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# Student Peer Mentors: A Teaching and Learning Strategy Designed to Promote Cooperative Approaches to Learning and the Development of Lifelong Learning Skills

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## Introduction

This article<sup>1</sup> relates to the implementation of a cooperative learning program through the use of student peer mentors. The development of the program occurred in two undergraduate law subjects, Contracts<sup>2</sup> and Torts, and was supported by a 1993/4 CAUT<sup>3</sup> Teaching and Learning Development Grant<sup>4</sup>. This article will focus on the operation of the program in Torts and in the first section will examine why we designed and included the program within that subject's teaching and learning strategies. As detailed in this section, these reasons relate to a review of relevant educational literature, Australian Government reports on the desired future directions for tertiary legal education and on the results of the 1993 trial of a new assessment method in Torts.

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- 1 An earlier draft of this article was presented at the 1994 ALTA Conference at the University of Tasmania.
  - 2 For a discussion of the operation of the program in Contracts see: P MacFarlane and G Joughin 'An Integrated Approach to Teaching and Learning Law: the Use of Student Peer Mentor Groups to Improve Student Learning in Contract' *Legal Education Review* 3, 2 at 153-172.
  - 3 The [Federal Government] Committee for the Advancement of University Teaching.
  - 4 The three members of the grant project team were: the Faculty's Dean, Professor David Gardiner, and Peter MacFarlane and myself as respectively the lecturers-in-charge of Contracts and Torts. The Associate Dean, Professor Malcolm Cope, who has administrative responsibility for the Faculty's LLB program, was a member of the project's reference group. The success of the grant project was also due to the encouragement, support and assistance of the other members of the then Torts teaching team: Tina Cockburn, Loretta de Plevitz and Carol Rowell.

In the second section I will detail how the program has been integrated with the other teaching and learning strategies, including assessment, utilised in Torts. The primary aim of this integration has been to assist in the students' qualitative achievement of the cognitive (intellectual), affective (valuing) and skill objectives of the subject, and to promote outcomes for students which will best equip them for professional practice. The difficult question of how we determine whether the intended student outcomes have been realised will be discussed in the third section of the article.

In the article following this, Ben White, a QUT law student, explains the nature of the program from the perspective of a student peer mentor. As indicated in Ben's article, the student peer mentor program has also resulted in personal and professional development benefits for the peer mentors. Whilst my own article will not discuss these benefits, it is indicative that the Dean has imposed a restriction on the number of students who can be re-appointed as peer mentors in subsequent years. This restriction is so that as many as possible of our undergraduate students are given the opportunity to experience the benefits of acting as student peer mentors.

At QUT, Torts is a compulsory, full-year subject<sup>5</sup> with an annual enrollment of approximately 400 students. The subject content includes trespass, negligence, breach of statutory duty, defamation and nuisance. We also include study materials relating to, for example, the functional, economic and feminist perspectives on the operation of the law of torts. The subject's overall teaching and learning strategy includes lectures, seminars and study guides. As will be discussed in section two of the article, the design of the subject, including its objectives and assessment criteria, is aimed at promoting a variety of complementary student outcomes.

The Faculty's student peer mentor program is an integral part of the subject's design and overall teaching and learning strategy. The student peer mentors are undergraduate law students who have already successfully completed both Torts and Contracts. They are selected on the basis of having good communication and interpersonal skills. Academic achievement is not a critical selection criteria. However, in order that the peer mentors have credibility in the eyes of the students, a minimum grade of 5 (credit) in both subjects is required. The task of the student peer mentors is to facilitate student cooperative group learning activities. However, the student peer mentors in their weekly meetings with groups of approximately eighteen students are **not** a substitute for lectures and/or staff-led seminars. The student peer mentor program is an addition to the subject's more traditional teaching strategies. *Our intention is to provide an additional learning resource not to substitute one for the other.* Thus, the role of the student peer mentors is not that of de facto teachers or tutors but rather that of facilitators of student learning.

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5 Although Torts is nominally a first year subject, approximately 80% of QUT's law students are studying either part-time (internally or externally) or are doing combined degrees; consequently, these students do not study Torts until the second year of their law studies.

For this reason attendance at the student peer mentor group meetings is voluntary and the student peer mentors are not involved in student assessment.

The primary objective of the student peer mentor program is the enhancement of the qualitative learning outcomes for our students. Specifically the program's qualitative objectives are to:

1. promote student adoption of deep approaches to their learning of the substantive law so that the students focus on understanding the law, whilst developing an appreciation of its dynamic nature;
2. assist in their related generic skill development, including lifelong learning skills eg. an ability to reflect upon the nature of the law and to share their ideas with others; and
3. increase student autonomy whilst concurrently encouraging them to work and learn cooperatively with their peers.

The Torts teaching team also expects the student peer mentor program to achieve improved quantitative results in terms of improved student grades and retention, progression and graduation rates. The achievement of both these qualitative and quantitative objectives are assisted by the beneficial effect the student peer mentor program has on reducing student isolation and fostering mutual support networks.

