the statutory framework and case law that underpins some of the fundamental concepts in taxation, namely income and allowable deductions. The unit is always offered at Curtin's Bentley campus in Perth and as a fully online unit. As with the other units discussed, the fully online students did not undertake a peer assessment task in the period covered by this paper. In this unit, the relevant peer assessment requires students to prepare a five to ten minute presentation to three of their peers on a tutorial question assigned to them by the tutor. The assessment contributes towards 15% of a student's final mark. The other assessment tasks in this unit are a written assignment (worth 35% of a student's mark) and the final exam (worth 50% of a student's final mark). With regard to the peer assessment, the peers award the student a mark out of 15 on a series of marking criteria set out on the student's assessment sheet (these criteria are described below). The tutor also awards a mark out of 15 based on the same criteria. The two marks are then added together and the mean mark is awarded to the student for the assessment. The average enrolment since 2012 for this unit to date is 60 students.

### *B Reasons for Introducing Peer Assessment into Units*

Peer assessment was introduced into the three units outlined above by the authors of this paper who were, at the time, unit coordinators for one or more of the units. There were several reasons for introducing peer assessment into these three units, with a major consideration being the desire to see students more actively engaged in the process of learning and assessment. Two of the three units (namely Public Relations Law and Tort Liability for Business) already had oral presentations as a component of the unit's assessment structure and the unit coordinator wished to retain oral presentation as a form of assessment, not least because the development of communication skills, including oral presentation skills, is an important graduate attribute and employability skill.<sup>50</sup>

Before the introduction of peer assessments, individual students in Tort Liability for Business had presented a case summary to the remainder of the class. These presentations took place during the one hour tutorial and typically, two or three presentations occurred during the same tutorial, taking approximately 40 minutes of the one hour of class time. The presentations were assessed only by the tutor. Similarly, before the introduction of peer assessed presentations in Public Relations Law, individual students would present their answer to a case study question to the class. Again, this was assessed by the tutor only. These presentations typically took approximately half of the class time or more. Having no role to play in delivery or assessment of the presentations, those students not presenting were passive rather than active members of the class. As such, peer assessed presentations were seen as a way of encouraging students to be active rather than passive participants in the learning and assessment process, as well as ensuring that sufficient class time remained after the presentations for feedback.

Before the introduction of peer assessed oral presentations, the unit 'Australian Tax Law Cases' did not previously have an oral presentation component within the assessment structure. One reason for introducing oral assessment into this unit was to provide students with further opportunities to develop their oral communication skills, given that at that time only five units across the Business Law and Taxation majors in the Curtin Law School assessed any form of oral presentation. Depending on their course structure, students would therefore typically be assessed on oral presentation only once or twice throughout their degree. A reason for selecting a peer assessed oral communication task, rather than a group presentation for example, was to provide students with the opportunity to develop informal presentation skills, such as may be used by professionals communicating ideas to colleagues and/or clients during meetings. As

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50 Also a Curtin University Graduate attribute. Oral communication skills are a course learning objective for Curtin Business School courses.

with the units Tort Liability for Business and Public Relations Law, it was also hoped that peer assessed presentations would see students more actively engaged in the process of learning and assessment.

### *C Assessment Criteria and Determining a mark*

After a student has presented to their peers, the student moves away from the group: usually the student who has presented will leave the classroom. This enables the group to openly and honestly discuss the presentation and the marks for each section and to reach a consensus on the marks to be awarded. One member of the group will act as the chair and complete one assessment form for the student who has presented – the mark for each of the criteria, and therefore the overall mark awarded by peers, is determined by consensus. Students are instructed that they may award half marks but no smaller fractions. Students are also encouraged to provide constructive feedback comments at the end of the form. While waiting to receive their marks and feedback, the student who has presented will reflect on and self-assess their own performance against the same criteria as they are assessed on by the group. This self-assessed mark is not used for grading but allows the tutor to address any large discrepancies between what a student expects they will be awarded, and what they are awarded. This is particularly important where a student self-assesses at a mark that is higher than the mark awarded by the group, although in the experience of the authors, this is rare. This also provides an opportunity for the student being assessed to seek further feedback and clarification from the group who assessed them, in order to help them understand why they received the mark they did.

