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Building a (Self) Reflective Muscle in Diverse First-Year Law Students

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BUILDING A (SELF) REFLECTIVE MUSCLE IN DIVERSE FIRST-YEAR LAW STUDENTS

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I   INTRODUCTION

Research relating to the development of law students' professional identity has long recognised that, as a student develops their identity as part of a profession, as well as their academic identity, they need to develop an ethical muscle.[1] At its foundation, this means that rather than focussing on identifying individual ethical issues, people need to practice how to deal with ethical issues within a workplace through gaining a range of skills. It is a practice-based approach to dealing with ethical issues.[2] In addition to the idea of an ethical muscle, others have proposed that students and lawyers need to develop a 'reflective muscle'.[3] A 'reflective muscle' is a term used by Leering to encapsulate the importance of teaching students and legal practitioners to engage regularly in reflection to improve their competence through reflection on practice, and learning from practice. While Leering is the first to use this term, the recognition of the importance of reflection skills is broadly acknowledged as being essential for legal practitioners so that they can continuously build their skills and understandings of the law, legal system and their role within it.[4] Self-reflection, a form of personal

[1]   See generally Mary C Gentile, *Giving Voice to Values* (Yale University Press, 2010). Gentile's approach to teaching ethics is based on the idea that acting on ethical values needs to be practised in order to build an ethical muscle. See also Vivien Holmes, ''Giving Voice to Values': Enhancing Students' Capacity to Cope with Ethical Challenges in Legal Practice' (2015) 18(2) *Legal Ethics* 115; Doris DelTotso-Brogan, 'Stories of Leadership Good and Bad: Another Modest Proposal for Teaching Leadership in Law Schools' (2021) 45(2) *Journal of the Legal Profession* 183, 226.

[2]   See generally Gentile (n 1).

[3]   Michele M Leering, 'Integrated Reflective Practice: A Critical Imperative for Enhancing Legal Education and Professionalism' (2017) 95(1) *Canadian Bar Review* 47, 69.

[4]   Anna Huggins, Sally M Kift and Rachael M Field, 'Implementing the Self-Management Threshold Learning Outcome for Law: Some Intentional Design Strategies From the Current Curriculum Toolbox' (2011) 21 (1/2) *Legal Education Review* 183; Anna Cody, 'Reflection and Clinical Legal Education: How do Students Learn about their Ethical Duty to Contribute Towards Justice' (2020) 23 (1-2) *Legal*

reflection that asks students to question themselves, their actions, and behaviours, is an important self-management tool for both law students and lawyers. [5] The development of a self-reflective muscle is particularly important for 'diverse' students as they transition to law school. These students are commonly described in the academic literature as 'non-traditional' or 'non-standard' students, [6] usually because they do not fit the profile of a 'traditional student'; one who has entered university directly from high school, and whose socio-cultural background means that they are more familiar with the implicit norms of university culture. [7]

In Australia and elsewhere, universities have focused on widening participation for at least three decades. [8] However, widening participation is not achieved simply by students gaining entry to university; this is really where universities' responsibility for successful widening participation starts. Despite the attention paid to strategies that support students' transition to higher education and the first-year experience of undergraduate students in particular, these strategies have not necessarily considered the increasingly diverse nature of the student cohort, leading to an often alienating experience for students at

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Ethics 13.; Verna E Monson and Neil W Hamilton, 'Ethical Professional (Trans)Formation: Early Career Lawyers Make Sense of Professionalism' (2011) 8 *University of St. Thomas Law Journal* 129, 160; Donald A Schon, 'Educating the Reflective Legal Practitioner' (1995-1996) 2 *Clinical Law Review* 231; Timothy Casey, 'Reflective Practice in Legal Education: the Stages of Reflection', (2013) 20 *Clinical Law Review* 317, 321.

5   Anna Huggins, 'The Threshold Learning Outcome on Self-Management for the Bachelor of Laws Degree: A Proposed Focus for Teaching Strategies in the First Year Law Curriculum' (2011) 2(2) *The International Journal of the First Year in Higher Education* 23 ('The Threshold Learning Outcome on Self-Management for the Bachelor of Laws Degree'), 26; Sally Kift, Mark Israel and Rachael Field, *Bachelor of Laws: Learning and Teaching Academic Standards Statement* (Report, 2010), 23.

6   Michelle Morgan, 'Student Diversity in Higher Education' in Michelle Morgan (ed), *Supporting Student Diversity in Higher Education: A Practical Guide* (Taylor & Francis Group, 2013) 10, 11.

7   Digby Warren, 'Curriculum Design in a Context of Widening Participation in Higher Education' (2002) 1(1) *Arts & Humanities in Higher Education* 85, 86-87.

8   Chris Cunningham and Colin Samson, 'Neoliberal Meritocracy: How "Widening Participation" to Universities in England Reinforces Class Divisions' (2021) 4(10) *On Education. Journal for Research and Debate* 1, 1-3; Caroline S Jones and Zoë Nangah, 'Higher Education Students: Barriers to Engagement; Psychological Alienation Theory, Trauma and Trust: A Systematic Review' (2021) 25(2) *Perspectives: Policy and Practice in Higher Education* 62, 62-63; Sally Patfield, Jennifer Gore and Natasha Weaver, 'On "Being First": The Case for First-Generation Status in Australian Higher Education Equity Policy' (2021) (online) *The Australian Educational Researcher* 1, 1-3; Suanne Gibson et al, '"Diversity" "Widening Participation" and "Inclusion" in Higher Education: An International Study' (2016) 18(3) *Widening Participation & Lifelong Learning* 7, 8. Note that, whilst since 2021 there has been a shift in Australian Government policy relating to the funding of undergraduate degrees under the Government's 'Job Ready Graduates Policy', funding has been maintained for rural and regional students, Indigenous students and low-SES students, to 'support equity outcomes'. See: Australian Government, Department of Education, Skills and Employment, 'More Opportunities for Regional Australia', *Job Ready Graduates Package* (Website, 17 December 2021) <https://www.dese.gov.au/job-ready/more-regional-opportunities>.

university.[9] Research has demonstrated that university culture is often not an encouraging environment for diverse first-year students, and has strongly recommended that universities improve their support of diverse students.[10] Common experiences of diverse students relate to a lack of correlation between their expectations of university and their lived experience, overlaid by the complications of the hidden curriculum: the 'taken-for-granted' norms of higher education which are assumed but left unstated in documents concerning educational policies and processes relating to educational outcomes.[11] These factors may combine to result in diverse students attributing their lack of success early in their studies to a lack of ability, rather than to structural impediments in a system that does not make the 'rules of the game' explicit.

[9] Chi Baik et al, *Enhancing Student Mental Well-Being: A Handbook for Academic Educators* (Report, University of Melbourne, 2017), 6, citing Chi Baik, Ryan Naylor and Sophie Arkoudis, *The First Year Experience in Australian Universities: Findings from Two Decades 1994-2014* (Report, Melbourne Centre for the Study of Higher Education The University of Melbourne, March 2015).

[10] See, eg, John Bamber and Lyn Tett, 'Transforming the Learning Experiences of Non-Traditional Students: A Perspective from Higher Education' (2000) 22(1) *Studies in Continuing Education* 57; Anna-Maria Meuleman et al, 'Some People Might Say I'm Thriving But . . . ': Non-Traditional Students' Experiences of University' (2015) 19(5) *International Journal of Inclusive Education* 503, 515; Steven Roberts, 'Traditional Practice for Non-Traditional Students? Examining the Role of Pedagogy in Higher Education Retention' (2011) 35(2) *Journal of Further and Higher Education* 183, 195-196;J Southall, H Wason and B Avery, 'Non-Traditional, Commuter Students and Their Transition to Higher Education -A Synthesis of Recent Literature to Enhance Understanding of Their Needs' (2016) 5(1) *Student Engagement and Experience Journal* 1, 11; Megan Tones et al, 'Supporting Mature-Aged Students from a Low Socioeconomic Background' (2009) 58(4) *Higher Education* 505, 527; Sally Kift, *Articulating a Transition Pedagogy to Scaffold and to Enhance the First Year Student Learning Experience in Australian Higher Education Final Report for ALTC Senior Fellowship Program* (Report, Australian Learning and Teaching Council, August 2009), 3,9,16,35, Appendix 1: First Year Curriculum Principles ('*Articulating a Transition Pedagogy')*; Sally Kift, Karen Nelson and John Clarke, 'Transition Pedagogy: A Third Generation Approach to FYE – A Case Study of Policy and Practice for the Higher Education Sector' (2010) 1(1) *International Journal of the First Year in Higher Education* 1, 12-13; Debby RE Cotton, Tricia Nash and Pauline Kneale, 'Supporting the Retention of Non-Traditional Students in Higher Education Using a Resilience Framework' (2017) 16(1) *European Educational Research Journal* 62, 75; Rebecca Hill Renirie, 'Retention of Adult and Traditional Learners: Library Strategies for Student Success' (2017) 11(3–4) *Journal of Library & Information Services in Distance Learning* 314, 314.; Jacob A Kamer and Terry T Ishitani, 'First-Year, Nontraditional Student Retention at Four-Year Institutions: How Predictors of Attrition Vary Across Time' (2019) (online) *Journal of College Student Retention: Research, Theory & Practice* 1, 16-17; Janis Webb, *Academic Support for Non-Traditional Students* (Working Paper, The University of Melbourne, 1993), 35; Greg Rickard et al, 'Exploring the First-Year Experience in a Diverse Population: Using Participatory Action Research to Explore Strategies to Support Student Transition into Fast Track Undergraduate Degree Programs' (2018) 9(4) *Student Success* 41, 49-50; Silvia Gilardi and Chiara Guglielmetti, 'University Life of Non-Traditional Students: Engagement Styles and Impact on Attrition' (2011) 82(1) *The Journal of Higher Education* 33, 50; Margaret Scanlon et al, '"My Biggest Fear Was Whether Or Not I Would Make Friends": Working-Class Students' Reflections on Their Transition to University in Ireland' (2020) 44(6) *Journal of Further and Higher Education* 753, 762.

[11] Terri Seddon, 'The Hidden Curriculum: An Overview' (1983) 3(1) *Curriculum Perspectives* 1, 1-2.

Scaffolding diverse students' self-reflection can assist law schools in managing students' expectations, make clear aspects of the curriculum that may otherwise be hidden from them, and instil an early sense of professionalism and purpose. However, studies relating to reflective practice for first-year students demonstrate that reflective exercises are not always successful; students do not always understand the relevance of them, and they are not always adept at reflective self-assessment. [12] It is imperative that techniques used to support the development of self-reflection are designed so that reflection is not just a process for its own sake. Self-reflection should enable students to be ready for new and different experiences, new ways of learning and developing new skills.

