THE 7 HABITS OF HIGHLY EFFECTIVE (OR PRETTY DARNED GOOD) TEACHING
OR LESSONS LEARNED IN THE FIELD

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I. Introduction

In 1989, Stephen Covey published what became the first in a number of popular self-help books and products. "The Seven Habits of Highly Effective People," and the books following it by Covey and others, identified an issue and enumerated 7 key behavioral or attitudinal strategies to assist readers in succeeding in those respective fields. Over the last 1 ½ years, we, too have identified 7 tenets that we have come to habitually employ throughout our instruction to make us better, more instructionally-aware teachers. These habits evolved while we collaborated designing and implementation an international contract negotiation exercise. From this process, and our subsequent collaboration as we assessed the project and presented our results, we distilled our 7 modern tenets, or habits, of effective teaching.

Lest this paper be mistaken for a Letterman "Top 10" list minus 3, it both identifies and explains the scholarly underpinnings of the habits as well as recounts the process through which they emerged. Therefore, we will first identify our 7 Habits and present the theoretical justification for each. We then will recount the part of the process of creating, implementing, assessing, or reflecting upon the contract negotiation exercise that led us to those habits. Hopefully, by using the negotiation exercise as a concrete, unifying theme, colleagues will better be able to contemplate the Habits as well as their application to their own instruction.

It may be instructive to discuss the process from which the habits emerged. The authors met at a research seminar in February of 2001[1], and were drawn to each other because of similarities in our empirical research and dispositions. After the seminar, we contacted each other to discuss our research, teaching, and courses. We soon realized that we both taught a course in international business law and used a similarly-structured exercise requiring students to demonstrate a mastery of international contract principles. We decided to develop a joint project for our students. Hence, early in the Fall 2001 semester, we designed a contract negotiation exercise for the students in our respective International Business Law courses. One group of students negotiated from the United States. The other student group participated from Great Britain where they

were studying for the semester. Although we agreed regarding the main structure and style of the exercise, as we negotiated its details, differences regarding our respective purposes and methods emerged. As we each articulated and justified our choices, we were compelled to more critically reflect on our methods of instruction and assessment. Developing and implementing the collaborative learning exercise for our students was only the beginning of the collaborative and critical assessment process. In fact, writing this paper collaboratively has continued our dialogue on teaching methodologies, and has prompted each of us to continue our individual processes of critical assessment through internal dialogue, review of learning literature, and re-evaluation of results.

Out of this process, emerged our 7 Habits. Though we call them "habits," these range from instructional methodologies to behavioral strategies for intelligent or exemplary instructional performance. While each of these habits stands on it own as good teaching strategy, collectively, they form a solid structure for ongoing growth and development

II. The 7 Habits

The 7 proposed "habits" for highly effective, or at least pretty darned good, teaching are:

Habit #1: Critical Reflection in the Teaching Process
Habit #2: Collaboration
Habit #3: Understanding Assessment as Summative Evaluation
Habit #4: Using Assessment for Formative Evaluation
Habit #5: Utilizing Performance Learning
Habit #6: Integrating Learning Styles Into Instruction
Habit #7: Instructor As Perpetual Student (in Educational Process)

Each of these habits is discussed below, independently, and, then, as part of the international contract negotiation exercise. As will become apparent, in many instances, although these habits may stand alone, they also work synergistically, drawing on and enhancing one another.

HABIT #1: Critical Reflection in the Teaching Process

The first Habit of effective teaching is learning to critically reflect on the teaching process. Critically reflecting on our teaching means we identify our goals so that we are better able to respond to student needs, adapt our methods to the changing context of the classroom, and determine whether our methods meet our goals.[2] Most instructors do base their instruction on expressed or unexpressed learning goals.[3] These goals are what connect our expertise in a discipline to a strategy for imparting our knowledge or skill set to students as well as providing the basis for determining whether we have succeeded. Without, at the very least, an implicit goal, education becomes a hit and miss proposition.[4] If we don't know what it is that we are trying to do, how will we know whether we have succeeded? Unfortunately, even instructors who are intuitive about their goals or are familiar with pedagogy, seldom expressly articulate their goals. Yet, if we do not regularly reach back into the process of teaching and analyze our goals, we risk misunderstanding the nature of our pedagogy – or what we have fooled ourselves into believing is our pedagogy.[5] We cannot make intelligent decisions regarding what occurs in the classroom, unless we consciously identify what are often tacit theories and confront them.[6]

Critically reflecting on our teaching helps ensure that we contemplate our instructional goals and then carefully match them to the methodologies best able to achieve these goals.[7] It forces us to intellectualize the teaching process, thereby enabling us to take more informed action in the classroom.[8] To do so, we must engage in an internal dialog with ourselves[9] during which we ask the critical question, "Does it help people learn?"[10] This requires we critically reflect, or carry out an internal debate concerning our philosophy of college teaching, our approach student learning, and our understanding of predominant theories of learning. We must critically examine those theories and our practice, so that we keep only what works while discarding what does not withstand scrutiny.[11] This requires that we must contemplate how, why, and when learning takes place in order to better understand how to provide the opportunity for it to occur.[12]

If we learn to reflect about our practice, and work to understand its impact, we are better able to justify why we do what we do and to assess whether we have been successful.[13] It is more likely that our methodology will have the consequence we intend, than if we find ourselves unable to justify, empirically or theoretically, what we are doing. The practice of reflecting critically about our teaching methodology helps us to do so.[14]

HABIT #2: Collaboration

The second Habit to effective teaching is collaboration. Collaborating with another instructor as part of the instructional process can help us become more reflective instructors[15] and more effective instructor overall. It not only allows us to see into a colleague's instructional bag of tricks and borrow what looks interesting, but, more importantly, it introduces peer review into the instructional process.[16]

Generally, instructors are drawn to collaborate in instruction, because they identify similarities in their methods, personalities, or course content. Consequently, when instructors first commence their instructional partnership, the initial development of an assignment or lesson can be quite simple. Collaborators are likely to agree upon central goals and general structure of the exercise. Yet, once the design requires specifics, differences are likely to emerge. Instructors may well hold different idea about how the exercise should be presented, how much and what type of background skills should be developed, how specific instructions should be, what assistance should instructors provide, and how exercises should be graded. Mediating those differences and sometimes maintaining them[17] requires true collaboration as well as exercising our critical refection. To successfully collaborate on an educational exercise, each collaborator must more deeply reflect on her teaching processes, so that she can articulate and justify proposed methods to her partner.[18] It is also necessary for us to be able to accept criticism of those methods or to replace them with new, better ones. Therefore, collaboration functions much like the academic process of peer review. Yet, before we can engage in this dialogue with a teaching partner, we must first know what it is that we believe. We must reflect. Honest, frank discussion with a teaching partner may clarify our objectives and, as we negotiate the differences, help us find better tools.[19] Working alone does not require this of us.

