

INTERVENTIONS TO ENHANCE THE STUDENT EXPERIENCE OF A FIRST-YEAR LAW DEGREE: WHAT THEY REALLY WANTED

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I. INTRODUCTION

This paper reports on the evaluation of a ‘transition’ program for first-year law students at the University of Western Sydney (UWS). The program aimed to establish a personalised pastoral connection between students and academics outside the formal teacher–student relationship and to enhance new students’ sense of social connection to their peers and teachers in the law school. The evaluation of the program found that the strategies of the transition program made students feel welcome and a part of the law school and helped some students adjust to university or resolve the challenges they experienced in the first semester of their degree. However, most students reported that these strategies did not make a big difference to their long-term adjustment to law school. What they really wanted was for all of their teachers to be more approachable and to provide more academic support so they could understand how to be a successful law student. The evaluation also identified a much higher level of anxiety, uncertainty and disengagement among students than reported in national surveys of the first-year experience,¹ particularly surprising because law students are expected to be among the most able and confident. Teacher perceptions of the success of the transition program were mixed, but they generally underestimated first-year students’ anxiety and sometimes misread their resulting disengagement.

The significance of these findings — which must be seen in the context of the small survey sample — is threefold. Firstly, they highlight the importance of a holistic, multidimensional faculty-based and institutionally-supported transition experience for first-year students, with compatible co-curricular and curricular dimensions.² Secondly, the student voice fixes the centrality of the academic experience and the role of teachers in facilitating a successful transition to first-year university.³ Lastly, the findings point to the need for a framework to assist students to become independent learners by scaffolding the scholarly processes, communication practices and orientations to knowledge valued by the discipline.⁴

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- 1 Kerrie-Lee Krause et al, *The First Year Experience in Australian Universities: Findings from a Decade of National Studies* (2005); Craig McInnes et al, *Trends in the First Year Experience in Australian Universities* (2000); Christine Asmar et al, *The First Year Experience Project Report* (2000).
- 2 Keithia Wilson, ‘The Impact of Institutional, Programmatic and Personal Interventions on an Effective and Sustainable First-Year Student Experience’ (Paper presented at 12th Pacific Rim First Year in Higher Education Conference, Townsville, 29 June – July 1, 2009) 10.
- 3 Mark Peel, “‘Nobody Cares’: The Challenge of Isolation in School to University” (2000) 9 *Australian Association for Institutional Research* <http://www.aair.org.au/jir/May00/Peel.pdf> at 17 December 2009; Kerrie-Lee Krause, ‘Serious Thoughts about Dropping Out in First Year: Trends, Patterns and Implications for Higher Education Studies’ (2005) 2 *Learning, Evaluation Innovation and Development* 55–68 <<http://sleid.cqu.edu.au>> at 9 December 2008.
- 4 Ursula Wingate, ‘A Framework for Transition: Supporting “Learning to Learn” in Higher Education’ (2007) 61 *Higher Education Quarterly* 391–405.

This paper first discusses the elements of the transition program and students' and teachers' perceptions of it. It then considers these findings in the context of the literature on first-year transition programs and makes tentative recommendations for future programs.

II. BACKGROUND

This study took place in a new multi-campus university with a diverse student population, in terms of entry qualifications, backgrounds and learning experiences. The students at this university represent a higher proportion of non-traditional students or those in equity categories (NESB, disability or low socioeconomic status) than those in the rest of the university sector; although, being in one of these categories does not necessarily mean that a student will be more likely to withdraw from law school.⁵ More than half of all students at this university are the first in their family to attend university and the proportion of students working more than 20 hours per week is higher than the sector average. For some students, this means less preparedness for university and a greater number of personal stressors affecting their university experience.

The study was introduced as a pilot program to respond to specific university trends, and to determine the most effective institutional responses to support first year students. An exit survey conducted by this university in 2007 indicated that, of the top 10 reasons for withdrawing from the university, those that could be addressed by institutional initiatives were: isolation (number 3), inadequate staff feedback and help (number 5), and lack of staff availability (number 9).⁶ This data was troubling as 'isolation' had gone from position 9 in 2006 to position 3 in 2007, increasing by 10 per cent. 'Inadequate staff feedback and help' had also increased by 10 per cent (although it remained at position 9 from 2006 to 2007). There was no specific tracking of law students in this withdrawal data.

Other sources showed that, although the university had refined its orientation processes and enhanced its online and support services for new students, law students did not readily access those services.⁷ Law students also reported that they did not feel that academic staff made a real effort to understand the difficulties they might be having with their work.⁸ Although retention of first-year law students in 2006–07 (82 per cent) was slightly above the university and sector standard (77 per cent), it was low for a 'flagship' faculty. The figure was also lower than the university average for some sub-groups, particularly graduate entry students. While the reasons influencing early withdrawal are complex, the key factors might have been the simple dynamics of student–staff relationships and students' feelings of isolation.⁹ Findings from the 2007 'Students at Risk' project at this university suggested that first-year students wanted staff to be prepared to discuss questions, no matter how insignificant, and to send a message that they valued students as individuals.¹⁰ Students also indicated that they lacked confidence to approach

5 Marnie Campbell, *University of Western Sydney Scoping the Students at Risk 2007 Project* (2007a).

6 Office of Planning and Quality, University of Western Sydney, *University of Western Sydney Student Exit Survey 2007* (2007). Students typically leave university for a combination of reasons. The other factors reported in this study were: employment commitments 29.0 per cent (2006: 32.9 per cent); course wasn't what students expected 28.3 per cent (2006: 27.6 per cent); family pressures 26.0 per cent (2006: 26.4 per cent); financial difficulties 24.3 per cent (2006: 25.3 per cent); timetable made it difficult to attend classes 23.2 per cent (2006: 24.8 per cent); teaching and learning methods were un-motivating 19.5 per cent (2006: 17.5 per cent); expectations about assessment were unclear 17.5 per cent (2006: 11.6 per cent).