The marking criteria against which students assess their peers' oral presentations places emphasis on the demonstration of good communication skills in addition to the relevance of substantive content. In each of the three units, students mark peers on preparation, confidence and presenting style, effective address to the group, and content. Confidence and presenting style is assessed against criteria such as sufficient eye-contact, enthusiasm, and not reading out a pre-prepared answer. Effective address to the group is assessed against criteria relating to clarity of speech and how easy the student's presentation was to follow. It is also assessed on pace (not rushing) and the extent to which the presenter identifies key points. Assessment for content requires students to assess the extent to which students explained the principles of law and relevant cases in sufficient detail, demonstrated (or appeared to demonstrate) an understanding of the law and applied the principles to the facts of the case study. The marking criteria used were the same for each of the three units. They were developed by the tutors, rather than jointly with the students. However, it is noted below that a possible option for future is to develop marking criteria in collaboration with students. Where the tutor also assesses students' oral presentations, the tutor utilises the same marking criteria.

Having explained the rationale for introducing peer assessed presentations and the criteria against which presentations are assessed, we turn now to reflect on whether the design and practice of these assessments, as informed by the literature, enabled the students to achieve the key goals, namely: the active engagement of students in their own learning, the development of communication skills which will help to prepare students for their working lives, and the development of students as independent learners.

## V REFLECTIONS AND OBSERVATIONS

The authors' reflections and observations on peer assessment are informed both by their personal experiences as tutors and unit coordinators, and by student comments about peer assessment in particular (or assessment in general). The comments that have been used for the purpose of these reflections are those made anonymously by students' in the university's unit evaluation surveys that are conducted for each unit at the end of every semester, and which are submitted through



Curtin University's eVALUate system.<sup>51</sup> By reviewing the responses provided in eVALUate surveys, it is possible to analyse whether peer assessment improves the student experience.

eVALUate data was gathered from the three units in which peer assessment has been adopted in Curtin Law School, as noted above. Student feedback in eVALUate is reported in relation to eleven items, one of which relates to assessment. The items are statements with which students either strongly agree, agree, disagree, somewhat disagree, or in respect of which students indicate that they are unable to judge. For example, the statement in relation to assessment is: 'The assessment tasks in this unit evaluate my achievement of the learning outcomes.' There are no specific questions about the form of assessment, and therefore no questions that specifically evaluate student perceptions of peer assessment. Students are also invited to provide anonymous comments on aspects of a unit being measured, that they found most helpful, and on how they think that unit might be improved. In the table set out in Appendix 1, information is provided as to the semesters from which data was gathered for the purpose of this paper, the locations and modes of study for each unit, the number of students enrolled in each unit, and the percentage response rate for each unit. As noted previously, all of the units reported on, run at Bentley campus and are available fully online. In some periods, a unit is also offered at one or more of Curtin's partner institutions. For the purpose of reporting the data in this table, the results across locations and modes were aggregated. The table also indicates the percentage of students who agreed with the statement on assessment (above), and the number of comments for each eVALUate survey that related to peer assessment.

The eVALUate survey data for each unit shows that student satisfaction with the assessment statement was high (ranging from 86% to 100%). In all cases this was above the university average agreement of 85% for each of the semesters reported on (except for semester 2 of 2014, when the university average was 84%). Although students were not asked specifically about peer assessment, the overall high level of agreement with the assessment item suggests that there was overall agreement with the fact that, as a task, peer assessment evaluated student achievement of learning outcomes.

The number of student comments specifically relating to peer assessment is generally quite low. Of the total of 43 comments made specifically about peer assessment, 20 were included in the section asking students about aspects of the unit they found most helpful, and 23 were included in the section about ways the unit could be improved. From a review of these qualitative comments, three themes emerged. The first theme is perceptions as to the value of peer assessment as an assessment tool; the second is perceptions as to the value of peer assessment as a tool for engaging students in the teaching and learning process; and the third is perceptions as to the methods, process and integrity of peer assessment. A selection of those comments, grouped according to these three themes, is set out in Appendix 2. In the following section, the authors offer some reflections on peer assessment, which reflections are also grouped according to the themes.

