

# AIR GONDWANA: TEACHING BASIC NEGOTIATION SKILLS USING MULTIMEDIA

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The first year units Contracts A and Contracts B at the Queensland University of Technology (QUT) Faculty of Law are assigned the task of teaching the skill of negotiation at a basic level as part of an integrated graduate capabilities program. Until 2008, this was done using a traditional approach involving a lecture, print materials and role-plays. In 2008, this traditional approach was replaced with a multimedia program created by the author, *Air Gondwana*, which is centred on the dealings of a fictional airline. It utilises video, online modules and ‘machinima’ — movies made using a virtual environment, in this case the *Second Life* online virtual environment. *Air Gondwana* is founded upon a range of learning theory including social constructivism, the ‘cognitive apprenticeship’ learning model and Diana Laurillard’s model for successful learning of law. This article discusses the development of the *Air Gondwana* program and its pedagogical underpinnings.

## I. INTRODUCTION

In the 1990s, concerns were expressed both overseas<sup>1</sup> and in Australia<sup>2</sup> about the quality of legal education being provided in law schools. Specifically, it was thought that law schools were overly focused on teaching legal content without paying sufficient attention to the teaching of legal skills. Instead, it was suggested that there should be greater focus on ‘what lawyers need to be able to do, [rather than being] anchored around outmoded notions of what lawyers need to know.’<sup>3</sup> Many schools have since responded to this call by including in their curricula programs aimed at developing the skills of their students. At the Queensland University of Technology Law School, this followed a seminal report by Sharon Christensen and Natalie Cuffe.<sup>4</sup> This report led to the introduction of an integrated program of graduate capabilities. Under this program, particular skills are developed to different degrees of attainment according to the stage in the degree. For example, the skill of negotiation is taught at a basic level in the first-year units Contracts A and Contracts B. It is then developed to a higher level in the later unit Trusts, and further still in the elective unit Mediation.<sup>5</sup>

For several years, Contracts A and Contracts B adopted a traditional approach to teaching negotiation skills at a basic level. This included a lecture providing instruction in negotiation principles, print materials and role-plays. On the whole, this was well received by students. However, such a traditional approach has deficiencies. As Williams observed:

Asking a new negotiation student to conduct a full negotiation is like asking a new violin student to play a complete musical piece on the violin — it calls for the performance of a

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1 See, eg, American Bar Association, Section on Legal Education and Admissions to the Bar, *Legal Education and Professional Development — an Educational Continuum, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap* (1992).

2 See, eg, Craig McInnis and Stuart Marginson, *Australian Law Schools after the 1987 Pearce Report* (1994); Australian Law Reform Commission (ALRC), *Managing Justice: A Review of the Federal Civil Justice System*, Report 89 (1999).

3 ALRC, above n 2, [2.21].

4 Sharon Christensen and Natalie Cuffe, *Graduate Capabilities in Law: QUT Teaching and Learning Development Large Grant Project Report* (2003).

5 See also Sharon Christensen and Sally Kift, ‘Graduate Attributes and Legal Skills: Integration or Disintegration’ (2000) 11 *Legal Education Review* 207.

large number of underlying skills, many of which have not yet been adequately developed.<sup>6</sup>

*Air Gondwana* is a multimedia program created by the author that is designed to teach negotiation theory and practice to a basic level of attainment. Its five modules are accessed via the unit's *Blackboard* learning management system website and provide instruction, and the opportunity for students to practise the principles of negotiation, across a range of fact scenarios. It also facilitates a face-to-face role-play. It is therefore an example of what has been described as 'blended learning'.<sup>7</sup>

## II. AIR GONDWANA: THE PROJECT

The literature suggests that effective negotiation training includes the following elements:

- an instruction on the principles of negotiation
- a demonstration of negotiation in practice
- a role-play conducted by the participants; and
- a debriefing.<sup>8</sup>

The challenges posed by Contracts A and Contracts B are that these units have enrolments in excess of 500 students annually, and must cater for different modes of study including full-time, part-time and distance/external. This has implications for matters such as providing a demonstration of negotiation. The unit also has a large teaching team which includes both full-time and sessional staff, not all of whom are comfortable teaching and/or assessing negotiation when it did not form part of their own legal education. *Air Gondwana* has been designed to meet these challenges.