This article examines one aspect of a holistic first-year transition program for diverse first-year law students at Western Sydney University ('WSU'): a Self-Reflection ('SR') Survey. We describe these students as 'diverse' because many of them do not fit the paradigm of the traditional student; one who has entered university directly from school and whose cultural and social background is likely to have familiarised them with university norms and practices. Many of the students in this study are from low socioeconomic status ('SES') backgrounds, or from culturally and linguistically diverse backgrounds, or are first-in-family to attend university, or have not entered law school directly from school. [13]

The SR Survey was introduced in the first-year law curriculum at WSU in 2017. It consists of a set of TRUE/FALSE ('T/F') answer questions that ask students whether they have engaged in certain tasks in a subject, followed by open ended questions that ask them to reflect on areas of strength and also where they might improve their engagement with their studies. The SR Survey scaffolds reflective skills as a first step in building students' 'reflective muscle'. It is a departure from the traditional form of reflective self-assessment, in that it deliberately does not ask students to assess their own performance in a particular piece of assessment. Instead, it asks them to reflect on their engagement with their studies in a first-year subject, and whether their outcome in their assessment reflects that engagement.

We conducted mixed-methods analysis of students' engagement with the SR Survey in the first-year cohorts from 2018-2021.Qualitative

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[12] Karen Hanson, '"Reflect" – Is This Too Much to Ask?' (2011) 12 *Reflective Practice* 293, 297; Janet E Dyke et al, 'Personal Development Planning: First-Year Master of Pharmacy Students' Engagement with, and Attitudes Towards, Reflective Self-Assessment' (2009) 17(1) *International Journal of Pharmacy Practice* 61; Graham Thompson, Alan Pilgrim and Kristy Oliver, 'Self-Assessment and Reflective Learning for First-Year University Geography Students: A Simple Guide or Simply Misguided?' (2005) 29(3) *Journal of Geography in Higher Education* 403, 414-415; Sarah Maguire and Sally Edmondson, 'Student Evaluation and Assessment of Group Projects' (2001) 25(2) *Journal of Geography in Higher Education* 209, 215-216; Magdeleine DN Lew, WAM Alwis and Henk G Schmidt, 'Accuracy of Students' Self-Assessment and Their Beliefs about Its Utility' (2010) 35(2) *Assessment & Evaluation in Higher Education* 135, 145.

[13] For a detailed breakdown of the particular characteristics of the cohort, see the discussion in this article under 'Methodology- the Study Cohort'.

analysis was performed in relation to student responses to the open-ended questions in the SR Survey from 2018-2021. This involved the analysis of 177 SR Surveys. In addition, quantitative statistical analysis was used to examine the interaction between students' attempts at the SR Survey and their outcomes in their subjects in relation to the 2019-2021 first-year cohorts. This study cohort consisted of over 900 students.

This article documents the phases of the SR Survey and explains how we have embedded it in the first-year law curriculum. Embedding the SR Survey has allowed us to make it a feature of the early stages of students' law studies, reinforcing it as part of the assessment process and in-class activities relating to self-regulation and professionalism. The SR Survey has provided us with a way to make expectations explicit to students and to foster an early sense of professionalism.

Our mixed-methods analysis of the SR Survey indicates that it does appear to serve the function of scaffolding diverse students' preparation for new experiences or a new way of doing things at law school. Where we embedded the SR Survey early in the first-year curriculum, and students were able to use it to adjust their approach to their studies, this appears to have improved reflection. It also appears to be positively correlated to improvement between assessments.

This article first outlines the relevant literature and theoretical approach that informed the design and implementation of the SR Survey. It then discusses our methodology, both in relation to the implementation of the SR Survey and our study of its impact. We then discuss the results of our mixed-methods analysis and draw some conclusions from this analysis.

II   BACKGROUND

A   *Defining the 'diverse student'*

The students discussed in this article are commonly referred to as 'non-traditional' or 'non-standard' university students. [14] The terms 'non-traditional' or 'non-standard' 'attempt to capture an eclectic range of individual attributes that are used to distinguish these students from… "traditional" students…but there is no authoritative definition' of the 'non-traditional' student. [15] These students may also possess more than one 'non-traditional' characteristic. [16] Warren conceptualises 'non-traditional' students in contrast to 'traditional' university students who

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[14]   Morgan (n 6),11.

[15]   Morgan (n 6), 11. See also Ethel Chung, Deborah Turnbull and Anna Chur-Hansen, 'Differences in Resilience Between "Traditional" and "Non-Traditional" University Students' (2017) 18(1) *Active Learning in Higher Education* 77, 79.

[16]   Lisa Thomas and Jennifer Heath, 'Institutional Wide Implementation of Key Advice for Socially Inclusive Teaching in Higher Education. A Practice Report' (2014) 5(1) *The International Journal of the First Year in Higher Education* 125, 126.; Chung, Turnbull and Chur-Hansen (n 15), 79, citing Karen A Kim et al, 'Redefining Nontraditional Students: Exploring the Self-Perceptions of Community College Students' (2010) 34(5) *Community College Journal of Research and Practice* 402.

'enter university shortly after completing their secondary education, and who, owing to their prior socialization, schooling and attainment, are relatively well prepared for academic study'.[17] The terms '<u>non</u>-traditional' and '<u>non</u>-standard' are based on a deficit mode as they rely on what these students are *not*, rather than what they *are*. Daddow has suggested that this reinforces exclusion, and that these students should be more appropriately described as 'diverse' or 'new' students.[18] Where possible, this article will employ the term 'diverse students' to indicate that these students may not have had a direct path from high school to university,[19] and/or that their socio-cultural backgrounds may not have acquainted them with the implicit norms of university culture.

B   *Law schools and transition pedagogy- the experience of diverse students*

This article focuses on one aspect of transition pedagogy for diverse first-year students. In Australia, law schools have demonstrated considerable leadership in relation to transition pedagogy and the first-year experience.[20] These programs often draw on Kift's influential 'third generation' approach to transition pedagogy,[21] which uses curriculum as the central organising mechanism for transition and promotes a whole-of-university approach to the first-year experience, to ensure that transition initiatives are coordinated as part of the core business of the institution.[22] It also ensures that transition programs are centralised and sustainable.[23]

An advantage of centralised, third generation approaches to the first-year experience is said to be that they lead to 'one world view from the

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17   Warren (n 7), 86-87.
18   Angela Daddow, 'Curricula and Pedagogic Potentials When Educating Diverse Students in Higher Education: Students' Funds of Knowledge as a Bridge to Disciplinary Learning' (2016) 21(7) *Teaching in Higher Education* 741, 742.
19   Drawing from Daddow's framework. See Daddow (n 18), 742. See also Maggie Leese, 'Bridging the Gap: Supporting Student Transitions into Higher Education' (2010) 34(2) *Journal of Further and Higher Education* 239, 240-241.
20   See, eg, Kift, Nelson and Clarke (n 10); Susan Armstrong and Judith McNamara, 'Transition Pedagogy in First and Final Year Law Programs' in Sally Kift et al (eds), Excellence and Innovation in Legal Education (Lexis Nexis, 2011) 207; Leon Wolff and Maria Nicolae (eds), The First Year Law Experience (Halstead Press, 2014); Susan Armstrong and Michelle Sanson, 'From Confusion to Confidence: Transitioning to Law School' (2012) 12(1) QUT Law & Justice Journal 21; Cassandra Sharp et al, 'Taking Hints from Hogwarts: UOW's First Year Law Immersion Program' (2013) 6 Journal of the Australasian Law Teachers Association 127.
21   See Kift, *Articulating a Transition Pedagogy* (n 10); Kift, Nelson and Clarke (n 10); Sally Kift, 'A Decade of Transition Pedagogy: A Quantum Leap in Conceptualising the First Year Experience' (2015) 2 *HERDSA Review of Higher Education* 51 ('A Decade of Transition Pedagogy').
22   Kift, Nelson and Clarke (n 10); Morgan (n 6), 11.
23   Sorrel Penn-Edwards and Sharn Donnison, 'A Fourth Generation Approach to Transition in the First Year in Higher Education: First Year in Higher Education Community of Practice' (2014) 5(1) *The International Journal of the First Year in Higher Education* 31, 32. See also KJ Nelson, JE Smith and JA Clarke, 'Enhancing the Transition of Commencing Students into University: An Institution-Wide Approach' (2012) 31(2) *Higher Education Research & Development* 185, 185.

student-facing perspective.'[24] Kift has suggested that a centralised, co-ordinated third generation approach to transition pedagogy 'could assist in alleviating [university leadership's] concerns around constant and dynamic change, finite resourcing, increasingly diverse student cohorts, and the necessity to build academic and professional staff capability accordingly.'[25]

However, it is important that the emphasis on a 'one world view from a student-facing perspective' does not lead to a generic transition experience that fails to recognise the voices and experiences of diverse students. The unique challenges experienced by diverse students in their first-year at university have been documented both in Australia and internationally, [26] and it has been suggested that universities need to

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[24]   Kift, Nelson and Clarke (n 10), 11.

[25]   Kift, 'A Decade of Transition Pedagogy' (n 21), 55.

[26]   See, eg, Liz Thomas, 'Student Engagement to Improve Belonging, Retention and Success' in Neil Murray and Christopher M Klinger (eds), *Aspirations, Access and Attainment: International Perspectives on Widening Participation and an Agenda for Change* (Routledge, 2013) 109, 109-112 ('Student Engagement to Improve Belonging'); Thomas and Heath (n 16), 127; Morgan (n 6); Robyn Benson et al, *Managing and Supporting Student Diversity in Higher Education : A Casebook* (Chandos Publishing, 2013); António Fragoso et al, 'The Transition of Mature Students to Higher Education: Challenging Traditional Concepts?' (2013) 45(1) *Studies in the Education of Adults* 67; Eugena K Griffin, 'Psychosocial Techniques Used in the Classroom to Captivate Non-Traditional Community College Students' (2020) 44(5) *Community College Journal of Research and Practice* 329, 330-331; Meuleman et al (n 10); Tones et al (n 10), 522; Roberts (n 10); Southall, Wason and Avery (n 10); Wendy McMillan, '"They Have Different Information about What Is Going On": Emotion in the Transition to University' 33(6) *Higher Education Research & Development* 1123; Lyn Tett, Viviene E Cree and Hazel Christie, 'From Further to Higher Education: Transition as an On-Going Process' (2017) 73(3) *Higher Education* 389, 403; Ian Scott, 'Inequality as the Key Obstacle to Widening Successful Participation in South Africa' in Neil Murray and Christopher M Klinger (eds), *Aspirations, Access and Attainment: International Perspectives on Widening Participation and an Agenda for Change* (Routledge, 2013) 54, 60-65; Mantz Yorke, 'Is the First Year Experience Different for Disadvantaged Students?' in F Ferrier and M Heagney (eds), *Higher Education in Diverse Communities: International Perspectives, Local Initiatives* (Masaryk University Press, 2008) 112, 116-118; Palitha Edirisingha, 'Swimming in the Deep-End: An E-Mentoring Approach to Help Mature Students' Transition to Higher Education' [2009] *European Journal of Open, Distance and E-Learning* 1, 2; Barbara Merrill, 'Non-Traditional Adult Students: Access, Dropout, Retention and Developing a Learner Identity' in Tamsin Hinton-Smith (ed), *Widening Participation in Higher Education* (Palgrave Macmillan UK, 2012) 163, 172-173; Kamer and Ishitani (n 10), 3-4, 12-13; Leese (n 19), 242-243; Kay Sambell and Anntain Hubbard, 'The Role of "Low-Stakes" Assessment in Supporting "Non-Traditional" Students' Retention and Progression: Student Perspectives' (2004) 6(2) *Widening Participation and Lifelong Learning* 25, 25-26; Gilardi and Guglielmetti (n 10), 49; Maddie Breeze, Karl Johnson and Claire Uytman, 'What (and Who) Works in Widening Participation? Supporting Direct Entrant Student Transitions to Higher Education' (2020) 25(1) *Teaching in Higher Education* 18, 20-21; Scanlon et al (n 10), 761-762; Wolfgang Lehmann, '"I Just Didn't Feel like I Fit in": The Role of Habitus in University Drop-Out Decisions' (2007) 37(2) *The Canadian Journal of Higher Education* 89, 96-100; Marcia Devlin, 'Bridging Socio-Cultural Incongruity: Conceptualising the Success of Students from Low Socio-Economic Status Backgrounds in Australian Higher Education' (2013) 38(6) *Studies in Higher Education* 939, 941; Richard James, Kerri-Lee Krause and Claire Jennings, *The First Year Experience in Australian Universities: Findings from 1994 to 2009* (Report, March 2010), 63-69; Baik, Naylor and Arkoudis (n 9), 66-88; Sarah O'Shea, 'Transitions and Turning Points: Exploring How First-in-Family

adopt a more focused and nuanced approach to the transition experience of diverse students.[27] In Australia, the imperative to support the success of diverse first-year students has been brought into focus by changes to federal legislation in 2021 which mean that undergraduates who fail more than half of their subjects lose access to financial support for their studies.[28]