#### *A Perceptions as to the Value of Peer Assessment as an Assessment Tool*

Students have reported that they believe peer assessments do prepare them for their life post-graduation, giving 'a real world application'. Peer assessment helps to provide students with feedback on their presentation skills which is an important part of their role as future professionals, since they mirror client or internal meetings. This accords with the observations of Boud and Falchikov<sup>52</sup> and Biggs and Tang<sup>53</sup> above. Until 2011, students in Tort Liability and Public Relations Law recorded their experiences with peer assessment in a reflective

51 Beverley Oliver, Beatrice Tucker, Ritu Gupta and Shelley Yeo, 'Evaluate: An Evaluation Instrument for Measuring Students' Perceptions of Their Engagement and Learning Outcomes' (2008) 33(6) *Assessment and Evaluation in Higher Education* 619, 619.

52 Boud and Falchikov, above n 8.

53 Biggs and Tang, above n 35.

journal.<sup>54</sup> A large number of these comments show that students genuinely saw the value of peer assessment in developing the types of communication skills they will need in the workplace. This is reflected in a number of eVALUate comments set out in Appendix 2. It appears that most students actually enjoy both delivering and assessing presentations, particularly because they rarely engage in this form of assessment task in other units – it is something different and they appreciate being more actively involved in the class and assessment process.

There appears to be a general view among students that peer assessed oral presentations help them develop their confidence in speaking in front of others, as well as developing their research skills and allowing them to gain a better understanding of a particular topic, which leads to a better quality of assessment.<sup>55</sup> Peer assessment also provides opportunities for constructive feedback. Students also appeared receptive to being given feedback from their peers in identifying areas for improvement and further study. These formative learning aspects identified by students as positive reasons for peer assessment reflect the arguments developed in favour of this method by scholars, such as Biggs and Tang<sup>56</sup> and Norton<sup>57</sup>, as discussed above. It also seemed to us that getting students to ‘present’ to their peers means they really have to think about the audience. They have to think about how to communicate their message (in law, obviously, legal principles and application of the law to relevant facts). This is essentially a form of teaching and, as such, often involves the students in deep learning because they have to have a real understanding first before they can explain to others. This would seem to reflect other findings in the literature.<sup>58</sup>

### *B Perceptions as to the Value of Peer Assessment as a Tool for Engaging Students in the Teaching and Learning Process*

It appears that peer assessed oral presentations allow students to be more engaged in their learning, whether they are presenting or assessing their peers. The topics and questions students present on are case studies, which require a student not only to understand the principle of law or taxation they have learned, but to apply those principles to the facts of the case-study. The presentations encourage students who are presenting to think more about the subject matter of the unit and the topic of their presentation, and encourage those students to apply their knowledge in a way they may not have done had the case study question simply formed the basis of class discussion, rather than assessment. This, in turn, can facilitate participation and discussion in the tutorial class in a way that is learner-centred rather than teacher-centred. Very often groups will ask the presenter questions after a presentation that they may not have asked in a whole class setting. Generally, presentations can benefit the listener by communicating information about the subject and others’ opinions on how to solve problems. However, in a formal whole class setting, the listeners are passive and may not be engaged. This is in contrast to small group peer presentations where the members of the group are more engaged because they are involved in assessment, and because there is a closer relationship with the presenter. One student reflected in their journal that: ‘I really like this form of assessment because the presenter and the audience are exposed to an in depth analysis of the topic. Because the groups are smaller, you are more likely to listen and retain information.’ The oral presentation setting was definitely far more interactive and as a result appeared to enhance student learning. In this

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54 Reflective journals provide a very valuable source of data about student perceptions of peer assessments. However, requiring students to complete a reflective journal is only possible if the journal counts towards a student’s grade. The unit coordinator of the units where reflective journals were used discontinued the use of reflective journals primarily in order to assess other learning outcomes.

55 It will be recalled that Wallace suggests that oral assessments in law can produce anxiety and may therefore be less reliable: Wallace above n 9.

56 Biggs and Tang, above n 35.

57 Norton, above n 49.

58 See, eg, Crisp, above n 29 and Wallace, above n 9.

way, the goals of formative and summative assessment, as identified by scholars such as Nicol and Macfarlane-Dick<sup>59</sup> and Weurlander et al,<sup>60</sup> seem to have been fulfilled.

### *C Perceptions as to the Methods, Process and Integrity of Peer Assessment*

It can also be observed that students have reservations with regard to peer assessment and believe that there are potential inconsistencies in marking related to a perceived lack of appropriate knowledge of the subject matter on the part of the assessors, and perceptions of bias or favouritism. The majority of student comments on peer assessment included in the 'how the unit can be improved' section of the eVALUate surveys, related to this theme. There appeared to be a view among students that a mark awarded by a peer should not be weighted greater than or even as much as, a mark given by a tutor, given the subjective nature of such assessments. These perceptions give rise to at least two further questions. Firstly, are students sufficiently 'qualified' to assess their peers' oral presentations? Secondly, is there really bias and/or inconsistency in the assessment process, or only perceived bias and/or inconsistency?