The program was created with the assistance of a \$20,000 QUT Small Teaching and Learning Grant. It is a multimedia program which combines real-life video, modules produced using Adobe *Authorware* software,<sup>9</sup> video using computer graphics, stills and a face-to-face role-play. The majority of the budget was committed to the production of the real-life video and for a learning designer to create the necessary *Authorware* modules. Costs were otherwise kept to a minimum by the author using freely available software including:

- the *Second Life* online virtual environment, for which the author obtained a free account;<sup>10</sup>
- *FRAPS*, a free-to-download video capture program;<sup>11</sup>
- Microsoft *MovieMaker*, a video editing program generally pre-installed on Windows PC computers or available free-to-download from the Microsoft website;<sup>12</sup>
- Microsoft *PowerPoint*, a program freely available as part of the Microsoft Office suite of programs;
- *Audacity*, a free-to-download audio editor;<sup>13</sup> and

6 Gerald R Williams, *The Theory and Practice of Teaching Negotiation Skills*, University of Washington School of Law <[https://www.law.washington.edu/ict/subtech2004/program/3\\_papers/presentations/Williams.pdf](https://www.law.washington.edu/ict/subtech2004/program/3_papers/presentations/Williams.pdf)> at 3 December 2008. See also Janice Nadler, Leigh Thompson and Leaf Van Boven, 'Learning Negotiation Skills: Four Models of Knowledge Creation and Transfer' (2003) 49 *Management Science* 4.

7 See, eg, Charlie Graham, 'Blended Learning System: Definition, Current Trends and Future Directions' in Curtis Bonk and Charlie Graham, *Handbook of Blended Learning: Global Perspectives, Local Designs* (2005) 3-21.

8 See, eg, Melissa Tyler and Naomi Cukier, 'Nine Lessons for Teaching Negotiations Skills' (2005) 15 *Legal Education Review* 61, 67.

9 Adobe *Authorware* is software used to create interactive programs featuring multimedia content. See <<http://www.adobe.com/products/authorware/>> at 3 December 2008.

10 *Second Life* is a virtual environment which enables stills and video to be made of the images of the characters on screen. The program may be accessed via a free account obtained from Second Life <<http://www.secondlife.com>> at 3 December 2008.

11 Available for download from <<http://www.fraps.com/>> at 3 December 2008. The free version of this software imprints the video it captures with a small 'FRAPS' watermark at the top of the screen. Purchase of the program for a low fee (less than A\$50) allows video capture without the watermark.

12 See <<http://www.microsoft.com/windowsxp/downloads/updates/moviemaker2.msp>> at 3 December 2008.

- *Freesound*, a website allowing the download of sound effects subject to Creative Commons licence.<sup>14</sup>

Also, where possible, members of faculty staff were used as on-screen talent and for providing voices for characters in ‘machinima’<sup>15</sup> segments.

The program is based upon the contractual dealings of a fictional airline, Air Gondwana.<sup>16</sup> The program follows a story-line which involves, in essence, a wealthy industrialist who wishes to eventually leave his business empire to his three children. However, one of the children, while not a fool, has preferred to lead a playboy lifestyle. The father therefore allows the son to take over the running of one of his companies, the airline Air Gondwana, as a test of his business acumen.

### *A. Module 1: The Introduction and Instruction*

Module 1 of the program comprises two videos. The first is a short introduction to the airline and the story-line of the father entrusting management of the airline to his son. The second is a 20-minute instructional real-life video. It provides first a demonstration of a negotiation done poorly, provides instruction on negotiation theory and practice, illustrating points by short vignettes, and finally demonstrates the same negotiation done well.



**Figure 1: Scenes from the instructional video**

The program adopts the Harvard Negotiation Project as its basis for teaching the principles of negotiation.<sup>17</sup> In particular, for a basic level of instruction, students are introduced to the notions of focusing on underlying interests rather than up-front positions, creating opportunities for mutual gain, using objective criteria, and BATNA (Best Alternative to a Negotiated Agreement — or ‘Plan B’) and WATNA (Worst Alternative to a Negotiated Agreement — or worst-case scenario).

### *B. Modules 2 and 3: Practising the Principles*

Modules 2 and 3 utilise *Authorware* software to present a range of fact scenarios involving the airline, including: the commissioning of a new wardrobe for cabin staff; purchase of computer software; catering and maintenance contracts; recovery of outstanding freight

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13 Available for download from <<http://audacity.sourceforge.net/>> at 3 December 2008.

14 See <<http://www.freesound.org/>> at 3 December 2008.

15 ‘Machinima’ may be defined as ‘production techniques whereby computer-generated imagery (CGI) is rendered using real-time, interactive 3-D engines, such as those of games, instead of professional 3-D animation software’: see Wikipedia, *Machinima* <<http://en.wikipedia.org/wiki/Machinima>> at 3 December 2008. It therefore involves video produced using virtual actors and virtual scenes without the expense of professional animation.

16 The name derives from the main business of the airline: flying to the countries that comprised the former Gondwanaland supercontinent (including Australia, New Zealand, South Africa, South America, the Middle East and India).

