Self and peer evaluation: an ambitious proposal for the improvement of law teaching

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Concern expressed in recent years as to standards of "professional competence" gave rise to the need to develop specific processes for the evaluation and development of such competence. At the same time, resistance to traditional models of evaluation renders many proposals ineffective. What is proposed in this paper is a model of self and peer evaluation which has been found to be appropriate and effective in a variety of contexts. The immediate concern is to suggest the application of this model to the evaluation and improvement of law teaching, but it may also be argued that it is appropriate for a wider range of professional activities.

I. INTRODUCTION

In an article in the Jubilee issue of this Review,[1] John Thomas presented a proposal on the basis of which law teachers might move towards reflection upon and improvements in teaching. The principal feature of that proposal was the suggestion that teachers might present, at some "appropriate forum", course papers which outlined course goals, teaching methods and an assessment of the success or otherwise of the course.

In the years since the appearance of that article, the Law Faculty at Victoria has pursued just such a programme. This involves the preparation of discussion papers in relation to each course, and papers dealing with identifiable "blocks" of courses; e.g. the third year optional courses; the second year block of Contract, Torts, Constitutional law, and Criminal law. Each of these papers was presented and discussed at Faculty meetings. In many cases, discussion was assisted by the fact of Faculty members having attended one or several classes given by colleagues. Whether or not the programme succeeded will, for the most part, be a matter for evaluation by each teacher, in the process of reflecting upon whatever statement of

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1 J. C. Thomas "A modest programme for the improvement of law teaching" (1978) 9 V.U.W.L.R. 405.

goals and methods was made, and the response to such statement. Certainly a manifest value of such a programme was — and is — that it directed explicit attention to precisely those issues of objectives and teaching methodology which the author had in mind. But what is suggested in this article is that we take up a specific aspect of the invitation originally extended by Mr Thomas and pursue it in order to further the goals of the improvement of law teaching.

The invitation, broadly, is this: that, because discussions on teaching frequently lack follow-up programmes to ensure practical implementation of suggested improvements, effort and energy are wasted; accordingly, there is a need for law schools to adopt a "comprehensive programme which will encourage . . . classroom experiments and continuing discussions."[2]

I wish, shortly, to be more specific, and to suggest that what is both necessary and possible is the establishment of an informal but clearly structured, ongoing programme of evaluation and assessment of teaching. Such a programme, because of its structure, will go beyond "discussions" on teaching methodology, and should provide the context and forum for specific directions in the improvement of teaching.

Two issues seem to be involved in moving towards a programme of staff evaluation and development. The first is that of a willingness to engage in such a process of teaching and course evaluation at all. The existence of programmes, proposals and a literature of professional development for university teachers is now widespread, as is the emergence, in the last decade or so, of staff development units, teaching and research centres and the like.[3] This may be taken as some indication of interest and concern with, if not necessarily of active participation in Faculty development. Attempts to develop a policy of professional development may face greater difficulties. Moves towards the formulation of policy statements are outlined by Brad Imrie in a paper on "Freedom and Control in Higher Education: Who Needs a Policy?"[4] Imrie's concern is to indicate the specific interests the various groups within a university community — staff associations, university councils, university departments, individual staff and students — have in the development of policy on professional development. The conclusions pointed to are that few professions pay as little attention to staff development as does higher education, and that the very concept of teaching as a "profession" ought properly to lead us to a concern with ongoing programmes of evaluation and development. Equally it is recognized, in·much of the literature, that resistance to such programmes reflects first, the long-standing presumption that there is a necessary link between intellectual prowess and teaching competence, and, secondly, traditions of intellectual freedom and individual responsibility.

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2   Ibid. 405.
3   Equally it needs to be recognized that such centres and programmes tend to be in the front line when it comes to facing the risks of fiscal restraint. This may tell us something of the enthusiasm or sincerity with which we adhere to a principle of professional development.
4   B. W. Imrie "Freedom and Control in Higher Education: Who Needs A Policy?" (1981) Higher Education 10 pp. 551-572.

Such arguments against evaluation and Faculty development programmes do point to the importance of the second issue: namely, concern for the kind of programme of professional development which is contemplated. Reaction to the notion of professional development is bound to be, in part at least, contingent upon the kind of programme proposed — or feared and rumoured. Certainly there will be programmes quite reasonably regarded as intrusive, directive and threatening. For this reason, any moves in relation to the first issue — the promotion of the concept of professional development — have to go hand in hand with careful consideration of the second.

This dual approach is offered in a report published by the University of California.[5] The argument of that Report — "that effective teaching is fundamental in achieving the goals" of the University[6] — is presented in the context of a review of literature of staff development, a range of broad recommendations on development, a summary of survey data, and, a "Handbook of Suggested Procedures for Evaluating Teaching".[7] What the Task Force does in its Report, it is hoped to do in this paper, namely to argue for the idea of staff evaluation and development in the context of a specific proposal or programme. In spelling out the programme we begin to respond to some of the resistance to the idea. What is also indicated in the Task Force Report, and is pursued in this paper, is the idea that some form of self and peer evaluation responds most effectively both to the needs of professional development and to the broad objections to the idea of evaluation and development.