7 Office of Planning and Quality, University of Western Sydney, *Tracking and Improvement System for Learning and Teaching* (2006).

8 Ibid.

9 Marnie Campbell, *University of Western Sydney Students at Risk Project Report and Recommendations* (2008).

10 Marnie Campbell, *Targeting Ways to Improve Social and Academic Integration of First or Commencing Year Students: The Importance of the Student Academic Experience at the University of Western Sydney* (2007b).

academic staff and that they would benefit from group or individual sessions where they could raise and discuss issues directly with faculty staff.

The scholarly literature and research in this field demonstrate that student learning outcomes and students' likelihood to stay at university are strongly influenced by the level of academic and social integration achieved early in the student learning cycle.¹¹ While Long's study of students who left university after their first year did not rank social isolation highly, it was considered to be part of a nexus of reasons that included withdrawing from university because of academic difficulties and dissatisfaction with the course.¹²

The research continues to emphasise the importance of peer engagement around academic activities in and out of class.¹³ It is also widely agreed that academic staff play a key role in assisting first-year students to engage with their study.¹⁴ It is the *quality* of staff and student interactions which seems to make a difference to students. The American retention literature confirms the importance of student–teacher contact in student achievement, persistence, academic skill development, and personal development.¹⁵ One way to systematise student–teacher contact is through roles such as a 'faculty advisors'.¹⁶ Indeed, Peel found that advice from academic staff and academic mentoring by a lecturer were seen by students as the most valuable form of direct assistance they received in their first year at university.¹⁷ Student perceptions of staff availability and approachability indicate that students do not think that teachers are adequately available to discuss students' work; to take sufficient personal interest in their work; to give helpful feedback; or to understand their particular difficulties.¹⁸

III. THE TRANSITION PROGRAM

The range and combination of factors that encourage student engagement and success at university are complex. Both the UWS data and broader first-year literature, though, indicate that early academic and social integration are important for long-term success, and highlight the important role that teaching staff can play in supporting this transition.

The pilot program at UWS sought to promote first-year academic and social integration through a range of initiatives. These included an orientation program which emphasised group activities, an optional overnight orientation camp, social activities for staff and students like school barbeques, and a dedicated website to encourage students to communicate with their

- 11 Victor Tinto, *Leaving College: Rethinking the Causes and Cures of Student Attrition* (1987); Victor Tinto, 'Colleges as Communities: Taking Research on Student Persistence Seriously' (1998) 21 *Review of Higher Education* 167–177; George Kuh, 'Sharing Responsibility for Engaging First Year Students' (Speech delivered at the 10th Pacific Rim First Year in Higher Education Conference: Regenerate, Engage, Experiment, Brisbane, Australia, 2-5 July 2007).
- 12 Michael Long, Fran Ferrier and Margaret Heagney, *Stay, Play or Give it Away? Students Continuing, Changing or Leaving University Study in First Year* (2006) 74.
- 13 Kerrie-Lee Krause et al, 'Out-of-Class Engagement in Undergraduate Learning Communities: The Role and Nature of Peer Interactions' (Paper presented at the Association for the Study of Higher Education Conference, Portland, Oregon, 12-16 November 2003) 13–16; Tinto, 'Colleges as Communities: Taking Research on Student Persistence Seriously', above n 11.
- 14 Krause et al, *The First Year Experience in Australian Universities: Findings from a Decade of National Studies*, above n 1, 31; Peel, above n 3.
- 15 Tinto, 'Colleges as Communities: Taking Research on Student Persistence Seriously', above n 11; Ernest T. Pascarella and Patrick T. Terenzini, 'Patterns of Student-Faculty Informal Interaction Beyond the Classroom and Voluntary Freshman Attrition' (1977) 48 *Journal of Higher Education* 540–552; Richard L. Halpin, 'An Application of the Tinto Model to the Analysis of Freshman Persistence in a Community College' (1990) 17 *Community College Review* 22–33.
- 16 Ronald McArthur, 'Faculty-Based Advising: An Important Factor in Community College Retention' (2005) 32 *Community College Review* 1–19.
- 17 Peel, above n 3.
- 18 Krause et al, *The First Year Experience in Australian Universities: Findings from a Decade of National Studies*, above n 1, 64.

peers and staff. The main intervention was the creation of several ‘first-year advisor’ (FYA) roles filled by first-year teachers who conducted informal meetings with most of the first-year cohort (356 of 429) in small groups of up to three students in the first four weeks of semester one. The FYAs were to provide a personalised, pastoral connection with students outside the formal teacher–student relationship and act as a further point of reference. In meetings with students, the FYA asked how students had settled in during their first few weeks, inquired about their biggest challenges and, if required, referred student to resources for learning and personal support services and gave them the option of a more personal discussion if they wished. The FYA meetings were intended not only to connect students with a friendly academic whom they could consult if required, but to provide an early chance for students to evaluate their progress; to compare it with that of other students; to provide a forum for students to express their concerns and receive guidance or referral to address them; and to connect students with others in the interview group.