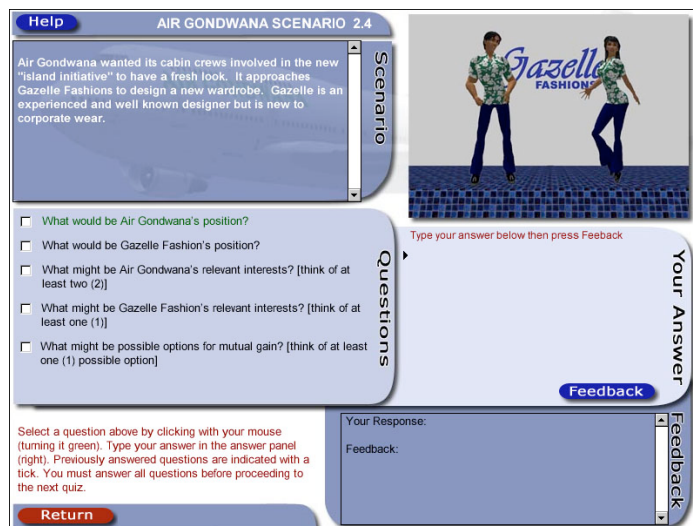
17 See Roger Fisher and William Ury, *Getting to Yes: Negotiating An Agreement Without Giving In* (2nd ed , 1999).

charges; and charter contracts. The text of these scenarios is accompanied by images created either using the *Second Life* virtual environment or the Microsoft *Flight Simulator X* program.<sup>18</sup>



**Figure 2: Example of *Flight Simulator X* aircraft in the Air Gondwana livery, typical of the images used throughout the program (with the permission of Microsoft).**

Students are asked questions addressing the application of the various principles of negotiation and provided space in which to enter their answers. Feedback is then provided on the question against which students may compare their own answers.



**Figure 3: An example of the scenarios in Modules 2 and 3 including an image generated using the *Second Life* virtual environment**

In all, there are 13 scenarios spread across the two modules. This requires a commitment by students of about two hours in total. The program is opened in week 4 of semester, providing time for students to become acclimatised to the other aspects of the unit, and is

<sup>18</sup> Microsoft *Flight Simulator X* is a commercially-available computer game that allows users to simulate flying a variety of aircraft. The game permits users to apply their own liveries to the airframes of the various aircraft. The author negotiated with Microsoft for permission to use the game for the purposes of this program and for publications and promotions of it, and then designed and applied a livery for the Air Gondwana fleet.

closed in week 10 so as to prevent the program intruding upon end-of-semester study time. One week of the regular program (week 8) is left free of formal classes to allow students to undertake a program at that time, if they wish.

### C. Module 4: Refresher Quiz

Modules 1-3 are undertaken in Contracts A. The remaining two modules are undertaken in Contracts B. For most students, therefore, there will be an intervening break. This may mean that their recollection of what they have learnt to that stage may fade. Module 4 allows students to review the instructional video from Module 1 before they undertake their face-to-face role-play in Module 5. But it does more. Module 4 of the program provides a further opportunity for students to apply the principles that they have learnt in a practical situation. Whereas Modules 2 and 3 cover the application of negotiation theory across a range of scenarios, Module 4 takes the form of a single fact situation in which all of the negotiation principles that the students have learnt may be applied. It therefore serves as useful preparation for the role-play in which the students are similarly expected to apply what they have learnt in a single fact situation.

Module 4 utilises a similar interface to those appearing in Modules 2 and 3. However, rather than text describing a scenario which is accompanied by an image produced using *Second Life* or *Flight Simulator X*, Module 4 features a window in which video portraying the story-line of the purchase of an aircraft from a foreign owner is played. To assist students to situate the story in the context of the overall learning experience, two of the actors who appeared in the real-life instructional video in Module 1 reprise their roles by providing the voices for computer characters ('avatars') which resemble them.

At various points, the video stops and the student is asked a question concerning the application of negotiation theory. The student is required to enter an answer to the question and is provided feedback against which he or she may compare his or her answer. In this way, the student works his or her way through the story.



**Figure 4: Module 4 interface including a scene from the video depicting an aircraft purchase story-line.**

The story-line in Module 4 is linear in nature. In other words, the story unfolds in the same way irrespective of the answers that a particular student may enter. Providing feedback on the question, against which the students may compare their answers, enables all students to obtain the same directed learning experience without requiring a more complex multi-branched story that depends upon individual student responses.