## **Section 1: Why Did We Develop the Program?**

The answer to this question has three aspects. First, the educational literature on active and cooperative approaches to learning and on the development of lifelong learning skills endorses the pedagogical principles upon which the student peer mentor program is based. Secondly, reports and reviews of Australian legal education have created a climate receptive to the implementation of these pedagogical principles in undergraduate law courses. These principles are consistent with the national movement towards legal pluralism and a more liberal model of legal education. The third aspect to the answer relates to the results of the trial of a new assessment method which gave Torts students, in 1993, the option of submitting group assignments. The relative success of the trial in encouraging students to adopt cooperative approaches to learning supported the decision to develop the student peer mentor program. Each of these aspects:

- the educational literature,
- reports on legal education, and
- the trial of optional group assignments

is discussed below.

## The Educational Literature

There is a copious body of literature on student learning generally and, specifically, on the desirability of supporting and encouraging students to adopt active and cooperative approaches to learning. Examples of influential writers in this area are David Johnson and his colleagues<sup>6</sup> and Richard Light with his report on the 1990 Harvard Assessment Seminars.<sup>7</sup> Within the context of Australian legal education, the writings of academics such as Marlene Le Brun<sup>8</sup> have provided valuable insights into the advantages of using the students themselves as a learning resource.

Deanna Martin and her colleagues have also written extensively on the quantitative and qualitative benefits of an American program<sup>9</sup> similar in some respects to our student peer mentor program. The program developed by Martin and her colleagues at the University of Missouri-Kansas City is known as the Supplemental Instruction (or SI) program<sup>10</sup>. This SI program has been so successful that it has expanded into hundreds of other universities, both within America and abroad, and has been certified as an Exemplary Program by the United States Department of Education since the early 1980's.<sup>11</sup> Similar to our student peer mentor program<sup>12</sup>, the SI program is designed to enhance the development of students' cognitive, affective and collaborative learning skills.<sup>13</sup>

Influential in providing a philosophical underpinning for the student peer mentor program have been writers such as Janet McCrae who has written:

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- 6 See, for example, D Johnson *et al*, *Active Learning: Co-operation in the College Classroom* Interaction Book Co USA 1991.
- 7 *Explorations with Student and Faculty about Teaching, Learning and Student Life*, Harvard University, 1990; see also the British Series, *Effective Learning and Teaching in Higher Education Project*, CVCP Universities' Staff Development and Training Unit, 1992, especially Module 5, *Enabling Active Learning in Small Groups* and Module 11, *Assessing Active Learning*.
- 8 See, for example, 'Law at Griffith University' (1992) *Griffith Law Review* 15.
- 9 See, for example, DC Martin and DR Arendale *Supplemental Instruction: Improving Student Performance, Increasing Student Persistence* University of Missouri-Kansas City 1991 and C Kohler *Supplemental Instruction and Critical Thinking*, SI News, The Centre for Academic Development, University of Missouri-Kansas City, NDN Project, Spring 1995 at 5.
- 10 In 1993 I was fortunate to be able to attend an International SI Instructors Workshop at the University of Missouri-Kansas City which was of great assistance with the development of our program. QUT's Professor Ron Gardiner and Henry Loh have also provided valuable advice and assistance and were members of the CAUT grant project reference group.
- 11 DC Martin *et al.*, *The Freshman Year Experience*, *Supplemental Instruction: Improving First-Year Student Success in High-Risk Courses*, National Resource Centre for the Freshman Year Experience, University of South Carolina, Division of Continuing Education, 1992 at 1; this text contains a detailed review of the SI program.
- 12 The main differences between the programs are that, unlike the peer mentor program, the SI program is primarily concerned with entry level subjects where historically there have been high failure and attrition rates; also typically, the SI sessions may be the only structured occasions available for students to engage in small group work.
- 13 DC Martin *et al*, *supra* n.11 at 16-18 and 41-48; the educationalists cited by the authors in support of their program include Jean Piaget, Vincent Tinto and Roger and David Johnson.

Peer support for learning could be described as the ‘untapped resource’ of higher education. Students naturally seek the support of their peers in the extra-curricular activities of their university experience and informally tap the knowledge and understanding of their fellow students in the library, tutorial or laboratory class. The concept of students helping each other to learn and in the process consolidating their own learning was proposed by scholars of ancient times, was utilised by Lancaster and Bell in the late 18th century and is again being examined as a viable approach to learning in higher education.<sup>14</sup>

David Jacques has similarly offered support in his writings on the problems associated with traditional forms of small group teaching. These problems include the weight of academic authority and expertise vested in the tutor and the pervading anxiety which students feel about assessment. These problems may result in students speaking only when they have something “safe” to say.<sup>15</sup> The student peer mentor program provides a small group learning opportunity where the source of these problems, the academic authority, has been removed. The program also assists students in coping with problems of alienation, uncertainty, confusion and lack of confidence. It allows students to “learn ways of communicating their thoughts, and occasionally feelings, and of gauging the understanding of their peers”.<sup>16</sup>

In 1992, Paul Ramsden published *Learning to Teach in Higher Education*.<sup>17</sup> The book is “addressed chiefly to practising teachers of undergraduate students in systems of higher education based on the United Kingdom model”.<sup>18</sup> In it, Ramsden identifies six principles, based upon students’ experiences, of effective teaching.<sup>19</sup>

These six principles are:

- Interest and explanation;
- Concern and respect for students and student learning;
- Appropriate assessment and feedback;
- Clear goals and intellectual challenge;
- Independence, control and active engagement; and
- Learning from students.<sup>20</sup>

Teaching and learning strategies which support and encourage active and cooperative student approaches to learning are seen as contributing to the achievement of the fifth principle relating to independence, control and active engagement. For example, Ramsden writes:

14 *Peer Tutoring Newsletter* May 1993 Vol 4.

