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STUDENT EVALUATION OF LAW TEACHING*

by

WILLIAM ROTH**

INTRODUCTION

M ost LAW SCHOOLS make some sort of systematic effort to solicit student opinion regarding the teaching ability of its faculty. This process generally consists of a questionnaire hastily distributed during the waning moments of each semester. While schools vary on such things as who will pass out and collect the forms and who will ultimately see them, one thing remains almost universal: no one really believes that the process does much good.

To be sure, in the odd situation where a professor receives a significant number of low marks, the administration might officially rely on the data as justification for a termination notice. But, can it honestly be said that the administration would not have known about the “problem” had it not been for the questionnaire?

Most law schools rightly feel that class instruction is vitally important. But there is also a definite feeling of uncertainty about exactly what constitutes good teaching. Several excellent law teachers have told this author that they do not know precisely what it is they do in the classroom that makes them effective. Moreover, the administration (presumably having taught before) also knows how “inaccurate” student opinion can be. (Indeed, who in teaching has not on more than one occasion been maliciously libeled by students despite his/her own conscientious and inspired efforts to the contrary?) At best there is a feeling that questionnaires lack some validity. It therefore is not surprising that, at least for administrative purposes, law school teacher evaluations are not taken very seriously.

And what of the evaluated professor? He or she will bask in the warm glow of any and all lauditory remarks, but dismiss as wayward tripe most com-

*This paper is a revision of remarks published in a compilation of materials entitled “Student Evaluation of Law Teaching: Observations, Resource Materials, and A Proposed Questionnaire.” The materials were first presented to the Teaching Methods Section of the Association of American Law Schools at its January, 1983 Annual Meeting. They are available in bound form for $14 from the Association’s national office (Suite 370 - One DuPont Circle, Washington, D.C. 20036). The volume has approximately 400 pages and contains, among other things, a detailed outline of the factors involved in constructing evaluation forms, representative questionnaires from 70 American law schools, and selected materials from several commercial testing organizations.

**Professor of Law, The University of Akron. B.A., 1967, University of California, Santa Barbara; J.D. 1967, University of California, Los Angeles; Chairman, 1983/1984, Section on Teaching Methods, Association of American Law Schools.
ments of a less magnanimous nature. Even when one falls clearly below the school's popularity median, the occurrence will be rationalized away with the remark that "the students will not really appreciate my teaching until they've been out in practice a while." And who is there to say otherwise?

Finally, many schools permit students to see the results of the questionnaires, or at least a portion thereof. Presumably it is allowed so that the students can more wisely select instructors for their elective courses. But how often, in reality, do perusals of statistical readouts actually influence choice? Students at schools which allow access to written comments may, on occasion, be deterred by finding that the object of their inquiry is "a chauvinistic racist." But, in the main, the database rarely gives the sort of information many students really seek: whether the professor is "easy" (and all that that implies). For this information, students need merely talk to one another.

So it is that at law schools today no one is particularly happy with their questionnaire and student/facility committees continue to be engaged intermittently in trying to "do something" about it. Everyone agrees that evaluation ought to be done, but few are satisfied that it is now being done properly, or meaningfully. It was into this thicket that the Teaching Methods Section of the Association of American Law Schools set out recently to collect data in the hope that it might lead to a recommended teacher evaluation questionnaire.

I.

In early Spring, 1982, the Deans of each of the 173 law schools approved by the American Bar Association were sent a letter requesting that they fill out and return a survey form, as well as a copy of any evaluation questionnaire currently in use at their school. The purpose was to find out how the various schools routinely acquire and use comments regarding classroom performance of their professors. Ultimately, 163 schools returned their completed surveys (an extraordinarily high response of 94.2%). The results are set forth in Appendix D.

It was expected that there would be diversity among the forms currently in use at the various schools, but the actual magnitude of the differences turned out to be shocking. True, there were many similarities, but even the most cursory glance revealed substantial differences in appearance, data collection methods, and, particularly, substantive inquiry. While most asked about the professor's knowledge of the subject and his/her clarity in the classroom, many also sought detailed information pertaining to such things as classroom methodology and personal habits — both of the instructor and of the student.

*Cf. J. CENTRA, DETERMINING FACULTY EFFECTIVENESS 44 (1979) ("Because most student rating instruments elicit numerical responses that can be compared and quantified, it is easy to assign them a precision they do not possess. In a discussion of standardized tests, Turnbull (1978) terms this tendency the 'micrometer falacy.'").
Computer assisted research revealed only one article specifically relating to evaluation in law schools.\(^2\) Looking beyond legal education, however, there emerged a plethora of studies and research into the design, administration, and utilization of questionnaires in higher education.\(^3\) While some of what was done could, perhaps cynically, be considered make-work by persons seeking to publish rather than perish, many of the writings made considerable sense. Frequently what the researchers were trying to measure in the classroom corresponded directly to what law professors have always attempted to do: develop analytical skills, inculcate precision of thought, and impart substantive knowledge.\(^4\) Many of the problems and concerns legal educators have about teaching are shared equally by those in other disciplines. We should not, therefore, reject out of hand research in other areas merely because it did not involve legal education.

