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Tuning Journal

for Higher Education

Research in
Curriculum
Development

Volume 2, Issue No. 2, May 2015

Tuning Journal for Higher Education

Research in Curriculum Development

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Tuning Journal for Higher Education (TJHE), Tuning Journal in short, is an international peer-reviewed journal publishing in English original research studies and reviews in all aspects of competence-based, student-centred, and outcome-oriented education reforms at university level across the globe. It is a joint initiative of the University of Deusto (Spain) and the University of Groningen (The Netherlands) that is run by the Tuning International Academy (<http://tuningacademy.org/>): an international meeting point for fostering innovative teaching, learning, and research in higher education.

The main goal of the Journal is to promote quality research into the 'Tuning Methodology' for designing, implementing, and assessing context-sensitive degree programmes and to subject the tools developed during Tuning projects and other educational projects to full academic scrutiny and debate among students, teachers, policy makers, administrators, and academics across societies, cultures, professions, and academic disciplines. To this end, the Journal invites applications for thematic issues, conference proceedings or monographs from all stakeholders. Guidelines for the preparation and submission of manuscripts are appended to this Issue and available at the web of the Journal: <http://www.tuningjournal.org/>

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Research in Curriculum Development

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Tuning Journal for Higher Education (TJHE)

Research in Curriculum Development

Volume 2, Issue No. 2, May 2015

Contents

Editorial

Paul D. Ryan 229

Articles

Utah Tuning Project
Randall S Davies and David Williams 235

Changing perspectives in Legal Education: competence-based learning
and the possibilities to improve access to justice via mediation skills
Loussia P. Musse Felix and André Gomma de Azevedo 253

A new paradigm for Political Studies: competency-based teaching
and learning
Terrie R. Groth 283

Towards a concept on communicative competence in Health: a qualitative
study in residents
Rodolfo Adrian Cabrales 309

Forum

Curriculum development: panacea or poison?
Terence Nigel Mitchell 341

Contributors 359

Guidelines for Authors 365

TJHE Ethical Guidelines for Publication 371

Editorial

Editorial

Paul D. Ryan

Editor

Welcome to Volume 2, Issue Nº 2 of the Tuning Journal for Higher Education, '*Research in Curriculum Development*'. Our first thematic issues have dealt with: development of programme profiles ('*New Profiles for new Societies*', Volume 1, Issue Nº 1); competence based learning ('*Competence based learning: a global perspective*', Volume 1, Issue Nº 2); and policy design and implementation aimed at modernising higher education ('*Policy design and implementation: actions for curriculum reform*', Volume 2, Issue Nº 1). The journal will continue to publish such thematic issues, the next planned dealing with the student learning experience. However, the Editorial Board has decided to dedicate this Issue to unsolicited research contributions. It is the policy of the International Tuning Academy to promote research into all aspects of competence-based higher education.¹ Tuning has always been the universities' response to higher education reform. We, therefore, see ourselves as serving the needs of all stakeholders and wish to provide a platform for those who have research to share with colleagues in our global community.

Another innovation in this Issue is the inclusion of a 'Forum' section. The aim of this section is to promote discussion and debate in two ways. Firstly, we invite comments on articles previously published within the Journal. The authors of the original article will be given the right to reply to such comments. Debate is an essential component of academic life. Secondly, we wish to widen the scope of the Journal by publishing opinion pieces from time to time. Articles for the Forum section will be subject to peer review and editorial control.

In the first article Davies and Williams give a frank account of the Utah Tuning Project. They report that whilst many participants had concerns about 'Tuning', or at least what they perhaps misunderstood 'Tuning' to be, almost all reported favourably upon the interaction and discussions it engendered. This report makes fascinating reading and reminds me of many of the debates

¹ Please see <http://tuningjournal.org/>

we had during the various European Tuning projects (2000-2009). Whilst travelling on the Eurostar recently I was asked by a student how we could possibly reach a situation where all higher education qualifications were recognised globally. He thought that this was a magnificent concept because he had encountered many hurdles to mobility. The only reply I could give was that we should make people talk to each other and then keep them talking to each other. I believe that this report supports that view.

The next two articles deal with developing competence-based learning in Legal and Political Studies in Brazil and have stemmed from work that has been encouraged by the ALFA Tuning Latin America programmes. Musse Felix and Gomma de Azevedo describe the development of a competence-based dispute resolution programme to be used in both legal education and within the Brazilian Court system. This programme reflects the adoption by the University of Brasilia School of Law of a Curriculum embracing *'competence based learning as part of a major change geared to bringing social, cultural and political effectiveness into the teaching of Law'*. The article provides an insight into the challenges of adopting such a collaborative approach in a regulated profession. Groth dares *'to sketch a "metaprofile" of the "good political scientist"'*. His article reviews the challenges facing the teaching of political science in a rapidly changing world and discusses the kind of Political Science needed in this new world. He analyses how the concept of competencies developed elsewhere might apply to a Political Science program in Brazil. On the basis of this analysis he offers his metaprofile. What both of these studies have in common is the intimate involvement of students in the process.

One could argue that one of the most important competencies that should be developed in medical education is that of 'Communication in clinical practice'. Cabrales offers an account of the feedback from focus groups of 17 residents who shared their ideas on and concerns with communicative competence in health (CCH). These results were analysed using Grounded Theory, a method for organising such feedback into conceptual frameworks. He offers a new concept of CCH and, as the participants felt their training had lacked somewhat in the development of CCH, argues this needs to be taken into account by all stakeholders when planning new curricula.

The matter of curricula leads us to our first article in the new Forum section. Mitchell, who has been involved in Tuning from the beginning, gives a *'personal reflection'* on the role of curricula development in the context of the Bologna reforms. He argues that curricula need to be designed carefully in such a way as to promote mobility, not hinder it. Some subject areas offer only a set of meta-competences, whilst others give guidance as to

topics and what proportion of the curriculum they might occupy and at what level. I find myself wondering whether this uneven treatment reflects the academic reality that there are now so many theoretical, applied and regulated disciplines in modern higher education or the fact that Tuners have yet to fully engage with this topic. I look forward to your feedback.

The Editorial Board welcomes submission of articles that fall within the compass of this Journal (see www.tuningjournal.org).

Articles

Utah Tuning Project

Randall S Davies and David Williams*

First publication online: 30 June 2015

Abstract: Tuning is a faculty-driven initiative designed to improve the quality of higher education by establishing transparent and fully assessable learning outcomes and proficiencies for degrees, discipline by discipline. Unlike many other initiatives in the United States which function within an individual institution, the Utah Tuning Project involved all institutes of higher education within the state of Utah. The purpose of this paper is to document the findings from an evaluation of a multiyear project targeting four undergraduate degree programs involved in a tuning initiative. A summary of recommendations and best practices is provided, along with the challenges and benefits to individuals and programs engaged in this process.

Keywords: Tuning; learning outcomes; higher education; degree specifications; program development; program evaluation.

I. Introduction

Largely due to economic issues, higher education in the United States is currently in crisis.^{1,2} Expectations that we as a society increase the number of individuals receiving a college education are often at odds with the perception that adequate financial support is allocated to state-funded institutions through government budgets. Outcries over rising tuition costs (i.e., student debt) have sparked accountability concerns (e.g., completion rates). Public confidence in the ability of colleges and universities to adequately prepare graduates for their

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¹ Anthony P. Carnevale, "The Real Education Crisis Is Just over That Cliff," *The Chronicle of Higher Education*, 2012, 1–5, <http://chronicle.com/article/The-Real-Education-Crisis-Is/132167>.

² Karin Fischer, "Crisis of Confidence Threatens Colleges," *The Chronicle of Higher Education*, 2010, <http://chronicle.com/article/A-Crisis-of-Confidence/127530>.

chosen careers has diminished greatly in recent years.^{3,4,5} Prompted by accountability concerns, educators and invested stakeholders have suggested several ways learning in schools might be improved. And, for better or for worse, the relative autonomy teachers have had in determining what and how to teach has become increasingly more regulated by state and federal mandates.^{6,7,8}

Accountability mandates in public elementary and secondary schools are manifest in increasing reliance on standardized testing.⁹ Additionally, schools are under pressure to establish a common set of core standards to guide curriculum development and instruction.¹⁰ At post-secondary institutions, accountability has typically focused on accreditation mandates, which require colleges and universities to establish learning outcomes.^{11,12} Faculty are then expected to assess students on the learning outcomes established for a course or degree;¹³ this is intended to serve as evidence that graduates are prepared to enter the work place and that a post-secondary education is worth the expenditure of time and money. An additional concern for higher education to that of creating learning outcomes, which is addressed by the tuning initiative being studied in this paper, is consistency across the

³ Richard Arum and Josipa Roksa, *Academically Adrift: Limited Learning on College Campuses* (Chicago, IL: University of Chicago Press, 2011).

⁴ Andrew Hacker and Claudia Dreifus, *Higher Education?: How Colleges Are Wasting Our Money and Failing Our Kids - and What We Can Do About It* (New York, NY: St. Martin's Griffin., 2010).

⁵ Catherine M. Millett et al., "A Culture of Evidence: An Evidence-Centered Approach to Accountability for Student Learning Outcomes," *Learning*, 2008, http://www.ets.org/education_topics/learning_outcomes.

⁶ Legislative Analyst's Office, *Education Mandates: Overhauling a Broken System*, 2010, http://www.lao.ca.gov/reports/2010/edu/educ_mandates/ed_mandates_020210.aspx.

⁷ Lisa A. Petrides, Sara I. McClelland, and Thad R. Nodine, "Using External Accountability Mandates to Create Internal Change. Planning for Higher Education," *Planning for Higher Education* 33, no. 1 (2004): 44–50.

⁸ Steve Turley, "Professional Lives of Teacher Educators in an Era of Mandated Reform," *Teacher Education Quarterly* 32, no. 4 (2005): 37–59.

⁹ Martin R. West and Paul E. Peterson, "The Politics and Practice of Accountability," in *No Child Left behind? The Politics and Practice of School Accountability*, ed. Martin R. West and Paul E. Peterson (Washington DC: Brookings Institution Press, 2003), 1–20.

¹⁰ Common Core State Standards Initiative, *About the Standards*, 2011, <http://www.corestandards.org/about-the-standards>.

¹¹ Educational Testing Services, *Student Learning Outcomes in Higher Education*, n.d., http://www.ets.org/education_topics/learning_outcomes.

¹² Wendy F. Weiner, "Establishing a Culture of Assessment: Fifteen Elements of Assessment Success—how Many Does Your Campus Have?," *Academe* 32, no. 9 (2009): 37–59.

¹³ Millett et al., "A Culture of Evidence: An Evidence-Centered Approach to Accountability for Student Learning Outcomes."

learning outcomes established for similar degrees offered at different universities and colleges.

Funders of this project have asked whether universities and colleges offering a similar degree could agree on a common set of learning outcomes for students receiving that degree, regardless of where they receive it. Project administrators are also interested in identifying benefits that might be realized for students and institutions by engaging in such an endeavor. The purpose of this paper is to document the findings from an evaluation of a multiyear project targeting four undergraduate degree programs involved in a tuning initiative. A summary of recommendations and best practices is provided, along with the challenges and benefits to individuals and programs engaged in this process.

II. Utah Tuning Project Background

While tuning is an international phenomenon, the Utah Tuning Project was introduced to improve student learning by embedding tuning and tuning reference points (expressed in terms of learning outcomes and competencies at the subject area level) within the academic culture and practices of those working at institutions of higher education across the state. In essence, the project endeavored to facilitate a systemic change at these institutions by clearly articulating a common set of expectations across the state for what students should know, understand, and be able to do upon completing a specific program of study or set of learning experiences. Most Tuning projects in the United States tend to function within a single institution or program. The stated purpose of this initiative was to improve the quality of higher education by establishing transparent and fully assessable learning outcomes and proficiencies for degrees, discipline by discipline. The tuning project was designed to work in conjunction with other programs, including the Degree Qualifications Profiles initiative and Utah's Faculty Discipline Majors' Meetings. The long-term objective of the Utah Tuning Project was that all disciplines would be tuned, and every student graduating with a degree in a tuned discipline would demonstrate mastery of all learning outcomes and competencies that the team had determined to be critical for work in that discipline.

III. Project Activities and Components

The central activity of this project is its tuning teams. For the past three years, four teams have operated in Utah: physics, history, elementary education, and general education mathematics. Earlier a pilot project of the

tuning process had existed for physics and history. Thus two of these groups had been functioning for two years previous. Tuning teams consisted of a representative from each of the public universities and colleges in Utah, in addition to some from private institutions. Because the physics and history teams had been tuning for over two years prior to this initiative, many of the team members were well versed in the process; however, several team members representing the various institutions had only recently joined these teams, either replacing prior team members or representing institutions new to the tuning process. The elementary education (ELED) and general education mathematics (GE Math) teams began meeting in September of 2011. Eight institutions of higher education across Utah participated in this project to establish fully assessable transparent learning outcomes and competencies for each degree or discipline (or set of learning experiences in the case of GE Math). Team members were expected to represent their institutions as liaisons and advocates for the tuning process in their departments.¹⁴

In addition to these tuning teams, a Utah Tuning Leadership Team was established consisting of five principal members and the external evaluators. The main function of this state coordinating committee was to facilitate and evaluate the success of tuning teams. The leadership team for the tuning project met regularly to discuss the progress of each team, plan next steps, and provide professional development opportunities aligned with the project goals (e.g., the Educated Persons Conferences held annually in Utah to address issues of learning in higher education). Each of the tuning teams had a chairperson with responsibilities for conducting team meetings and communicating with team members.

IV. Evaluation Activities and Context

The external evaluators for this project provided evaluation support using a developmental approach.¹⁵ Developmental evaluation centers on situational sensitivity, responsiveness, and adaptation. It is particularly suited to this project given the socially complex nature of the initiative and the participants' expectation to continually adapt and revise tuning to meet the changing needs and purposes of specific groups. For this purpose the evaluators serve as participating members of the Utah Tuning Leadership

¹⁴ See <http://www.tuningusa.org/About.aspx>.

¹⁵ Michael Quinn Patton, *Developmental Evaluation: Applying complexity concepts to enhance innovation and use* (New York: The Guilford Press, 2011).

Team, providing consultation and evaluation expertise to principal stakeholders in their efforts to accomplish the goals of the tuning project.

The role of the evaluators was to consult and to conduct targeted data collection and analysis. Their activities included observing (and at times participating in) tuning meetings and conferences; conducting surveys, interviews, and focus groups; and counseling with the coordinating group. The first two years of the evaluation focused on tuning team activities and accomplishments, with efforts concentrated on observing tuning team meetings as well as interviewing and surveying participants. During this last year the evaluators examined the ways tuning was being implemented at each institution and the extent it was being shared with department faculty. This was done through an online faculty survey supplemented by on-site focus groups with faculty from each of the four disciplines.

V. Summary of Evaluation Findings

The contextual analysis below summarizes observations, analyzes data, and shares insight gained from the tuning project. These descriptions are based on team meeting observations, interviews, focus groups with participating team members, and survey results from faculty over a three-year period.

1. *Claims, Concerns, and Issues*

Tuning is a socially complex process of cultural change, which takes place in diverse settings and contexts. Thus although some aspects of the process were similar, some experiences of the four participating teams were unique. A common term used by participants for the tuning process was *muddling*. Team members tended to muddle first with understanding what the tuning process would entail before attempting to accomplish and implement it. The process by which each team eventually arrived at their goal and the concerns each experienced were different from all others. Based on observations and interviews, the following claims, concerns, and issues have been raised.

1.1. Understanding Tuning

One of the common challenges of the tuning initiative was that the term tuning is not particularly intuitive. As individuals were initially introduced to

the term, many were confused about its meaning. Their confusion was exacerbated by the need for understanding related terms and definitions (e.g., learning outcomes, competencies, etc.). In fact, the primary concern of the GE Math and ELED tuning group members at their first meeting was that they did not initially grasp the meaning and purpose of tuning nor did they understand the expectations for their group. In contrast, the history and physics tuning groups were more familiar with tuning, as most members of these teams had been involved previously in a two-year pilot study. Much of the initial meeting time for both GE Math and ELED was spent discussing tuning and explaining why institutions might benefit from it. Most participants indicated that, while they initially did not know the meaning of the term tuning, they attended the meeting because they had been invited (or assigned) to represent their faculty. Several indicated that they assumed the tuning leadership team would let them know the process and expectations.

When history students were interviewed as part of a focus group in the second year of the evaluation, they too could not define tuning, but they provided some rather interesting possible meanings. These students had studied at institutions where tuning was in progress, but faculty at many of these institutions rarely used the term *tuning* with students. They preferred to discuss tuning in terms of what students were expected to know, understand and be able to do upon graduating from the program.

Table 1 presents the results of a survey item questioning individual faculty members' understanding of tuning. Nearly half (44%) of those who responded to the survey indicated they didn't know what was meant by tuning or did not provide an answer to the question. Several of the non-respondents (nine individuals who did not complete the survey) emailed saying they didn't know enough about tuning to respond to the survey, tending to defer to the tuning team member representing their department.

Faculty who were categorized as having only a partial understanding of the tuning process included those who seemed to confuse tuning with other initiatives that promote development of learning outcomes. For example, the Degree Qualification Profile (DQP) and Liberal Education and America's Promise (LEAP) initiatives both encourage educators to develop learning outcomes. As part of the accreditation process at most universities, each department receives a mandate to establish learning outcomes. Most often faculty could relate tuning to learning outcomes but were unaware or unconcerned about where the learning outcomes came from, why they might be important, or how they differed from other initiatives. Based on survey and focus group results, many individual faculty members seemed to have

some misconception about tuning and its purpose. A notable issue common to all groups was the need for tuning education.

Table 1
Faculty Understanding of Tuning by Tuning Group

Knowledge of Tuning	ELED	%	GE Math	%	Physics	%	History	%	ALL Groups	%
Knowledgeable	15	38%	14	32%	8	29%	12	27%	49	31%
Partial	13	32%	7	16%	10	36%	9	20%	39	25%
Don't Know	3	8%	6	14%	5	18%	11	24%	26	16%
No Answer	9	22%	17	38%	5	18%	13	29%	44	28%
Total	40		44		29		45		158	

Note: Overall response rate for the faculty survey was 52% (158 of 304).

1.2. Disseminating tuning information to faculty

A related issue to tuning education that was common among disciplines was the challenge of exchanging tuning information between the tuning teams and faculty at their related institution. Tuning team members eventually came to understand the process well (i.e., what tuning should accomplish and why it might be beneficial). For the most part they were pleased with what they had accomplished. A large majority of tuning team members also indicated that they valued having participated in the tuning exercise with colleagues from across the state and found the collaborative process extremely beneficial. This reaction was less apparent for the typical faculty members who were not involved in tuning at each institution.

An expectation of each of the tuning team members was to act as a liaison between the tuning team and faculty in their respective departments. Efforts to ensure that they do so met with several obstacles. Tables 2 and 3 present results from the faculty survey regarding how often faculty discussed tuning and learning outcomes as a department.

When asked how often departments took time to discuss tuning, about a third of the respondents did not answer this question; however, 80% of those who did answer indicated they discussed the tuning initiative as a department three to four times per year at most. In comparison, 44% of those who answered these questions said they discussed department learning outcomes

at least once per month. The elementary education departments were the ones most likely to discuss tuning and learning outcomes, likely because teacher preparation programs are highly regulated by outside accreditation entities. Due to external pressure from regulators, teacher preparation programs are required to make explicit links between expected learning outcomes, instruction, and assessment evidence. Physics was the least likely discipline to report having spent time as a department discussing tuning and department learning outcomes.

Another constraint on the frequency of these departmental discussions was the individual controlling the department meeting agenda. The more influential the tuning team member (e.g., a department chair or senior faculty member), the more likely tuning seems to have been addressed in meetings. Additionally, departments with only one or two faculty members (e.g., two-year preparatory colleges) reported little or no need to discuss tuning. An additional challenge for those in the GE math group was opportunity. GE math was not a department with official meetings, and they reported that the learning outcomes they developed tended to be of interest to a variety of departments to varying degrees.

Table 2
Faculty Discussion Regarding Tuning by Discipline

Tuning Discussions	ELED	%	GE Math	%	Physics	%	History	%	ALL Groups	%
Never	2	5%	7	16%	3	10%	5	11%	17	11%
1-2 per Year	3	8%	9	20%	8	28%	13	29%	33	21%
3-4 per Year	14	35%	7	16%	5	17%	6	13%	32	20%
Monthly	3	8%	6	14%	1	3%	8	18%	18	11%
2-3 a Month	1	3%	1	2%	0	0%	1	2%	3	2%
Weekly	0	0%	0	0%	0	0%	1	2%	1	1%
No Response	17	43%	14	32%	12	41%	11	24%	54	34%
Total	40		44		29		45		158	

Table 3
Faculty Discussion Regarding Department Learning Outcomes by Discipline

Learning Outcomes Discussions	ELED	%	GE Math	%	Physics	%	History	%	ALL Groups	%
Never	0	0%	1	2%	2	7%	0	0%	3	2%
1-2 per Year	3	8%	6	14%	5	17%	7	16%	21	13%
3-4 per Year	5	13%	9	20%	5	17%	15	33%	34	22%
Monthly	10	25%	8	18%	3	10%	7	16%	28	18%
2-3 a Month	4	10%	4	9%	2	7%	3	7%	13	8%
Weekly	1	3%	1	2%	0	0%	2	4%	4	3%
No Response	17	43%	15	34%	12	41%	11	24%	55	35%
	40		44		29		45		158	

1.3. Promoting faculty and institutional buy-in

In addition to tuning education, faculty and department feedback and buy-in have been significant issues—the most common mentioned by almost all tuning team members. There was a general perception that faculty in their departments were slow to provide feedback and in some instances resisted or expressed some apathy regarding this endeavor. This varied by discipline. The following issues and concerns were shared by faculty as reasons they valued or resisted tuning efforts.

1.3.1. Benefits and value of Tuning

Several participants made claims about the value of tuning in addition to those articulated in the official purposes of the Utah Tuning Project. These include (1) the benefit of meeting with colleagues from other institutions to network and discuss common interests and issues; (2) the perceived benefit of personal learning; and (3) the fact that tuning is aligned with and useful for meeting accreditation requirements.

The benefits of collaboration among institutions and personal learning were mentioned primarily by tuning team members. Even if they felt the tuning initiative was not warmly welcomed in their department by other faculty, tuning team members consistently expressed the belief that engaging in dialogue and networking with peers from other institutions had been extremely

beneficial, especially for two-year colleges. Faculty from each of the two-year programs acknowledged that they could not address all the learning outcomes the group established for the degree. However, they recognized the benefit of communicating the expectations their students would encounter when they transferred to four-year programs to complete their degrees.

Several individuals also noted the relationship between tuning and accreditation expectations. Many of the departments used the learning outcomes and assessment alignment efforts from the tuning initiative as part of their accreditation documentation. The elementary education group consistently mentioned the benefit of reframing the state's Utah Effective Teaching Standards (UETS) for practicing (in-service) teachers and aligning them with expectations for teacher candidates (pre-service teachers). Many of the standards for classroom teachers could not be applied to student teachers as they participated in field and practicum experiences. Several faculty felt that one of the greatest benefits of tuning was expressed by supervising teachers who were expected to assess teacher candidates' performance. Many of the standards listed in UETS could not be assessed for teacher candidates since student teachers were not given opportunities to develop expertise with them. Having the UETS tuned for teacher candidates has allowed supervising teachers to make better (more valid) assessments of candidates' knowledge and ability.

1.4. Concerns regarding standardization

Many have expressed concern that tuning could become a subtle form of standardization. The official tuning statement asserted that establishing a common set of learning outcomes and expectations for degree completion does not mean institutions must standardize the way they provide services or assess students. Reaction to the standardization concern varied by discipline.

Many physics faculty seemed fine with standardization, which they believe fits nicely with the nature of science as a body of knowledge. Some participants said they accept standardization as an important goal of tuning for their discipline. They saw value in having departments across the state teaching a common set of science concepts. They expect students who receive a physics degree to have a standardized foundation of basic knowledge. Many physics faculty members accepted standardization as a partial purpose of tuning and considered the state-sponsored Faculty Discipline Majors' Meetings as an appropriate venue to discuss issues of course credit transferability.

Elementary education participants were also more likely than most disciplines to accept standardization as part of the certification process for their students. For some time now teacher preparation programs have been regulated by state and other external organizations. They are expected to have clearly stated learning objectives along with assessments targeted at providing evidence that their students are prepared to teach. Although they accept a common (or standardized) set of learning outcomes, they also believe their individual programs are not compelled to prepare and assess their students in standardized ways. Faculty members in each of these programs feel they provide a unique benefit to their students. Members of each program indicated they felt they were doing a good job preparing their students, emphasizing that they have been doing this for several years. As mentioned above, they also felt that coming together as a group to discuss ways to accomplish the goals of tuning had been a highly beneficial endeavor.

For the GE math group, standardization was less a concern than a challenge. The distinctive contexts of the various GE programs make tuning difficult. GE math courses may not be completed as a series like they would for degrees in other disciplines, but often function as service courses for various degrees. Standardization in these situations was seen almost impossible. Thus the learning outcomes for GE math needed to be very general.

The most consistent push back to tuning as standardization came from history faculty. Contentious debates regarding standards and standardization within the American Historical Association (AHA), the premier professional organization in the United States in this discipline, may have contributed to negativity. The primary concern about tuning and standardization seems to center on the kinds of skills and knowledge historians require. While minor learning outcomes for this discipline might address recall of historical events or familiarity with historical facts, the primary skills and abilities focus on critical thinking and interpretation, along with the ability to present a persuasive evidence-based historical argument recognizing a range of divergent viewpoints. For many of these faculty members the nature of history as a discipline seems to reject the notion of standardization. Historians don't want to be told what to teach or how to teach it. Most seem to believe they are preparing their graduates effectively, providing a valuable set of skills required to function in a wide variety of fields. However, unlike physics course content, which is somewhat standardized, the content of specific courses taught for a history degree seems secondary to the foundational skills the program develops within an area of specialization.