A third generation approach to the first-year experience for diverse students should centre around curriculum. This is supported by Wilson et al's study of the needs of a diverse cohort of first-year students across three consecutive years in a Health Faculty, which indicated the need for 'curricular interventions in the early weeks of the semester'.[29]However, there are limited studies that document actual strategies employed to support diverse students' transition to university via curriculum-based initiatives, [30] and there is even more limited

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Female Students Story Their Transition to University and Student Identity Formation' (2014) 27(2) *International Journal of Qualitative Studies in Education* 135, 146-148, 150; Marcia Devlin and Jade McKay, 'Reframing "The Problem": Students from Low Socio-Economic Status Backgrounds Transitioning to University' in Heather Brook et al (eds), *Universities in Transition: Foregrounding Social Contexts of Knowledge in the First Year Experience* (University of Adelaide Press, 2014) 97, 107-111; Lyle Munro, '"Go Boldly, Dream Large!": The Challenges Confronting Non-Traditional Students at University' (2011) 55(2) *Australian Journal of Education* 115; Rickard et al (n 10), 46-48.; Christopher M Klinger and Neil Murray, 'Tensions in Higher Education: Widening Participation, Student Diversity and the Challenge of Academic Language/Literacy' (2012) 14(1) *Widening Participation and Lifelong Learning* 27, 30-34.

27 Lynda Measor, Paula Wilcox and Philip Frame, 'Transformation or Trauma: The Transition to Higher Education of Non-Traditional Students' in Tamsin Hinton-Smith (ed), *Widening Participation in Higher Education* (Palgrave Macmillan UK, 2012) 146, 151; CA Taylor and J Harris-Evans, 'Reconceptualising Transition to Higher Education with Deleuze and Guattari' (2018) 43(7) *Studies in Higher Education* 1254, 1257; Rickard et al (n 10), 43; Jeannette Stirling and Celeste Rossetto, '"Are We There Yet?": Making Sense of Transition in Higher Education' (2015) 6(2) *Student Success* 9, 15-18; Baik, Naylor and Arkoudis (n 9), 93.

28 Suzi Syme et al, 'Transforming Lives: The Power of an Australian Enabling Education' (2021) (online) *Higher Education Research & Development* 1, 1-2, citing Nadine Zacharias and Rola Ajjawi 'When Students Fail, Many do Nothing About it. Here's how Unis Can Help Them Get Back on Track', *The Conversation* (Webpage, 21 August 2021) < https://theconversation.com/when-students-fail-many-do-nothing-about-it-heres-how-unis-can-help-them-get-back-on-track-144563>; *Higher Education Support Act 2003* (Cth) s 104-1A.

29 Keithia L Wilson et al, 'Understanding the Early Transition Needs to Diverse Commencing University Students in A Health Faculty: Informing Effective Intervention Practices' (2016) 41(6) *Studies in Higher Education* 1023, 1035.

30 Some notable examples include Thomas' work in relation to the 'What Works?' study. See Liz Thomas, 'Learning and Teaching' in Michelle Morgan (ed), *Supporting Student Diversity in Higher Education: A Practical Guide* (Taylor & Francis Group, 2013) 211; Thomas, 'Student Engagement to Improve Belonging' (n 26). Hunter and Clarke's work on the 'induction phase' of diverse students transition to university includes a series of case studies on initiatives at various institutions to support students in their first year of study. However, most of these case studies involve co-curricular initiatives, rather than initiatives embedded into the curriculum. See Mary Stuart Hunter and Kevin C Clarke, 'Induction' in Michelle Morgan (ed), *Supporting Student Diversity in Higher Education- A Practical Guide* (Taylor & Francis Group, 2013) 121. See also Cassandra Star and Jacquelin McDonald, 'Embedding Successful Pedagogical Practices: Assessment Strategies for a Large,

literature which aims to evaluate the effectiveness of any such measures.

In addition, despite the increasing diversity of student cohorts in Australian law schools, [31] there is very little research that focuses on the transition experience of diverse law students. Where this research has occurred, the diverse students constitute a small proportion of the student intake.[32] In contrast, as outlined below, the first-year cohorts studied in this article are extremely diverse, reflecting the community in which our law school is situated.

A review of the literature relating to transition pedagogy and the first-year experience reveals a number of pertinent themes that informed the approach adopted by the authors to this curriculum-based project. These themes are explored below.

C   *Managing expectations*

Studies have identified the need to better support and manage the expectations of diverse students as they commence university. [33] Roberts identifies diverse students' lack of understanding of what to expect and *'what is expected of them'* as a serious impediment to successful transition to university. [34] Morgan observes that students have come to expect more of universities as a result of increased university fees and higher education 'league tables' that rank universities according to student satisfaction, as well as external accreditation requirements for universities requiring certain graduate outcomes.[35] However, she further notes that these expectations need to be managed to 'ensure that they are realistic'.[36] Wilson has observed that diverse students are placed at risk of failure when 'we do not explain and negotiate the "rules of the game" with them. When students have to guess, or infer, what increases or decreases their chances of success, they are likely to 'get it wrong' at least some of the time'.[37] She argues that this risk is reduced when universities 'engage upfront

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Diverse, First Year Student Cohort' (2007) 3(2) *International Journal of Pedagogies & Learning* 18; Sambell and Hubbard (n 26).

31   Aidan Ricciardo et al, 'Understanding, Promoting and Supporting LGBTQI+ Diversity in Legal Education' (2021) (online) *The Law Teacher* 1, 1-2; Mark Israel et al, 'Fostering "Quiet Inclusion": Interaction and Diversity in the Australian Law Classroom' (2017) 66(2) *Journal of Legal Education* 332, 335-338.

32   See, eg, Maxine Evers, Bronwyn Olliffe and Angela Dwyer, 'Law's Not Hard; It's Just Hard to Get Into: A Study of Alternative Entry Students to Law School' (2017) 51(2) *The Law Teacher* 151.

33   See, eg, Steven Jones, 'Expectation vs Experience: Might Transition Gaps Predict Undergraduate Students' Outcome Gaps' (2018) 42(7) *Journal of Further and Higher Education* 908.

34   Roberts (n 10), 193. See also Tones et al (n 10), 522.

35   Michelle Morgan, 'The Impact of Diversity in Higher Education Institutions' in Michelle Morgan (ed), *Supporting Student Diversity in Higher Education: A Practical Guide* (Taylor & Francis Group, 2013) 23, 24.

36   Ibid, 24.

37   Keithia Wilson, *Practical Leadership for Developing and Sustaining First-Year Learning Environments That Facilitate the Success of a Diverse Student Population* (Report, 2014), 19 ('*Practical Leadership*').

in the process of assertively and supportively shaping expectations and contracting with students (e.g. What does it mean to study at University?)' [38] This has the effect of building students' sense of capability, which is crucial to their success at university.[39] Wilson et al's study of three successive first-year diverse student cohorts demonstrated that the major anxiety for these students in their early weeks of their first semester related to assessment and a lack of clarity around what was expected of them in their assessments. [40] These findings are reinforced by Tett, Cree and Christie's study of the transition experience of diverse students in Scottish higher education.[41] The authors report that, in relation to these students' experiences of their first semester at university, 'a clear majority of students faced with the reality of studying described the process of transition as difficult because they felt uncertain about what was expected of them.'[42]

Another reason why it is important to make expectations explicit is that diverse students 'balance multiple commitments, and are largely identified as strategic learners... they focus on what counts in terms of marks'.[43] Star and McDonald note that strategic learners tend to devote more time to assessment tasks than any other task outside of class.[44] In relation to mature-aged students, Renirie observes that 'adult learners may approach higher education as a means to an end rather than the [university] experience often assumed to be desired by the traditional... student.'[45] Providing diverse students with clear and explicit guidance on how to approach their studies to achieve the desired result in their assessments is therefore important to ensure that they can focus on 'what counts'.

The SR Survey is a tool to manage student expectations, and to make our expectations clear to first-year students. The T/F questions in particular make clear to students the activities in which they should be engaging to achieve a successful result in the subject.

D   Cultural capital and the 'hidden curriculum'

Kift's curriculum transition pedagogy principles state that, in relation to first-year curricula, 'few, if any, assumptions should be made about existing skills and knowledge'.[46] However, in many cases, those assumptions are so enmeshed in university culture that they are invisible to the institution, which means that the curriculum remains 'hidden' to those who are not familiar with its norms. The hidden curriculum has been defined as that which is assumed, but left unstated,

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[38]   Ibid, 19.
[39]   Ibid, 16, citing A Lizzio, 'Designing an Orientation and Transition Strategy for Commencing Students: Applying the Five Senses Model' in *Griffith University: First Year Experience Project* (2006) 1.
[40]   Wilson et al (n 29), 1034.
[41]   Tett, Cree and Christie (n 26), 394-395.
[42]   Ibid, 394.
[43]   Star and McDonald (n 30), 22.
[44]   Ibid, 22.
[45]   Renirie (n 10), 315.
[46]   Kift, *Articulating a Transition Pedagogy* (n 10), 41.

in documents concerning educational policies and processes relating to educational outcomes.[47] For some academics, this 'hidden curriculum' is so obvious to them that it is perceived as 'dumbing down' or 'spoon feeding' to have to articulate it to students. [48] Others are unable to articulate it because it is invisible to them.[49] Wilson has observed that academics 'often unjustifiably assume or take for granted that students know what is expected of them'.[50]

Research relating to the experiences of diverse students uses Bourdieu's notion of cultural capital in relation to the ways in which 'traditional' students already possess a 'proficiency in and familiarity with dominant cultural codes and practices', [51] or a 'feel for the game'.[52] This is because methods of university teaching and learning are imbued with implicit cultural knowledge with which traditional students are already conversant, resulting in these assumptions going unchallenged and not being explained to diverse students. [53] This means there is a 'hidden curriculum' which is not visible to diverse students.[54] As noted by Webb, '[s]ome students have greater insight and more confidence than others in making appropriate selections as to what will affect their performance and what can be neglected'.[55] Students who do not pick up hidden 'cues' about what and how they need to approach their studies in order to succeed are 'most at risk of being overwhelmed by the volume of work which they perceive is required of them in order to succeed in their studies'. [56]

The SR Survey assists us to articulate to students exactly what is expected of them. It helps us to reveal the hidden curriculum, by providing them with clear guidance about what they are expected to do in the subject, so that students do not have to pick up hidden cues about this.