15 D Jacques, *Learning in Groups*, Kogan Paye, London 1992 at 90.

16 *Ibid* at 70.

17 Paul Ramsden *Learning to Teach in Higher Education* Routledge, London, 1992.

18 *Ibid* at xi.

19 Ramsden defines the term ‘teaching’ in a broad way including “the design of curricula, choice of content and methods, various forms of teacher-student interaction and the assessment of students”, *ibid* at 87.

20 *Ibid* at 96-103.

High quality teaching implies a recognition that students must be engaged with the content of learning tasks in a way that is likely to enable them to reach understanding. Perceptions of choice over how to learn the subject matter, and of control over which aspects may be focused on, are related to high quality learning ... Active engagement, imaginative enquiry, and the finding of a suitable level and style are all much more likely to occur if teaching methods that necessitate student activity, problem solving, and cooperative learning are employed. These kinds of methods permit a degree of student control over learning and can thus accommodate individual differences in preferred ways of reaching understanding, as well as having within them the potential to free students from over-dependence on teachers. They are also likely to result in students becoming engaged with what they are learning at a high cognitive level.

The positive effects on achievement of cooperative learning as compared to competitive and individualistic learning are very well established in the educational literature (see Johnson *et al*, 1981). Recently, Tang (1990) has reported similar effects for higher education students who cooperated in group discussions in preparing for assignments. They perceived their activity to be useful for understanding the content to be learned and used deep approaches to learning it. These were in turn related to higher quality learning outcomes. ... It seems that we often encourage poor learning in higher education through overstressing individual competition while at the same time using teaching methods that both foster passivity and ignore the individual differences between students.

It is worth stressing that 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. That is surely how it should be in higher education, as in any education; if we love our subjects, we must want other people to find them enjoyable rather than dull. Learning should be pleasurable. There is no rule against hard work being fun.<sup>21</sup>

Support for the likely qualitative outcomes of the student peer mentor program can also be found in the legal education text: *The Quiet Revolution: Improving Student Learning in Law* by Marlene Le Brun and Richard Johnstone and in the 1994 Australian Government commissioned Report: *Developing Lifelong Learners Through Undergraduate Education* by Phil Candy, Gay Crebert and Jane O'Leary.

In their preface to *The Quiet Revolution* Le Brun and Johnstone confirm that "claims that legal education should be student centred and interactive in nature are no longer regarded as heresy".<sup>22</sup> Nevertheless, they concede that there are various institutional, discipline-based, personal and cultural factors which may operate to "keep change at bay and frustrate attempts to institute long term innovations".<sup>23</sup> Consequently, their book outlines "ways to think about and approach the teaching of law in Australia".<sup>24</sup> Whilst eschewing a "recipe" approach to teaching, which they

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21 *Ibid* at 100-102.

22 M Le Brun and R Johnstone 'The Quiet Revolution: Improving Student Learning in Law' in *Developing Lifelong Learners Through Undergraduate Education* by Phil Candy, Gay Crebert and Jane O'Leary, The Law Book Company Limited, Sydney Australia 1994 at xiv.

23 *Ibid*.

24 *Ibid* at 399.

believe ignores the complexity of the learning/teaching process, they do provide a “shopping list of ingredients” from which the teacher can choose in devising a subject design which will promote student learning.<sup>25</sup>

It is within this context that Le Brun and Johnstone refer to the work of educationalists who have identified the value of student-led discussions which occur in the absence of teachers. For example:

Students retain knowledge longer and tend to be more responsive and participate more in student-led seminars than in teacher-led seminars. ... Moreover, the nature of the student contributions changes when we [the teachers] are absent. Students initiate the discussion. They engage in more questioning. Overall, they are more active participants in the learning process.<sup>26</sup>

Le Brun and Johnstone also refer to peer learning and cooperative learning stating that these strategies “help students to achieve cognitive goals by using instructional materials”.<sup>27</sup> Further benefits include:

- increased personal contact for students with other students;
- active student involvement in learning; and
- increased cooperation, motivation and self-esteem.<sup>28</sup>

Consistent with the writings earlier referred to, Le Brun and Johnstone’s work supports the conclusion that in legal education, as in other disciplines, the use of students as a learning resource, especially when integrated with complementary teaching and learning strategies, will enhance the qualitative learning outcomes for our students.

Australian educationalists, Candy and Crebert have identified life-long learning skills as a further qualitative outcome which may be promoted by the student peer mentor program. The need for these skills is necessitated by the fact that our graduates “frequently find themselves working in quite disparate settings with consequently varied opportunities for continuing professional training”.<sup>29</sup> In their Report on their Australian Government commissioned project Candy, Crebert and O’Leary suggest that life-long learners exhibit the following qualities or characteristics to some degree:

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25 *Ibid* at 148.

