[117] Mick Healey, 'Linking Research and Teaching: Exploring Disciplinary Spaces and the Role of Inquiry-Based Learning' in Ronald Barnett (ed), *Reshaping the University: New Relationships Between Research Scholarship and Teaching* (Society for Research into Higher Education & Open University Press, 2005), 69.

CONNECTING RESEARCH AND TEACHING: A CASE STUDY FROM THE SCHOOL OF LAW, UNIVERSITY OF CANBERRA

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I INTRODUCTION

The need to produce law graduates with the capacity and competency to engage in complex practice has been widely noted in commentary on legal education.[1] This article suggests that the idea of teaching students to 'think like a lawyer' necessarily includes a strong research component. Wegner states that:

> 'Thinking like a lawyer' involves an array of sophisticated intellectual tasks ... correspond[ing] to widely recognised cognitive tasks associated with higher-order thinking often familiar to those students with strong earlier academic preparation and less well-known to others with more non-traditional backgrounds.[2]

A strong ability to research is crucial to develop the necessary higher order skills. One approach to developing research skills is through research-led education (RLE). The student benefits of RLE are well documented and include:
- deepening understanding of the knowledge bases of disciplines and professions, including their research methods and contemporary research challenges and issues;
- building higher-order intellectual capabilities and enhancing their skills for employment and lifelong learning;
- developing the capacity to conduct research and enquiry; and
- enhancing engagement and developing capacity for independent learning.[3]

However, RLE is not only of benefit to students. For the law academic, research in education is also a multi-faceted concept. It includes practices such as pedagogical research, reflection on one's own teaching practices, and discipline-based research which informs teaching. These practices for the academic then integrate with the student's experience of RLE.

While RLE has its benefits, it is not without its critics. As discussed further below, some students may not want to learn about research methodologies. Support for staff who adopt this style of teaching and research may be lacking. There is also a need for

evaluation to ensure the new methods actually yield benefits for students. Indeed, there has been considerable debate about whether a research culture among academics necessarily produces better teachers. The literature stresses that it is a myth that good teachers are necessarily good researchers.[4] For instance, one UK study found that student perception of research-active academics as good teachers depended upon the students' motivation for attending university. Extrinsically motivated students — 'those not satisfied by the learning itself' and whose decision to enter the university had been influenced by others — tended to evaluate these academics negatively. Conversely, those students who were intrinsically motivated — who valued 'learning for its own sake' and were not motivated by seeking high grades — placed a higher value on faculty research and its integration into the classroom.[5] Research does indicate, though, that students' interest is more readily engaged at both an intellectual and an affective level' when learning about instructors original insights.[6]

In this article, we report on one case study of RLE by law teachers at UC. We examine the links between research and teaching in this context by describing the institutional and governmental context for the case study (Part II) and how RLE has been conceptualised by University of Canberra (Part III), as well as identifying UC Law School practice (Part IV) and its challenges and successes (Part V). We show that the links between research and teaching are multifaceted and interconnected. Through learning about the variety of potential connections between teaching and research, readers may be enabled to analyse their own methods and come to recognise that they are in fact already engaging in RLE, as well as identifying the benefits of doing so.

II THE CONTEXT FOR THE CASE STUDY

Within many Australian universities, it is likely that there is a subcultural change taking place,[7] which recognises the nexus between research (broadly defined) and learning[8] and offers inducements to integrate the two. Exploration of this nexus has recently become an area of scholarly inquiry in its own right.[9] This cultural change is likely to be more significant for newer universities, like UC, which have not traditionally had sufficient access to research funding.[10] As formerly teaching-focused universities strive to develop a stronger research profile, they will benefit from developing the interconnections between teaching and research as a way of leveraging existing strengths and resourcing in a new direction. Such an initiative requires institutional commitment to teacher–researchers who cultivate a climate of inquiry for students at all stages of their journey. It also requires an expanded model of scholarship: the scholarship of discovery, integration, application and teaching.[11]

A Contextual (Dis)incentives

Like all universities, UC's internal research strategy is heavily influenced by external funding and assessment drivers in the form of grant income and research quality evaluation. Research income focused on 'discipline' research from Australian Research Council (ARC) grants is treated differently by both the Federal Government and UC from

grants focused on improving teaching and learning in higher education allocated by the Office of Learning and Teaching (and formerly the ALTC (Australian Learning and Teaching Council)). The Excellence in Research for Australia (ERA) Initiative assessed and evaluated research quality in Australian universities,[12] with the result being a score card produced in a national report. For the purposes of evaluation, most Law School research sits in the Field of Research code '1801, Law'. With the prospect of ERA scores driving funding to universities, internal research strategies are focused on raising these scores. There is a move to focusing research effort into selected areas — those that can achieve higher scores in future ERA assessments.[13] Within this context, there is a focus in individual staff performance evaluations on research that reflects the external drivers of research funding and ERA rankings.

The emphasis on ERA rankings thus impacts legal research and the teaching–research relationship directly. First, it limits recognition of research to those outputs that are recognised in the ERA, excluding other outputs that may be beneficial to teaching. For example, textbooks, casebooks and commentaries are generally excluded from the definition of research, but are a valuable teaching resource.[14] The performance expectation of applying for grant income also impacts on the type of research undertaken. For example, to attract ARC Linkage funding, research has to involve an external industry partner. This may result in a focus on applied research that is relevant to industry, rather than doctrinal, theoretical or critical research, whereas a balanced law curriculum should incorporate a range of approaches to knowledge.