HABIT #3: Understanding Assessment as Summative Evaluation
HABIT #4: Using Assessment for Formative Evaluation

Habits 3 and 4 of effective teaching are concerned with evaluation or assessment. Habit #3 concerns itself with summative assessment, or the final evaluation of a project to determine whether it has been successful. Habit #4 is concerned with formative assessment, or on-going evaluation of our pedagogy so that it can be formed and developed. Because we see both forms of assessment as interrelated, we discuss them together. Nevertheless, it is important to identify each habit of assessment as a distinct process to ensure that they are neither conflated nor neglected.

"Assessment" has a number of meanings. Commonly, instructors use it to describe mechanisms for analyzing student understandings and competencies.[20] Thus, for some instructors, contemplating "assessment" means deciding whether to use an essay test or term paper. For others, assessment refers to the process of grading. The habits of assessment promoted here, however, are borrowed from the filed of educational theory, specifically, instructional design. Instructional design involves 3 phases: "analysis," "strategy," and "evaluation."[21] After developing information regarding the parameters of the project (the analysis phase),[22] the instructor next creates instruction tailored to the particular characteristics of the project (the strategy phase).[23] Finally, the instructor assesses instruction to determine whether it has succeeded (evaluation phase).[24]

Hence, for those invested in instructional design, assessment refers to a collection of methodological considerations undergirding the entire teaching process. Some of these considerations include: "How do we best present the subject matter?" "How do we know whether this exercise or test has the effect we intended?" "How doe we know whether the students have learned?" These questions naturally lead to appraising our teaching methodology by critically evaluating educational tools both as we develop them and after the students utilize them. Thus, as instructors, we must remember to adequately engage in both "formative" and "summative" evaluation. Formative evaluation allows the instructor to determine whether and how to revise instructional materials to make them more effective.[25] Literally, formative evaluation means that the materials are evaluated during the process of being formed.[26] In teaching, it is the ongoing process of developing our teaching skills. (The development of our contract negotiation exercise is a paradigm for this process). Summative evaluation is performed after the instructional tool has been implemented. The purpose of summative evaluation is to collect information so that the effectiveness of the instructional tool can be assessed after it has been utilized.[27]

Note that the formative and summative evaluation in Habits #3 and #4 do not focus on grading students or assessing their learning, but on grading ourselves and assessing our progress. That is, we must be mindful that in addition to assigning grades to our students, we must also grade ourselves. We must assess whether our methodologies worked, to what degree, and how they might be altered.

HABIT #5: Embracing Performance Learning

The fifth Habit to effective teaching asks instructors to embrace, or at least contemplate, "Performance Learning" as a method to foster student understanding.

How do we know whether students have gained understanding of the materials we teach? That we may intuitively "know" student understanding when we see it[28] hardly qualifies as a curricular guideline. Rather, we must first adopt a philosophy of what understanding is.[29] Once we have adopted a view of understanding, it becomes much easier or clearer to devise ways to teach for and, later, assess understanding. Perrone has characterized true understanding as being able to think and act flexibly with what one knows.[30] Rather than characterizing understanding as possession of a mental model[31] or knowledge structure,[32] it is a "flexible performance capability."[33] Although learning facts is a critical backdrop to this process, learning facts is not learning for understanding.[34] Accordingly, one way to gauge a student's understanding is to require the student to do something public that puts that understanding to work that shows an ability or inclination to use what she knows.[35] Hence, a student "performs her understanding."[36] Like any other performance, performances of understanding involve multiple aspects that require artful coordination[37] and flexibility in response or action:[38] It requires that students contemplate not only content knowledge, but also to considering what that student knows or doesn't know, and how to go about enhancing understanding.

Such understanding performances vary according to pedagogical goals. For example, understanding performances might be explaining or solving a problem, developing a product, or creating a business plans. It might be painting a still life in acrylic to demonstrate understating of representational art, use of color, control of acrylic as a medium, and spatial relations. It may be drafting a contract to demonstrate understanding of contract principles, their use, and manipulation in the business setting. The key is providing students with the appropriate forum so that they can show that they can use knowledge, apply it, enhance it, and realize its worth.

Learning for understanding occurs primarily through this process of reflective engagement.[39] Like the critical reflection on teaching promoted above in Habit #1, reflection here[40] speaks to how "individuals think about their own mental processes, the processes through which the individual becomes aware of and directs her own behavior."[41] These are the mini-conversations we have with ourselves as we watch plans unfold and review plans as obstacles emerge.[42] It is spurred when individuals attempt to interpret or understand situations by considering on what is known about them.

In addition to mechanisms to assess deep understanding, "understanding performances" are, themselves, instructional.[43] These performances are built on a stage of previous understandings accompanied by new information provided by the instructional setting. Performance not only displays a skill contextually, but rehearses it. Therefore, as students "work through their understanding in response to a particular challenge, they come to understand better"[44] and ascertain the true relevance of their task.[45] Thus, much like an actor rehearsing for a play who learns the dialogue or the motivation of a character better, so will a student come to better understand the subject matter content, its relevance, and ideal use. Essentially, performing up to the present level of proficiency increases the base level of proficiency.

Furthermore, performing one's understanding not only demonstrates the current level of understanding, but also advances it.[46] A stellar performance demands correcting one's deficiencies and instigates metacognition.[47] Often, students are unaware of how they process information until confronted with a public task. They then begin to question what they do and do not understand, why they do not understand, and critically reflect on their own learning.[48]

HABIT #6: Negotiating Learning To Application

The sixth Habit of effective teaching requires us to integrate into our teaching ways to assist students to move from learning content to applying it in real life situations. Indeed, this Habit is also evidenced in Habit #5.