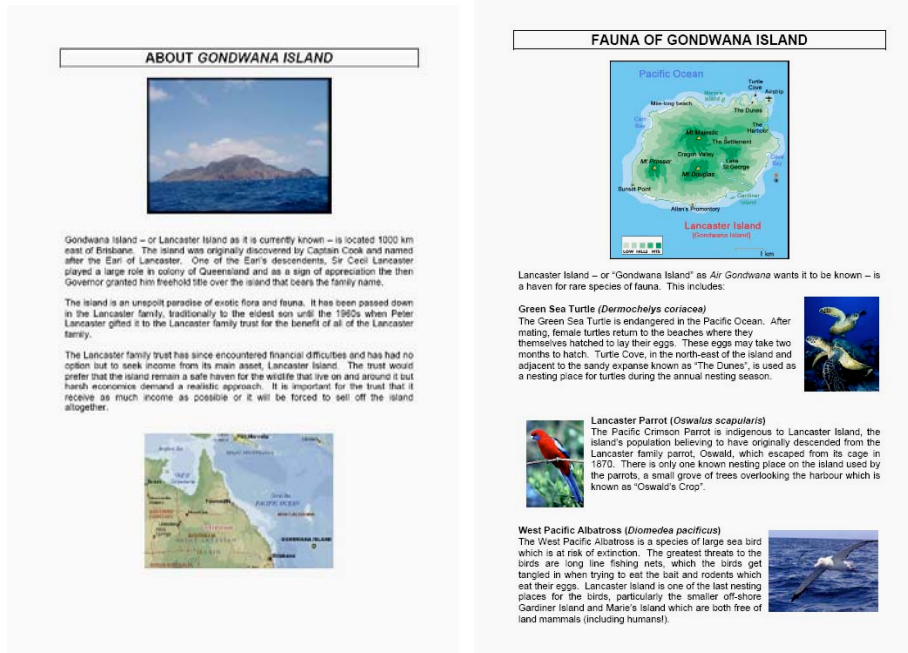
#### *D. Module 5: The Role-Play*

The final module includes the face-to-face role-play that students undertake during one of their regular tutorial classes (or, in the case of external students, during their compulsory attendance school). The role-plays in previous years involved providing students with single-page, double-sided briefing sheets that described the problem to be negotiated and the perspectives of the two sides to the negotiation. The students were therefore unaware of the content of the negotiation until they attended class and then had only five or so minutes to absorb the facts of the scenario. This in turn meant that there was a limit to the kind of facts that could be portrayed and the detail that could be provided. Better students sometimes found this frustrating because their negotiation may have moved in a direction requiring further detail, about which they could only guess.

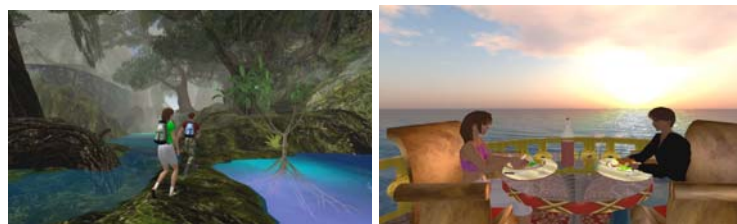
However, this was a necessary step to preserve the integrity of the exercise. Had briefing sheets been distributed prior to the role-play, a number of difficulties could have arisen. There would have been no way of knowing whether students had collaborated outside of class by joining forces with other students who had been issued with the briefing sheet for the same party. Further, if a student was ill, or for some other reason did not appear at the role-play, there could be the problem of having an uneven number of students acting for one side of the role-play. In such a case, it would be unfair to reassign a student from representing one side of the negotiation to the other side in order to even up numbers since not only would the reassigned student have less time to master the perspective of the side that he or she was now representing, but he or she would know all of the information provided to the party he or she was now opposing.

By contrast, the *Air Gondwana* role-play involves briefing sheets and a 'corporate video' — once again machinima created using *Second Life* — distributed in advance via the online program to provide general background detail for the fact scenario that is the subject of the negotiation. The *Air Gondwana* role-play concerns an island which the airline wishes to turn into a tropical holiday resort but which an environmental group wishes to keep as an undisturbed nature sanctuary. If the briefing material were restricted to single-page double briefing sheets distributed at the beginning of the role-play, there might be only sufficient space to describe this broad scenario, explain briefly the airline's plans for the island and describe which side of the role-play the student was to represent. By utilising general background briefing sheets and the corporate video, *Air Gondwana* provides detail on the island, such as the fauna that inhabits it and the family trust that owns it. The video portrays the island in its present state and enlarges upon the type of developments that the airline plans. The single-page, double-sided briefing sheet provided at the beginning of the role-play is now utilised more effectively to provide greater focus on specific issues to be addressed in the negotiation, and to provide more specific information concerning the motivations and perspectives of the particular party being represented by the student.





**Figure 5: Examples of the advance briefing material providing background information concerning the subject of the negotiation**



**Figure 6: Excerpts from 'corporate video' providing further background information**

This has enabled a more detailed and better rounded problem to be set. It has addressed the previous problem posed by the limited amount of space available in the single-page, double-sided briefing sheets handed out at the beginning of the role-play and the limited time available for students to digest the information in those sheets. Better students have more background detail to work with, and a richer learning exercise which reflects real-life experience may therefore be enjoyed.<sup>19</sup>

In previous years, a debriefing was conducted by tutors reading out the types of issues that ought to have been addressed by students in their negotiations. Individual comments were also made on the negotiated agreements, which were marked and then returned to students. The debriefing in *Air Gondwana* is done by machinima, featuring the son who is in charge of the airline speaking to the students from various locations on the island. This video has been burned to CD and is distributed to all tutors to be displayed at the beginning of the class in the week following the role-play. In addition, individual feedback is still provided on the marked negotiated agreements.

<sup>19</sup> See also Tyler and Cukier, above n 8, 73.