However, despite all the time and effort put forth, the social scientists have so far been unable to define with precision the elements of good teaching.\(^5\) They also are in an equal quandry over how best to use the data accumulated from student evaluation questionnaires.\(^6\) Nonetheless, in the process of trying to discern the components of effective teaching, the scientists have developed a considerable body of reasonably reliable data — some of which suggest that perhaps a few of our long-held assumptions need to be reexamined. A sampling of their findings:

1) Students tend to rate their instructors lower after they leave school.\(^7\) Only on “fairness in grading” do alumni give more favorable ratings.\(^8\)

2) Students are generally lenient in their judgments and only 12\% of teachers receive less than average ratings.\(^9\)

3) Classes held during the midportion of the day receive higher ratings than early morning ones.\(^10\)

4) Students of lesser ability do not rate instructors much differently than

\(^2\)Hedegard, *The Course Perceptions Questionnaire: Development and Some Pilot Research Findings*, 1981 *AM. B. FOUND. RESEARCH J.* 463. While interesting, the results were not particularly helpful for the purposes of law teacher evaluation.

\(^3\)See, e.g., *CENTRA, supra note 1; K. DOYLE, STUDENT EVALUATION OF INSTRUCTION* (1975); and R. MILLER, *DEVELOPING PROGRAMS FOR FACULTY EVALUATION* (1974). Particularly helpful was Doyle. Centra, however, is a very readable summary of the current literature and all three works include extensive bibliographies. Miller, though now somewhat dated, has an annotated bibliography that runs 133 pages.

\(^4\)Cf. Hedegard, *supra note 2, at 516: “[T]he process of learning in law courses is quite similar to the process of learning in undergraduate courses . . . .”


\(^6\)See Doyle, *supra note 3, at 66.

\(^7\)CENTRA, *supra note 1, at 41.

\(^8\)See Doyle, *supra note 3, at 73 (citing studies).

\(^9\)CENTRA, *supra note 1, at 153.

\(^10\)See Miller, *supra note 3, at 66. The study cited did not, however, consider whether early morning classes tended to be taught by teachers “lower on the academic totem pole.”
better students,¹¹ though lower ratings will result when the grade given is less than that expected and deserved.¹²

5) Student ratings “gathered by means of any but the most poorly constructed rating scales will be sufficiently reliable to be used for course improvement purposes.”¹³ The same is not true for personnel decisions.¹⁴

6) There is a fairly consistent low to moderate positive correlation between general ratings (such as “how would you rate the overall teaching ability of this instructor?”) and student learning.¹⁵

7) Student ratings are lower for required courses,¹⁶ and higher for very small classes (10-15 students).¹⁷

8) Teacher characteristics such as academic rank, sex, teaching load, and research productivity are not significantly and consistently related to ratings.¹⁸

9) “Available data does not support the widely held notion that ratings would be different if students identified themselves rather than remain anonymous.”¹⁹ (There are, however, compelling reasons why evaluations should be anonymous, or at least confidential.²⁰)

In addition to being uncertain about what good teaching is, the research scientists have not been able to produce an agreed upon evaluation questionnaire. However, the literature does suggest numerous ways in which law schools could substantially improve the composition of their existing questionnaires. Part III of this paper will present this writer’s efforts to draw from these materials and construct a general purpose questionnaire for use in law schools. Part II, however, will first analyze a typical questionnaire currently in use — the New York University School of Law form (“NYU”).

II.

The NYU questionnaire was selected for specific attention because it conveniently raises several of the issues common to most forms. For easy reference, the questionnaire is set out immediately following Part II. Some brief observations:

¹¹CENTRA, supra note 1, at 29-32.
¹²See DOYLE, supra note 3, at 41 (citing studies).
¹³Id. at 44 (emphasis added).
¹⁴Id.
¹⁵DOYLE, supra note 3, at 65.
¹⁶Id. at 75 (citing studies).
¹⁷CENTRA, supra note 1, at 30.
¹⁸Id. at 33.
¹⁹DOYLE, supra note 3, at 79.
²⁰Id.
1) **Name of the School** (and related caption matters). While the NYU form has its name at the top, over 50% of the forms currently in use do not have a pre-printed indication of origin. The NYU form does not, however, have a place to indicate the date (or semester and year). Such information would prove useful should completed forms be mislaid or unlabeled as a group.

2) **Introductory Remarks.** Many schools have no prefatory remarks at all. An introduction, however, can be used to give instruction on how to complete the form, when and what the form will ask, and/or (as here) inform students how the form will be utilized. The NYU introductory remarks also do an excellent job of humanizing the form and conveying a sincere interest in the results. Note, too, that the words “please” and “thank you” are used.

3) **Size and Clarity of Type.** While the NYU type is bright and clear, it also is very small. This conserves space, makes the form look less ominous, but is somewhat hard to read. In addition, the general format of the form (spacings, margins, headings, arrangement on page, etc.) gives it an attractive, well-organized appearance.