"Learning" has been defined as a change in human disposition or capability[49] and instruction as the "deliberate arrangement of learning conditions to promote" this formative change.[50] Despite the simplicity of these definitions, there is no consensus regarding what, exactly, those changes in students should be. One vital function of higher education is helping students acquire and hone their analytical, critical thinking,[51] and problem-solving abilities.[52] Another is to ensure that students can apply knowledge outside of the classroom or beyond the example in the text and use it in relevant ways.[53] "What matters . . . is not just what students know but . . . [whether they can put what they] know into practice"[54] and transfer it to new situations.[55] When a learner applies what was learned outside of its original context, meaningful learning has been achieved.

Both educational theorists and business leaders, however, complain that traditional education does not empower students to be critical thinkers or problems solvers.[56] This is hardly surprising, since students often receive content knowledge

divorced from the settings that would make it meaningful to them.[57] Unfortunately, traditional higher education teaching and assessment offers limited opportunities for students to apply their understandings to the real world. "[S]tudents often spend their time on tasks that are only remotely related to the performances their teachers hope they will ultimately master."[58] For example, in many business law courses, students memorize rules about contracts and answer multiple-choice questions about what they remember.

Therefore, to better ensure meaningful learning among our students, we must assess the ways in which we can help students negotiate the transition from content knowledge to application of that knowledge. In large part, this requires teaching students to use and to reflect on the relevance of the information that they encounter.[59] Choreographing instruction so that students must be active participants in the process of learning assists with this process. In doing so, the cognitive process of "metacognition" is paramount. Metacognition includes knowing when or what one does or does not know, planning ahead, efficiently apportioning time and energy to learn, and predicting the correctness or outcomes of one's performance.[60] Essentially, the process of metacognition is thinking about thinking. Through it, learners become introspective, conscious, and vigilant about their own learning.

Realistic problems motivate students to seek out and learn what is necessary to solve the problem.[61] They also make real world applications more apparent. One of the chief advantages of these approaches is that students can be cast as active participants who make decisions, solve problems, and react to results.[62] Hence, these methods provide a forum in which students can to develop critical thinking. There is support for the premise that knowledge learned and used in a realistic context is more likely to be remembered and used appropriately when it is needed later;[63] it is "etched much more firmly into peoples perceptual filters and structures of understanding."[64] Simulations, for instance, offer one model of a real world situation that the students re-create or work through in class.[65]

Indeed, by some accounts, reality-based problem-solving methodologies, such as problem based learning (PBL), simulations, or case studies, rank among the most important developments in contemporary higher education.[66] Further, beyond developing subject-matter proficiencies, reality-based and problem-solving methods contribute to general cognitive development. Indeed, they force students to take responsibility for their own learning, moving them beyond content and lack of understanding or suffer the consequences.[67] Hence, students must reflect on their learning and lack of understandings, and, indeed, assess both their level of competency as well as mechanisms to adjust/ correct deficiencies. Students may then re-read notes and text, look for outside resources, and discuss issues with colleagues. The experience of successfully working through a problem empowers students,[68] and leads to some perceived level of self-efficacy.

HABIT #7: Instructor as Perpetual Student (in Educational Process)

Habit #7 focuses on our continued growth and development as instructors. So that we do not stagnate, but, rather, ensure that our teaching remains fresh, innovative and effective, we must view ourselves as perpetual students of the educational process. Like the students in our classrooms, we must research and study educational theory. We must test our understandings of those resources by integrating them into our classrooms and by contributing to the scholarship of teaching.

During the course of our collaboration, the realization that we are students emerged in two ways that are intimately bound up in the other habits. First, we discovered that the collaborative process itself is an important part of the process. Writing this paper has continued our dialogue on teaching methodologies and has prompted each of us to continue our individual process of critical assessment through inner dialogue and evaluation and re-evaluation of our results.

In addition, we have both devoted a considerable amount of time to the study of the literature on learning theory and pedagogical design. This is particularly important because it can provide a perspective on a teaching problem or scenario that we believe is particular to our classroom experience or a particular exercise.[69] It can also help us to question our assumptions about teaching and "challenge taken-for-granted ways of thinking and working."[70] And, it can provide a wealth of information and ideas on better ways to impart knowledge for our students.

III. Employing the Habits: Designing the International Contract Negotiation Exercise

Early in the Fall 2001 semester, we began to design our International Contract Negotiation Exercise. Although we had discussed the project on the phone, midsummer, designing and implementing the project required that we communicate almost exclusively via e-mail. This left a record of the process involved in developing the exercise. It has also been useful in understanding and developing the habits that emerged.

A: Habit #2: The Collaborative Process and Critical Reflection

We will begin our analysis by describing the process of developing and implementing the international contract exercise. Because we shared common central goals and agreed on the macro level about structure of the assignment the initial development was quite simple. Yet, once we came to the specifics of the assignment – how much detail should be included, which words to use, how much and what type of background should be developed, how specific instructions should be, what assistance should instructors provide in developing, keeping track of, and ensuring negotiation time for groups, the impact of the "best" deal negotiated – some differences emerged. Yet, because we saw the value of Habit #2 and the collaborative process, we saw the differences as an opportunity to discuss and learn. Neither perceived these differences as distinguishing the right way from the wrong way, but as different methods to realize sometimes different instructional goals.[71] Our discussion of these differences caused each of us to reflect more carefully on our own processes, previously hidden from scrutiny, and to learn more about educational theory. In the end, we each believed that we came out of the experience with a better negotiation exercise and with a better grounding in instruction.

For example, the level of detail to include in the exercise became an issue. We had different past practices and inclinations concerning how much detail to include. In the process of discussion, we each came to understand our own approaches that drove our past practices concerning detail. One instructor thought of the exercise as simulation and preferred more robust details. If simulation of a business transaction is a primary goal, then it is important to provide sufficient details to make the negotiation process realistic. In this way, students can best become committed to and assimilated into the roles they play. Theoretically, the more realistic the details, the more closely the exercise will simulate an actual business transaction. Students will experience the frustrations and compromises they would in an actual business setting.[72] They will better work in the mindset of the roles they inhabit all while in a relatively safe setting. As they work through the problem, they must demonstrate understand of underlying legal and business principles. These will enhance the ability of students to take this educational experience to similar settings. Accordingly, the more realistic the simulation, the more likely that students can appreciate their learning. Furthermore, details can also help students sharpen their content knowledge. Where students work within a highly detailed scenario, they must sort through information, determining which is useful and which is not, lest they be distracted by superfluous facts. Thus, any resulting performance displays the ability of a student to accurately focus on relevant information.

