

# PEER ASSISTED LEARNING, SKILLS DEVELOPMENT AND GENERATION Y: A CASE STUDY OF A FIRST YEAR UNDERGRADUATE LAW UNIT<sup>†</sup>

TRACEY CARVER\*

*The majority of current first year university students belong to Generation Y. Consequently, research suggests that, in order to more effectively engage them, their particular learning preferences should be acknowledged in the organisation of their learning environments and in the support provided. These preferences are reflected in the Torts Student Peer Mentor Program ('Program'), which, as part of the undergraduate law degree at the Queensland University of Technology ('QUT'), utilises active learning, structured sessions and teamwork so as to supplement student understanding of the substantive law of Torts with the development of life-long skills. This article outlines the Program and its relevance to the learning styles and experiences of Generation Y first year law students transitioning to university, in order to investigate student perceptions of its effectiveness — both generally and, more specifically, in terms of the Program's capacity to assist students to develop academic and work-related skills.*

## I INTRODUCTION

Peer assisted learning, as a formal concept, originated from an approach, developed at the University of Missouri-Kansas City in the 1970s by Deanna Martin, known as Supplemental Instruction.<sup>1</sup> Since then, universities have implemented various forms of peer assisted learning, or mentoring. These include: career mentoring by former students of final year students<sup>2</sup> and orientation mentoring or formal

<sup>†</sup> This article is based upon a paper presented by the author at the Australasian Law Teachers Association 65<sup>th</sup> Annual Conference, Auckland, New Zealand, 4–7 July 2010. It received the CCH-ALTA 2010 Best Legal Education Conference Paper Award. The author also acknowledges the assistance and support given to the Torts Student Peer Mentor Program by the past and present members of the Faculty's Torts teaching team and in particular, Frances McGlone.

\* B Bus (Accy) (Dist) LLB (Hons) *QUT*; LLM *Canab*. Senior Lecturer in Law and Coordinator of the Torts Student Peer Mentor Program, Queensland University of Technology, Faculty of Law, Brisbane, Australia.

1 See, eg, Deanna C Martin and David Arendale, 'Supplemental Instruction: Improving First-year Student Success in High-risk Courses' (Monograph Series No 7, Education Resources Information Center, 1992) <<http://www.eric.ed.gov/PDFS/ED354839.pdf>>.

2 See, eg, Nick James, 'How to Design and Administer a Successful Law Student Mentoring Program' (Paper presented at the Australasian Law Teachers Association 64<sup>th</sup> Annual Conference, Sydney, 5–8 July 2009).

tutoring<sup>3</sup> by latter year students of first year students. The focus of these programs, therefore, is often on the transition out of university and into professional practice, or from secondary education into university. However, whilst it is becoming more prevalent,<sup>4</sup> there has not always been as great an emphasis, as part of these transitions, on the use of students in the same unit cohort as a learning resource for each other within their degree. The Program, as part of the undergraduate law degree at QUT, addresses this by encouraging first year students to assist each other to develop the skills they need to be successful both as law students and as legal practitioners. As such, albeit through discussion facilitated by more senior students, it aims to supplement students' understanding of the substantive law of Torts with the development of academic and work-related skills.

However, the majority of first year university students now belong to Generation Y<sup>5</sup> and bring to the university context their own generational persona,<sup>6</sup> shaped by the social and technological climate of the cohort's childhood and teenage years.<sup>7</sup> Indeed, Generation Y, defined as those born between 1982 and 2002,<sup>8</sup> are the first student generation to have grown up with digital media and information technology in a developed, prolific form:

- 3 Whilst orientation mentoring focuses upon the general introduction of students to the university environment, formal tutoring emphasises the actual teaching of content or skills relevant to a degree of university study. In relation to the latter, see, eg, Dominic Fitzsimmons, Simon Kozlina and Prue Vines, 'Optimising the First Year Experience in Law: The Law Peer Tutor Program at the University of New South Wales' (2006) 16 (1–2) *Legal Education Review* 99, which considers the use of peer-to-peer small group tutoring to assist first year law students to learn the skills required to study law generally and outside the context of a particular unit; Sharolyn Belzer, Micha Miller and Stephen Shoemake, 'Concepts in Biology: A Supplemental Study Skills Course Designed to Improve Introductory Students' Skills for Learning Biology' (2003) 65(1) *The American Biology Teacher* 30, which considers a one semester skills course taught by students completing a degree emphasising college teaching.
- 4 See, eg, Jacques van der Meer and Carole Scott, 'Students' Experiences and Perceptions of Peer Assisted Study Sessions: Towards Ongoing Improvement' (2009) 2(1) *Australasian Journal of Peer Learning* 3; Maureen Donelan and Peter Kay, 'Supplemental Instruction: Students Helping Students' Learning at University College London (UCL) and University of Central Lancashire (UCLAN)' (1998) 32(3) *The International Journal of Legal Education* 287; Michael Parkinson, 'The Effect of Peer Assisted Learning Support (PALS) on Performance in Mathematics and Chemistry' (2009) 46(4) *Innovations in Education and Teaching International* 381.
- 5 Whilst this article uses the term 'Generation Y', this student generation is also known as 'Millennials': Neil Howe and William Strauss, *Millennials Rising: The Next Great Generation* (Vintage Books, 2000) 4, 12, 42; Diana Oblinger, 'Boomers Gen-Xers Millennials, Understanding the New Students' (2003) 38(4) *Educause Review* 37, 38; Diana Jonas-Dwyer and Romana Pospisil, 'The Millennial Effect: Implications for Academic Development' (Paper presented at the 2004 Higher Education Research Development Society of Australasia Conference — Transforming Knowledge into Wisdom: Holistic Approaches to Teaching and Learning, Sarawak, 4–7 July 2004) 194; Marc Prensky, 'Digital Natives, Digital Immigrants' (2001) 9(5) *On the Horizon* 1. They are also known as the 'Net Generation': Don Tapscott, *Growing Up Digital: The Rise of the Net Generation* (McGraw-Hill, 1999); Diana Oblinger and James Oblinger (eds), *Educating the Net Generation* (Educause, 2005).
- 6 Howe and Strauss, above n 5, 40. See also Mark McCrindle, *The ABC of XYZ: Generational Diversity at Work* (2005) Quay Appointments, 1 <[http://www.quayappointments.com.au/email/040213/images/generational\\_diversity\\_at\\_work.pdf](http://www.quayappointments.com.au/email/040213/images/generational_diversity_at_work.pdf)>; Mark McCrindle, 'Understanding Generation Y' [2003] (55) *Principal Matters* 28, 28–9.
- 7 McCrindle, *The ABC of XYZ*, above n 6, 1. See also Oblinger, 'Boomers Gen-Xers Millennials', above n 5, 44.
- 8 Howe and Strauss, above n 5, 4, 15.

[They] stay connected by using SMS, mobile phones, chatrooms and email while they simultaneously play computer games, listen to music and watch TV. They have adapted to continuous multitasking and switch from one activity to another quickly and with minimal readjustment time.<sup>9</sup>

Additionally, when compared to prior generations,<sup>10</sup> more Generation Y students have been raised by one parent, or have grown up with two working parents.<sup>11</sup> However, according to Howe and Strauss, rather than being left to their own devices, this has meant that Generation Y may be ‘the most supervised and scheduled child generation ever’.<sup>12</sup> ‘For most, hardly an hour goes by in which they are not within sight of a parent, a teacher, a coach, a relative, or a child-care provider ... or ... in supervised transit between various adult-watched activities’.<sup>13</sup> Life in general for Generation Y has therefore become such a ‘hands on’ and interactive experience, that traditional didactic approaches to teaching and learning may not meet the expectations of students raised on the internet, viewer voting television<sup>14</sup> and online multiplayer games.<sup>15</sup> Consequently, as the learning styles of this group are argued to differ from those of earlier student generations, current research suggests that, in order to more effectively engage them, Generation Y’s particular learning preferences should be acknowledged, both in the organisation of their learning environments and in the support provided.<sup>16</sup>

This article begins by examining the learning styles and experiences of Generation Y first year law students transitioning to university study. It then describes the Program implemented in the Torts A unit at QUT and how it supports these learning styles and experiences, both in terms of its structure and its academic and

- 9 Mark McMahon and Romana Pospisil, ‘Laptops for a Digital Lifestyle: Millennial Students and Wireless Mobile Technologies’ (Paper presented at the 2005 ASCILITE Conference — Balance, Fidelity, Mobility: Maintaining the Momentum, Brisbane, 4–7 December 2005) 421 (citations omitted).
- 10 Such as the Baby Boomers (born 1943–60) and Generation X (born 1961–81). See Howe and Strauss, above n 5, 41.
- 11 Afua Arhin and Versie Johnson-Mallard, ‘Encouraging Alternative Forms of Self Expression in the Generation Y Student: A Strategy for Effective Learning in the Classroom’ [2003] (November–December) *The Association of Black Nursing Faculty Journal*; Howe and Strauss, above n 5, 126.
- 12 Howe and Strauss, above n 5, 134. See also McMahon and Pospisil, above n 9, 168–9.
- 13 Howe and Strauss, above n 5, 134.
- 14 Such as ‘Big Brother’, ‘Australia’s Got Talent’ and ‘Idol’.
- 15 Such as ‘World of Warcraft’ (‘WoW’). See, eg, Oblinger, ‘Boomers Gen-Xers Millennials’, above n 5, 44; McCrindle, ‘Understanding Generation Y’, above n 6, 30; Jason Frand, ‘The Information Age Mindset: Changes in Students and Implications for Higher Education’ (2000) 35(5) *Educause Review* 15, 24.
- 16 Barbara Costello, Robert Lenholt and Judson Stryker, ‘Using Blackboard in Library Instruction: Addressing the Learning Styles of Generations X and Y’ (2004) 30(6) *The Journal of Academic Librarianship* 452, 453; Diana Oblinger and James Oblinger, ‘Is It Age or IT: First Steps Toward Understanding the Net Generation’ in Diana Oblinger and James Oblinger (eds), *Educating the Net Generation* (Educause, 2005) 2.1, 2.6, 2.15; Oblinger, ‘Boomers Gen-Xers Millennials’, above n 5, 38, 45; Kate Manuel, ‘Teaching Information Literacy to Generation Y’ (2002) 36(1–2) *Journal of Library Administration* 195, 209–10; Angela Weiler, ‘Information-seeking Behaviour in Generation Y Students: Motivation, Critical Thinking, and Learning Theory’ (2004) 31(1) *The Journal of Academic Librarianship* 46, 49; Chris Dede, ‘Planning for Neomillennial Learning Styles’ (2005) 1 *Educause Quarterly* 7, 7; Alison Black, ‘Gen Y: Who They Are and How They Learn’ (2010) 88(2) *Educational Horizons* 92, 92, 94; McCrindle, ‘Understanding Generation Y’, above n 6, 29, 31; Frand, above n 15, 24; Jonas-Dwyer and Pospisil, above n 5, 194, 200, 203; McMahon and Pospisil, above n 9, 422.