4) **The Number of Questions.** NYU includes many questions, but asking numerous questions frequently leads to some which overlap in content. For example, is not question #3 (“ability to respond to questions with answers which are to the point”) somewhat a part of any answer to question #14 (“ability to present course material with clarity”)? So also, is not the answer to question #20 (“your level of respect for the professor”) in some measure affected by one’s answer to question #21 (“professor’s overall effectiveness”)? (A related problem concerns the order of questions, and whether putting certain questions early on prejudges answers to later questions.)

   It is suggested that duplicative and overlapping questions interject needless confusion into questionnaires and should be avoided. (An exception might be when the form specifically is designed to detect internal student inconsistency in answering.) Moreover, numerous questions result in a plethora of data which, even if accurate, become difficult to sort out into a meaningful (or useful) product. (Again, an exception might exist if the data is computerized.) Finally, large numbers of questions undoubtedly encourage individual similarity of response (e.g., giving mostly 5’s and 4’s), as well as diminish student perception as to the worth of the form.

5) **Use of Continuing Directions.** Forms frequently fail to indicate exactly what is expected or the existence of other pages. The NYU form indicates that there is a back page by the simple expedient of “—over—”.

6) **Use of Question Categories.** Many schools attempt to organize
various aspects of teaching by creating category headings and then placing related specific questions within these headings. NYU is an example. However, two interrelated problems frequently result. First, the categories themselves may overlap. For example, is not NYU’s category III ("Professor’s Control of Classroom Discourse") merely an aspect of category II ("Professor’s Teaching Ability/Skill")? Second, individual questions frequently are placed into the wrong (or questionable) categories. Marginal notations have been made on the NYU form to indicate some possible rearrangements.

7) **Method of Answering.** Like many schools, NYU uses a numerical scale for its objective questions. If that is the method chosen, the factors then to be considered include: the number of choices (NYU has 5, Harvard has 7, and UCLA has 9); the sequence of the numbers (i.e., does it affect the result that the most positive response (a "5") appears first, as opposed to last?); the description given to the different numbers (NYU uses excellent to average to poor, Oklahoma City uses strongly agree to strongly disagree, Cal. Western uses very high to very low, and Delaware uses various descriptions depending on the particular question); the problem of what "average" means (does it mean "satisfactory," and, if so, by what criterion? Or does it mean average in reference to other law professors the student has had? Or to all teachers the student has had?). Moreover, forms frequently fail to provide for genuine instances of no opinion and/or non-applicability. (E.g., is not NYU question #18 ("availability and receptiveness for consultation with students outside of class") unanswerable if the student never had such an interest? A related problem, particularly with questions of this type, is the effect of professor reputation and/or student hearsay on the responses.)

8) **Written Comments.** Some forms make provision for written comments to be on a separate page ("severability") so as to provide for a splitting up of the questionnaire. For example, some schools believe that greater candor will occur if students know that only the professor will see their written comments. Others provide yet another sheet for written comments to go to the administration and/or student body, as distinct from those to the professor.

9) **Subjects Covered.** The greatest variation among forms occurs in reference to the information sought to be obtained (whether by objective or essay responses). Indeed, some schools tend to stress humanism (e.g., Southwestern ("students were made to feel welcome to discuss the course outside of class")), while others stress personal traits (e.g., Tennessee ("how often was this instructor late to class?"). Not only is there tremendous diversity as to what is considered important, but also how best to ask it.

10) **Value Assumed Questions.** For example, NYU question #15 ("ability
to elicit diligent preparation for class”) implicitly assumes that this ability is a positive trait. However, a high mark here may be as a result of instructor terror tactics which are counter-productive to the overall learning process. Moreover, some value-assumed questions have premises about teaching which are themselves quite debatable in legal education (e.g., “students were given meaningful answers”).

11) *Ability to Answer the Question.* NYU question #7 (“ability to stimulate independent and critical thinking on the subject matter”), while not particularly troubling, does suggest that there may be subjects beyond the ability of (say) first semester students to answer objectively. (*Cf.*, “employed a teaching method which was well suited to the subject matter.”)

12) *Propriety of Student Responses.* NYU question #24 asks “If you were in a position to make the decision, would you rehire the professor?” Should this question be asked? While it perhaps conveys a certain seriousness of purpose by the administration, and may well instill a sense of responsibility in the answering student, ought the student be placed in this position? Moreover, are there validity problems as well? Might some students give a negative response if they personally dislike the professor (regardless of instructional ability), and might other students give inflated positive responses on this (and other questions) because of their person fondness for the professor and a reluctance to have him/her fired? In short, how accurate (and, therefore, helpful) are responses to such conclusionary questions? Also, if such a question is asked, are negative responses taken seriously by the administration?

13) *Nature of Instructor Methodology and Student Preparation Time.* (See, e.g., NYU questions #25a (“describe the mix of teaching methodology used”) and #26 (amount of preparation time required).) For what purpose are these questions being asked: To assist the administration in scheduling students so as to provide diversified approaches? Or to supply information which could lead to an infringement upon academic freedom?