The other instructor did not perceive simulation as a goal. Instead, in her past practice she had utilized fewer details to provide a more fluid structure. The focus was on problem solving and creativity, rather than simulation. Traditional classrooms and assignments are highly structured and leave few gray areas. Yet, the world of business is exemplified by uncertainties and the unknowable, shifting landscapes and shifting desires. Students have few experiences addressing and working through such ambiguity, this instructor preferred an educational environment where students are forced to confront and work through a higher level of ambiguity. Her goal was providing students with an arena in which they must come to realize not to assume that all parties share the same understandings, but, that those understandings must be discovered and expressed. If this is a goal, the assignment will leave more issues unanswered, not addressed at all, or purposely vague. This type of assignment favors fewer details, because details can eliminate ambiguity.

Instructors also expressed differences with regard to the importance the negotiation component of the exercise played in the context of the entire exercise. Was this a negotiation exercise? Was it an exercise that used negotiation as a vehicle? Some course and exercises focus on negotiation theory, or how to understand the negotiation process conceptually and undertaken behaviorally to produce better solutions.[73] Other times, the cannons of negotiation theory are not a central educational goal. Negotiation may usher students into a situation where they must more consider both sides of an issue to garner success. If students had only to write a contract, but did not need to negotiate one with others, they would still learn content and some application of contract law in a business transaction, but would never need to contemplate the issues as deeply, parry demands with new clauses, or strategize to give on some issues to gain on others.[74] In still other instances, negotiation is a mechanism to facilitate a group experience, forcing students to work with each other in productive relationships. Yet, working in a team is often more chaotic and conflict laden than working alone. Accordingly, in an instructional setting, it permits students to experience and resolve conflict and develop cooperative relationships, while finding solutions to a common goal.[75] Negotiations may be simply a mechanism to bring more people into the problem solving process, much as group work does. In such circumstances, negotiation exists primarily to add the uncertainties or lack of ultimate control of the situation when a second or third party is involved. Negotiation may also seek to function as a stage on which students can practice creativity in response to conflicting ideas. Accordingly, the level of detail is unimportant or should be reduced as more detail can be inversely related to creativity.

In the end, we found that the collaborative process really helped us to focus on Habit 1. We had to critically reflect on our teaching and methodologies so that we could engage in the collaborative process. By better understanding our own and our partner's motivations, we were able to collaborate and reach a comfortable middle ground where neither of us felt that we had lost (or won), but that we had come away with a better assignment. In some instances, we surrendered certain preference, such

as how much or how little detail must be included, realizing that our individual and shared goals could be met with an exercise that compromised on this issue.[76] Working from the same script still allowed each of us to interpose individual elements, including highlighting different subtext and individual goals.

B. Habits #1, 5, 6: The Exercise & Performance Learning

Before proceeding, we will provide more detail about the project we developed and how it was implemented. In mid-October, students in each class were either assigned to teams or allowed to choose their own 3-5 member team. Students in London were assigned the role of sellers and students in New England were assigned the role of buyers. All students received the same two-page set of general instructions as well as two pages of role specific instructions. The process of how to negotiate was left up to the students. The "General Rules & Instructions" began:

> Buyer groups in Smithfield, RI and seller groups in London, England must contract for the sale of goods. It is the responsibility of each Buyer and Seller negotiating group to decide how best to conduct negotiations so that all members of the group fully participate.

The general instructions went on to explain that the New England buyers were to purchase 50 cases[77] of chocolate cream liquor from the London sellers. This transaction was to be reflected in a single written contract.[78] We did not provide students with instructions on the format, language, or content of the contract except that it must at least include:

(1) A clause that deals with dispute resolution

(2) delivery terms (as reflected by appropriate use of Incoterms)

(3) payment terms

(4) a clause that addresses issues of performance due to events beyond the control of the parties.

Each group also received two pages of role specific instructions that provided additional context, textures, and motivation for the negotiations. Some of these noted buyers or seller's future business plans, present market shares, or competing forces. For example, although the New England sellers knew they were to purchase 50 cases of liquor, they did not know the size of the bottles and number per case, the London sellers did. Although the New England buyers were aware of particular packaging and labeling needs the London sellers were not. The purpose of the differing instructions was in part to provide "realism" and in part to provide a forum that would encourage to students to recognize and navigate difference and ambiguity. Student buyers and sellers then began working on the assignment in their teams while negotiating contracts via e-mail.

Part of the reason for creating the exercise in this way was to provide a vehicle for the students to perform their understanding. As we worked through the process of critical reflection and collaboration, developing an understanding of performance learning became important. This was especially true since one of the collaborators was well versed in pedagogical literature and the other was not. Despite the difference, we were able to identify our primary goal as teaching and providing an opportunity for students to perform their understanding of international contract law. We agreed we wanted students to know the rules and exceptions of international sales law.[79] However, we believed it was more important that they demonstrate their ability to use the rules in real-life situations and manipulate them for the benefit of business than to memorize the rule out of context. Thus, the performance of these understandings was to be a single, final contract, authored and negotiation by each student group.

In terms of content knowledge, the contract assignment teaches and assesses both pre-requisite and higher level objectives. What this means is that students must possess basic knowledge regarding the rules of The United Nations Convention on International Sales Contracts (CISG) and other legal issues.[80] This is the pre-requisite knowledge. They must then use their content knowledge in practical ways. They must spot where and how the rules should apply, and, then apply them.[81] For example, every contact for the international sale of goods requires a trade term. Many international contracts use the International Chamber of Commerce's trade terms, or Incoterms. Each of the Incoterms designates in 3 letter anagrams the shipping method, who pays for shipping, who is responsible for insurance, and when risk of loss passes from buyer to seller.[82] The contract exercise required that students learn these trade terms, and also recognize which are most advantageous for their position and how to trade them as currency for more favorable contract terms. To reach this level of understanding, however, students must become conversant in the terms, practice applying them, and, then, really think and digest. This process begins with a student's assessment of her content knowledge of Incoterms, and, therefore, deficiencies in that understanding. Hence, it invites some level of metacognition. For example, sellers might propose the EXW term. Buyers, then, must think, "What is this?" and then, "How is this good (or bad) for us?" This sends students back to study of the terms and, once this background

knowledge is obtained, to practicing the application of the terms. In doing so, students become responsible for their own learning. Students who begin to display an understanding will move to the next level of considering alternate terms and the interplay of Incoterms with contractual values. Students must perform their understanding.