work-related skills focus. Finally, student perceptions of their learning experience are described and show that participating students generally find the Program to be effective in accommodating their learning preferences and university transition. They also consider that the Program positively impacts on their performance and their academic and, to a lesser extent, vocational skills development.

## II LEARNING STYLES AND EXPERIENCES OF GENERATION Y LAW STUDENTS

Like all students, Generation Y engage better with learning approaches that are perceived to be relevant or ‘anchored within [their] own experiences’.<sup>17</sup> Accordingly, whilst it cannot be assumed that the educational preferences of all first year undergraduate law students are necessarily homogeneous,<sup>18</sup> active learning, structure and teamwork, have been identified amongst the prominent learning styles of Generation Y.<sup>19</sup> As discussed below, these preferences are accompanied by an increased emphasis upon skills development,<sup>20</sup> or process over content.

### A Active Learning

Given the multimedia environment in which they live,<sup>21</sup> Generation Y have been found, perhaps unsurprisingly, to be kinaesthetic learners.<sup>22</sup> Such students prefer active learning processes which encourage them to construct their own learning

17 Marlene Le Brun and Richard Johnstone, *The Quiet Revolution: Improving Student Learning in Law* (Law Book Company, 1994) 253.

18 For example, socio-economically disadvantaged or rural Generation Y students, who have been comparatively underexposed to technology and computers, may not exhibit ‘traditional’ Generation Y learning preferences, whilst more mature aged students, with significant technology exposure, might. See, eg, Sally Nimon, ‘Generation Y and Higher Education: The Other Y2K’ (2007) 13(1) *Journal of Institutional Research* 24, 26; Gregor Kennedy et al, ‘First Year Students’ Experiences with Technology: Are They Really Digital Natives?’ (2008) 24(1) *Australian Journal of Educational Technology* 108, 109, 117–18; Oblinger and Oblinger, ‘Is It Age or IT’, above n 16, 2.9–10; Dede, above n 16, 8. Accordingly, Jackson and Woolsey acknowledge that ‘generational labelling, including characterisation of the Millennials, may not be the most accurate method for determining learning preferences for students’: Catherine Jackson and Janice Woolsey, ‘A Different Set of Classrooms: Preparing a New Generation of Clinicians’ [2009] (Spring) *Forum on Public Policy*, 8 <<http://www.forumonpublicpolicy.com/spring09papers/archivespr09/jackson.pdf>>. See also Richard Sayers, ‘The Right Staff from X to Y: Generational Change and Professional Development in Future Academic Libraries’ (2007) 28(8–9) *Library Management* 474, 475–6.

19 Oblinger, ‘Boomers Gen-Xers Millennials’, above n 5, 38. See also Sue Shaw and David Fairhurst, ‘Engaging a New Generation of Graduates’ (2008) 50(5) *Education and Training* 366, 369–70; Howe and Strauss, above n 5, 43 (team-orientation is listed as one of seven distinguishing traits of Generation Y); Arhin and Johnson-Mallard, above n 11 (active learning). Of less relevance to this article, Oblinger also identifies ‘use of technology’ as a Generation Y learning preference.

20 Frand, above n 15, 17, 24. See also Oblinger, ‘Boomers Gen-Xers Millennials’, above n 5, 40.

21 See, eg, above nn 9, 14–15 and accompanying text.

22 Shaw and Fairhurst, above n 19, 376; Oblinger and Oblinger, ‘Is It Age or IT’, above n 16, 2.7, 2.14; Manuel, above n 16, 195; McCrindle, *The ABC of XYZ*, above n 6, 5.

by doing, rather than by simply being told.<sup>23</sup> Such discovery, or experimental approaches have been widely recognised as increasing information retention and learning, by facilitating student participation and decreasing opportunities for boredom.<sup>24</sup>

## B Structure

As mentioned previously,<sup>25</sup> Generation Y are used to supervision and scheduling due to the type of parenting they have received. They have been shuttled from one activity to another,<sup>26</sup> 'leaving very little unstructured free time',<sup>27</sup> and according to Shaw and Fairhurst, this 'increasingly external locus of control means that [Generation Y] are less likely to take personal accountability for their development'.<sup>28</sup> As such, today's students demand similar support and structure in their teaching and learning environment.<sup>29</sup> They expect their instructor to provide clear direction, for example by posing questions, setting timetables, highlighting key points and guiding the learning process. Additionally, as Generation Y's use of technologies such as instant messaging suggests,<sup>30</sup> the provision of immediate or timely feedback plays another important motivational role.<sup>31</sup>

## C Teamwork

As long as Generation Y have been alive, 'the world has been a connected place, and more than any preceding generation they have seized on the potential of networked media' to facilitate activities promoting peer or social interaction.<sup>32</sup> 'Look up any popular game on the internet and you will find robust communities of game

23 McMahan and Pospisil, above n 9, 422.

24 John Biggs, *Teaching for Quality Learning at University* (Open University Press, 2<sup>nd</sup> ed, 2003) 79; Michael Garry, 'Training for the Nintendo Generation' (1996) 75(4) *Progressive Grocer* 87, 88; Oblinger and Oblinger, 'Is It Age or IT', above n 16, 2.6, 2.13; Manuel, above n 16, 207.

25 See above n 11 and accompanying text.

26 For example, from school, to soccer, to piano practice.

27 Claire Raines, *Managing Millennials* (2002) 2 <<http://www.generationsatwork.com/articles/millennials.htm>>. See also Howe and Strauss, above n 5, 168–9.

28 Shaw and Fairhurst, above n 19, 374.

29 Michael Wilson and Leslie Gerber, 'How Generational Theory Can Improve Teaching: Strategies for Working with the "Millennials"' (2008) 1(1) *Currents in Teaching and Learning* 29, 32; Frand, above n 15, 24; Oblinger and Oblinger, 'Is It Age or IT', above n 16, 2.7; Shaw and Fairhurst, above n 19, 369; Arhin and Johnson-Mallard, above n 11; Howe and Strauss, above n 5, 166.

30 A collection of technologies used for real-time written internet communication, in the manner of a conversation, between multiple parties.

31 Shaw and Fairhurst, above n 19, 373; Howe and Strauss, above n 5, 166; Oblinger and Oblinger, 'Is It Age or IT', above n 16, 2.3; Jane Coggs et al, 'Retaining Teacher Talent: The View from Generation Y' (Report, Learning Point Associates, 2010) 1 <<http://www.learningpt.org/expertise/educatorquality/genY/Gen%20Y%20report.pdf>>; Arhin and Johnson-Mallard, above n 11; Wilson and Gerber, above n 29, 36.

32 Scott Crittenden, 'Silicon Daydreams: Digital Pastimes of the Wired Generation' (2002) VI(2) *Virginia.edu* 1; Oblinger, above n 5, 40.

players debating games, sharing game tips, or offering critiques to designers'.<sup>33</sup> Generation Y therefore seek a sense of community, to be included,<sup>34</sup> and are more likely to make decisions based on the collective experience of their peers, rather than on their teachers' advice.<sup>35</sup> However, Black considers that the extent of Generation Y's online activity is such that whilst they are 'the most-socialized generation in the digital world', they may be the most isolated in the physical.<sup>36</sup> Therefore, when translated into an educational context, Generation Y's need for social interaction and connection means that they still desire contact 'in person'.<sup>37</sup> Additionally, they are also said to prefer teamwork, or group-based approaches to study that encourage collaborative learning and peer-to-peer teaching.<sup>38</sup>

Whilst complimenting the Generation Y psyche and their preference for active learning, collaborative teaching and learning approaches promote psychological or emotional health, self-confidence and motivation. They also increase cognitive development and thus the quality of learning outcomes, through the discussion, justification and re-evaluation of ideas.<sup>39</sup> Since many legal questions lack an answer that is clearly right or wrong, it is important for law students to recognise other viewpoints and re-evaluate their own assumptions. Fostering deeper learning, or higher-order critical thinking and problem solving skills, may therefore be particularly beneficial to Generation Y law students. Indeed, many authors claim that Generation Y has been exposed to so much 'information in an unfiltered way via TV and the internet',<sup>40</sup> that they are now used to forming opinions without discussion and lack analytical skills.<sup>41</sup> Consequently, through the utilisation of learning styles they prefer,<sup>42</sup> Generation Y should be encouraged to develop their skills in these other areas as well.