26 *Ibid* at 288/9.

27 *Ibid* at 293.

28 *Ibid*.

29 PC Candy and RG Crebert ‘Ivory Tower to Concrete Jungle: The Difficult Transition from the Academy to the Workplace as Learning Environments’ *Journal of Higher Education*, Vol. 62, No. 5 (1991) at 572.

- an inquiring mind;
- helicopter vision [ie a coherent overview of their discipline];
- information literacy;
- a sense of personal agency; and
- a repertoire of learning skills.<sup>30</sup>

They consider that the development in students of these qualities can be fostered by peer mentoring programs. Referring to QUT's Faculty of Law program, the authors write:

At first sight, peer mentoring might seem to have little in common with self-directed learning. However in both cases there is a considerable shift in the *locus* of responsibility from the teacher to the learners ... Staff were enthusiastic about the rapid development of these skills in a context where learning takes place in an all-student environment:

[We want] to be getting students to actually think about the law in an environment which is not threatening. A lecturer there can be threatening for students, especially when they want to ask 'dumb' questions. Despite how good the lecturer is there is always that gulf, and we are hoping that that gulf doesn't exist when it is students on students ... [We are] getting students to think about the law and to appreciate how the law works in a non-threatening environment working with each other.

One staff member also commented on the way in which this type of learning encouraged learning for life:

One of the problems with students' learning is that, especially in Law, they tend to see it as very static, which of course it isn't. Lawyers are required to keep learning forever. In order to be able to do that you need to be able to talk about the law and share ideas with other people and reflect upon your own ideas on the law. In the student peer mentor groups the students appear to be doing that.<sup>31</sup>

The works of the above authors represent the culmination of decades of international research and literature focusing on the benefits of teaching and learning strategies which promote active and cooperative student approaches to learning. The work of authors such as Johnson, Light, Martin and Ramsden supported the Torts teaching team's decision to trial an assessment method giving students the option of submitting group assignments. This work also informed our decision to seek a government CAUT grant to design, implement and trial the Faculty's student peer mentor program. The final two works, *The Quiet Revolution* and *Developing Lifelong Learners* provide further endorsement for the proposition that the program enhances the qualitative learning outcomes for our students.

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30 Candy *et al*, *Developing Lifelong Learners Through Undergraduate Education*, National Board of Employment, Education and Training, Canberra, Australian Government Publishing Service 1994 at 43.

31 *Ibid* at 133/4.



## Legal Education Reports

As most readers will be aware, in 1985 the Australian Government commissioned a qualitative assessment of teaching and research in the discipline of law at a tertiary level. The subsequent publication of the Pearce Report<sup>32</sup> on Australian law schools “generated critical reflection on the nature and content of [law] courses and a commitment to skill development and quality teaching”.<sup>33</sup> Then and since:

Many critics of the traditional forms of legal education have drawn attention to the associated narrow conceptions of teaching and learning. The teacher as an authority, a transmitter of legal rules that are to be found in records of past judgments, who passes these on to passive receivers is the traditional model.<sup>34</sup>

Again in 1994, the need for law schools to reconsider the teaching and learning strategies they endorse was recognised by the Committee established to report on the implementation of the recommendations of the Pearce Report. In its Report the Committee stated:

The Committee implied throughout its discussion that good teaching is active teaching, ‘learning is a mutual process; teachers do not possess a monopoly of wisdom’. Evidence of innovative or experimental teaching methods was sought by the Committee. Diversity and flexibility in teaching methods was considered desirable.<sup>35</sup>

Thus, the decision to develop the student peer mentor program occurred within a context which, at a macro-level, was supportive of innovation and favoured teaching and learning strategies which promote active involvement by students in their learning of the substantive law and in their related skill development.

The student peer mentor program also receives support at an institutional level from both the Faculty’s Dean and Associate Dean. A major reason for this academic managerial support is because the student peer mentor program is seen as being consistent with the Faculty’s Policy on Teaching and Learning. This Policy emphasises the need for the Faculty to develop teaching and learning strategies which are consistent with the national movement towards legal pluralism and a more liberal model of legal education. It also endorses the view that student learning is a shared responsibility between students and staff.

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32 D C Pearce (Chair) *Australian Law Schools: A Discipline Assessment for the Commonwealth Tertiary Education Commission*, 4 vols, Australian Government Publishing Service 1987.

33 C McInnis and S Marginson *Australian Law Schools After the 1987 Pearce Report*, Centre for the Study of Higher Education, University of Melbourne 1994 at vii.

34 *Ibid* at 44.

35 *Ibid* at 164.

## Practical Experience

As well as the impetus from relevant educational literature and reports on the desirable future directions for legal education, the Torts teaching team was motivated to design and implement the student peer mentor program by the successful 1993 trial of an assessment strategy which gave the Torts students the option of submitting a compulsory research assignment in groups of up to three students.<sup>36</sup> The 2000 word assignment represents 20% of the allocated marks in the subject. In trialing this new assessment strategy, the Torts teaching team was hoping to more actively and cooperatively involve students in their learning of the substantive law and in the development of associated generic skills.