These factors have the potential to weaken the teaching–research alignment, particularly where staff are pressured into producing ERA-recognised research outputs at the expense of research contributions and activities reflecting a broader conception of scholarship. For instance, if staff are reluctant to make submissions to law reform bodies, they may become less engaged with the process of law reform itself. Teaching materials, which draw on research, then lack this important aspect. The importance of publishing in a single field of research means that cross-disciplinary RLE becomes harder.[15] Finally, as Mayson notes in the UK context, research evaluation exercises (such as the ERA) may impact on academic recruitment, with legal academics being recruited because of their research profile, income and potential rather than the contributions they can make to the teaching program.[16]

These external policies have had an impact at an institutional level at UC. There is some encouragement for staff producing pedagogic research;[17] however, academics are still expected to be producing discipline-based research which is valuable for ERA reporting. And, while UC has incentive schemes to promote and recognise quality teaching, designed to increase the number of applicants for teaching awards at a national level, the scholarship of teaching is one small aspect of these.[18] It was in this context that the UC School of Law was required to implement an RLE signature theme.

III   CONTEXT: OUR DEFINITION OF RLE

In 2011, UC had to settle on a meaning for RLE and consider practical measures to implement its RLE signature theme. Different terms are used in the literature to describe

different aspects of the nexus between teaching and research. According to Colbeck, where a broad and inclusive definition of research is adopted, it is easier to integrate it into teaching.[19] A broad definition also supports a range of approaches to developing the teaching-research connection, which can be more sensitive to disciplinary differences and diverse student bodies.[20] A discipline-based approach is important in studying the research–teaching nexus because the nature of knowledge construction and research methods differ between disciplines.[21] As Healey notes: 'In constructing links between research and teaching the discipline is an important mediator'.[22] Each discipline should form its own view of what constitutes 'research', although some disciplines may be limited by professional accreditation requirements.

With this principle in mind, a central committee at UC articulated a model conceptualising the interaction of research with teaching.[23] That model was predicated upon a view of best practice teaching as student-driven instead of simply pedagogical — that is, the theory that learning is best achieved with students not acting as passive recipients of knowledge imparted through traditional lectures, but driving their own learning. This has been labelled 'learner-centredness'. [24] The model reflected a broad interpretation of RLE practices and of research. The latter was defined as advancing knowledge or ways of making knowledge,[25] in agreement with Brew's view that research is a 'complex phenomenon' and that there is no one thing, nor even one set of things, which defines 'research'.[26] Recognising this complexity, UC adopted the following definition of RLE:

For the purposes of the University of Canberra's signature theme, research-led education at both undergraduate and postgraduate level means that lecturers and students will:

Lecturers	*Students*
• *use their own disciplinary research to inform curricula*	• *learn about disciplinary research from researchers*
• *teach research methodologies and skills appropriate to qualification level*	• *develop research methods and skills*
• *act upon the latest research into teaching and learning*	• *access the latest teaching and learning opportunities*
• *provide and support learning opportunities that are inquiry based*	• *undertake research activities or other forms of inquiry*

This definition delineates and supports three primary intersections of teaching with research: pedagogical study; teachers who are active researchers in their discipline; and

providing opportunities for students to conduct and learn about research. Pedagogical study can be broadly defined as summarised in Table 1.

Table 1: Conceptual Model for Embedding Research Skills at UC: Intersection 1 — Research about Teaching[27]

Connection of Research with Education	*Definition/Example of Institutional Implementation*
Action research with individuals and/or the Faculty looking at their teaching styles/effectiveness	*Student evaluations used as research tool by including appropriate questions, analysis and translation into practice*
Research into models of assessment	*Integrate student feedback and observations into design of assessment*
Pedagogic research (research into teaching and learning, including research into how students learn)	*School/Faculty teaching practices may be informed by the literature*

This definitional framework is underpinned by the belief that 'Instructors should begin by knowing what they want their students to achieve and how they want students to get there'.[28] From there, teachers may tap into the pedagogical literature that will provide the mechanisms that others have used to achieve similar teaching aims.[29] They may also explore whether their learning and assessment methods are meeting these goals.

The desirability of teaching staff undertaking pedagogic research is self-evident. An understanding of effective teaching practices and continuous reflection on and evaluation of one's own practices is vital for effective teaching. Accordingly, UC has a strong focus on evaluating teaching, which is recognised as a crucial stage in conducting action research aimed at understanding which teaching approaches are most conducive to students achieving learning outcomes.[30] Researcher–teachers, in coordinating and monitoring learning activities, can engage in observation and chronicle their 'impressions' about the efficacy of the various aspects of learning cycles. In this regard, student engagement with, and performance in, assessment tasks are also fertile sources of feedback to reflective teachers on the effectiveness of their approaches and practices. Indeed, research of one's pedagogy needs to be flexible, sensitive, and responsive to contradictory evidence.[31] Such evidence can be gathered through standardised formal university evaluation instruments, by more informal electronic and face-to-face discourse, and through peer observation.

UC has established the Unit Satisfaction Survey (USS), which is conducted for every unit (subject). Students are asked to comment on a range of aspects of the delivery of the unit that reflect on teaching and overall satisfaction with the unit. Results are distributed to the academic, as well as Faculty Deans and Associate Deans (Education). Students also complete questionnaires after graduation to assess their course level experience (UC Course Experience Questionnaire). These surveys, together with other evaluation methods, form a part of the University's Courses and Teaching Evaluation and Improvement Process.[32]

Although the UC USS does not directly address the integration of research training and research projects, it is likely to impact on other questions, including whether students 'found this unit intellectually stimulating' or it 'helped [them] to develop skills and knowledge'. It will also impact on responses to the following questions with respect to generic skills: 'The unit sharpened my analytic skills', 'The unit developed my problem-solving skills', 'The unit improved my skills in written communication' and 'As a result of the unit I feel confident about tackling unfamiliar problems'. Law subjects are consistently and increasingly scoring above the UC average in the USS, particularly with regard to generic skills. For example, in the 2011 Semester Two survey results, all scores for the Law School were higher than the University average.