33 Kurt Squire and Henry Jenkins, 'Harnessing the Power of Games in Education' (2003) 3 *Insight* 5, 29 <<http://website.education.wisc.edu/kdsquire/manuscripts/insight.pdf>>.

34 McCrindle, 'Understanding Generation Y', above n 6, 29.

35 Nimon, above n 18, 28, 39; Oblinger and Oblinger, 'Is It Age or IT', above n 16, 2.7; McCrindle, *The ABC of XYZ*, above n 6, 7.

36 Black, above n 16, 96.

37 Oblinger and Oblinger, 'Is It Age or IT', above n 16, 2.11; McMahon and Pospisil, above n 9, 422.

38 McCrindle, *The ABC of XYZ*, above n 6, 7; Oblinger and Oblinger, 'Is It Age or IT', above n 16, 2.6–7, 2.11, 2.14; McMahon and Pospisil, above n 9; Manuel, above n 16, 208.

39 See, eg, Le Brun and Johnstone, above n 17, 291–2; Paul Ramsden and Sir David Watson, *Learning to Teach in Higher Education* (Routledge, 2003) 98; David Johnson and Roger Johnson, 'Learning Groups' in Susan Wheelan (ed), *The Handbook of Group Research and Practice* (Sage Publications, 2005) 441, 441–3, 449–50, 458; Biggs, above n 24, 89–90.

40 Gene Cole, Richard Smith and Laurie Lucas, 'The Debut of Generation Y in the American Workforce' (2002) 1(2) *Journal of Business Administration Online* 4 <[http://www.atu.edu/business/jbao/Fall2002/cole\\_smith\\_lucas.pdf](http://www.atu.edu/business/jbao/Fall2002/cole_smith_lucas.pdf)>.

41 Black, above n 16, 98; Weiler, above n 16, 51–2; Marc Prensky, 'Digital Natives, Digital Immigrants Part II: Do They Really Think Differently?' (2001) 9(6) *On the Horizon* 5. See also Belzer, Miller and Shoemaker, above n 3, 31.

42 See, eg, Prensky, above n 41, 5.

## D Skills Development

Given that ‘the half-life of information is [now] measured in months and years’,<sup>43</sup> Generation Y ‘are typically motivated by a desire to enhance [their] professional skills and thus [their] marketability to future employers’.<sup>44</sup> Accordingly, Wilson and Gerber claim that study for Generation Y ‘is not something from which they expect enlightenment or personal transformation’.<sup>45</sup> Rather, Generation Y increasingly possess a ‘strictly instrumentalist view of education’,<sup>46</sup> which sees its relevance only in the provision of the ‘skills and knowledge necessary to get a job’.<sup>47</sup> Consequently, the development of work-related skills through collaborative learning, such as teamwork and communication, may be more relevant to a Generation Y student’s transition from university to professional practice than knowledge accumulation alone.

Such ‘careerism’ might be criticised as conflicting with serious or advanced study. However, as evidenced by the current emphasis placed by Australian law schools on the development of professional and generic graduate capabilities,<sup>48</sup> such a skills focus is perhaps pertinent in disciplines such as law where, due to its extensive and dynamic subject matter, the ‘content-domination’ of degrees is not always appropriate.<sup>49</sup> In addition, arguably many of the skills requisite in a good legal practitioner, in terms of problem solving, research and cognition, remain the same as those required by a good law student.

Whilst at university, Generation Y also remain achievement-oriented and results-driven.<sup>50</sup> However, admission to university does not guarantee that one is well equipped for the task — in terms of possessing the academic skills needed to succeed. Donelan and Kay state that law students:

might reasonably expect to develop their analytical or critical thinking skills, learn how to research data, synthesise and present it effectively,

43 Frand, above n 15, 17.

44 Sayers, above n 18, 474.

45 Wilson and Gerber, above n 29, 31. See also Irving Saulwick and Denis Muller, ‘Fearless and Flexible — Views of Gen Y — A Qualitative Study of People Aged 16 to 24 in Australia’ (Study, Dusseldorp Skills Forum, 2006) 7 <[http://www.dsf.org.au/component/docman/doc\\_download/66-fearless-a-flexible-the-views-of-gen-y](http://www.dsf.org.au/component/docman/doc_download/66-fearless-a-flexible-the-views-of-gen-y)>; Shaw and Fairhurst, above n 19, 370.

46 Saulwick and Muller, above n 45, 7, 34.

47 Ibid; Shaw and Fairhurst, above n 19, 369, 371.

48 See, eg, Council of Australian Law Deans (‘CALD’), *The CALD Standards for Australian Law Schools* (2009) [2.3] <<http://www.cald.asn.au/docs/CALD%20-%20standards%20project%20-%20final%20-%20adopted%2017%20November%202009.pdf>>; Sharon Christensen and Natalie Cuffe, ‘Graduate Capabilities in Law’ (Teaching and Learning Development Large Grant Project Report, Queensland University of Technology, 2003); Michelle Sanson, ‘Preparing Tomorrow’s Lawyers Today: Graduate Attributes in First Year Law’ (Paper presented at the First Year in Higher Education Conference 2009, Townsville, Queensland, 29 June–1 July 2009).

49 Nigel Duncan, ‘Why Legal Skills — Whither Legal Education?’ (1991) 25(2) *The Law Teacher* 142, 147.

50 Shaw and Fairhurst, above n 19, 368; Oblinger, above n 5, 40.

[and] develop the ability to make appropriate connections, to understand legal principles as well as when and how to apply them.<sup>51</sup>

First year law students therefore often experience problems adjusting to the expectations of tertiary study. Not only are they transitioning to a new learning environment, but they are often attempting to come to terms with a large volume of new legal material, principles and techniques ‘beyond their current experience’.<sup>52</sup> As such, in addition to the development of skills relevant to the workplace, collaborative learning has the potential to assist Generation Y first year law students to develop the skills necessary to understand both the content of the law and how to study it.<sup>53</sup> Peer-to-peer collaboration, by facilitating students’ academic and social integration, or sense of belonging and connection, may also increase student resilience and decrease university attrition.<sup>54</sup>

‘Students are asking for meaningful learning more than ever because they realise which skills will build their capacity to compete in college and the global marketplace’.<sup>55</sup> Consequently, the Program, as part of the undergraduate law degree at QUT, aims to support the experiences and preferences of Generation Y first year students by using active learning, structure and teamwork to supplement student understanding of the substantive law of Torts with academic and work-related skills development.

### III THE PROGRAM

The Torts Student Peer Mentor Program<sup>56</sup> at the QUT Faculty of Law engages undergraduate student peers (or mentors) to lead or facilitate collaborative group learning sessions with current Torts students (or mentees). At QUT, all students enrolled in the Bachelor of Laws degree, whether in isolation or

51 Donelan and Kay, above n 4, 288.

52 Ibid. See also Belzer, Miller and Shoemake, above n 3, 30.

53 See, eg, van der Meer and Scott, above n 4, 4; Donelan and Kay, above n 4, 297.

54 Jacques van der Meer and Carole Scott, ‘Shifting the Balance in First-year Learning Support: From Staff Instruction to Peer-learning Primacy’ (2008) 1(1) *Australasian Journal of Peer Learning* 70, 74; Henk Huijser, Lindy Kimmins and Peter Evans, ‘Peer Assisted Learning in Fleximode: Developing an Online Learning Community’ in Queensland University of Technology, *ALTC First Year Experience Curriculum Design Symposium 2009 — FYE Showcase Abstracts* (QUT Department of Teaching and Learning Support Services, 2009) 65; Stephen Draper, *Peer Assisted Learning* (25 January 2011) University of Glasgow — Department of Psychology <<http://www.psy.gla.ac.uk/~steve/localed/pal.html>>; Fitzsimmons, Kozlina and Vines, above n 3, 111–12, 116. See also Vincent Tinto, ‘Dropout from Higher Education: A Theoretical Synthesis of Recent Research’ (1975) 45(1) *Review of Educational Research* 89.

55 Ian J McCoog, *21st Century Teaching and Learning* (9 November 2008) Education Resources Information Center <<http://www.eric.ed.gov/PDFS/ED502607.pdf>>.

56 Whilst re-introduced in its current form in 2005, peer mentoring was first introduced to torts law in the QUT Faculty of Law in 1994 by Frances McGlone. See, eg, Frances McGlone, ‘The Integration of the Principles of Supplemental Instruction in Undergraduate Law Subjects’ (Paper presented at the Inaugural Pacific Rim First Year Experience Conference: Travelling through Transition, Brisbane, 11–14 July 1995); Frances McGlone, ‘Student Peer Mentors: A Teaching and Learning Strategy Designed to Promote Cooperative Approaches to Learning and the Development of Lifelong Learning Skills’ (1996) 12 *Queensland University of Technology Law Journal* 201.



combined with another degree, study the Torts A unit in their first semester of university study. In semester one 2010, 733 students studied the unit internally.<sup>57</sup> Of these, 584 voluntarily enrolled in weekly one hour peer mentor sessions. The Program, which runs over eleven weeks,<sup>58</sup> aims to: (a) increase student autonomy whilst encouraging collaborative working and learning; (b) promote student understanding of unit content and the adoption of deep learning approaches; and (c) assist students to develop the skills needed to be both successful law students and practitioners.<sup>59</sup> During sessions, these goals are facilitated by the student peer mentors.