1.5. Concerns regarding assessment

Most tuning group sessions identified assessment as a major concern. While any uniform use of standardized testing was clearly not an option for any of the disciplines, most respondents indicated they were unsure about how to assess each of their tuning learning outcomes effectively and efficiently. They often expressed the concern that some important outcomes and expectations would be extremely difficult to measure. Many of the groups expressed a desire to share assessment ideas.

Some respondents expressed concern over a perceived expectation that departments would guarantee that each of their graduates would have all the important dispositions and abilities put forth by tuning members. Given external criticism regarding low graduation rates, few if any expressed willingness to withhold a degree from a student who had successfully completed required courses if the faculty felt he or she had not fully or adequately learned all that was expected.

1.6. Concerns regarding tuning as a grassroots initiative

Some have questioned the claim that tuning is a grassroots initiative. Many faculty respond initially to the concept of tuning by questioning the source and the motives behind it.

Tuning is meant as a faculty-driven process, seeking and usually obtaining input from department faculty through their representatives. The Utah Tuning Leadership Team was careful to avoid prescribing outcomes or telling team members how to implement and assess them. However, some have mentioned that the learning outcomes developed by tuning teams need more faculty input. This same concern was voiced by history faculty for current national tuning efforts under AHA, which have produced similar but slightly different learning objectives from the Utah tuning outcomes (see <http://historians.org/teaching-and-learning/current-projects/Tuning/history-discipline-core>). While input was obtained from a wide variety of individuals from across the country, a final true consensus by all history faculty is unlikely. Agreement is low on which learning outcomes and competencies are most important and on how to word specific outcomes.

Elementary education tuning groups face similar issues. Teacher education programs have many masters, principal among them being state regulatory bodies that ultimately issue teaching licenses to graduates. Each state establishes standards for these programs (e.g., UETS) and expects

faculty to align their learning outcomes, curriculum, and assessments accordingly. While some faculty may disagree with these mandates, they must comply to the best of their ability.

1.7. Faculty implementation of Tuning

Another concern participants expressed was implementation of tuning in the classroom. Faculty rarely talked about tuning directly with students; about 31% did not answer the survey question asking if they had done anything different as a result of tuning, and another 26% indicated specifically that they had not done anything different. Another 12% simply indicated that they were already tuning. This group and those indicating they had not done anything different seemed to mean they had already been sharing course and program learning outcomes with their students verbally or on course syllabi, which appears to be the primary implementation activity for most participants, along with creating a document for the department outlining the expected learning outcomes for the program. Another 13% said they now share program learning outcomes with students.

A few respondents indicated that they implemented tuning in additional ways, which included aligning assessments with learning outcomes, adjusting instruction to address learning outcomes, and using learning outcomes to communicate to others what they expected of graduating students. The history faculty at some institutions also indicated they were trying to change the students' perception of their degree by coaching them to express their qualifications in terms of learning and skills rather than courses taken. For example, faculty reported their attempts to focus student discussion on the broader goals of historical study, the skills and proficiencies developed in a course, the sequential "laddering" of skills, the importance of the capstone research project as a way to acquire and demonstrate skills and abilities, as well as the ways history proficiencies translate into success in further education, public sector work, and private sector employment.

VI. Conclusions and Recommendations

Overall, this initiative was well organized and in compliance with all the specified aspects of the grant. The Utah Tuning Leadership Team functioned well together and actively sought to facilitate the success of each of the Utah tuning teams. The discipline-specific teams meet regularly and each has

made progress toward their goals. However, while the project was a success in many ways, initiatives like tuning require considerable time and effort if they are to have a lasting impact.

Taking tuning forward successfully will require a long-term commitment to the concepts and principles of the initiative. Initial success in tuning requires agreement on learning outcomes for a discipline, along with changes to policies and practices at the individual institutions involved. Although the Utah Tuning Project has seen this level of success, lasting improvement will require a systemic change in the way faculty and students think about university training. Sustainable success will also require continued state-level support to coordinate and facilitate the collaborations the initiative requires. The following recommendations and best practices are presented as findings from this evaluation.

1. *Project Support and Initiative Advocates*

Buy-in is an essential ingredient for the success of any initiative. For a tuning project to be successful, support must be established at each level of the university system within the state. Advocates at each level must be willing to take on the challenge of tuning implementation. Without someone at the state level to rally support, facilitate meetings, and encourage cooperation, the individual institutions will be less likely to participate. At the university level, college administrators must provide individual departments with encouragement and incentives to participate. At the department level, an individual must advocate for the program and be willing to serve as a liaison between the tuning teams and department faculty.

An important aspect of the Utah Tuning Project's success was support from individuals representing the Utah System of Higher Education on the tuning leadership team, who gave credibility to the initiative and increased initial support for the project when individuals from the various institutions were invited to participate. These individuals believed in the benefits of tuning and worked to make it successful. Because the state was involved, the leadership team was also able to integrate tuning into the agendas of the established state-level Utah's Faculty Discipline Majors' Meetings, which are designed to bring together department representatives from various colleges across the state to discuss issues and articulate agreements. We also found it is a best practice to have highly regarded individuals from the departments serve on the tuning team. A department liaison who is a prominent member of the faculty with the support of the department chair (or

who is the department chair) is much more likely to be able to share tuning information, gather feedback, and garner faculty support.

2. *Continued Tuning Education for Faculty*

Another aspect critical to the success of this project is tuning education. Individual faculty and university administrators have to be educated in terms of what tuning is, including its benefits and challenges. Tuning participants must also be educated regarding what they are expected to do. Training cannot be a one-time event, as personnel often have competing obligations and expectations demanding their time and attention. To be successful, tuning must be integrated into department meetings and processes. It also needs to be explained to new hires and presented persuasively to faculty who hesitate to participate because they do not understand the potential benefits.

This project demonstrated clearly that as individuals learn about tuning (understanding what it is and what it is not), they tend to participate more fully. While each group had specific issues to deal with, all participants faced the challenge of gaining full collaboration, adequate input, feedback, and buy-in from their department colleagues. Obviously many faculty members at particular colleges did not understand tuning and as a result were less willing to participate. A best practice for educating faculty is to establish regular meetings to inform faculty about tuning and to discuss ways to implement tuning practices into classrooms.

3. *Contextualized Adaptions by Discipline*

Unfortunately tuning is not a one-size-fits-all endeavor. Successful implementation of tuning will likely vary significantly among disciplines. For example, while the GE math group had some success and benefited individually from tuning, they found it more difficult to implement tuning and get buy-in from those at individual institutions that might benefit from tuning GE math. The primary difficulty was that GE math courses do not constitute a specific degree and those involved are not organized in a department. For those in the elementary education group, tuning had to align with mandated learning outcomes from state regulatory departments and in some cases from more than one accreditation organization. Physics faculty agreed fairly quickly on learning outcomes and then struggled with assessment issues, as well as differentiating between bachelor's and master's degrees.

The history group had to contend with buy-in issues and also efforts by their national organization that would inevitably affect their own tuning efforts. A best practice for those trying to implement tuning is to avoid expecting that it will be implemented in just one way.

4. *Summary of Conclusions*

Many initiatives fail because participants are unable to sustain ongoing support after introductory efforts. Success in tuning may initially be measured by agreement on learning outcomes delineating what students will know, understand and be able to do once they complete their degree. However, long-term success requires a systemic change in the attitudes and actions of individual faculty members and students. The essence of that change would require individuals to focus on students learning rather than simply completing course requirements for a degree. Sustainable success of tuning also requires a long-term commitment of support from state administrators and from individual universities that will benefit from the potential tuning has to offer.

One crucial benefit of tuning identified in this evaluation was collaboration and communication among faculty at institutions offering similar degrees, particularly in identifying efforts and articulating expectations between four-year programs and two-year transfer programs. Additional benefits included refocusing students' attention away from formal degree requirements to specific knowledge and skills necessary for working in their chosen field; making learning outcomes more explicit and transparent for faculty and other stakeholders such as employers; and helping faculty better align their teaching efforts with the intended learning outcomes of a degree.

During all tuning efforts those who are trying to implement tuning must understand that tuning faculty will not likely implement tuning in just one way. Tuning can be a dynamic and messy process that will present itself in different ways depending on the discipline involved. For tuning to be effective, those implementing the initiative must also make a long-term commitment to encourage, educate and regularly re-train its stakeholders.

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Changing perspectives in Legal Education: competence-based learning and the possibilities to improve access to justice via mediation skills

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Abstract: As one of the major Brazilian Law Schools, the University of Brasilia School of Law is at the forefront of a competence-based dispute resolution programme to be used in legal education and within the Brazilian Court system. Changes in Legal Education around the world obviate the need to integrate theoretical and practical perspectives at all levels in the formal training of new professionals in the field of Law. The University of Brasilia School of Law has participated in Tuning Latin America since 2006 and has recently adopted a Curriculum that embraces competence-based learning as part of a major change geared to bringing social, cultural and political effectiveness into the teaching of Law. This paper outlines the challenges facing the adoption of collaborative approaches to dispute resolution in the legal arena and the meta-competences and competences it entails.

Keywords: Competence based learning; legal education; mediation skills; negotiation practices; Tuning Latin America; collaborative approaches; dispute resolution.

I. Introduction

This article offers an analysis of the possibilities and the forms in which competences may be adopted in the legal arena as pertains to the future training of professionals. Law has been a topic in the ALFA Tuning Project since 2006 when specific competences were established and, later, pursuant the methodology adopted, were validated by a large multinational group of scholars, professionals, students, and recent graduates. The subsequent refinement of these competencies five years later brought, among other results,¹ a more qualitative approach that fosters a culture of

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¹ The experience of Law at the Tuning Project is offered in the final publication produced as part of Tuning Latin America. In Higher Education in Latin America: reflections and

seeking collaborative solutions by the newly minted professionals of the field of Law.

Competences related to collaborative techniques for the resolution of conflicts might become one of the theoretical-methodological pillars of the B.A. degree in Law in societies that find themselves undergoing a shift in their social structures, including the modes to access the judicial system.

Latin America and Brazil both have a history of political domination, blatant disregard to the rule of law, and inefficiency of the judicial system that have a direct impact on legal education. The contemporary scenario, with social demands for justice and the effective protection of human rights, contrasts with the legacy of clear violations which occurred when military dictatorships swept the continent² and issues a clear call for models of legal education supporting less authoritative societies (at least at the constitutional level). There is a need to consolidate experiences that harmonize the social demands, pedagogical innovations, and progress made in the process of bringing stability to the democratic state. This is an urgent task for those active in the various fronts of legal education today. These experiences offer an alternative to the labyrinth decried by García Villegas in his apt description of every country of the continent:

There is a substantial gap in Latin America between, on the one hand, written norms, which professors teach in Law schools, legislators enact and judges enforce, and, on the other, people's behavior, including that of those professors and legislators. Latin Americans live in a *kind of* schizophrenic society, in which there is much talk of what should be and much is enacted about duties, but little of what is enacted is actually practiced.

Embracing the idea that a purely formalistic legal approach is no longer, if it ever was, of any use in the extremely lengthy process of educating legal

perspectives on Law describes the trajectory, objectives and methodology that paved the way for the collective results of the project but also valuable material on the competences, meta profile, competence based learning, along with information on the origins of the field of knowledge on the continent. See: Loussia P. Musse Felix et al., *Higher Education in Latin America: reflections and perspectives on Law* (Bilbao: Deusto University Press, 2014).

² From the mid-1980s on, various countries of Latin America (among them Brazil) embarked on democratic transitions. One of the more complex aspects of this phenomenon were the forms established by the new judicial systems to confront the grave violations of human rights perpetrated by authoritarian regimes. Various conceptions of transitional justice arising from the Nuremberg Tribunal acquired new and distinct forms within the different Latin American judicial systems (José María Gómez, "Justiça transicional, humanitarismo compassivo e ordem global liberal pós-guerra fria," in *Direitos Huanos: Justiça, Verdade e Memória*, ed. Bethania Assy, Carolina Campos Melo, João Ricardo Dornelles and José María Gómez (Rio de Janeiro: Lumen Juris, 2012), 262-263.

professionals in Latin American law schools, the issue is reframed as to how to best identify pedagogical scenarios and methodologies that are truly effective. The reference to the Meta-Profile in Law is a good example of how a common language can be established among the myriad forms that professional activities related to a Law Degree are able to provide.³

The complex task of defining a common goal for the process and the aims of legal education in a regional perspective can be condensed in the Meta-Profile established after a fascinating and arduous round of team work conducted by the Law Group of Tuning Latin America:⁴ As a major meta-competence in the profile *is able to ethically and effectively commit to persons and institutions by finding and implementing solutions to real problems in line with the protections granted by human rights.*⁵

Presenting a clear opportunity for the subject of Law to promote competencies in legal education in Latin America that encourage a culture of collaborative solution to controversies, it also breaks with the sharper secular practices of contentious or litigious systems of justice which pit actors with opposing interests in a legal conflict.

This meta-competency has an affinity with the capacity to effectively utilize collaborative methods of conflict resolution, since a system becoming more gradually effective in the protection of human rights presupposes confidence in the solutions adopted by the legitimate participants in judicial and extra-judicial proceedings.

However, for the purposes of this article, we explore the competency adopted by the group of *promotion of the culture of dialogue and the use of alternative means for the creative resolution of conflicts*. We use as our

³ Meta-profiles explain the relationship between generic and specific competencies within a subject area. They constitute a more specific statement of agreements and limits in terms of the convergence that has been reached in order to recognise a certain qualification. They imply a reference for the subject area with regard to what is central, common, and necessary, in order to be able to recognise a given qualification (Felix, *Higher Education in Latin America*, 33).

⁴ The area of Law participated in the ALFA Tuning Project since the general meeting in Costa Rica in February 2006 that established specific competencies for each field of knowledge.

⁵ The competence to find solutions in the human rights protection hallmark should be acquired not only by theoretical development of major abstract and principiological narratives. In Latin America these abstract discussions were greatly influenced by the neoconstitutional school of thought, which comprises fundamental rights, constitutional jurisdiction and constitutionalism. Under this perspective, which we associate with Rodrigo Kaufmann, “human rights are not linked to the conceptualization process but to the field of action; not linked to the field of reason but to the field of tolerance and sensibility that may only be obtained by the experience of life” (page 121)

example the Brazilian experience in the creation of the Permanent Center for Mediation and Conciliation (NUPEMEC) in several jurisdictions.

In 1999 a research group on Arbitration, Mediation and Negotiation was formed with the purpose of creating competence-based teaching material on Amicable Dispute Resolution. Since then, this group, which is currently called Research Group on Appropriate Dispute Resolution, has produced a handbook on court mediation,⁶ 6 videos,⁷ over 30 role plays to be used in competence based trainings, supervision forms, among other teaching material printed by the National Council of Justice, by several State Courts and by the Ministry of Justice.

II. Introduction to Negotiation and Mediation Practices

Collaborative practices in Brazil have dated to statutory law enacted before the 17th century during the period of Portuguese Colonization. These approaches such as conciliation (in Portuguese, referred to as *conciliação*) and settlement conferences (also called *conciliação*) were conducted intuitively, *i.e.* without any theoretical bases for peacemaking approaches. During this period, conciliators were often told to do whatever they deemed appropriate to dissuade parties from litigation and stimulate them to reach an agreement. Brazilian practice resembled to great extent the Italian approach which was often criticized for “excessive and inopportune persistence activities by judges significantly more concerned in clearing their dockets than in reaching peace among contenders.”⁸

Until late 19th century, there were no training programs or handbooks on how to negotiate, how to conduct conciliations or any other collaborative practices in Brazil. Basically, the intuitive practice of conciliatory processes were derived from what was considered at the time to be innate skills. Knowing how to speak mildly and by these communicative abilities be able to reduce the tension among the parties was perceived as being a set of skills existing in one from birth or taught in a core set of family values in the home environment.

In mid 1990s, the Brazilian courts started inviting law students to volunteer as conciliators. Slowly the intuitive practice of conciliation

⁶ André Gomma Azevedo, *Manual de Mediação Judicial* (Brasília: Ministry of Justice and United Nations Development Program (PNUD)), 2013.

⁷ See <https://www.youtube.com/watch?v=NJ7nCCJp9SM>, visited on March 1st, 2015.

⁸ Carnelutti Francesco, *Instituições do Processo Civil*, vol. 2 (São Paulo: Classic Book, 2000), 70.

evolved into a set of approaches derived from the North American experience in mediation. In a recent publication of the National Council of Justice (NCJ), it was stated that conciliation may be presently defined as an expeditious process in which parties are assisted by third parties neutral to the conflict who will, by the use of proper techniques, assist in the resolution of a conflict. Still according to this publication, several distinctive points were originally established to distinguish mediation and conciliation. Among other distinctions, it was suggested that: i) mediation pursued the resolution of a conflict while conciliation only directed itself towards a settlement; ii) mediation pursued the restoration of the social relationship between disputing parties while conciliation was directed towards the end of litigation, and iii) mediation would last longer and involve a more technical approach than conciliation.

After a substantial change in the structure of conciliation training, Brazilian courts started considering that a modern judiciary may not allow conciliators to act without a minimum theoretical and technical basis. Based on this understanding, the distinctions between conciliation and mediation started to progressively decrease. Currently, the public policy set forth by the NCJ requires mediators and conciliators, including those who are still attending law school, to develop competences by means of negotiation workshops and conciliator / mediator qualification programs.

Thus, early conciliation training was conducted on a fixed duration basis and without clearly defined programs. In the last twenty years, the original lectures on conciliation became substantially similar to the mediation qualification programs described in the next section. Although this program was designed for court mediation, the same program is being recommended by NCJ to law schools with clinical programs in mediation. Moreover, the significant change from training programs based on time to programs based on competences, is being implicitly endorsed by the Judiciary as a means of obtaining a better fit between law school curricula and the work environment.

III. Dimensions of a Mediator Qualification Program

The issue as to how to qualify an individual as a mediator has already been broadly approached by the specialized texts.⁹ As one devises and

⁹ The so-called transformative, reflective, and dialogical mediation approaches are anchored in empirical praxis and are not described in doctrinal works, which specifically define them.

conceives any enabling program, the very first step involves identifying the specific training needs and goals. Thus, it is fundamental to have a grasp of the desirable theoretical components, skills, attitudes and organizational outcomes when specifying the desired outcomes for the mediators's qualification program.¹⁰ The mediation skills development process, according to the predominant guidelines¹¹ consist of five interrelated parts, namely: a) Selection; b) Theoretical instruction; c) Practical observation of mediation; d) supervised internship; and e) Users's satisfaction assessment at the end of the supervised internship.

1. Selection

A significant portion of the legal mediators's qualification process involves the selection of participants in the mediator qualification program. It is currently¹² suggested that a number of interviews with interested parties be conducted in order to verify the level of knowledge on mediation and potential adherence to the program. It is not uncommon to have interested parties, be they civil servants of the legal branch or external volunteers such as law students, participate in programs without understanding what is expected from mediators. Many times, individuals enroll in such programs

¹⁰ See Stephanie A Henning, "A Framework for Developing Mediator Certification Programs," *Harvard Negotiation Law Review* 4 (1999): 189; Robert A Baruch Bush, "One Size Does Not Fit All: A Pluralistic Approach to Mediator Performance Testing and Quality Assurance," *Ohio State Journal on Dispute Resolution* 19; Joseph B. Stulberg and Lela P Love, *Conducting the Mediator Skill-Building Training Program* (Lansing: State Court Administrative Office, 1997); Gregg B Walker, "Training Mediators: Teaching About Ethical Concerns and Obligations," *Mediation Quarterly* 33, vol. 9 (1988); Linda Fisher, "Managing Programmes, Quality Control and Training," in *Alternative Dispute Resolution*, ed. Jane Mugford (Canberra: Australian Institute of Criminology, 285); Christopher W. Moore, "Training Mediators For Family Dispute Resolution," *Mediation Quarterly* 79 (1983): 2; Sarah C.: Grebe, "Family Mediation Training Programs: Establishing Standards," *Mediation Quarterly* 13, (1988): 19; Suzanne J. Schmitz, "What Should we Teach in ADR Courses – Concepts and Skills for Lawyers Representing Clients in Mediation," *Harvard Negotiation Law Review* 6 (2001): 189; Joseph B. Stulberg and B. Ruth Montgomery, "Requisitos de Planejamento para Programas de Formação de Mediadores," in *Estudos em Arbitragem, Mediação e Negociação* Vol. 2, ed. André Gomma de Azevedo (Brasília: Grupos de Pesquisa, 2002), 109-140.

¹¹ Such difficulties and unfolding solutions have also been identified in other nations. On the theme, see Joseph B. Stulberg and B. Ruth Montgomery, "Requisitos de Planejamento para Programas de Formação de Mediadores," in *Estudos em Arbitragem, Mediação e Negociação* (vol. 2), ed. André Gomma de Azevedo (Brasília: Grupos de Pesquisa, 2002), 109-140.

¹² See 2 above.

just for the sake of being better informed about this *métier*. In such latter cases, professionals have identified significantly negative results throughout the more advanced stages of the mediation qualification program, both in Brazil and abroad. For that reason, such interviews serve to identify the candidate's predisposition towards mid- to long-term engagement in the program. The interviews will also be helpful in selecting those individuals who are more prone to committing to the program, to continuous education and to supplementary reading.

Another proven praxis in presenting positive results throughout the programs involving law students and other external volunteers is to select participants who are well established professionals or among the highest percentile of their classes and have them engage as volunteers a few hours a week or a month. This also served to validate the (overqualified) volunteering activity in the legal mediation program. For instance, the Bahia and Rio de Janeiro Courts of Justice offer PhD professors who undertook these training sessions and often mediate for only four hours a week or even less. The relevance of such volunteering activity involving very highly qualified personnel acts as a driver in leveraging the participation of other highly qualified volunteers.

2. *Theoretical Instruction in Mediation*

The theoretical training portion of mediation is usually rather pragmatic and has proven to be a fulcrum in legal mediation qualification programs in Brazil. It is rather common in training sessions to overemphasize the theoretical portion to a point of allotting 100, 160 or even 360 hours of theoretical teaching in mediation programs.¹³

Unfortunately, many instructors in Brazil take too long to realize that, "there is nothing more practical than a good theory".¹⁴ The true importance of the theoretical training which allows the participant a prompt assessment of its practical usage in mediation has been overlooked by many. This occurs because training sessions presenting exceedingly theoretical abstraction generally do not effectively qualify aspiring mediators. For instance, a

¹³ This also took place in other nations to a smaller degree. On the theme, see John M v. Haynes., Gretchen L. Haynes, and Larry Sun Fong, *Mediation: Positive Conflict Management* (Nova York: SUNY Press, 2004), xi, where it is suggested that "theory in excess without the ballast of practical experiences might be limiting and might unnecessarily coerce a mediator into a situation without pondering other possibilities in mediation".

¹⁴ Haynes et al., *Mediation: Positive Conflict Management*, xv.

training session that thoroughly offers a background of the circular-narrative model, or of the transformative model or the dialogical model will hardly be able to allow for a better practical toolset for the participant to thoroughly comment on historical components or on disparate components among various mediation models.

One of the seminal components of mediator qualification programs geared towards the analyses of competences involves transmitting theoretical knowledge to be used in the development of the participants skillset, which, along with a proper willingness to excel as a mediator, can lead to an effective mediation competency or to competency in mediation.

The training model based on competences and its comparison with the training models based on time will be discussed below. Currently a major portion of mediation trainings¹⁵ have started approaching competences. Among the main topics addressed during these skills training programs are theory of conflict, negotiation techniques, mediation techniques and mediation procedures.

3. *Observation of real cases*

A significant portion of training a new mediator involves observing more experienced mediators, preferably those who are technically deft. This serves the purpose of stimulating a new mediator to seek theoretical components and discover how the theory is applied in practice.¹⁶ The observation of a more experienced mediator in action should impress on the aspiring mediators that the whole process should take a number of years in order to reach a higher level of development of their mediation techniques. Unfortunately, in some Brazilian courts we notice that a number of conciliations and mediations are lead by under qualified facilitators and the exact opposite takes place. At the end of a theoretical portion of training, the new mediator should observe the more experienced professional who lacks finely tuned techniques. This leads the aspiring conciliator or mediator to believe him/herself to be perfectly skilled and already equipped to take on the role of a mediator. This is why self-supervising groups have been recommended in programs lacking more experienced mediators.

¹⁵ Stulberg, "Requisitos de Planejamento," 512.

¹⁶ Lensky et al., "After how much training can you call yourself a mediator," (podcast recorded on February 25th, 2010), <http://itunes.apple.com/podcast/cafe-mediate/id346857436>.

The self-supervising groups model consist of teams with six to eight participants each who necessarily attend the mediation sessions of each participant and discuss the techniques applied by co-mediators. This is a co-mediating activity due to the fact that new mediators must follow such a format: two facilitators acting concurrently as a means of sharing the learning experiences as to how the technique is to be applied in specific real cases.¹⁷ Such a guideline has been set as a federal public policy in compliance with the Handbook of Court Mediation¹⁸ that the NCJ, with the support of the Secretariat of Judiciary Reform at the Ministry of Justice, has published. The self-supervising group is able to follow up on their own supervisions and collate with the recommendations stated in the Handbook of Court Mediation. The Brazilian experience has shown that self-supervision in courts has proven to be more effective than supervision conducted by civil servants or mediators who are still to develop their mediation techniques.

In order to facilitate the transposition of theory into practice, the Handbook of Court Mediation recommends the adoption of a model in which the observer of such mediation sessions follows up on the observations with the use of a mediator observation form. Such form defines actions, procedures, practices and skills the observer must identify in the more experienced mediator being observed. We recommend a meeting between both aspiring and experienced mediators at the end of the observation session in order to elucidate any questions or applicational specifics on the techniques. A good practice is to have the supervisor and aspiring mediator discuss the observed techniques and clarify any pending doubts.