The benefits of RLE are also likely to impact on other externally measured factors. For example, the likelihood of increased retention rates will be relevant to the Australasian Survey of Student Engagement, which asks about departure intention. The Australian Graduate Destination Survey also measures students who go on to further study. At the time of writing, seven of the 13 currently enrolled UC Law PhD students received their undergraduate degrees from UC.

The second intersection/aim is to create research-active teachers (see Table 2). Analysis of Australian awards for university teaching award winners over the period 2001–2005 reveals that although not all winners were active researchers, most were.[33] As Lee has noted, 'Courses taught by those at the cutting edge of research will necessarily be of higher quality than those taught by those merely using the research results of others — whatever the apparent quality of their style of delivery'.[34] Thus, it is important that the topics, information and reading materials are contemporary and reflect the current 'state of play'. This requires a commitment to ongoing study in the areas in which one is teaching. UC has steps in place to encourage a research-informed curriculum and academics are expected to be research active. Staff are supported to undertake doctorates so that they have the research skills and training necessary to inform the RLE-focused curriculum. In addition, new academics must have qualifications and experience in both research and teaching. Annual performance expectations for all academic staff include a doctoral degree or progress towards one, and a minimum number of publications and grant applications. The Law discipline has consequently seen an increase in overall research outputs and an increase in staff with PhD qualifications.

Table 2: Conceptual Model for Embedding Research Skills at UC: Intersection 2
—Teachers Who Teach about their Research

Connection of Research with Education	Definition/Example of Institutional Implementation
Curriculum informed by research and research integrated into curriculum	Recognition that curriculum content must be dynamic as shown by research that is aimed at highlighting changing needs
Research related to subject material taught and effectively integrating research results into teaching	Use of research relevant to the subject material is a useful catalyst or template for students' learning

Research outputs attract funding, which can be directed towards teaching. They also raise a university's esteem, which will be attractive to students, particularly those at postgraduate level.

Table 3: Conceptual Model for Embedding Research Skills at UC: Intersection 3 —
Students Do the Research

Connection of Research with Education	Definition/Example of Institutional Implementation
Inquiry-based or learner-focused learning methods	Switching from transmission of content to 'deep learning' and cooperative experience — students are actively researching as they're learning
Research-based/inquiry-based assessment	Changing assessment from examinations to a more research-based format
Student participation in staff research	Research assistants
Students learn about research methodologies	Can be a core unit and/or mainstreamed into other subjects
Students do applied research with work-based learning	Internship programs with research component

The third cluster of intersections in the conceptual model is described in Table 3: students conducting research (in the broadest sense of the word) as part of their learning experience. Through some or all of these linkages, students develop the skills needed to cope with the complexity of a world which we cannot at any time fully understand.[35] Why are these connections seen as especially important? Research exploring the way people learn has found that learning is correlated positively with students' ability to make cognitive, social and experiential neurological links: making connections.[36] Research has also shown that 'more explorative and less formal' teaching approaches are conducive to students thinking independently[37] (and making those connections). Inquiry-based learning and assessment have thus been found to be conducive to transformative learning, and correlated with the development of critical thinking and socially responsible global professionals.[38]

It may be enough that the student develops skills to make this original, intellectual or creative contribution at some point in the future. Inquiry-based learning could focus on the process (the systematic inquiry itself) and/or the outcome (the originality, intellectual standard or creative contribution of what is produced). It could include external processes, such as publications, presentation of results, teamwork or networking, or it may be more

internal, focusing on an individual understanding of information.[39] It may involve a change to the assessment methods used: a shift towards formats that accommodate research-based assessment (assignments, presentations) rather than exams.

The value of having students do research is not just for the students, but also for the institution and its staff. If doing research as part of a team, undergraduate students may bring fresh perspectives, insight and energy[40] and can offer 'an original, intellectual or creative contribution to the discipline'.[41] Additionally, students are more likely to gain from research when they are actually involved in the research rather than being passive recipients.[42]

However, getting undergraduates — particularly those in their first year — to engage with the process may be problematic:

> To new undergraduate students 'academic research' is rather a dirty word … Their previous learning has often involved a passive, spoon-fed approach and the transition into becoming an assessment-driven student makes research for the sake of gaining knowledge a luxurious delight for some but pointless to most.[43]

While students at all year levels will benefit from connections between research and teaching, the nature of the interactions should vary depending on the year level. In the United States, the Council on Undergraduate Research has developed a Researcher Skill Development Framework that contains a series of levels of researcher autonomy that might be useful in determining ways to incrementally introduce students to research.[44] The Teaching Research Nexus website provides a template for mapping the teaching research nexus at a course level.[45] The Boyer Commission on Educating Undergraduates in the Research University suggests beginning with inquiry-based learning in Year 1 and culminating with a 'capstone' experience based around a major project.[46] One method might integrate modules into existing units at different levels in the curriculum.[47] For instance, Garde-Hansen and Calvert emphasise the importance of providing first year students with the opportunity to engage in higher-order skills of evaluation, synthesis and reflection.[48] Recent research into best-practice first year education indicates that an inquiry-based approach to learning and assessment boosts student engagement both with their study and with their peers, teachers and the institution as a whole.[49]

IV   UC School of Law Case Study

This Part explores initiatives taken by members of the UC School of Law to implement this conceptual model of RLE. To learn about our colleagues' approaches, we developed a survey that listed 10 intersections between research and teaching and provided illustrations of each.[50] Research was defined broadly in the examples and included identifying and retrieving information, and rigorous analysis of primary sources and their application. This instrument was distributed to all 21 teaching academics by email. Eleven responses were received and responses were analysed qualitatively and thematically. The limitations of the survey are acknowledged: only just over half the potential participants (52%) responded, and the results could therefore not be said to map the field at UC or more broadly. Nevertheless, we argue that they provide instructive insights into current teaching practices and future directions. Further research should seek

to expand on these insights and draw comparisons across institutions — for example, 'old' versus 'new' law schools.