The peer mentors are students who have already successfully completed their first year torts law units.<sup>60</sup> They must demonstrate an excellent understanding of the subject and strong communication and interpersonal skills. The position is unremunerated,<sup>61</sup> but is nevertheless highly sought — with more students submitting applications for the role each year than there are vacancies to fill — and many mentors continuing in their positions for several years.<sup>62</sup> New mentors attend a one day training workshop where they are introduced to the Program and instructed in effective facilitation and collaboration strategies such as: session planning, modes of active learning,<sup>63</sup> questioning skills and techniques,<sup>64</sup> and the management of group dynamics and different personality types. In order to increase their understanding of student diversity and needs, mentors are also introduced to various student equity and health and safety issues and are given the opportunity to practise their skills in simulated mentoring sessions. During the year, this training is reinforced through regular meetings with the Program coordinator. Here mentors are encouraged to reflect on their sessions and discuss

57 The unit was studied externally by 151 students studied the unit externally. Whilst these students were given the opportunity to participate in the Program online, their experiences are outside the scope of this article as sufficient data could not be gathered.

58 The academic year has two semesters, each of 13 weeks duration. Sessions are not run during the first and last week of a semester. Sessions also occur in the second undergraduate Torts unit, Torts B, which is studied in a student's second semester of university study.

59 McGlone, 'The Integration of the Principles', above n 56, 5; McGlone, 'Student Peer Mentors', above n 56, 203.

60 Torts A and Torts B. See above n 58.

61 Mentors do, however, receive a certificate at the Faculty of Law Prizes Ceremony at the end of each academic year. Mentors are appointed for one year. In addition to preparing for sessions and attending the training workshop and meetings outlined below, each mentor generally facilitates two one hour sessions per week across both academic semesters.

62 Whilst a focus on the benefits of peer mentoring to mentors is outside the scope of this article, mentors have reported their experience to be extremely rewarding. Not only does it increase their employability as law graduates, but it also increases their own legal knowledge and skills, such as their study skills, oral communication, 'people skills' and confidence in leadership. See also Katie Amaral and Martin Vala, 'What Teaching Teaches: Mentoring and the Performance Gains of Mentors' (2009) 86(5) *Journal of Chemical Education* 630; Lisa Stout and Amelia McDaniel, 'Benefits to Supplemental Instruction Leaders' (2006) 106 *New Directions for Teaching and Learning* 55; Ben White, 'The Student Peer Mentor Program in Its Trial Year — A Mentor's Perspective' (1996) 12 *Queensland University of Technology Law Journal* 221; Donelan and Kay, above n 4, 297.

63 For example, round robin, buzz groups (and other small group work), brainstorming, pyramiding and breaking up the task.

64 For example, open questions (including probing questions which invite the further development of responses and deeper processing of information) and redirecting questions.

any concerns arising from the Program. Mentors are also encouraged to keep up-to-date with unit content and are given access to the Torts A online teaching website. This site contains all unit materials such as: the study guide, prescribed reading lists, assessment items and lectures available as audio recordings.

In Program sessions, groups of up to 30 students<sup>65</sup> are facilitated by two mentors. The mentors' role is to use the collaborative techniques learnt in their training to keep the group focused on the session topic, enable the participation of all mentees and provide them with the best chance of understanding and progressing through session content as a group. Relevant to assisting Generation Y to develop the more critical and reflective decision-making approach they are claimed to lack,<sup>66</sup> the mentors are also tasked with the role of helping their group to process information more deeply by encouraging discussion, clarification, and re-expression. In addition, the mentors 'act as a model for successful student behaviours',<sup>67</sup> or learning strategies, that mentees might choose to mirror.

Consequently, the mentors' role is not teaching, re-teaching, or providing students with 'the answer'. Indeed, mentors are instructed not to give specific advice on either unit content or assessment. Rather, consistent with Generation Y's preference for active learning and teamwork, the Program provides a forum for mentees, as first year law students, to assist each other to find or research answers for themselves, albeit through facilitated discussion and activities. Any problems or barriers to understanding not resolved by the group are resolved by the mentors directing the students to appropriate materials, or through the nomination of a group member to report back to the group after consulting with an academic staff member (usually the Program coordinator who is also part of the Torts teaching team).<sup>68</sup> As such, it is hoped that the Program will encourage students to assume greater responsibility for 'monitoring and managing [their] own learning' by 'checking what [they] have and haven't got'.<sup>69</sup>

Nevertheless, further reflecting Generation Y's preference for structure and learning support, the Program is fully integrated within the Torts A teaching and learning process. Student registration for sessions occurs as part of the formal timetabling of lectures and tutorials. In addition, to aid session planning, mentors are provided with a set of 'peer mentor materials' which contain proposed topics, activities, questions and resources, for use in each mentoring session. These materials, which also allow for mentor reflection upon sessions, their preparation and the success of particular facilitation strategies adopted, are illustrated in Figure 1 below. The Torts A teaching website also provides mentees with a

65 As the Program is designed to address student needs (see below n 72 and accompanying text), actual attendance numbers may fluctuate weekly if students attend sessions only when experiencing problems.

66 See above n 40 and accompanying text.

67 McGlone, 'Student Peer Mentors', above n 56, 212. See also Tyler J Bowles, Adam C McCoy and Scott Bates, 'The Effect of Supplemental Instruction on Timely Graduation' (2008) 42(30) *College Student Journal* 853, 6–7.

68 In this instance, depending on the issue, further assistance in lectures, tutorials, or through the unit's online teaching website, may also be provided to students generally.

69 Draper, above n 54, 19.

Figure 1: Sample Peer Mentor Materials

## Semester Week 10

---

**Potential Discussion Points:**

- **Answering essay questions in exams** - Facilitate a discussion of successful strategies and practices for answering essay questions in exams. Share your opinions and experience with the group and encourage them to share theirs. You should remember however that different people have different study habits, preferences and/or strategies. Some main points to consider are:
  - students must demonstrate an ability to develop a *concise and logical analysis* of the area(s) of law targeted by the essay question.
  - as with problem questions, *mere* regurgitation of the development of the current law or notes, will usually receive *less* than a pass grade.
  - facts of cases should be discussed only to the extent necessary to illustrate the argument being developed in response to the question asked.


Further resources on writing essays may be found at:

- <http://www.citewrite.qut.edu.au/>
- <http://www.kickstart.qut.edu.au/> (Study and Research Skills for Assignments, Short Answer and Essay Questions)

- **Attempting Questions** - Facilitate the students to work through the set problems – Question 2A of the End Semester 2, 2003 Exam and Question 4B of the End Semester 1, 2005 Exam – particularly with a view to identifying what are, and are not, facts / sources of legal information relevant to determining what the question is asking them to do. From this you should encourage the students to structure an answer plan as to how they would approach the question.
  - what are the issues, cases and / or legislation, they would consider?
  - how would they present their answer? (e. use of headings, introduction, conclusion etc...)
  - what is the difference between typical essay instructions such as: discuss, analyse, critique, illustrate, evaluate etc... ?
  - what is the difference between a formal essay question (Question 2A) and a short answer question (Question 4B)?

**Set Problems:** See over.

**Notes:**



suggested timetable of weekly topics (Figure 2) and proposed problem-solving questions.

The provision and updating of materials by a staff member familiar with the Torts A unit's content and structure, rather than by the mentors themselves,<sup>70</sup> was a deliberate decision made in order to ensure that sessions scaffolded the unit's teaching and learning approach, assessment and weekly lecture content or learning outcomes. Ismail and Alexander argue that 'if students' interactions are not structured, the students tend to engage in low-level cognitive processes

70 Whilst mentors occasionally formulate their own additional materials, these are approved by the Program coordinator before distribution in sessions and often then become part of the materials available for mentors' general use.

**Figure 2: Sample Timetable of Weekly Topics**

Semester	Lecture Topic	Student Peer Mentor Session
Week 1	NO LECTURES	NO SESSIONS
Week 2	NO LECTURES	<ul style="list-style-type: none"> <li>▪ Introduction to Peer Mentoring</li> <li>▪ How to successfully study first year substantive law units</li> <li>▪ Survival Strategies</li> </ul>
Week 3	Introduction to Torts & Trespass to Person	<ul style="list-style-type: none"> <li>▪ Identifying relevant facts and legal issues in a given problem scenario</li> <li>▪ The basics of structuring an answer to a problem question</li> <li>▪ Legal interviewing exercises</li> <li>▪ Identifying any areas which need further clarification</li> </ul>
Week 4	Trespass to Land	<ul style="list-style-type: none"> <li>▪ Identifying the possible causes of action in a set trespass to person problem</li> <li>▪ Structuring an answer to a problem question continued ...</li> <li>▪ Preparing a useful summary (including for the Client Legal Interview assessment)</li> <li>▪ Legal interviewing exercises</li> <li>▪ Identifying any areas which need further clarification</li> </ul>

such as reviewing and retelling facts'.<sup>71</sup> A structured program is also less likely to be perceived by students as 'time wasted' and allows skill development to be strategically planned across the semester. However, in terms of ensuring student-centred learning, there is a certain 'tension between wanting to have a clear "lesson plan" and wanting to be responsive to students'.<sup>72</sup> As Ramsden and Watson state, 'we know that students who experience teaching of the kind that permits control by the learner not only learn better, but that they enjoy learning more'.<sup>73</sup> Accordingly, mentees are also encouraged to set their own agenda; whereby the suggested materials in any given week are considered, or not considered, according to a group's own needs.

The content considered and discussed in the Program sessions, is not limited to the substantive law. Whilst including activities such as examining prescribed readings and reviewing and clarifying unit concepts or lecture subject matter, the materials also emphasise academic skills relevant to university transition, such as note-taking and summary writing, essay writing, legal issue identification, study skills and strategies, and examination and assessment technique. Also, relevant to Generation Y's results driven nature and skills emphasis,<sup>74</sup> students may practise assessment tasks. In Torts A this includes client legal interviewing,

71 Hairul Ismail and Joyce Alexander, 'Learning within Scripted and Nonscripted Peer-Tutoring Sessions: The Malaysian Context' (2005) 99(2) *The Journal of Educational Research* 67, 67.

72 van der Meer and Scott, above n 4, 18.