The above discussion merely highlights a few of the many factors involved when constructing or reviewing a professor evaluation questionnaire. While some factors are procedural and of minor importance, others are quite substantive and raise troubling questions. It is not the purpose of this paper to address (or answer) all of the issues, but rather to suggest that greater attention ought to be accorded the teacher evaluation process.
# NEW YORK UNIVERSITY SCHOOL OF LAW

## FACULTY AND COURSE EVALUATION QUESTIONNAIRE

Name of Professor: ___________________________ Name of Course ___________________________

TO THE STUDENT: Evaluations are an important tool in the development of New York University School of Law. The statistical results are made available in the library, and these results and the written comments are read by the professor after grades have been submitted. The results and comments are used in formulating decisions on retention, promotion, tenure, salary, and teaching assignments. Therefore, we urge you to take time to analyze each question carefully and constructively with the purpose of aiding in positive improvement of the faculty and courses. Please pay particular thought and attention in your comments on the back of this questionnaire, and please try to be objective and sincere. Thank you for your cooperation.

1. Program in which you are enrolled: □ J.D. □ Graduate Division

### KEY

5 (Excellent)  4 (Very Good)  3 (Average)  2 (Below Average)  1 (Poor)

### I. Professor’s Knowledge of Material

2. Knowledge and command of the subject matter of the course.  5 4 3 2 1

(II. or III.) 3. Ability to respond to questions with answers which are to the point.  5 4 3 2 1

(II.) 4. Ability to integrate current developments into the course coverage.  5 4 3 2 1

### II. Professor’s Teaching Ability/Skill

5. Ability to ask effective questions.  5 4 3 2 1

6. Ability to stimulate your interest in the subject matter.  5 4 3 2 1

7. Ability to stimulate independent and critical thinking on the subject matter, whether in analyzing, problem-solving, organizing and systematizing knowledge, counselling, advocacy, or in using other skills of the lawyer.  5 4 3 2 1

8. Enthusiasm for teaching the course.  5 4 3 2 1

### III. Professor’s Control of Classroom Discourse

9. Ability to encourage and evoke a high quality of participation in classroom dialogue.  5 4 3 2 1

(VI.) 10. Contribution which classroom attendance has made to your knowledge of the subject matter of this course.  5 4 3 2 1

### IV. Professor’s Preparation and Organization

11. Organization of entire course.  5 4 3 2 1

12. Preparation for each day’s class.  5 4 3 2 1

13. Quality of assigned text and materials.  5 4 3 2 1

(II.) 14. Ability to present course material with clarity.  5 4 3 2 1

(II. or III.) 15. Ability to elicit diligent preparation for class.  5 4 3 2 1

### V. Professor’s Personal Receptiveness to Students

16. Respect for divergent points of view.  5 4 3 2 1

17. Respect for students in class.  5 4 3 2 1

18. Availability and receptiveness for consultation with students outside of class.  5 4 3 2 1

--- OVER ---
VI. General Questions
19. Your level of interest in the subject matter of this course. 5 4 3 2 1
20. Your level of respect for the professor. 5 4 3 2 1
21. Professor's overall effectiveness. 5 4 3 2 1

VII. Please Answer the Following Questions with a "Yes" or "No" Answer:
22. Knowing what you know now, would you take this same class from this professor? □ Yes □ No
23. Knowing what you know now, would you take another course from this professor? □ Yes □ No
24. If you were in a position to make the decision, would you rehire this professor? □ Yes □ No

VIII. Additional Remarks and Questions
25. (a) Please describe the mix of teaching methodology used in this course (5 is all discussion, 1 is all lecture). 5 4 3 2 1
(b) Your preference: 5 4 3 2 1
26. Compared to most other courses you have taken at NYU Law School, this course requires (□ more; □ the same; □ less) preparation time.

STUDENT'S WRITTEN COMMENTS*
(Please answer any or all of the following questions)

1. What was the best thing about this course?
2. What was the worst thing about this course?
3. What should the Professor do to improve the teaching of this course?
4. Further comments you may have, including responses to any of the following questions:
   Which, if any, topic areas were covered too extensively or were not covered thoroughly enough? What additions, deletions, or other modifications should be made in the casebook or other course materials?
   Did reading assignments mesh well with the Professor's classroom presentation? Did the material assigned and covered in class appear to coincide with the announced scope of the course?
   Has this course shown you any new perspective in your field or "broadened your intellectual horizons"?

*On the actual questionnaire, the page provided approximately 1 1/4 inches of space for each written comment.
III.

It is the considered opinion of this author that no single questionnaire can ideally serve all the diverse purposes for which such instruments are created. Nevertheless, it ought to be possible to create a questionnaire that would: 1) be free of the common technical problems encountered in many of the existing forms; and 2) provide reasonably accurate information usable by the three normal recipients of the data: administration, instructor, and students.

A. Caption and Related Matters

The proposed course evaluation questionnaire consists of two pages and is set forth as Appendix A. Ideally it should be printed on a single two-sided sheet. This conserves paper and avoids the necessity of stapling. The name of the particular school should, of course, be inserted where indicated. The form has places to write in the name of the course, the professor, and other identifying information.