A Research about Teaching

1 Valuing Teaching and Learning Scholarship

Academic staff in the UC School of Law are actively encouraged to research their teaching and present the results at conferences and in publications.[51] Such research is treated in the same way as discipline-based research: funds are available for conference attendance and the system of rewarding academics who publish applies to scholarship of teaching and learning.

Staff are also encouraged to showcase their teaching methods and pedagogy in fortnightly faculty seminars and at university-wide seminars hosted by the Teaching and Learning Centre (TLC). This approach addresses one of the challenges of RLE discussed further below, namely, ensuring staff are supported in undertaking research of this nature.

2 Evaluating Teaching and Learning Practices

The survey reveals the common practice of acting on quantitative and qualitative feedback from the USS. Academics report collaborating with colleagues, the Associate Dean (Education) and the TLC, as well as individual personal reflection, to understand USS feedback and develop appropriate responses in the next iteration of the unit. Such responses include changes relating to assessment practices, structuring class time and the use of online delivery.

In addition to the USS, many respondents conduct continuous evaluative research designed to measure the effectiveness of their pedagogical practices. Action research[52] (see Figure 1) is used by some staff as a form of scholarly inquiry into what works to facilitate student-focused independent learning and students' understanding of an underpinning threshold idea.[53]

Research by another law teacher, through observation, reflection and student feedback, has led to greater flexibility and student choice in assessment items. This teacher begins the semester with a discussion about the assessment items set for the unit, and the different assessment items available to students throughout the semester. These options have been developed in cooperation with colleagues and the TLC, making use of the utilities available on Moodle, the University's online teaching and learning platform. The results are assessment methods that students find engaging and manageable, increased student choice and autonomy, and assessments that are topical and practically relevant.

Several Law School academics also evaluate their teaching through surveys specifically tailored to investigate targeted aspects of their teaching. Seven respondents had designed their own surveys to seek feedback on specific aspects of their pedagogical practice. These instruments have been used to gauge the effectiveness of new and innovative approaches to teaching core aspects of the curriculum, particularly the use of authentic assessment and work-integrated learning approaches, and to inform changes to

unit design. Feedback from such surveys throughout the semester, rather than only at the end, ensures that law teachers are able to respond to the needs of the present student cohort. One example of continuous evaluative research through targeted Moodle surveys concerns the first year teaching team, who introduced a new, integrated first year curriculum and transition program throughout 2010 and 2011. Students were asked about the effectiveness of the foundation units in preparing them to study substantive law units such as Contract Law both before and after the introduction of the new curriculum and transition program.

Finally, peer review, in which colleagues observe and provide feedback on each other's teaching (including classroom lessons, online delivery, assessment, feedback) is well established among some Law School staff, and is growing with support from a 2011–12 ALTC Grant. Peer review provides an additional source of information about teaching and learning practices, one that is not dependent on student perceptions of quality teaching, but is instead underpinned by the expertise and experience of colleagues. Several respondents report using peer review within and beyond the Law School to evaluate their teaching and learning practices.

3 Research into Best Practice in Legal Education

School educational initiatives, such as the Clinical Legal Education program, the first year and Honours programs, and the focus on RLE itself are underpinned by thorough reviews of the literature in these areas, as well as participation in conferences, symposia and relevant professional organisations. Survey results indicate a widespread practice of reading and implementing best practice in legal education in the design and delivery of a range of aspects of the curriculum, in terms of content, skill development and assessment.

B Teachers 'Teaching' their Research

In 2010, the UC Law curriculum was re-energised by major changes to the Bachelor of Laws (LLB) and Juris Doctor (JD) degree structures. Each degree now has nine elective subjects instead of the previous four. This restructure was driven by a number of factors, including the desirability of student choice and flexibility, and the introduction of more work-integrated learning options, as well as the need to increase student participation in research and opportunities for staff to teach in their areas of research.

Several teaching academics have developed new elective units that mirror their areas of research expertise, enabling them to teach the results of their own research (eg Literature and the Law). The School also has a shell unit, Current Legal Issues, which can be used by staff to teach about a topic of current research. For some academic staff, the curriculum they deliver is informed by their own need to remain current with legal and scholarly developments. Respondents cited case law, legislative changes, industry developments, scholarly publications, contributions to law reform processes and updates received through professional journals and newsletters as informing the curriculum in their units. For example, in the dynamic area of tax law, court decisions, rulings and law reform proposals are discussed in class as they arise throughout the semester. The tax

curriculum is also responsive to major political and legal developments such as the Henry Tax Review, the Minerals Resource Rent Tax and the Carbon Tax.