One practice which is gradually being phased out in Brazil involves requesting the aspiring mediator to observe a maximum number possible of mediating sessions and have him decide when he deems to be apt to act as a co-mediator. Such an approach does not require the aspiring mediator to discuss the transposition of the a portion of theory into the perceived praxis of the experienced mediator. This also allows for a rather dangerous conclusion that mediation might be developed via intuitive and impromptu means, *i.e.* without having theory incorporated into the apprentice's praxis.

¹⁷ Stulberg, "Requisitos de Planejamento," 518. On the theme, see Lela P Love, et al., "Practice Guidelines for Co-Mediation: Making Certain that Two Heads Are Better Than One," *Mediation Quarterly* 3, vol. 13 (1996); Martin A. Kranitz, *Co-Mediation: Pros and Cons*, in *Divorce and Family Mediation: The Family Therapy Collections* (James C. Hansen & Sarah Child Grebe, Ed. Aspen, 1985) 71, 78.

¹⁸ The Handbook of Court Mediation is an orienting tool for such public policies involving technical qualification in mediation. The Handbook can be accessed via internet on the Brazilian Ministry of Justice and National Council of Justice websites.

4. *Co-Mediation and Supervised Internship*

In most mediator training programs around the world¹⁹ one realizes that, by the end of the case observation, the aspiring mediators start co-mediating simpler cases with more experienced practitioners. In such cases, praxis recommends the supervisor to assess if the aspiring mediator has reasonably perceived and absorbed mediator traits and if she has conducted the process in such a way that allowed for co-mediator behavior in the presence of a more experienced practitioner. In such situation the apprentice is herself/himself responsible for conducting the mediation. The supervisor or mentor intervenes only for constructive advancement. According to modern approaches,²⁰ this is a safety system in the apprentice's learning process which leads the aspiring mediator remaining comfortable with the mediating dynamics and with managing the stakeholders's interactions. Common responses such as anxiety and diffidence usually subside as the apprentice co-mediates the first sessions with a supervisor.

Not surprisingly, many programs in Brazil cannot afford experienced supervisors and this is why co-mediating sessions are lead by two mediators or co-mediators with the same beginners' technical level who will need to assist one another throughout the development of their competences. In such model, both co-mediators are observed in their own self-supervising groups by four other apprentices with whom they review their mediating using two different forms. One uses the observer form and the other with practitioners using the supervisor form. By the end of the mediating session, the self-supervising group will reconvene and discuss the cases. All questions will be recorded and forwarded to the instructor or supervisor at a coming meeting. The NCJ offers instructors's training courses where they recommend the instructors to meet via videoconference once a month with this self-supervising group in order to clarify any questions regarding mediation techniques in practice.

Another recommended technique during the supervised traineeship stage involves having the supervisor observe the new mediator. In such a procedure, the apprentice co-mediates at the end of a certain number of cases with another mediator on a same par. At the same time, the supervisor observes the mediator in training who very probably will present proper behavior due to the experience accrued throughout the supervised traineeship period. The

¹⁹ See footnote 2.

²⁰ Stulberg, "Requisitos de Planejamento," 519.

supervisor is now only responsible for concluding his role in supervising as he monitors the apprentice's dealings of a new case, from beginning to end.

e) **User Satisfaction Assessment**

The last component of the qualification of a mediator involves the client satisfaction assessment. In this stage, the mediator to be certified is assessed by a user according to his expected competence as a new mediator. As a new quality management program is adopted, the mediators and their teams are able to understand better their standards and the users' satisfaction rates. It is also advisable to question subjects and have the supervisor undertake a user satisfaction survey to assess services using a mediator observation form. Since 2009, the NCJ has encouraged²¹ the Brazilian Courts of Law to evaluate conciliators and mediators according to the Likert scale using 5 options (Very Good, Good, Barely Acceptable, Poor, Very Poor) on the following criteria: i) Time elapsed throughout the conciliation; ii) Impartiality in conciliating; iii) Conciliator's courteous stance, attention and politeness; iv) Adequate treatment for the legal branch; and v) Assessment of the end result.

The five qualifying components mentioned above were conceived for use in training sessions and to develop competences; they were not devised to be used in programs exclusively based on duration. As the reader will realize further on, the programs based on competences refer to the expectations of the tasks the mediator will undertake, and are not merely abstract theoretical considerations. Such a shift in perspective changes the essence of the programs and also the outcomes of such learning experiences.

IV. Training Programs Based on Time and Programs Based on Competences

The training model based on time (duration) has been used in various areas of knowledge with a pedagogical proposal based on the presentation of a number of theoretical models to participants (apprentices). A number of exams are also used to assess the acquisition of concepts and principles.²² The outcomes are all frequently compared with one with another in order to

²¹ Movement for Conciliation Managing Committee, "Quality in Conciliation: Guidelines to Conciliators," accessed on December 20, 2011. <http://www.cnj.jus.br/images/programas/movimento-pela-conciliacao/qualidade-em-conciliacao-orientacoes-a-conciliadores.zip>.

²² Managing Committee of the Conciliation Movement, "Quality in Conciliation," (Powerpoint presentation held on November 6, 2009), <http://www.cnj.jus.br/images/programas/>

better gauge the command of the proposed technical model. In future training regarding knowledge of the standards positively valued in such model, it suffices to assess the adequateness of an applicant on a given public servants entrance examination.

However, approaches based on time have yielded unsatisfactory results for the qualification of mediators in recent years. They have also been deemed as inefficient when the goal is to qualify individuals and have them develop specific skills and tasks. For instance, the accreditation of aeronautical pilots takes place not only with theoretical knowledge, but with the development of practical competences in piloting aircrafts that, of course, do demand theoretical knowledge, but also require significant implementation of such knowledge throughout daily activities. It is clear that a mere participation in an aeronautical qualification program does not suffice; likewise a mediator requires specific theoretical knowledge and applying such specific theoretical knowledge in real cases. Thus, the mediator qualification pedagogical system based on time is not appropriate.

According to the Tuning Project, Competences are a combination of knowledge, understanding, skills and abilities.²³ In other words, competences are set of skills, knowledge and attitudes that when orchestrated and strategically used allows for the attainment of success in all that is expected throughout the developments of the process²⁴. Moreover, there is a consensus that competency in mediation involves the conjugation of mediation technical knowledge, (the skill, the know-how) and the attitude (the volition of acting). This is why mediator qualification programs in which there is exaggerated debate on mediation models (e.g., circular-narrative, dialogical, transformative, etc), or where there is too much time invested in creating distinction between conciliation and mediation, or programs which prefer longer hours than are truly necessary to convey the theoretical set of knowledge (to be exercised throughout the supervised traineeship period) end up proving to be inefficient.

Training based on competences, as opposed to those based on time, takes into consideration the unit of advancement which is the command of specific knowledge, besides focusing on the participant and her actual set of skills. In light of this, there are two terminologies that are brought to the forefront in

movimento-pela-conciliacao/qualidade-em-concilio-orientaes-a-conciliadores.zip, accessed on December 20, 2011.

²³ See Definition page for the Tuning Project website: <http://www.unideusto.org/tuningeu/competences.html>, accessed on April 3rd, 2015.

²⁴ Benedito Milioni, *Dicionário de termos de recursos humanos* (Dictionary of Human Resources Terminology) (São Paulo: Central de Negócios, 2003).

training based on competences: i) skills (a set of tasks developed as part of a specific level of proficiency when necessary) and ii) aptitude (a skill developed in specific standards as a result of technical knowledge and proper stance or purpose).²⁵

In such a context, a competent mediator might be defined as (s)he who is able to develop a skill for applying a mediation theory with adequate stance and attitude. The doctrine describes²⁶ the essential elements of a training system based on competences: 1) Competences must be attained after a close scrutiny of the training process; 2) Criteria, task assessment and conditions on which such skills will be lead must be made patent and public; 3) the teaching program must foster the individual development and the assessment of each of the necessary competences; 4) the assessment of the level of attainment of competences must consider the necessary attitudes and required performance levels. The Handbook of Court Mediation codifies mediation competences as those provided in specific mediation doctrines with minor adaptations.²⁷

V. Mediation Competences

As already described above, the progressive development of mediation competences might be analyzed through the perspective of expectations regarding the behavior and performance of the mediator throughout each stage of his qualification process. One can expect specific conduct even from neophytes, for instance, perceiving conflict as a potentially positive phenomenon. The sequence of developments elaborated in the tables below was based on suggestions of the mediation doctrine²⁸ and on the analysis of

²⁵ John Foyster, *Getting to Grips with Competency-Based Training and Assessment* (Leabrook, Australia: TAFE National Centre for Research and Development, 1990).

²⁶ Nestor Norton, "Competency-Based Education and Training: A Humanistic and Realistic Approach to Technical and Vocational Instruction," in *Achieving Professional Excellence – Proceedings of the National Conference on Performance Based Approach to Training*, ed. Louis Harrington and David Kallamas (Columbus: National Center for Research in Vocational Training, 1985).

²⁷ Richard J. Bodine and Donna K. Crawford, *The Handbook of Conflict Resolution Education: A Guide to Building Quality Programs in School* (New York: Ed. Jossey-Bass, 1997).

²⁸ See Fred Schrupf, Richard J. Bodine, and Donna K. Crawford, *Peer mediation: conflict resolution in schools: program guide* (Research Press, 1997); Mieke Brandon, "Competency based training for family and child mediators," *ADR Bulletin* 3, vol. 4, 2001; David A. Cruickshank, "Training mediators: moving towards competency based

mediator qualification programs both in Brazil and abroad. There has been no intention to imply comprehensiveness as we listed the skills and conducts or sets of behaviors correlated to each of such skills. The following tables are to be used merely as a learning reference.

As already mentioned, a majority of the mediator qualification programs yielding positive results share a predominant trait: the planning of such qualification and development of mediation skills. The Brazilian experience²⁹ has indicated that, generally speaking, a mediator qualification course must be conceived to transmit to the participants the basic skills indicated in the following tables. The mediator will progressively develop her skills through supervision and user assessment as she effectively seeks for continual improvement.

For instance, in a mediation course the negotiation skills taught are the bare minimum in order for the mediator to conduct her craft. Regarding negotiation skills, the aspiring mediator is expected to read supplementary material and to have discussions with his supervisors in order to attain specific improvements in the negotiation *métier*. For this reason, we observed that it takes a good number of years for a mediator to qualify. Generally speaking, skills were divided into basic, intermediary and advanced levels so that a mediator who has recently graduated from basic training may be able to gauge his development. It is also noteworthy that a new mediator may also have his/her development linked to personal (and familial) traits, bringing a rather subjective experience to each conflict and its ensuing resolution.

As a conclusion, the mediation qualification program involving practice of mediation should necessarily be devised in a way so as to meet specific needs of future participants and mediators. The following tables are to be used only as a guide because the most frequent means through which mediators will develop and become ever more proficient in the mediation praxis is through training and supervision.

training,” in *A Handbook of Dispute Resolution: ADR in Action*, ed. Karl Mackie (Routledge, 1991).

²⁹ See André G. Azevedo, “Autocomposição e processos construtivos: uma breve análise de projetos-piloto de mediação forense e alguns de seus resultados,” (Mediation and Constructive Processes; a Brief Analysis of Forensic Mediation Pilot Projects and Some Results), ed. André Gomma de Azevedo, in *Estudos em Arbitragem, Mediação e Negociação*. Vol. 3, ed. André Gomma de Azevedo (Brasília: Grupos de Pesquisa, 2003), 137-161.

VI. Cognitive Competences Regarding Conflict

Cognitive competences regarding conflict are those concerning the means through which awareness is acquired about conflict per se, how conflict is developed (its spiral)³⁰ and its intrinsic traits. The essence of such conflicts consists in perceiving conflict as a natural phenomenon regarding any given relationship and analyzing it in the best possible way so as to best use its potential for growth. As a learning reference, one might state that such skills are developed in the following way:

Basic Development	Intermediary Development	Advanced Development
One understands that conflict is something natural, inevitable and that it has the potential to be a positive force towards growth.	One recognizes that the origins of conflict and the resolving processes of the conflict resolution problems are applicable to all types of conflict, be them of interpersonal, intergroup, or international nature.	One maintains and stimulates others to have a variety of good relationships with colleagues, parties, lawyers and judges.
One realizes that in continual relationships, conflict can be better resolved through cooperation.	One understands that a conflict might improve or worsen depending on the answer chosen and conflict resolution strategy used (and fosters the same in others).	One analyzes the conflict presented by the parties in a context of a present relationship and utilizes an adequate problem resolution strategy.
One is aware that the responses to specific types of conflicts might be improved in order to reach one's actual interests.	One demonstrates effective responses to another in shared conflicts and efficiently chooses results with starker or smoother responses.	One recognizes patterns in responses to conflict and plans systemic improvements in order to allow the user a positive growth and consequently, changes to such patterns.

³⁰ Morton v. Deustch, *The Resolution of Conflict: Constructive and Destructive Processes* (New Haven: Yale University Press, 1977); Remo F. Entelman, *Teoria de Conflictos: Hacia un nuevo paradigma* (Barcelona: Gedisa, 2002); North, Brody and Holsti, *Some empirical data on the conflict spiral*, Peace Research Society Papers I, 1964 (Osgood, 1962, 1966); Richardson, 1967.

<p>One participates in attempts directed towards stimulus for cooperation and understands that conflict resolution skills are proficiencies for life.</p>	<p>One is able to communicate to parties the notion that conflict resolution skills are aids for life.</p>	<p>One is able to identify peacemaking and agitating behaviors and tactfully stimulates others to elect peacemaking actions.</p>
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VII. Perceptive Competences

Perceptive competences are those relating to how one learns or perceives the facts and the context to which one is being exposed. Such competences essentially consist of understanding that a single fact or context might be perceived in various forms. Based on this set of perspectives, one should choose an approach that will ease the accomplishment of actual interests of both parties or of the mediator herself.

For instance, in a community mediation setting the mediator listens to a mother addressing her son, “You are stupid. You could easily choose what you could become but you insist on befriending Ricardo who is a bad egg.” In such a context, the mediator could interpret the statement in various forms. For instance, judgmentally (and setting his mediator role aside) he could sense the terrible and maternally incompetent mother cannot even converse and raise her child. As a father (again, setting his mediator role aside), he could sense the hardship the mother is faced with as she is unable to avoid her son’s bad decisions. As a mediator (seeking to identify issues, interests and feelings), he could sense the statement as a manifestation of a mother who loves her child and seeks his wellbeing and wishes to use the mediation opportunity in the best possible manner in order to establish effective solutions for the issues facing both son and mother. One realizes that as he proceeds with the summary, the mediator will opt for this perspective (or another similar one) as a means of using mediation to lead the situation towards an effective resolution.

For instructional sake, one can affirm that such skills are developed as in the following table:

Basic Development	Intermediary Development	Advanced Development
One accepts that he is not always right and identifies / verifies his own preconceived ideas regarding a given situation.	One accepts the fact that one is not always right and identifies / verifies his own preconceived ideas regarding a given situation.	One critically analyses one's own perceptions and is able to listen to statements trying to identify actual interests without being judgmental towards any of the parties.
One accepts the fact that others might perceive facts and actions in a different way and understands how others might perceive contexts, facts and actions.	One precisely and empathically identifies how contexts, facts and actions are perceived by others.	One is able to foster perceptive changes in parties regarding contexts, facts and actions and is able to avoid the escalating of conflict between parties.
One analyses a conflict from the perspective of actual and unmet interests and avoids discussions based on guilt but rather directs the dialogue towards solutions.	One identifies obstacles for perception of the parties and lawyers regarding the conflicting context.	One develops strategies to stimulate changes in the parties' and lawyers' perception linking these perceptions to more favorable contexts towards dispute resolution.
One differentiates between peacemaking and agitating behaviors throughout one's own actions and also that of others throughout the mediation.	One is able to stimulate change in agitating actions into peacemaking actions and conducts the mediation with poise.	One is able to stimulate the parties to perceive peace as a desired condition and to understand it as a result of concrete actions (and not only intentions).
One is able to stimulate parties to perceive peace as a desired condition and to understand it as a result of concrete actions (and not only intentions).	One effectively confronts any bias (one's own and that of others) in the working environment.	One is able to distinguish between bias and contempt and understands disparate answers regarding the positional conflict of negotiation based on interests.

VIII. Emotional Competences

Emotional competences relate to the ability to processes the set of emotional stimuli to which one is exposed. Such competences essentially consist of establishing the fact that all individuals have feelings and that each person must be accountable for one’s own emotions. Other people only furnish the stimulus.

Suppose a mother bearing some emotional aptitude listens to her four year old son vociferates, “I hate you” for not having been allowed to watch a movie at 9:30 p.m. She should not become emotionally unbalanced. As the mother is responsible for her own feelings and must understand the “I hate you” as “I feel sleepy”. Likewise, a mediator with some well-chiseled emotional skills should not feel distressed if she hears from a lawyer, “You are not mediating properly”. The mediator should not understand that stimulus as an insult, but rather as a request for clarification regarding a specific approach or even regarding the mediation procedure. As a learning assistance tool, one could state that such skills can be learned according to the following table:

Basic Development	Intermediary Development	Advanced Development
One knows that the feelings of rage, frustration and fear are natural and is able to understand one’s own emotions.	One takes responsibility for one’s emotions and does not blame others for being the cause (but rather, just the stimulus).	One remains calm and focused on solving issues even when faced with stark emotional manifestations for others (either parties or lawyers).
One controls rage in most of the conflicts one is involved in.	One understands that others have different emotional responses from yours.	One accepts and validates emotions and perceptions from others and stimulates emotional responses which are more compatible with actual interests on the side of the parties and stakeholders.
One adequately expresses emotions.	One knows the effective strategies to control the more heated tempers and uses them in a timely manner.	

One listens to and identifies others' feelings.	One is able to disagree without being disagreeable.	One diverges and transforms the debate into a positive or pleasant experience.
One does not react by raising one's own response as a reaction to others' emotional bursts.	One is able to recognize and validate feelings.	One uses stimulus approaches towards the development of emotional abilities.

IX. Communicative Competences

Communicative competences are those relating to the means through which one communicates the set of intended messages. Such competences consist of establishing that each shall be accountable for the way messages are understood (i.e., one should know “how to request”) and the way the interlocutors’ messages are understood (i.e., one should know “how to listen”, what the other is requesting).

The means of communication in mediation directly influences the end result of the mediation process. Conciliatory communication is one of the approaches used with repeated success. Conciliatory (or depolarizing) communication consists of the communicative process where information is communicated and received so as to stimulate reciprocal understanding and the attaining of the interlocutors’ actual interests. The core premise of conciliatory communication involves listening to implicit requests contained in the speech in order to drive communication towards the attainment of such interests or needs. For instance, as a party states, “If he does not hand me back my drill I will report him to the police department for misappropriation”. Here a mediator might interpret this speech as a rudimentary request. The party might be actually saying, “I would like to be respected and once again enjoy a good relation with my neighbor and to be validated by being addressed with considerateness. Thus, I’d like to have my drill back with the due mention of gratitude for the loan.” A fundamental aspect of conciliatory communication involves listening to affronts or threats as “inept communicative requests”.

Conciliatory communication argues for more rudimentary registers of communication so as to seek more satisfactory results for both negotiating parties. One might suggest that mediation also consists of catalyzed communication of a third party (the mediator) who is skillful in communicating and able to transform conflict into an opportunity to understand and meet the

needs (one’s own and that of others). Thus, language is the main tool for mediators, for by using effective communication one is able to understand explicit and implicit interests and to handle the perceptive transformation, from conflict of a negative phenomenon into a positive factor for those being mediated.

Not every negotiation and communication is able to attain potential gains imbedded in conflicts. The mediator’s participation will make a difference in such scenarios. For instructional purposes, there is a communication classification that brings people closer together and stimulates mutual understanding in conciliatory, empathic or transforming communication. Contrary to what takes place in a conciliatory communication (which demands training of one’s communication skills), we are used to a polarizing communication (also dubbed as violent communication) which is a means of keeping people apart and weakening the social bond between them. A better understanding of both forms of communication, are presented on the table below:

Conciliatory Communication	Polarizing Communication
<p>There is a focus on solutions while observing facts. A conciliatory speech stimulates cooperative or depolarized relationships. For instance, when an experienced mediator realizes the attorney is having a hard time understanding the best way to act in a specific stage of the process, and says, “Dr. Oswald, Thank you for participating. I see that you are a diligent attorney and is intent in resolving the issues as promptly as possible. I am curious to hear you and discuss your proposals accordingly, and I believe that we will be able to do that in 5 to 10 minutes. Prior to that I would like to listen to those involved in order to certify that every aspect regarding this mediation has been communicated, and after that we will come back to your point, is that ok?” By acting this way the mediator is fostering cooperative behaviors, and through this, she will tactfully and practically be assisting the attorney.</p>	<p>There is a focus on blame by explicitly or implicitly judging others’ behaviors. An adjudicative speech usually stimulates antagonistic or polarized relationships. For instance, when an inexperienced mediator is vexed when realizing the attorney is rather uncooperative and says, “Dr. Oswald, you are one of the most challenging attorneys I have worked with.” By doing this, the mediator will hardly see any collaborative behaviors from this attorney. Judging and comparing (also a form of judgment) polarize and cause resistance, and very rarely will lead to the desired transformation.</p>

Conciliatory Communication	Polarizing Communication
<p>Requests are presented as efficacious expressions through which feelings and needs are communicated. Requests in conciliatory communication involve in the manifestation of an individual's interests or needs and convey the expectation this party has of resolving not only their own needs, but also signals an intention to have the interlocutor needs met also. Requests, when properly communicated, convey a sense of a win-win scenario. For instance, an interested party could say, "I'd like you to hand me back my drill. I would deeply appreciate a good relationship with you and I have sensed that you would appreciate the same. I am in need of the drill I have lent you a couple months ago, and I believe that the best way to maintain our good standing is to simply ask for the tool in a straightforward way. By acting this way I will convey my intention, which is to continue being your good neighbor and enjoying your friendship."</p>	<p>Requests are presented as demands or even insults. Such demand involves that which is claimed back as a fundamental link to meet needs and aspirations without clearly indicating a willingness to negotiate. Demands usually signal that the denial to meet one's expectation will lead to loss to the denying party. An inefficient means of presenting a request is through insulting. Quite often a few of the mediation program users resort to mediation exactly because they were not apt in conveying their requests. For instance, when a party addresses his neighbor, "Robert, if I ever knew you were such a crook I'd never lend you my drill." Deep down he might be trying to say, "I am quite disappointed in you and feel disrespected by your delay in handing me back my drill. I'd like to have my drill back and to hear an explanation for such wait so that we might again enjoy being good neighbors."</p>
<p>Speeches have a predominantly prospective approach. The collaborative stance in conciliatory communication is characterized by having individuals accountable regarding intended goals and the means through which these goals will be conveyed to others. One seeks to take on responsibility for the end result of the negotiation by adapting the speech to meet stakeholders' actual interests.</p>	<p>Speeches convey a predominantly retrospective approach. A judgmental stance in a polarized communication involves in transferring the accountability of intended goals unto others. This way of communicating will often attribute to another the responsibility for not having attained one's own interest.</p>
<p>Speeches are directed to the attaining of actual interests and to the validating of feelings – the premise for understanding and empathy.</p>	<p>Speeches are directed towards the apparent interests and usually disregard or invalidate feelings.</p>

As an instructional reference and as means of following one’s learning experience, one can affirm that communicative skills are developed as follows:

Basic Development	Intermediary Development	Advanced Development
One listens without interrupting while the interlocutor describes an incident or defines the problem.	One summarizes facts and feelings from the point of view of the other in order to alleviate anger and deescalate conflict.	One summarizes positions and others’ interests with efficacy, precision and empathy in conflict situations.
One avoids presenting ones’ opinion prematurely and is fully open to persuasion.	One elaborates specific questions that might gather more information.	One recognizes and validates other people’s emotions and perspectives.
One formulates questions such as, “How did you feel about it?”, and, “What happened next?”	One elects proper phraseology to problem solving, “e.g., ‘and’ rather than ‘but’, ‘we’, rather than ‘I’ and ‘you’.)	One reformulates others’ statements extracting inflamed and biased messages in order to capture latent meanings.
One responds to questions regarding the conflict and does not dodge an open talk about divergences.	One addresses others on the first person singular instead of the second or third person in order to express a point of view.	One examines full understanding, listens to comprehend, and expresses oneself in order to be understood.
One opts for a conflict resolution terminology (e.g., actual interest, integrative negotiation, MAANA, point of view, etc.)	One demonstrates awareness in non-verbal communication, both one’s own and that of others, especially regarding feelings.	One rebuilds one’s affirmation using less inflamed and unbiased language and opts for questions designed to clarify actual and tacit interests.

X. Competences for Creative Thinking

Competences for creative thinking are defined by the means through which one develops solutions for concrete and hypothetical problems. Such competences of creative thought essentially involve stimulating the pursuit of solutions through innovative, unprecedented or alternative paths.

As a learning reference, one might affirm that the creative thought skills are developed as presented on the follows table:

Basic Development	Intermediary Development	Advanced Development
One describes what is aspired and why.	One distinguishes between positions and interests (or between apparent and actual interests).	One understands that actual interests (and not positions or apparent interests) define the problem in conflict situations.
One generates ideas to solve the problems at hand.	One identifies interests that go beyond one's own position in any given situation.	One prioritizes interests and develops strategies intending agreement, e.g., focusing first on the easiest subjects.
One improves a simple idea.	One understands and starts to employ analytical tools to diagnose problems.	
One identifies mutual and compatible interests and creates behavioral options to satisfy such interests.	One changes perspectives in order to allow for new options.	One aptly manages the flow of ideas (brainstorming) dissociating solution development from choice or decision in regards to the best possible option.