73 Ramsden and Watson, above n 39, 98.

74 See sources referred to at above n 50 and accompanying text.

a written memorandum assignment, tutorial participation and an end of semester exam. Groups are encouraged to discuss previous years' assignment questions and examiners' feedback, practise legal interviewing by using prior years' assessment, work through past examination papers and practise the application of legal concepts to problems or topics similar to those covered in staff-led seminars. However, whilst students in the Program construct their own learning through discussion, at the same time they have the potential to develop competencies also transferable to the workplace, such as individual and small group problem-solving, analytical and critical thinking, oral and written communication, research skills and method<sup>75</sup> and the ability to work productively, both independently and as a team. Whilst not supplanting the development of generic skills through centralised university support centres,<sup>76</sup> the active integration of skills with unit content is argued to have more impact upon students' academic development and performance.<sup>77</sup> As stated by Martin and Arendale: 'Students will have a greater interest in study skills strategies when the skills are directly applied to courses that the students are currently taking'.<sup>78</sup>

Arguably therefore, the Program, through the development of both a structured and collaborative approach to peer group learning, compliments Generation Y learning styles and experiences to create a relevant and supportive learning environment. Through building a community of active learners,<sup>79</sup> it encourages students in the first year of their law degree to act as a study resource for each other.<sup>80</sup> By both discussing areas of substantive law and providing advice and/or guidance on relevant skills, students are able to share information with others facing similar challenges. Relevant to university transition and the development of student self-confidence and self-esteem, participation in the Program enables students to interact with and meet their peers, debate concepts, and 'experiment with new learning strategies without the risk of a poor grade'.<sup>81</sup> In the workplace, be it professional legal practice or otherwise, colleagues similarly rely on each other for information, guidance and support.<sup>82</sup> The Program therefore has the potential to assist students to acquire and practise skills relevant, not only to the

75 As the mentor's role is not to provide students with 'the answer', students arguably have the potential to develop research skills, not only whilst accessing the case law and legislation relevant to their studies and assessment, but also whilst searching for answers as a group. See generally, above nn 66–69 and accompanying text.

76 van der Meer and Scott, above n 54, 71, 73.

77 See, eg, Martin and Arendale, above n 1, 12; Belzer, Miller and Shoemaker, above n 3, 31.

78 Martin and Arendale, above n 1, 12.

79 This accords with QUT policy which promotes 'a positive and involving First Year Experience (FYE), which connects new learners with their teachers and peers in a community committed to learning': Queensland University of Technology, *Manual of Policies and Procedures* (2010) ch C, 6.2.1 <[http://www.mopp.qut.edu.au/C/C\\_06\\_02.jsp](http://www.mopp.qut.edu.au/C/C_06_02.jsp)>. See also Holly Dolezalek, 'X-Y Vision' (2007) 44(6) *Training* 22, 25; Jane Skalicky et al, 'Implementing and Sustaining Successful Peer Assisted Study Sessions (PASS) Programs: Insights Into Practice' (Paper presented at the First Year in Higher Education Conference 2009, Townsville, Queensland, 29 June – 1 July 2009) 1; Etienne Wenger, *Communities of Practice: Where Learning Happens* (Benchmark Magazine, 1991).

80 McGlone, 'The Integration of the Principles', above n 56, 6.

81 Martin and Arendale, above n 1, 18. See also below n 102 and accompanying text.

82 Draper, above n 54, 20.

demands of first year law and university transition, but also to future academic and vocational success. Student perceptions of the Program's effectiveness in achieving these goals are considered next.

#### IV EVALUATION

To evaluate the Program, a survey was conducted to examine Generation Y student perceptions of: (a) the Program's effectiveness in accommodating their learning styles and experiences; and (b) the benefits the Program provides. Such benefits were assessed both generally, in terms of the Program's capacity to assist performance and university transition, and, more specifically, in terms of the development of academic and work-related skills. This was considered important since, whilst the potential benefits of peer assisted learning have been well documented,<sup>83</sup> less has emerged on the actual perceptions of Generation Y students regarding the effectiveness of participation in such programs. The evaluation was conducted in the final week of the 2010 semester Program,<sup>84</sup> wherein Torts A students were given the option of completing and submitting survey responses either in paper form or online. Of the 387 responses received, 130 were from Generation Y students<sup>85</sup> who indicated that they had attended, in that semester, *five or more* Torts Student Peer Mentor sessions.<sup>86</sup>

Studies of other peer assisted learning programs have often experienced problems with self-selection because they make comparisons between groups of students who do and do not participate. For example, studies investigating the effect of peer assisted learning on academic attainment have compared the results of students attending against those not attending. These studies may be criticised on the basis that it is the motivated students, who would have done well in their studies anyway, who tend to voluntarily participate.<sup>87</sup> This evaluation, by exploiting the optional nature of the Torts Student Peer Mentor Program, selects only students who have perceived the Program to have been of sufficient benefit that they have continued to attend for at least five sessions. The aim, therefore, was to gauge what these Generation Y students perceived that benefit to be.

83 See, eg, Martin and Arendale, above n 1, ch 2. In relation to the perceptions of general student populations in the first year of a degree, see van der Meer and Scott, above n 4; Donelan and Kay, above n 4; Fitzsimmons, Kozlina and Vines, above n 3.

84 The second last week of the teaching semester. See also above n 58.

85 Born between 1982 and 2002. See above n 8 and accompanying text.

86 In terms of Generation Y students who had attended one or more sessions, 275 responses were received (71 per cent of respondents). Of students attending sessions, an additional 30 responses were received from non-Generation Y students (7.8 per cent of respondents).

87 See, eg, Parkinson, above n 4, 382, 386; Bowles, McCoy and Bates, above n 67, 3; Randy Moore and Olivia LeDee, 'Supplemental Instruction and the Performance of Developmental Education Students in an Introductory Biology Course' (2006) 36(2) *Journal of College Reading and Learning* 9, 15. Cf Martin O'Brien, 'An Analysis of the Effectiveness of the Peer Assisted Study Sessions (PASS) Program at the University of Wollongong: Controlling for Self-Selection' (School of Economics, University of Wollongong, 2006).

Mentees' perceptions were captured using quantitative and qualitative methods. Quantitative data, in relation to the Program's perceived impact on university transition, academic performance and skill development,<sup>88</sup> was gathered via a rating survey question containing a range of statements (see Appendix 1) to which students responded. Possible responses were: *strongly agree*; *agree*; *neutral*; *disagree*; *strongly disagree*; or *not applicable*. Students were also asked to rate the Program overall on a five-point scale from *very good* to *very poor*. Additionally, multiple choice questions were used. For example, mentees were asked to indicate whether they would be interested in being a student peer mentor in the future. Participants also considered which aspects of Program participation they liked most and were directed to select all of the following that applied:<sup>89</sup>

1. Identifying and clarifying unit materials or content which I did not fully understand.
2. Meeting and working with other students.
3. Identifying questions to take to the next tutorial.
4. Finding that other students were having similar difficulties to my own.
5. Preparation for assessment tasks.
6. The provision of information, guidance and support amongst group members.

Finally, in order to generate a richer description of the phenomena under investigation, students were asked to provide written comments in relation to the above question, and others, such as:

1. Did you work or communicate with students from your peer mentor sessions outside those sessions? If so, explain how.<sup>90</sup>
2. What did you like least about participating in the student peer mentor program?<sup>91</sup>
3. Apart from allowing the student peer mentors to answer questions on the substantive law, do you have any suggestions for how the student peer mentor program could be improved?<sup>92</sup>

### **A Analysis of Student Perceptions**

Overall, the Program was rated *very good* by 40.8 per cent and *good* by 52.3 per cent of the 130 Generation Y students surveyed who attended at least five sessions. These 130 students form the focus of the following analysis and all percentages given should be interpreted as percentages of this subset. Additionally, 77 per

88 See Figures 5 and 6 below (academic performance and skills development).

89 See Figure 3 below.

90 See Figure 4 below.

91 See Figure 7 below.

92 Ibid.

cent<sup>93</sup> of respondents also indicated interest in becoming a student peer mentor in the future. This is significant. Given that Generation Y is believed to be more motivated by the recommendations of their peers than those of traditional authority figures,<sup>94</sup> the positive feedback of prior students is likely to be a key indicator of the Program's ongoing effectiveness.<sup>95</sup> This was illustrated in the current survey by the fact that some students stated that they had attended the Program on the basis of past student feedback or the advice of friends.<sup>96</sup>

Many Generation Y students juggle their study, life and social activities with part-time or full-time work.<sup>97</sup> Therefore, that the motivation of so many students was not hindered by their busy timetables and that they continued to travel into university to voluntarily attend sessions on five or more occasions, provides additional testimony of the Program's success and positive student perception of benefit. This is supported by the following written responses to the survey instrument, outlined above, that were received from students:<sup>98</sup>

- 'I find Torts quite hard. Sometimes the advantage of verbal consultation and discussion is worth forfeiting my time'.<sup>99</sup>
- 'They were helpful ... [T]here was really no reason not to attend other than the inability to make it due to other commitments'.
- 'The student [peer mentor] program ... has been excellent and has shed some light of understanding onto the whole process of Tort law'.
- 'They were amazing! ... [A] lot of fun!'

As illustrated by the themes below, student responses also suggest that the Program was a valuable learning experience which accommodated their generational learning styles and experiences. Indeed, one student expressly commented that the Program was 'run in a way that suits my learning approach'.