### *E. The Unofficial Module 6: The Skill in Context*

The online *Air Gondwana* program has five modules which culminate in the role-play undertaken in class. The opportunity is taken in a subsequent tutorial class to make a link between the skill of negotiation and the law governing negotiation. This includes, for example, the legal position in relation to facts known by one party but not disclosed during the course of negotiation. In addition to re-examining the possible effect on the contract, it also provides an avenue for discussion of the ethical issues raised and encourages reflective practice for deep learning.<sup>20</sup>

## III. DISCUSSION

Reference has already been made, in the course of the description of the project, to the various deficiencies in a traditional form of negotiation training and the aspects of the *Air Gondwana* program which address those deficiencies. It has also been explained how *Air Gondwana* addresses the elements identified in literature as constituting effective negotiation training. Other considerations informed and supported the design of the *Air Gondwana* program.

It has been noted that part of the challenge facing negotiation training in the Contracts A and Contracts B units is the large number of students studying in different modes, and the large number of teaching staff with different degrees of familiarity and/or comfort with teaching negotiation. This makes it impracticable to, for example, expose all students to a live demonstration of a negotiation. It is also difficult to maintain a consistency in the quality of feedback on students' attempts.

It has been recognised that technology may be an effective means by which instruction may be given in negotiation skills and a positive model of negotiation practices may be demonstrated.<sup>21</sup> *Air Gondwana* utilises technology to address many of the challenges posed in these two units. By embedding the program in QUT's *Blackboard* learning management system, the program provides the same learning experience regardless of the number of students and irrespective of whether these students are studying full-time, part-time or from a distance. The student is able to undertake the training at his or her own pace, at his or her own convenience and in a non-threatening environment. This is an important feature, especially for so-called 'millennial students', whose lives have been said to be characterised by ubiquitous information, merged technologies, blurred social-study-work boundaries, multitasking and hyperlinked online interactions'.<sup>22</sup>

*Air Gondwana* reflects elements of the learning model that Collins and his colleagues called 'cognitive apprenticeships'. These elements include modelling, coaching, scaffolding, reflection and exploration.<sup>23</sup>

Module 1 of the program provides not only instruction in negotiation skills and a demonstration of a positive model of negotiation practice, but also includes a depiction of a negotiation done poorly so that students may see what *not* to do. This includes a segment on the importance of non-verbal communication in negotiation, with that aspect, as displayed in the poor negotiation, being replayed and analysed. The instructional video also includes short vignettes that illustrate the principles being taught in practice. For example, the principle of negotiation that, in preparation, a party should identify underlying interests is illustrated by a short vignette featuring two *Air Gondwana*

20 See James Atherton, *Approaches to Study: 'Deep' and 'Surface'*, Learning and Teaching <<http://www.learningandteaching.info/learning/deepsurf.htm>> at 3 December 2008.

21 Tyler and Cukier, above n 8, 83-84.

22 Karen Nelson, Sally Kift and Wendy Harper, 'First Portal in a Storm: A Virtual Space for Transition Students' in *Proceedings ASCILITE 2005: Balance, Fidelity, Mobility: Maintaining the Momentum?* (2005) QUT, Brisbane <<http://eprints.qut.edu.au/archive/00003943/>> at 3 December 2008.

23 Allan Collins, 'Cognitive Apprenticeship and Instructional Technology' in Lorna Idol and Beau Fly Jones (eds), *Educational Values and Cognitive Instruction: Implications for Reform* (1991) 121; John Brown, Allan Collins and Paul Duguid, 'Situated Cognition and the Culture of Learning' (1989) 18(1) *Educational Researcher* 32. See also Brent Wilson and Peggy Cole, 'A Review of Cognitive Teaching Models' (1991) 39(4) *Educational Technology Research and Development* 47.



executives brainstorming about the interests of both the airline and the party with whom they are to negotiate. Such observational learning has been recognised as one of the most effective ways of teaching negotiation skills.<sup>24</sup> This has been attributed to the fact that ‘observers are able to absorb beneath a conscious level and then apply by analogy to new situations’.<sup>25</sup>

Modules 2-5 take a constructivist approach to learning, the major aim being to engage the learner in carrying out tasks which lead to better comprehension.<sup>26</sup> These modules provide the opportunity for students to learn, by practising, to apply the principles of negotiation to which they are introduced in Module 1. In the case of Modules 2-4, the technology is utilised to provide formative feedback to enhance that learning. This feedback is detailed and consistent for all students. The role-play in Module 5 then enables summative feedback to be provided for individual students.