E   *Developing a sense of belonging and purpose*

Numerous studies about 'what works' in the transition experience of diverse first-year students indicate that it is crucial to develop a sense of identity and belonging. Studies suggest that students need 'real world opportunities relevant to future aspirations' to 'motivate students to engage,' and that are 'relevant to [students'] interests and future

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47   Seddon (n 11), 1-2.
48   Tamsin Haggis, 'Pedagogies for Diversity: Retaining Critical Challenge Amidst Fears of "Dumbing Down"' (2006) 31(5) *Studies in Higher Education* 521, 523.
49   Ibid, 530; Klinger and Murray (n 26), 31.
50   Wilson, *Practical Leadership* (n 37), 19.
51   Daddow (n 18), 742, citing Devlin (n 26). See also Thomas, 'Student Engagement to Improve Belonging' (n 26), 112-113; Klinger and Murray (n 26), 31-32.
52   Stephane A Farenga, 'Early Struggles, Peer Groups and Eventual Success: An Artful Inquiry into Unpacking Transitions into University of Widening Participation Students' (2018) 20(1) *Widening Participation and Lifelong Learning* 60, 61.
53   Farenga (n 52), 61-62. See also Devlin and McKay (n 26), 99-102.
54   Devlin and McKay (n 26), 102.
55   Webb (n 10), 13.
56   Ibid, 14.

goals'.[57] Lizzio's work on transition pedagogy conceptualises this as a sense of *purpose*; that is, students understand the relevance of their studies, both from an academic and vocational point of view.[58] In addition, it requires that students feel 'challenged, stimulated or even excited about what they are studying.'[59] While it is important to scaffold first-year students' learning experiences, so that they do not feel out of their depth or overwhelmed, Tinto has emphasised the importance of ensuring that the curriculum is also sufficiently challenging for students.[60] Tinto urges institutions to promote a sense of belonging 'at the very outset of students' journeys.'[61] This is why it is imperative to develop first-year students' sense of professional identity from the moment that they enter law school; this provides them with a sense of identity, but also with a sense of purpose and connectedness to their future profession.[62]

Universities have paid considerable attention to the development of students' academic identities – that is, 'a formation process that aims to develop both the students' academic characteristics and their social place within the [University] environment'.[63] However, less attention has been paid to the development of students' professional identities – that is, 'the formation of an attitude of personal responsibility regarding one's role in the profession, a commitment to behave ethically and morally, and the development of feelings of pride for the profession'.[64] Jensen and Jetten argue that it is essential for students to develop a sense of professional identity *coextensively* with their sense of academic identity, as 'it is the professional identity that prepares a student for life after university by helping students to understand how specific skills acquired at university relate to a particular career'.[65] Further, their study of the development of student professional identity in universities in Australia and Denmark observed that 'students attempted to form an academic identity *and* a professional identity in parallel, starting from the moment they entered university',[66] and that, where students felt

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[57]   Thomas, 'Student Engagement to Improve Belonging' (n 26), 116.
[58]   Lizzio (n 39), 2.
[59]   Amy Larsen, Deanna Horvath and Christopher Bridge, '"Get Ready": Improving the Transition Experience of a Diverse First Year Cohort Through Building Student Agency' (2019) 11(2) *Student Success* 14, 16, citing Lizzio (n 39).
[60]   Vincent Tinto, 'Reflections on Student Persistence' (2017) 8(2) *Student Success* 1, 5.
[61]   Ibid, 3.
[62]   Instilling and encouraging a strong sense of purpose in students has also been linked to stronger mental health in law students and ultimately lawyers. See Lawrence S Krieger, 'The Inseparability of Professionalism and Personal Satisfaction: Perspectives on Values, Integrity and Happiness' (2005) *Clinical Law Review* 425.
[63]   Dorthe Hoj Jensen and Jolanda Jetten, 'The Importance of Developing Students' Academic and Professional Identities in Higher Education' (2016) 57(8) *Journal of College Student Development* 1027, 1029 ('Academic and Professional Identities').
[64]   Ibid, 1029, citing KV Bruss and M Kopala, 'Graduate School Training in Psychology: Its Impact on the Development of Professional Identity' (1993) 30 *Psychotherapy* 685.
[65]   Dorthe Hoj Jensen and Jolanda Jetten, 'Exploring Interpersonal Recognition as a Facilitator of Students' Academic and Professional Identity Formation in Higher Education' (2018) 8(2) *European Journal of Higher Education* 168, 169.
[66]   Hoj Jensen and Jetten, 'Academic and Professional Identities' (n 63), 1038.

unable to develop these identities in parallel, this hindered their academic development. Their research has also found that 'bridging social capital' (social capital formed by interactions between students and academics) was important for the development of both students' academic and professional identities. [67] Regardless of background, students reported having difficulty creating bridging social capital with academics, and therefore that 'professional identity was difficult to develop'.[68] However, the diverse students in their study[69] were more likely to attribute this to their own personal failings, whereas students from more traditional backgrounds were more likely to attribute this to failings of the university.[70] This indicates that students from diverse backgrounds need to be provided with scaffolded opportunities to develop a sense of professional identity. It should not be a matter left to chance for students to work through themselves, in the same way that it has been recognised that the development of their sense of academic identity should not be left to chance.

Considerations concerning the development of an early sense of professionalism have strongly influenced the design and implementation of the SR Survey. The SR Survey treats students as professionals, and develops their skills of self-management, through a very directed and scaffolded self-reflection exercise.

F   A Theoretical Framework for Self-Reflection

The SR Survey uses reflection, and in particular self-reflection, as a tool of transition pedagogy for first-year law students. Australian law schools are required to develop and support students' self-reflection capabilities. This is clearly articulated in Threshold Learning Outcome ('TLO') 6(b) (Self-management) for LLB and JD degrees, which provides that law graduates will be able to 'reflect on and assess their own capabilities and performance.[71] The TLOs have been adopted by all Australian law schools and endorsed by the Council of Australian Law Deans.[72] They are relevant for law school course accreditation by the Tertiary Education Quality and Standards Agency ('TEQSA').[73] The importance of reflection for law students is also recognised in the

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[67]   Dorthe Jensen and Jolanda Jetten, 'Bridging and Bonding Interactions in Higher Education: Social Capital and Students Academic and Professional Identity Formation' (2015) 6 *Frontiers in Psychology* 1, 9. ('Bridging and Bonding Interactions in Higher Education').

[68]   Ibid, 9.

[69]   Those who were first in family to attend University, or who came from 'lower family educational backgrounds'. See Ibid, 4.

[70]   Ibid, 9.

[71]   Kift, Israel and Field (n 5), 10; *Juris Doctor – Threshold Learning Outcomes* (Statement, Endorsed by the Council of Australian Law Deans, March 2012), 4.

[72]   Law Admissions Consultative Committee, *Redrafting the Academic Requirements for Admission* (Report, 2019), 1.

[73]   See *Higher Education Standards Framework (Threshold Standards) 2021* (Cth) pt A cl 1.4.2 (Learning Outcomes and Assessment); pt A cl 3.1.1.e (Teaching – Course Design), which requires HEIs to have course designs which include 'expected learning outcomes'; pt A cl 5.1.2 (Course Approval and Accreditation); and pt A 5.3 (Monitoring, Review and Improvement).

Law Admission Consultative Committee's Accreditation Standards for Australian Law Courses.[74]

There are many benefits of reflective practice in teaching and learning.[75] Huggins et al observe that 'reflective practice can be defined as a student's capacity to reflect on their own strengths and weaknesses, to learn from constructive criticism and to practice critical reflection by monitoring their own work performance, interpersonal interactions, and personal and professional development'.[76] The Learning and Teaching Academic Standards Statement which introduced TLOs for the LLB positions the inclusion of self-reflection as means of 'supporting students to become careful, efficient, concerned, and curious learners',[77] and also as a way of developing students' emotional intelligence, particularly in relation to self-awareness.[78] A key component of self-management is the ability to evaluate and monitor one's own performance.[79] Consultations with the legal profession that occurred in the development of the TLOs indicated that this particular aspect of TLO6 was considered essential for legal practice because of its capacity to enhance resilience.[80]

Much of the research extolling the benefits of reflective practice may presume a level of cultural capital or 'feel for the game' that diverse first-year students may not possess. As discussed above, university practices tend to favour students who already have access to implicit codes and accepted ways of 'talking, writing and interacting' at university.[81] Diverse first-year students who lack this stock of cultural capital – for example due to prior educational experience, or lack of access to peer networks and informal mentors – are not familiar with these implicit codes.[82] They may require additional support to unveil these assumptions and practices.[83] Exercises in reflective practice for diverse students should therefore ensure that 'few, if any, assumptions [are] made about existing skills and knowledge'[84] in relation to reflective practice, and that reflective practice is appropriately and explicitly scaffolded. It is therefore important to have a relevant theoretical framework grounding any exercise in reflective practice for diverse first-year students.

Reflection has been defined variously by a range of philosophers, educators and within each of the professions. Indeed reflection put

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[74]   Law Admissions Consultative Committee, *Accreditation Standards for Australian Law Courses* (Statement, July 2018), 10.

[75]   See, eg, Judith McNamara, Tina Cockburn and Tina Campbell, *Good Practice Guide (Bachelor of Laws): Reflective Practice* (Report, 2013), 5.

[76]   Huggins, Kift and Field (n 4), 209.

[77]   Kift, Israel and Field (n 5), 23.

[78]   Ibid, 23. See also Kelley Burton and Judith McNamara, 'Assessing Reflection Skills in Law Using Criterion-Referenced Assessment' (2009) 19(1) *Legal Education Review* 171, 171-172.

[79]   Huggins, 'The Threshold Learning Outcome on Self-Management for the Bachelor of Laws Degree' (n 5), 26.

[80]   Kift, Israel and Field (n 5), 23.

[81]   Daddow (n 18) 742. See also Farenga (n 52); Meuleman et al (n 10), 505-506.

[82]   Farenga (n 52) 61-62; Devlin (n 26), 940.

[83]   See generally Daddow (n 18).