XI. Competence of Negotiation

Competences of negotiation are defined as those involving the use of persuasion or negotiation tools. Such skills involve an understanding of negotiation theory and the ability to apply it to daily activities.

As a learning reference, one might affirm that the negotiation skills are developed as follows:

Basic Development	Intermediary Development	Advanced Development
One is able to participate in negotiating with low levels of anxiety and with the use of techniques.	One easily performs negotiation with principles (also dubbed as negotiation based on interests)	One successfully negotiates with parties without significant negotiating or communication skills.
One understands that almost all interactions are negotiations.	One stimulates parties and attorneys to negotiate in a more technical expression.	One teaches the negotiation process to the parties and attorneys.

XII. Competence of Critical Thinking

Competence of critical thinking are defined as the means through which one chooses one or more solutions for concrete or hypothetical problems. Such skills involve stimulating a conscious choice in face of a number of possible solutions.

As a learning reference, one might say that the critical thinking skills are developed according to the following table:

Basic Development	Intermediary Development	Advanced Development
One assesses risks and consequences of adversarial confrontation in a conflict.	One makes use of solution processes to lead hearings in which the parties are in adversarial conflict.	One presents procedural options for the parties to avoid adversarial and counterproductive confrontation
One identifies a better alternative in an adversarial conflict situation.	One stimulates parties to rethink a better alternative to the negotiated agreements.	One stimulates parties to propose options in long and short term consequences
One stimulates parties to seek for mutual justice when possible throughout a dispute resolution instead of attempting to conquer an imposed victory.		One analyses means to improve even more the best alternatives to the negotiated agreement.

One expresses a realistic and accomplishable plan in order to resolve a conflict.	One identifies patterns and justice criteria such as rules or patterns as one considers interests and solutions.	One analyzes willingness and skills on both parties in order to honor an action plan in any given situation.
One realizes that parties might have a distinct sense of justice then one's own.	One recognizes the efficacy of commitment only in fair, realistic and manageable solutions.	One identifies uncontrollable factors that might have an impact on the parties' skills to honor a contract.

Other competences such as elaborating a term of agreement or organizing the surroundings and making it suitable for mediation are needed for the adequate development of the mediation praxis. The skills above have been listed in detail because these are the most relevant competences for the craft of the mediator. As mentioned previously, there is no intention to present this as a comprehensive list of all competences involved in mediation.

XIII. Conclusions

The assessment of individuals undertaking the rather delicate task of bringing people together (the purpose of mediation *per se*) is quite complex. The expectation that new mediators might be able to demonstrate competences presumes that they have honed the necessary skills to deal with more complex dilemmas. The Brazilian experience, however, has shown that through stimulating continuous improvement (such as through continued supervision, different forms of user assessment and self-supervising group formation) the goal of mediation qualification in advanced techniques proves to be attainable in the mid-run.

One also realizes that the current model based on competences has yet to fully develop. Currently, the refinement of mediation must take into account such elements as a service directed to meet the users' needs. In this sense, one of the most important traits that well-assessed legal mediators in Brazil have expressed is an actual concern for the involved parties. Such a zealous caring also calls for assessment, constant supervision, observation and training.

Besides fostering continual improvement, mediators' competence assessments contribute to the eradication of one of the most counterproductive beliefs in the *métier*: It is enough to be of goodwill in order to perform adequately. The Brazilian experience has also been positive in the sense that

mediator assessment facilitates the understanding of those who have received rudimentary training about the need to deepen their preparation. The danger of allowing incompetent mediators who ignore these techniques is alarming to the point of recommending periodical assessments. The daunting implementation of such a model has already brought an awareness about the need for qualification. Consequently, the improvised forms of mediation and conciliation are slowly being phased out.

The Brazilian experience has also indicated that learning in mediation takes place not throughout the theoretical portion of training, nor with observation or with co-mediation, but rather with discussions with supervisors post co-mediating sessions or with self-supervising groups in which the techniques applied for each concrete case are discussed and each competency mentioned above can slowly be perfected. The slow changes to the public system of dispute resolution are proving that mediation is already an integral part of the Judiciary Branch and has assisted the fundamental role of the State to find its core identity, namely, that of bringing people together.

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A new paradigm for Political Studies: competence-based teaching and learning*

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Abstract: For some decades, students and scholars of Political Science have debated methodological differences, paradigmatic differences, and policy differences as they relate to curricula. Today, the real challenges facing the teaching of Political Science have less to do with content and much more to do with form and process. The next transformation in teaching and learning must address what kind of political scientist we wish to be, which kind of Political Science we need to create.^{1,2} Our argument advances in three moments. First, we sketch contemporary contexts for analyzing teaching and learning, musing about old and new paradigmatic/methodological debates and the new social-technological contexts of undergraduate learning. Second, we discuss conceptions of competencies in the U.S., Europe, and in

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¹ Lisa Anderson, “Too Much Information? Political Science, the University, and the Public Sphere,” *Perspectives on Politics* 10 (2012): 385-396.

² Stephen G. Hartlaub and Frank A. Lancaster, “Teacher Characteristics and Pedagogy in Political Science,” *Journal of Political Science Education* 4, no 4 (2008): 377-393.

relation to a specific Political Science program in Brazil. Third, we dare to sketch a “metaprofile” of the “good political scientist”, modeled on the work of the ALFA Tuning Project of the European Commission and reflections on related Brazilian and Latin American experiences.

Keywords: Competences; paradigms; Political Science; teaching; learning; undergraduate education.

I. Paradigmatic Contexts for Analyzing Teaching and Learning

The main purpose of this paper is to introduce the question of competences into discussions of curricula and pedagogy in Political Science. More specifically, we are interested in charting how this emphasis on competences has migrated from Europe to Latin America and suggesting how the debate might be integrated into teaching and learning Political Science. We first present our vision of how the old paradigmatic fights that colored the practice of Political Science in the post-WWII era have left a legacy for teaching and learning. We then call attention to what might be a third paradigmatic revolution which impacts teaching and learning for all political scientists, regardless of their ideological orientation.

II. Old Paradigmatic Fights in Political Science

The organizing notion of paradigm became central by the 1970s; political theorists used to know who and where they were. Radical scholars coalesced around the concept as a means of developing a systematic critique of scientific objectivity and neutrality. Political scientists debated the relevance of paradigm in defining research directions; others concentrated on a critique of paradigms in existing political research. Questioning centered on the premises and biases of pluralism and by extension the foundations of developmentalism.

Times still call for a radical revision of Political Science.^{3,4} Yet the current impasse of our prevailing theories has not produced a more open climate to critical analyses nor freer competition of ideas. On the contrary,

³ John E Trent, “Political Science 2010: Out of Step with the World? Empirical Evidence and Commentary,” Paper prepared for the 21st International Political Science Association World Congress, Santiago, Chile, July, 2009.

⁴ John E Trent, “Should Political Science Be More Relevant? An Empirical and Critical Analysis of the Discipline,” *European Political Science* 10 (2011): 191-209.

Political Science clings to its previous dominant models while potential critics isolate themselves in a “radical malaise” (the incapacity to define and implement an alternative agenda for research and action). This ill-feeling relates to two interdependent and sequential crises: 1) the crisis of paradigms, 2) the crisis of “existing socialisms”.⁵ We summarize our view of these crises here because, in our view, they constitute the forces that condition our efforts at rethinking teaching and learning.

1. *Crisis of Paradigms*

Beyond the increasing lack of fields of reference, the “crisis of paradigms” affecting all of the social sciences and humanities over the last quarter-century has led Political Science into a series of theoretical and methodological impasses.

In the passage from traditionalism to behavioralism, proponents of various paradigms or approaches battled for supremacy. The traditional approach to political study emphasized the interrelation of fact and value in sweeping historical or cultural treatments, static and descriptive categories, and a legal-formal focus on state institutions, parties and elections, leaders and individual cases. The behavioral Chicago School, in reaction to this form of explication, argued in favor of new methods of analysis. Focusing on the goal of explaining actual political behavior and hoping to successfully imitate the procedures and models of the natural sciences, the behavioral emphasis included a search for regularities, an emphasis on verification, techniques and quantification, the attempt to separate facts from values, and the interdisciplinary systematization of social research.

The reaction to such scientism is well-known. U.S. “post-behavioralism” of the 1960s and 70s represented a reaction to the scientific revolution proposed by behavioralism and favored action and relevance in contrast to detachment and “pure science.” Controversy focused around the issues of placing social substance before investigative techniques, the ideological conservatism of behavioralism, the myth of a neutral social science, and the social responsibility of the academic scientist.

⁵ Terrie R Groth, “Diagnosing and Treating the Radical Malaise” (paper presented at the XVIth International Congress of the Latin American Studies Association, Washington, DC, April 4-6, 1991).

In Brazil, this paradigmatic debate did not resonate^{6,7,8} for a brief early debate about the “autonomy” of Brazilian Political Science). Emerging from the other social sciences in the 1970s, Brazilian Political Science has not strayed far from its North American roots, either in theory or methodological commitments.⁹ More recent assessments of the state of development of Brazilian Political Science continue to largely confirm this.¹⁰ Looking at political theory specifically,¹¹ identify seven “principal topics” that occupy Brazilian political theorists: 1) theories of justice, distributive justice, and international justice; 2) democratic theory, political liberalism, and contemporary constitutionalism; 3) the debate over deliberative democracy; 4) the so-called “return” to republicanism; 5) theoretical evaluations of civil society practices; 6) the debate around theories of recognition, and 7) the crisis in representation and new theories of political representation. This list is suspiciously similar to the tendencies highlighted by the late Iris Marion Young¹² in a sweeping review of contemporary political theory.¹³ Differences among Brazilian political scientists are probably more generational than political/ideological.¹⁴

⁶ Bolivar Lamounier, “Pensamento Político, Institucionalização Acadêmica e Relação de Dependência no Brasil,” *Dados* 23, no 1 (1980): 29-57.

⁷ Fábio W Reis, “O Grifo É Nosso! Academia, Democracia e Dependência,” *Dados* 23, no 1 (1980): 59-77.

⁸ Wanderley Guilherme dos Santos, “A Ciência Política na América Latina (notas preliminares de autocrítica),” *Dados* 23, no 1 (1980): 15-27.

⁹ Maria Cecília Spina Forjaz, “A Emergência da Ciência Política Acadêmica no Brasil: Aspectos Institucionais,” *Revista Brasileira de Ciências Sociais* 35 (1997): 101-120.

¹⁰ Renato Lessa, “O Campo da Ciência Política no Brasil: uma Aproximação Construtivista,” in *Horizontes das Ciências Sociais no Brasil: Ciência Política*, ed. Carlos Benedito Martins and Renato Lessa (São Paulo: ANPOCS, 2010), 13-49.

¹¹ Cícero Araújo and San R Assumpção, “Teoria Política no Brasil Hoje,” in *Horizontes das Ciências Sociais no Brasil: Ciência Política*, ed. Carlos Benedito Martins and Renato Lessa (São Paulo: ANPOCS, 2010), 61-75.

¹² Iris Marion Young, “Political Theory: An Overview,” in *A New Handbook of Political Science*, ed. by Robert E. Goodin and Hans-Dieter Klingemann (Oxford: Oxford University Press, 1996), 479-502.

¹³ Her list: 1) social justice and welfare rights theory; 2) democratic theory; 3) feminist political theory; 4) postmodernism; 5) new social movements and civil society, and 6) liberalism and communitarianism.

¹⁴ Bolivar Lamounier, “A Ciência Política no Brasil: Roteiro para um Balanço Crítico,” in *A Ciência Política nos Anos 80*, ed. Bolivar Lamounier (Brasília, DF: Editora UnB, 1982), 407-433.

2. Crisis of “Existing Socialisms”

A second simultaneous crisis contributing to the radical malaise relates to the political and social upheavals in the Soviet Union and Eastern Europe. The apparent end of the statist variant of socialist development left even mainstream political scientists out in the analytical cold. Few Soviet scholars entertained models admitting the possibility of such rapid and profound change. Already marginalized progressives were further distanced from the discussion of alternative futures for the East and the rest of the world. In the case of comparative politics and Latin Americanists, this feeling of marginalization was more indirect but nevertheless serious. While radical attentions focused on another region, commitments to popular struggles and involvement in anti-interventionist or anti-imperialist movements carried with them at least the implicit embrace of some kind of a revolutionary nationalist or socialist future. Regardless of an individual’s personal degree of anti-Stalinism, events in the socialist world carried unnerving implications for radical political scientists.

As the political and ideological differences among political scientists have played out, theoretical and normative positions for the next generation appear homogenized and/or irrelevant. Political Science in the twenty-first century seems not to require political scientists anymore. If Political Science is what political scientists “do”, then their teaching and their students’ learning are also issues beyond critical reflection (except by a relatively small but dedicated subgroup of the profession).¹⁵ This distinction leads to the concept of competences as a way of seeking a new paradigm for political studies.

III. New Paradigmatic Fights in Teaching and Learning

We speculate next about how teaching and learning have been transformed since (some of us) were undergraduates. The changes are too numerous to cover, any one of which could spark other papers (the assault on tenure, the commodification of higher education, etc.). We restrict our commentary to the social and cognitive impacts of technological innovations since these are

¹⁵ An active and inclusive group of political scientists emerged around 2000 and slowly galvanized the American Political Science Association (APSA) to foment annual Teaching and Learning Conferences in Political Science since 2004. These efforts led to the founding of the *Journal of Political Science Education* and inspired collaboration with the Brazilian Political Science Association (ABCP) which has formed a Working Group on Teaching Learning active within the Association since 2010.

the real challenges to teaching and learning that link (or divide) professors and their students. In relation to our own Political Science program, we used to think that what was needed a rethinking of the “canons” of the profession in strict curricular terms (revising content, reordering the presentation of courses, adding new ones, complementing the classroom with ancillary activities, etc.¹⁶). More recently, as a result of our exposure to the concept of competence learning, we wonder if the previous assessment was just so much tinkering. We need to think about how the world and our students have changed and what uncomfortable changes are required of ourselves.¹⁷

Much has already been written about the so-called “post-industrial” society and “post-modern” culture and politics. These airy debates need to be better informed by the technological world of our students.^{18,19} An estimated

¹⁶ Terrie R Groth, “Rethinking Political Science as Discipline: Teaching and Learning at the University of Brasília” (paper prepared for delivery at the 2000 Annual Meeting of the American Political Science Association, Marriott Wardman Park Hotel, Washington, DC, August 31-September 3, 2000).

¹⁷ Philip C. Abrami, Gretchen Lowerison, and Eva M Bures, “Introduction to the Special Issue on Postsecondary Instruction: The Old Science of Phrenology and the New Science of College Teaching,” *Educational Research and Evaluation: An International Journal on Theory and Practice* 10, no 4-6 (2004): 289-301.

¹⁸ Howard Gardner and Davis Katie, *The App Generation: How Today's Youth Navigate Identity, Intimacy, and Imagination in a Digital World* (New Haven: Yale University Press, 2013).

¹⁹ Ironically, our sources for this section are culled from the Internet! To wit: <http://royal.pingdom.com/2010/10/22/incredible-growth-of-the-internet-since-2000>; <http://itu.int/net/pressoffice/press-releases/2010/39.aspx>; <http://www.nytimes.com/2010/04/11/weekinreview/11giridharadas.html>; <http://www.time.com/time/magazine/article/0,9171,2062452.html>; <http://facebook.com/press/info.php?statistics>; <http://www.theblaze.com/stories/its-official-majority-of-americans-are-on-facebook>; <http://mashable.com/2010/12/29/2010-the-year-facebook-dethroned-google-as-king-of-the-web-stats/>; <http://www.enn.ie/story/show/101206002>; <http://facebook.com/press/info.php?statistics>; http://www.time.com/time/specials/packages/article/0,28804,2036683_2037183_2037185,00.html; <http://nytimes.com/2010/10/31/technology/31ev.html>; <http://gizmodo.com/5712857/over-25-billion-tweets-were-sent-in-2010-and-the-ipad-was-the-top-tech-subject>; <http://www.briansolis.com/2010/11/who-are-all-of-these-tweeple>; http://en.wikipedia.org/wiki/List_of_countries_by-population; <http://youtube-global.blogspot.com/2010/11/great-scott-over-35-hours-of-video.html>; <http://phx.corporate-ir.net/phoenix.zhtml?c=176060&p=irol-newsArticle&ID=1565581>; http://en.wikipedia.org/wiki/Wikipedia-Size_comparisons#Comparison_of_encyclopedias; <http://blog.flickr.net/en/2010/09/19/5000000000/>; http://www.usatoday.com/tech/news/2010-07-21-facebook-hits-500-million-users_N.htm; <http://www.businesswire.com/news/home/20101006006722/em/Digital-Birth-Online-World>; http://blogs.forrester.com/sarah_rotman_epps/11-01-04-us-tablet-sales_will_more_than_double_this_year; <http://youtube.com/watch?v=6mCkbrYKQyI>; <http://techcrunch.com/2011/06/14/angry-birds-downloads-250-million-magi/>; <http://ww.emc.com/collateral/demos/microsites/idc-digital-universe/iview.htm>;

5 billion cell phones are in service today, giving more people access to mobile conversations than they have to a clean toilet. In the U.S., 25% of homes have a cell phone only. Two billion people are on the Internet at any given moment with 750 million on Facebook (1 in 9 of us worldwide). Things got more complicated with Twitter with 200 million people sending 100 million tweets per day. If Facebook and Twitter were countries, they would rank 3rd and 6th respectively in global population.

Visually, we are also affected by the information revolution. Thirty-five hours of video are uploaded to YouTube every minute, material equivalent to 176,000 Hollywood releases per week. Flickr users have uploaded 5 billion pictures and there are another 50 billion on Facebook. Almost a third of all people under 25 get all or most of their television on-line. Ninety-two percent of American children have an on-line presence by the time they turn 2. Digital activity becomes more mobile as 80 million Americans are expected to own an iPad. Most people are glued to their cell phones or similar devices, downloading 300 million mobile applications in 2009 and 5 billion the following year (that includes 250 million in Angry Birds alone). We circulate 247 billion emails every day with 80% of them considered to be spam, Trojans or viruses. A bewildering 6.1 trillion text messages were sent in 2012. In the U.S. (and probably Brazil), 87% of all teenagers text and emit an average of 3,339 messages per month.

Informationally, beyond all this yakking to each other, there are quite a lot of data out in the virtual realm. Kindle now outsells all hardbacks and paperbacks combined on Amazon. Wikipedia (the universal source of all undergraduate academic knowledge) is comprised of 3.6 million articles in English alone. The volume of digital information worldwide will increase 44 times from now until 2020.

Practically all of us have welcomed these devices and changes into our lives and bodies over the last generation. We “integrate technology into the classroom” (a theme at annual APSA Teaching and Learning Conferences), but the nature of education does not seem to change. Eighty-percent of U.S. high school students’ work is low-level (definitional memorization), the sort of information easily located on Google in fractions of seconds. The average U.S. 5th grader gets five times the instruction in basic skills versus problem-solving or reasoning. If we compared photographs of typical secondary or

<http://web2expo.blip.tv/file/1277460/>; <http://www.learningsolutionsmag.com/articles/608/dispatch-from-the-digital-frontier-digital-dust-bunnies>”; http://www.itu.int/net/pressoffice/press_releases/2010/39.aspx; <http://www.pewinternet.org/Reports/2010/Cell-Phones-and-American-Adults.aspx>; <http://mashable.com/2010/10/14/nielsen-texting-stats>; <http://bigthink.com/ideas/30621>.

higher education classrooms from the late nineteenth-century until today, the only notable difference would be changing styles of dress (today with the addition of laptops). One estimate is that by 2019, half of U.S. high school courses will be offered entirely on-line. What level of thinking are we to expect of them when they become university students?

We observe the same technological presence and transformation in Brazil, although we cannot document the magnitude as yet. What should interest us is how these accelerated changes have impacted us and our students. Our students are cognitively different from us. They learn and think in ways far removed from our traditional training.²⁰ We are forced to think about teaching and learning outside the confines of Political Science and beyond the routines of curriculum and classroom. It would be naive to suggest that the genie be recorked in the bottle. But it would be fatal for us as pedagogues to ignore how we have been cognitively rewired over a generation.

Tech journalist Nicholas Carr²¹ unleashed controversy in a 2008 article by asking “Is Google Making Us Stupid?”²² More recently,²³ he has moved to analyze the Internet as a whole in the light of contemporary neuroscience. The upshot of the research upon which he reflects is twofold. First, the Internet teaches us how to read differently. We seek and sift information very differently than a generation or two ago. Our senses react differently to reading webpages^{24, 25, 26} and being led through hypertext.^{27, 28, 29} We become

²⁰ Darrell Driver, Kyle Jette, and Leonard Lira, “Student Learning Identities: Developing a Learning Taxonomy for the Political Science Classroom,” *Journal of Political Science Education* 4, no 1 (2008): 61-85.

²¹ Nicholas Carr, “Is Google Making Us Stupid?,” *Atlantic Monthly* (2008).

²² See also Gary Small and Gigi Vorgan, *iBrain: Surviving the Technological Alteration of the Modern Mind* (New York: Collins, 2008).

²³ Nicholas Carr, *The Shallows: What the Internet Is Doing to Our Brains* (New York: W.W. Norton & Company, 2011).

²⁴ Charles E. Connor, Howard Egeth E., and Steven Yantis, “Visual Attention: Bottom-Up versus Top-Down,” *Cognitive Biology* 14 (2004): 850-52.

²⁵ Jakob Nielsen, “F-Shaped Pattern fo Reading Web Content,” Alertbox, 2006, accessed April 17, 2015, www.useit.com/alertbox/reading_pattern.html.

²⁶ Jakob Nielsen, “How Little Do Users Read?,” Alertbox, 2008, accessed May, 6 2015, www.useit.com/alertbox/percent-text-read.html.

²⁷ Jean-François Rouet and Jarmo J. Levonen, “Studying and Learning with Hypertext: Empirical Studies and Their Implications,” In *Hypertext and Cognition*, ed. Levonen Rouet, Andrew Dillon and Rand J. Spiro (Mahwah, NJ: Erlbaum, 1996).

²⁸ D. S. Niederhauser et al., “The Influence of Cognitive Load on Learning from Hypertext,” *Journal of Educational Computing Research* 23, no 3 (2000): 237-255.

²⁹ Diana DeStefano and Jo-Anne LeFevre, “Cognitive Load in Hypertext Reading: A Review,” *Computers in Human Behavior* 23, no 3 (2007): 1616-1641.

less able to engage in “deep reading”, i.e., not just comprehending content but rethinking it in our own fashion along the way. According to some, the structure of the Internet encourages constant distraction,³⁰ which inhibits analytical thinking in the long-run.³¹

Second, “deep thinking” becomes more difficult. Drawing on contemporary research on memory and brain chemistry,^{32,33,34,35} Carr argues that as our attention span shortens our short-term “working memory” becomes overloaded. The result is that the formation of long-term memory (which takes time and is necessary for analysis, cumulative comparison and reflection) is disturbed. The use of information technology imperceptibly rewires our neural pathways.^{36,37} We and our students probably believe that today we know more, think faster, and use the new technologies for our own ends when in fact experimental studies reveal the opposite to be true. If we and our students do not think the way we used to, imagine how this might affect the way we write³⁸ or what we publish.³⁹

IV. Undergraduate Political Science: US and Brazilian Differences

Turning to the specific question of teaching and learning about politics, we should remind ourselves that university teaching in general also sets certain institutional cultural constraints. In the case of Brazilian higher

³⁰ Maggie Jackson, *Distracted: The Erosion of Attention and the Coming Dark Age* (Amherst, NY: Prometheus, 2008).

³¹ Marc G. Berman, John Joanides, and Stephen Kaplan, “The Cognitive Benefits of Interacting with Nature,” *Psychological Science* 19, no 12 (2008): 1207-1212.

³² Joseph LeDoux, *Synaptic Self: How Our Brains Become Who We Are* (New York: Penguin, 2002).

³³ Eric R Kandel, *In Search of Memory: The Emergence of a New Science of Mind* (New York: Norton, 2006).

³⁴ Torkel Klingberg, *The Overflowing Brain: Information Overload and the Limits of Working Memory*, trans. Neil Betteridge (Oxford: Oxford University Press, 2009).

³⁵ Bruce E Wexler, *Brain and Culture: Neurobiology, Ideology, and Social Change* (Cambridge, MA: MIT Press, 2006).

³⁶ Gary Small et al., “Your Brain on Google: Patterns of Cerebral Activation during Internet Searching,” *American Journal of Geriatric Psychiatry* 17, no. 2 (2009): 116-126.

³⁷ Langdon Winner, “Technologies as Forms of Life,” in *Readings in the Philosophy of Technology*, ed. David M. Kaplan (Lanham, MD: Rowman & Littlefield, 2004).

³⁸ J.C Niyíri, “Thinking with a Word Processor,” in *Philosophy and the Cognitive Sciences*, ed. R. Casati (Vienna: Hölder-Pichler-Tempsky, 1994).

³⁹ James A Evans, “Electronic Publication and the Narrowing of Science and Scholarship,” *Science* 321 (2008): 395-399.

education, these constraints are rather peculiar. The primary author, having taught in both environments, feels more clearly the constraints on a professor's work and the classroom. Thus, we provide a bit of context about teaching Political Science to undergraduates in Brazil.⁴⁰

The job of a university professor at a Brazilian public university is defined by the Law of Directives and Bases (*Lei de Diretrizes e Bases*), enabling legislation for public education at all levels enacted after the adoption of a new federal constitution in 1988. The function of a university professor is defined as a seamless realization of a so-called "tripod" of teaching, research, and extension (service) work. This probably sounds somewhat familiar to U.S. (if not European) academicians. The problem is that this definition has become a kind of mantra for those defending tuition-free public higher education in Brazil. This tends to equate all three of these functions/objectives and create a standard for performance that is in practice impossible to meet. In truth, research weighs far more in career advancement, teaching loads are expected to be equal for everyone (regardless of productivity), and as a result extension work runs a distant third in the personal priorities of the average professor.