C. Habits #3 & 4: Assessing the Exercise

Students were required to submit their contracts and the e-mail record of their negotiations approximately three weeks after they received their instructions. Each instructor individually reviewed the contracts, provided written comments, and assigned a preliminary grade for the work. Then, they discussed their assessment with each other. Thus, we were able to provide evaluative checks and balances for one another as well as highlight additional information or insights each of might have had. Based on these conversations, grades were assigned consistent with the original collaborative criteria for performance of understanding and for each instructor's individual criteria.

What we were doing assigning student grades, was classic summative assessment of the student's performance. For example, adept usage of Incoterms was one piece of the overall assessment criteria, which focused on how well the contract demonstrated that the students had mastered the legal materials and applied it in a business context. This meant that in addition to evaluating the use of Incoterms, we evaluated what was included in the required clauses, the nature of the final contract in terms of which side got the better "deal", and how well the final contract was organized, constructed, and written. Needless to say, a part of the assessment was based on subjective criteria. An instrument, like this contract, that cannot be graded objectively can produce unreliable results. Even the grading time or mood of the grader can impact evaluation.[83] Individually, instructors can reduce this risk by using explicitly developed and state criteria.[84] In order to make certain that we provided the most reliable grading possible, each of us assessed the contract independently, keeping notes and reasons for assigning the grades we did and only then met with each other over the telephone to compare and discuss our assessment. We acted as checks on each other's summative evaluations. Because we differed in some regards, this also brought to the fore differences in style, individual goals and processes.

We did not, however, stop with summative evaluation of student work. Rather, we followed Habits #3 and #7 to consider what we had learned about the exercise. We teachers too often evaluate student papers, examinations, or other work without considering areas of common student difficulties.[85] However, if we want to use student performance as a method of assessing our instructional tools, we must go further. For example, after grading a project, it is useful to look back and consider common errors and think about why those errors have occurred. If we learn to reflect about our practice, and work to understand its impact from the students' perspective, we are better able to justify why we do what we do.[86] It is more likely that our methodology will have the consequence we intend if we can justify why we're doing something based on some experiential or theoretical evidence.[87] And, through the process of critical reflection we learn about the process of teaching and learning and continue to grow as instructors.

Another way to evaluate student performance to determine whether the exercise is having the effect intended is that the classroom should be a livelier place.[88] As the students master the materials, discussions become more animated, students ask questions with more depth, and they hang around after class to discuss the materials.[89] This was certainly the instructors' experience on each side of the Atlantic. Students were much more animated in class and many of them visited the instructors' to ask specific questions.[90]

Asking the students to directly comment on the exercise or their educational experience is yet another effective measure for formative evaluation.[91] If our motivation is to increase the effectiveness of teaching and the quality of learning, then seeing the process through the student's eyes is critical. Many of our institutions require us to hand out standard evaluations at the midterm or the end of the semester, but this approach to assessing instruction has drawbacks. First, too often, these evaluations serve as a "satisfaction index" that measure how much the students the class or like us as teachers.[92] In addition, they are much to general for true evaluation of a given educational experience. Most of these standard evaluations measure the whole course, rather than particular units or instructional methodologies. For example, one of the questions students on one campus were asked to answer was "Overall, how would you rate this class?" The students were provided space to provide a written response. Although students comment on this particular exercise, by and large the written comments were very general, for the most part written by students who found the exercise to be a positive experience, and provided little in the way of substantive guidance on how to make the exercise a more useful tool. In addition, although their input is important, students may not be in the best position to be the sole evaluators of pedagogical methodology at the end of the semester because we seldom let them know exactly what we were up to. Second, it eliminates any opportunity to address the problem for the group of students having the problem.

Prior to the end of semester course evaluations, each instructor chose a different assessment technique at the close of the exercise. The techniques had both summative purposes (to assess this particular exercise with this group of students) as well as formative functions (to determine how to improve the exercise if it was used in the future). One instructor spent a significant amount of time in class discussing the three versions of the contract that had been submitted and solicited student critique of the exercise. In an open discussion, students were encouraged to ask questions, talk about their frustrations, and voice their opinions. They were also given the opportunity to discuss the exercise with the other instructor later in the semester when the other instructor visited the class.

That other instructor asked the students to meet in their negotiation group and to provide a written critique the exercise. This, indeed, was intended as part of her instructional methodology. The students were specifically asked to address the following:

a. Did this teach you about content (contracts);
b. Did it cause you read material you otherwise had not (or to read them more deeply);
c. Did it further your understanding of the law or make the academic explanations of law more relevant;
d. Did it teach you anything about negotiations;
e. Would you do anything different the next time;
f. Can you use any of this information in the future;
g. Should the exercise by used again;
h. What changes should be made.

The students had universal praise for the more explicit educational aspects of the exercise. In particular, all students responded that the exercise taught them about contracts (Q #a) and greatly increased their understanding of the subject matter (Q #c). Several students commented that the exercise forced them "to learn things [they] didn't know," or "to figure out how the law work[ed]." Many noted that they re-read the text, as well as supplementary texts and materials about contract clauses that had been placed on library reserve (Q #b), and that they may have neglecting doing so, otherwise. Indeed, most student groups expressed that they "had learned a lot" or now believed that they possessed a solid, relevant grounding in contracts (Q #a, #c, #f).

Although the overwhelming majority of groups endorsed the future use of the exercise (Q #g), many, approximately half of the groups either complained that they had to negotiate with students in another class, country, and time zone, or, conversely, suggested that the exercise be modified to negotiate exclusively with other classmates (Q #e, #h). The students / negotiating partners in the other class (who critiqued the exercise verbally) expressed similar thoughts. Generally, students complained of the additional hurdles involved in communicating with someone not at the same educational institution (or time zone). [93] A few groups, however, acknowledged that working with students that they did not know personally and could not easily access added reality to the exercise of international contracts, i.e., typically, they would not have this access or familiarity with first-time foreign sellers.

Indeed, that had been an initial motivation of the instructor's – to more realistically place students *in* the position of international negotiators who, thus embedding the distrust, cultural difficulties, and access difficulties attendant to "real life" international contract negotiations. The student complaints (and obviously the few recognitions of the reality), thus, indicate that we achieved this instructional goal.

IV. Conclusion

Discovering and embracing The 7 Habits has increased the effectiveness of our instruction and our methodologies. By integrating these into our respective instructional personae, we have become better, more intelligent instructors and more helpful colleagues. Furthermore, as demonstrated by the collaborative International Contract Negotiation exercise, these guiding tenets go beyond empty self-help mantras, but, instead, can easily and concretely be incorporated into one's classroom instruction. Although not all of The Habits may resonate with every instructor, considering at least some promises to enhance one's instruction.