[84]   Kift, *Articulating a Transition Pedagogy* (n 10), 41.

simply is 'an important human activity in which people recapture their experience, think about it, mull it over and evaluate it'.[85] Dewey refers to 'a state of doubt, hesitation, perplexity, mental difficulty, in which reflective thinking originates and… an act of searching… inquiring to find material to resolve the doubt' demonstrating the appropriateness of reflective skills for issues which are troubling or tricky.[86] He also refers to the purpose of reflection as being to connect or recognise relationships between different parts of an experience. Others have discussed different ways of typifying reflection in a scheme of 'reporting and responding', 'relating', 'reasoning', and 'reconstructing'.[87] They understand reflection as having levels or steps within it. Kolb and Kolb understand it as a cycle of learning, with 'concrete experience', 'reflective observation', 'abstract conceptualisation' and 'active experimentation'.[88] Gibbs has a similar model which involves, describing the experience, identifying any feelings involved, evaluating the activity, analysing it within a theoretical context then emerging into an action plan.[89] Some of the possible learning outcomes from engaging in reflection include being able to devise new actions based on the reflective process, and being able to self-evaluate.[90]

Moon defines reflection as:

A form of mental processing — like a form of thinking — that we use to fulfil a purpose or to achieve some anticipated outcome. It is applied to relatively complicated, unstructured ideas for which there is not an obvious solution and is largely based on the further processing of knowledge and understanding and possibly emotions that we already possess.[91]

Reflection is not for the more straightforward issues, but rather for the complicated and intricate, interconnected issues.

There is also the understanding of reflection skills as being potentially transformative, and many discuss 'critical reflection' in this

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[85] David Boud, Rosemary Keogh and David Walker, 'Promoting Reflection in Learning: A Model' in David Boud, Rosemary Keogh and David Walker (eds), *Reflection: Turning Experience into Learning* (Routledge, rev ed, 1994) Chapter 1, 19.

[86] John Dewey, *How We Think* (DC Heath & Co, 1933), 12, cited in David Boud, Rosemary Keogh and David Walker (eds), *Reflection: Turning Experience into Learning* (Routledge, 1994), 211.

[87] Mary Ryan, 'The Pedagogical Balancing Act: Teaching Reflection in Higher Education' (2013) 18(2) *Teaching in Higher Education* 144, 147.

[88] David Kolb and Alice Kolb, 'Learning Styles and Learning Spaces: Enhancing Experiential Learning in Higher Education', *Academy of Management Learning & Education*, 2005, Vol.4, No.2, 193-212, 194.

[89] Graham Gibbs, *Learning by Doing: A Guide to Teaching and Learning Methods* (Further Education Unit Oxford Polytechnic, 1988).

[90] Sue Duke and Jane Appleton, 'The Use of Reflection in a Palliative Care Programme: A Quantitative Study of the Development of Reflective Skills over an Academic Year' (2000) 32(6) *Journal of Advanced Nursing* 1557, Table 1, 1559-1560.

[91] Jenny Moon, 'PDP Working Paper 4: Reflection in Higher Education Learning' (Working Paper, Higher Education Academy, 2001) 1, 2 ('PDP Working Paper'), citing Jenny Moon, *Reflection in Learning and Professional Development* (Kogan Page, 1999).

way as well as the potential for critical transformation.[92] Indeed, critical reflection can be seen as a way of 'examining our own subjective thoughts about who we are, our identities, beliefs and so on'. [93] Reflection skills extend to perspective transformation and self- critique, and the ability to recognise assumptions as a part of perspective transformation. This is where a person gains insight into assumptions they make which may limit the person's understanding of themselves and their relationships. Reflective skills can enable law students to understand more deeply their own expectations and lecturer expectations within an assessment, and more broadly, in order to succeed.

The discussion of reflection skills in the literature frequently occurs within the discussion about learning and how we facilitate learning. Some refer to 'deep learning' or 'surface learning', and that reflection promotes 'deep learning'. A 'deep approach is where the intention of the learner is to understand the meaning of the material. [The learner] is willing to integrate it into her existing body of previous ideas, and understandings, reconsidering and altering her understandings if necessary'.[94] Surface learning is associated with memorising material, not necessarily trying to connect the new material with prior knowledge or understandings. Others discuss the concept of metacognition, [95] 'thinking about thinking',[96]which in this situation is the awareness of the learning process.

The literature on transition pedagogy relating to diverse student cohorts emphasises the need to recognise that these students often have to negotiate a 'hidden curriculum'. Given this, scaffolded reflection which supports an awareness of the learning processes required at university is one way in which to make more explicit the hidden curriculum to diverse students. To someone who is more familiar with an academic environment, understanding the requirements for success in their studies at university may not be complex. They may already have learnt these skills, or had made explicit to them what is required in order to succeed. For these first-year students, it is probably sufficient for universities to provide overall guidance about, for example, how many hours of study they should be devoting to each of their subjects, provide them with the lecture materials, weekly readings and tutorial questions, and they will do the rest. For a diverse student entering this environment, however, it may be perplexing and includes a level of

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[92]   See, eg, Paulo Freire, *Pedagogy of the Oppressed*, tr Myra Bergman Ramos (Penguin, 1972); Jack Mezirow, 'Understanding Transformation Theory' (1994) 44(4) *Adult Education Quarterly* 222; Jack Mezirow, 'An Overview on Transformative Learning' in Jim Crowther and Peter Sutherland (eds), *Lifelong Learning: Concepts and Contexts* (Routledge, 2006) 40.

[93]   Elizabeth Smith, 'Teaching Critical Reflection' (2011) 16(2) *Teaching in Higher Education* 211, 212, citing Timothy D Wilson, *Strangers to Ourselves* (Harvard University Press, 2004).

[94]   Moon, 'PDP Working Paper' (n 91), 5.

[95]   Ibid, 7; Casey (n 4), 321.

[96]   John H Flavell, 'Metacognition and Cognitive Monitoring: A New Area of Cognitive–Developmental Inquiry' (1979) 34(10) *American Psychologist* 906, 906-911, referred to in Casey (n 4), 346.

mental difficulty. A reflective task such as the SR Survey encourages diverse students to think about how they have learnt and succeeded in study so far. What they are being prompted to do is reflect, and connect, their engagement with their success in the relevant subject. The student is prompted to reflect, so as to engage in deep learning and make new connections.

Research relating to the development of students' professional identity has long recognised that, as a student develops their identity as part of a profession, as well as their academic identity this will require them to develop an ethical muscle.[97] In addition to the idea of an ethical muscle others have proposed that students, and lawyers, need to develop a 'reflective muscle'.[98] The SR Survey forms the beginnings of that process of developing skills in reflection and growing a 'reflective muscle'. This forms the basis of a lifelong process of development as a legal professional, constantly growing and improving, and using reflection to make sense of more complex, not previously encountered, or perplexing experiences.

Reflection enables the learner to examine their experience, attend to feelings and re-evaluate the experience. Boud, Keogh and Walker observe that:

> These elements are concerned with how the learner works on the experience, links new knowledge with old, re-examines the initial experience in the light of his or her own goals, integrates learning into his or her existing framework, and rehearses it with a view to subsequent activity.[99]

If we relate this to the SR Survey, this enables the diverse student to think about what they have done in the subject to ensure their own success. They can think about what they were aiming for in the subject, or what their goals were. The student is ideally able to then integrate a new learning into their existing framework and then re-think what else they may need to do in order to do it differently next time. Integration of new knowledge can be seen as 'a coming together or creative synthesis of various bits of the information previously taken in, and the formation of a new 'solution' or change in the self-what might be called a new gestalt'.[100]

Finally, the process of reflection is not just a process for its own sake. Its aim is to enable us to be ready for new and different experiences or a new way of doing something or developing a new skill. This fits within the purpose of the SR Survey; to help the student to make connections between how they engage with the subject, and their ultimate success in that subject. If reflection is successful, the student may gain a greater sense of confidence in their ability to succeed or

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[97] See generally Gentile (n 1); See also Holmes (n 1); DelTotso-Brogan (n 1), 226.
[98] Leering (n 3), 69.
[99] Boud, Keogh and Walker (n 85), 21.
[100] Evelyn M Boyd and Ann W Fales, 'Reflective Learning: Key to Learning from Experience' (1983) 23(2) *Journal of Humanistic Psychology* 99, 110.

have the 'hidden curriculum' revealed to them. Even while insights may be gained, enacting change may still be hard.[101]

While reflective practice at law school has traditionally been associated with later year subjects, particularly clinical legal education,[102] there have been suggestions that reflective practice can, and should, be introduced in the first-year of law school.[103] Academic literature related to transition pedagogy for law students recommends that TLO 6 be embedded and developed from first-year, emphasising its relationship to supporting student well-being and resilience.[104]

A reflective task through which students reflect on their own performance and engagement is usually referred to as a reflective self-assessment task. It is a form of personal reflection as the student must question themselves, their actions, their behaviours and interrogate whether they could contribute to the relevant outcome. Field and Kift's work promotes the integration of self-reflection into assessment design as a way of encouraging first-year students to become independent learners, and in particular to develop self-regulation skills. [105] Nicol argues that this type of self-reflection in first-year student assessment can be achieved by asking students to self-assess their own work prior to submission, and by asking students to outline the best features of their work, indicating the mark that they think they should be awarded and the reason that they think they should be given that mark.[106]

However, studies of reflective practice in relation to first-year university students find that students do not always engage with reflective tasks or understand their purpose, and that educators may assume a level of understanding of the purpose of reflection that students do not possess.[107] Reflective self-assessment tasks for first-

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[101]   Chris Argyris, *Reasoning, Learning, and Action: Individual and Organizational* (Jossey-Bass, 1982), cited in Boud, Keogh and Walker (n 85), 35.

[102]   Schon (n 4); Casey (n 4); Rachel Spencer, 'Holding Up the Mirror: A Theoretical and Practical Analysis of the Role of Reflection in Clinical Legal Education' (2012) 17 *International Journal of Clinical Legal Education* 181; Colin James, 'Seeing Things as We Are-Emotional Intelligence and Clinical Legal Education' (2005) 8 *International Journal of Clinical Legal Education* 123; Adrian Evans et al, *Best Practices in Australian Clinical Legal Education* (Report, 2012); Georgina Ledvinka, 'Reflection and Assessment in Clinical Legal Education: Do You See What I See?' (2006) 9 *International Journal of Clinical Legal Education* 29; Cody (n 4).

[103]   See, eg, Judith McNamara, Rachael Field and Catherine Brown, 'Learning to Reflect in the First Year of Legal Education : The Key to Surviving Legal Education and Legal Practice' (Conference Paper, First Year in Higher Education Conference, 29 June - 1 July 2009); Simon Brooman and Sue Darwent, 'A Positive View of First-Year Undergraduate Reflective Diaries: Focusing on What Students Can Do' (2012) 13(4) *Reflective Practice* 517; Rachael Field and Sally Kift, 'Addressing the High Levels of Psychological Distress in Law Students through Intentional Assessment and Feedback Design in the First Year Law Curriculum' (2010) 1(1) *The International Journal of the First Year in Higher Education* 65, 71.

[104]   See generally Huggins,'The Threshold Learning Outcome on Self-Management for the Bachelor of Laws Degree' (n 5).

[105]   Field and Kift (n 103), 71. See also McNamara, Field and Brown (n 103), 2-4.

[106]   David Nicol, *Quality Enhancement Themes: The First Year Experience: Transforming Assessment and Feedback: Enhancing Integration and Empowerment in the First Year* (Report, 2009), 25-26, 48-49.