The development of a Law School culture in which staff are encouraged to collaborate on teaching and research, teach in teams and undertake peer review of teaching is also resulting in increased opportunities for staff to teach in their areas of research in circumstances where they are not responsible for convening a unit and determining the curriculum. Survey results indicate a strong culture of academics guest lecturing in their areas of research expertise, a practice which benefits both colleagues and students. Of the 11 survey respondents, nine had given guest lectures in other units. An example comes from research on privacy: although there is no unit dedicated to privacy, one respondent had given lectures and seminars on this topic in a range of other units, based on his research. Another staff member reports drawing on the research expertise of a number of colleagues to illustrate the practical applications and effects of constitutional law in other areas of law, including tax, privacy, mental health and classification of media content. In addition, the first year program draws extensively on guest lecturers in the areas of Indigenous law, access to justice, legal theory and international law, thereby providing academics with opportunities to teach in their areas of research and to showcase the Law School's research expertise and profile to commencing students.

RLE for the academic is thus a much broader concept than academic engagement in discipline-based research. While engagement in discipline-based research is a prerequisite to RLE, it is not enough in isolation; that research needs to be integrated into curriculum in a way that is engaging to the students. An analysis of qualitative USS data on file with the authors shows that students view lecturers who are expert in the subject favourably and that this can lead to greater student engagement. Another aspect of RLE for the academic is to engage in research about pedagogy and their own teaching methods. The ways of integrating research into the curriculum are multi-faceted. In the next section, we look at examples of RLE from the student's perspective, as well as the interconnections between this perspective and RLE for the academic.

C Students Doing Research

1 Learning through Research

Several respondents report that they use research-based activities during class time to develop a pedagogical style that moves beyond transmission of content to 'deep learning' and cooperative experience. Accordingly, students actively research as they are learning. One respondent, for example, requires first year students to consolidate their newly acquired research skills by discussing a scholarly journal article in weekly seminar classes, thereby increasing students' exposure to academic research and critical analysis. Several respondents encourage their students to read widely in relation to unresolved or controversial issues, by directing them to particular sources and then discussing them in lectures, tutorials and online. One respondent uses 'buzzes' or small group targeted discussions. Questions derived from this action research have been identified as conducive to facilitating critical thinking in a group work context.

2 Research-based Assessment

The capacity to conduct and effectively communicate legal research and analysis is a fundamental skill for successful legal professionals. This is clearly reflected in the Learning and Teaching Academic Standards Statement for the Bachelor of Laws.[55] Threshold Learning Outcome 4 states:

> Graduates of the Bachelor of Laws will demonstrate the intellectual and practical skills needed to identify, research, evaluate and synthesise relevant factual, legal and policy issues.

Development of these skills should not be considered the work of elective units; instead, they should be incrementally developed through the Priestley Eleven subjects. However, these requirements do potentially impose a limitation on RLE. The ALRC has noted:[56]

> A requirement that students must 'master' (or at least 'know') large bodies of substantive law ignores the stark reality that this substance changes dramatically over time — sometimes in a very short time.

The ALRC favoured the adoption of a philosophy in which law schools promoted 'intellectual breadth, agility and curiosity; strong analytical and communication skills; and a (moral/ethical) sense of the role and purpose of lawyers in society'.[57] Although some survey respondents felt limited by the necessity of an exam in Priestley Eleven units, in reality, it is possible to combine the Priestley focus on content and exam-based assessment with RLE practices. For example, an experiential model of teaching Evidence required students to conduct research and analysis of complex issues to which there may be no clear answers, requiring critical thinking of a high order in the context of a moot court trial. In Constitutional Law, research into a fictitious High Court case is a core component of the assessment. In the foundation unit Legal Systems, students are introduced to fundamental aspects of scholarly research and writing, academic integrity and critical analysis. Assessment is scaffolded throughout the semester, commencing with an essay plan and annotated bibliography, which is followed by a critical thinking essay. Several other core units also include assessment to develop students' research skills.

Within the Law School, many units now involve research-based assessment, as opposed to the traditional examination path. Elective units such as Intellectual Property Law contain a strong research component, which requires students to formulate their own research question and write a paper. In other electives, assessment is wholly research based: in Mental Health and the Law, assessment consists of a peer-review activity, research proposal, research paper and legislative research; in Law and Literature, students complete a short and then long essay on the same topic, enabling them to develop their ideas, arguments and expression with feedback. In other units, research-based assessment departs from this traditional model of scholarly research and writing by embedding research tasks in assessments such as participation in online discussions, reflective journals and learning chronicles.

3 Research-focused Units

Several units within the law curriculum are wholly focused on research. The core unit Advanced Legal Research and Writing requires students to perform complex research and

analysis to complete the assessment. This unit uses a scaffolded problem scenario throughout the semester to enable students to develop applied research in a simulated professional context.

Students who intend to undertake the Honours program are also instructed in advanced research methodologies and develop their thesis proposal as part of this unit. The Honours thesis is an 8000–12 000 word research paper, which is designed to develop students' research and writing skills, legal or socio-legal analysis capabilities, and ability to think critically and originally. The Honours program also develops skills in researching independently and working with a supervisor. Similar skills are fostered in the Legal Research Project unit, where students prepare a shorter thesis.

The new *Canberra Law Review* unit provides opportunities for high-performing students to enrol as student editors and manage the online publication of a scholarly journal. Student editors are responsible for liaising with contributing authors, editing research articles and checking references, as well as preparing a book review, case note or other piece for publication in the journal. This unit provides research-focused students with an opportunity to gain a greater understanding of scholarly research and publication.