The opening paragraph alerts students to the primary reasons for filling out the questionnaire, viz., to help the individual instructor improve his/her own teaching, as well as assist with important administrative decisions. Students should have a feeling that what they are doing is meaningful and will be taken seriously.

The second paragraph gives information on how the questionnaire will elicit their opinion — i.e., what exactly they must do. In addition, it indicates what will happen to the accumulated data. This portion may, of course, be varied depending on institutional preference. Indeed, two of the most controversial (and unresolved) issues are what information ought to be disclosed, and to whom. The author's feeling is that students should be given at least some "reward" for their efforts after conscientiously filling out the forms. This can be done by making available the mean or average scores for each of the six main categories, as well as the number of persons responding to each of the specific ratings within the various categories. However, allowing student access to the written comments opens up a Pandora's box of additional problems, such as dissemination of vicious personal remarks and possible significant prejudgment of faculty by future students. The latter is unfair to a faculty

21The questionnaire presented here is a slightly revised version of the one given to the Teaching Methods Section at its January, 1983 meeting (and also included in its published compilation of materials). The revisions were to change the #3 descriptor (on the objective scale) from "fair" to "adequate," and to eliminate the provision for plus, check, and minus markings as to each of the category subtopics. Actual use of the questionnaire revealed that the latter provision tended to discourage written comment, rather than encourage it.

22See Doyle, supra note 3, at 90.

23Law Schools are almost evenly split on whether students should see any of the data. (See Appendix D.)

24Moreover, the data are reliable for the purpose of helping students choose courses and instructors. See Doyle, supra note 3, at 85.

25Id. Breaking down the responses in this way provides a far more accurate overview of student appraisal than merely reporting a single numerical figure, such as "4.2".
member if the comments were unfounded or the member subsequently changed his or her behavior. 26

The introductory paragraphs use the words "instructor" as well as "professor" when referring to the object of the evaluation. This split terminological usage was intentional and designed to subtly shift the focus from evaluation in general ("instructor") to the specific person ("professor"). The paragraphs conclude with an expression of thanks - a small, but meaningful gesture.

B. Substantive Content

The substantive portion of this questionnaire was designed to obtain both objective and subjective data. The objective portion (the right hand side) was included for those who derive meaning from numerical answers. For administrative purposes, however, the most useful item is the composite (or "global") question pertaining to overall teaching ability (item F). 27 While we cannot yet accurately say what are the precise components of good teaching, studies show that students seem to know it when they see it. 28 Most of the other factors asked about are much more useful to the instructor, but only if he/she chooses to act on them in a conscientious and constructive way. 29

The selection of the other five question categories represents a subjective determination of general things that appear to concern students, and, by extension, ought to concern teachers. There is no agreed upon number of subject categories, nor what sub-items fall within categories. 30 However, this author feels that the proposed categories (and the accompanying sub-items) are logical, rational and internally consistent.

The device of using question categories (as opposed to a long series of single questions) was selected as a means to cut down on the tediousness of many questionnaires and to limit to manageable proportions the accumulation of data. In addition, categories serve to focus attention onto more specific areas and facilitate related essay comment. Rejected was the so-called "cafeteria" approach (common in commercial forms) which allows the professor to select all or many of his/her own questions. 31 There are some serious problems with this option, not the least of which is the lack of standardization. 32

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26Id. at 85-86.
27Id. at 66, 82; See also CENTA, supra note 1, at 36 ("Global ratings of teacher effectiveness and course value correlate more highly with student learning than do ratings of such specific instructional practices as teacher-student interaction. Global ratings may be more valid estimates of student learning because they are not tied to specific instructional style.").
29See Doyle, supra note 3, at 83-84.
30For an example of another writer's attempt to organize various items into categories, see Appendix B.
31The approach was developed at Purdue University and has been adopted by numerous institutions having computerized operations. See CENTA, supra note 1, at 24.
32See THE ENDEAVOR INSTRUCTIONAL RATING SYSTEM USER'S HANDBOOK, at 2 (Endeavor Information Systems, Inc., Evanston, IL (1979)). But cf. CENTA, supra note 1, at 46 ("[T]eachers, and departments should have the option of adding their own specific items").
After much deliberation, the proposed six-point scale was chosen (rather than the normal five) because some students tend to avoid the extremes and this provides an additional working point. The descriptors (very poor, poor, adequate, good, very good, exceptional) were chosen because they ask for a direct subjective appraisal free from the ambiguous word "average." "Adequate" was seen as equivalent to "satisfactory" and was included so as to give students more flexibility among the positive choices. The agree/disagree format was rejected because of the implicit necessity for a strong initial statement (with which to agree or disagree). While undoubtedly the agree/disagree format is an effective way of soliciting opinion, it was felt that the selected items simply ought to be presented in a more neutral manner. Finally, since students tend to be overly generous in their ratings, the parenthetical "truly outstanding" was added to the top response in the hope that it would discourage indiscriminate use of that descriptor.