[107]   Hanson (n 12), 297; Dyke et al (n 12).

year students can also result in 'at risk' students relating poor performance to a lack of ability rather than a lack of effort or poor study strategies.[108] Other studies have found a wide variation between how students rated their performance, and how their tutors rated their work.[109]

This does not mean that we should not expect diverse first-year law students to engage in reflective tasks. Brooman and Darwent's study of the use of reflective diaries for first-year law students in a 'mixed-ability student group' at the start of their studies concedes that first-year students may not have developed the necessary skills to be competent reflective practitioners.[110] However, their study also found that the students 'did not need to be accomplished reflectors in order to benefit from keeping the diaries'.[111] This study demonstrated that one of the key benefits of encouraging student reflection in this early stage of students' degrees was that it helped students' transition to university, particularly in relation to developing their sense of confidence as students, developing effective learning strategies and recognising the need for self-reliance and personal responsibility.[112] It appears from Brooman and Darwent's study that, while students were provided with embedded support for their reflections in the form of access to academic articles connecting reflection and self-efficacy, it was not made explicit to students *what* they needed to do to succeed in their studies. Students seem to have been required to work out for themselves what they needed to do to address and overcome issues they experienced in relation to their studies.[113]

For these reasons, the SR Survey is a highly directed and structured approach to the way in which students can reflect on their performance in their first-year law studies. It aims to get students to make the connection between the *expectations of their engagement* with the subject, and their *outcome*, rather than assessing the finished product; the assessment itself. In addition, the SR Survey directs students' attention to ways they might improve their study strategies and engagement in the subject rather than attributing their performance to a lack of ability or aptitude. This is particularly important in relation to diverse students, as attribution of performance to ability or aptitude can undermine student confidence.[114] The SR Survey asks students if they can discern a link between their engagement with the subject and their outcome. If they cannot—that is, if they have done all that is expected of them, but they are not achieving as they anticipated—then this is an area for further investigation, and we explore ways to better support

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[108] Alf Lizzio and Keithia Wilson, 'Early Intervention to Support the Academic Recovery of First-Year Students at Risk of Non-Continuation' (2013) 50(2) *Innovations in Education and Teaching International* 109, 117.

[109] Thompson, Pilgrim and Oliver (n 12), 414-415; Maguire and Edmondson (n 12), 215-216; Lew, Alwis and Schmidt (n 12), 145.

[110] Brooman and Darwent (n 103), 527.

[111] Ibid, 523.

[112] Ibid, 523-524.

[113] Ibid, 526-527.

[114] Lizzio and Wilson (n 108), 117, citing Carol S Dweck, *Self-Theories: Their Role in Motivation, Personality, and Development* (Psychology Press, 2013).

these students. If they *can* see that there is a connection between their engagement and the outcome in the subject, then this is the starting point for self-reflection; they start to exercise their 'reflective muscle'.

III   METHODOLOGY

Ethics approval was obtained for all aspects of this study, and all student data was de-identified. [115]

Mixed-methods analysis, combining qualitative and quantitative methods, was used in this study. The following section of this article first describes the study cohort, then outlines the phases of the implementation of the SR Survey, and finally describes the data that was collected and analysed.

A   *The study cohort*

The first-year cohorts from the School of Law at Western Sydney University ('WSU') from 2018-2021 were the subject of this study. This cohort is a microcosm of the diversity of WSU's broader cohort and the Greater Western Sydney ('GWS') community in which the multiple WSU campuses are located. Aggregated data for these four cohorts shows that 45% were from low-SES backgrounds,[116] 35% were from culturally and linguistically diverse backgrounds, 39% were first in family to attend University, 53% were students who have not entered their law course directly from school, and 10% entered the course via a Vocational Education Training (VET) program pathway, rather than via prior formal high school or university education.

The GWS region is the fastest growing region of greater metropolitan Sydney,[117] and is very culturally diverse, with 35% of GWS was born overseas.[118] It is populated by 170 different nationalities, 42% of whom speak a language other than English.[119] It

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[115]   Refer to Ethics Approval number: H14491, Western Sydney University Human Research Ethics Committee.

[116]   Western Sydney University bases low SES status on the students' postcode of permanent home residence within the SSEs value derived from the ABS 2016 Census SEIFA Index for Education and Occupation for postcodes. See: Western Sydney University, *Annual Report: The Year in Review, Volume 1* (Report, 2020), 55 Table 7 and Australian Bureau of Statistics, 'Details - Socio-Economic Indexes for Areas (SEIFA) 2016' (Web Page, 27 March 2018) <https://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/2033.0.55.0012016?OpenDocument>.

[117]   The Centre for Western Sydney, *Where Are the Jobs? Part 1: Western Sydney's Short-Lived Jobs Boom* (Report, 2020), 7.

[118]   Regional Centre of Expertise on Education for Sustainable Development, 'About Greater Western Sydney', *Western Sydney University* (Web Page, 20 November 2020) <https://www.westernsydney.edu.au/rcegws/rcegws/About/about_greater_western_sydney>.

[119]   Western Sydney University, *Securing Success 2018-2020 Strategic Plan* (Report, 2018), 2. See also Regional Centre of Expertise on Education for Sustainable Development (n 118).

has one of the largest Indigenous populations in Australia.[120] A study of the 2016 Australian Bureau of Statistics data relating to the Socio-Economic Index for Areas concluded that '[local government areas] in GWS generally have a higher proportion of disadvantage and a lower proportion of advantage' compared to the rest of the Sydney region.[121]

Recent reviews of the law program at WSU have observed that our cohorts are 'more diverse and socio-economically disadvantaged than is the case for traditional law schools, with a high incidence of students from low socio-economic status backgrounds, who are first in family to attend university and who speak a language other than English at home'.[122] We embrace this diversity in our student cohort, because diversity at law school should lead to greater diversity in the legal profession,[123] and in Australia and elsewhere, connections have been made between the education of law students from diverse backgrounds, diversity in the legal profession and access to justice.[124] In the Australian context, Melville has observed that limiting access to legal education 'excludes disadvantaged groups from the profession'.[125] Educating law students from diverse backgrounds, however, also means that 'the implicit or tacit needs to be made more explicit for students whose background does not readily acquaint them with these implicit features of the law school curriculum'.[126]

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[120] Regional Centre of Expertise on Education for Sustainable Development (n 118); Western Sydney University (n 119), 2; Matt Wade and Nigel Gladstone, 'Rapid Growth for Indigenous Population of Sydney', *Sydney Morning Herald* (online, 1 June 2019) <https://www.smh.com.au/politics/nsw/rapid-growth-for-indigenous-population-of-sydney-20190531-p51t7i.html>.

[121] Jawed Gebrael, *Socio-Economic Index for Areas In Greater Western Sydney* (Topic Paper, Westir Limited, August 2018), 5. See also The Centre for Western Sydney (n 117).

[122] Michelle Sanson, *WSU Law First Year Review* (Consultation Paper, June 2016), 43.

[123] Evers, Olliffe and Dwyer (n 32), 168.

[124] See, generally Russell G Pearce and Sinna Nasseri, 'The Virtue of Low Barriers to Becoming a Lawyer: Promoting Liberal and Democratic Values' (2012) 19(2–3) *International Journal of the Legal Profession* 357; Avner Levin and Asher Alkoby, 'Is Access to the Profession Access to Justice? Lessons from Canada' (2012) 19(2–3) *International Journal of the Legal Profession* 283. Also see Tina McKee et al, 'The Fairness Project: The Role of Legal Educators as Catalysts for Change. Engaging in Difficult Dialogues on the Impact of Diversity Barriers to Entry and Progression in the Legal Profession' (2021) 55(3) *The Law Teacher* 283, 1-2; Lady Hale, 'Lord Upjohn Lecture 2021-"When There Are 12": Legal Education and a Diverse Judiciary' (2021) *The Law Teacher* 1, 5-6; Dennis Foley, 'Quadrivum: So You Want to Be a Lawyer?' (2014) 8(11) *Indigenous Law Bulletin* 19.; Naveed Khan, 'An Evolution, Not a Revolution' (2017) 91(10) *Law Institute Journal* 65; Asian Australian Lawyers Association, *The Australian Legal Profession: A Snapshot of Asian Australian Diversity in 2015* (Report, 2015); Michael Kirby, 'Leo Cussen Justice Speech: Unmet Legal Needs in Australia: Ten Commandments For Australian Law Schools' (Conference Paper, Australian Law Teachers' Association Conference, 2015), 10-14.

[125] Angela Melville, 'It Is the Worst Time in Living History to Be a Law Graduate: Or Is It? Does Australia Have Too Many Law Graduates?' (2017) 51(2) *The Law Teacher* 203, 206.

[126] Peter Moraitis and Helen Murphy, 'Language, Law and Identity: A Language and Learning Response to the Challenges of Widening Participation of Students In Law Subjects' (2013) 47(2) *The Law Teacher* 159, 161.

B   *Phases of the SR Survey*

1   *Phase 1 - end of first year 2017-2019*

There are two foundations-type subjects that first-year students undertake at WSU: Fundamentals of Australian Law (FAL) and Legal Analysis and Critique (LAC). FAL is studied in students' first semester, and LAC in their second semester. WSU policy states that students may seek a review of grade at the end of the semester if they are not satisfied with their result in a subject. WSU encourages students to discuss their result informally with the Subject Coordinator prior to seeking a formal review of grade. The SR Survey was first introduced as a paper-based exercise in LAC in 2017, to encourage students at the end of their first year of law studies to reflect on their performance in the subject, prior to seeking a formal review of grade. In 2018, the SR Survey was conducted online, via the subject's learning management system, vUWS. Students were again asked to complete the SR Survey and discuss it with the LAC Subject Coordinator prior to making a formal application for a review of grade.

The format of the SR Survey has been reasonably consistent since its introduction in 2017. It consisted of a set of T/F answer questions, and three or four open ended questions. The T/F answer questions ask students whether they undertook certain tasks in the subject. The open-ended questions asked students to reflect on:

- What they did well to prepare for the relevant assessment.
- How they could have improved their preparation for the relevant assessment.
- Whether they think their result in the assessment reflects the answers they have provided in the SR Survey.
- In the case of a student's overall result in the subject, whether they think that overall result reflects the answers they have provided in the SR Survey. [127]

Early anecdotal evidence from the 2017 SR Survey was that it proved to be a valuable tool for detecting serious discrepancies between students' performance and their outcome in the subject. For example, in one case where a student was able to demonstrate that they had completed all of the recommended activities in the subject but had failed LAC, a review of the student's exam paper indicated that there had been a calculation error in adding up their final exam marks, and the student had actually received a Credit grade for the subject. However, the SR Survey also received a negative comment in the student feedback on the subject in 2018:

> I believe [the SR Survey] was an intimidation tactic to deter students as [teacher] is probably over run and already busy enough. [128]

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[127]   See examples in Appendix 1.
[128]   Student feedback on subject, Legal Analysis and Critique, 2018.

This feedback indicated that perhaps the purpose of the SR Survey was not understood by students. Based on this feedback, in 2019 in LAC, students were provided access to the SR Survey early in the semester. The intention was to make more explicit the extent and type of engagement that was expected of students and to foreshadow that students who were not satisfied with their final result would be asked to undertake this reflective exercise at the end of semester as part of reviewing their result in the subject. However, while the SR Survey was made available to students at the start of the semester, it did not form part of the in-class work for LAC nor were students provided with support to develop their reflection skills.