Footnotes

[1] The authors wish to express their deepest gratitude to the University of Florida, Gainesville and to the organizers and participants in the 2001 Huber Hurst Research Seminar.

[2] *See* STEPHEN D. BROOKFIELD, BECOMING A CRITICALLY REFLECTIVE TEACHER 29 – 35 (1995) [hereinafter BROOKFIELD, REFLECTIVE] and STEPHEN D. BROOKFIELD, THE SKILLFUL TEACHER (1990) [hereinafter, BROOKFIELD, SKILLFUL].

[3] MICHEL H. SCHWARTZ, *Teaching Law By Design: How Learning Theory and Instructional Design Can Inform and Reform Law Teaching*, SAN DIEGO L. REV. 347, 394 (Spring 2001), *see also* Julian Webb, "Why Theory Matters," Chapter 2, 23 in TEACHING LAWYERS" SKILLS (JULIAN WEBB & CAROLINE MAUGHAN, eds. 1996) [hereinafter TEACHING LAWYERS'].

[4] WEBB *supra* note 3.

[5] *Id*.

[6] CAROLINE MAUGHAN & JULIAN WEBB, "Taking Reflection Seriously: How was if for us?" at 271, in TEACHING LAWYERS', *supra* note 3.

[7] BROOKFIELD, REFLECTIVE , *supra* note 2.

[8] MAUGHAN & WEBB, *supra* note 6.

[9] PHILIP A. JONES, "We're all reflective practitioners now: Reflections on Professional Education," at 304 in TEACHING LAWYERS', *supra* note 3.

[10] BROOKFIELD, SKILLFUL, *supra* note 2.

[11] Webb, *supra* note 3, at 30.

[12] CAROLINE MAUGHAN, "Learning how to learn: the skill developer's guide to experiential learning," 77 in TEACHING LAWYERS', *supra* note 3.

For example, utilizing experiential exercises should not be driven by a desire to give students the opportunity to use experiential exercises. Rather, the decision to provide the experience should be motivated by the outcomes that can be accomplished via the experience. Selecting an experiential exercise requires knowing what one wants the exercise to accomplish.

[13] BROOKFIELD, REFLECTIVE, *supra* note 2, at 22 – 24.

[14] *Id*. at 22 – 24.

[15] One who engages in critical reflection. BROOKFIELD, REFLECTIVE, *supra* note 2 at 29 – 35 (1995).

[16] Collaboration can also provide an effective and efficient forum for peer review of our teaching methods. Such review can be a critical component for developing our teaching through the process of critical reflection. *See id*.

[17] Surrendering important, individual goals would be counterproductive to developing a truly collaborative assignment. Indeed, we found that working from the same script for our exercise allowed each of us to interpose individual elements, required to meet our different preferences and teaching styles without having to give up our individual goals. In this way, a collaboratively created exercise can be customized to fit with each individual instructor's goals.

[18] DONALD A. SCHON, EDUCATING THE REFLECTIVE PRACTITIONER 26 – 29 (1987). Schon describes this as "reflection-in-action," where the actor critically questions her understandings and actions to understand them and refine them in the future.

[19] For example, instructors seeking to infuse the curriculum with active strategies commonly misuse simulations and experiential exercises, but who do not tailor these to appropriate performance criteria. Particularly, business law instructors mistakenly direct business students to act like lawyers – carrying out the litigation of a case, drafting interrogatories, developing trial strategies -- though developing as a litigator is not an appropriate focus of undergraduate business education. Rather, managerial or ethical decision-making or developing legal analysis and applying legal rules are appropriate.

[20] SCHWARTZ, *supra* note 3, at 435.

[21] *Id.* at 384-85.

[22] *Id* at 383 – 384 (citations omitted). These include identifying the salient factors of the learning environment, including the instructor's experience, the student's experience, educational philosophies, and group experiences.

[23] *Id*.

[24] *Id*.

[25] PATRICIA L. SMITH & TILLMAN J. RAGAN, INSTRUCTIONAL DESIGN 338 (2nd ed. 1999). Formative assessment can be accomplished a number of ways, including trying out the instructional tool on a small group of students or by field testing the exercise prior to using it in class. *See* ROBERT M. GAGNE, THE CONDITIONS OF LEARNING AND THEORY OF INSTRUCTION 325 (4th ed. 1985). The process of field-testing can take a great deal of time. It might be up to a year before an exercise is ready for use. This can be daunting and impractical.

[26] GAGNE, *supra* note 25, at 325.

[27] SCHWARTZ, *supra* note 3, at 438; According to Smith & Ragan, summative evaluation should involve four steps: (1) determining the goals of the evaluation, (2) selecting the indicators of success, (3) selecting the orientation (subjective or objective) of the evaluation, and (4) selecting the design of the evaluation. SMITH & RAGAN, *supra* note 25, at 352.

[28] Vito Perrone, *Why Do We Need A Pedagogy Of Understanding? in* TEACHING FOR UNDERSTANDING, LINKING RESEARCH WITH PRACTICE 41 (Martha Stone Wiske, ed. 1998).

[29] Or, more correctly, what "learning for understanding" is.

[30] Perrone, *supra* note 28 , at 40.

[31] *Cf. id*. at 47-49. Mental models are not enough for understanding as they do not do anything by themselves. Performances that show understanding, a person operates on or with a model. *Id.* at 47.

[32] *Id.* at 40. Some might contrast this with a representational or image model of understanding, where understandings are things possessed, rather than performance capacities. *Id.*

[33] *Id.* For example, students demonstrate understanding when they think and act flexibly around what they know; when students cannot go beyond rote thought and action, deep understanding is lacking. Students demonstrate understanding when they can sift through rules and apply them to new situations. Understanding is absent, when students improperly shoe-horn random rules into every situation. Understanding is demonstrated, when students they have internalized content and can apply it to different situations including those outside of the classroom; Understanding is lacking, when students cannot apply information outside of the learned context. The key is reflection of knowledge enabling (and expressed through) performance of knowledge. Donald Schon has described it as "knowing-in-action," i.e., how learners publicly reveal through performance "intelligent action." SCHON, *supra* note 18 at 25. Schon further identifies "reflection-in-action," where the learner will question critically their understandings, actions, and knowledge structures. *Id.* at 26-29.