Nevertheless, the maintenance of the myth of "indissociability" remains an article of faith among university administrators, professors' unions, and

⁴⁰ The University of Brasília (UnB) opened its doors in 1962, imagining itself as a university for all of Latin America. Today it boasts around 38,000 students (mostly from Brazil and the Lusophone community) distributed over 22 Schools and Institutes, 52 departments, 76 daytime and nighttime undergraduate programs, 87 graduate degree programs, and 57 professional specialization courses.

By U.S. standards, UnB is a "state school" of some considerable size. It is one of the flagship institutions, ranked in 2000 as the best in the nation based on egress test scores and program evaluations of its major professional courses. Currently, within the federal system of higher education comprised of 54 federal universities, it is similarly subject to national policy dictates in the area and almost totally dependent for its basic payroll and operating expenditures on public budgets. Brazilian public universities are tuition-free and access is guaranteed via competitive standardized entrance exams conducted by each institution. UnB was also a pioneer in the introduction of quotas for afro-descendant and indigenous students at the undergraduate and graduate levels.

UnB is staffed by about 2300 professors, the vast majority of these PhDs with full-time exclusive contracts. Political Science faculty (around 30 to 35 permanent and temporary contract members) are drawn from different generations, experiences, and nationalities. Almost all possess the doctorate, earned for the most part in the U.S., the U.K. or France. A dwindling minority holds the M.A. as the terminal degree. Most are full-time appointments with academia as their only career commitment. The younger part-time replacement faculty in their late 20s and early 30s are usually drawn from our own MA and PhD students. The oldest members have been at UnB for around fifteen to twenty years and a sizeable plurality range in the 40s and 50s, most contracted in the last five to ten years.

some departments. The constraint of this academic culture complicates all academic activities and ignores the objective realities of the career today. Research is difficult in the best of times for the social sciences and humanities with funding concentrated in the hands of two federal government agencies. Teaching is becoming all the more Fordist in conception as full-time faculty are required to teach 2-3 courses over a 15+ week semester. Research is demanded, but teaching loads are inviolable; release depends very much on the climate and policy of your department. As a result, professors and students are engaged in dispatching numbers of credits and not seeking or thinking about the sum of contents or competences that should be acquired. Extension or service learning projects, even when linked to research, constitute the shortest leg of the “tripod” and remain the targets of numerous discriminations. Reaching beyond the classroom and the university may make you a more colorful character, but probably connotes a less “serious” member of the profession. And, of course, there is a fourth unseen or unsung leg to this “tripod”: administering the Weberian bureaucratic nightmare of the university in your spare time.⁴¹

The sum of these competing and conflicting pressures creates a definition of a university professor to which no one can measure up. The myth of indissociability may have seemed nobler thirty or so years ago when class sizes were smaller, salaries less eroded, and the generation of knowledge less complex and globalized. But today, this rigid vision of the profession only

⁴¹ This institutional setting weighs heavily on our B.A. program which is far more coursework intensive and theoretically dense than a U.S. major. The Undergraduate Program was created in 1989 to offer a B.A. in Political Science (separate from Social Sciences), formally recognized by the Ministry of Education in 1994. The Political Science B.A. is a largely self-contained four-year program, unlike majors at U.S. colleges. There is currently no two-year “liberal arts” or general education prelude to the selection of the major. The student approved in the entrance exam jumps directly into Political Science, albeit with some introductory social science courses. The curriculum, like most at UnB, is composed of required (“obligatory”), optional (“selective obligatory,” usually within the program), and general campus (“free module”) courses totaling about 180 credits (one course is usually equal to 4 credits). Probably 80 to 90% of the courses our students take are in the institutional and disciplinary world of Political Science. Completing an internship is optional, but hotly sought after by all majors. A senior capstone monograph, an independent inquiry and writing project crowning the four years, is mandatory for all majors.

Student entrance exams for Political Science are held twice a year with 50 openings per semester. Most of our students are drawn from Brasília’s Federal District or the surrounding state of Goiás, but an increasing share comes from more distant states. The program also has a sizeable annual contingent from abroad, principally from Cape Verde, Angola, and Moçambique. By the end of 2008, the undergraduate Political Science program settled at about 400 majors.

reinforces an already failed nineteenth-century model of university teaching. Students arrive at university socialized into passivity and replicate their role as receptors and consumers of information. Professors unfairly assume the role of oppressors shouldering nearly all of the responsibility for the success of teaching and learning.

V. The Concept of Competences in (and Around) Political Science

Working in this kind of setting for over twenty years, and becoming more and more dissatisfied with his own teaching, the primary author became convinced of the need to fight for an alternative vision of teaching and learning. Two comparative observations about the U.S. and Brazilian teaching and learning contexts seem important. First, our curriculum is content-centered and content-heavy. Our more populous student body works through a major comprised of 40 to 50 courses, as compared with the 8 to 12 of American programs. There are so many courses to be offered continuously for so many students. Our students, already cognitively biased against “deep reading” (and without time to read), move from semester to semester acquiring more subject matter, but not necessarily more intellectual autonomy or the ability and motivation for independent and creative thinking. Second, emphasizing the teaching of abilities and capacities that make learning autonomous and students co-responsible in the process of education seems to escape professionals in both countries. The avalanche of content in the information age and makes it difficult for us to think of education as a process of acquiring capabilities, talents, and values as political scientists.

For both professors and students, the current teaching and learning model has become visibly unsustainable, thus delegitimizing the whole educational process. Since the adoption of Brazil’s new democratic Constitution of 1988, higher education experienced a paradigmatic shift. Complex evaluation programs were developed to measure teaching activity, conceived primarily as “instruction”. This conception, however, confuses means and ends. “Instruction” and “learning” as means and methods become transformed in ends or purposes. To say that the purpose of the university is to offer instruction is like saying that the business of General Motors is to operate assembly lines or that the purpose of medical assistance is to fill hospital beds. The mission should be understood not as instruction, but the realization of learning by students. In truth, we observe that instruction and learning are not necessarily related.

In the “instruction paradigm”, everyone works more and probably learns less as individuals and institutions (more classes, more students, more incentive to cling to passive methods of teaching, costs and budgetary investments). If students aren’t learning to solve problems or think critically, old logic dictates that someone should give a lesson or a course on critical thinking and make it a general education requirement.⁴² The reasoning is aggravatingly circular. What the students are learning in the classroom does not address their necessities or those of their professors. Thus, the solution is to call everyone back into the classroom and “instruct” them a little bit more. The result is never the one we expect since critical thinking is taught in largely the same way that other courses are traditionally taught: Excessive lecturing and insufficient time for practice. Teaching is reduced to the process of transferring the professor’s knowledge to passive and receptive students. The absolute, necessary, and sufficient condition for this to work is the professor’s complete mastery of content. The classroom is a place to realize a long series of talks where students listen to the professor usually in silence and in sullen competition with each other.

If we insist on the “learning paradigm” for education, we frame teaching in a more holistic way by recognizing that the principal agent in the process is the student, not the instructor. Students must be transformed to be discoverers and builders of their own active knowledge. Knowledge in this sense consists of structures that are created or built by the student. Knowledge is not seen as cumulative or linear (like bricks in a wall), but as a field of constant interactions.^{43,44} In this perspective, knowledge is actively constructed, discovered, reworked, and amplified by the students. The efforts of the professor are directed at developing competences and talents among students, not just the dispensing of contents. Teaching and learning is a personal transaction between students and between the students and their professors.

Thinking of teaching and learning as the development and acquisition of particular skills and talents is not particularly new. In research methods courses, for example, we hope to train our students to be literate in a range of methods and techniques that will empower them to do independent inquiry. But generally, Political Science has not acknowledged or systematically

⁴² David W Johnson, Roger T. Johnson, and Edythe Johnson Holubec, “New Circles of Learning,” *Change*, 1994.

⁴³ Robert B. Barr, and John Tagg, “A New Paradigm for Undergraduate Education,” *Change*, November/December (1995).

⁴⁴ David W. Johnson, Roger T. Johnson, and Edythe Johnson Holubec, *Cooperation in the Classroom* (Boston: Allyn and Bacon, 1998).

adopted the notion of competence-based teaching and learning emanating from the Bologna Process and the evolving Tuning Project of the European Commission. Recent scholarship describes and implicitly admires the Process, but does not seem to recommend this movement for Political Science.^{45,46,47}

On the other hand, work on teaching and learning in Political Science has perhaps always flirted with the notion of competences, although we seldom use the term. The evolution of the literature since it began to focus scientifically on teaching and learning^{48,49,50} stimulated a serious reflection what is now a “growth field”.^{51,52} In U.S. Political Science, there is abundant discussion of course bibliography, syllabi, and diverse experiments in the pages of the old newspaper-format encarta *Political Science Teacher* (1973-89) as well as current *PS: Political Science & Politics*, the *Journal of Political Science Education* (its main mission), and *Perspectives on Politics* (although only occasionally).

But if we review the content of the three major publications where teaching has been studied since the late 1990s/2000s, competences appear in the guise of “best practices”.⁵³ For example, there is much presentation and

⁴⁵ Marijk C Van der Wende, “The Bologna Declaration: Enhancing the Transparency and Competitiveness of European Higher Education,” *Higher Education in Europe* 25, no 3 (2000): 305-310.

⁴⁶ Steven D Roper, “European Education Reform and Its Impact on Curriculum and Admissions: Implications of the Bologna Process on United States Education,” *Journal of Political Science Education* 3, no 1 (2007): 51-60.

⁴⁷ Bob Reinalda, “The Bologna Process and Its Achievements in Europe 1999–2007,” *Journal of Political Science Education* 4, no 4 (2008): 463-476.

⁴⁸ Marijke Breuning, Paul Parker, and John T. Ishiyama, “The Last Laugh: Skill Building through a Liberal Arts Political Science Curriculum,” *PS: Political Science & Politics* 34 (2001): 657-661.

⁴⁹ Jenny Kehl, “Indicators of the Increase of Political Science Scholarship on Teaching and Learning in Political Science,” *PS: Political Science & Politics* 35 (2002): 229-232.

⁵⁰ Pat Hutchings, Chris Bjork, and Marcia Babb, “The Scholarship of Teaching and Learning in Higher Education: An Annotated Bibliography,” *PS: Political Science & Politics* 35 (2002), 233-236.

⁵¹ Kerstin Hamann, Philip H. Pollock, and Bruce M. W, “Who SoTLs Where? Publishing the Scholarship of Teaching and Learning in Political Science,” *PS: Political Science & Politics* 42 (2009): 729-735.

⁵² John Craig, “What Have We Been Writing About?: Patterns and Trends in the Scholarship of Teaching and Learning in Political Science,” *Journal of Political Science Education* 10, no 1 (2014): 23-36.

⁵³ John Craig’s (2014) excellent assessment draws our attention to other journals where we might expect competence-based teaching and learning to appear more overtly: *International Studies Perspectives*, *European Political Science*, *Learning and Teaching: The International*

evaluation of innovative projects or courses reflecting the lines of APSA Teaching and Learning Conferences. But some of these experiences, if looked at another way, could be considered analyses and advocacies of competences. In government and public policy courses, competences appear as “problem-based learning” (PBL).^{54,55}

In the Political Science assessment literature, “student learning outcomes” (SLOs) might act as surrogates for competences both generic and specific.⁵⁶ In various settings a concern is presented for developing critical thinking skills.^{57,58,59} Writing competence is also a recurring emphasis.^{60,61} Learning to work collaboratively might be perceived as an important competence for the young political scientist.^{62,63} And, yes, information literacy⁶⁴ through

Journal of Higher Education (LATISS, 2004 -), and *Enhancing Learning in the Social Sciences* (EliSS, 2008 -). See also McClellan and Maurer (“After Wahlke”) who insinuate that curriculum and competences may be creeping into U.S. academic discourse.

⁵⁴ Jonathan Williamson and Alison S. Gregory, “Problem-Based Learning in Introductory American Politics Classes,” *Journal of Political Science Education* 6, no 3(2010): 274-296.

⁵⁵ Heidi M Berggren, “Problem-Based Learning and Improved Learning Outcomes in ‘The Politics of Welfare Reform’,” *Journal of Political Science Education* 7, no 4(2011): 434-453.

⁵⁶ Christopher K Butler, “Comparing Curricula and Assessment Processes of B.A. Programs in Political Science” (paper presented at the APSA 11th Teaching and Learning Conference, Philadelphia, February 7-9, 2014).

⁵⁷ Leanne C Powner, “Teaching the Scientific Method in the Active Learning Classroom,” *PS: Political Science & Politics* 39 (2006): 521-524.

⁵⁸ Mark Souva, “Fostering Theoretical Thinking in Undergraduate Classes,” *PS: Political Science & Politics* 40 (2007): 557-561.

⁵⁹ Jennifer Fitzgerald and Vanessa A. Baird, “Taking a Step Back: Teaching Critical Thinking by Distinguishing Appropriate Types of Evidence,” *PS: Political Science & Politics* 44 (2011): 619-624.

⁶⁰ Michelle Hale Williams, Kymberly Anne Goodson, and W. Gary Howard, “Weighing the Research Paper Option: The Difference that Information Literacy Can Still Make,” *PS: Political Science & Politics* 39 (2006): 513-519.

⁶¹ Yvette M Alex-Assensoh, “Teaching Critical Analysis Skills with Analysis Briefs: What They are and How They Work,” *PS: Political Science & Politics* 41 (2008): 189-192.

⁶² Angela Wolfe, “Implementing Collaborative Learning Methods in the Political Science Classroom,” *Journal of Political Science Education* 8, no 4 (2012): 420-432.

⁶³ Tracy H. Slagter and Druscilla L. Scribner, “Interteach and Student Engagement in Political Science,” *Journal of Political Science Education* 10, no 1 (2014): 81-92.

⁶⁴ Robert Burnhein, “Information Literacy—A Core Competency,” *Australian Academic & Research Libraries* 23, no 4 (1992): 188-196.

harnessing the Internet as a research tool^{65,66} and perhaps even taming Wikipedia⁶⁷ and Google⁶⁸ to our ends!

What of political scientists? How can we engage the question of competence-based teaching and learning directly? This has clearly been the thrust of the Europeans first through the Tuning Educational Structures in Europe (since 2001) and now the Latin Americans (since 2004) via the ALFA Tuning Project.⁶⁹ Basically, these projects seek to: 1) create discipline-based networks to foment innovation and quality; 2) encourage a greater consensus (but not uniformity) in defining professional standards and learning outcomes; 3) to facilitate transparency and communication of best practices; and 4) “tune” university degrees along the “Lines” of general and academic skills, knowledge, core curricula and content, the ECTS as an accumulation system, and methods of teaching and learning, assessment and performance, and quality.

Besides focusing on curricular, transfer credit questions, and assessment, the main issue for the Latin Americans is the pillar of competences, defined as:

... including the capacities that all humans need to resolve the situations that arise in their lives effectively and autonomously. It is grounded on a deep knowledge – not only knowing what and how, but knowing how to *be* a person in a complex, changing and competitive world. Another definition suggests that competencies are ‘complex integrated capacities, in different degrees, in which education must train individuals so that they can operate as responsible subjects in different situations and contexts of their social and personal life, knowing how to see, do, act and enjoy properly, assessing

⁶⁵ Andrew M. Robinson and Karen Schlegl, “Student Use of the Internet for Research Projects: A Problem? Our Problem? What Can We Do About It?,” *PS: Political Science & Politics* 38 (2005): 311-315.

⁶⁶ Daniel M. Butler, Richard J. Butler, and Jesse T. Rich, “The Equalizing Effect of the Internet on Access to Research Expertise in Political Science and Economics,” *PS: Political Science & Politics* 41 (2008): 579-584.

⁶⁷ Adam R Brown, “Wikipedia as a Data Source for Political Scientists: Accuracy and Completeness of Coverage,” *PS: Political Science & Politics* 44 (2011): 339-343.

⁶⁸ Stephen Thornton, “From “Scuba Diving” to “Jet Skiing”? Information Behavior, Political Science, and the Google Generation,” *Journal of Political Science Education* 6, no 4 (2010): 353-368.

⁶⁹ For more historical background on Bologna and the various and outcomes of Tuning and Alfa Tuning Latin America consult Wächter (“The Bologna Process: Developments and Prospects”), González and Wagenaar (*Tuning Educational Structures in Europe. Final Report; Tuning Educational Structures in Europe*), and Beneitone et al. (*Reflections on and Outlook for Higher Education in Latin America*), respectively.

alternatives, choosing appropriate strategies and taking responsibility for the decisions taken.⁷⁰

As such, competence-based education orients teaching to integrating formal and informal learning, everyday, academic, and scientific knowledge. Education is viewed as encompassing knowledge (cognitive capacity), abilities (sensory-motor capacity), skills, attitudes, and values. In other words,

... competence in education sits within a broad conceptual map of the comprehensive education of the citizen, including new approaches, such as significant learning in different areas: cognitive (knowing), psychomotor (know-how, skills), emotional (*savoir-être*), attitudes and values. ... Competencies develop gradually through different levels of complexity, in different types: basic or fundamental, generic or common, specific or targeted and career-oriented.⁷¹

Competences represent in dynamic form the combined processes of teaching and learning along with the development of practices and abilities. Considered at the level of individual courses, they become learning objectives or desired outcomes. But they cannot be measured in a before-and-after fashion like content. Competences are transversal, i.e., they ideally run through various courses in the curriculum and develop long-term.

This seems like a definition of education that the teaching and learning communities of Political Science could easily accept and elaborate. Of course, assuming a competence perspective requires the redesign, redevelopment, and reassessment of Political Science curricula. Could it be possible that as a discipline we could converge around a vision of a “metaprofile” of a political scientist we hope to create? This is happening now in Latin America in 19 countries spanning 12 fields of study. Through extensive and intensive discussion and survey validation of 27 generic competences with students, professors, graduates, and employers with a total of about 22,600 questionnaire responses, various fields and universities are embarking on the same path of curricular compatibility (but not uniformity) as the Europeans.

⁷⁰ Pablo Beneitone et al., *Reflections on and Outlook for Higher Education in Latin America. Final Report – Tuning Latin America Project 2004-2007* (Bilbao: University of Deusto and University of Groningen, 2007), 31.

⁷¹ Beneitone et al., *Reflections on and Outlook for Higher Education*, 32.

Political Science was not one of fields initially included for consideration in Europe or Latin America.⁷² Law and History are perhaps the closest disciplinary cousins that are participating. Let us turn to Law for inspiration.⁷³

VI. Proposed Metaprofile for Debate and Research

During the first academic term of 2014, the primary author offered a course called “Special Topics in Political Science 2: Teaching and Learning in Political Science” at the undergraduate level. Along with the student co-authors of this paper, we reviewed the historiography of Political Science in the U.S. and Brazil with an eye towards detecting or fomenting a more self-critical professional attitude. We worked in seminar fashion through much of review literature cited here as well as ALFA Tuning Latin America

⁷² ALFA Tuning Latin America has published the theory and research that yielded a metaprofile for each area: Rodríguez (2013) for History, Cárdenas (*Ensino Superior na América Latina*) for Psychology, Montañó López (*Ensino Superior na América Latina*) for Education, Cáceres (*Ensino Superior na América Latina*) for Administration, and Felix (*Educação Superior na América Latina*) for Law. Beneitone et al. (*Meta-perfiles y perfiles*) summarizes results on metaprofiles of all of the 15 contemplated areas in Latin America. The publications cited in our reference list are in Spanish or Portuguese, but all are or soon will be available in English on the main Tuning website (<http://www.unideusto.org/tuningeu/>).

⁷³ The Law School is the epicenter of competence-based curricular reform at the University of Brasília. As Political Science and Law shared the same building on campus for over twenty years, the primary author found it impossible to ignore what was happening in one of the most hamstrung and stodgy of the disciplines. He also participates in the Law School’s MA and PhD programs and was gradually immersed in the debates between and among professors and students. The key player in the competence movement was a law professor who, not coincidentally, coordinated the area of Law in Latin America for the ALFA Tuning Project since 2004. Previously, she had been part of earlier curricular discussions and initiatives circulating with the Ministry of Education and the Brazilian Bar Association since the mid-1990s.

The School finalized their proposal for University administration approval this year. The process and the outcome of two years of work yielded a striking departure for the law degree, universally recognized in Brazil as formalistic, conservative, and nationally uniform in structure and content. The model that will likely be implanted over the next few years reduces the number of required courses by half, institutes research seminars as a course requirement, and mandates service learning at the undergraduate level. Professors will teach fewer courses, probably be able to publish more (with their students), and students will learn more and with greater confidence.

The competence approach was a difficult “sell” at first, especially among the professors. Even some students would prefer that the curriculum remains the way it is. But the approach has clearly established a presence (Felix, “O Projeto ALFA Tuning e a área de Direito”) and syllabi and course activities are being “tuned” around the notion of competence outcomes.

publications. We had two or three contentious meetings where we hammered out a proposal of generic competences for Political Science with a view towards creating an advocacy group for the approach within the Undergraduate Program. This excursion into subversive Political Science resulted in this text to which we now welcome readers' reactions.

We propose a more systematic discussion of competence-based teaching and learning in Political Science, perhaps drawing on the Law-Latin America lists of generic and specific competences (see Figures 1 and 2). We did not propose to substitute words "Law" and "lawyers" with "Political Science" and "political scientists" in these lists. Rather, we viewed them as examples of how a profession can critically de- and reconstruct its cognitive and behavioral building-blocks to arrive at a wider vision of teaching and learning.

Figure 1

Generic Competences for Law (Latin America)

- 1) Capacity to identify, formulate, and resolve problems by applying knowledge.
- 2) Capacity for organization and planning.
- 3) Social responsibility and commitment to citizenship.
- 4) Capacity to communicate disciplinary knowledge in distinct contexts.
- 5) Capacity to research, process, and analyze information from a variety of sources.
- 6) Capacity to learn and update learning permanently.
- 7) Critical and self-critical capacities.
- 8) Capacity to react to new situations creatively.
- 9) Capacity to make reasoned decisions.
- 10) Capacity to work as part of a team, motivating and facilitating common goals.
- 11) Interpersonal abilities.
- 12) Commitment to environmental preservation.
- 13) Valuation and respect for diversity and multiculturality.
- 14) Ethical commitment.
- 15) Commitment to quality.

Source: Translated and adapted from Felix.⁷⁴

⁷⁴ Loussia P. M Felix, *Educação Superior na América Latina: reflexões e perspectivas em Direito* (Bilbao: Universidad de Deusto, 2014), 20.

Figure 2
Subject Specific Competences for Law (Latin America)

- 1) Identify, interpret, and apply the general principles and rules national and international judicial systems in concrete cases.
- 2) Evaluate axiologically possible courses of action within the judicial system.
- 3) Commitment to human rights and the democratic rule of law.
- 4) Capacity to work in teams in your own area of expertise and in interdisciplinary teams, enriching the commitment to the law and the solution of complex cases.
- 5) Capacity reason, argue, and decide juridically.
- 6) Promote a culture of dialogue and the use of alternative means of conflict resolution.
- 7) Dominate the required languages necessary for the exercise of the profession in a globalized and multicultural context.
- 8) Apply appropriate methodologies in legal research.
- 9) Capacity to critically analyze relevant juridical situations and contribute to the creation of juridical institutions and solutions in general and in specific cases.
- 10) Capacity to elaborate texts express oneself in fluent technical language, using precise and clear legal terms.
- 11) Capacity to act validly and effectively in different administrative and judicial instances.
- 12) Capacity to decide if the factual circumstances are sufficiently clear so as to lead to a sound legal decision.
- 13) Act ethically in the exercise of one's professional functions.

Source: Translated and adapted from Felix.⁷⁵

We feel our reflections are tentative and insufficient at this point and we do not propose a closed set of competences for adoption. Instead, we propose for debate that the Political Science teaching and learning community, perhaps under Tuning auspices, organize specific and systematic examinations of the advantages and disadvantages of adopting competence-based teaching and learning for Political Science along the lines of the various Tuning experiences. This examination might take various forms, e.g., future professional association panels or roundtables or contact and discussion with similarly-minded forums.

Figure 3 is offered to the Tuning (and non-Tuning Political Science) community in this spirit.

⁷⁵ Felix, *Educação Superior na América Latina*, 21.

Figure 3
Proposed Generic Competences for Political Science

- 1) Capacity to identify, formulate, and resolve problems by applying knowledge.
- 2) Capacity for organization and planning academic and professional activities, both individual and collective.
- 3) Socio-environmental responsibility and commitment to citizenship and democratic values.
- 4) Capacity to communicate disciplinary knowledge in distinct contexts.
- 5) Capacity to research, process, and critically analyze information from a variety of sources.
- 6) Capacity to learn and update learning permanently.
- 7) Capacity to react to new intellectual, political, and social situations creatively.
- 8) Capacity to work as part of a team, motivating and facilitating common goals.
- 9) Valuation and respect for diversity and multiculturality.
- 10) Ethical commitment as an intellectual and citizen.

Source: Student-led deliberations in Special Topics in Political Science 2: Teaching and Learning in Political Science (First Semester 2014, IPOL/UnB)

As educators, as we focus on developing these capacities in our students, we will have to think about how (both inside and outside the classroom) we would address what knowledge, what abilities, what attitudes, and what values will be developed through the curriculum at strategic moments. Curriculum is not the only component of a pedagogical project; curriculum is conflated with courses. Teaching is not just a question of transmitting content; content is outdated the moment our students graduate (if not before). Curriculum generally and erroneously equates content with the development of competencies, the fundamental and long-term goal of education.