2   *Phase 2- reframing the survey questions*

In early versions of the SR Survey, the open-ended questions simply asked students to reflect on whether they thought their outcome in the subject reflected their answers to the SR Survey. The assumption was that students would relate their SR Survey answers to their result. However, some student responses indicated that students thought the final open-ended questions were inviting comment about whether they received the outcome that they were *expecting* in the subject, or that they believed they deserved:

> …i feel like I should have gained further marks, with all the preparation i did…[129]

> Considering the circumstances I underwent this semester I believe I prepared and executed the final exam to a proficient enough level to have received a pass.[130]

> …a compulsory fail was not expected and I was expecting and minimum of a credit.[131]

In contrast to other self-reflective assessment tasks,[132] the SR Survey questions did *not* ask students to state the outcome that *they* thought they would achieve. The T/F questions and the open-ended questions were designed to encourage students to reflect on areas of strength in terms of engagement with the subject and preparation for assessment, where they could improve, and *whether they could draw a connection between their engagement with the subject and their result.* Students were encouraged to seek assistance if they could not see a connection between their result and their answers to the questions in the SR Survey.

The student responses above indicated that the open-ended questions were not sufficiently scaffolding students' reflection skills.

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[129] Student LAC2018014 response to Legal Analysis and Critique 2018 final exam self-reflection survey.

[130] Student LAC2018022 response to Legal Analysis and Critique 2018 final exam self-reflection survey.

[131] Student LAC2018027 response to Legal Analysis and Critique 2018 final exam self-reflection survey.

[132] See, eg, Thompson, Pilgrim and Oliver (n 12); Maguire and Edmondson (n 12); Lew, Alwis and Schmidt (n 12).

The responses also indicated that, if we were going to continue to use SR Survey, it needed to be introduced earlier in first year and embedded into curriculum activities that supported students' reflection skills. In 2020 and 2021, the SR Survey was introduced in the first semester subject, FAL, and was embedded into the early learning activities in the subject.

3   *Phase 3- moving and embedding the survey 2020-2021*

Wilson et al observe that, for diverse students, the early weeks of semester are critical in the transition process because of 'their low levels of academic capital, resulting in the 'outsider within' phenomenon and limited engagement with the role of university student'.[133] The early weeks of FAL are therefore a crucial place for students to develop their sense of identity as a law student. While WSU conducts an extensive extracurricular orientation program for all students and the Law School is heavily involved in this program, our experience of the University's orientation program has been that, in aiming for a 'one world view' from the students' perspective, it does not provide us with a sufficient opportunity to develop students' sense of cohort identity, nor does it permit us time to embed and support the skills and learning approaches that will assist students to commence their law studies.

In addition, some of our students are unable to attend WSU's orientation activities, for example because of work or family commitments, so the early weeks of their law classes are important to develop a sense of belonging and to introduce appropriate approaches to learning. Studies of voluntary orientation/transition programs for diverse cohorts acknowledge that such programs are likely to attract the more intrinsically engaged and motivated students, and may not reach the students who most need the support.[134] Even where transition programs in diverse first-year cohorts are conducted in a credit-bearing intensive mode at the commencement of students' studies, research has demonstrated that, when students then engage in the standard pattern of study at university, they still find the transition challenging.[135] In FAL, embedding these activities into the first weeks of semester provides us with a vehicle to cement cohort identity and frame these skills as important skills for lawyers and law students. In addition, it ensures that *all* students are given access to the relevant information and skills that will enable them to successfully engage with study.

FAL is taught in a flipped and blended mode. Students have four hours of class time per week (two, two-hour blocks) and are expected

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[133]   Wilson et al (n 29), 1025.

[134]   Andrea Adam, Cathy Hartigan and Natalie Brown, 'The Value of an Open, Early Academic Development Program to Students' Transition and First Year Experience: The UTAS UniStart Program' (2010) 1(1) *Student Success* 43, 52; Ann Lefroy et al, 'UniEdge: A First Year Transition Program and Its Continued Evolution through a Reflective Approach. A Practice Report' (2014) 5(1) *International Journal of the First Year in Higher Education* 107, 110.

[135]   Rebecca Turner et al, 'Easing the Transition of First Year Undergraduates Through an Immersive Induction Module' (2017) 22(7) *Teaching in Higher Education* 805, 816-817.

to do preparatory work prior to coming to class so that the four hours of class time is spent engaging in activities that reinforce and extend on their learning from the online preparatory material.

Module 2, Week 2 of FAL is entitled 'Being a Law Student'. This Module focuses on setting expectations and is our first step in scaffolding students' self-reflection skills. As recommended by McNamara, Field and Brown,[136] students are asked to broadly reflect on why they have chosen to study law and what they hope to achieve from their law degree. They are also asked to draw on their experiences of previous study or work to consider how they think studying law might be the same as or different to other learning experiences they have had.

Students also examine what *they* can expect from their law degree, via a detailed examination of the Threshold Learning Outcomes (TLOs) for the LLB, the Priestley 11 and the Course Learning Outcomes for the law degree at WSU. In their examination of TLO 6, students are assigned reading and in-class discussion questions on the following topics:

- What is meant by 'self-management'?
- What is 'reflective practice', and why is it important for law students?
- Outline some of the ways that you can put self-management and reflective practices in place to achieve success at law school.

In class, students examine strategies to balance their studies and other aspects of their lives, and organisational tools that might help them plan their studies. As part of their in-class exercises on self-management and reflective practice, students are also asked to access the online SR Survey and look at the questions in it. At this early stage, the purpose of students examining the questions in the SR Survey is to relate it to the discussions about self-management and reflective practice. The purpose of moving the first attempt at the SR Survey to the start of the semester is to foster in students a sense that they are entering a professional degree, and that there are certain expectations of them as commencing professionals. It also makes explicit *what* is expected of them in terms of their engagement with and practices in the subject that will facilitate their success. Israel et al have noted that:

> [a] powerful signal to students that we respect their time and efforts and are interested in their success can be given simply by clearly and regularly articulating our expectations, both in relation to students' formal and informal in-class or online performance and conduct as well as in out-of-class assessments. We also ought to provide students with guidance on how they might meet those expectations and how staff in the subject are available to support their success.[137]

Research has also demonstrated that one of the most significant threats to law student mental well-being is the gap between student

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[136] McNamara, Field and Brown (n 103), 7-8.
[137] Israel et al (n 31), 349.

expectations and the realities of law school.[138] One of the objects of introducing the SR Survey at this early stage of first semester is to try to bridge that gap.

Some studies in transition pedagogy relating to diverse students have employed what appear to be fairly blunt instruments to manage student expectations and to make the institution's expectations explicit. For example, Laing, Kuo-Ming and Robinson's study of diverse students at a UK higher education institution examined the use of an online 'automated negotiation process' to manage students' expectations in relation to their anticipated hours spent on study and their anticipated results.[139] The study found that the automated instrument assisted students to adjust their expectations in terms of what would be required of them, in terms of study hours, in order to achieve their desired results. However, as acknowledged by the authors of the study, hours devoted to study is not necessarily a reliable measure of student engagement, nor a good predictor of academic outcome.[140] While WSU Law School also provides students with information about the expected number of study hours per week for each subject, the SR Survey makes explicit the types of behaviours in those hours of study that are likely to facilitate success in the subject.

In 2020 and 2021, students also revisited the SR Survey at relevant times during the semester. For example, a version of the SR Survey was provided to students after they had received their marks for their first major piece of assessment in the subject, a case summary. In the penultimate week of the semester, in Module 7, 'Becoming a Legal Professional', students were asked to return to their reflections from Module 2 about why they had chosen to study law, and what their expectations were in relation to their law studies. As pre-class work for Module 7, students were also asked to reflect on how their answers to those reflections had changed (if at all) since the start of the semester. Students were also asked to reflect on the self-management skills they had learned in Module 2, and whether they thought they had put these into place during the semester. In class, they interviewed each other in pairs in relation to these questions and shared their reflections with the class. In addition, as part of their in-class work in Module 7, students examined the SR Survey for the final exam and were encouraged to attempt it as part of commencing their preparation for the final exam.

The final change that was introduced in 2020 and 2021 was an amendment to the open-ended questions in the SR Survey, to direct students' self-reflection on whether they could see a connection

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[138]   Wendy Larcombe, Ian Malkin and Pip Nicholson, 'Law Students' Motivations, Expectations and Levels of Psychological Distress: Evidence of Connections' (2012) 22(1) *Legal Education Review* 71, 89-90, Lawrence S Krieger, 'The Inseparability of Professionalism and Personal Satisfaction: Perspectives on Values, Integrity and Happiness' (2005) *Clinical Law Review* 425.

[139]   Chris Laing, Kuo-Ming Chao and Alan Robinson, 'Managing the Expectations of Non-Traditional Students: A Process of Negotiation' (2005) 29(2) *Journal of Further and Higher Education* 169, 178.

[140]   Ibid, 178.

between their study practices in the subject and their result in the subject and/or the particular assessment:

> Question: Do you think your result in the Unit overall reflects the answers you have provided in this questionnaire? Why/Why not?

> *Please note that this question is not asking you whether you agree or disagree with your mark in the [relevant assessment/subject]. It is asking you to reflect on whether your answers to the questions above reflect your mark.*

Students' attempts at the SR Survey do not form part of their formal assessment in the subject. Burton and McNamara observe that, where reflection is assessed, what is usually assessed is the *product* of the reflection, rather than the reflective process itself.[141] If reflection is to be assessed then clear indicators of reflection must be adopted.[142] Given that the SR Survey is provided to students as the first step in them developing a 'reflective muscle', the Law School has decided not to assess students' SR Survey attempts. This obviously raises the issue of how to encourage students to do the SR Survey. This is addressed in two ways. First, the SR Survey is embedded in class work across the semester as part of in-class activities. Secondly, students are required to complete the SR Survey as part of their discussions with the Subject Coordinator if they wish to have their mark in an assessment item (or overall) reviewed.

C   *Data studied*

Students' responses to the SR Surveys were collected from the learning management system, vUWS, from 2018-2021. In addition, a record of whether students had accessed the SR Survey during the semester was downloaded from vUWS for 2019-2021. The data relating to students who accessed the SR Survey very early in the semester simply revealed whether students looked at the questions in the SR Survey. Students could not submit a meaningful response to the SR Survey at that point because they had not yet undertaken most of the tasks in the subject. Conventional qualitative content analysis was used to code students' responses to the open-ended questions at the end of each of these surveys using Nvivo software. This data consisted of 177 responses across the 2018-2021 cohorts. Quantitative statistical analysis, using R 4.0.1 software, was used to examine the interaction between students' attempts at the SR Survey and their outcomes in the subjects in the 2019-2021 cohorts. This study cohort consisted of over 900 students.