In terms of the first question, it is the authors' view that students are properly qualified to assess their peers, provided that what is being assessed is primarily oral communication skills, rather than content.<sup>61</sup> As noted above, the marking criteria used for peer assessment specifically distinguish between criteria related to the preparation, delivery, and organisation of the presentation, on the one hand, and the content of the presentation, on the other. Although students do award a mark for content, this accounts for less than 50% of the marks awarded for the presentation. Moreover, even the marks related to content are such that, in the authors' view, peers are qualified to pass judgment. The criteria related to content instruct student assessors to consider the structure of the presentation, how well the principles of law were explained and applied to the facts, and how well the student *appeared* to understand the principles they were explaining. These criteria, then, allow assessors to focus on the way the material was presented rather than on the content per se, and arguably overcome a concern that students are not qualified to assess their peers. Although the authors have yet to undertake a quantitative analysis of grades as between peer presentation marks and written summary marks, anecdotally it appears that students who do not meet expectations for their written summaries (usually achieving a pass or below) also tend to do poorly in their presentations.<sup>62</sup> This probably reflects the fact that presentation skills and content are inextricably linked, so that students who have not understood a topic will generally not be able to present well on it. This is an area which would lend itself well to further research.

In terms of managing student perceptions, it is important that students are clearly informed of the design, objectives and benefit of peer assessment. In particular, students should be reminded of the fact that in a workplace, colleagues will be judging others' on the way subject matter is presented, even when those passing judgement do not necessarily understand the subject matter. Hopefully, a clear explanation as to the purposes and design of the peer assessment task will help students to see it as a valid form of assessment and understand why it is being used in the unit. It is possible that even greater student 'buy-in' can be achieved by involving students in developing the assessment criteria themselves. In any event, as cautioned by Thomas et al,

59 David Nicol and Debra Macfarlane-Dick, 'Formative assessment and self-regulated learning: A model and seven principles of good feedback practice' (2006) 31(2) *Studies in Higher Education* 199.

60 Weurlander et al, above n 2,748.

61 Topping found that peer assessors with 'less skill at assessment but more time in which to do it could produce an equally reliable and valid assessment': Topping above n 30. Stefani found that students are able to make rational judgments on the achievements of their peers: Stefani, above n 25, 69.

62 However, it is also true that a large number of students seem to achieve a high distinction for their oral presentation but do less well in their written answer. This discrepancy can probably be explained by the fact that students are primarily assessing presentation skills, rather than content.

teachers planning to use peer (or self) assessment should 'be prepared to spend sufficient time discussing the rationale for doing so, as recommended in the literature.'<sup>63</sup>

In relation to the second question as to whether students are biased and/or inconsistent in terms of marking, this is much more difficult to answer. Although presenters and groups are randomly assigned each week, and tutors generally ensure that a presenter is not presenting to someone whom the tutor knows to be friend (perhaps a person they usually sit next to in class), it is all but impossible to rule out bias. On the other hand, provided the group assessing a presenter is large enough, the effect of any actual bias on the part of one or even two individuals in the group may be mitigated. Even where the presenter and some or all of the assessors are not well known to each other, there may be a tendency for assessors to be over-generous — and this seems particularly likely when the group is small so that individual members may feel personally responsible about a harsh mark. It seems, conversely, that groups are less likely to mark harshly due to bias or subjectivity, which is reflected in the fact that it is rare that a student self-assesses their presentation at a mark which is lower than the mark awarded by the group. On the other hand, it may be that it is wrong to assume that teachers themselves can ever be truly objective.<sup>64</sup>