Finally, several units also combine RLE with another UC signature theme, work-integrated learning. This is one approach to reconciling what Kift describes as

> The perpetually uneasy relationship between the study and the practice of law: at one level, the aspirational balance to be struck between a liberal education and the knowing, the doing, and the practice — between the academic and the vocational — and, at another, more practical, level, how the 'contexts of actual legal practice' might more efficaciously be enacted in contemporary curriculum design.[58]

In core units such as Legal Methods and Skills and Constitutional Law, a strong research focus is contained within a simulated workplace model of assessment. In elective units such as Family Law, students are required to research and reflect on legal issues from a variety of perspectives, and present their findings as a legal judgment, editorial, ministerial brief, letter of advice or other workplace-oriented task.

The Law School has also increased opportunities for students to undertake practical, applied research. This is reflected in the Internship unit, where students may undertake research projects in a legal workplace (including law firms, government departments and tribunals). The main component of another new unit, Mooting, is applied legal research for a practical case. Students currently use this unit to prepare to represent UC in the Vis (East) International Commercial Arbitration Moot competition.[59]

In the new elective unit Law in Action, students complete a project for an external partner. More general benefits that we have observed with this type of RLE include fostering a greater knowledge-building community and developing student–staff relationships. This is particularly evident in units such as Law in Action. It enables the professional community to engage with the Law School and obtain a tangible benefit. The student obtains valuable experience of the legal community, in addition to enhancing research skills and developing contacts in the profession.

4 Collaborations between Students and Academics

A number of survey respondents indicate that academic staff within the Law School

collaborate with students outside the curriculum itself. Two respondents report collaborating with Honours students on scholarly publications based on their Honours theses. Several respondents also report employing undergraduates as research assistants. This practice represents multiple intersections between teaching and research. The students learn research skills by acting as quasi-apprentices on projects. In some cases, they contribute a sufficient authorial voice to merit co-authorship on conference presentations or published articles.[60]

RLE for the student should be scaffolded and integrated. Students have the opportunity first to learn about research and then to conduct their own research projects. Both of these tasks need to be conducted incrementally. Students at UC study a later year advanced research unit, and have access to more complex research-based assessment tasks in later years, including Honours and work-integrated learning projects. Student evaluation at UC demonstrates that students appreciate gaining better research skills and enjoy being able to select their own research topic. There were also comments suggesting that units could be improved where students could write a critical essay, particularly in Priestley subjects, where these opportunities are less common.

V   CONCLUSION: SUCCESSES AND CHALLENGES

An array of research and teaching connections may flourish within law schools, provided there is institutional support and a vibrant school culture. Where these connections are fostered, the practice of RLE is given the best opportunity to flourish. No one approach is advocated for adoption by other Law schools. Indeed, a fruitful area for further study would be a comparison of approaches at different Law schools across Australia.

We have demonstrated that a whole-of-institution approach to RLE is necessary for its implementation. This enables the complex overlap between staff and student research to be accommodated and encouraged, and provides the best strategy for integrating staff and students in creating communities of practice. However, there still needs to be strong discipline-based support to develop a culture of RLE. It is only at this local level that strong individual buy-in to the relevant institutional goals can be achieved. A range of institutional pressures, driven by external factors, also have the potential to limit RLE. These include limits on what is recognised as research.

There are clear benefits from implementing an institutional-wide focus on RLE. However, challenges also exist. None of these obstacles are insurmountable, but they do need to be acknowledged in order to ensure the best outcomes and the highest levels of engagement by both staff and students. Students and staff need to be supported to gain the benefits of RLE. Some students simply do not like learning about research methodologies and fail to see why they should do so,[61] though it is possible that such negative attitudes would improve with a research-based curriculum, where the students are given more opportunity to use the skills they learn and skills are introduced incrementally. Academics also need support in implementing any changes. The limited time of staff to mentor students needs to be acknowledged. Institutions need to develop sufficient rewards and incentives for participation. Further, at the individual level, there are some who hold

narrow academic views of research and the perception that students prefer traditional courses.[62]

Finally, all changes need to be evaluated to ensure they are leading to better outcomes. There are a number of obstacles to such evaluation, including: the economics of higher education funding, which create a divide between teaching and research; university accountability requirements that evaluate teaching and research separately; and inhibitory institutional structures and systems, which once again divide research and teaching. Fittingly, we are thus recommending that pedagogically oriented research needs to be conducted on RLE as practised by an institution and individual faculties or schools, to determine whether it is working.

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[1] See, eg, Australian Law Reform Commission (ALRC), *Managing Justice: A Review of the Federal Civil Justice System*, Report No 89 (1999); Roy Stuckey et al, *Best Practices for Legal Education: A Vision and a Road Map* (Clinical Legal Education Association, 2007).

[2] Judith Wegner, 'Theory, Practice and the Course of Study — The Problem of the Elephant', cited in Stuckey, above n 1, 21.

[3] For more information, see *The Teaching–Research Nexus: A Guide For Academics and Policy-Makers in Higher Education* (2008) <http://www.trnexus.edu.au/>.

[4] Alan Jenkins, *A Guide to the Research Evidence on Teaching–Research Relations* (The Higher Education Academy, 2004).

[5] Rosanna Breen and Roger Lindsay, 'Academic Research and Student Motivation' (1999) 24(1) *Studies in Higher Education* 75, 78, 89.

[6] Patricia Easteal, 'The Legal Education Professional: Reflection, Scholarship and Research,' in Sally Kift et al (eds) *Excellence and Innovation in Legal Education* (LexisNexis, 2011) 539.

[7] Paul Trowler and Terry Wareham, 'Re-conceptualising the Teaching–Research Nexus' (Paper presented at the Enhancing Higher Education, Theory and Scholarship Conference, Adelaide, 8–11 July 2007) 584 <http://www.herdsa.org.au/?page_id=217>. Trowler and Wareham stress the need for universities to identify university-wide and academic groupings, asking 'what are the predominant ideological orientations to research and to teaching and learning in this university context and how would they have to be changed in order to enhance the teaching–research nexus?'.