[34] *Id.* at 40. Having good analytical and logical abilities may be a necessary pre-requisite for performance, but these abilities alone are insufficient for success beyond the confines of standardized tests. PETER SACKS, STANDARDIZED MINDS 208 (1999).

[35] Often, "by operating in the world." Martha Stone Wiske, *What Is Teaching For Understanding?* (hereinafter WISKE, UNDERSTANDING) 72 in WISKE, *supra* note 28.

[36] Empirical research on the development and use of the Teaching for Understanding (TfU) framework provides a tool for improving pedagogy as well as illuminating conditions that promote reflective practice. WISKE introduction, *supra* note 1, at 4.

[37] *Id*.

[38] *Id*.

[39] Also, learning benefits from reflective engagement. *Id. at* 53.

[40] JONES, *supra* note 9, at 303. These definitions of "reflection" are synthesized in part from Donald Schon's theory of the reflective [legal] practitioner. Although Schon discussed the lawyer and legal education, the notion that learning involves reflection that should lead to exploring and modifying theories of action [both of which are well-established in experiential learning and cognitive theories], it also applies to reflection of the instructor of and in law-related instruction (hence, business students in a law course). *Taking Reflection Seriously: How Was It For Us?* at 271-72.

[41] *Id*..

[42] *Id*..

[43] The concept of performance as understanding reflects elements of various engagement or learning by doing approaches. *See* CHET MEYERS & THOMAS B. JONES, PROMOTING ACTIVE LEARNING: STRATEGIES FOR THE COLLEGE CLASSROOM 5-6 (1993). It also recalls Piaget's concept of mental structures of knowledge. According to Piaget, children do not receive knowledge passively, but discover and construct knowledge through activities. This interaction develops structures of thought. *Id.* at 20.

[44] Perrone, *supra* note 28, at 41.

[45] *Id*.. Furthermore, relevance has also been associated with leading to increased interest in the subject or task, and, thus, increased engagement and learning. SHARON L. SILVERMAN & MARTHA E. CASAZZA, "LEARNING AND DEVELOPMENT: MAKING CONNECTIONS TO ENHANCE TEACHING 33 (2000).

[46] WISKE, UNDERSTANDING, *supra* note 35, at 54. Similarly, the reflective judgment model discussed by Silverman and Casazza also "stretches" the learner rather than merely focusing on her present level of understanding. SILVERMAN & CASAZZA, *supra* note 45, at 141.

[47] Metacognition is thinking about one's thinking. More technically, it may be described as a self-awareness of the cognitive process or an understanding of how to evaluate and regulate one's own learning. *Id.* at 49. As applied to an instructional methodology, some have deemed this "self-regulated learning." PINTRICH, UNDERSTANDING SELF-REGULATED LEARNING (1995).

[48] SILVERMAN & CASAZZA, *supra* note 45, at 48.

For example, an actor playing the role of a Brazilian revolutionary will eventually recognize that she must assess her ability to replicate a Portuguese accent. She will hire a dialogue coach if necessary, and eventually speak with some semblance of an accent. Her final performance demonstrates what she has learned, both in terms of replicating the accent and realizing the assistance she needs in doing so. Just like that actor, students confronted with a learning task must assess their present state of knowledge or understanding or its use. They must find or confront relevance. In doing so, they must acknowledge any deficiencies in their knowledge. Upon identifying deficiencies, students must remedy them or suffer the consequences. This forces the reflection central to learning for understanding as well as the responsibility for its performance.

[49] ROBERT M. GAGNE, THE CONDITIONS OF LEARNING AND INSTRUCTION 3 (1985).

[50] MARCY PERKINS DRISCOLL, PSYCHOLOGY OF LEARNING FOR INSTRUCTION 332 (1994).

[51] Katherine Kravetz, *The Mock Trial Course in Justice Education*, 12 J. CRIM. JUSTICE EDU. 147, 148 (Spring 2001).

[52] Kenneth J. Chapman & Christine L. Sorge, *Can A Simulation Help Achieve Course Objectives? An Exploratory Study Investigating Differences Among Instructional Tools*, 74 J. EDU. FOR BUS. 225 (Mar/ Apr 1999).

Teachers since Socrates have endorsed this. D.N. Perkins, *Thinking Frames: An Integrative Perspective on Teaching Cognitive Skills, 41 in* TEACHING THINKING SKILLS: THEORY AND PRACTICE (Joan Boykoff Baron & Robert J. Sternberg eds.) (1987).

[53] CHET MEYERS & THOMAS B. JONES, PROMOTING ACTIVE LEARNING: STRATEGIES FOR THE COLLEGE CLASSROOM 5-6 (1993).

[54] Pat Hutchings, *Assessment and the Way It Works, Closing Plenary Address, Fifth American Association of Higher Education Conference on Assessment* (Washington, DC, June 30, 1990).

[55] Indeed, the core goal of all instruction is transfer, i.e., being able to apply "learned knowledge in new ways or situations." Peggy A. Ertmer & Timothy J. Newby, *Behaviorism, Cognitivism, Constructivism: Comparing Critical Features From An Instructional Design Perspective*, 6 PERFORMANCE IMPROVEMENT Q. 50, 55-56 (1993).

[56] Vito Perrone, *Why Do We Need A Pedagogy Of Understanding?* in WISKE, *supra* note 1, at 13-14; Chapman & Sorge, *supra* note 8, at 225 (graduates entering the workforce do not have enough experience making business decisions in uncertain and ambiguous environments).

This complaint is as old as Plato and Confucius, id. at 14, and more recently has been raised by John Dewey in the context of creating valid K-12 curricula. *Id*. at 18-19.

[57] Perkins, *supra* note 8, at 62-63. Indeed, learning is meaningful only when students take knowledge and make it their own. MEYERS & JONES, *supra* note 9, at 20.

[58] Wiske, *Understanding, supra* note 38, at 72.

[59] Chapman & Sorge, *supra* note 4, 225 ("we must adopt an educational process that improves and cultivates [problem-solving and decision-making] abilities").

[60] Ertmer & Newby, *supra* note 11, at 60.

[61] *Id*. Realism in simulations means that students perceive the simulation as being relevant and as having genuine significance. Brookfield, *Skillful*, *supra* note at 115.

[62] McKeachie, *supra* note 20, at 181.

[63] *Id*.

[64] BROOKFIELD, SKILLFUL *supra* note 3, at 116.