IV. THE EVALUATION

We used a ‘triangulation’ or mixed-methods approach¹⁹ to evaluate the success of the pilot program. This approach combined interviews with first-year teachers with an online self-report survey completed by first-year students. Six teachers, including three FYAs, participated in an hour-long open-ended interview discussing their perceptions of the strategies introduced. Fifty students completed the survey — a return rate of 13 per cent. This was lower than desirable, and lower than sector-wide responses to surveys of the first-year experience. While the participants are representative of the first-year law cohort at this university, and their responses are consistent with a number of trends reported in the literature on the first-year experience, the findings should be treated cautiously because of the small sample.

V. THE RESULTS: STUDENT SURVEY

Of the students responding to the survey, most had participated in at least one of the transition project initiatives, as the table below indicates.

1. Orientation morning on their home campus	63 per cent (29)
2. Orientation camp	15 per cent (7)
3. Interview with FYA	59 per cent (27)
4. Website for first year law students	44 per cent (20)
5. Social activities like the ‘we made it bbq’	19 per cent (9)

The survey results and comments indicate that students appreciated the opportunity to speak with a FYA, and that it made them feel welcome and valued as an individual. One-fifth listed the first-year transition activities as having made the biggest difference in assisting them to adjust to first-year university. Forty per cent agreed that the general orientation session helped them to adjust to university or resolve the challenges they experienced in the first semester of law. Only 15 per cent of respondents attended the orientation camp and, of these, half agreed that this experience helped them to adjust better to first semester law study. Forty per cent of those who attended an interview with a FYA agreed that the interview helped them adjust, although around 30 per cent of students disagreed with this statement. Half of interviewees said that the interview helped them feel part of the law school and that the FYA had a genuine interest in them as an individual. Two-thirds of interviewees and half of all students agreed that it was important to have an interview with a FYA. Students identified the factors that had most assisted them to adjust in their first semester at university as being friendly, approachable and available

19 R. Burke Johnson and Anthony J. Onwuegbuzie, ‘Mixed Methods Research: A Research Paradigm Whose Time Has Come’ (2004) 33 *Educational Researcher* 14–26.

—— INTERVENTIONS TO ENHANCE THE STUDENT EXPERIENCE OF A FIRST-YEAR LAW DEGREE staff — though not necessarily the FYA (40 per cent); their peers (30 per cent); and their own personal effort and persistence (20 per cent).

Half of respondents reported that they had settled into university life well in the first semester of their law degree and had made friends, and a majority reported that they enjoyed studying law. However, most also experienced significant challenges in the first semester of their law degree. Two-thirds of participants experienced personal stress or difficulties and the same number found it hard to juggle commitments and manage their time and workload. Two-thirds said they did not know how to approach the study of law and found studying law difficult. Three-quarters did not know how to do law assessments. Half did not know where to get help. Nearly half thought seriously about discontinuing or deferring in the first semester. As one student remarked, '[w]e were so lost.' These figures are alarming because they are much higher than reported for other first-year students both across the sector and at this university, and also because law students are expected to be successful, confident learners. These were bright students, with half recording a university admission score of more than 80, and one quarter achieving more than 90.

Students found some value in the activities designed to assist their transition and to promote social interaction between students and with staff, but most students reported that they did not make a big difference. Students said they would have preferred more purposeful academic assistance about assessment and more specific guidance from their teachers about how to be a law student. When asked what more the law school could do to help first-year students adjust, nearly 60 per cent of students commented that they what they really wanted was more help about *how* to be a law student. Nearly half of student comments concerned their need for more specific in-class academic guidance about how to study law, prepare for class and complete assessment tasks. One commented:

Perhaps hold a seminar or two on how to approach assessments, what's expected in answering law-based questions and in general how to structure study materials.

Another highlighted the need for assistance about the particular skills necessary for studying the discipline of law:

Law units are hard and different to Business, Communications etc. Teachers need to teach students on HOW to answer assessment questions and how to study properly... Provide SOME guidance at least. Don't just assume that students know what they are doing.

When these comments are combined with requests for greater teacher responsiveness, nearly two-thirds of comments concerned the need for more academic support. While 40 per cent found friendly, approachable and available staff as the most important factors in their adjustment to university demands, one-fifth of students wanted *more* teachers to be more approachable as 'it is really difficult to ask them for help'. Students also favoured structured opportunities to speak with staff 'so that if we did want to approach them we would not feel as though we were intruding.'

VI. THE RESULTS: INTERVIEWS WITH FIRST-YEAR TEACHERS

A number of themes were identified in the staff interview responses. These include mixed views about the value of the transition project interventions, surprise at the level of insecurity felt by new students and uncertainty about who had responsibility for learning in a difficult law degree: students or teachers.

A. *Value of the Transition Project: 'You're Not Just Teaching a Number'*

Teachers had mixed views about the value of the transition project in assisting students to adjust to the first year at university. FYAs who participated in the interviews thought the small group meeting with students were of great benefit to themselves because it gave them a greater understanding of the 'personal situation people were coming from' and reminded them that 'you're not just teaching a number.' One teacher observed that it 'woke me up a bit to the

sensitising process, to how I needed to be a bit gentler with first year [students].’ Another remarked that the transition program ‘re-energised my sense of commitment to first year [students].’ Teachers thought that there was value in the FYA interviews for student participants in ‘hearing about other students in exactly the same situation, so the normalising of their experience’ was helpful.