[8] Ibid. Looking at the literature, they found institutional variation 'in delivering the nexus'. University teaching and research strategies need to articulate the link.

[9] See Mick Healey, 'Linking Research and Teaching; Exploring Disciplinary Spaces and the Role of Inquiry-Based Learning' in Ronald Barnett (ed), *Reshaping the University: New Relationships Between Research, Scholarship and Teaching* (McGraw Hill/Open University Press, 2005) 67; Alan Jenkins and Mick Healey, *Institutional Strategies to Link Teaching and Research* (The Higher Education Academy, 2005); ALTC, *The Teaching-Research Nexus: A Guide For Academics and Policy-Makers in Higher Education* (2008) <http://www.trnexus.edu.au/>; Evan Jewell and Angela Brew, *Undergraduate Research Experience: Programs in Australian Universities, 2010* (National Teaching Fellowship Report, 2010). See also Macquarie University Learning and Teaching Centre (29 October, 2012) <http://www.mq.edu.au/ltc/altc/ug_research/>.

[10] See Access Economics, 'Study of Relative Funding Levels for University Teaching and Research Activities', A Report for Universities Australia (2010) <http://www.universitiesaustralia.edu.au/page/submissions---reports/commissioned-studies/relative-funding/>.

[11] Ernest Boyer, *Scholarship Reconsidered: Priorities of the Professoriate* (Jossey-Bass, 1990).

[12] See The Excellence in Research for Australia (ERA) Initiative (24 October 2011) <www.arc.gov.au/era/default.htm>.

[13] For example, in UC's Strategic Plan, Steps 29 and 32 refer to freeing time and returning benefits to 'successful researchers'. Step 33 emphasises development of research centres with scale and focus. See UC's 39 Steps: Strategic Plan 2008–2012 at <http://www.canberra.edu.au/planning-quality/quality/attachments/pdf/Strategic-Plan-2008-2012-Re-Vision-2011.pdf>.

[14] See the Department of Innovation, Industry, Science and Research and Tertiary Education definition of research for the purposes of the Higher Education Research Data Collection, at <http://www.innovation.gov.au/Research/ResearchBlockGrants/Documents/2012HERDCSpecifications.pdf>.

[15] See Christopher Arup, 'Research Assessment and Legal Scholarship' (2008) 18 *Legal Education Review* 31.

[16] Stephen Mayson, 'The Education and Training of Solicitors: Time for Change' (2011) 45(3) *The Law Teacher* 278.

[17] The ERA does involve some positive aspects for the connections between teaching and research. Teachers who undertake and publish research on their teaching may have these research outputs recognised as 'Other law and legal studies' in the Law Field of Research code.

[18] See Australian Government, Office for Teaching and Learning at <http://www.olt.gov.au/>.

[19] Carol Colbeck, 'Merging in a Seamless Blend: How Faculty Integrate Teaching and Research' (1998) 69 *Journal of Higher Education* 647.

[20] Healey, above n 9; ALTC, above n 9; Jewell and Brew, above n 9.

[21] Healey, above n 9.

[22] Ibid 67.

[23] Two authors of this article were members of the original committee. The then Deputy Vice-Chancellor, Professor Carole Kayrooz, and Janet Smith provided invaluable insights that are integrated into this article.

[24] Malcolm Knowles, *The Adult Learner: A Neglected Species* (Gulf Publishing, 4th ed, 1990) Knowles uses the term 'andragogy' to describe learner-centred and self-directed learning approaches.

[25] Ron Griffiths, 'Knowledge Production and the Research-Teaching Nexus: The Case of the Built Environment Disciplines' (2004) 29 *Studies in Higher Education* 709.

[26] Angela Brew, *The Nature of Research: Inquiry in Academic Contexts* (RoutledgeFalmer, 2001) 21.

[27] Derived from Patricia Easteal, 'Research-led Education Intersections, Practices and Ideas' (Paper presented at the ALTA Conference, Sydney, July 2009).

[28] Claire Major and Betsy Palmer, 'Assessing the Effectiveness of Problem-Based Learning in Higher Education: Lessons from the Literature' (2001) 5(1) *Academic Exchange Quarterly* 4.

[29] For example, if one's aims include inquiry-based learning, relevant research might include Knowles, above n 24. For further inquiry for application in law teaching, see Tracey Booth, 'Learning Environments, Economic Rationalism and Criminal Law: Towards Quality Teaching and Learning Outcomes' [2001] *UTS Law Review* 4.

[30] Tom Wilson and D Streatfield (n.d.) *Action Research and Users' Needs*, InformationR Net, at <http://informationr.net/tdw/publ/papers/action81.html>.

[31] Robert Yin, *Case Study Research: Design and Methods* (Sage Publications, 2009) 47.

[32] See UC Learning and Teaching Quality Assurance and Improvement (Sage Publications, 4th ed., 29 October 2012) at <http://www.canberra.edu.au/learning-teaching/academic-support/quality-assurance>.

[33] Christine Halse et al, 'The Research–Teaching Nexus: What Do National Teaching Awards Tell Us?' (2007) 32 *Studies in Higher Education* 727.