There is also a linkage with Diana Laurillard’s model for the successful learning of law. This model suggests five phases:

- (1) become familiar with the key ideas and information in each area of law and know how these ideas and information are organised or structured;
- (2) accurately relate the language of the law to its underlying meaning;
- (3) act on simulated but realistic situations on the basis of what they know about the law, theories of law and the practice of law;
- (4) use feedback to modify their understanding and adjust their actions; and
- (5) reflect on actions and feedback in relation to the structured ideas in a given area of law.<sup>27</sup>

There would appear to be no reason why this model should not, with appropriate adaptation, be capable of applying to the learning of skills. *Air Gondwana* represents an application of these five phases: it provides instruction so that students may become familiar with the key ideas of negotiation theory, examines the meaning of the language of this theory and illustrates that meaning by the short vignettes. It allows students to act on simulated but realistic situations, provides feedback to modify their understanding and adjust their approach, and gives them the opportunity to reflect and synthesise this understanding and feedback before being required to undertake the face-to-face role-play. They are further provided with individual feedback on the negotiated agreements that they produce, as well as general feedback by way of the debriefing machinima. Finally, the class in which the skill is linked with legal and ethical issues provides an additional opportunity for students to reflect on the ideas they have learnt in a broader context.

*Air Gondwana* motivates and engages students by using a realistic story-line of the fictitious airline to provide a meaningful context to the learning tasks they are undertaking. It has been recognised that ‘narrative-centered (sic) learning environments [can] provide engaging worlds in which students are actively involved in ‘story-centric’ problem-solving activities.’<sup>28</sup> An important means of portraying this realistic story-line is the use of the *Flight Simulator X* images throughout the program and stills and machinima produced using the *Second Life* virtual environment to depict authentic scenarios. As Agostinho remarked:

The use of characters to present tasks and critical information in a simulated environment has proven to be a useful strategy in the creation of more authentic learning environments online. Such characters can not only perform the role of setting and structuring tasks within the fictitious scenarios, but also that of providing useful and realistic guidance. ...

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<sup>24</sup> Nadler et al, above n 6.

<sup>25</sup> Tyler and Cukier, above n 8, 77.

<sup>26</sup> See, eg, Thomas Duffy and David Jonassen, ‘Constructivism: New Implications for Instructional Technology’ in Thomas Duffy and David Jonassen (ed), *Constructivism and the Technology of Instruction: A Conversation* (1992) 4.

<sup>27</sup> Diana Laurillard, *Rethinking University Teaching: A Conversational Framework for Effective Use of Educational Technologies* (2nd ed, 2002).

<sup>28</sup> Bradford Mott et al, *Towards Narrative-Centered Learning Environments*, 1  
<http://www.bradfordmott.com/papers/Mott-N11999.pdf> at 3 December 2008.

the subject can be dealt with in a more authentic manner than if presented in a more decontextualised way.<sup>29</sup>

An authentic learning experience is facilitated by realistic depictions achieving what the poet Samuel Taylor Coleridge first called a 'willing suspension of disbelief'. In so doing, it has a high probability for enhancing learning and promoting knowledge construction.<sup>30</sup>

The characters that appear in both the instructional video in Module 1 and the refresher quiz in Module 4 do more than serve as a sense of continuity and connection. In the instructional video, the character of Karl the junior executive is depicted as a neophyte negotiator. It is a Karl who is shown conducting a poor negotiation but who is then mentored in the short vignettes by the more experienced executive, Ally. Karl then uses the knowledge he has gained to conduct a good negotiation. In this way, the students, who are also neophyte negotiators, learn in parallel with Karl. They too benefit from the instruction provided and by observing the mistakes that Karl makes. They learn by observing Karl's more positive model of behaviour in the preparation and bargaining stages of the good negotiation.

In Module 4, the playboy son of the airline's owner, who has been entrusted with the running of the airline, makes his first appearance on screen. His character was carefully designed so that he would represent a person with power but who attained that level without any business training, in particular training in negotiation. It is this character, as the new negotiation neophyte, that is used as an avenue for posing questions about negotiation theory and practice. These questions are directed at Karl, or Karl and Ally jointly, but which are to be answered by the student, effectively on behalf of Karl or Karl and Ally. This is a variation, therefore, of the student becoming teacher, with the active learning benefits associated with adopting that role.<sup>31</sup>

The design of the program has also been influenced by not only these pedagogical considerations but also matters of a more practical nature. It is true that an authentic learning environment may be created by providing detailed background information. However, as in the design of all such computer programs of this type there is a fine balance to be struck between providing sufficient detail to convey realism and overloading students with so much detail that they find difficulty coping with the workload and keeping the necessary facts in good order in their minds. Excessive workload along with difficulty of use or navigation, as much as gaps in the information provided, can easily distract students from focusing on the main task at hand.<sup>32</sup>

Another major consideration in the design of such a program concerns its cost. It has already been noted that grant monies were required to produce the 20-minute instructional video and for a learning designer to assist in the creation of the *Authorware* components of Modules 2-4. However, a number of strategies were used to minimise the financial cost. The author was the writer, director and producer of the instructional video, thereby relieving the project of the cost of professionals in those roles. Suitably extrovert staff were utilised as actors, constituting a further saving. Whenever possible, freely available software was used by the author. Further, by embedding the program in QUT's *Blackboard* learning management system, it gained the benefit of that program's features such as hyperlinking, statistics tracking and reporting. Such features would otherwise have required the expense of specialist programming. However, these strategies themselves carry their own cost in terms of time. Assuming so many tasks associated with the project meant a commitment by the author in terms of time over 18 months that far exceeded a normal academic workload. Such a project can only be completed, therefore, if it

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29 Shirley Agostinho, 'Using Characters in Online Simulated Environments to Guide Authentic Tasks' in Anthony Herrington and Jan Herrington (eds), *Authentic Learning Environments in Higher Education* (2006) 88.