It was also hoped that the assessment strategy would assist students' transition from "the ivory tower to the concrete jungle" where "[t]he employer expects that the graduate will automatically work as a member of a team, and will be cooperative even in situations where the final credit for a job well done will not be awarded to the individual employee, nor even the project team, but to the organisation as a whole or the upper echelon of management"<sup>37</sup>.

One of the mechanisms used to evaluate the effectiveness of the new assessment strategy was a student survey. The survey was administered after the assignments were submitted but before the students received their marks for the assignment. The information gained from the survey allowed the Torts teaching team to make a limited evaluation of whether we had *encouraged* students to adopt an active and cooperative approach towards their researching of the assignment topic. In addition, the fact that 83, or 35%, of the 237 students who submitted an assignment did so as members of a group suggests that the new assessment strategy was moderately successful in encouraging active and cooperative student learning. Of these 83 students, 44 students submitted the assignment as members of a group of two students and 39 students submitted as members of a group of three.

In regard to the student peer mentor program, the most significant result from the survey was that the majority of students who submitted a group assignment reported learning experiences consistent with the educational literature discussed above. Typical responses were:

*Learnt much more by the exchange of ideas. Was much more interesting than working on my own, took some pressure off by being able to share the work. I felt overall we presented better.*

*You get different inputs from different people. One person may see a situation differently and interpret it differently from another. This can be very beneficial.*

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36 This discussion is based upon a paper I presented at the 1993 ALTA Conference in Christchurch, New Zealand; the paper was entitled *Optional Group Assignments: An Assessment Technique which Encourages Co-operative Learning*.

37 P Candy and G Crebert 'Teaching Now for Learning Later: The Transfer of Learning Skills From the Academy to the Workplace' *Journal of Higher Education* 62(5) 570, 592.

*Sharing ideas with fellow law students; opportunity to talk about principles of law, cases; opportunity to work in a group situation; future students should be given the same privilege.*

*I think groups assignments are better as that is how practising Barristers and Solicitors work, so why shouldn't we?*

## **Section 2: The Integration of the Student Peer Mentor Program**

In the introduction to this article I outlined the nature of the student peer mentor program and that the objectives of the program are to promote student adoption of deep approaches to their learning; to assist in the development of their generic skills; and to both increase student autonomy and the ability to work cooperatively. In the introduction I also indicated that the student peer mentor program is closely integrated with the other teaching and learning strategies utilised in the subject. This integration occurs in three ways.

First, the weekly one hour student peer mentor group meetings are located firmly within the overall Torts teaching and learning strategy. The meetings are timetabled to occur in the week following the lecture on a given topic. Each group meeting is immediately followed by a two hour staff-led seminar on the same topic and study materials.

The second way in which the student peer mentor program is integrated into the subject is that the objectives of the program reflect and are consistent with the objectives of the subject as a whole. The third way relates to the subject's assessment strategy which is designed to promote student achievement of, not only the subject's objectives, but also the objectives of the student peer mentor program. As Ramsden has written:

From our students' point of view, assessment always defines the actual curriculum. In the last analysis, that is where the content resides for them, not in the list of topics or objectives.<sup>38</sup>

Each of these three aspects of the integration of the program will be discussed below.

### **The Overall Teaching and Learning Strategy**

As indicated above, the teaching and learning strategies utilised in the subject include:

- weekly one-hour lectures
- from the second week of the subject, weekly one-hour student peer mentor group meetings;

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38 *Supra* n.17 at 187.

- immediately after that meeting, a two-hour staff-led seminar.

The students are also provided with a study guide for each semester. The study guides are designed first to give students clear instructions as to the requirements for success in the subject, including the subject's objectives, and the criteria against which their achievement of these objectives will be assessed. Secondly, the study guides provide students with a "road map for the relevant substantive material" which we suggest students use "as a tool to direct and assist [their] studies in Torts". Thirdly, the guides contain the essay and problem questions which students are required to prepare for discussion in both the student peer mentor group meetings and the staff-led seminars. These discussions take place in the week following the one-hour lecture on a particular topic. This is to allow students sufficient time to adequately prepare for the discussions which, in the staff-led seminars, are assessed as part of their 20% seminar participation mark.

The lectures, in conjunction with the study guides, are designed to give students an overview of each week's topic area and a complementary structure within which to locate their learning of the prescribed primary and secondary source materials. The student peer mentors attend the lectures to assist them in modelling good student behaviour and to promote a sense of comradeship with the students in their respective groups.

In the weekly one-hour student peer mentor group meetings, the peer mentors carry out their primary role which includes:

- acting as a model for successful student behaviours;
- facilitating the small group learning activities to ensure, for example, that all students have an opportunity to participate and that no one or more students dominate the group;
- encouraging a sense of comradeship and mutual support within the group and thereby helping to alleviate student isolation and to promote cooperative student approaches to learning;

The role of the student peer mentors does **not** include:

- teaching the substantive law; or
- involvement in student assessment or reporting on *individual* student performance.