Political Science must radically shift its emphasis and methods of teaching and learning from content to competencies. Modeled on the work of the Tuning Project of the European Commission and related experiences in Brazil, this paper offered a modest initial proposal for rethinking the teaching and learning of Political Science at the undergraduate level. Comparisons, contrasts, and reflections were drawn from the examples of the Political Science Program and the Law School at the University of Brasília.

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Towards a concept of Communicative Competence in Health: a qualitative study in medical residents¹

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Abstract: Despite the wealth of literature surrounding the importance of effective communication in the clinical practice, there is a dearth of consensus in the literature on what communicative competence in health (CCH) is, and the practices of meaningful health communication. Seventeen residents (17) were invited to share their thoughts on the concept of communicative competence in health and on difficulties they encounter during their clinical practice related with communication. The aim of this study was to gain a better understanding of CCH with emphasis on the implications in the medical curriculum, teaching, learning and assessment. Three focus group discussions were conducted with the clinical supervisor. The results were audio-taped, transcribed verbatim and analyzed using principles from grounded theory for qualitative data analysis.² The 135 open codes and defined axial codes were discussed and a number of conceptual frameworks were utilized to disentangle the concept of CCH. The focus group themes related to the concept of communication in health, its importance and difficulties, the role of the physician and health personnel. The participants felt their own training did not prepare them to establish effective communication with patients and relatives. Some barriers include lack of time and lack of institutional priority given to communication issues. The techniques originating from grounded theory permitted to define a broader concept of CCH with the following three specific scopes: biological perspective (objective world), social (social world) and subjective world (expressive-aesthetic). This new concept of CCH is central to understanding how the health communication process occurs, where a myriad of individual (physician, patient, staff, relatives), organizational and societal interrelated factors influence health decisions and practice. These components need

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² Anselm Strauss and Juliet Corbin, *Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory* (California/ London: Sage Publications, 2008).

to be addressed by medicine schools, health institutions and other stakeholders in the planning and designing a new model of curricula.

Keywords: Health communication; communicative competence; medical competences; medical communication skill; medical education.

I. Introduction

A healthcare culture of rationed resources and targets that focus on outputs can compromise professionals' ability to respond to the needs of individual people.³ Complaints about professional communication focus on the loss of humanity when patients ask for help and feel they are treated as part of a system and not as individuals.⁴

It is universally accepted that communication, with emphasis on the experience of the person, is essential for all student health care professionals.⁵ The recent consensus statement on the content of medical students' communication curriculum places respect for others at the centre of the *communication curriculum wheel*.⁶ It is recognized, at undergraduate level, that the competences included in this *wheel* are higher order skills.^{7,8}

However, the majority medical curricula in Colombia do not include formal training in communication skills and some of them are best acquired in a clinical context, during all stages of training. This learning tends to

³ Paul Bate, Peter Mendel, and Robert Glenn, *Organising for quality: The improvement journey of leading hospitals in Europe and the United States* (Oxford: The Nuffield Trust, Radcliffe Publishing, 2008).

⁴ Elizabeth Anderson, Jenny Ford, and Lucy Thorpe, «Learning to listen: Improving students' communication with disabled people,» *Medical Teacher* 33, n° 1 (2011): 44-52.

⁵ Universities UK, «Statement of guiding principles relating to the commissioning and provision of communication skills in preregistration and undergraduate education for healthcare professionals Universities UK,» United Kingdom, 2003.

⁶ Paul Kinnersley and John Spencer, «Communication skills teaching comes of age,» *Med Educ* 42 (2008): 1052-1053.

⁷ Adrian Hastings, Robert McKinley, and Robin Fraser, «Strengths and weaknesses in the consultation skills of senior medical students: Identification, enhancement and curricular change,» *Med Educ* 40, n° 5 (2006): 437-443.

⁸ Simon Watmough, Anne Garden, and David Taylor, «Does a new integrated PBL curriculum with specific communication skills classes produce Pre Registration House Officers (PRHOs) with improved communication skills?,» *Medical Teacher*, 28, n° 3 (2006): 264-269.

decline with time unless regularly recalled and practised.^{9,10,11,12} Most medical schools and hospitals find it still difficult to implement clinically-based, longitudinal communication skills training programs.

Coherent models for teaching communication skills in clinical practice have been developed and diffused in other countries.¹³ However, extending communication training coherently into clerkship and residency and ensuring that clinical faculty supports and teaches communication skills beyond the formal communication course remains challenging.^{14,15,16}

It is possible that part of the problem lies in a weak understanding about what communicative competence in health is? As pointed out by Cook there is an urgent need for clarification research to advance the science of medical education.¹⁷ This view is supported by de Haes who stated that the evidence on medical communication is underdeveloped.¹⁸ Conceptual models in this area are still lacking. The aim of this study was to gain a better understanding of factors affecting communication process in health setting as a first phase for developing a broader category called CCH.

Qualitative research helps us to understand why and how communication occurs in the physician-patient relationship and offer rich resource for communication skills trainers and curriculum developers. The focus group

⁹ Joseph Flaherty, «Education and evaluation of interpersonal skills,» in *The interpersonal dimension in medical education*, ed. Agnes Rezler and Joseph Flaherty (New York: Springer Verlag, 1985), 101-146.

¹⁰ Knut Aspegren, «BEME Guide No. 2: Teaching and learning communication skills in medicine – A review with quality grading of articles,» *Medical Teacher* 21 (1999): 563-570.

¹¹ Association of American Medical Colleges, «Report 3. Contemporary issues in medicine: Communication in medicine,» Washington, DC., 1999.

¹² Charlotte Rees and Paul Garrud, «Identifying undergraduate medical students' attitudes towards communication skills learning: a pilot study,» *Medical Teacher* 23, n° 4 (2001): 400-406.

¹³ Jonathan Silverman, Suzanne Kurtz, and Juliet Draper, *Skills for communicating with patients*, 2nd ed. (New York: Radcliffe Publishing Ltd., 2013).

¹⁴ Suzanne Kurtz et al., «Marrying content and process in clinical method teaching: Enhancing the Calgary-Cambridge guides,» *Acad Med* 78 (2003): 802-809.

¹⁵ Katrien Bombeke et al., «Patient-centredness from education to practice: The 'lived' impact of communication skills training,» *Medical Teacher* 34 (2012): e338-e348.

¹⁶ Lavjay Butani et al., «Attributes of residents as teachers and role models – A mixed methods study of stakeholders,» *Medical Teacher* 35 (2013): e1052-e1059.

¹⁷ David Cook, Georges Bordage, and Henk Schmidt, «Description, justification and clarification: a framework for classifying the purposes of research in medical education,» *Med Educ* 42 (2008): 128-133.

¹⁸ Hanneke De Haes and Jozien Bensing, «Endpoints in medical communication research, proposing a framework of functions and outcomes,» *Patient Educ Couns.* 74 (2009): 287-94.

method was chosen because it is an appropriate method to elicit a wide range of ideas and opinions on a well-defined topic.

II. Methods

1. *Participants*

The study was conducted under a period of six months in 2010-2011. Seventeen (17) first (9) and second year (8) residents of Medicine Postgraduate Program in Health Science Faculty in the Universidad Tecnológica de Pereira were recruited. They worked on the wards of Internal Medicine (7), Psychiatry (7) and Critical Care Units (3) in the Hospital Universitario San Jorge-Pereira-Colombia. In their undergraduate medical curriculum, this group had had diverse experiences of communicative competence development, from formal courses to ward's communication learning practices with patients and teachers.

The study was approved by Universidad Tecnológica de Pereira Research Ethics Committee. All participants provided written informed consent prior to participation. To achieve the transparency, the author kept the participants informed of the study progress throughout the whole process.

A focus group with a number of clinical residents evaluated their experiences of interacting with patients, relatives and health personnel, their own communication abilities and difficulties encountered during the process of the communicative competence development. The data saturation point determined the number of focal groups.

2. *Interventions*

Table 1

Focus group discussion guide

1. What qualities do you think make a physician a good "communicator"?
2. What behaviours do you observe that affect the physician-patient communication process?
3. If you could imagine a training program to teach communication skills:
 - a. What topics do you think should be taught?
 - b. What methods do you think should be used?

A discussion guide was developed with input from a group of clinicians experienced in communication and researchers experienced in focus group methodology (Table 1).

3. *Objective*

The objective was to determine the external and internal factors affecting the health communication process and how communication skills can be taught, learned and practised.

We hypothesized that having a more comprehensive concept of communication in health contexts would facilitate a more accurate approach on complexity and diversity of communication process between physicians and patients.

4. *Analysis*

Focus group sessions lasted 120 minutes. Transcribed data from the focus groups, and free text comments from memos were typed into Microsoft Word and analysed. All personal identifiers were removed in order to maintain anonymity and confidentiality. Themes were coded and sorted using the principles of Grounded Theory.¹⁹ New insights about the concept of CCH were written down in memos. The first stage (open coding) involved the identification of broad themes in which the data were taken apart and examined for differences and similarities. These first-level categories were then broken down into further subcategories (stage two, axial coding). The emerging themes were ranked in order of prominence and summarised.

The interpretative phase was based on the data triangulation process, which put together the information of the three parties involved.²⁰

- Informants' input: information directly obtained from the participants.
- Information gathered: the theoretical analysis made by the researcher through all the phases of the process.

¹⁹ Barney G. Glaser, *Basics of Grounded Theory Analysis: Emergence Vs. Forcing* (Mill Valley, CA: Sociology Press, 1992).

²⁰ Don Des Jarlais, Cynthia Lyles, and Nicole Crepez, «Improving the reporting Quality of Nonrandomized Evaluations of Behavioral and Public Health Interventions: The Trend Statement,» *American Journal of Public Health* 94 (2004): 361-366.

- Researcher's information: the researcher's position, based on his/her personal remarks, memoranda, field journals and complementary personal documents.

Given the qualitative nature of the data, findings are reported in broad terms (e.g. most, many, several, some and few).

III. Results

Three focus groups were conducted. Participants included 17 physicians with the average age 32 years (for the sample of each group, see Table 2). 135 open codes were created. The overall analysis shows that health communication is a critical part of health practice, but there was a dearth of consensus among the participants on what CCH is, and the practices of ideal health communication. Two main themes emerged from the analysed data: **Communication in Clinical practice; and Communication in the context of Medical Education.** The results are presented using these themes with their categories and sub-categories (Table 3). Quotations are included in the results to illustrate how the interpretation is grounded in the data. Interviews were conducted in Spanish, translated in English by a professional translator; and for each quotation, the original transcribed text is provided, in italics, between parenthesis, for the sake of transparency.

Table 2
Description of the focus groups

Main indication(s)	Group 1	Group 2	Group 3	Total
Number	6	6	5	17
Year of residence (1°:2°)	3:3	3:3	3:2	17
Gender (male:female)	5:1	5:1	5:0	17
Age (\bar{X})	30.8	31.3	33.8	32

1. *Communication in the Clinical Practice*

1.1. Actors

1.1.1. The physician must be a physician and look like one

Some participants put emphasis on the physical appearance, the need to use the white robe as a way to fit in with the image the patient has regarding the physician. In general, it is the social concept about the physician, his/her physical aspect and his/her attire, among others, wearing the white robe as a symbol of neatness and status.

...and I think the appearance matters, not in the sense of boasting of how neat my robe is, or the fact that I am wearing a tie or I am dressed up, but it must be respectful as to how this appearance projects before their patient; at least well dressed, not trying to be superior, as we are really equals, but at least the basic rules we would also expect from the other person. (...y creo que la apariencia importa no en cuanto a ostentar de que tengo la bata pulcra, de que tengo corbata, adornado, pero si debe tener un respeto en cuanto a cómo se va a proyectar ante su paciente, por lo menos arreglado, digamos, cierta presentación, no tratando de ser superior al otro, porque en realidad somos iguales pero si por lo menos las normas básicas que uno esperaría también de la otra persona que viene a hablar.).²¹

The patient also has to trust that in the human being who is wearing the white robe, a man/woman who is close, can help them.

Besides the issue of the clothing, I am not the right person to say it, but I believe the habit makes the man; if one is a physician, we have to feel as such, and the robe gives us not the status of a physician, but the status that I can help you. (*Aparte, lo de la vestimenta, no soy el más correcto para eso, pero creo que obviamente el hábito hace al monje, si uno es médico, tiene que sentirse como un médico y la bata le da a uno no el estatus de ser médico sino el estatus de que puedo ayudarlo a usted.*)²²

In other words, the presence of the white robe is necessary in order for the communication process between the doctor and the patient to start.

²¹ Participant 1, codenamed C69ABP13 for confidentiality reasons. Group 1. Date and place of interview: Clinical Sciences Department – Room 3, 13 August 2012.

²² Participant 2, codenamed C81DEP17 for confidentiality reasons. Group 2. Date and place of interview: Clinical Sciences Department – Room 3, 22 February 2013.

Table 3
Analysis process and resulting themes

Subcategories	Categories	Themes
Physician	Actors	Communication in Clinical practice
Patient		
Family		
Health System	Environment for health communication	
Time for medical encounters		
Tools for an effective communication in the clinical practice		
Context	Tools for an effective communication in the clinical practice	
Emphatic Listening		
Bidirectionality	Learning and Teaching communication skills	Communication and Medical Education
Comprehensive Training		

1.1.2. The patient

Many participants think that the kind of patient determines the kind of communication. The vital cycle (childhood, adulthood and old age), the type of disease, its progress and prognosis, the patient's perception about feeling ill and the functional disability. These factors determine the success of the communicative act and its effectiveness.

... And most important thing that I think the doctor should have is an ability to take the patient's perspective or put oneself into the shoes of the patient, i.e. imagine that if I were in his place, with the same condition, how it would be, what would happen ... I think these are two fundamental things that a doctor must have in order that there is good communication between the physician and the patient. (*...y lo más importante que me parece el médico debe tener una capacidad de ponerse en el lugar del paciente o ponerse en los zapatos del paciente, o sea, detectar si yo estuviera en el lugar de él, con esa misma condición, como sería todo, como pasaría... me parece que son dos cosas fundamentales que debe tener un médico para que haya una buena comunicación entre el médico y el paciente.*)²³

²³ Participant 3, codenamed C3AMP1 for confidentiality reasons. Group 1. Date and place of interview: Clinical Sciences Department - Room 3, 31 August 2012.

1.1.3. The family

Family nowadays adds to the bilateral relationship between the physician and the patient. During the interventions, the importance of the family as part of comprehensive health care and important source of gratification for the patient was highlighted, without leaving concerns and difficulties behind.

The second point I should mention is the family, as an important nucleus in the physician-patient relationship. APA [American Psychiatric Association] guidelines or recommendations suggest (ideally) the participation of the family during reanimation, but this is not done in our cultural environment not because it is difficult to train physicians, but it is very difficult to train the assistant staff. *(El segundo punto frente al que tendría que hacer mención, es la familia, como núcleo importante dentro de la relación médico paciente, las guías o recomendaciones de la APA [Asociación Americana de Psiquiatría] sugieren la participación de la familia en los instantes de reanimación que sería lo ideal, que en nuestro medio culturalmente no lo hacemos, por las dificultades que tenemos en cuanto al entrenamiento no del personal médico sino de los otros que asisten.)*²⁴

Many participants agreed that communication with the family is different from communication with the patient, as it requires special conditions and entails different expectations.

time one communicates with the patient or the family, there has to be a comfortable environment, with the patient and his/her family sitting, comfortable, so that one can look at them in their eyes, face to face. First, it is necessary to find out what the patient or his family knows about the disease, what have they heard about it, what do they know about it. *(Siempre que uno va a comunicarse con el paciente, con la familia, primero tiene que haber un ambiente cómodo, que ojala el paciente o la familia, todos estén sentados, que todos se sienten cómodos, que uno pueda mirarlos a los ojos, frente a frente, primero intentar averiguar que es lo que el paciente o que es lo que la familia sabe de la enfermedad, qué es lo que le han comentado, cuál es el conocimiento que tienen.)*²⁵

²⁴ Participant 4, codenamed C84aChP18 for confidentiality reasons. Group 2. Date and place of interview: Clinical Sciences Department - Room 3, 22 February 2013.

²⁵ Participant 5, codenamed C27WBP4 for confidentiality reasons. Group 1. Date and place of interview: Clinical Sciences Department - Room 3, 31 August 2012.

1.2. Environment for health communication

External elements that affect the communication process during the physician-patient meeting are included in this category.

1.2.1. Health care system. An obstructive system.

Consensus was reached about the health system as a barrier to promote effective health communication. The quality of health services was frequently thought to be poor and therefore more detrimental to patients' recovery than helpful. The "health system" was most often blamed for not allowing for protracted conversations with patients. Prolonged waits for specialized consultations, medications and surgeries in most cases are contributing factors that affect physician-patient relationship.

...as long as there are no changes in the entire health system and the entire health structure we are creating, it is like ploughing on arid soil, because, as long as the doctor is limited by time, by a number of bureaucratic obstacles, by a business health model that hinders him/her from prescribing medicines, from requesting for the tests he/she deems pertinent, he/she will not be able to establish empathy or a proper physician-patient relationship. (...*mientras no haya un cambio, en toda la estructura de salud y en todo el sistema de salud que estamos creando, esto es arar en terreno árido porque mientras el médico esté limitado. por un tiempo, por una cantidad de trabas burocráticas limitado por un modelo de negocio en salud que le impida formular medicamentos, que le impida pedir los exámenes que considere que su criterio definiera, no va, no va a establecer una empatía o no va a establecer una adecuada relación médico-paciente.*)²⁶

Unlike the kind of physician that the health system provides, many participants yearn for the physician that was around a few decades ago (the small town doctor), gifted with good communication skills and the ability to listen, among other qualities. The *small town physician* rises as a model that society confronts to the current, more "scientific" physician, with less communication skills.

...one sticks to a model and we see, as a friend here said, that it is the small town physician model, who contextualizes the patient, considers several aspects, goes deeper, has a good relationship with the family... it is a very

²⁶ Participant 6, codenamed C18IPP3 for confidentiality reasons. Group 1. Date and place of interview: Clinical Sciences Department - Room 3, 31 August 2012.

good model. (...uno se rige a un modelo y vemos como menciona el compañero, que es el modelo del médico del pueblo, que es un modelo que contextualiza el paciente, tiene en cuenta varias cosas, profundiza, tiene buena relación con los familiares, es un modelo muy bueno.).²⁷

The small town physician you mentioned (whom we knew for 8 years), enters the patient's world, gets to know his/her family, the person who takes care of the elderly, or the child, or if the mother and father of the child in question are not there and there is a nanny, etc. He/she establishes a series of different communication acts for different people. (*El médico del pueblo que decían ustedes aquí, durante 8 años conocimos, entonces es entrar en ese ámbito de los pacientes, conocer su familia, conocer quien cuida el viejito o quien cuida este niño, o si la mamá y el papá de este niño no están, está la empleada y establecer una serie de comunicaciones diferentes para con diferentes tipos de personajes.*).²⁸

1.2.2. Time for medical encounters

Most of the participants were confronted with barriers such as time pressure, workload and service schedules that impede an emphatic communication. In addition, many participants stressed the importance of a "listening physician" as a means to ensure a more accurate clinical diagnosis.

I long for the physician who took the time to sit and talk with his/her patient, and gets to know him/her, because now one imagines that type of situation: you move around while the patient goes to the examination table, takes his/her clothes off, you examine him/her and then write the report and prescription on the computer; 15 minutes are gone. (*Me da mucha nostalgia del médico que antes podía tomarse el tiempo para sentarse y hablar con su paciente y conocerlo, porque ahora usted se ve abocado a una situación de esas y usted voltea a mirar y mientras la paciente se sube, le quita la ropa, la examina y se hace la nota en el computador, la fórmula y todo esto, ya se le fueron los 15 min.*).²⁹

²⁷ Participant 7, codenamed C74CFP14 for confidentiality reasons. Group 2. Date and place of interview: Clinical Sciences Department - Room 3, 22 February 2013.

²⁸ Participant 8, codenamed C106aAGP26 for confidentiality reasons. Group 3. Date and place of interview: Clinical Sciences Department - Room 3, 30 August 2013.

²⁹ Participant 9, codenamed C91MVP20 for confidentiality reasons. Group 2. Date and place of interview: Clinical Sciences Department - Room 3, 22 February 2013.

Another frequently mentioned aspect in the communication competence was *time efficiency* without putting aside either the patients or the doctor's agenda.

[We want] a system where the physician can have a paramount role and can sit and talk with his/her patient. (*[Queremos] un sistema en el que nuevamente el médico pueda tener un papel estelar y sentarse a conversar con su paciente.*).³⁰

1.3. Tools for an effective communication in the clinical practice.

The participants describe a wide range of anticipated and expected outcomes covering many dimensions of health and psychosocial issues that influence the success in a medical-patient relationship in order to achieve an effective communication.

1.3.1. The importance of context.

Some participants said that meaningful communication mostly depends on the physician's attitude, the clinical environment and the time available for the interview.

... and they go straight to the point, with a focused clinical interview; we understand that time limit is a factor, as well as administrative matters; the key is not to interrupt the patient, being empathetic, so that the patient trusts us; leave him/her talk freely about his/her complains and the reasons for the appointment. (*...y empiezan a apuntar ya en relación y hacen un interrogatorio completamente enfocado y entiende uno que es por la limitantes del tiempo y la parte administrativa y todas esas cosas, pero lo clave y lo fundamental es que uno deja al paciente al inicio, no interrumpirlo para lograr una empatía y que él confíe en uno, dejarlo hablar libremente para saber cuáles son sus quejas y lo que lo está motivando en ese momento a venir a la consulta.*).³¹

This communicative competence concept comprises several variables, such as time, the depth of the interview, and the clinical environment, among others.

³⁰ Participant 9, codenamed C57MVP11. Focus Group 2, 22 February 2013.

³¹ Participant 10, codenamed C49JJP8 for confidentiality reasons. Group 2. Date and place of interview: Clinical Sciences Department - Room 3, 22 February 2013

...the contexts where physicians work should be taken into account; that is, clinical practice. Communication is different if it takes place in the private practice, as it is in the ER or in the ward, or in the ICU. There are situations in the different services that allow us more time to obtain the information required. (*...debería tenerse en cuenta los contextos en donde nos movemos los médicos, o sea, las clínicas. La comunicación es diferente en la consulta externa, como es diferente en urgencias, como es diferente en las sala como será diferente en una unidad de cuidado intensivo. Hay situaciones en los diferentes servicios que le permiten a uno tener más tiempo para obtener la información que se requiere.*).³²

Another aspect is that we have to categorise communication according to the type of patient since communicating with the patient who goes to the clinical practice is different from communicating with the one who is in the hospital, they are in different environments. Then, sometimes I see that physicians that are going to work in private practices are very well trained, which is different in the case of hospitals, because it is not easy to differentiate what the patient needs and what he/she wants. (*Otra cosa es que también tenemos que dividir de pronto la comunicación con el paciente que asiste a consulta que es muy diferente a la comunicación que uno tiene con el paciente clínico, con el paciente hospitalizado en otro ambiente diferente, entonces a veces yo veo que lo que forman es muy bien es al médico que va a hacer consulta pero qué difícil es lo que necesita el paciente lo que quiere el paciente y lo que yo logro ver en el ambiente hospitalario.*).³³

1.3.2. The physician as empathetic listener

Empathic listening was also directly linked to positive therapeutic effects. Some argue that when the doctor does not listen to the patient's concerns it can lead the patient to mistrust their own judgement, intuition and the signals their bodies are transmitting.

...and last, but not least, what I think is that the most important aspect is in the physician-patient relationship that you mentioned earlier: the empathetic listener; empathy is the ability to bring to my actions, to my conversation and to my language the feeling and motivation for the patient to trust me. (*...y lo último, que a mí me parece que es lo más importante para la relación medico paciente, lo dijeron ustedes mismos: el oyente empático,*

³² Participant 8, codenamed C110AGP27. Focus Group 3, 30 August 2013.

³³ Participant 11, codenamed C43CGP7 for confidentiality reasons. Group 1. Date and place of interview: Clinical Sciences Department - Room 3, 31 August 2012.

*empatía es la capacidad que tengo de imprimirle a mis acciones, a mi dialogo y a mi lenguaje ese sentimiento, esa motivación para que el paciente llegue a mí.*³⁴

Unlike “passive listening”, many respondents agreed on presenting a type of physician focused on “active listening” or “attentive listening”, which includes, among other actions, waiting prudently, facilitating the patient’s reply, catching his/her non-verbal language and stimulating physical contact. In short, making the patient see in the physician all the qualities that make him/her feel confident and express him/herself without any fear.

*...in the first 30 seconds, you have to begin to establish rapport or trust with our patient; if we achieve from the very first seconds to establish this trust, he will start talking about his/her life. (...en los primeros 30 segundos uno tiene que empezar a establecer lo que nosotros llamamos un rapport o una confianza en nuestro paciente si logramos desde los primeros segundos entablar esa confianza, el va a empezar a soltar toda su vida).*³⁵

*...and finally, body language is very important, as I said; I always make physical contact with my patients, as I think that, more than just words, it is preferable to hold his/her hand, shake it [...] “step down”, become an equal and emphasize with their position. (...y por último, existe un lenguaje corporal bien importante, que lo decía ahora y me parece espectacular, yo siempre toco los pacientes, me parece más importante que uno decirle a los pacientes muchas cosas, muchas palabras, tocarlo, darle la mano, saludar el paciente de mano [...] bajarse, igualarse y ponerse en la posición de cada persona).*³⁶

There is the hermeneutics: what are you saying to me with your face, with the volume or your voice, with the prosody; also, I have to pay attention to how I say things and what I am saying, and what this means to you. (*Estoy teniendo en cuenta que ahí ya entra la hermenéutica, usted qué me está queriendo decir con sus caras, qué me está queriendo decir con el volumen de su voz, con toda la prosodia y poner mucha atención en cómo estoy diciendo las cosas y qué es lo que estoy diciendo, y qué significa para usted lo que yo estoy diciendo).*³⁷

³⁴ Participant 12, codenamed C97JCP23 for confidentiality reasons. Group 2. Date and place of interview: Clinical Sciences Department - Room 3, 22 February 2013.