30 Jan Herrington, Ron Oliver and Thomas C Reeves, 'Patterns of engagement in authentic online learning environments' (2003) 19(1) *Australian Journal of Educational Technology* 59.

31 Cf Jerome Bruner, *The Process of Education* (1960).

32 See, eg, Tisha Bender, *Discussion-Based Online Teaching To Enhance Student Learning: Theory, Practice and Assessment* (2003) 31

progresses beyond work to become a hobby and then a labour of love. However, the product of the labour has been a resource which creates an authentic learning environment for not only the originally intended audience (first-year law students) but also neophyte negotiators in other disciplines. It has also led to the author acquiring a range of self-taught skills which may be used to create other engaging and authentic learning experiences. These skills can also be transferred to others for the overall benefit of the author’s organisation and that of others.

#### IV. EVALUATION OF THE PROGRAM

Different forms of monitoring and evaluation were employed in the course of the project. Focus groups comprising staff in the Contracts units and groups of students, were conducted at two stages: after the writing stage and after the production stage. Where necessary, adjustments were made to the project in light of this feedback. Ongoing contact was kept with a project reference group, the members of whom were expert in negotiation training.

After the program had been used by students, a formal survey was conducted with an 87.6% response rate. The formal survey, which was paper-based and undertaken in tutorial classes, consisted of both quantitative and qualitative aspects. In addition, unsolicited emails were received which evidence student response to the program.

Two questions in the formal survey were specifically directed at measuring whether the project had successfully achieved its primary objectives of developing a solid foundation for development of students’ negotiation skills (i.e. helping them to gain an understanding of basic negotiation theory and practice) and providing a better learning experience than the traditional format of instruction in a lecture and role-play previously utilised. The first question was:

*Air Gondwana* enabled me to gain an understanding of basic negotiation theory and practice.

A total of 94.8% of respondents indicated ‘agree’ or ‘strongly agree’ to this proposition. Indeed, only three students disagreed. Full results were as follows:

	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Neutral</b>	<b>Agree</b>	<b>Strongly agree</b>
Total (367)	0	3	16	204	144
	0%	0.8%	4%	55.6%	39.2%

As one student commented, ‘It makes you realise there is a real skill to negotiation and that it’s a learnable skill’. Another commented that it ‘[m]ade the fundamental principles of negotiation extremely easy to understand.’

As noted, a challenge for the program was that it needed to cater for a large number of students variously studying full-time, part-time or externally. An aim of the program, therefore, was to deliver the same learning experience irrespective of the study mode of the student. It is worth noting, in relation to the above table, that 95% of full-time students agreed or strongly agreed, 90.5% of part-time students agreed or strongly agreed and 95.8% of external students agreed or strongly agreed with the question. This similarity in response across the different cohorts of students was also reflected in the other questions in the survey, discussed below. An external student stated in an unsolicited email, ‘I have found [*Air Gondwana*] to be fun and instructive ... Thanks for putting in such a lot of work to make learning interesting (and for finding ways of achieving equity in learning experiences for external students).’

The objective of providing a *better* learning environment is difficult to measure since to be properly valid, it would require the same cohort to experience both the traditional form of instruction and the new approach produced by the project. Practically speaking, only

students who had completed Contracts A previously and were undertaking Contracts B this year, or who had failed one or both of the units and were repeating, would fall within this cohort. Although the questionnaire did not specifically seek to separate the responses of students who met this description, it was evident from qualitative comments that there were a small number of students who qualified. However, the vast majority would not have fallen within this cohort. Nevertheless, all students are familiar with the concept of both lecture and role-play and for that reason the following question was designed as the next best measure in the circumstances:

I think I gained a better understanding of basic negotiation theory and practice from *Air Gondwana* than I would have from a single 1 hour lecture and two unrelated role plays [which was the previous approach to teaching basic negotiation in Contracts A and Contracts B].

A total of 92.7% of students agreed or strongly agreed with the proposition, 57.8% strongly agreeing. A bare eight students indicated a preference for a traditional form of instruction, perhaps reflecting their perceived best learning style. Full results are as follows:

	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Neutral</b>	<b>Agree</b>	<b>Strongly Agree</b>
Total (367)	5	3	17	128	212
	1.4%	0.8%	4.6%	34.9%	57.8%

One student who had experience with the previous approach commented: ‘Was very practical — far more practical than the previous approach which I did in Contracts A over a year ago. Felt more involved in the negotiation because of all of the background information and build up to it.’