Others believed that the interviews were beneficial in an administrative sense, preventing a lot of problems, so students knew how to pre-empt difficulties by knowing what to do, who to go to, where to look, and what to think about. And so there’s no rush at the end when it’s almost too late, or it *is* too late, to fix it.

The FYAs reported that the interviews were also a useful strategy to identify, counsel and refer students at risk. A large number of students were referred to the university Student Learning Unit for generic academic literacy workshops about essay writing and referencing conventions, or study and life skill workshops on topics such as time and stress management. Many students were also referred to the university counselling service or welfare, equity or disability services. However, other first-year teachers thought that one-off interviews were of limited value ‘without follow up’ interviews or phone calls later in the semester to see if problems persisted and to provide structured support to at-risk students.

The orientation camp was generally perceived by teachers to be of significant value to the students who attended it, as it developed an ‘esprit de corps’ and ‘those students who attended the camp came back very bonded and confident.’ They thought that this and the social activities assisted to build a ‘culture of community’.

B. The Imposter Syndrome: Surprise at Student Insecurity

Several teachers were surprised at the depth of the students’ lack of confidence and insecurity, demonstrated in their interviews with FYAs. As one remarked:

There was a much higher degree of anxiety than I was expecting. ... I had a lot of students, I didn’t realise, [who] were very insecure about whether or not they deserved to be here.

Another commented that a

surprisingly large number of them have very low self-confidence in their ability, or freedom to approach a person who appears to be in authority and actually talk to them. So I think they’re really frightened [to ask for help].

Insecurity was evident among high school entrants and also among graduate or mature entry students. One FYA remarked:

A lot of mature age mums, and to a lesser extent, dads, [were thinking] that impostor kind of thing of ‘I’m not a law student; I don’t really think I belong here.’ And ... acute anxiety about coping with juggling work for a lot of them. ... The lack of confidence was a surprise.

One teacher confirmed the view that

the Imposter Syndrome is huge. I say to my students, ‘Who’s scared to be here?’ A couple of people put up their hand. I say, ‘OK, who’s too scared you can’t even put up your hand?’ And they all sort of laugh at that!

The tracking of student concerns in the FYA interviews suggests that student anxiety was high in the first few weeks but, by week four, the FYAs thought that students seemed much more settled. However, student survey comments and responses suggest that their uncertainty and self-doubt continued during the semester, particularly in relation to assessment and understanding how to master legal knowledge.

C. *'It's a Really Tough Degree' — Whose Responsibility for Learning?*

First-year teachers recognised that students' insecurity was not just about grappling with the demands of independent study as a new university student, but was linked to the difficulty of the law degree. This theme is illustrated in the following comment:

the law program itself is quite demanding and requires a great deal of work. I think many of these students, even if they have attained very good results, probably still are not used to the level and the constancy of work that's required.

The effect of the challenging nature of the law degree on student engagement was identified by another teacher, who stated:

it's a profession. It's a really tough degree. It's a commitment. It's not something they can do in their spare time. It has to be a priority in their lives. It's something *they* have to take really, really seriously ... And if *they're* not going to realize the amount of effort *they* have to put into it at the beginning, I think a lot of people that we lose is because *they're* slow to realize that, or *they* refuse to realize it. (emphasis added)

As the emphasis here indicates, this remark also highlights another important theme in the staff perceptions: that the cause of disengagement is located *within* the student²⁰ and that the responsibility for adjusting to university and for mastering law belongs to them. Student assumption of responsibility for learning was perceived as part of the necessary transition from school to university as the following remark suggests:

The school leaver in general might be more used to the high school experience and the university experience where they're actually now free radicals and their responsibility is for themselves. Their teacher's not responsible for their learning anymore. They are.

There was a view that those students who did not take responsibility for their learning formed a significant proportion of those who were disengaged, even early in the semester. According to this view, these students are

so lazy and switched-off that they really can't be bothered. You can see that, because in the early part of the semester they would not even be bothered to bring the textbook along with them. They would not be bothered to bring the legislation along with them.

This teacher assumed that disengaged students were 'just really lazy and can't be bothered, and just want to be told some easy, simple thing' because if they were:

struggling and saying, 'Look, I really don't understand this, I'm really worried about it' — they're going to be there, and to a degree they're going to be chasing you up.

The view that students did not work hard enough was echoed by other teachers, one of whom commented that:

there's a culture that you don't have to work as hard, that you can get special consideration. I think we need to acculturate the students that this is a big commitment, you're going to have to work hard. It can be enjoyable, but you're going to have to commit everything to it.

There was general agreement among teachers that many students were overwhelmed and insecure and found the law degree difficult — and that some were disengaged — but there was no shared view about the reasons for this. Some questioned 'the appropriate approach for our particular first-year cohort.' The reference to 'our particular cohort' was an acknowledgement of the 'outside pressures' these students faced and the less well-developed academic skills that some brought to university. One teacher indicated this by implication, comparing these students with others the teacher had taught in another university who

20 Tamsin Haggis, 'Pedagogies for Diversity: Retaining Critical Challenge amidst Fears of "Dumbing Down"' (2006) 31 *Studies in Higher Education* 521–535.

were all competent at reading, at writing, at understanding, at communicating, at doing their work. They all came from professional families. None of them worked fulltime. If they did, it was to save up money for their ski trip rather than to pay the electricity. No-one had kids. You know. They were straight out of the private schools.