The learning activities which occur in each one hour group meeting vary from group to group on the basis that it is the students themselves who choose what they want to do in the group. To a greater or lesser extent, however, all groups review their preparation of the questions which will be discussed in the immediately following staff-led seminar. In a survey of the 1994 Torts students, they indicated that they also found the following activities helpful:

- review of the week's lecture
- discussion of areas in which students are having problems
- compiling a list of questions to take to the two hour staff-led seminar
- relating the law of Torts to "everyday situations"
- discussion of exam and other assessment techniques.

Significantly, when taken together with the students' cooperative review of their preparation for the staff-led seminar, this list of activities spans the complete spectrum of the teaching and learning strategies utilised in the subject and in itself supports the assertion that the student peer mentor program is assisting students' achievement of the subject's objectives. It is in this way that the operation of the student peer mentor program is located, both administratively and pedagogically, within the overall teaching and learning strategy utilised in Torts. This overall strategy has been designed by the teaching team to assist students in their achievement of the objectives for the subject.

## The Torts Objectives

In the context of students acquiring a structured knowledge, understanding and appreciation of the law of torts, the objectives of the subject are:

1. To develop *skills* in extracting principles from primary legal sources and hence promote familiarity with the *primary sources*, their interrelationship and an *understanding* of how these principles have been developed.
2. To enhance *abilities of analysis* and *application of principles* to problem situations and the *effective communication* of the resolution.
3. To engender an *understanding* and *appreciation* of the *dynamic* nature of the law of torts and how it has developed in response to social, economic and political changes and through such appreciation to enhance the *ability to anticipate* the manner in which the law *may* and *should develop* in future.
4. In conjunction with the development of these skills and abilities, to *stimulate interest* in and *enthusiasm* for learning about and *participating* in the legal process.
5. To develop *skills relevant to life-long learning and professional practice*.

The subject's objectives are designed to address all three of the identified learning domains — cognitive (intellectual), affective (valuing) and skill — and reflect a move beyond the traditional view that teaching and learning in law should be restricted to students acquiring a *static* knowledge and understanding of the substantive law.<sup>39</sup> The third and fourth objectives, in particular, invite students to question and challenge their own, and others', attitudes, habits, beliefs and values, and are

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39 The traditional view often sees the law as being "an objective, neutral, value-free, non-gendered set of norms", Le Brun and Johnstone, *supra* n.22 at 164 and generally at 158-175.

designed to produce actual student outcomes which are consistent with best professional practice.<sup>40</sup> As Ramsden has written:

The development of professional skills associated with ethics and human relationships (including strategies for collaborating with colleagues) may also be seen as a shift from a narrowly technical view of the professional role to a broader, more liberal and qualitatively different one.<sup>41</sup>

The second and fifth objectives are respectively relevant to the development of students' discipline-based skills and of their generic skills including autonomous, cooperative and lifelong learning skills. Le Brun and Johnstone support the proposition that, by including generic skill development within a subject's objectives, we will also "deepen students' understanding of substantive law and its ethical nature"<sup>42</sup> and hence enhance student achievement of the first, third and fourth of the subject's objectives and also the analysis and application aspects of the second objective.

As indicated in the introduction to this article, the objectives of the Faculty's student peer mentor program are to:

1. promote student adoption of deep approaches to their learning of the substantive law so that the students focus on understanding the law, whilst developing an appreciation of its dynamic nature.
2. assist in their related generic skill development including lifelong learning skills, eg., an ability to reflect upon the nature of the law and to share their ideas with others; and
3. increase student autonomy whilst concurrently encouraging them to work and learn cooperatively with their peers.

Thus, the objectives of the student peer mentor program, in a similar manner to the subject's objectives, are designed to address the cognitive, affective and skill domains. This consistency between the subject's and the program's objectives has assisted the integration of the program within the subject's overall teaching and learning strategy.

There are, however, two apparent discrepancies between the subject's and the program's respective objectives. The first relates to the vocabulary in which the respective objectives are expressed. The second relates to the relative emphasis placed in the two sets of objectives on students' generic skill development as reflected in the subject's fifth objective and in the program's second objective; and to the complete absence in the subject's objectives of any specific mention of students' ability to adopt cooperative approaches to their learning of the substantive law.

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40 *Ibid.*

41 *Supra* n.17 at 36.

42 *Supra* n.22 at 170.

The reason for the difference in the vocabulary used in the two sets of objectives is based upon the different purposes for which the objectives were written. The subject's objectives were written, in part, to inform the students of the teaching team's requirements in terms of the students' successful completion of the subject. In this context, the teaching team could see no merit in using terms such as "deep approaches to learning" which have little, if any, meaning for law students. In contrast, the objectives of the student peer mentor program were written as part of the application for the 1993/4 government CAUT grant. In the Torts Study Guides, the program's objectives have been rephrased to reflect what we want the students to understand about the program and the role of the student peer mentors. For example, the students are told that the peer mentor's role is "to assist you, as a member of the student [peer mentor] group, in learning from each other ... [and to] assist you in developing the skills you will need to successfully complete the subject".