[65] *Id*. at 179; BROOKFIELD, SKILLFUL, *supra* note 3, at 117.

[66] WILBERT J. MCKEACHIE, TEACHING TIPS: STRATEGIES, RESEARCH, AND THEORY FOR COLLEGE AND UNIVERSITY TEACHERS 175 – 178 (10th ed. 1999).

[67] Kravetz, *supra* note 55.

[68] Carrie Menkel-Meadow, 136.

[69] BROOKFIELD, REFLECTIVE, *supra* note 3, at 36.

[70] *Id*. at 207.

[71] The following portions of email dialogue disclose the initial pedagogical tendencies that instigated reflection:

Comment *[I h]ad a chance to look at the contract assignment this morning. Looks great! I did take a turn at providing a few more details . . .[such as] giving names to the Buyers and Sellers groups. R*esponse*I very much like adding the names and like that for the reasons you noted. I'd like to leave more ambiguity with the umber/ amount/ packaging – "50 cases containing 6 1.5 litre bottles" – of the product though. Here's why: . . . there's that case with the German [sic] and US chicken contract, where each party has a different belief of the size and quality (?) of a roasting chicken. There's also a case of a sale of liquid and 1 party is using litres and the other gallons/ quarts, and, well, you can see where that goes. If we say 50 cases of 1.5 litre bottles, eventually the students will go "hey, how many bottles are in a case. . ."*Comment *I agree [ ] – when is a chicken a chicken. I'll take that out – I think we should give them some general idea of the amount that the buyer wants so that they can get that piece going .ON shipping – why don't we just make up the pricing structure for shipping. . . the students will have a difficult enough time quoting prices with INCOTERMS – it makes it easier for us to check their calculations if there is one set of numbers…..* Comment*[Referencing Incoterms in instructions regarding shipping/ trade terms]:*Response *Do we need to say Incoterms. . . or could we simply leave it to them to remember C*omment *I'm not wedded to including or not including information directing them to the INCOTERMS* Response *That's good.* Comment *Should we provide the customs duties?* Response *These duties can be obtained on-line the website(s) in the book. [meaning, "let the students find them"]* Comment *[apparently interpreting the previous answer as, "you can find the duties by using the web-site in the book"] Can you locate the duties . . . I'm having problems with my Internet connection* .Response *Let's leave the duties out and make the students find them C*omment *[Subsequently] I [we] checked the duties. . . did you find the duty on this type of good to be $0/ 0%? R*esponse *[never having checked the duties, but doing so in response] yes. C*omment *I'll translate from pounds to dollars for the buyers . . . or we could leave it in pounds and let the students do the conversion? R*esponse *Do we need to choose either/ Just let them come to realize that they need to work in a consistent currency. The smart ones will start to think about which is better for negotiations and maybe even currency risk C*omment *see your point . . . but there are instances that require [a concrete] figure (be it in pounds or dollars) . . . designated shipping costs, port charges, insurance [that students need to complete the assignment].*response*[Yes so] include it there, but can we leave it out in other places? C*omment *Ah—I understand your method, now with providing less information. The reason I keep trying to sneak in detail is that my reading*

*on pedagogy indicates that the more realistic the simulation is, the better the tool. . .*Response *I wasn't . . .[thinking of] this as a simulation*.

[72] Indeed, the exercise used as simulation achieved this goal.

[73] MENKEL-MEADOW, 101.

[74] An intelligent, well-integrated group that has mastered content, if faced with a counteroffer on one issue can shift its thinking across a number of issues. For instance, as shipping costs rise purchase price might be reduced. One group might trade risk of loss for taking on insurance costs.

[75] Kravetz, *supra* note 55, at 148 - 49.

[76] In this instance, we ended up with two pages of role specific instructions for the buyers and two for the sellers. This was a compromise on both sides: one instructor has utilized one page negotiation exercises. The other has provided each buyer or seller group with 5 – 6 pages of different role related detail. In fact, the changed nature of this negotiation exercise may have driven the compromise. Having less detail made pedagogical sense to the instructor who typically used more detail, especially since there were logistical difficulties involved in a transatlantic negotiation via e-mail over a short period of time.

[77] Clues were also provided regarding the packaging of the product, size and labeling of bottles, and number per case.

[78] Students also submitted a portfolio of the negotiations. This provided additional context for understanding how and why particular contractual clauses came about.

The portfolio process, associated with Howard Gardner, has been gaining acceptance in K-12 and graduate education. HOWARD GARDNER, MULTIPLE INTELLIGENCES 225-26 (1993).

[79] This required that the students learn common law and civil law rules as well as specifics about the Uniform Commercial Code and the United Nations Convention on the International Sale of Goods.

[80] The Incoterms are a set of internationally used and recognized trade terms that have been developed and defined by the International Chamber of Commerce.

[81] More abstractly, writing contracts requires a heightened, unprompted awareness of what is necessary, what is not so necessary, and what is superfluous. It requires considering which short-cuts can be taken, what eventualities should be considered, and whether clauses found in model contracts apply or are inapt in light of the scripted circumstances. Students must think on their feet, question their intuitions, and reconsider curricular material on their own.

[82] Learning what each of the Incoterms stands for, along with their practical import and relationship to other contractual possibilities, can be a tedious process.

[83] SMITH & RAGAN, *supra* note 25, at 97.

[84] *Id*.

[85] WILBERT J. MCKEACHIE, TEACHING TIPS: STRATEGIES, RESEARCH, AND THEORY FOR COLLEGE AND UNIVERSITY TEACHERS 264 (10th ed. 1999).

[86] BROOKFIELD, REFLECTIVE, *id*. at 22.

[87] *Id*.

[88] BROOKFIELD, REFLECTIVE, *supra* note 3.

[89] MEYERS & JONES, *supra* note 43, at 160.

[90] We found that the students developed the ability to discuss and manipulate what they had learned. It is also important to note that neither instructor would specifically answer the questions that students had asked. Rather, students were sent back to the materials to ferret out the answers themselves.

[91] MEYERS & JONES *supra* note 43 at 161; BROOKFIELD, REFLECTIVE , *supra* note 2, at 92 – 113.

[92] BROOKFIELD, REFLECTIVE, *supra* note 3, at 93.

[93] Students who engaged in the verbal critique also expressed a degree of suspicion of the other student group, the content of their instruction, and the level of help offered by their instructor. The "suspected" group (who utilized the written evaluation) did not express these concerns.