## 1 *Structure and Active Learning*

In terms of the Program's structure, 68.5 per cent<sup>100</sup> of students indicated that their participation in sessions was positively assisted by the weekly topics, materials

93 According to the survey, 92 students (70.8 per cent) answered 'yes' and 8 students (6.2 per cent) answered 'maybe'.

94 See above n 35 and accompanying text.

95 See, eg, Stout and McDaniel, above n 62, 57; Fitzsimmons, Kozlina and Vines, above n 3, 117.

96 In response to the question: 'What initially motivated you to attend student peer mentor sessions?' This question was asked in addition to those listed at above nn 88–92 and accompanying text.

97 Raines, above n 27.

98 The following passages draw upon student responses to the private survey designed and administered by the author in May 2010, as discussed at above nn 83–92 and accompanying text. Consequently, all similarly formatted text and unattributed quotations in the following analysis reflect actual written comments and survey responses provided anonymously by students.

99 In response to the question: 'What initially motivated you to attend student peer mentor sessions?' This question was asked in addition to those listed at above nn 88–92 and accompanying text.

100 According to the survey, 21 students (16.2 per cent) answered 'strongly agree' and 68 students (52.3 per cent) answered 'agree'.



or questions set. Further reflecting Generation Y's preference for scheduling and learning support, they also appreciated the formal timetabling of sessions and the fact that the Program scaffolded the unit's teaching and learning process to reinforce, consolidate, and provide feedback on lecture and tutorial content:

- 'It was on the class list so I went. They seemed relevant and helpful to the material we were doing so I kept going'.<sup>101</sup>
- 'The peer mentor sessions provided a good outlay for the course material. [In] each session I was able to get the questions that I had answered'.
- 'Overall a good idea — no other subject areas use this approach and it has some distinct merit — the key is preparation of materials, an aim or objective for each session'.

Nevertheless, the benefits of balancing structure against student-centred learning and choice<sup>102</sup> were also recognised: 'Many times we didn't work through the materials set for the week as it was more useful to just talk and ask questions we had'. Students regarded the sessions as more 'user friendly' than the more formally structured tutorials where students are constantly assessed on participation and consequently may be reluctant to raise questions for fear of a lower grade. They liked the idea that they could take the time to focus upon what was relevant to them — to address questions and debate unit content in a more relaxed or 'safer' environment, without the stresses of assessment:

- 'More thorough than tutorials — covered what students wanted clarification on'.
- 'No pressure — wasn't scared to say things that may be wrong'.
- 'The peer mentor sessions allowed for more direct study ie if a person had a particular question about something, focus would be drawn to that question for a period and the entire 'class' would be able to hear it and participate'.
- 'They were a great way to learn the content and practice questions and participate in discussions when you know that you weren't getting assessed'.
- 'The peer mentor sessions I attended were a more interactive experience than tutorials'.

Students therefore valued the opportunity provided by the Program to engage in active learning, supplemental to existing didactic teaching and learning methods.

## **2 Teamwork**

Relevant to Generation Y's desire for teamwork and learning approaches promoting peer or social interaction and connection, students indicated that they welcomed the ability to work with other students and found it beneficial to do so.

101 In response to the question: 'What initially motivated you to attend student peer mentor sessions?' This question was asked in addition to those listed at above nn 88–92 and accompanying text.

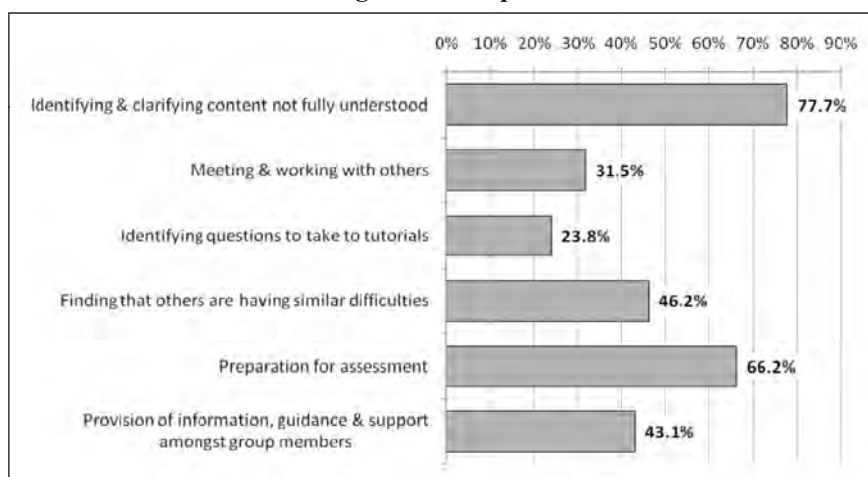
102 See above nn 72–73 and accompanying text.

In many cases they considered it easier to discuss unit content and concerns with fellow students than with academic staff. Written comments included:

- ‘The peer mentor program was excellent as it allowed you to realise that others were having the same problems as you were and working with other students was much more relatable [sic].’
- ‘Able to get clear advice from students on the best way to work through problems and assessment.’
- ‘Students assisting my learning compared with just tutors or lecturers was helpful.’
- ‘More opportunity to work with students who thought similarly to me.’
- ‘Group discussions about ideas and getting different perspectives of a situation.’

As shown in Figure 3, the perceived benefits highlighted by the above comments were also reflected in the answers received in response to the multiple choice question: ‘Which aspects of participating in the student peer mentor program did you like the most? [Select any that apply]’. Specifically, 77.7 per cent of students selected ‘identifying and clarifying unit materials or content which I did not fully understand’; 46.2 per cent ‘finding that other students were having difficulties similar to my own’; 43.1 per cent ‘the provision of information, guidance and support amongst group members’; and 31.5 per cent ‘meeting and working with other students’. The comparatively low number of students (23.8 per cent) who selected ‘identifying questions to take to tutorials’ as an aspect they liked most, may indicate that whilst the Program sessions compliment lecture and tutorial content, they are seen as an educational tool in their own right rather than a mere adjunct to tutorials.

**Figure 3: Student Perceptions of the Most Liked Aspects of Program Participation**



The student comments, and Figure 3 results, also indicate that the Program was successful in developing a community of learners within the Torts A unit, in which the students, through discussion, debate and mutual advice, acted as a support mechanism and resource to assist each other's learning. However, central to this community was not only the mentees themselves, but the mentors who facilitated them. Indicative of Generation Y's desire to be mentored by someone to whom they can relate, or by 'real life role models ... who not only know the way, but also go the way, and can show the way',<sup>103</sup> 26.9 per cent of students attached significance to the insight provided by mentors given that they had already successfully completed the Torts A unit:

- '[T]he older students have a better understanding of the feelings and needs of the mentor group — there is a better degree of attention from the mentors to understand and meet our needs and guide our understanding'.
- 'The mentor was young and was able to relate to us and talk to us as his/her peers, not as a superior'.
- 'Having students who had already been through what we were going through was really great. They were able to explain to us exactly how to tackle assignments and the mistakes they made'.
- 'The opportunity to be given tips by well achieving students'.

Such 'communicable knowledge' is recognised by Fitzsimmons, Kozlina and Vines as providing an important motivator for student participation in peer assisted learning.<sup>104</sup>

However, according to 39.2 per cent of respondents, such communities of learning were not confined to the Torts Student Peer Mentor sessions. Rather, as shown in Figure 4, 16.9 per cent of students indicated that session participation had led to the formation of formal or informal study groups outside sessions:

- 'The small group that remained in the peer mentor session toward the end of the semester have organised informal study groups and practice exams outside the session'.
- 'A group of kids who live near me made a study group'.
- 'After the peer mentor session a group of us would go to the law library and go through the tut[orial] work together'.

Some students (12.3 per cent) reported that they had either formed friendships with the people in their sessions or had spoken to or seen them socially. Others stated that they had worked together with group members on assignments (10.8 per cent) and/or sent each other emails on the materials discussed in sessions or other messages (7.7 per cent):

- 'The people in my peer mentor group have become best friends at uni'.

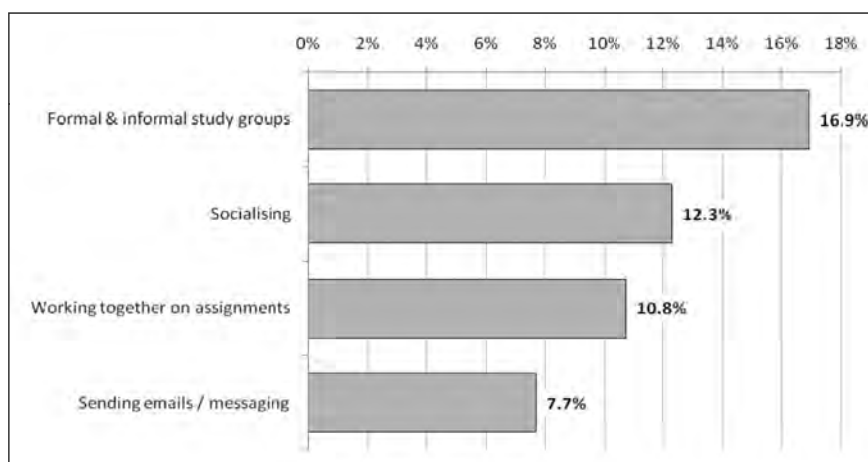
103 McCrindle, 'Understanding Generation Y', above n 6, 30.

104 Fitzsimmons, Kozlina and Vines, above n 3, 112.

- ‘We would often discuss issues about Torts or other units whenever we [saw] each other outside of sessions’.
- ‘I socialised with many of the students outside’.
- ‘I met two people that I ended up forming a group with for the assignment<sup>105</sup> — had I not attended the peer mentor session I would never have talked with these students in my tutorial and would have had to do the assignment on my own. I really appreciated this aspect’.
- ‘Always in the law library, facebook etc — became friends generally’.
- ‘Each week we would send the notes we had done together’.

Another 2.3 per cent of respondents suggested that ‘although it definitely provided the opportunity to do so’, they had not utilised the potential, facilitated by the Program, for working or communicating with students outside sessions.