³⁵ Participant 13, codenamed C7MNP1 for confidentiality reasons. Group 1. Date and place of interview: Clinical Sciences Department - Room 3, 31 August 2012.

³⁶ Participant 8, codenamed C109AGP27. Focus Group 3, 30 August 2013.

³⁷ Participant 14, codenamed C118APP33 for confidentiality reasons. Group 3. Date and place of interview: Clinical Sciences Department - Room 3, 30 August 2013.

2. Communication and Medical Education

2.1. Learning and Teaching communication skills. Towards a concept of CCH.

The focus group explored participant's positive and negative attitudes to communication skills development during medical education. Some of the participants indicated to be shocked by the huge disparities between the training ground of communication learning and real practice. Apparently, neither communication skills learning nor clerkship education had provided them with the tools to build comprehensive patient-centred communication in real practice. Some participants, however, recycled these "basic materials" and used them to create their personal models of being patient-centred.

I think we should have stronger grounds to conduct the clinical interview, such as knowing how to obtain the information and how to give information, because Faculty teaches us to be a doctor, but how to communicate and how to be a gentleman one learns at home, it starts with good manners. (*Creo que uno debería tener unas bases más fuertes para poder dirigir el interrogatorio, saber extraer la información, saber dar noticias, porque a uno en la facultad le enseñan a ser doctor, pero la comunicación y el ser señor viene desde la casa, desde los modales.*).³⁸

For some participants, their professors are not good models of meaningful communication, neither in the classroom nor in the clinical practice sites.

At least in my faculty, we were allocated a number of patients, and we received a theory of clinical interview and a theory of the clinical record, but the teachers leave and one has to get in touch with the patient, interview him/her, by oneself. (*Por lo menos en mi facultad a nosotros nos distribuían una serie de pacientes, a usted le dan una teoría del interrogatorio y una teoría de la historia clínica pero él se va y usted solo tiene que llegar a tener contacto con el paciente, interrogarlo.*).³⁹

Errors in the preponderance of the result over the process are described. It is more important to obtain a trustworthy diagnosis than the communication act that was part of the process.

No, and there was no one with me when I was interviewing the patient, they only looked at the results; when the specialist or professor asks about the

³⁸ Participant 11, codenamed C46CGP8. Focus Group 1, 31 August 2012.

³⁹ Participant 11, codenamed C38CGP6. Focus Group 1, 31 August 2012.

patient, you have a number of signs and symptoms, but [the professors] did not know how you draw them, how did you obtain the information. (*No, ni alguien estaba pendiente de mí cuando yo estaba haciendo el interrogatorio con el paciente, solo veían los resultados, cuando pasa el especialista o el profesor a decir qué tiene el paciente, usted tiene una serie de signos y síntomas pero [los profesores] no supieron cómo los adquirió, como los extrajo, cómo obtuvo la información.*).⁴⁰

During the years of study of the clinical speciality, the communication model learnt during the pre-graduate years seems to prevail.

I have never seen the ICU head, from here or from the hospital where I am doing my internship, to go out and talk to the patients' families. They generally leave that unpleasant role to us, medical students. A system or time period to receive the patients' families is not established either. (*Yo nunca he visto al jefe de la unidad de cuidado intensivo ni de acá ni del hospital donde me estoy entrenando salir y hablar con las familias de los pacientes. Generalmente ese papel tan maluco nos lo dejan a nosotros los residentes. Ni tampoco está estatuido un sistema o un espacio en el tiempo en el que se pueda atender a las familias de los pacientes.*).⁴¹

Besides positive attitudes to patient-centredness, responsibility towards "own" patients and creativity were found to be two important drivers stimulating this ever-developing process.

This concept of communication in health is better understood if we consider both the doctor and the patient as subjects, and not as a subject and an object. Indeed, the concept of communication competence appeared to be shifted from a list of attitudes and skills to the wishes of individual, real patients themselves within their unique context.

Simply try to find this relativity and balance when giving health care to the patient; but that is something one has to learn, understand and it does not have to be so standardised. (*Simplemente tratar de buscar esa relatividad y ese equilibrio en su atención al paciente, pero eso simplemente lo va aprendiendo uno, uno lo va a entender y no tiene que ser tan estandarizado.*).⁴²

⁴⁰ Participant 11, codenamed C39CGP7. Focus Group 1, 31 August 2012.

⁴¹ Participant 9, codenamed C58MVP11. Focus Group 2, 22 February 2013.

⁴² Participant 15, codenamed C120SCP36 for confidentiality reasons. Group 3. Date and place of interview: Clinical Sciences Department - Room 3, 30 August 2013.

2.1.1. Bidirectionality

Communication in health is acknowledged as a dynamic process, with its depth and multiple directions.

I think we have to consider it as a dynamic model; the relationship with the patient is not unidirectional, but bidirectional; also, it is necessary to consider the patient's family. *(Me parece que hay que tenerlo como un modelo dinámico, la relación del paciente que tengo al frente no es algo unidireccional, es algo bidireccional, hay que tener en cuenta también a los familiares del paciente.)*⁴³

... because many times I cannot do a clinical interview, but a crisis interview; many times they [ER doctors] have to make an crisis interview because they need to obtain this information quickly, because they have to decide, they have to do it faster and make quick decisions; it goes from focused interview to clinical interview and it is during an interview that we have feedback. *(...porque muchas veces no puedo hacer una entrevista y me toca hacer un interrogatorio, muchas veces ellos [los médicos de urgencias] se ven obligados a hacer un interrogatorio porque necesitan esa información rápido, porque tienen que decidir, porque les están exigiendo que tienen que ir más rápido que tienen que tomar decisiones rápido, va del nivel de interrogatorio al nivel de entrevista, y en la entrevista es donde vamos para ambos lados.)*⁴⁴

2.1.1. Comprehensive training

Linked to the communication process, several clinical residents mentioned the integral training at university as the process that guarantees the harmonic development of all the individual's dimensions: scientific, technological, ethical, cultural, social and humanistic, as expected from a good medicine professional.

We have forgotten the physician's integral context; I would like that, in the future, our training includes the arts; physicians playing music, talking about literature, or theatre, because that is going to make us more sensitive, allowing a much more acute diagnostic and therapeutic approach in favour of our patients. Also, this would allow us to improve our empathy and place

⁴³ Participant 16, codenamed C98AFP23 for confidentiality reasons. Group 3. Date and place of interview: Clinical Sciences Department - Room 3, 30 August 2013.

⁴⁴ Participant 16, codenamed C104AFP24. Focus Group 3, 30 August 2013.

us in an adequate context. (*Nos hemos olvidado del contexto integral del médico, me gustaría que a futuro hubiese en nuestra formación ese momento de hacer integralidad hacia las artes, me imaginaria a médicos haciendo música, hablando de literatura, hablando de teatro, porque eso nos va a llenar de sensibilidad y nos va a permitir una aproximación diagnóstica y terapéutica mucho más acertada para nuestros pacientes, y eso nos va a poder mejorar nuestros niveles de empatía y poder contextualizarnos de una manera adecuada.*)⁴⁵

...[he/she] must be a leading physician, who co-ordinates all the specialists; he/she has to go back to humanism and not to positivism, as we are currently witnessing. (*...debe ser un médico líder que coordine a todos los especialistas y que sea como ese médico volver a la parte no del positivismo que estamos viendo actualmente sino del humanismo.*)⁴⁶

The data show that CCH may have different content within different medical specialities without it losing strength or value. The differences between specialities in time frames of physician-patient relationships, in acute versus chronic nature of illnesses, and kinds of treatments all seemed to require differentiations within the care rooted concept of “patient-centredness”.

IV. Discussion

This study was aimed at identifying the relationships framework in which the physician participates during his/her professional career. The results highlight the need to create empathetic and efficient communication with the patient and his/her family, not only expecting to decrease the possibility of complaints and suits in an increasingly discontinuous and fragmented model, but in the hope to restore the full dimension of medical practice.

First, this study highlights the increasing importance of family as an active and important participant of a successful medical intervention. In general, the type of communication of the patient reflects the communication model prevailing in his/her family. The physician has to be able to identify the type of family he/she is going to interact with.⁴⁷ Thus, the families vary

⁴⁵ Participant 4, codenamed C84ChP17. Focus Group 2, 22 February 2013.

⁴⁶ Participant 12, codenamed C95JCP22. Focus Group 2, 22 February 2013.

⁴⁷ Elayne Wittenberg-Lyles, Joy Goldsmith, and George Demiris, «The Impact of Family Communication Patterns on Hospice Family Caregivers,» *Journal of Hospice and Palliative Nursing* 14, n° 1 (2012).

regarding their communication habits between *conformists* and those that favour *open* communication. Identifying the kind of pattern prevailing in each family will allow the physician to plan his/her meetings and to obtain better results in the decision-making process and communication of bad news.⁴⁸ This identification is crucial in specific subgroups. Like what was reported by other study in Critical Care Units, the subgroup of Critical Care medical students agreed on highlighting the importance of the family in communicating serious situations and on questioning how their professors taught those specific skills.^{49,50} On the other hand, unlike what Bascuñan reported^{51,52} about being threatened by the increasing autonomy and information the patients and their families have, many participants agreed that, in Colombia, the patient and his/her family still behave passively during the meeting with the physician.

Secondly, although the results of the present study agreed with those of Bascuñan on confirming the influence of the health system in the loss of autonomy of the physicians, they disagree about the role allocated to the patient. In the current Colombian health system, due to the fatigue of both patients and doctors, it is foreseeable that the initial contact between the physician and the patient is more a confrontational model than that of negotiation of interests.⁵³

In general, changes in the physician-patient relationship and how they affect communication with the patient and his/her family, tend to be perceived as heteronomous and not autonomous. That is, as events determined by external factors (healthcare system, the patient, the time of the interview, among others) which directly modify the doctors' individual acts and their professional role. Although this autonomous component was not dealt with thoroughly in this study, its importance is acknowledged, as well as the need

⁴⁸ Mirjam Körner, Heike Ehrhardt, and Anne Steger, «Designing an interprofessional training program for shared decision making,» *Journal of Interprofessional Care* 27 (2013): 146-154.

⁴⁹ Kristen Schaefer, and Susan Block, «Physician communication with families in the ICU: evidence-based strategies for improvement,» *Current Opinion in Critical Care* 15 (2009): 569-577.

⁵⁰ Noelle Junod et al., «Clinical supervisors' perceived needs for teaching communication skills in clinical practice,» *Medical Teacher* 31 (2009): e316-e322.

⁵¹ María Bascuñan, «Cambios en la relación médico-paciente y nivel de satisfacción de los médicos,» *Rev Méd Chile* 133 (2005): 11-16.

⁵² María Bascuñan, «Desarrollo de habilidades comunicacionales en medicina,» *Pediatría al día* 21, n° 5 (2005b): 47-50.

⁵³ Nelson Herrera et al., «Representaciones sociales de la relación médico paciente en médicos y pacientes en Bogotá, Colombia,» *Rev. salud pública* 12, n° 3 (2010): 343-355.

to encourage it during the early phases of the individual's development. In teenagers, the relationship between social skills and how their mothers raised them can be established.⁵⁴ Regarding autonomy and decision-making, the data obtained is similar to what has been reported herein; that the physician's cultural competency (ability to understand and adapt to the cultural, social and geographical context of the patient) is associated to a greater adherence and higher perception of the patient's autonomy in the decision making process.^{55,56,57}

It is worth noting the lack of comments about communication with work teams, in contrast with other studies that highlighted the importance of good communication in specific health teams. For example, in the ER, the participation of other professionals and resources is frequently needed. In such teams is highly challenging to achieve effective communication, especially regarding confidentiality and accuracy in handing over shifts, frequent interruptions of the rhythm of work, the types of patients and diagnoses among others.⁵⁸

Third, the study allowed the communication process in health to be conceived as a dialogue line where medical actions occur in a continuum in which many factors interact. The line is bi-directional and goes from clinical information obtained from the patient and from the clinical record to a true communication with a deep interaction between the doctor, the patient and the family. It is a mutual gain of trust, among strangers, through language, in order to obtain the expected therapeutic result and adherence to treatment. It follows a spiralling movement instead of lineal. It is necessary to start from the relation achieved, frequently repeat information and build on what has been mutually understood (Figure 1)

⁵⁴ Judi Brownell, «Elwood Murray: Pioneering Methodologist in Communication,» *Communication Education* 63, n° 4 (2014): 329-343.

⁵⁵ Pippa Hall et al., «Communication skills, cultural challenges and individual support: challenges of international medical graduates in a Canadian healthcare environment,» *Medical Teacher* 26 (2004): 120-125.

⁵⁶ J Rencic, A Liles, and Caridad Hernández, «The relationship between patient race and patients' perceptions of their physicians' Cultural Competence and Patient-Centered Communication Skills,» *Journal of Investigative Medicine* 53, n° 1 (2005): S24.

⁵⁷ Amina Mahmud et al., «Health communication in primary health care - A case study of ICT development for health promotion,» *BMC Medical Informatics and Decision Making*, 2013: 13-17.

⁵⁸ Laura Mercer, «Patient perspectives on communication with the medical team: Pilot study using the communication assessment tool-team (CAT-T),» *Patient Education and Counseling*, 2008: 220-223.

Figure 1
Dialogic line

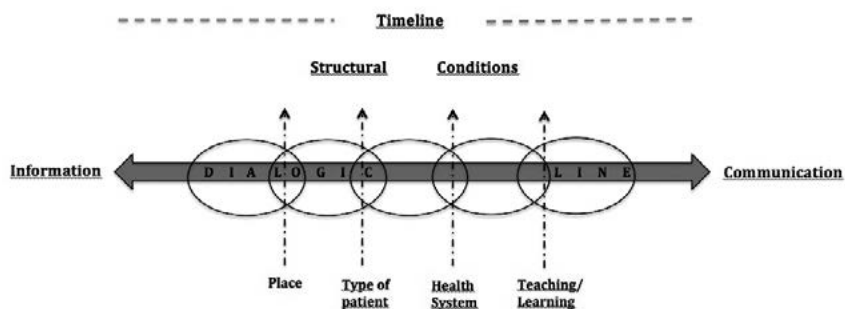


Figure 1

The dialogic line occurs in the temporal dimension. Information and communication are at the ends of the line. An increasing complexity of the process is assumed, which is affected by the structural conditions (place, type of patient and health system, among others), which are interrelated and subject to different kinds of tension.

Those conditions of making the medical action (process) possible were called *structure*. The process and the structure are closely linked. For example, in an emergency context, with critically ill patients, the dialogue line will tend to obtain important information (focused interview) instead of a communication where the mutual understanding of the health problem or a joint revision of the decision prevails.

Finally, regarding Communication and Medical Education and the possibility of attaining empathetic communication, the study highlights the need to design Medical School programmes that include developing skills allowing physicians to establish significant communication with the patient, the family and the health team. There are trustworthy and valid tests that provide guidelines for training and determine the standards for the professional practice.⁵⁹

This study identified two specific key elements that must be present in any medical communication curriculum:

- Attentive listening

⁵⁹ Daniel Duffy et al., «Assessing Competence in Communication and Interpersonal Skills: The Kalamazoo II Report,» *Acad Med* 79 (2004): 495–507.

Attentive listening was identified as an important subcategory to achieve an effective communication. Our study supports the theory stating that physicians, as **empathetic listeners**, reinforce the healing process, increase adherence to the treatment and improve the patient's prognosis.^{60,61,62,63} In this respect, Jagosh, in 2011, described three types of advantages of developing this skill in physicians: (a) attentive listening as an important component to gather clinical data and diagnose; (b) attentive listening as healing and therapeutic agent; and (c) attentive listening as a means to boost and strengthen the physician-patient relationship.⁶⁴

- Comprehensive training.

As described in the literature, many participants highlighted the importance of comprehensive training regarding significant communication with patients. Markakis demonstrated the importance of humanistic education in medical students as a way to achieve professional competency.⁶⁵

1. A new approach: CCH. The three dimensions

The attempt to achieve a more comprehensive category that responds to the complexity of the physician-patient relationship is not new. In 1956, Szasz and Hollender suggested that there are three social models of relationship. The first, called activity-passiveness is based on the dominant role, bearer of the knowledge, of the physician, in comparison with the complete submission of the patient. The second model, called guided cooperation, expects cooperation and acceptance of the patient of the decision made by the physician. The third model, of mutual participation,

⁶⁰ Melissa Wanzer, Melanie Booth-Butterfield, and Kelly Gruber, «Perceptions of health care providers' communication: relationships between patient-centered communication and satisfaction,» *Health Commun* 16 (2004): 363-384.

⁶¹ Annette Davidsen, «Experiences of carrying out talking therapy in general practice: a qualitative interview study,» *Patient Educ Couns* 72 (2008): 268-275.

⁶² Brian Haynes et al., «Interventions for enhancing medication adherence,» *Cochrane Database Syst Rev* 16, n° 2 (2008).

⁶³ Kelly Haskard and Robin DiMatteo, «Physician Communication and Patient Adherence to Treatment. A Meta-Analysis,» *Med Care* 47 (2009): 826-834.

⁶⁴ Justin Jagosh et al., «The importance of physician listening from the patients' perspective: Enhancing diagnosis, healing, and the doctor-patient relationship,» *Patient Education and Counseling* 85 (2011): 369-374.

⁶⁵ Kathryn Markakis et al., «The Path to Professionalism: Cultivating Humanistic Values and Attitudes in Residency Training,» *Acad. Med* 75 (2000): 141-150.

implies an active role of the patient in the discussion and decision making process.⁶⁶

Tatossian in turn, considered the inner world of the physician and the patient. He described a model that emphasises a direct relationship at an intellectual, affective (conscious or subconscious) level, but also in an imaginary world, the world of fantasy. The physician cannot focus only on the affected system (typical of a model focused on the organ) but on the patient as a whole, who is a compendium of sensations and feelings.⁶⁷

This study acknowledges, in the confirmation of the medical act as a communicative act, the role of language as universal mediator of any human action, and acknowledges the argumentative power of the medical language in the purpose of healing the sick person, but also as means to show the truth, in a broader and flexible sense, fed by the patient's expectations, his/her family and surroundings.

The dialogue line described above assumes, during the initial clinical interview, a basic level of understanding the meanings of the statements uttered in the doctor's office, but this first step only reaches understanding level when this act allows acknowledging the other person, his/her differences and culture. Therefore, there is a hermeneutic level, which can be reached through dialogue and the need to reach possible and desirable agreements. It is in the ontological level of language where the physician and the patient argue and persuade each other.

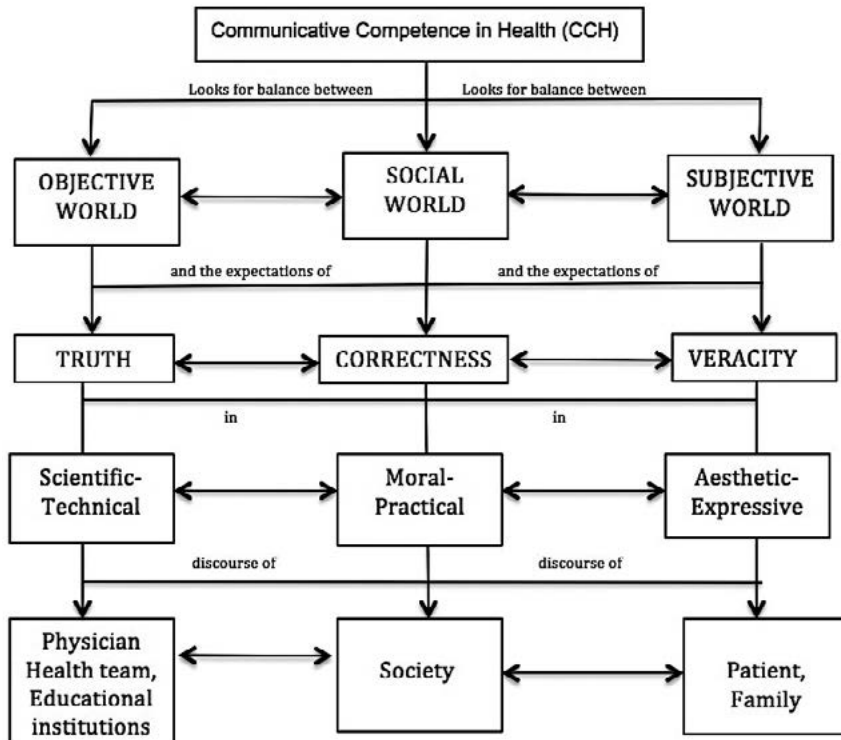
To conclude CCH presupposes acknowledging the existence of three worlds (*objective*, *subjective* and *social*) and three validity expectations (truth, correctness and veracity), which are permanently relating in dynamic balance. These validity expectations are broken down in three scopes (Figure 2).

⁶⁶ Thomas Szasz and Marc Hollender, «A contribution to the philosophy of medicine; the basic models of the doctor-patient relationship.» *A.M.A. Archives of Internal Medicine* 97(5), 585-592. 1956.

<http://ezproxy.utp.edu.co/docview/81844107?accountid=45809>(last access: 2 de May de 2012).

⁶⁷ Arthur Tatossian, *The Phenomenology of Psychosis* (Paris: Masson, 1979).

Figure 2
Conceptual map of CCH



3. 1. Expectation of truth

Expectation of truth refers to the *objective* world. For the physician, it is the permanent application of clinical judgement, a mixture of skills and knowledge throughout the clinical interview. The action is teleological within the *objective* world. Healing is the basis for the actions arising from the physician-patient relationship. This kind of argument is usually identified with the real world due to its force and possibility of verification (e.g. Medicine Based on Evidence).

3. 2. Expectation of correctness

Expectation of correctness is in the scope of the *social* world. It authenticates the actions and speeches, by appealing to normative speech. It is society who expresses itself through the values, aiming at justifying censorship or approving actions by means of reasons. The physician must, apart from the scientific objectivity, be able to interpret the social speeches about health and adapt them to his/her special context.

3.3. Expectation of veracity (credibility)

Expectation of veracity refers to the *subjective* world of communication, where authenticity or the lack of it in the speech depends on its agreement with actions. Physicians and patients live in this *subjective* world. The medical act begins with self-comprehension and recognition of the other as an autonomous being who is facing an obstacle for his/her life project.

This study provides valuable insights into factors that need to be taken into consideration when one considers the health communication process and the different circumstances in that physician-patient relationship occurs.

CCH is defined as the combination of necessary behaviour, knowledge and skills to acknowledge and balance these three worlds and their respective expectations of validity during the meeting with the patient, the family and the health team.

This study raises a number of questions that could be addressed through future research including development of methodology and courses to incorporate this new category in the health education programmes.

V. Final thoughts and Recommendations

This qualitative study describes the perception of a group of medical residents about the phenomenon of communication in health and delves into the understanding of the elusive concept of communication in health setting.

With respect to the physician-patient relationship, the majority of the focus group highlighted the importance of establishing a quick and trustworthy connection with the patient. Such connection can be achieved through empathetic listening: from the perspective of the patient, while taking into account the physician's and the patient's conditions and visions of the world.

“Effective speaking” is only possible after “effective listening”. Developing the capacity of paying attention and listening is as important (and it may be as difficult) as developing the ability to express ourselves.

Family is a key factor in the decision-making process. The physician’s ability to establish a significant communication with the family will allow him/her to effectively make them part of the decision making process, as well as to properly handle the conflicts that may arise throughout the process.

The methodology used, based on the guidelines of grounded theory, allowed identification of three scopes within the medical setting (objective, social and subjective), and three types of validity expectation (truth, correction and veracity). The physician has to develop communication skills that allow him/her to reach a balance among those three worlds in order to achieve a significant communication with his/her patient aimed at reaching their main objective: healing and the prompt return to the patient’s life project.

VI. Limitations

The findings of the focus group discussion should be carefully interpreted in the light of the methodical limitations of the study. The selection bias leads to restrictions regarding the generalizability of the results. Similar studies with patients and employers are lacking, which might restrict us in generalizing the findings and discussing applicability of CCH in other contexts. Finally, since social influences appear to play such an important role in the development of CCH, an ethnographic approach could have complemented the category with valuable insights.

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Forum

Curriculum development: panacea or poison?

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Abstract: The November 2014 issue of the Tuning Journal appeared under the theme “Policy and Implementation: Actions for Curriculum Reform”. This article is a personal reflection on the role of curricula in achieving the aims of the European Higher Education Area (EHEA) and beyond. Its background is the postulate that the most important goals of the Bologna Process are essentially the improvement of mobility and recognition at all levels of higher education. Curricula can be used to encourage mobility and recognition or to hinder them, but as an element of the education process they have been treated very unevenly during the development of the EHEA. Well-designed curricula are vital, but must not be misused. In the European climate of today, the development of regional, national or even international curricula is neither possible nor necessary.

Keywords: Curricula; learning outcomes; mobility; recognition; Bologna.

I. Introduction

Every degree course has a curriculum. Logical, but not always true. Not in all subjects in all countries of the European Higher Education Area. Not pre-1999. But we are now living in a “Brave New World”. So where are we now?

After fifteen years, it is worth looking back at the Bologna declaration of June 1999,¹ which has had such a dramatic influence on higher education in Europe and indeed, directly and indirectly, throughout the world. The expressed aims of the 29 ministers who signed the Declaration (joined in later stages by 17 more) were only six in number. They were brief and concise, expressed in only 248 words.

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¹ “The European Higher Education Area: Bologna Declaration,” accessed June 9th, 2015, http://www.magna-charta.org/resources/files/BOLOGNA_DECLARATION.pdf.

Point one deserves to be quoted verbatim: “Adoption of a system of easily readable and comparable degrees, also through the implementation of the Diploma Supplement, in order to promote European citizens employability and the international competitiveness of the European higher education system”.