Other students also made specific comparisons between the virtues of traditional lectures and learning utilising multimedia. Comments included: ‘I love how it’s interactive. So much better than listening to a lecture and it’s more practical and fun. I learn more when it’s interesting and *Air Gondwana* made it interesting to study negotiation and Contracts as a whole! Thanks’; and ‘I like the idea and concept. I felt as if I was “learning” but it wasn’t obvious that I was learning. I felt completely involved in the process. Great — user-friendly and hands-on.’

As Jerome Bruner observed, being interested in material and having fun are powerful stimuli for learning.<sup>33</sup> Two other specific questions were also posed to measure the effectiveness of the program in these respects. The first addressed the program’s narrative-centred learning environment:

*Air Gondwana* provided a realistic setting for me to understand the principles of negotiation.

A total of 85.3% of respondents agreed or strongly agreed with this proposition. Only eight students did not find the program realistic whilst 12.5% did not indicate a leaning either way. The full results are as follows:

	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Neutral</b>	<b>Agree</b>	<b>Strongly Agree</b>
Total (367)	2	6	46	197	116
	0.5%	1.6%	12.5%	53.7%	31.6%

Among the aspects most commonly identified in qualitative comments as being liked by students was the narrative running through the program, which they thought made the

<sup>33</sup> Bruner, above n 31, 14

program engaging and interesting. For example, ‘Having a story to remember (along with characters) made learning more enjoyable and easy to remember. Another student remarked, ‘I enjoyed the build up of a narrative and background story in the *Air Gondwana* videos and subsequent role-play. As a result of this, the role-play felt more realistic and involving.’

The second question addressed the ‘fun factor’:

I enjoyed using *Air Gondwana*.

Over three-quarters of the students indicated that they agreed or strongly agreed that they enjoyed the program. Full results are as follows:

	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Neutral</b>	<b>Agree</b>	<b>Strongly agree</b>
Total (367)	2	10	68	165	122
	0.5%	2.7%	18.5%	45.0%	33.2%

That the program provided a fun way to learn, and the humour used in the program, also figured in the qualitative comments concerning aspects most liked by students. One student commented, ‘Thanks Des for all the effort, far more enjoyable than another lecture ... brought a smile to my face every time’, and another, ‘It approaches the topic with a sense of humour. It’s extremely impressive and not at all boring. I think the university should be very proud of the program.’

Of those that responded that they did not enjoy the program or were neutral in their response, the majority seem to have been affected by the fact that the program was designed primarily for the QUT standard Windows PC environment, which posed difficulties in some cases for students having Apple Mac computers. Other students had difficulties with the drivers or firewalls in their own computers. These students were therefore put to the inconvenience of needing to access a different computer in order to access the program, and this detracted from their learning experiences. Mac compatibility was an issue flagged from the outset but, on technical advice, could not be addressed within the budget at this time. Development of the project in the future will address this issue.

A measure of the impact of the project on student learning is how well it has helped students to understand the application of theory to real-world practice situations. The following question was posed:

*Air Gondwana* helped me to understand the application of the principles of negotiation in practice.

A total of 90.5% of students agreed or strongly agreed with this proposition, with only four students disagreeing or strongly disagreeing.

	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Neutral</b>	<b>Agree</b>	<b>Strongly agree</b>
Total (367)	2	2	31	219	113
	0.5%	0.5%	8.4%	59.7%	30.8%

The real-world learning experience was another of the aspects most commonly highlighted in qualitative comments. Student comments included: ‘It gave a real-life situation/scenario which made it very easy to follow and learn’, and ‘It was realistic and practical and enabled me to think outside the problem and apply basic common sense to reach an effective solution.’

When combined with the very positive responses concerning attainment of a basic level of understanding of negotiation theory and practice, there is evidence of the program having a positive impact on student learning which should provide the foundation for

further development in later units studied, in accordance with the law school graduate capabilities program. Students have been strongly encouraged to make appropriate entries concerning their understandings and their reflection in their Student e-Portfolios (an online resource allowing students to self-track their development and record their achievements) to reinforce this outcome. One student commented: 'One of the finest units I have done where I feel the material has been concreted into my understanding/memory.'

## V. CONCLUSION

The business of law schools has changed. No longer is it sufficient to teach simply the content of the law. Well-rounded law graduates also need to be trained in the skills necessary to practise their profession. One of those skills is the skill of negotiation.

Skills training poses its own challenges when considered in the context of units teaching large numbers of students who are studying in a variety of modes. Today, many or most of those students are so-called 'millennial students' who, in addition to juggling work, study and social commitments, have grown up in a digital age of merged technologies. Technology offers the means of addressing these challenges, providing flexibility, interactivity and engagement for students. It also can afford the same learning experience irrespective of the mode of study.

*Air Gondwana* utilises different forms of technology to meet the challenges of teaching the theory and practice of negotiation skills to a large cohort of students studying full-time, part-time and externally. It provides an authentic learning experience through the use of a realistic story-line and practical fact scenarios which actively engage students and which make their learning fun.