[34] Roger Lee, 'Research and Teaching: Making or Breaking the Links?' (2004) 12 *Planet* 9, 9. In Australia, nominees for the annual national teaching excellence awards administered by the Office for Learning and Teaching (OLT) are assessed on evidence provided against five selection criteria, the second of which is 'Development of curricula, resources and services that reflect a command of the field': OLT, *Australian Awards for University Teaching:* Nomination Instructions and Supporting Information (2012) <http://www.olt.gov.au/awards-awardsandnominations>.

[35] Brew, above n 26.

[36] K Patricia Cross, 'Learning is About Making Connections' (Education Resources Information Center, 1999).

[37] Peter Norrie, 'How Adult Are our Learners?' (2007) 12 *Journal of Research in Nursing* 319.

[38] Patricia Kelly, *Towards Globo Sapiens: Transforming Learners in Higher Education* (Sense Publishers, 2008) conducted research on this issue using pre- and post-surveys, including matched responses, detailed examination of the journals, and 'sense-making' interviews to identify what was bringing about the observed changes.

[39] Brew, above n 26.

[40] Mary Beckman and Nancy Hensel, 'Making Explicit the Implicit: Defining Undergraduate Research' (2009) 29(4) *Council on Undergraduate Research Quarterly* 40.

[41] Tom Wenzel, 'What is Undergraduate Research?' (1997) 17(4) *Council on Undergraduate Research Quarterly* 163.

[42] Mick Healey and Jane Roberts (eds) *Engaging Students in Active Learning: Case Studies in Geography, Environment and Related Disciplines* (Geography Discipline Network and School of Environment, University of Gloucestershire, 2004).

[43] Joanne Garde-Hansen and Ben Calvert, 'Developing a Research Culture in the Undergraduate Curriculum' (2007) 8(2) *Active Learning in Higher Education* 105, 107.

[44] See Council on Undergraduate Research (2011) <http://www.cur.org>.

[45] See The Teaching–Research Nexus, Curriculum Design Strategies (2011) <http://trnexus.edu.au/index.php?page=curriculum-design-strategies>.

[46] Boyer Commission on Educating Undergraduates in the Research University, *Reinventing Undergraduate Education: A Blueprint for America's Research Universities* (1998) <http://naples.cc.sunysb.edu/Pres/boyer.nsf/>.

[47] Healey, above n 9.

[48] Garde-Hansen and Calvert, above n 43.

[49] R Oliver 'Engaging First Year Students Using a Web-supported Inquiry-based Learning Setting' (2008) 55 *Higher Education* 285.

[50] The survey instrument was an amalgamation of Tables 1–3 in this paper. It was a part of the University-wide implementation strategy, with every teaching unit assessing RLE practices. It was approved by UC's Committee for Ethics in Human Research.

[51] Eg Patricia Easteal, 'Teaching about the Nexus between Law and Society: From Pedagogy to Andragogy' (2008) 18 *Legal Education Review* 163; Maree Sainsbury, 'Intensive Teaching of Graduate Law Subjects: McEducation or Good Preparation for the Demands of Legal Practice?' (2008) 1 *Journal of the Australasian Law Teachers Association* 247; Anthony Hopkins, 'Teaching Evidence Law within the Framework of a Trial: Relating Theory to Practice as Students Take to Their Feet and Take Responsibility for the Trial Narrative' (2009) 2 *Journal of the Australasian Law Teachers Association* 173; Easteal, above n 6; Sarah Ailwood and Susan Priest, 'Starting Law @ UC' (Paper presented at the First Year Experience in Law School: A New Beginning? Conference, Bond University, June 2011).

[52] Keith Trigwell et al, 'Scholarship of Teaching: A Model' (2000) 19(2) *Higher Education Research and Development* 155. Trigwell et al describe how an action learning cycle is the focal point of scholarship in teaching.

[53] Jan Meyer and Ray Land (eds), *Overcoming Barriers to Student Understanding: Threshold Concepts and Troublesome Knowledge* (Routledge, 2006). Meyer and Land use the term 'threshold concepts' to describe ideas that are initially difficult for students to grasp but once grasped can act as catapults that substantially enable learning and improve professional practice. See further ALTC, *A Threshold Concepts Focus to Curriculum Design: Supporting Student Learning Through Application of Variation Theory* (2008) <http://www.altc.edu.au/project-threshold-concepts-focus-anu-2008>; *Threshold Concepts & Variation Theory* website (November 2012) <http://www.thresholdvariation.edu.au/>.

[54] This figure appears in Easteal, above n 6.

[55] Sally Kift, Mark Israel and Rachel Field, *Bachelor of Laws Learning and Teaching Academic Standards* (2010) <http://www.olt.gov.au/resources/930,4060,1710?solrsort=score%20desc>.

[56] ALRC, above n 1.

[57] Ibid [2.83].

[58] Sally Kift, '21st Century Climate for Change: Curriculum Design for Quality Learning Engagement in Law' (2008) 18 *Legal Education Review* 1, 11.

[59] See <http://www.cisgmoot.org/index.html>.

[60] Two examples of the latter: Patricia Easteal and Josie Hampton, 'Who is the Good Bullying Victim/Corpse?' (2011) 10(2) *Canberra Law Review* 63; Patricia Easteal, Channy Cheung and Susan Priest, 'Too Many Candles on the Birthday Cake: Age Discrimination, Work and the Law' (2007) 7(1) *QUT Journal of Law and Justice* 93.

[61] Mari Murtonen, *Learning of Quantitative Research Methods — University Students' Views, Motivation, and Difficulties in Learning* (2005) <http://www.stat.auckland.ac.nz/~iase/publications/dissertations/05.Murtone.Dissertation.pdf>.

[62] Angela Brew, *Research and Teaching: Beyond the Divide* (Palgrave Macmillan, 2006).