Given the subjective nature of any assessment, inconsistency in marking is, again, difficult to rule out. However ensuring students have — so far as possible — a common understanding of the marking criteria, can be achieved early in semester before presentations commence. One way in which this can be achieved for example, is by way of a 'mock' presentation that students assess in groups, followed by a comparison of marks for the same presentation and a discussion as to why marks were allocated as they were. Commencing in semester 1 2015, the units Public Relations Law and Tort Liability for Business adopted this approach. In the first tutorial of the semester, the purpose of peer assessment was explained to the class and some students were given the opportunity to assess others on a 'mock' presentation. Four student presenters volunteered and were assigned a pre-prepared news article. Away from the rest of the class, two of the student presenters were instructed simply to read the article provided word for word to their group. The other two were given an opportunity to distil key points and were asked not to read from the article, and to engage the group as best they could in their presentation of the news story. The presenters were then allocated to a group of assessors, who assessed them using the same criteria used for peer assessment during semester (with the exception of the final criteria — assessment for content). This exercise provides an opportunity for students to become familiar with the marking criteria before using them for assessment. It provides the opportunity for whole class discussion as to what makes a good presentation (for example, eye-contact, enthusiasm, presenting key-points) and what is not good (for example, word for word reading from notes). An alternative pre-assessment exercise would involve all student groups assessing the same artefacts (perhaps pre-recorded student presentations made for demonstration purposes) and comparing and discussing marks. This has not yet been trialled in any of the units discussed in this paper, but is being considered in one of those units.

As noted above, it has been found that the reliability of peer assessment can be improved when teachers are also involved in assessing. Therefore, one way of dealing with potential bias and inconsistency, or just even perceived bias and inconsistency, is for the presentations to be assessed by the tutor, as occurs in Australian Tax Law Cases. The disadvantage of this approach however, is that it makes it difficult for presentations to run simultaneously which in turn, risks valuable class time. One way to overcome this could be through the use of recording technology which would allow tutors to assess presentations after the event. Recording presentations is likely to have its own challenges and influences on the assessment process but may be worth trialling in the future. Another way of countering bias is to ensure that assessor groups are sufficiently large. Albeit in the context of peer assessment of written work, Falchikov reports

63 Thomas, Martin and Pleasants, above n 4, 14.

64 See, eg, Leach, Neutze and Zepke, above n 22, 296, questioning 'the assumption that assessment can even aim to minimise subjectivity.'

that some students felt embarrassed judging their peers, and that others felt an obligation to friends.<sup>65</sup> At least one of the student comments from eVALUate, set out in Appendix 2, suggested that smaller groups were more likely to be biased. Another student commented that presenters would get a good mark if their fellows liked them, and another that marking peers could be a little uncomfortable. The effects of any actual bias and inconsistency can also be mitigated to an extent by ensuring that peer assessment is relatively low-stakes and does not count for more than 10% or possibly 15% of unit marks. In the units in which it has been adopted in the Curtin Law School, that weighting is never more than 15%, that is, a low-stakes assessment. The value of regular, low-stakes assessment has been analysed by several scholars such as Yorke<sup>66</sup> and Nicol and Macfarlane-Dick, who conclude that:

In order to produce feedback that is relevant and informative and meets students' needs, teachers themselves need good data about how students are progressing. They also need to be involved in reviewing and reflecting on this data, and in taking action to help support the development of self-regulation of their students.<sup>67</sup>

Ideally, peer assessment should then be simply one method amongst a wide range of assessments adopted. Such an approach might assist in addressing the concerns raised by both students in this study with respect to peer assessment.

## VI CONCLUSION AND RECOMMENDATIONS FOR FURTHER RESEARCH

The challenge of devising assessment that is inclusive and engages students<sup>68</sup> is imperative. Peer assessment is considered an important part of developing a formative assessment approach which is inclusive and engaging. In the Curtin Law School, attempts have been made to put this theory into the practice of teaching law to business students by assigning students oral presentations that are assessed by their peers, or alternatively, by both peers and the tutor. Marks are awarded for such assessments which count towards a student's final mark. In reflecting on the value of peer assessment as described in the literature, it appears that students are quite receptive to this form of assessment, with the overall level of agreement with the assessment item, as demonstrated in the responses provided in eVALUate surveys, being high. Generally, peer assessment is seen by students as a valuable learning tool. The eVALUate surveys however, did identify some important reservations with regard to this form of assessment, relating principally to the methods, process and integrity of peer assessment. It is suggested that such reservations be addressed by ensuring that:

1. Students are made fully aware of the marking criteria applicable to an assessment (e.g. via the provision of rubrics). This may also involve training students to ensure a common understanding of the assessment criteria ('pre-marking moderation'). Consideration should also be given to involving students in the development of the marking criteria;
2. Peer assessment is a low-stakes assessment, and, ideally, one of several additional low-stakes assessment tasks as part of an overall formative assessment approach;
3. The purposes and design of the peer assessment task are clearly and explicitly communicated to students from the very beginning of the unit;
4. Assessor group members are randomly allocated to groups each week and that so far as possible, the presenter is not allocated to a group known to contain one or more friends;
5. Assessor groups are sufficiently large. This is to counter perceptions of bias and to ensure that students feel more comfortable assessing their peers; and

65 Falchikov, above n 31, 181.

66 Mantz Yorke, 'Formative assessment in higher education: Moves towards theory and the enhancement of pedagogic practice' (2003) 45(4) *Higher Education* 477.