A number of staff expressed the tension they felt in responding to the particular circumstances of their students by acknowledging that there was pressure to

simply lower their standards ... and it's a real problem for the School of Law because we're always trying to conserve and increase standards.

Others conceived this differently, observing that because these students 'need a lot more guidance', it was necessary to reduce the coverage of content and instead to develop students' academic study skills 'in the context of law'. For others, it was important to 'just adjust expectations' and also to provide

reassurance. My first class is: 'You're all here because we think you can be here. You've all got the ability to do it. You've just got to work at it, and it's hard, and don't think that Law is not hard, and if you're finding it hard, that means that you're doing it properly. If you're finding it easy, it probably means you're *not* doing it properly!'

Responding appropriately was made difficult because of the time-consuming nature and special demands of teaching first-year students, and the lack of peer and institutional recognition of this. As one teacher explained:

I find it very, in a way, distressing, because you have the constant demands of the content, yet there's also the corresponding feeling of wanting to be able to assist in areas where you feel you can't, really. So I find it quite draining compared to, say, the second- and third-year students.

Not only were teachers uncertain about how best to help their first-year students, their motivation was eroded by a perception that continuing to work with first-year students lacked status and 'professionally was not doing me any favours'.

VII. DISCUSSION

These findings present a picture of new law students who want to study their chosen discipline but are very anxious and confused about how to do this successfully. And, while the perceptions of first-year teachers is largely consistent with the experience described by students, teachers often underestimate the degree of students' uncertainty and insecurity, and sometimes misinterpret its effect on their engagement.

As observed in the introduction to this paper, the value of these findings, although tentative, is threefold. Firstly, the evaluation found a lack of student enthusiasm for a project designed specifically to assist their transition and a desire for more academic support. These findings point to a need to listen to student demands for a 'a multi-faceted and complementary suite of both co-curricular and curricular strategies' to support students in their first year at university.²¹ Secondly, student survey responses affirm that supportive, approachable teachers continue to play an important role in facilitating first-year learning and academic success. However, teacher comments indicate that they do not necessarily 'understand the unique needs of students new to university study' or have the capacity or time to respond sensitively to their needs.²² This suggests that more needs to be done to build the capacity of teachers of first-year students to understand and assist with first-year transition. Thirdly, the results affirm that 'students must

21 Wilson, above n 2, 10.

22 Krause, 'Serious Thoughts about Dropping Out in First Year: Trends, Patterns and Implications for Higher Education Studies', above n 3, 83.

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be engaged primarily as learners if they are to have a successful university experience.²³ This learning needs to be geared to building student capacity to manage their own learning and to understand the specific conventions and skills required to understand their chosen discipline. Teachers will also need to calibrate learning opportunities according to students' learning styles and backgrounds.

A. Multi-Faceted and Complementary Strategies

The strategies discussed in this paper sought to promote the early integration of first-year university students by promoting social interaction and connections with other students and with academic staff, particularly through the role of FYAs. The results of the evaluation suggest that the project's reach exceeded its grasp. However, this does not mean that the strategies were not useful ones; indeed, many students and teachers found them beneficial. But it does mean that, alone, they are not enough, and that emphasis may need to be shifted. We now have law-student specific data to develop a more targeted response to supporting the engagement of first-year law students with their teachers, peers, discipline, the university and their intended professional practice.

As Wilson has argued, there is 'no one idea or silver bullet' that can facilitate successful transition during the first year at university.²⁴ What is required is an aligned, holistic and multidimensional range of both co-curricular and curricular strategies.²⁵ These strategies must also acknowledge the 'multiple transitions that students experience' in their first university year and consider the 'contextual factors beyond the university, including students' educational, linguistic and sociocultural background and experiences.'²⁶ While early co-curricular activities promoting social and academic engagement continue to be essential, these need to support and be integrated with curricular strategies that scaffold student learning in a transition pedagogy,²⁷ and with systems that monitor student learning and provide structured interventions to support students at risk.

Orientation activities were the most highly attended of all transition activities organised. Orientation programs still provide an optimum opportunity to welcome students into their disciplinary learning community, acquaint them with their peers and teachers, identify misaligned expectations, screen for potential difficulties and give students an insight into the profession they have chosen to pursue.²⁸ Matching this initial enthusiasm with integrated and

23 Sally Kift and Karen Nelson, 'Beyond Curriculum Reform: Embedding the Transition Experience' (Paper presented at Higher Education in a Changing World, Proceedings of the 28th HERDSA Annual Conference, Sydney, 3–6 July 2005) 225–35 <<http://www.herdsa.org.au/wp-content/uploads/conference/2005/papers/kift.pdf>> at 9 December 2008.

24 Wilson, above n 2.

25 Ibid.

26 Kerrie-Lee Krause, 'First Year Engagement: What Role Does Curriculum Play?' (Speech delivered at the Australian Learning and Teaching Council First Year Experience Curriculum Design Symposium 2009, Brisbane, 5-6 February 2009) 4 <http://www.fyecd2009.qut.edu.au/resources/PRE_Kerri-LeeKrause_6Feb09.pdf> at 29 September 2009.

27 Sally Kift, 'Articulating a Transition Pedagogy to Scaffold and to Enhance the First Year Student Experience in Australian Higher Education' (Paper presented at the Australian Learning and Teaching Council First Year Experience Curriculum Design Symposium, Brisbane, 5-6 February, 2009).