The subjective aspect of the proposed questionnaire is the provision for written student comment underneath each of the first five objective categories. If taken seriously by the instructor, constructive comment by students can be most useful in isolating needed areas of improvement. The accompanying subtopics suggest areas of possible comment (as well as indicating factors to be considered in answering the objective portion). The particular subtopics selected necessarily represent a subjective determination of what is important to good teaching. Some value judgment is unavoidable here and schools may wish to alter the subjects enumerated, either by inclusion or exclusion. However, to avoid turning the questionnaire into a laundry list of minutiae, there must be some limit on the number of included items. Many existing forms have statements with more specificity (such as "students felt free to ask questions and express opinions," or "instructor tried to cover too much material"), but the author believes that such matters (and others) are impliedly suggested by the proposed subtopics; students will write about these things if they are sufficiently concerned.

The questionnaire concludes with an open-ended provision for any remaining student comment. Since there were earlier opportunities to express written opinion, the space available ought to be adequate.

C. Matters Omitted

It should be noted that the proposed questionnaire makes no attempt to ascertain specific characteristics of the answering student, such as grade point average or number of hours spend studying. Such information could perhaps

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13DOYLE, supra note 3, at 22.
14See text at note 9, supra.
15DOYLE, supra note 3, at 22; CENTRA, supra note 1, at 153.
16Cf. CENTRA, supra note 1, at 46 ("A rating form should not be excessively long. Ten minutes to complete a form is all most students will want to spend, and teachers are reluctant to use up too much class time.").
be of use if there was computerization of the data. However, questions such as these suggest that the student really is no more than a statistic. While perhaps somewhat true for this purpose, that feeling certainly is not conducive to obtaining constructive suggestions. Moreover, computerization of data easily leads to using computer forms; none of which convey much sense of warmth, caring, or concern.

Moreover, the proposed form does not make specific inquiry about personal habits, such as punctuality, or about specific teaching methodology (e.g., percentage of Socratic dialog). Such subjects may be of genuine concern to the administration. However, in the interest of not unduly complicating the questionnaire (as well as not mentioning things that may not be a problem), perhaps such factors can still best come to light by the tried and true methods: law school hearsay, rumor and gossip.

As far as administration of the questionnaire is concerned, the instructor should not be present before or during the completion (or collection) of the form. Instructor presence may unduly affect the expressed opinions. 37

CONCLUSION

In summary, it is felt that the proposed questionnaire is a usable and adequate instrument for most of the legitimate purposes currently existing in law schools. However, it is only a data collection method. The true test comes on how the data is utilized. If the instructor really is concerned about improving his/her teaching, the student answers can serve as a valid point of departure. 38

Suggestions for improvement are even more useful if they can be acted upon. 39 This writer has found that personal distribution of a one page Mid-term Questionnaire (Appendix C) results in surprisingly candid and (occasionally) quite helpful remarks (such as “the back rows can’t always hear you; please speak louder”). The device of asking for the “one thing that you would most like the instructor to do, or refrain from doing, during the balance of the semester” gets right to what is on their minds. Its use is highly recommended.

On the other hand, institutions should give serious reconsideration of the common practice of evaluating all classes each semester. It frequently results in the acquisition of too much data for anyone to handle meaningfully, as well as boring the students with the task. 40 One recommended possibility is that ratings could be collected of the tenured faculty for only one course each year (and also for any new course), and in no more than one section of each course for the non-tenured faculty. 41 For personnel decisions, ratings from five or more

37 DOYLE, supra note 3, at 78.
38 Id. at 94.
39 See id. at 84.
40 See id. at 94.
41 See CENTRA, supra note 1, at 154.
42 Id. at 45.
courses generally are required for a "dependable assessment," and then only if at least fifteen students have rated each course. But even then, no decision regarding tenure, promotion, or salary should be made solely on the basis of information from questionnaires; rather, such important decisions should be arrived at only after combining information from several sources so that the "short-comings of one approach can be balanced by the strengths of another." 

APPENDIX A

THE UNIVERSITY OF ____________ SCHOOL OF LAW

COURSE EVALUATION*

Course _______________________________ Day Evening (circle appropriate class)
Professor _______________________________ Fall Spring Summer 19____

Since thoughtful and responsible appraisal is a vital factor in helping an instructor improve the effectiveness of his/her teaching, you are asked to assess various aspects of this course. Moreover, the answers to this questionnaire may be used to assist the administration in making decisions regarding retention, promotion, tenure, and salary, as well as assist other students in selecting electives.

This form asks you to rate the professor's knowledge, organization, choice of course content, in-class performance, relationship with students, and overall teaching ability. Your appraisals should be indicated by circling an appropriate number located adjacent to each evaluative category. In addition, since specific suggestions and observations are extremely helpful to the evaluation process, you are encouraged to write any comments you may have in the blank spaces underneath the various categories, as well as at the end of the form. Possible areas of comment are suggested. The results of these evaluations will be placed on reserve at the library desk after grades have been turned in. The evaluations themselves will be available for inspection by the professor, but only after his/her grades have been turned in for this course.

Thank you very much for your assistance.