Such self and peer evaluation can, for example, take the form outlined in the Thomas paper: the presentation of a document, reviewing teaching goals and practices, discussed with Faculty colleagues. Or it may take the form suggested in the Task Force Report: the presentation, by the teacher of largely descriptive material on courses taught, materials prepared, goals and objectives, committees attended;[8] or more evaluative material on the anticipated and actual "consumers" of courses, major goals in terms of expected student outcomes, the structure and components of courses (lectures, laboratories etc.). The Task Force Report suggests this latter process as a means of pre- and post-course self evaluation, providing at least the information upon which the teacher may reasses her or his goals and identify discrepancies in desired and achieved outcomes.

In each of these two examples, however, there are limitations. In the Thomas proposal, and in the Faculty process which followed it, while there was a commitment to the methodology outlined in the original paper, there was no necessary or articulated commitment to specific norms of the evaluation of teaching. That is, there was little, if any, attention given to the task of spelling out the criteria by which colleagues were to try to evaluate each other's teaching, or to the criteria of "competence" in teaching. It is not enough to commit ourselves to a form and

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5 University of California, *Report of the Task Force on Teaching Evaluation February 1980.*
6 Ibid. i.
7 Ibid. 13-65.
8 Ibid. 41.

a process: in order to allay the fears of control and direction in teaching, it is necessary to articulate and, and in broad terms, to agree upon the rationale of a specific mode of evaluation. This means that not only do we need to describe a process to be followed, we also need to ensure that that process includes a stage of clarifying the criteria of competent professional practice. In the absence of that clarification, the likely responses are at least a degree of resistance to the programme.[9] And it is equally likely that the inherent opportunities of a process of teaching evaluation will be lost in the absence of agreement on the parameters of the process: we may agree to embark upon a broadly outlined exercise of evaluation, but if we fail to clarify the nature of the "contract" we have entered into, we may fail to do more than satisfy the mechanical details of that process. Thus the initial point is this: that the first step in any process of evaluation and development is the articulation of and agreement on the norms of that process.

The limitation in as much of the Task Force variety of evaluation as I have noted above is that it lacks a specific structure for the development of skills of self evaluation. Certainly, a form is suggested — the presentation of descriptive or even of evaluative material. But that form does not necessarily become an effective tool for self and peer evaluation in the absence of further structure and commitment. The initial commitment to the idea of professional development deserves the equal commitment to an effective means of carrying out the idea. Failing such commitment, we run the risk of more lost opportunities, and possibly a loss of enthusiasm for the idea of teaching evaluation and development. If all that participants feel they have to show as a result of an information-sharing process is simply a bulk of information about themselves and others, a range of hard-to-assimilate criticisms and suggestions, the impetus necessary to sustain the process of professional development is likely to be lost. The point here is this: that techniques of course and teaching evaluation need, in order to have significant impact, to be incorporated into an ongoing and relatively long term structure of assessment, monitoring and feedback.

In brief, the process of self and peer evaluation which I have in mind is one developed by John Heron and used in a variety of educational and professional contexts.[10] The goals of the process are, firstly, to identify and to reflect on professional goals and goal-oriented action; secondly, to agree upon and pursue a method of evaluation; and thirdly, to give and receive structured feedback in response to self assessment and peer observation. Central to this process are: the determination of criteria by which to assess selected features of professional practice; the application of such criteria in an ongoing process of self-monitoring, together with an understanding that colleagues who observe one's professional practice are using the agreed criteria; and the establishment of a contract or a commitment to both the goals of professional development and the process of self and peer evaluation.

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9   For teachers, a familiar parallel might be the sense of annoyance and frustration felt by the student, who receives a grade for an essay, but no comments.

10   J. Heron *Assessment Re-visited* (London, 1979), and *Behaviour Analysis in Education & Training* (British Postgraduate Medical Federation, London, 1977).

The nature of the process of self and peer evaluation is such that it responds to the kinds of fears and refusals which may generally accompany university proposals for ongoing evaluation or "post tenure review". The significant point is that the proposed model begins from an entirely different premise. Whereas many institutional and professional programmes for assessment begin and end with the expectation that the "incompetents" will be weeded out (as much a fiscal as a professional goal these days), the model of self and peer evaluation begins with the expectation that, where specific points of weakness and lack of competence are identified, the ongoing and supportive nature of the process will serve to respond to those needs. The goal, quite simply, is to improve the standards of professional competence. What this means, too, is that if a model of self and peer evaluation is introduced in universities, such institutions will need to be more explicit in their goals of staff reduction and cost cutting, rather than employing the more disarming techniques of faculty evaluation.