28 Krause et al, *The First Year Experience in Australian Universities: Findings from a Decade of National Studies*, above n 1, 35; Kym Crowley, 'Speed Dating and Lollipops: The Development of an Orientation Program by Continuing and Graduate Students and its Unintended Consequences' (Paper presented at the 11th Pacific Rim First Year in Higher Education Conference, Hobart, 30 June-2 July, 2008).

sustainable first-year support initiatives, particularly for sub-cohorts of students from under-represented groups, is more challenging, but equally important.²⁹

The FYA role can provide the leadership to integrate and sustain first-year initiatives by identifying those responsible for coordinating, monitoring and managing the first-year experience at a faculty level and advising students where to seek help.³⁰ Griffith University has a five-year-old program of FYAs 'allocated to each or a cluster of related undergraduate programs across the University responsible for School-level transition-supportive activities', which Wilson claims is reflected in gradual and persistent increases in retention and improvements in other key indicators.³¹ A critical part of that role, one missing from our project, was the need to develop sequential and targeted levels of intervention. This includes whole of cohort strategies for all students as well as *targeted primary prevention* responses for specific groups of students (such as our non-graduate entry or mature students), *secondary* strategies for at-risk students and *tertiary* interventions for failing students.³² Given our students' apparent reluctance to ask for help, and uncertainty about where to find it, such strategies must place the onus on the institution to seek out the student to offer assistance, rather than relying on at-risk students to do so.

Our evaluation certainly presented a picture of a highly stressed and confused, yet willing, group of students, indicating the need for such calibrated strategies. The level of anxiety these students experienced in their first semester is about twice the rate reported in sector-wide studies, or experienced by students in other fields of education at this university.³³ Staff reported significant levels of lack of confidence among students. These students have persisted, but seem to be the ones who find university 'a battle of endurance' and who may not have made 'a smooth adjustment to university, [may] have difficulty understanding course material [and] feel overwhelmed by all they have to do at university'.³⁴ Although they have stayed, these students are still at risk of failure, poor progress or poor performance. UWS has piloted the development of early alert strategies for at-risk and failing students based on the Griffith model, identifying triggers such as early non-attendance, failure to submit or failing the first assessment task and phoning the student to discuss the reasons for this and to offer advice and further assistance including a unit-specific remedial workshop. This strategy will be introduced into the first-year law program in 2010.

B. Building Capacity of First-Year Teachers

While having FYAs in a faculty is important, all first-year teachers must understand and contribute to the ongoing process of assisting students through their first year of university. It is equally important that teachers of first-year students are made aware of the kind of assistance first-year students need and that their efforts are recognised, supported and rewarded by their faculty and universities.³⁵ Our research not only demonstrated that approachable and responsive teachers were the factor which most assisted students' transition but also revealed that students wanted more of their class teachers to be accessible and responsive. Teachers' perceptions of

29 Krause et al, *The First Year Experience in Australian Universities: Findings from a Decade of National Studies*, above n 1, 78.

30 Mc Arthur, above n 16.

31 Wilson, above n 2, 2.

32 Wilson, *ibid*, 7–8.

33 Long, Ferrier and Heagney, above n 12; Krause et al, *The First Year Experience in Australian Universities: Findings from a Decade of National Studies*, above n 1; Krause, 'Serious Thoughts about Dropping Out in First Year: Trends, Patterns and Implications for Higher Education Studies', above n 3; Office of Planning and Quality, University of Western Sydney, *University of Western Sydney Student Exit Survey 2007*, above n 6.

34 Krause, 'Serious Thoughts about Dropping Out in First Year: Trends, Patterns and Implications for Higher Education Studies', above n 3, 59.

35 Wingate, above n 4, 403.

students indicated that teachers didn't really know their first-year students very well; that they underestimated the difficulty students were experiencing and possibly misinterpreted signs of disengagement; and that they didn't know how to best help them. Students generally thought that the opportunity to have an interview with a FYA was important and the FYA saw value in better understanding their students, fostering their relationships with students, and enhancing their commitment to improving the first-year experience.

Student responses in this study reaffirm the findings of research, which highlights the importance to students of their class teachers being available, approachable, interested in and responsive to their inquiries (and their disappointment if this is not the case).³⁶ Faculty members are the institutional factor closest to students most regularly. They are key to facilitating relationship building, which helps students feel less isolated and more engaged in the overall academic experience. There are practical obstacles limiting teacher capacity to fulfil these expectations, however. As Krause et al observed in their review of 10 years of first-year experience studies, student expectations of greater teacher approachability and availability

might be said to involve more of a personal or personalised relationship between staff members and their students. In the first year, there are obvious barriers to being able to do this for all or the majority of students. They include pressures on staff time, the nature of their other commitments, the sheer number of students involved and their varying requirements and expectations.³⁷

Balancing student expectation with teacher capacity requires fuller institutional appreciation of the extra demands faced by first-year teachers, and of their need for appropriate resources, support and reward for their efforts. Building teacher capacity is also important.