Rating Scale:

6 - Exceptional (truly outstanding)
5 - Very Good
4 - Good
3 - Adequate
2 - Poor
1 - Very Poor

(Circle appropriate number)

A. Professor's Knowledge of the Course Material
   Including:
   a) depth of understanding of the subject;
   b) level of preparation for each class.

Comment:

*The actual questionnaire provides at least 1¼ inches of space for each written comment.

*Id. at 3; See also Doyle, supra note 3, at 44-45.
### B. Professor's Organization of the Semester

Including:
- a) sequencing of materials;
- b) spacing of workload over duration of course;
- c) clarity of what materials will be covered during class sessions.

*Comment:*

### C. Professor's Choice of Course Content

Including:
- a) choice of substantive content;
- b) integration of current developments into the course materials;
- c) choice of casebook, texts, etc.

*Comment:*

### D. Professor's In-Class Performance

Including:
- a) ability to present material clearly;
- b) ability to respond to questions;
- c) ability to stimulate critical thinking;
- d) enthusiasm for teaching course.

*Comment:*

### E. Professor's Relationship with Students

Including:
- a) professional classroom demeanor;
- b) receptiveness to consultation with students outside of class.

*Comment:*

### F. Without reference to any particular answer or comments already given, how would your rate the general overall teaching ability of this professor?

### G. Do you have any further observations that you would like to make concerning this course or the professor?
FACTORS OR CATEGORIES OF RATINGS AND EXAMPLES OF ITEMS*

1. Organization, Structure, or Clarity
   - Material presented in an orderly manner
   - Instructor well prepared for each class
   - Class time well spent
   - Course well organized
   - Instructor made clear what we were expected to learn
   - Considerable agreement between announced objectives and what was taught

2. Teacher-Student Interaction or Rapport
   - Instructor readily available for consultation with students
   - Instructor seemed to know when students didn’t understand the material
   - Instructor actively helpful when students had difficulty
   - Students felt free to ask questions or express opinions
   - Instructor seemed concerned with whether students learned the material

3. Teaching Skill, Communication, or Lecturing Ability
   - Instructor used examples or illustrations to clarify the material
   - Instructor spoke audibly and clearly
   - Instructor presented material clearly
   - Instructor summarized or emphasized major points in lectures or discussions

4. Workload, Course Difficulty
   - In relation to other courses, this workload was heavy
   - Instructor tried to cover too much material
   - Reading assignments were very difficult
   - Course challenged me intellectually
   - I put a great deal of effort into this course

5. Grading, Examinations
   - Instructor told students how they would be evaluated
   - Examinations reflected the important aspects of the course
   - Instructor made helpful comments on papers or exams
   - Instructor assigned grades fairly and impartially

6. Impact on Students, Student Self-Rated Accomplishments
   - I learned a great deal in this course
   - This course generally fulfilled my goals
   - This course stimulated me to want to take more work in the same or a related area

7. Global, Overall Ratings
   - Instructor’s effectiveness as a teacher was: (excellent to poor)
   - Overall value of the course was: (excellent to poor)
   - Instructor made a major contribution to the value of this course
   - General quality of lectures was: (excellent to poor)
   - General quality of class discussions was: (excellent to poor)

https://ideaexchange.uakron.edu/akronlawreview/vol17/iss4/3
Mid-Term Questionnaire

1. What is the one thing that you would most like the instructor to do, or refrain from doing, during the balance of the semester? In other words, do you have a suggestion as to how the instructor could improve his teaching in order to enhance your understanding of the material? (Do not put your name on this questionnaire, so feel free to be completely candid.)

2. Do you have any further comments on the course so far? (Use reverse side if additional space is necessary.)

APPENDIX D

LAW SCHOOL TEACHER EVALUATION QUESTIONNAIRE

conducted by
The Section on Teaching Methods
Association of American Law Schools
Spring, 1982

Name of school: ____________________________________________

Name of person completing questionnaire: ____________________________

1) Does your law school use a professor evaluation form which is filled out by students?
   [ ] Yes; [ ] No (please check) (If “No”, please skip to question 8.) If “Yes”, may the Teaching Methods Section make copies and distribute them to other institutions for their consideration as a model? [ ] Yes; [ ] No.

2) Was the form prepared by:
   [ ] the students?
   [ ] the law school?
   [ ] other? ____________________________________________________

3) Is the form distributed:
   [ ] by students?
   [ ] by the teacher being evaluated?
   [ ] by a staff member?
   [ ] other? ____________________________________________________
APPENDIX D (CONTINUED)

LAW SCHOOL TEACHER EVALUATION QUESTIONNAIRE

4) When is the form distributed?
   [ ] Midway through the semester?
   [ ] Near the end of the course, but during class time?
   [ ] Before the final examination, but not during class time?
   [ ] After the examination?
   [ ] Other?

5) If the results are tabulated in some fashion, who does it?
   [ ] The administration?
   [ ] A faculty committee?
   [ ] Students?
   [ ] Other?

6) Are the results posted or made available for students to see?
   [ ] Yes
   [ ] No

7) Are the completed forms themselves made available for review by:
   [ ] The administration?
   [ ] The evaluated faculty member?
   [ ] Other?