The results of such a process, conscientiously pursued, must be that teachers enhance not only the specific skills of teaching, in the course of critical and systematic reflection, but also developing the skills of a particular mode of assessment which, ideally, feeds into more than just teaching practice. At the immediate level of the improvement of teaching, it is possible to anticipate advantages accruing as a result of deliberate and systematic reflection on teaching. In particular, perhaps, we can see ways of assisting new members of departments and faculties — an advantage which does not necessarily arise out of the "one-off" exercise of course papers and Faculty discussions, except to the extent that newcomers are informed of historical events in teaching development. It is a regrettable limitation of that process that it carries with it no necessary ongoing commitment to evaluation: the nature of the process is such that, for reasons of time and commitment, it is limited to a relatively brief, if intense, examination of teaching goals and methods in individual courses, with only the attached hope or exhortation that we continue the assessment privately or informally.

We can move beyond the immediate goal of improving teaching to anticipate a further consequence of employing a particular model of self and peer evaluation. At the core of the model proposed is the goal of reflecting upon the process of evaluation and assessment itself. Not only do we engage in an exercise of assessing teaching; we also employ, deliberately, a model of assessment. That model of assessment rests upon certain norms, specifically relating to values of responsibility and autonomy in education. The model, if used explicity and if agreed upon as the basis of an ongoing commitment to the development of teaching, is Janus-like: it permits us to reflect upon the very idea of assessment itself. The consequences of that reflection, in the context of teaching, must be that teachers will be introduced to an alternative and effective model of assessment. So much of education practice rests upon assessment and evaluation — traditionally a unilateral, relatively authoritarian, and generally non-negotiable model of evaluation. And if teachers are introduced to a model of self and peer asseessment that is effective in relation to teaching practice, there is reason to expect, or at least to hope, that such a model may be introduced, where appropriate, for student assessment. Heron's model of self and peer assessment is certainly not limited to areas of professional development;

rather, professional development is simply one area to which this model of assessment can be applied. To the extent that teachers — all products of that traditional model of assessment — acquire skills of self assessment and critical monitoring, they may begin to recognize the appropriateness of such skills in students.

The further spin-off may be that those entering the various professions after graduation will be equipped not only with the foundations of specific professional skills, but also with a tool for the ongoing evaluation of their professional development. The need for such a tool may be seen in the recent concern with the "crisis in competence" and in current moves by the American Law Institute and American Bar Association towards a process of "peer review".[11] There is a strong argument to be made that the "peer review" scheme mooted by the ALI-ABA retains many traditional and hierarchical elements of assessment and, ultimately, of discipline. But the point to note is that it is increasingly asserted that the basis for professional competence is not necessarily solely the acquisition of more "technical" skills. Rather, such competence rests upon a systematic and supportive process of evaluation, whereby the professional is able to identify areas of deficiency and, with support, to move towards remedying these.

If, then, in the context of learning the law, the professional-to-be acquires specific skills of self and peer evaluation — if, that is, such skills are regarded quite clearly as a part of the "skills training" of lawyers — then legal education ought to make a significant contribution to professional development. And that contribution may be looked for as a spin-off of the acquisition, by law teachers, of the skills of self and peer evaluation.

II. FOUNDATIONS

Probably the most evocative way of thinking about the goals of self evaluation and professional development is provided by Chris Argyris. In his article "Theories of Action That Inhibit Individual Learning",[12] Argyris draws a distinction between "single loop learning" and "double loop learning". The latter is the ideal. In order to move towards the condition of knowledge in which we not only act effectively but also reflect critically and realistically on that action, we require the skills of double loop learning. The metaphor Argyris uses is this:[13]

> A thermostat may be said to be capable of learning when the room temperature goes above or below the point at which it is set and of taking corrective action. We may call this *single loop learning*. The thermostat, however, is not able to ask itself the question whether it should be set at 68 degrees, or if it should be measuring the temperature, or if there are better ways to measure the temperature. To do so would be to question its design and its purposes and would indicate the capacity for *double loop learning*.

> Double loop learning is important because without it individuals are not able to re-examine their values and assumptions in order to design and implement a quality of life not constrained by the status quo.

11   See ALI-ABA "A Model Peer Review System", noted in (1981) ABA Journal, "Law Scope: Enhancing Lawyer Competence" 265-267; and Wm Reece Smith, "Peer Review: Its Time Has Come" (1980) 66 ABA Journal 451.
12   C. Argyris, "Theories of Action that Inhibit Individual Learning." (1976) American Psychologist, 638.
13   Idem.

The goal of double loop learning is to acquire not only the "technical' competences required to act effectively, but also the reflective capacities to recognise and, if necessary, to modify the criteria of professional activity. Equally, in the practice of teaching and assessment of students, we may say that the goal is not only (or even primariψ) that of substantive competences, but rather that of the acquisition of broarer competences in thinking and reflection. It may be that we are in broad agreement on this. If so, what is required is a process which makes such goals explicit and their attainment more likely.