67 Nicol and Macfarlane-Dick, above n 59, 214.

68 Cooper, above n 6.



6. The tutor is involved in marking alongside a students' peers. This is another way of countering some of the actual and perceived drawbacks of peer assessment but, as discussed above, presents its own challenges. In addition, some of the negative perceptions towards peer assessment on the part of students can be overcome through clear communication of the purposes and design of the peer assessment task from the very beginning of the unit.

Such measures should overcome some of the concerns raised with regard to peer assessment, namely with respect to potential inconsistencies in marking, a lack of appropriate knowledge of the subject matter of an assessment by the assessors, and perceptions of bias or favouritism. It should also ensure the feedback received by the student is more regular and targeted to assist the student in identifying areas for improvement.

This paper has demonstrated that students believe, overall, that peer assessment is valuable to them for many reasons. Thus, it is apparent that there is a place for peer assessment, as long as it is utilised within certain well-defined parameters. It is suggested that, ideally, peer assessment should be simply one method amongst a wide range of assessments adopted as part of an overall approach of regular, low-stakes assessment tasks. It is hoped that by highlighting these issues, an approach can be developed with regard to peer assessment that takes note of the concerns identified in this study so as to more fully engage students in their learning.

In order to investigate in a more detailed way, student and staff perceptions of peer assessment with a view to encouraging best practice, it is suggested that a detailed qualitative study be undertaken. The study would involve both students and staff and would seek their views on the positive and negative aspects of peer assessment, as identified in the literature and in the eVALUate responses detailed in this paper. More specifically, it is hoped that this paper will encourage further development of peer assessment as a tool for authentic assessment of student learning, developing real-world skills and engaging students.

Other areas for further research would be a study of the extent to which students' self-assessment scores correlated with the scores awarded by peers and (where applicable) with those awarded by the tutors. Likewise, where tutors are involved in assessing oral presentations, a study of the extent to which the peer marks correspond with those of the tutors, would provide valuable insights as to the reliability of peer assessment as a form of summative assessment. A study of the extent to which high presentation marks correspond to high written marks, and vice versa, could provide information about the extent to which a good presentation is influenced by the level of the presenter's conceptual understanding. Finally, although the eVALUate data reported here has been aggregated across all locations in which the units are run, it would be interesting to consider whether there are significant differences evident in the qualitative comments between the different locations which might suggest that students in different countries have different experiences and perceptions of peer assessment.

APPENDIX 1: NUMBER OF STUDENTS ENROLLED IN UNITS DISCUSSED, AND KEY EVALUATE DATA

Unit & Semester to which eVALUate report relates, and locations/modes offered	Number of students enrolled	Percentage response rate	Percentage agreement (ie those choosing 'strongly agree' or agree) with assessment item	Number of comments specifically relating to peer assessment
<b>BLAW 2014 Tort Liability for Business</b>				
2013, Sem 1 (Perth, Fully Online)	94	35%	94%	5
2014, Sem 1 (Perth, Mauritius, Fully Online)	125	36%	88%	4
2015, Sem 1 (Perth, Fully Online)	97	26%	96%	5
<b>BLAW2008 Public Relations Law</b>				
2012, Semester 2 (Perth, Mauritius, Fully Online)	113	41.5%	100%	3
2013, Semester 1 (Perth, Miri Sarawak, Singapore, Fully Online)	97	39%	86%	6
2014, Semester 1 (Perth, Miri Sarawak, Singapore, Fully Online)	109	34%	90%	2
2014, Semester 2 (Perth, Fully Online)	57	33%	89%	3
2015, Semester 1 (Perth, Miri Sarawak, Fully Online)	96	30%	89.5%	4
Unit & Semester to which eVALUate report relates, and locations/modes offered	Number of students enrolled	Percentage response rate	Percentage agreement (ie those choosing 'strongly agree' or agree) with assessment item	Number of comments specifically relating to peer assessment
2015, Semester 2 (Perth, Fully Online)	100	33%	93%	1
<b>TAXA 3002 Australian Tax Law Cases</b>				
2011, Semester 2 (Perth, Fully Online)	53	34%	100%	2
2012, Semester 2 (Perth, Fully Online)	66	32%	91%	4
2013, Semester 2 (Perth, Fully Online)	60	33%	90%	4
<b>Totals/averages</b>	<b>1067 students</b>	<b>34% (average)</b>	<b>92% (average)</b>	<b>43 comments</b>