In regard to the greater detail about generic skill development and students' development of cooperative approaches to learning in the program's, as compared to the subject's, objectives, this is because we currently directly assess only a limited range of students' generic skills, eg., reasoning and communication skills. We do not directly assess several other aspects of their lifelong learning skills; nor do we directly assess their ability to work and learn cooperatively with their peers. Thus, the teaching team believes that the development of these aspects of the program's objectives should be implicit rather than explicitly stated in the subject's objectives. Below I explain in greater detail how assessment has been used to promote student achievement of the objectives of the peer mentor program and in so doing assist in its integration in the overall Torts teaching and learning strategy.

## The Assessment Strategy

It is beyond the purpose of this paper to examine in detail how the Torts assessment strategy reinforces students' achievement of the entirety of the subject's objectives. Suffice to say that there is a clear and close alignment between the subject's objectives and the assessment criteria. For example, the reference in the third objective to students' developing "an understanding and appreciation of the dynamic nature of the law of torts" is reinforced by the assessment criterion that "the degree of command by students of the dynamics ... is the basis of the discrimination between grades". Instead, this part of the paper will concentrate on the manner in which the Torts' assessment strategy formatively promotes students' achievement of the objectives of the student peer mentor program.

In their respective works, Ramsden<sup>43</sup> and Le Brun and Johnstone<sup>44</sup> describe the three ways in which assessment can be used as part of an overall teaching and learning strategy:

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43 *Supra* n.17, for example, at 170.

44 *Supra* n.22, for example, at 181/2.

- (a) formatively, as a means of helping students to learn in a manner consistent with the subject's objectives,
- (b) summatively, as a way of reporting on students' progress and achievement of the subject's objectives, and
- (c) evaluatively, as a way of making decisions about our teaching and the extent to which our teaching and learning strategy has promoted student achievement of the subject's objectives and resulted in the intended student outcomes.

In regard to the Torts assessment strategy as it relates to the student peer mentor program, however, only the first of the program's objectives — students' understanding of the law and their appreciation of its dynamic nature — is summatively assessed by each of the components of the subject's assessment strategy. These components are the assessment of students' participation in the staff-led seminars (20%), a 2000 word research assignment (20%) and mid- and end-of-year examinations (60%). In regard to the development of students' generic skills, whilst some of these skills, eg., problem solving and communication skills, are summatively assessed, we do not directly and summatively assess other lifelong learning skills such as their ability to self reflect or their ability to assess the work of their peers. Nor do we summatively assess the related ability to work and learn cooperatively with their peers. Nevertheless, the current assessment strategy, does *encourage* students to learn in a manner consistent with the second and third objectives of the student peer mentor program.

*Staff-led Seminar Participation:* There are two aspects to this method of assessment. The first is a general participation mark, against set criteria, worth 5% in each semester and thus accounting for 10% of a student's final grade in the subject. Included within the criteria for the first semester seminar participation mark is the requirement that, in the first half of first semester, each student gives a satisfactory three-minute presentation to the staff-led seminar group. The **oral presentations** are each based upon one of the cases set as prescribed reading in the early weeks of the subject. As part of the presentation, each student is required to answer questions both from their peers and the academic staff member.

The second aspect to the assessment of the student's participation in the staff-led seminar is the two **mini moots**. A mini moot in Torts can be best described as a tag-team debate on a legal problem. Each of the debate teams consists of three or four students. The tag aspect of the debate means that the academic staff member can, at will, stop one team member and ask another to continue the explanation and elaboration of the team's argument. There is one mini moot in each of three staff-led seminars in each semester. The legal problem is based upon the topic of the previous week's lecture and on the student preparation materials specified for both the student peer mentor group meeting and the staff-led seminar.

Each member of a mini moot team receives the same mark as the other members of the team. The students are encouraged, but not obliged, to work with different students in each mini moot. Student's participation in each mini moot is worth



5%, thus together with the 10% allocated for the general staff-led seminar participation, 20% of a student's final grade is based upon their participation and performance in the staff-led seminar.

The criteria for both the assessment of the oral presentation and the mini-moots, like the general participation mark, are closely aligned with the subject's objectives. Because the objectives of the student peer mentor program generally reflect and complement the subject's objectives, the seminar participation assessment method also formatively encourages students' achievement of the program's objectives. To this extent, and especially in relation to the first objective, the student peer mentor program's objectives are also summatively assessed. However, as with the optional group assignments, we are not directly and summatively assessing whether the students are developing lifelong learning skills and/or are truly engaging in a process of cooperatively learning and working with their peers.

*Optional Group Assignments:* In section one I related how this assessment method was trialed in 1993 and the results which have since convinced the teaching team to include the method as a permanent component of the assessment strategy. As with seminar participation assessment, the method may formatively encourage students to adopt cooperative approaches to their learning but we currently have in place no summative assessment method to determine whether this is actually occurring. We do ensure, however, that the assignment research topic cannot be dissected and parts allocated exclusively to members of the student group.

In this section, I have detailed the three ways — location, objectives and assessment — in which the student peer mentor program has been integrated into the overall Torts teaching and learning strategy. In the third section I will discuss the evaluation of the program in terms of the intended student outcomes.