We may, from time to time, institute processes of course and teaching evaluation which have the effect of indicating the degree to which we perform stated tasks well, adequately, or poorly. Such processes will provide participants with immediate information and feedback. I have in mind here the kind of student course evaluation questionnaires used in the Law Faculty at Victoria University of Wellington, the "information dossier" suggested in the Task Force Report, and even the kind of discussions engaged in by this Faculty over the last couple of years. Certainly in this last case, one of the principal stated objectives was that of identifying course goals and looking at methods used in relation to such goals. And that goal resulted in a degree of reflection which might otherwise not have been provoked. But I am not persuaded that it produced the skills of Argyris' double loop learning, in the sense of producing an ongoing capacity or process of reflection upon the goals of action. This is particularly so because little attention is given to the identification of the criteria by which performance is assessed. In the absence of such information, there is probably little that the candidate for assessment can do to modify his or her actions.

What is required is a process which explicity and consistently reinforces patterns of reflection and supports appropriate consequential changes in ways of acting. This is Paulo Freire's goal of the "act of knowing" in which we come to reflect on goals and action, and move on to new forms of action — a process which "involves a dialectical movement which goes from action to reflection and from reflection upon action to a new action."[14] Quite clearly it requires more than a single exercise of course evaluation, and especially it requires more than the traditional form of post-course student evaluation to foster this kind of process. The point is that the improvement of teaching depends not simply on the occasional observation or discussion of teaching practise: it requires explicitly the acquisition of skills of self evaluation and the pursuit of a systematic process.

In particular the ongoing nature of an assessment and development process seems central, given the case with which we will revert to familiar patterns. This is at the heart of the missed opportunities in the process this Faculty engaged in over the course of a couple of years. At first sight that time span makes it look as though an ongoing process has been engaged in, and, in one sense, that is so. The Faculty, individually and collectively, made a considerable commitment of time to the preparation and discussion of course papers. So, overall, the law teachers did engaged in an evaluation process over a span of time. But the limitation, inherent

14   P. Freire *Cultural Action for Freedom,* (Penguin, Harmondsworth, 1974) 31.

in the way in which this, and kindred, information-evaluation processes worked is that each teacher had only a single opportunity to review and assess aspects of his or her own teaching. To be sure, the process might continue vicariously when colleagues presented their reviews. But for all the time committed to the project, it lacked the structure in which each teacher could, over a period and with systematic feedback and support, review, assess and change. The missed opportunities lay in the initial impetus and commitment which, through the pursuit of one kind of process, were not exploited and sustained as fully as possible.

There is equally a risk that this kind of process does not even provide the fullest opportunity to identify all the elements of one's teaching practices. Certainly the opportunity is explicitly there to articulate and evaluate course goals. But it does not necessarily follow that the initial process of reflection on course goals or the subsequent discussion of goals or content, is enough to direct attention to *teaching*. Double-loop learning requires the capacity — and the opportunity — to move back and forth between action and reflection in order both to review objectives and to review, modify or even abandon practices.

A process of self and peer evaluation ought, therefore, to be designed in such a way as to respond to the goals of double-loop learning as the basis for the improvement of teaching. Such a process responds both methodologically and philosphically to the objectives of personal/professional development. Methodologically, it rests upon a structure of the identification of objectives, procedures and norms, the observation of these elements in daily professional practice, accompanied by systematic review and feedback according to chosen criteria. Philosophically, self and peer evaluation makes, or rests upon, certain assumptions about the participant in the process — in this case, the teacher who is engaged in the process of learning about and developing skills of teaching.[15] Principally, these are assumptions about the need for precisely the competences of self assessment and monitoring in the development of professional competences: such skills deserve equal time alongside the traditional, substantive core of learning.

Philosophically, the process of self and peer evaluation exemplifies certain norms relating to the capacity of individuals to learn in particular ways. Educational assumptions as to the need to foster competences of self direction and autonomy in learning translate into particular models of assessment, both in education at large and in the area of teaching evaluation and development. The assumption is that, within a given and agreed structure, the learner can and will develop those skills which will best serve her or his substantive learning goals. Translate that into the area of teaching evaualtion and you have one of the principal responses to the fears and objections about professional development programmes. The structure of self and peer evaluation removes the potential for an hierarchical and directive process while retaining core principles of accountability and responsibility.

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15   These assumptions apply with particular force to the case of the student engaged in the process of learning both substantive skills/information and — hopefully — skills of self assessment.

And, both philosophically and methodologically, the process of self and peer evaluation more effectively provides motivation for reflection and development. Unilateral modes of assessment, whether in education generally or in the case of staff development programmes, provide only an extrinsic motivation for improvement.[16] Self and peer evaluation certainly depends on an initial willingness, perhaps an initial prompting, but the essence of the process is such that, in the course of reflecting upon "teaching behaviour"[17] and developing identifiable skills, the motivation will become intrinsic and powerful.