## APPENDIX 2: SELECTED STUDENT COMMENTS ON PEER ASSESSMENT FROM EVALUATE SURVEYS

### *Perceptions as to the value of peer assessment as an assessment tool:*

‘Being assessed by your peers is exactly what happens in the workforce and sometimes it is the best feedback you can get.’

‘I thought the use of peers to assess was a great way for students to get confidence speaking to others in preparation for the workforce.’

‘I enjoyed the presentation assessment task which allowed us to present to a small group in our class. It allowed us to focus more on the content of the assessment as opposed to worrying about presenting to a large group of people, which I think gave us the opportunity to get better results.’

‘I thought it was great that we only had to present to a small group based on a topic we had a chance to familiarize ourselves with.’

‘I also found the format of presenting to small groups as opposed to the whole class for the second assignment to be very effective and I encourage that it continue.’

‘I definitely think that doing the student presentations on the tutorial questions also helped me to learn the material.’

‘The weekly presentations from students helped give a better understanding of the topic as this condensed the important fundamental aspects of the area of law.’

‘...the weekly individual presentations in the tutorial assisted in reinforcing the information learnt from the lectures.’

‘...the weekly presentations from students helped give a better understanding of the topic as this condensed the important fundamental aspects of the area of law.’

### *Perceptions as to the value of peer assessment as a tool for engaging students in the teaching and learning process:*

‘... the speech we all had to do was very informal was helpful as it was a lot less intimidating for everyone!’

‘Another interesting part is the oral presentation which is interactive and also allows the student (even if he/she has not done the tutorial question) to be exposed to the topic.’

‘The Tutorial question presentations were a refreshingly different way to go through example questions and enjoyable. The tutorial presentations were an interactive way to get the students involved in the tutorial questions. Most other units have the tutor go through the questions which can sometimes be a bit boring.’

‘It was almost as though I was trying to teach my peers the topic, rather than just delivering a speech to an entire, often unreceptive class.’

‘I also really enjoyed the small group presentations and thought I learnt more and listened more in those than I would in a whole class presentation, which overall makes the presenter feel like their hard work is actually going to be of benefit to others.’

'I really like the presentations in tutorial but I feel that they take away from valuable learning time. After the presentations we always seem rushed to cover what needs to be done in the remaining time'.

'Peer evaluation was very interesting putting us in the shoes of assessors'.

'The assessment's I feel are great in helping students understand the content throughout the unit, and above all make it relatively enjoyable to learn'.

*Perceptions as to the methods, process and integrity of peer assessment:*

'I found the peer assessment not as satisfactory. There were students who presented better knowledge of the topic and principles during the peer presentation and were not given as good marks. If it had been marked by the teacher, the judgement and marks would have been more appropriate'.

'I think the in class presentations were marked too easily by students. I think it would be better if each student gave the presenter a mark and then those marks were averaged'.

'Maybe speeches could be altered just for a partner exercise as tutorial turn ups were low so ended up presenting in front of two or 3 students at max'.

'I feel that if the speech was worth more marks the students would take it more seriously and be more attentive in the way they relayed the information to the students that marked them'.

'The group presentation could develop a bias mark when only presented to a small group. Despite being more daunting for the student presenting, it would be fairer to present to the whole class and give a gauge on student performance'.

'The oral presentation - you got a good mark if the markers (your fellow students) liked you. It's a lot of pressure on each other... and it's a little uncomfortable to mark each other. I think the teacher needs to be the marker'.

'...it sometimes was hard to present our topics and only receiving feedback from only 2 people'.

'The only thing I would maybe look at is asking the students who are grading the student who has done the tutorial question to also prepare answers so that they are in a position to judge'.