Universities and faculties must provide ongoing professional development for teachers of first-year students, including 'workshops designed to raise issues, and ... practical support and resources to assist them in managing changing patterns of student engagement.'³⁸ Faculties also need to understand the importance of ensuring that the right teachers teach first-year students. Wilson recommends that teachers should be selected 'on their approachability and capacity to establish effective, supportive working relationships with students.'³⁹ With increased casualisation of teaching generally, but perhaps particularly of the large first-year cohorts, attention must also be given to the employment, induction, development and ongoing partnership with the best available sessional staff.⁴⁰ It is important to build the capacity of sessional staff and tutors and to involve them in 'the collective enterprise of engaging and retaining students and as such [invite them] to the core business of the School as a whole and not just their little patch.'⁴¹

Faculties and universities are also responsible for fostering a 'a culture of valuing the student voice',⁴² which recognises the reasons for student reluctance to initiate face-to-face discussions

36 Krause et al, *The First Year Experience in Australian Universities: Findings from a Decade of National Studies*, above n 1; Office of Planning and Quality, University of Western Sydney, *University of Western Sydney Student Exit Survey 2007*, above n 6; Campbell, *University of Western Sydney Scoping the Students at Risk 2007 Project*, above n 5.

37 Krause et al, *The First Year Experience in Australian Universities: Findings from a Decade of National Studies*, above n 1, 64.

38 Kerri-Lee Krause, 'On Being Strategic about the First Year' (2006) 7 <<http://www3.griffith.edu.au/03/ltn/docs.GIHE-First-Year-Experience.pdf>> at 28 September 2009.

39 Wilson, above n 2, 12; Sally Kift, 'Curriculum Renewal and a New Pedagogy for the First Year Experience' (Speech delivered at the Macquarie Transition Program, Macquarie University, Sydney, 16 November 2004) 10.

40 Sally Kift, 'Assuring Quality in the Casualisation of Teaching, Learning and Assessment: Towards Best Practice for the First Year Experience' (Paper presented at the 6th Pacific Rim First Year in Higher Education Conference 2002: Changing Agendas — Te Ao Hurihuri, Christchurch, New Zealand, 8-10 July 2002); Wilson, above n 2, 12.

41 Wilson, above n 2, 12.

42 Campbell, *University of Western Sydney Students at Risk Project Report and Recommendations*, above n 9, 3.

and acknowledges the need to provide and resource structured and predictable opportunities inside and outside class which value and respond to student queries.⁴³ An ‘open door’ policy is not enough and teachers need to create opportunities where students and staff can interact and students can ask ‘dumb’ questions.⁴⁴ We also need to understand what ‘approachability’ and ‘availability’ mean to ‘Gen Y’ students. With easy access to a range of electronic communication tools, increased readiness to seek help online, and greater familiarity with the online learning environment, young students can have ‘a zero tolerance for delay, along with a 24x7 mentality.’⁴⁵ While student expectations about teacher responses need to be managed fairly, the online environment can also facilitate strategic and regular ‘just-in-time’ communication with and between students, efficiently provide answers to frequently asked questions, deliver more personalised and immediate responses to specific queries, as well as provide a virtual context for supporting learning.⁴⁶

It is also important to reward first-year teachers for their contribution to students’ transition and to school and university retention goals. Krause recommends promoting networking between professional and academic staff to ‘share common concerns and to determine how best to work together to achieve a seamless high quality first year experience’ for first-year students.⁴⁷ It is also important, she argues, to identify and build networks of ‘first year champions’ and to share and celebrate good first-year practice.

C. Building Student Capacity

Findings indicating that students were highly anxious, and wanted more guidance, about how to learn in their chosen discipline point to the fundamental importance of ensuring a positive and engaging academic experience in first year. As Krause observed, ‘the first year curriculum should be planned in such a way so that students are not only motivated to learn content knowledge, but also have opportunities to learn *how* to learn as part of their transition to university.’⁴⁸ Placing primary emphasis on facilitating the academic experience of students is not just about meeting learner needs, nor does it suggest slipping standards or pathologise some students as inherently deficient and therefore as requiring more assistance. It is about achieving a ‘shift in perspective’ which recognises that, while learning at university is still the responsibility of the student, teachers (and institutions) are responsible for making explicit to students in a staged, scaffolded and coherent way, the disciplinary conventions of knowing, thinking and communicating.⁴⁹

Wilson identifies five components of curricular strategies necessary to support successful transition at first-year university level. Two have already been discussed.⁵⁰ The remaining three will be addressed here as strategies to respond to student demand for more help on how to be a successful law student: enhancing curriculum design, front-loading threshold subjects

43 Tanya Kantanis, *The Role of Social Transition in Students’ Adjustment to the First-Year of University* (2000); Campbell, *Targeting Ways to Improve Social and Academic Integration of First or Commencing Year Students: The Importance of the Student Academic Experience at the University of Western Sydney*, above n 10.

44 Campbell, *University of Western Sydney Scoping the Students at Risk 2007 Project*, above n 5.

45 J Frand ‘The Information Age Mindset: Changes in Students and Implications for Higher Education’ (2000) 35 *Educause Review* 15–24, cited in Krause, ‘On Being Strategic about the First Year’, above n 38, 3.

46 Kift, ‘Curriculum Renewal and a New Pedagogy for the First Year Experience’, above n 39, 12; Karen Nelson, Sally Kift and Wendy Harper, ‘First Portal in a Storm.: A Virtual Space for Transition Students’ (Paper presented at the Ascilite Conference Proceedings: Balance, Fidelity, Mobility: Maintaining the Momentum?, Brisbane, Australia, 4-7 December 2005) 510.

47 Krause, ‘On Being Strategic about the First Year’, above n 38, 7.

48 *Ibid* 6.