Consider, then, the kind of goals which John Heron sees for self and peer evaluation:[18]

(i) to raise awareness of, and improve mastering of, the process of learning in all its many aspects;
(ii) to raise awareness about the range of, and improve mastery of, content;
(iii) at some appropriate point along the road to accredit himself in association with the wisdom of his peers as competent to offer this . . . service to the wider community.

The second goal is not one which need occupy us here: given the predominantly academic bases of university appointments, we can presume a degree of mastery of content. We ought also, reasonably, to presume continued development in this area. The point Heron raises here, of course, is that the increased mastery of content is not an isolated intellectual task, but is part and parcel of the teaching evaluation process.

Principally, the goals Heron sets up respond to the limitations of traditional unilateral assessment, and do so in two respects. Firstly, the third goal noted above involves a recognition that the end of the process is one of "accreditation", a recognition by self and peers that a degree of competence has been acquired to justify the individual in holding out him or herself as a professional specialist, teacher or whatever in the area of competence. The immediate point to note in relation to university teaching is that the accreditation/appointment as a teacher rests upon perceived competences as a researcher. This is a familiar argument. The issue here is that a process of self and peer evaluation directs attention explicitly towards competences in the realm appropriate for "accreditation", in this case teaching (which, obviously, will not be kept isolated from mastery of content).

Secondly, Heron's goals and the whole process of self and peer evaluation, rest upon engagement in "criteriological" thinking. To the extent that we choose to engage in an exercise of evaluation of teaching, we are bound, at the outset, to establish criteria by which we will judge, and possibly choose to change, aspects of professional activity. At the core of the process is negotiation and agreement on the criteria according to which competent teaching is to be measured. The radical difference between this process and traditional modes of assessment in education and development is, first that criteria (or "standards") are made explicit and, secondly, that the person to be assessed is directly and initially involved in

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16 See J. Heron, *Assessment Re-visited,* supra n.10, p.6.
17 The language of the *Task Force Report.*
18 Heron, op. cit. n.16, p.15.

the identification of the criteria of assessment. The spin-off value of this aspect of the process for teaching practice in general is clearly that teachers will acquire the experience of making explicit, even if only to themselves, the criteria by which academic progress and competence is to be judged.

III. PROCESS

In what follows, I intend largely to present the outline of self and peer assessment given by Heron, and which I have experienced in different contexts. Any written outline of the process cannot hope to do full justice to the sense in which it works in practice, nor can merely reading about this version of evaluation convey adequately its differences from other forms. This then is both outline and invitation.

Some indication has already been given of elements of the self and peer evaluation process. Before outlining the "stages" of peer review, I think it important to stress several features. First, the format in which the review is done ought to be something other than a relatively formal Faculty or Departmental meeting. The kind of business and quality of interaction which is familiar in such meetings establishes an experience and set of expectations which may inappropriately be carried over into the process of peer review. Therefore, the preferred format is a group with a consistent membership of around 6 to 8 colleagues. This means, of course, that within any one Faculty, several groups may be pursuing the process. Secondly, it is important that each meeting is led by a "facilitator", chosen by rotation from amongst the members of the peer group. The task of that facilitator is not so much to "chair" the meeeting in the conventional mode, but rather to act as "guardian" of the process and of the norms of supportive interaction and feedback. Third, while the context for such a process of peer review is relatively informal, it is also relatively systematic and structured. This is not a proposal for mere discussion. Fourth, the nature of the process is such that it provides explicit means for responding to demands for accountability, and for the improvement of teaching, while doing so in a structure which may well appear to be more flexible and more acceptable than conventional modes of evaluation. Fifth, as indicated at several points earlier, it is essential that this process be ongoing, in such a way that each participant reviews, on a number of occasions, her or his goals and actions. This feature underscores the need for a commitment to the goal of improving teaching and, implicitly, to the need for double loop learning. Sixth, and finally, while a specific process is outlined here, and certain norms of self and peer assessment are stressed, the model ought not to be regarded as rigid and non negotiable. Within the broad conceptual framework, and consistently with the values of self assessmeent, it is clearly a matter for participants to negotiate and to contract to their own process. Anything other than that would be a manifest contradiction of the principles of humanistic learning.

The stages of the process are, broadly, these:[19]

(1) a group of peers, having made a commitment in general terms to the im-

19   H. Heron *Behaviour Analysis in Education and Training* supra n.10, 34-37.

provement of professional practice, meets to develop a consensus on core aspects of that practice, namely: outcome objectives (in this case for students); process objectives, touching on what is desirable in terms of goal oriented practice; an appropriate general procedure for achieving those objectives; and norms that "define how to do the various parts of that procedure well."[20] For the most part, peers, at this stage of the exercise, will have available to them a range of literature (on goals and qualities of legal education) and a range of experience in this and other contexts. This is both an opportunity for a review of that kind of information plus more subjective reflection on personal — or, if appropriate, departmental — and professional goals. This is also the stage at which participants begin to engage in criteriological thinking, especially with reference to the norms of "good practice". This aspect of process carried over into the next stage.