**Figure 4: Student Communication outside Formal Session Times**



### 3 University Transition

Martin and Arendale state that many students’ decisions to leave university are influenced by: ‘poor adjustment to the college environment, an experience of either academic or social difficulty, incongruence between the student’s expectations and the demands of the institution, and a feeling of social isolation’.<sup>106</sup> Therefore, the integration and connection amongst students fostered by the Program (evidenced by the results in Figures 3 and 4), by enhancing a student’s sense

<sup>105</sup> The Torts A assignment was a written memorandum that students had the option of completing in teams of up to three students.

<sup>106</sup> Martin and Arendale, above n 1, 17. See also Tinto, above n 54.

of belonging and knowledge that others are experiencing similar challenges<sup>107</sup> (whether with unit content, study skills, or university adjustment), may help alleviate the anxiety and isolation often felt by first year students and encourage their retention.<sup>108</sup> Engagement with other students also affords the opportunity to increase resilience,<sup>109</sup> with student responses indicating that Program attendance helped to decrease stress and increase student confidence:

- ‘Meeting other students who were confused about the same questions made me feel more human’.
- ‘The benefits of past experience calm you down and guide you in the right direction when you are far from calm’.
- ‘Informal, not intimidating. Helped confidence in first weeks’.

This benefit is particularly pertinent given that the incidence of psychological distress amongst law students has been shown to be significantly higher than amongst the general population.<sup>110</sup>

Overall, 48.4 per cent<sup>111</sup> of students indicated that participation in Program sessions had improved their confidence. In terms of transition to university study, 74.6 per cent<sup>112</sup> reported that Program participation had positively assisted them to ‘settle in’ as first year law students. Written comments also illustrated the Program’s effectiveness in assisting students to adjust to both the content of first year law and their new learning environment:

- ‘Peer mentor sessions are helpful for these early subjects and should be available throughout the degree’.
- ‘[The Program has] done an excellent job in conveying the information relating to the particular topics and instilling some form of confidence in us first year students’.
- ‘They give you a better idea of what to expect as a first year’.

107 For example, in Figure 3, 46.2 per cent of students rated ‘finding that other students were having difficulties similar to my own’ and 43.1 per cent ‘the provision of information, guidance and support amongst group members’, as an aspect of the Program they liked most.

108 Martin and Arendale, above n 1, 17. The effect of peer assisted learning on actual student retention may therefore be an area warranting further research.

109 See also above n 54 and accompanying text.

110 See, eg, Norm Kelk et al, ‘Courting the Blues: Attitudes towards Depression in Australian Law Students and Legal Practitioners’ (Monograph 2009-1, Brain and Mind Research Institute: University of Sydney, 2009) <<http://sydney.edu.au/bmri/research/mental-health-clinical-translational-programs/lawreport.pdf>>.

111 According to the survey, 15 students (11.5 per cent) answered ‘strongly agree’ and 48 students (36.9 per cent) answered ‘agree’.

112 According to the survey, 31 students (23.8 per cent) answered ‘strongly agree’ and 66 students (50.8 per cent) answered ‘agree’.

#### 4 Academic Performance and Skills Development

Relevant to Generation Y's achievement driven nature and preference for process over content,<sup>113</sup> in addition to the Program's perceived impact on university transition, student responses also indicated that the Program was perceived to have a positive effect on both their academic performance and the development of their academic and work-related skills. Figures 5 and 6 summarise these results. In terms of academic performance and skills (Figure 5), whilst this evaluation did not attempt to measure the Program's effect on actual student performance levels or grades,<sup>114</sup> a majority of students (75.4 per cent) believed that Program participation had, or would,<sup>115</sup> improve their Torts A results. This implies that students believed that Program participation enabled them to acquire a better understanding of the Torts A unit's content and concepts<sup>116</sup> and the skills needed, at least, for its successful study. Additionally, 63.9 per cent of students considered that they had developed their general academic skills, whilst 72.3 per cent considered that the Program had helped them to specifically develop and discuss study skills and techniques. Students commented that they liked it 'when they learnt something new or obtained tips for learning'. Further comments included:

- 'Any extra assistance with course work is appreciated. As a result from attending, I have found learning the content easier'.
- 'I have learnt a lot from them, something more. It was a really good guidance to me'.
- 'We spent a lot of time talking about the assessment and good studying techniques'.
- '[S]tudents were able to give you 'inside' tips on how to succeed ... such as where to allocate time and how to set out answers well'.

Further validation of the Program's benefit is provided by its positive effect on the perceived ability of students to prepare for assessment. Again, a majority of students believed that the Program had assisted them in preparing for tutorials (63.9 per cent), exams (79.2 per cent) and assignments or other assessment, such as the client legal interview (80 per cent). Reflective of Generation Y's results driven psyche, and shown in Figure 3, 66.2 per cent of students rated 'preparation for assessment tasks' as an aspect of the Program they liked most. Activities such as summarising areas of law prior to exams or working through past examination papers as a group, were identified as being particularly beneficial in clarifying issues or highlighting gaps in knowledge:

113 See above nn 20, 43–54 and accompanying text.

114 See above n 87 and accompanying text.

115 Since the survey was conducted before the students' final end of semester exam. See above n 84 and accompanying text.

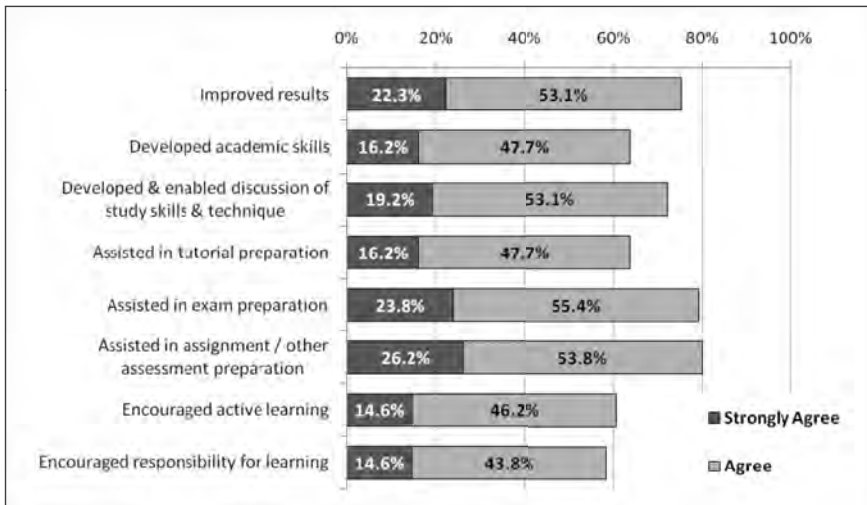
116 This is also supported by the results in Figure 3 which indicate that 77.7 per cent of students rated 'identifying and clarifying unit materials or content which I did not fully understand' as an aspect of the Program they liked most.

- ‘What was discussed in the student mentor sessions was helpful in preparation for our exams. The structures and issues of questions discussed as a group was [sic] useful in raising issues I need to know and guided me as to the level of understanding I had on the topic. It was also good to hear from students who had been through the exam before, and about how they had prepared’.
- ‘Writing exam notes summaries as a group was a useful exercise and helped me to clarify what structure to best use in answering exam questions under time pressure’.

Students commented that the sessions were also useful in guiding them ‘in the right direction to answer and structure the tutorial questions’ and ready them for their client interview: ‘The interviewing really helped me to gauge the kind of style the interview was going to be like and also helped with practicing for it’.<sup>117</sup>

The Program also positively influenced the development of academic skills perhaps more relevant to life-long learning outside the content of the Torts A unit. It encouraged 60.8 per cent of students to take a more active role in their learning, whilst 58.4 per cent reported that participation in the Program encouraged them to assume greater responsibility for their learning: ‘They didn’t spoon-feed the answers to you, and let you think independently to reach the right answer’.

**Figure 5: Perceived Benefits of Program Participation — Academic Skills and Performance**



117 Students attending sessions are given the opportunity to practise their legal interviewing by using assessment scenarios from prior years.

However, consistent with the increasingly external locus of control claimed for Generation Y students by Shaw and Fairhurst,<sup>118</sup> students did not always ‘see the need for, or indeed take responsibility for, their own development or its perceived failings’.<sup>119</sup> For example, in response to the question ‘What did you like least about participating in the student peer mentor program?’, one student commented: ‘[The mentors] could not discuss content. This helped us learn better most of the time because we had to get the answers ourselves, but there were other times that it would have helped us a lot more if they could tell us the answer’.