At that time degrees within Europe were not easily readable and certainly not comparable, except (on paper) for the doctoral degree, which we shall come to below. The easiest form of mobility was to move to another institution at the end of one’s “first degree” in order to study for a doctoral degree. But these first degrees had a host of different titles (not easily readable) and were of different lengths (not comparable).

While this first point in the Declaration made it clear to national higher education systems that modification would be necessary, in itself it did not sound threatening. The real dynamite in the Declaration was point two:

Adoption of a system essentially based on two main cycles, undergraduate and graduate. Access to the second cycle shall require successful completion of first cycle studies, lasting a minimum of three years. The degree awarded after the first cycle shall also be relevant to the European labour market as an appropriate level of qualification. The second cycle should lead to the master and/or doctorate degree as in many European countries.

These 70 words were the central point in the Declaration. The new “first” or “undergraduate” cycle was then unknown except for a few countries on the geographical fringes of Europe. Three-year degrees were also practically unknown across the Bologna area. The idea that a university degree should be “relevant to the European labour market” was (and still is) anathema to many university teachers. And the third sentence would have been completely unclear to many readers: “the second cycle should lead to the master AND doctorate degree” would mean that there should be THREE cycles (now, as we know, the Bologna process indeed includes three). “The second cycle should lead to the master OR doctorate degree” would mean that the “first cycle” *could* lead directly to a doctorate. A three-year degree as the prelude to a doctorate? When I studied in the UK (1961-1967) this is exactly what I experienced: it was the norm. But again such an idea was then anathema to very many university teachers throughout Europe.

Point three was much more concrete, calling as it did for “the establishment of a system of credits – such as in the ECTS system – as a proper means of promoting ... mobility”. Let us remind ourselves that ECTS (the European Credit Transfer System) was initially established in 1988 and

expanded in stages. By the time the Bologna Declaration was signed, nearly 1300 higher education institutions (HEIs) had already introduced ECTS or had (on paper at least) committed themselves to doing so.²

For comparison, in 2011 the total number of HEIs in the EU-28 countries was around 4000,³ while the Russian Federation, a Bologna signatory, had over 1100 educational institutions of university level in that year.⁴

ECTS is now THE credit transfer system in the European Higher Education Area (EHEA), and has been renamed “Credit Transfer and Accumulation System”. It has undergone various developments in the interim (not all of them positive), and remains highly contentious at departmental level in very many institutions.

The *last three points* dealt with the promotion of:

- Mobility for teachers and students.
- European cooperation in quality assurance.
- The necessary European dimensions in higher education.

While all three were vital for the construction of the planned EHEA, they will probably not have appeared contentious to the great majority of readers.

A closer look at point six does however show that it would turn out to contain one of the stumbling blocks to the creation of the EHEA: “Promotion of the necessary European dimensions in higher education, particularly with regards to curricular development, inter-institutional co-operation, mobility schemes and integrated programmes of study, training and research”.

II. European Dimensions?

Before the signing of the Declaration there were no European dimensions in higher education at all, and certainly not in the area of curricular development. But the point to be made here is that curricula were recognised as an aspect of university internationalisation that needed to be taken into account. Institutions did of course cooperate with each other in various ways and ERASMUS was there to deal with mobility. The idea of “integrated

² “ECTS – European Credit Transfer System,” accessed January 23, 2015, http://www.aic.lv/ace/ace_disk/ECTS/Abo_ECTS.htm.

³ “European Commission, Eurostat. Tertiary Education Statistics,” accessed January 23, 2015, http://ec.europa.eu/eurostat/statistics-explained/index.php/Tertiary_education_statistics.

⁴ “Russian Education HE Statistics,” accessed January 23, 2015, <http://www.russianenic.ru/english/rus/statenhe.html>.

programmes of study, training and research” does not seem to have been taken further in the Bologna Process.

When read quickly, point six in fact sounds reasonable and logical. The new degree structures would make student mobility much easier, so that the setting up of multitudinous mobility schemes via inter-institutional cooperation agreements would become feasible because of the presence of curricula which were valid across European countries. The “integrated programmes” could perhaps become almost a by-product which would deal with mobility at the doctoral level (which the Declaration did not however actually include).

One of the rationales behind Tuning was that the creation of international Subject Area Groups (SAGs) would promote discussions which would help to create a European “way of thinking” in higher education. Tuning, as we now know, was hugely successful and spread beyond Europe to various regions of the world. But at the beginning it was a small, tender plant which needed nourishing by its SAGs.

How do we actually develop curricula with a European dimension? Well, if the student was planning to take a degree in “European Studies” one might think that curricular aspects should not be a stumbling block in creating degree programmes. The document “Reference Points for the Design and Delivery of Degree Programmes in European Studies”⁵ produced by the relevant SAG does include the word “curriculum” in its Conclusions:

Since the general objective of any European core curriculum must be to keep a rich diversity of teaching and learning, attempts to bring about standardisation must be avoided. Yet the group was also convinced that such standardisation is necessary neither for student mobility nor for the portability of degrees. We believe that there is sufficient comparability in the core elements, and in the learning outcomes sought by the degrees, for these objectives to be realised. Students should gain the core competences in any European studies programme.

One should note that the document talks of a “core curriculum”. So where do we find this in the document? On p. 24 we find the following:

Core of European studies for first cycle

- Knowledge of ideas/concepts of Europe.
- Knowledge of European integration.

⁵ “Reference Points for the Design and Delivery of Degree Programmes in European Studies,” accessed January 23, 2015, http://www.unideusto.org/tuningeu/images/stories/Publications/EUROPEAN_STUDIES_FOR_WEBSITE.pdf.

- Knowledge of European institutions and decision making policies.
- Knowledge of EU policies.
- Knowledge of Europe's changing role in the world.

Five points, each qualified by the highly abstract phrase “knowledge of”. One has the feeling that the SAG shied away from producing anything which could be recognized as an attempt to define a curriculum!

Perhaps, however, a differentiation is made in the Core for the second cycle? No, not at all. The same five points are present at second cycle level. The first and second cycle differ only in the “abilities” listed, which are not strictly curricular (input) aspects but outcome aspects.

All this is not intended to criticise the European Studies SAG in any way, but to demonstrate that, for whatever reasons, they did not wish to go down the road of curriculum development. For them it was apparently closer to a poison than a panacea.

III. The Wrong Example?

European Studies is a relatively young discipline, and perhaps curriculum development will play a role in its development in the future. Many other disciplines have clearly defined structures which *will* be the same across Europe. One might take as an example a registered profession, where rigid definitions of the education and training process are present (although these may well be outdated).

Medicine is an obvious case. The relevant Tuning Medicine document⁶ contains the following statement on curricular development: “Tuning is not an attempt to achieve rigid curricular uniformity – indeed one advantage of an outcomes-based approach is that diversity in educational process and curriculum structure can be preserved”.

No “European curricula”, but diversity in curriculum structure. The group which did the work in this area has defined “12 major (level 1) outcomes” and goes on to say that: “The Level 1 outcomes and ‘Medical professionalism’ are suitable for implementation as ‘curriculum themes’...”. The list of these outcomes is preceded by the highly abstract phrase “Graduates in medicine will have the ability to:”.

One could go on searching for information on the way curriculum development is seen by the various groups involved in Tuning, or indeed in

⁶ “The Tuning Project (Medicine),” accessed January 23, 2015, <http://www.tuning-medicine.com/use.asp>.

the development of teaching in other subjects. But this article is not intended to provide a statistical survey.

Let me own up to being a chemist and turn to my own discipline (I am a former chair of the chemistry Subject Area Group or SAG). Early on in our Tuning work, we, like others, realised that universities in many countries really needed concrete help in turning their (generally) “old” five-year degrees into the “new” Bachelor and Master structures, which at that time appeared to be destined to involve a three-year and a two-year degree. Diversity in this respect has since re-emerged in the EHEA.

In the course of time, Tuning developed a methodology, which is described on the Tuning Europe website.⁷ This included a model for designing, implementing and delivering curricula. Step 5 in the process is defined as “Translation into the curriculum: content (topics to be covered) and structure (modules and credits)”.

Naturally, the chemistry SAG was asked to look at points relevant to curriculum structure and development, but shied away from the idea of a model curriculum structure for chemistry first cycle degrees. Instead, it came up with what we called a “framework” for a first cycle degree, which we called **Eurobachelor**[®] (we did in fact trademark it later⁸).

During our initial work on the framework, we made the mistake of trying to attach numbers of ECTS credits to the major sub-disciplines of chemistry, i.e. to divide up the 180-credit “cake” into several large pieces. We were immediately attacked by the European organisation representing one of these sub-disciplines, which had already gone much further than we had thought of doing by drawing up a “Eurocurriculum” for their area. This had unfortunately been devised on the basis of a larger number of ECTS credits than we had tentatively allocated to it!

So we quickly realised that our framework should contain as few numbers as possible, and leave individual institutions to divide up the credit cake as they wished (subject only to two limitations, which have never really been challenged).

Thus the **Eurobachelor**[®] and the **Euomaster**[®] which followed it⁹ are NOT “model curriculum structures” but an attempt to provide a common way of looking at degree structures, the goals of course being mobility and

⁷ “Tuning Educational Structures in Europe: Tuning Methodology,” accessed January 23, 2015, <http://www.unideusto.org/tuningeu/tuning-methodology.html>.

⁸ Evangelia Varela, “The European Quality Labels in Chemical Sciences: applying the Tuning Methodology in quality assurance,” *Tuning Journal for Higher Education* 1, n° 2 (2014): 369-385, accessed January 23, 2015, <http://www.tuningjournal.org/index.php/tuning/article/view/31/19>.

recognition. These, as we know, are still often a huge problem in the EHEA.

IV. Do Mobility and Recognition profit from Common Curricula?

There is a simple answer to this question: NO! They profit from open-mindedness on the part of responsible faculty members and the will to accept that others teach differently than they themselves do. Am I trying to say that colleagues are often very narrow-minded in this respect? Yes. But such colleagues will not be readers of this Journal.

Now that the construction of the EHEA is considerably advanced, a problem arises in innumerable cases. The “cake” to which I referred above, however many ECTS credits it may comprise, has been divided up into what we are supposed to call “modules”, but which when we are honest are often just course units which may or may not have been subsumed into modules. I will not defend or attack what institutions are doing in this article, though as a former ECTS counsellor and Bologna Expert I do have clear notions as to what still needs to be done, and I will return to this point in the next section.

But what of the mobile student? He or she goes abroad and gains ECTS credits, hopefully on the basis of a Learning Agreement which both sides took seriously when it was drawn up. But as far as recognition is concerned we all know the “arguments against”, such as:

- The module/course A which they have only carries 8 credits, while ours carries ten.
- Their module B does not cover the topic X at all.
- In their module C they use textbooks which I have never heard of.
- ... and permutations, variations and combinations thereof.

The problem of course is that individual curricula can be very different (and individual academics very difficult).

And what of the bachelor graduate who wishes to move to another institution to do a Master’s degree? In an ideal world this should not be a problem for mobility within the EHEA. But we do not live in an ideal world. I remember an Italian member of the physics SAG in Tuning telling me in all seriousness that his institution would only accept a physics Bachelor from another institution if he/she had at least 10 credits in Nuclear Physics. For Nuclear Physics read “the French Revolution”, “Shakespeare”, “19th Century

Operas”, or whatever topic you can think of instead in your own subject. Again, the fault lies with individual curricula.

V. Curricula and Accreditation

The latest stage in the Bologna Process was the Ministerial Meeting held in Yerevan very recently. One of the products of this meeting was the adoption of the revised version of the European Standards and Guidelines (ESG).⁹ On page 5, there is a section called ESG: Purposes and principles. One of these being “They support mutual trust, thus facilitating recognition and mobility within and across national borders”. I would submit that this is not true. The ESG are interpreted by national QA bodies, which are not really interested in the international aspects of their work at all. One result of this is that the accreditation of Joint Degrees has until now been a problem of the highest order. Although the chemists` accreditation body ECTN, because of its international nature, has no problem in dealing with such programmes, however many institutions in however many countries they may involve.

In fact, unless I was careless in my reading, the new revised ESG use the word “curricula” only once, in the introduction! Thus curricula appear not to be a feature of the standards against which degree courses are measured. There are no criteria against which curricula are judged.

In fact, the ESG are not “European” at all! They are merely a set of rules which govern the work of accreditation agencies. They do nothing towards facilitating mobility and recognition. Accreditation agencies are, for example, not even requested to make use of international peers in their reviews. In fact, one large national accreditation system is allowed by the ESG to simply require institutions to tick boxes without the necessity of site visits. All this leads to the next question:

VI. Do We Still Need Curricula?

One might think that in this Brave New World of learning outcomes it is possible to do without curricula at all. Simply sit down at a drawing

⁹ “Revised ESG approved by the Ministerial Conference in Yerevan, on 14-15 May 2015,” accessed June 9th, 2015, https://www.eqar.eu/fileadmin/documents/e4/ESG_endorsedMay2015.pdf.

board and list the learning outcomes which a degree in subject X is intended to provide. Then give the student a list of these outcomes, together with a list of the modules on offer, each module in the list having a short description which includes the learning outcomes which it is intended to promote. And let them do their selection and their sums so that they come out at the end with 180 ECTS credits (or however many the particular degree carries).

No, curricula are important, nay vital. Faculty are responsible for setting up a curriculum which permits the student to achieve the defined learning outcomes. They define what is taught in years 1, 2 or 3. They decide which modules are compulsory and which elective. But today they cannot (or should not be allowed to) do their work without taking learning outcomes as the background to and *raison d'être* for this work.

Curricula are local, and should be so. They reflect the academic profiles of the teaching staff, and the defined profile of the institution. They cannot be devised on a regional, national, or international basis. *But the relevant learning outcomes can and should be international in nature.*

Tuning America, which of course came on to the stage much later than the original Tuning Europe, expresses the present Tuning philosophy very clearly:¹⁰ “Tuning, however, does not attempt to standardize curricula. As has been noted already, Tuning is a faculty-driven process that identifies an explicit core of competencies and learning outcomes. The core outcomes are not an attempt to standardize curricula or to create some sort of statewide or national curriculum”.

VII. Was It a Mistake for the Bologna Declaration to Refer to Curricula?

In the light of what has been written above, the reader would be forgiven for expecting that my answer would be a resounding *yes*. But that is not the case. The Bologna Declaration is a concise document which has revolutionised university education across Europe and beyond. None of the later Bologna communiqués can compare with its power and immediacy.

The Tuning Project was set up as a reaction to the Bologna Declaration. The latter was signed by ministers of education, who returned home and decided how (if at all) their national education systems should deal with

¹⁰ “Degree Qualifications Profile (DQP). What is Tuning?,” accessed January 29, 2015, http://degreeprofile.org/press_four/wp-content/uploads/2014/12/What-is-Tuning.pdf.

the Bologna goals. Some (for example the Netherlands) told institutions to get down to work on implementing Bologna straightaway, while others (like Germany with its decentralised federal structure) tended to do nothing. But the goal of Tuning was to help institutions to react to the Bologna proposals.

And where would institutions need the most help? With “Adoption of a system essentially based on two main cycles, undergraduate and graduate”. The then Tuning Management Committee saw itself with an apparently huge agenda and asked its SAGs to carry out various tasks which were devised to get faculty talking across national barriers. This worked, and the rest is history.

But, with the benefit of hindsight, more could and should have been done towards dealing with the “two main cycles”. The “first” cycle, now generally known as the Bachelor, was present pre-Bologna in the UK and Ireland, and in Finland. Almost all the other signatory countries started with a long four- or five-year degree. So to them and to their academics the introduction of a shorter degree meant that they would have to offer a “lower quality” degree, often characterised as being an “Anglo-Saxon” model.

Tuning in its initial SAGs could have been used as a discussion platform for devising logical ways of distinguishing between Bachelor and Master and their qualification levels. Based not just on learning outcomes, which were at that time very much an abstract quantity to academics (and very often still are, even today) but also on curricular aspects. European curricular reform could at that time have been the subject of useful debate *in terms of distinguishing between the first and second cycles*. With respect to the first cycle, this would admittedly have necessitated a considerable amount of input from UK, Ireland and Finland representatives, but to find the common denominators in these systems would have provided a starting point for other countries to join the discussion. And the first cycle *was* the problematic one for countries with no experience.

The chemistry SAG in Tuning had the advantage, like the physics SAG, that it could call upon academics from its already well-established Thematic Network to do work on Bologna which in some cases had already been the subject of internal discussion. Its members already knew each other. Thus it was able to get off the mark very quickly. We realised that institutions would need help in coming to grips with the Bachelor concept, and our discussions led to the **Eurobachelor**[®] concept mentioned above. We chose the term “Eurobachelor” because we felt that it could help to give a Bachelor graduate from Europe an identity for those outside Europe who did (then) not know that such an animal existed and what it represented.

Our hope was that other disciplines within Tuning would seize on this name and go down a similar type of route as we had, but this was not to be. (The trademarking took place later).

The reader is asked to note that the **Eurobachelor**[®] framework¹¹ is NOT a curriculum model. It has a descriptor to set the stage (as in “Dublin Descriptor”, but ours were written in Budapest). The closest it comes to thinking in a curricular manner is that it has a list of 15 topics which we considered as being common ground for a chemistry first cycle degree. This list was adapted from the British QAA benchmarks of 2001. But (as mentioned above) no type of quantification as to numbers of ECTS credits allocated is included. We do define a minimum “core” for the course, but institutions tend to think we should have set the core volume (50% of the total number of ECTS credits) much higher. The goals of the framework are the improvement of mobility and recognition, two key aspects of the Bologna Process.

VIII. The “Successful” Transition to Bachelor and Master

The EHEA is (more or less) in place and the successful transition from the “old long degrees” (such as the German Diplom) to Bachelor and Master is well on its way in some countries and complete in others.

This is what the Bologna ministers would like to believe: the European Students Union might well not agree. Progress has been made at a formal level, for example with the ministerial approval of the European Qualifications Framework in 2005. A useful short introduction to this framework appeared in 2008.¹²

Pages 4 and 5 of the above document contain the “Dublin Descriptors”, which seek to make a distinction between the three cycles of the Bologna Process. They are of necessity highly abstract, but nevertheless form the background to developing new Bachelor and Master programmes.

A next logical step would be to formulate such descriptors at a subject level, as was done by the chemistry Tuning SAG. Our descriptors form part

¹¹ Terence Mitchell and Richard Whewell, “ECTN. Employability of First Cycle Graduates. The Chemistry ‘Eurobachelor’[®],” accessed January 23, 2015, http://ectn-assoc.cpe.fr/chemistry-eurolabels/n/lib/1_eb/2-Eurobachelor_Documentation.pdf.

¹² “The Bologna Framework and National Qualifications Frameworks – an Introduction,” accessed January 23, 2015, http://www.ehea.info/Uploads/QF/Bologna_Framework_and_Certification_revised_29_02_08.pdf.

of the **Eurobachelor**[®] framework. It appears that not much work has been done in this area in other disciplines.

The language of descriptors is however not the language of academics, while quality assurance agencies and ministries are quite enamoured of them. I can provide an example of the difference between the points of view of the QA/ministry side and the academic side. The Joint Quality Initiative informal group, which was responsible for drafting the Dublin Descriptors, consisted mainly of representatives of Quality Assurance bodies and ministries.¹³ However, I happened to be present (as a representative of the German Accreditation Council) at the meeting which produced the descriptor for the third cycle. Naturally a draft was circulated, and to my surprise this did not contain the word “research”, although we were dealing with the doctoral cycle! Luckily I was supported at once in my objection to this omission by a second academic colleague (whose name unfortunately escapes me), and after some debate we succeeded in incorporation of this vital word in the first three sentences.

But I digress. At the beginning of this section I specifically used the phrase “successful transition”. The question here is to how one measures success. The mere replacement of a long degree by two consecutive shorter ones is not a measure of success, but a demonstration of political correctness. Innumerable students will have gone down the Bachelor/Master road since this was opened, and a very high proportion of these will have been frustrated and angry in turns. Why? Because the letter of Bologna has been followed, but not the spirit.

Bologna is about mobility, Bologna is about recognition. The Bologna transition to the new degree structure required curriculum reform, or curricular modification. And in too many cases departments or faculties first stuffed the Bachelor degrees with as much material as possible from the old long degree, did a quick calculation of how they could distribute ECTS credits, and then realised that they had no idea what to put into the Master programmes. Learning outcomes, if at all, were brought in later under pressure from outside. Assessment methods were as before.

Many of my readers may object to this analysis. Perhaps this is not the case in their institution or their department. And they are likely to be right,

¹³ “Draft 1 working document on JQI meeting in Dublin on 18 October 2004. Shared ‘Dublin’ descriptors for Short Cycle, First Cycle, Second Cycle and Third Cycle Awards,” accessed June 9 2015, http://paginas.fe.up.pt/~sfeyo/Docs_SFA_Bologna/120_Ref%20Doc_20041018%20%5BJQIG%20Dublin%20Descriptors%5D.pdf.

because they are reading the Tuning Journal, which means that they themselves are interested in educational reform and progress.

In November 2013 the German Hochschulrektorenkonferenz passed a resolution on “European Study Reform”, which they were kind enough to translate into English.¹⁴ The passages in inverted commas below are recommendations from this resolution (in the original these were in italics, but in the translation no italics were used, which makes it difficult to identify the recommendations clearly).

On recognition: *“To improve the recognition process, the Universities should ensure that the staff at the Universities are sufficiently familiar with the Lisbon Recognition Convention, the function and application of ECTS and the Diploma Supplement”*.

And again:

The university staff occupied with recognition must adopt the principle of generous recognition based on learning outcomes and skills, as represented by the Lisbon Recognition Convention. This involves not only applying the convention to studies carried out abroad, but also at the national level, for example, when students switch universities within Germany or during the transition from a bachelor’s to a master’s course.

Mobility and recognition:

Europe has taken the first step with the Lisbon Recognition Convention. From a European perspective, however, the German Universities must improve the framework for mobility and the recognition process. Each university has individual responsibility for this. University leadership should therefore work closely with faculties and departments to remove formal, procedural and content-related obstructions to mobility and endeavour to deliver appropriately short preparation times for periods in other countries.

On curricula:

Universities and the universities in particular should separate the bachelor’s and master’s content more than they have to date and encourage the students to try to tailor their study pathways individually, so that they do not necessarily reflect the 180+120 ECTS credits model dominating the universities.Transition to a master’s at another type of university should be supported and also be viewed as an opportunity by the

¹⁴ “HRK German Rectors’ Conference. European Study Reform. Recommendation of the 15th General Meeting of the HRK, 19 November 2013,” accessed June 9th, 2015, <http://www.hrk.de/resolutions-publications/resolutions/resolution/convention/european-study-reform/>.

Universities. The same applies to transitions to a master's in subjects that are not completely compatible. To do this, the Universities, provided they have the resources, should apply their admission procedures with greater leniency. Bachelor's and master's should not be assessed by their duration nor the number of ECTS credits, but by the skills that are learnt.

On assessment of learning outcomes:

University leadership should ensure that the university staff and students are familiar with the fundamental ideas of skill-oriented teaching and examining. This requires teachers to enter into dialogue with others, the provision of appropriate career development and the time and space to work on developing teaching and examinations.

Back to recognition: “..... Universities should adjust course organisation (advice, supervision, recognition of credits on moving from one subject or university to another, the feasibility of completing a study programme, etc.) to the reality of the students”.

And finally curricula again: “Universities must review their courses in terms of the feasibility of their successful completion within a certain period and of the unwelcome effects of compaction (lack of options), and where necessary modify them”.

These recommendations make it clear that “a lot still has to be done”. I am not singling out Germany for criticism, but simply using an example which is familiar to me to demonstrate the problems which are still being faced in many countries, many institutions and many subjects.

IX. Conclusion

Curricula are for local use, not regional or international use. Of themselves they need not be a Bologna concern, and their reform neither a panacea nor a poison. However, in the brave new Bologna world they can no longer be seen on their own, but must be linked with many other factors, and in particular with learning outcomes and ECTS credits (and the Diploma Supplement, an important but still flawed tool of the EHEA), as has been discussed above. Curricula determine the “input” which is designed to lead to “output” in the sense of (assessed) learning outcomes. They should really be prefaced in all cases by a Descriptor, to which reference can be made when they are being judged by external experts. A carefully-written Descriptor can take into account the competences to be achieved and the levels of such competences. Curricula must be written in terms of modules, each of these being accompanied by their foreseen learning outcomes.

In terms of mobility and recognition, the restrictive use of the mere *content* of curricula (and ECTS credits) as a sole or main measure of the quality of degree courses can certainly poison the atmosphere to which students across Europe are still very often subjected.

Contributors

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Editorial

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Changing perspectives in Legal Education: competence-based learning and the possibilities to improve access to justice via mediation skills

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A new paradigm for Political Studies: competence-based teaching and learning

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Towards a concept of communicative competence in Health: a qualitative study in medical residents

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Curriculum development: panacea or poison?

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Guidelines for Authors

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TJHE
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TJHE Ethical Guidelines for Publication

FINAL VERSION (MARCH 2015)

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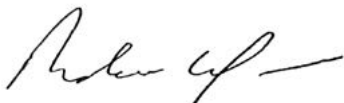
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Approved by the TJHE Editorial Board and signed on behalf of the Tuning Academy by:

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Research in Curriculum Development

Tuning Journal Volume 2, Issue No. 2, May 2015

Contents

Utah Tuning Project

Randall S Davies and David Williams

Changing perspectives in Legal Education: competence-based learning and the possibilities to improve access to justice via mediation skills

Loussia P. Musse Felix and André Gomma de Azevedo

A new paradigm for Political Studies: competency-based teaching and learning

Terrie R. Groth

Towards a concept on communicative competence in Health: a qualitative study in residents

Rodolfo Adrian Cabrales

Curriculum development: panacea or poison?

Terence Nigel Mitchell