### Section 3: The Intended Student Outcomes

In the introduction I outlined the nature of the student peer mentor program and indicated that the primary objectives of the program are the encouragement and promotion of qualitative outcomes for students which will best equip them for professional practice. The literature reviewed in section one of the paper supports the proposition that the program should produce these intended outcomes. As Ramsden states:

Recent studies show that in professional subjects, which usually involve a large amount of problem-solving activity, in an important sense the approaches used are also the outcomes of learning: in other words, students are learning a process which will be an essential part of their work as professionals.<sup>45</sup>

However, Ramsden also highlights the fact that “there is often an inconsis-

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<sup>45</sup> *Supra* n.17 at 17.

ency between the outcomes of student learning as teachers and students would *ideally* like them to be and the reality of what students *actually* learn."<sup>46</sup> Therefore, if we are truly to know whether we have achieved the intended objectives of the student peer mentor program it is necessary to measure those objectives against the *actual* learning outcomes of our students. That is to say, to measure whether our students are adopting deep approaches to their learning of the substantive law; whether they are developing related generic skills including lifelong learning skills; and whether they are becoming autonomous learners with the ability to work and learn cooperatively with their fellow students.

In section two I indicated that Ramsden and Le Brun and Johnstone believe that the assessment of students, in itself, can assist in an evaluative analysis of our teaching and learning strategies and assist in identifying the learning outcomes for our students. Nevertheless, in the context of analysing the qualitative success of the student peer mentor program, there is a difficulty with the teaching team itself using the results of our assessment strategy as a means of evaluating the program. The difficulty is that the Torts teaching team's "ownership" of the program necessarily diminishes the extent to which we can be objective in our evaluation. Certainly, our evaluations indicate that the program has qualitatively improved students' performance in assessment tasks and especially in relation to their seminar participation. This evaluation, however, can only be vindicated by other complementary methods of evaluation.

Apart from the Torts teaching team's subjective evaluation of the program, we also surveyed the students at the end of first semester in 1994. The results of this survey were used to make modifications to the program in second semester and again in 1995. The results also indicated that the majority of the students believed the program was beneficial.<sup>47</sup> For example, in response to a survey question asking what the students had gained from attending the student peer mentor group meetings, typical comments were:

*Identifying the problem areas of the Law of Torts and the grey areas so that we could ask the seminar group leader at the staff led groups*

*Extra knowledge and help constructing questions for practice. The informal learning environment is helpful*

*Other students experiencing difficulties in particular areas could pool knowledge for the benefit of all*

The comments by students also provide a good explanation of the pedagogical value of the program:

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46 *Ibid* at 51.

47 This result was repeated in subsequent surveys.

*I have found the sessions extremely interesting — they have added to my overall understanding of the subject and to my ability to recall the information*

*SPM are an excellent opportunity for students to compare knowledge and learn from each other*

*This program would benefit the students in the next few years, as I have gained a lot from it — Thank you*

Encouraging as the survey results are, however, students' evaluation of the program are also necessarily subjective and may be predicated upon factors which have little to do with actual student learning outcomes. This is not to suggest, of course, that there is no place for staff and student evaluations of innovative teaching and learning strategies. Such evaluations are vital if we are to continually improve and refine the strategies we design and implement in our subjects. However, if we wish to demonstrate that innovations such as the student peer mentor program have resulted in actual student outcomes which are consistent with the intended outcomes, the need for other forms of evaluation is essential.

It is beyond the scope of this article to suggest what form such evaluations should take. I would suggest, however, that they should be consistent with the research which forms the basis of the educational literature reviewed in section one of the paper, and be predicated upon the principle that "good teaching in higher education may be defined by the quality of learning it encourages".<sup>48</sup>

## Conclusion

Ramsden has stated that "[g]ood teaching involves striving continually to learn about students' understanding and the effects of teaching on it."<sup>49</sup> The integration of the student peer mentor program with the other teaching and learning strategies utilised by the Torts teaching team is thus a process which will need to be continually monitored and evaluated for its effectiveness in enhancing students' learning of the substantive law and the development of their related generic skills. Future modifications of the program will be based upon the results of these monitorings and evaluations.

The early results of the integrated use of the program are, however, promising. Consistent with the results for similar programs overseas<sup>50</sup>, the results suggest that students themselves are a valuable teaching resource. When integrated with the other teaching and learning strategies utilised in a subject, a student peer mentor

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48 *Supra* n.17 at 267.

49 *Ibid* at 6.

50 See, for example, *Review of Research Concerning the Effectiveness of SI from The University of Missouri- Kansas City and Other Institutions from Across the United States*, National Centre for Supplemental Instructional, University of Missouri-Kansas City, Centre for Academic Development 1995.

program can be used to support the achievement of outcomes which are consistent with providing a quality-based legal education for our students. These outcomes focus upon students being actively involved in their learning of the substantive law and related generic skills; upon students working cooperatively towards the development of deep approaches to learning the substantive law; and to the development and enhancement of students' life-long learning skills.

Perhaps the following comment from a student best indicates the pedagogical value of the student mentor program. In response to the question asking what were the most significant things students obtained from attending the student peer mentor group meetings, one student wrote:

*Seeing that other students have problems as well in understanding, and knowing that I am not alone and can turn to my fellow students in times of trouble.*