This tension between the encouragement of mentees to find ‘the answer’ for themselves and the mentor simply telling them ‘the answer’, formed the basis for the most widely held criticism of the Program and will be addressed further below.<sup>120</sup>

Although the development of academic skills was widely recognised, with at least 58 per cent of students perceiving a positive improvement in each of the areas addressed, the development of competencies also transferable to the workplace was, in general, not as widely perceived. As shown in Figure 6, only 30.8 per cent of respondents indicated that participation in the Program had helped them to develop work-related skills. Nevertheless, it was also clear that the Program was still furthering these skills to some extent, even if students were not always realising their vocational relevance. In relation to specific competencies, students reported improvements in the following proportions: oral communication skills (40 per cent), written communication skills (41.5 per cent), research skills and method (37 per cent) and the ability to work collaboratively (54.6 per cent). Furthermore, in terms of the desire, discussed previously,<sup>121</sup> to further Generation Y’s cognitive development, student responses indicated that their participation in peer-to-peer collaboration and discussion did foster the creation of a deeper and more reflective problem-solving approach. For example, students stated that they liked:

- ‘The ability to slow down content and ask/revise areas which the class didn’t understand’.
- ‘Group discussions about ideas and getting different perspectives of a situation’.
- ‘More discussion in peer mentoring and more practice of the ISAAC [legal problem solving] method’.<sup>122</sup>

118 See above n 28 and accompanying text.

119 Shaw and Fairhurst, above n 19, 366.

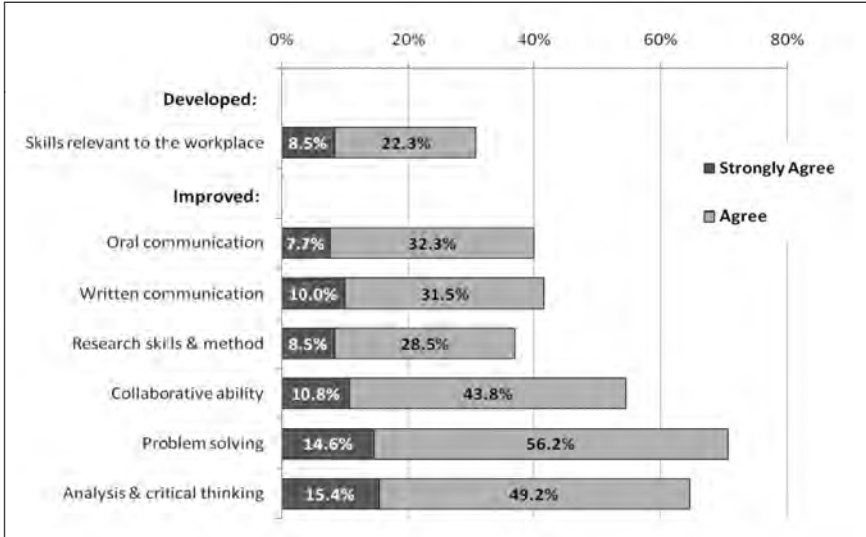
120 See below n 128 and accompanying text.

121 See above nn 40, 66 and accompanying text.

122 John Pyke (Lecturer in Law, QUT, Faculty of Law) developed this acronym to describe the following basic legal problem solving approach: Identify the legal issue arising from the facts; State the relevant law; provide an Authority for it; Apply the law to the facts; and form a Conclusion on that issue. For other legal reasoning strategies, see Patrick Keyzer, *Legal Problem Solving: A Guide for Law Students* (LexisNexis Butterworths, 2<sup>nd</sup> ed, 2003) 4; Claire Macken, *Law Student Survival Guide: Nine Steps to Law Study Success* (Thomson Reuters, 2<sup>nd</sup> ed, 2010) 100.



**Figure 6: Perceived Benefits of Program Participation — Transferable Work-Related Skills**



Consequently, 70.8 per cent of students considered that the Program had positively impacted on their problem solving skills, whilst 64.6 per cent reported a perceived improvement in their ability to analyse and think critically.

The fact that students may not always perceive the skills development benefits of peer assisted learning has been acknowledged by van der Meer and Scott.<sup>123</sup> In the context of the Program, the lower perceived development of students' work-related skills may be due to what Fitzsimmons, Kozlina and Vines describe as the 'First Year student need to perform well'.<sup>124</sup> As the content of sessions is not fixed, student peer mentor groups may, and do,<sup>125</sup> focus on that which is deemed most relevant to the mentees. Consequently, it may be that students are choosing to focus more on activities relevant to the development of their academic skills and performance and are focusing on transferable skills only to the extent that they are perceived to assist in achieving this purpose. For example, this may explain why work-related skills such as problem solving (70.8 per cent) and analysis and critical thinking (64.6 per cent) were perceived by mentees to be developed more. However, when *mentors* were asked to provide responses in relation to the advantages they perceived Program participation had for mentees, 86.7 per cent considered it helpful in developing skills relevant to the workplace.<sup>126</sup> Therefore,

123 van der Meer and Scott, above n 4, 14, 17.

124 Fitzsimmons, Kozlina and Vines, above n 3, 119.

125 See above nn 72–3 and n 102 and accompanying text.

126 Of the 15 surveys received from mentors, 4 (26.7 per cent) answered 'strongly agree' and 9 (60 per cent) answered 'agree'. The survey asked mentors to answer a rating survey question containing the same range of statements as listed in Appendix 1. However, the question was expressed as: 'In my opinion, the advantages of the program for mentees are that participation does or will ...' Relevant grammatical changes to the statements were also made (for example, changing 'my' to 'their' and 'me' to 'them'). As the number of responses to this survey was not significant, they are not analysed further in this article.

an alternative explanation for mentees' lower perceived development of work-related skills may be that whilst the 'peer mentor materials' and suggested timetable of weekly topics,<sup>127</sup> serve to highlight the strategic development of academic skills across a semester, more needs to be done to highlight, to mentees, the work-related skills that are also being developed. This may occur, for example, by clearer communication of the Program's intentions in this regard in the Program materials and by encouraging mentors to place greater emphasis on the development and relevance of such skills in sessions.

## 5 Suggestions for Improvement

Whilst students rated the Program favourably overall, and 66.9 per cent of respondents considered that nothing could be done to improve it, some suggestions for refinement were provided. The four most common suggestions are shown in Figure 7. Firstly, as per Generation Y's preference for structure and direction,<sup>128</sup> 18.5 per cent of students wanted the mentors to provide them with direct answers regarding issues of content or the questions set for consideration in mentoring sessions. One student commented: 'they didn't really give me answers so it didn't give me anything more than what a tute gives'. Evidently students did not always appreciate that the aim was to foster an active rather than passive learning approach. That is, to develop in them the skills required to both monitor and manage their own learning and to determine the answer as a group.<sup>129</sup> Certainly, such a skills focus is more difficult to develop when students feel that they are struggling and are consequently more likely to view their needs as largely content-centred.<sup>130</sup> However, a way to address this criticism where it occurs, at least in part, without resorting to the temptation of simply providing the answer sought, is for mentors to adopt a more obviously holistic approach to ending their sessions. For example, they might focus more on recapping the problem or issue considered by the group and highlighting gaps in knowledge or areas and materials warranting further consideration. This serves to actively emphasise what the group has achieved thus far whilst passively reinforcing the mentor's role as purely that of a facilitator. For, as one student stated: 'At times it was a little unhelpful when peer mentors "couldn't tell us the answer". I understand it's about learning to get the answer, but in addition I think they should tell us afterwards if what we are saying is on the right track'. Such gaps might then be resolved by mentees reporting back in the next group session after having referred to relevant materials or sought academic consultation.<sup>131</sup>

Secondly, and again relevant to Generation Y's preference for structure, scheduling and support, 11.5 per cent of students commented that they would

127 See Figures 1 and 2 above.

128 See above nn 25–31 and accompanying text.

129 Discussed at above n 69 and accompanying text.

130 See, eg, Belzer, Miller and Shoemaker, above n 3, 31; Rosemary Wolfe, 'Supplemental Instruction with Mentoring Support at Anne Arundel Community College: Final Report' (Report, Education Resources Information Center, 1991) 2 <<http://www.eric.ed.gov/PDFS/ED413942.pdf>>.

131 Discussed at above n 68 and accompanying text.

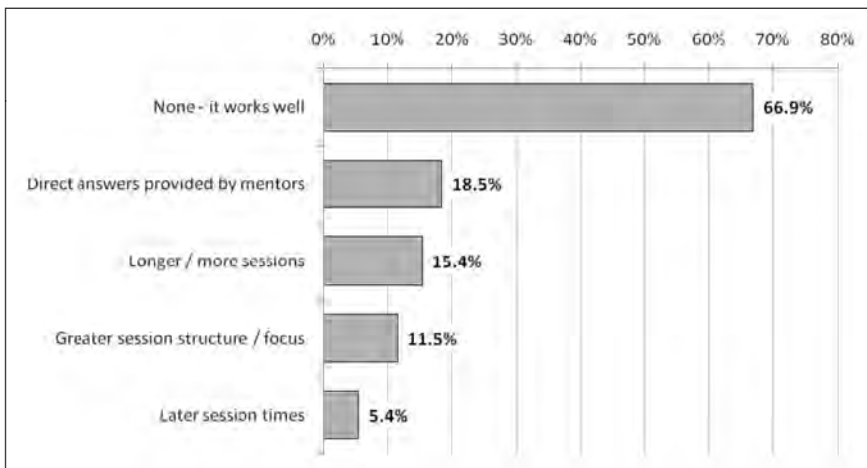
like the actual running of the sessions to have greater focus. That is, they wanted mentors to play a more active role in ensuring that the group stayed on track, that tasks were processed to completion and that time was not wasted:

- ‘Lack of focus. Often seemed to get very distracted and failed to get the question done within a session’.
- ‘Sometimes we didn’t really get much done’.
- ‘The sessions were good when they were structured, but when they were handed over to the class to control, we tended to have a general chat (diverting to other topics) rather than using it as a learning forum’.

Thirdly, 15.4 per cent of students wanted either more frequent sessions, longer sessions,<sup>132</sup> or sessions in non-Torts units as well:<sup>133</sup> ‘They should have them for ALL the subjects as they were a REALLY good help!’

Finally, 5.4 per cent wanted session times that started later in the day, commenting, for example, that ‘[i]t was too early — I picked an early hour, waking up was difficult’.

**Figure 7: Suggested Program Improvement**



## V CONCLUSION

The positive student perceptions of the benefits provided by the Torts Student Peer Mentor Program may flow from the fact that this learning environment addresses, as far as possible, many of the learning styles and experiences of Generation Y first year law students. Through an active, structured and collaborative learning approach, it provides first year law students with a facilitated way to connect

132 A preference was commonly expressed for sessions to be extended by 30 minutes to 1.5 hours.

133 As stated at above n 58, sessions are also run in the second undergraduate Torts unit, Torts B.