8) Does your school use any other method of evaluating classroom performance by professors? [ ] Yes; [ ] No. If "Yes", please use the reverse side to briefly indicate the procedure and note whether tenured faculty are similarly evaluated.

Thank you again for your kind cooperation. If your school does use a student evaluation form, please enclose a copy with this questionnaire and send to Professor William Roth, Detroit College of Law, 130 East Elizabeth Street, Detroit, Michigan 48201.

LAW SCHOOL TEACHER EVALUATION SURVEY
(Spring, 1982)

Results and Commentary

1) Of the 163 responding schools, 95.7% indicated that they currently use some sort of professor evaluation form filled out by students.

Comment: Seven schools reported they do not use a form. Of these, three rely on classroom visits, two rely upon oral student response, one uses no evaluation method, and one did not indicate what, if anything, it did.

2) The evaluation form was prepared by:

   Students: 22.6%
   Law School: 38.1%
Law School Teacher Evaluation Survey (Continued)
(Spring, 1982)

Results and Commentary

Combination of above: 28.4%
(e.g., student-faculty committee)
University or Outside Testing Facility: 7.7%
Other: 3.2%

3) The form is distributed by:

Students: 37.1%
Teachers: 15.7%
Staff: 33.3%
Other: 13.9%

(includes a combination of the above methods, such as teacher passing out forms and students collecting and turning them in to Dean)

4) The time of distribution is:

Midway in the semester: 2.6%
Near end of course during class: 88.4%
Before final, but not during class: 5.1%
After the final examination: 2.6%
Other (e.g., at end of law school): 1.3%

Comment: While the overwhelming practice is to utilize classtime for completion of the forms, a few schools distribute them to student mailboxes. Moreover, one school indicated that its forms (albeit distributed midway in the semester) had to be returned as a precondition to the receipt of a final grade. A combination of out of class distribution and mandatory return might well work to encourage more thoughtful student response, assure a significant return, permit (if desired) student evaluation of the final examination, and avoid the problems normally associated with passing out and collecting somewhat confidential materials during classtime. Moreover, it would seem to convey a certain seriousness of purpose by the administration about professor evaluation.

5) The results are tabulated by:

Administration: 46.1%
Faculty Committee: 1.3%
Students: 15.4%
Other: (frequently a University computer) 37.2%

Comment: This question was, in hindsight, structured ambiguously. The use of a University computer might also properly be considered tabulation by the administration. Moreover, some schools use non-numerical forms that cannot be tabulated. These two distinct situations were often noted next to the "Other" category. Also, some schools just wrote at the bottom of the question things such as "N/A". As a result, the most that can be said about these reported percentages is that they clearly indicate students at most schools do not play an active role in the tabulation process.

6) Are the results posted or in some way made available for the students to see?

Yes: 46.5%
No: 53.5%

Comment: Schools which involve students more heavily in the formulation and distribution
LAW SCHOOL TEACHER EVALUATION SURVEY (CONTINUED)

(Spring, 1982)

Results and Commentary

of evaluation forms tend (as might be expected) to make the results more public. But, as the percentages suggest, law schools differ sharply in their attitude toward making the results public. Some schools exhibit extreme openness and put the evaluation (written comments and all) on reserve in the library and/or allow publication of the results in the student newspaper. Others use a bifurcated form, publishing only the numerical portion and leaving any written comments with the professor. By contrast, a slight (but clear) majority of law schools do not make any professor evaluation results available to their students.

7) The forms themselves are available for review by:

- Both the Administration and the involved Faculty member: 82.9%
- Just the Faculty Member: 10.8%
- Just the Administration: 1.9%
- Other: 4.4%

Comment: Because the questionnaire did not expressly ask about review by both the administration and the evaluated faculty member (but rather had separate boxes permitting multiple checking), and this particular question somewhat overlapped the preceding one (concerning availability of results to students), it is probable that there is some distortion in the above figures. However, it is clear that an overwhelming number of schools do permit review by both the administration and the evaluated professor. Moreover, a sizeable number of respondents volunteered that these forms also are made available to (and used by) faculty committees on promotion and tenure.

8) Are other evaluation methods used?

- Yes: 80.6%
- No: 19.4%

Comment: The almost universal choice for additional evaluation is through the use of classroom visitation by faculty. Most of the visitations are done by members of a special committee for purposes of promotion and tenure. Formal visitation of tenured faculty, however, appears to be very rare. Nevertheless, a few schools indicated that they informally encourage their faculty — and particularly younger faculty — to visit senior colleagues. A few schools also indicated that they are now beginning to experiment with videotaping professors. And, in what this writer views as a very fruitful idea, the Army's JAG school has an educational consultant from the University of Virginia School of Education observe class instruction and then meet the the observed faculty member on a one to one basis to discuss areas needing improvement.

Finally, in what had to be the most novel approach reported, one school indicated that for purposes of tenure the Appointments Committee "requests its three student consultants to conduct an informal oral poll among their acquaintances taking courses or seminars with the professors in question and to tabulate impressions and inform the Appointments Committee of their impression." (The school, incidentally, does not utilize any evaluation form.)