(2) Having broadly identified features of desirable professional procedure (and recalling that this is not a process of rigidly defining the parameters of conformity), the group then pools ideas on how to go about self-monitoring and self-assessment. As Heron notes, there are basically two types of questions we need to ask in relation to aspects of professional (teaching) practice:

    (a) am (was) I doing the procedure well?
    (b) is (was) it a good procedure?

This is where double loop learning begins to be possible. This is the point at which participants reflect on what is meant by "good" and "well", in relation to procedures. But it ought not to be regarded as the occasion for definitive resolution of such questions: the value of the process of monitoring and review is such that the criteria of competence are, themselves, under review. But at the very least, the questions are raised. Principally, at this stage, the concern is to devise simple techniques for self-assesment over a certain period of time. The main feature of such techniques is that they ought not be so complex or demanding as to interfere with time constraints, that they ought to be effective (this will be a matter for occasional review), that they ought to result in some recorded data (audio or visual, or written), and that they ought to have reference to student outcome objectives. From the range of techniques dreamed up and pooled, each participant will choose those with which she or he feels comfortable and feels able to make a commitment to using those which will be the bases for self and peer evaluation and the subject matter of a "contract".

(3) Group members then go about their professional lives, acting upon procedures agreed at stage (1), and applying techniques of assessment chosen at stage (2). This is primarily a stage of self-monitoring, but ought also to include peer observation (recalling that peers will observe and note aspects of teaching practice according to criteria chosen at stage (2) by the person being observed). The nature of monitoring is such that is involves the individual teacher in an exercise of ongoing, on-the-spot evaluation of performance. It involves, quite simply, "noticing and modifying what is going on, while it is going on."[21] In the course of teaching, therefore, the teacher remains aware of aspects of what

20 Ibid. 34.   21 Ibid. 25.

is going on at the time. This, of course, does not necessarily require the whole structure of self and peer evaluation: it merely requires attention to levels of participation, of boredom, of distractions or enthusiasm, and attention to whether this immediate activity (lecture, question and answer, role play etc.) is effectively moving participants towards identified goals. Self-monitoring may also remind the teacher as to whether she or he has in fact identified the goals of this activity being monitored. How much teaching seems, at times, to be random because no-one is quite sure where it is leading to?

Monitoring, then, is an immediate activity, oriented towards this present situation, the objectives of present activity, the process currently engaged in, the norms of current behaviour (why lecture, why teach socratically?) and the effects of that action. Assessment, on the other hand, is a more reflective activity, seeking to inquire whether the objectives of some past activity have been met. Monitoring provides the immediate reaction and information — and the recorded data — which are fed into the later assessment process.[22]

Again, monitoring involves the two questions raised at stage (2): is what I am doing appropriately and effectively realising my objectives, and are my objectives themselves appropriate, valid, desirable? Monitoring raises the possibility of immediate correction of activity: rather than bulldozing through a set piece of teaching, regardless of response, antipathy, apathy, the self-monitoring teacher may seek to make appropriate adjustments to his or her activity. Monitoring, as well as the joint exercise of self and peer assessment, provides occasion for Freire's "act of knowing". Teaching ceases merely to be a form of activity, but becomes also an occasion for reflection on that activity.[23]

Monitoring is, then, central to this stage of self and peer evaluation. It rests upon the original reflection on goals and procedures and the resultant raising of awareness about teaching practice; it both depends upon and results in the development of a check list of issues, practices and, especially, norms, it invites an ongoing "scoring", according to chosen criteria, of chosen aspects of action, it fosters the development of skills of responding to "environmental" cues, especially non-verbal; it makes use of tools such as audio and visual recording; and may also involve direct feedback, by means of chosen cues, from colleagues during action. Within the broad framework of professional teaching practice and goals the individual asks whether this action, this intervention was appropriate, instrumental, redundant and so on.

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22   An article in, of all places, an in-flight magazine provides a parallel for legal practice: it referred to the emerging practice in the USA of bringing a "mock jury" into the courtroom. Those mock jurors could be quizzed by counsel, at the end of each day's hearing as to how the trial was, in their opinion, proceeding, and what counsel needed to do to convince the jurors of the merits of their case. That is clearly a form of assessment. And it may be that astute counsel might use subtle reactions of jurors as an aid in self-monitoring.

23   Cf. Heron: "Self-monitoring . . . is creative intelligence in action in the situation, it is purposive, flexible, adaptive, forward-looking and above all directly change and action-oriented. Self-assessment is past action recollected and evaluated in tranquillity; and its impact on action may be less because of the gap in time that separates it from future relevant action." Ibid. 25.

The hoped-for outcome of self-monitoring, especially as part of self and peer evaluation, is a decision to make corrections, maintain present actions, to modify content, to rearrange sequences, and, in extremis, to abandon the present programme and devise a new one.