49 Haggis, above n 20; Wingate, above n 4.

50 Interventions for at risk students and managing teacher quality: Wilson, above n 2, 12–13.

—— INTERVENTIONS TO ENHANCE THE STUDENT EXPERIENCE OF A FIRST-YEAR LAW DEGREE and improving assessment practice.⁵¹ It is critical to note that students wanted assistance to understand how to succeed as *law* students. Curricular enhancement is necessarily discipline-specific and the responsibility for developing an engaging, challenging, and sequenced first-year curriculum, and particularly of assisting students to navigate it, is the domain of the faculty and its first-year teachers. The onus on law teachers to develop the academic legal literacy of their first-year students is particularly pronounced given the conceptual difficulty of law, the limited academic preparedness of these students and the lack of confidence they expressed about how to do this themselves. As Wilson has observed, teachers are charged with the obligation to:

proportionally balance challenge and support. Challenge without support is academic cruelty and social Darwinism in action. Support for its own sake is academic welfare and counterproductive to the purposes of higher education.⁵²

Students in this study called for more assistance to learn *how* to be successful law students. Kift has written extensively on the need for an intentional and principled ‘transition pedagogy’ which ‘scaffolds and mediates the first year learning experience’ and which creates early opportunities for success.⁵³ This requires the faculty to identify essential disciplinary knowledge and ways of knowing necessary for first-year students to begin to make sense of their discipline. These must be sequenced and integrated into a first-year program which encourages students to construct their own understandings and which promotes learning through early and authentic assessment opportunities.⁵⁴ For example, in a first-year law degree, this typically requires that students be introduced to legal history and theory and to legal method, including legal reasoning, as well as to legal sources: cases, legislation and commentary. Teachers need to provide specific opportunities for first-year students to acquire academic literacy incrementally in their chosen discipline.⁵⁵ In legal education, this might mean leading students in a comparative case analysis to deconstruct component parts of a case, teasing out the meanings of dense legal prose and analysing strands of legal reasoning.⁵⁶ It may also mean providing students with opportunities to develop, critique and refine particular genres of legal writing.⁵⁷ As Haggis observes, faculties need to ask ‘what are the features of the curriculum, or of processes of interaction around the curriculum, which are preventing some students from being able to access this subject?’⁵⁸

Wilson also argues for the importance of ‘front loading’ critical threshold subjects in a first-year degree so that students are challenged, supported and provided with early opportunities to receive feedback and monitor their learning. Central to this objective, and to the demands of the students in this study, is the need to enhance assessment practice, and to provide students with guidance about how to be successful in assessments. First-year law students in another study indicated that what they found most helpful in understanding the standard required in assessment was to engage in practical activities assessing exemplars of past students’ work in a comparable assessment task.⁵⁹ This made concrete the standard expected and enhanced students’ confidence

51 Ibid.

52 Wilson, above n 2, 11.

53 Kift, ‘Articulating a Transition Pedagogy to Scaffold and to Enhance the First Year Student Experience in Australian Higher Education’, above n 27; *ibid* 10.

54 Kift, ‘Articulating a Transition Pedagogy to Scaffold and to Enhance the First Year Student Experience in Australian Higher Education’, above n 27.

55 Wingate, above n 4.

56 Simon Harris, ‘Procedural Vocabulary in Law Case Reports’ (1997) 27 *English for Specific Purposes* 289–308.

57 Sandra Harding, *Improving Law Students’ Writing Skills* (2005); Nigel Bruce, ‘Dovetailing Language and Content: Teaching Balanced Argument in Legal Problem Answer Writing’ (2002) 21 *English for Specific Purposes* 321–345.

58 Haggis, above n 20, 526.

59 Graham Hendry, Nikki Bromberger and Susan Armstrong, ‘Constructive Guidance and Feedback for Learning: The Usefulness of Exemplars, Marking Sheets and Different Types of Feedback in a First Year Law Subject’ (2009) *Assessment and Evaluation in Higher Education* (in press).

and self efficacy. Institutional policies which require teachers to develop learning guides which are assessment-focused and which provide assessment criteria and standards to students prior to attempting the task are also part of facilitating a successful first-year experience.⁶⁰ All of these strategies assist students to build their capacity for further learning, and increase the likelihood that they will complete their first and future years in their chosen discipline.

VIII. CONCLUSION

This paper has reported on the evaluation of a pilot 'transition' program for first-year law students at UWS which aimed to enhance students' social connections with peers and teachers, reduce isolation and promote their adjustment to first-year university. Students reported that, while helpful, these interventions were not what they really wanted or most needed to assist their transition to first-year law study. They said they would have preferred more assistance from their teachers about how to be a law student. This outcome points to the need for multidimensional curricular and co-curricular approaches to supporting first-year transition. It confirms the centrality of the academic experience and the role of teachers in facilitating student success in first-year university, and the institutional responsibility to increase teacher capacity to assist new students. It also highlights the need for a framework that provides first-year students with opportunities to learn how to be successful and independent learners in their own disciplinary context. This means that the scholarly processes and academic discourses valued by the discipline should be made explicit and that staged learning opportunities should be provided so students can develop understanding of and proficiency in them. Ultimately, it affirms the value of getting to know our students better to ensure that any program developed to assist first-year students is firmly grounded in responding to what students at that institution and in that field of education say they need.⁶¹

60 University of Western Sydney, *Assessment Policy: Criteria and Standards Based Assessment* (2008); University of Western Sydney, *Unit Outline and Learning Guides Policy* (2009).

61 Sue Drew, 'Student Perceptions of What Helps Them Learn and Develop in Higher Education' (2001) 6 *Teaching in Higher Education* 309–331.