Self-monitoring feeds into the self and peer evaluation process in the sense that the latter provides the opportunity to check responses and decisions in collaboration with peers: it is a means of correcting and enhancing impressions gained through self-monitoring.

(4) This is the stage of accountability and revision, at which an explicit process of self and peer review is used; the whole process of peer audit is reviewed, and the "contract" to continue the process of review is renewed (or not). The process used will be a variant of the following outline.

Each participant recalls the criteria of professional competence and itemises those which she or he will apply to the present review. (These may be criteria pooled and agreed upon at the outset, or criteria selected individually at this stage). S/he then reviews strengths and weaknesses in relation to professional procedure and, if possible, with reference to single instances. It is preferable that this stage of review be as explicit as possible, in identifying the particular aspects of practice found to be deficient or good. It is also important that equal attention be given to both strengths and weaknesses, in turn: our particular (cultural?) forte is a capacity for self-denigration and generalized criticism of others.

The individual then invites peer assessment, directed to both positive and negative evaluations. Again, equal specificity of assessment is important, in order to avoid too generalized and sweeping statements. The assessments must respond to aspects of professional practice according to identified criteria and here the task of facilitator, as guardian of the process, becomes important. The task of this process is to enable the individual to clarify his or her own self-assesment: it is explicitly not a traditional form of "peer-review" which is effectively an exercise in telling a colleague "how to do it" (or especially, "how *I* do it").

An effective format at this stage is for the person engaged in self-assessment to reflect first upon "negative" aspects of teaching practice, identifying very specific features of that practice. Thus, the candidate may observe, for example, "When I asked X the question about case Y, I did not give her time to respond." This is preferable to the generalized "I'm not too good at asking questions". This stage is followed by a round of negative comments from peers, equally specific, equally mindful of the criteria of professional practice agreed upon. After this, the candidate gives him/herself some positive evaluations, followed by those of peers. It is generally preferable to separate negative and positive evaluations into distinct phases of the process, to provide greater incentive for clarification and specificity of comment.

This stage of the review — the resonse from peers — is more effectively done if the person receiving comments does not reply to any of the comments. To reply is to invite degeneration into conversation and self-justification. The individual therefore merely listens to the responses given in turn, and silently discriminates

between those which are appropriate and those which are clearly off target and those about which she or he is uncertain.

After each of the positive and negative responses has been heard, the individual may — without engaging in wide discussion — wish to revise her or his self-assesment. Ideally, this is done privately, allowing time for the self and peer assesment to be assimilated and time to test whether the details of assessment may be translated into action.

At this stage, too, the group may choose to review and revise the professional procedure which is under review. After all, the second question — is this a good procedure? — may have produced a negative answer. This is the stage for reviewing and redesigning the process of review if experience indicates deficiencies in the process used to date. And on the strength of such a review, group members choose to renew — and not to renew — the original agreement to pursue this type of action in improving teaching.

(5) Thereafter it becomes a matter of recycling through stages (3) and (4), working towards more effective teaching and more explicit identification of norms and goals of professional activity. The twofold outcome of such process is, first, the move towards identified professional competence, and secondly, the development of an effective, if relatively informal, basis of research in teaching skills and effectiveness.

IV. CONCLUSIONS

The several features and outcomes of such a process tend to be linked, and interdependent. In the first place, the expectation is that the experience of self and peer evaluation will respond to the often negative reaction which the image of staff development and assessment evinces. At the same time, that experience will serve, ideally, to reinforce what was initially a tentative or guarded commitment to the ongoing process of the evaluation of teaching. In an environment of a supportive peer community, the individual teacher can move towards a recognition of strengths and weaknesses, and begin to realise goals of competent professional practice. In this way the images that we hold of competent teaching and, of ideal student outcomes — our "theories of action espoused"[24] — are systematically reviewed and appropriately translated into action — into "theories-in-use".[25] At the same time as we move towards specific competences, we review and revise our actions and norms of professional competence, and in this way not only are individual actions up for review, but also the larger qualities of professional practice are recognised as negotiable. Central to the whole process is the emergence of an identifiable model of assessment which, in theory and practice, affirms the autonomy and accountability of the individual teacher, and this affirms a core image of self-directing but responsible learning. The context, the vehicle, of that process is the development of a "peer learning community", committed to the goals of professional development and to a supportive and mutual methodology.

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24   C. Argyris supra n.12, passim.
25   Idem.

This is a further expectation, centering on an issue which has not yet been touched upon in this paper. The experience will probably be familiar to many of noticing that discussions on teaching in a university tend to be ideal opportunities for pointing the finger at administrative and institutional deficiencies which are seen to hinder effective teaching. The implicit advantages of such a direction in discussions means that it locates responsibility for improving teaching outside of the individual: before anything can be done, we need more money, better facilities, more approachable professors, more time for research and so on and so on. As a result, little attention is given to the things that can be done by the individual teacher to improve his or her own teaching and perhaps to act as a catalyst for larger, structural changes. But one of the reactions readers may have to all of the foregoing suggestions is that they appear to lay emphasis solely on the improvement of individual teaching, and that may well serve as a distraction from the fiscal and institutional features of university life. Certainly one of the familiar criticisms of, broadly, humanistic theory and practice is the apparent attention given to the autonomous and seemingly isolated individual.[26] The resolution of the debate is beyond the scope of this paper, or it might easily take us into the realms of political theory, concepts of political action, and the like. For my purposes, I would make just three points, in response to the possible critique, and in response to the individual versus institutional issues in staff development. The first is that the debate has, for too long, proceeded on an "either/or" basis, that is, the resolution of this (or, indeed, any other) dilemma is seen in terms of either individual or institutional solutions. The preferable, and obvious, response is in "both/and" terms in focusing on elements of individual action to improve teaching which do not thereby dismiss or ignore very real institutional issues. The second point follows from the first, namely that the value of the process of self and peer process is such, in the attention it gives to individual action and professional goals and procedures, that it provides the foundation of a more effective insight into the balance of individual and institutional issues. The step back we take to observe individual teaching, in the context of agreed collective goals permits a clearer view of institutional, administrative and fiscal constraints — and of those features we simply imagined to be constraints. At the same time, the process involves participants in identifying not merely departmental or subject oriented goals, but also the goals of university education. And in so doing we may begin to recognize the extent to which institutions too readily defeat their own objectives and it thus becomes the task of "subversives" to remind institutions, in practice, of these goals. The third point is that, though the emphasis of self and peer evaluation may be primarily on the improvement of individual teaching, the process is explicitly a collective one. And it is such a process which will more effectively preserve a balance of individual and collective goals — and the balance of autonomy and accountability.

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26 R. Jacoby *Social Amnesia: A Critique of Conformist Psychology from Adler to Laing* (Harvester Press, Hassocks, 1975); C. Lasch *The Culture of Narcissism* (Abacus, London, 1979); William Simon "Homo Psychologicus: Notes on a New Legal Formalism" (1980) 32 *Stanford L.R.* 487.

Overall, the goal of self and peer evaluation is the development of both the specific, professional skills of (law) teaching, in the context of reflection on expectations and methodology, and the skills of critical, realistic assessment and monitoring. The professional skills of teaching will, through this kind of process, be taken to include the process-oriented skills of evaluation and development. And, in that process, the norms and expectations of teaching will be made explicit and negotiable. Through this kind of process we move towards the capacity for double loop learning so that we do more than perform adequately a range of established tasks, and begin to reflect on the goals of professional practice, and on our criteria of competence.

> Such peer audit is concerned not merely to maintain standards of competent practice, but also actively to research and creatively to develop notions of competence.[27]

27 Heron *Behaviour Analysis in Education and Training,* supra n.10, 34.

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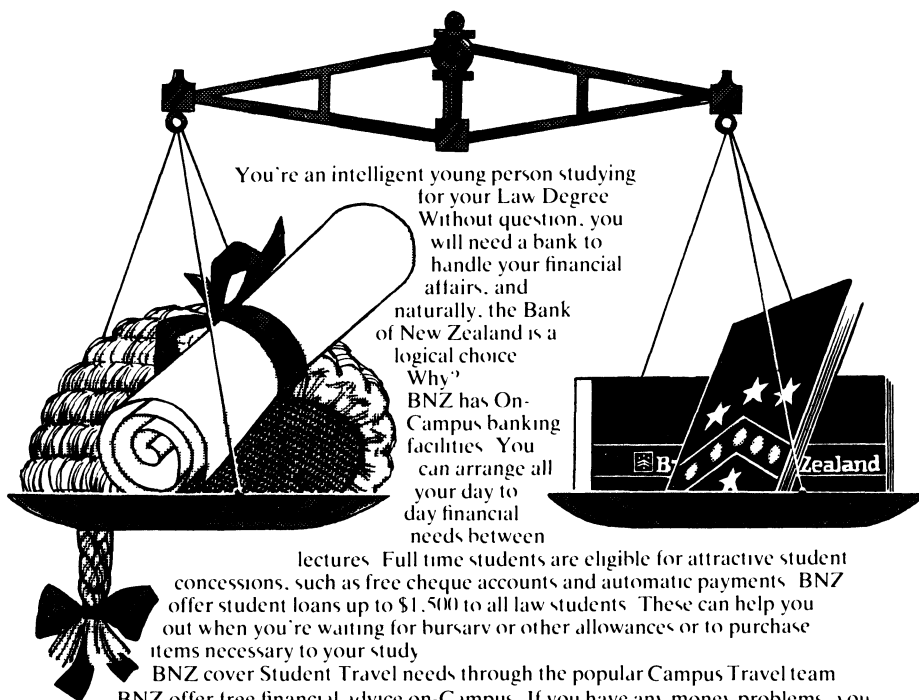
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