IV   DISCUSSION AND ANALYSIS OF RESULTS

Our analysis of the data related to the SR Survey is that students' engagement with it does appear to be positively correlated with

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[141]   Burton and McNamara (n 78), 179.
[142]   Smith (n 93), 219; Burton and McNamara (n 78), 181-184.

students' results in these first-year subjects. This correlation appears to be more significant where students have been given the opportunity to reflect on their actions and have the opportunity to change what they are doing. More importantly, it appears that the embedding and scaffolding of work related to the importance of self-management and self-reflection for legal professionals has improved students' self-reflection, even in situations where they may be disappointed with the outcome in a particular assessment and/or the subject overall. The qualitative data from the SR Survey also reveals that we still have some way to go in supporting students' self-reflection skills.

A   Discussion and Analysis of Qualitative data

Our analysis of student responses across the four study cohorts indicates that the SR Survey does contribute to the development of students' self-reflective muscle.

1   Effect of repetition of SR Survey attempts

There is evidence of the development of a self-reflective muscle from the reflections of students who complete the SR Survey a number of times. An important feature of the T/F questions in the SR Survey, which is explained to students, is that they do not ask students questions to which we do not already know the answers or are unable to verify. For example, many of the questions ask students about whether they undertook particular activities in the subject. As much of this work is submitted via vUWS, we have a record of whether or not the student has done the work. Class attendance records are also kept, and the Subject Coordinator consults with the relevant tutor about students' class participation. Sometimes students are asked to re-attempt the SR Survey because their T/F answers on their first attempt do not reflect what we can see in vUWS.

As an example, student LAC201812 attempted the SR Survey three times. On their first two attempts, the student indicated through their responses to the T/F questions that they had completed the majority of the activities set during the semester. This was not consistent with the information that we could see on vUWS. The student was asked to repeat the SR Survey for a third time, and to accurately respond to the T/F questions. They did this on their third attempt at the SR Survey. The contrast between the student's reflections in their first two attempts and their third attempt is clear:

First attempt:

I thought i did well by my preparation , not sure what else should be covered. Maybe in the future i need to conduct more research for better results…… I wasn't expecting that mark as i thought i did well in the questions, not sure what went wrong…. I was not satisfied with marks, as i believe i have done everything.

Second attempt:

i was not happy with the results, i thought i was disadvantaged, because i thought i did well enough to make pass the unit, I wasn't happy with the marks. i have tried all my best and knowldge. I don't know how come i got this results, when i actually left the exam with the positives vibe. I have done alot of studies for LAC, i spent a lot of time practicing and preparing, never thought i did that bad. I'm not sure when else i should have done. This makes really think as if im capable of this degree.

Third attempt:

Maybe [I need to] focus more on time management for each question. Even though I did the weekly questions and discussed with my friends the questions. I need to attempt them alone to see my knowledge first. In the future law exam, i need to focus on answering the questions with structure and discuss the information with the tutor to gain better results… Unfortunately I thought i have covered everything for the final exam, but the results was shocking and did not even expect that results at all. I did the same way that my friends did and the passed not sure what went wrong….[143]

2   *Demonstration of resilience and self-awareness*

We also draw the conclusion that the SR Survey can contribute to the development of a self-reflective muscle from reflections of students who indicated that they thought their results did reflect their answers to the SR Survey questions, even where students were somewhat disappointed in their results. This was particularly noticeable in relation to the reflections of the 2020 and 2021 cohorts, where the SR Survey was more fully integrated into the curriculum, embedded into classwork related to self-management and revisited across the semester:

Question: Given your answers to the above questions, what did you do well to prepare for this assessment:

Since I attempted this unit last semester I was able to see where I was lacking in my studies and to further develop my skills in understanding the readings, doing summary templates, taking notes and fully understanding the work load I am supposed to do to fulfil the requirements for this unit.[144]

Question: Do you think your result in [the relevant assessment/subject] reflects the answers you have provided in this survey? Why/Why not?

Yes, I did not prepare well before class and it reflected by the result from the assessment.[145]

[p]ossibly. maybe, a bit more time and effort into the assessment requirement could better my result.[146]

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[143]   Student LAC201812 responses to Legal Analysis and Critique 2018 final exam self-reflection survey.

[144]   Student FAL2020033 response to Fundamentals of Australian Law 2020 case summary self-reflection survey.

[145]   Student FAL2020028 response to Fundamentals of Australian Law 2020 case summary self-reflection survey.

[146]   Student FAL2020033 response to Fundamentals of Australian Law 2020 case summary self-reflection survey.

…Apart from being disappointed about this mistake [in the case summary assessment] costing me a distinction, I am extremely happy with my result as I put a lot of work in and do see results from those hours of preparation. Thus, I believe my answers above reflect my mark.[147]

…up until the exam i had been preforming [sic] so well, i had gotten cocky after the grades pre exam were released and slipped up…[148]

Yes, it does. Why? Because I feel like making notes through out every module learnt about the key concepts esp in depth notes would have been helpful in the final exam. Basically I could have done better in note-taking.[149]

Yes it reflects my effort put in this semester however does not reflect my ability.[150]

Yes, I do as I should have done all the pre-seminar questions and asked for more feedback.[151]

I do believe that it has as it reflected that I put in a lot of work (enough for a distinction) but not enough for a HD.[152]

I would say the feedback itself accurately reflects the answers I have provided. I knew that I was having trouble with identifying the obiter and ratio and tried to work it out myself. I realised after attending PASS that this was not possible to do alone, however, by then it was too late to gain a comprehensive understanding of how to identify them. I've definitely learnt that I shouldn't hesitate to reach out for help or clarify misunderstandings. Going forward, I will utilise all of the resources available to me.[153]

If reflection is not just a process for its own sake, but to enable us to be ready for new and different experiences or a new way of doing something, then it appears that the SR Survey, particularly in its fully embedded mode in 2020 and 2021, is in fact contributing to the development of first-year students' self-reflective muscle. Our analysis of quantitative data also indicates that the SR Survey is positively correlated to student outcomes in the subject. Again, this appears to be particularly the case where the reflection is used as an opportunity to adjust the student's approach to their studies. This aspect of the study is discussed further below.

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[147]   Student FAL2020167 response to Fundamentals of Australian Law 2020 case summary self-reflection survey.
[148]   Student FAL2020023 response to response to Fundamentals of Australian Law 2020 final exam self-reflection survey.
[149]   Student FAL2020027 response to Fundamentals of Australian Law 2020 final exam self-reflection survey.
[150]   Student FAL2020117 response to Fundamentals of Australian Law 2020 final exam self-reflection survey.
[151]   Student FAL2021174 response to Fundamentals of Australian Law 2021 final exam self-reflection survey
[152]   Student FAL2021264 response to Fundamentals of Australian Law 2021 final exam self-reflection survey.
[153]   Student FAL2021057 response to Fundamentals of Australian Law 2021 case summary self-reflection survey.

3   *A work in progress*

Despite these promising signs in relation to the impact of the SR Survey on the development of the students' self-reflective muscle, the SR Survey does not guarantee that students reflect thoughtfully on their own performance. We also performed an analysis of the T/F responses of students whose reflections indicated that they did *not* think their responses to the SR Survey questions reflected their results. Each of the responses below is from a student who answered 'False' to at least one third of the T/F questions, indicating that they had not done at least one third of the recommended activities to prepare for the relevant assessment:

Question: Do you think your result in [the relevant assessment/the Unit overall] reflects the answers you have provided in this survey? Why/why not?

> No because if I haven't studied a way suggested or expected that does not mean I'm going to do bad in the exam…. each Individual has a different way of learning and I learn by watching Videos which I did I would go to YouTube and listen to videos about a specific topic.[154]

> i think they will to a certain extent. but one must factor in circumstance and luck as well.[155]

> My result in the final exam does not reflect my answers to why I failed the unit as I had done plenty of preparation for the exam despite not effectively using my time in the best possible way. While I agree that there are things which I wish I could of done better though my own lack of understanding or lack of knowledge, I believe that my progression in the unit is not done proper justice as I had put countless hours of study and preparation at home into this unit for the final exam. I had studied more for this unit than other units because of the heavy nature of the content in this unit and putting it into practice, if I'm being honest I put more effort into studying for this unit then I have studied anything in my life….[156]

> No as a compulsory fail was not expected and I was expecting and minimum of a credit….[157]

> No, I prepared responses and practiced the concepts of the subject…. I put a lot of effort into my essay and I failed that. I also put a lot of time and effort into understanding the concepts of LAC and the content being taught.[158]

Question: Given your answers to the above questions, what did you do well to prepare for [the relevant assessment]:

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[154]   Student FAL2020071 response to response to Fundamentals of Australian Law 2020 final exam self-reflection survey. Note: this student answered 'false' to 12 out of the 13 T/F questions in the survey.

[155]   Student FAL2020156 response to response to Fundamentals of Australian Law 2020 final exam self-reflection survey.

[156]   Student LAC2018011 response to Legal Analysis and Critique 2018 final exam self-reflection survey. (This student answered 'false' to 8/17 T/F questions.)

[157]   Student LAC2018027 response to Legal Analysis and Critique 2018 final exam self-reflection survey. This student answered 'false' to 11/17 T/F questions.

[158]   Student LAC2019171 response to Legal Analysis and Critique 2019 final exam self-reflection survey. This student answered 'false' to 13/17 t/f questions.

Although I did not do everything in this survey it was because I might have did it in a different way that makes sense to me. [159]

These responses indicate that we still have some way to go in supporting students' self-reflection skills. Drawing from Brooman and Darwent, we suggest that disseminating information to students about the results of those students who participated in the SR Survey exercise might encourage first-year students to engage with it,[160] and this is something we plan to do with future cohorts. In addition, further development of the early curriculum materials relating to the purpose of self-assessment reflective tasks, and their connection to professional practice in particular, may be beneficial. However, we were heartened by the fact that, unlike other self-reflection exercises,[161] the students' reflections did not blame a lack of ability or aptitude for their results.

B   *Discussion and Analysis of quantitative data*

Quantitative analysis of students' engagement with the SR Survey across the 2019-2021 cohorts indicates that the SR Survey seems to be positively associated with students' results in the relevant subjects. The authors do not assert that this indicates that engagement with the SR Survey has *caused* this effect. In the case of any pedagogical initiative involving human subjects, it is not really possible to draw cause-and-effect connections between the initiative and quantitative outcomes. Any conclusions that can be drawn from quantitative data are, at best, tentative, because educators are working with 'non-clinical contexts and uncontrollable variables'. [162] However, the results of the quantitative outcomes in this study results indicate that it is worth persisting and refining the SR Survey. It also provides us useful data to encourage future groups of students to engage with the SR Survey, in the same way that Brooman and Darwent suggest that the learning gains of students who participated in their self-reflective diary exercise 'might serve to enhance the engagement of other students in these different circumstances.'[163]

In order to understand the following analysis, it is necessary to have an understanding of the concept of statistical significance. As explained by Noakes:

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[159] Student LAC2019125 response to Legal Analysis and Critique 2019 final exam self-reflection survey. This student answered 'false' to 12/17 t/f questions.

[160] Brooman and Darwent (n 103), 528.

[161] Lizzio and Wilson (n 108), 117.

[162] Linda Carol Thies et al, 'Embedded Academic Literacies Curricula: The Challenges of Measuring Success' (2014) 8(2) *Journal of Academic Language and Learning* A43, A52, citing Trevor Gale and Stephen Parker, *Widening Participation in Australia in Higher Education* (Report, Higher Education Funding Council of England (HEFCE) and the Office of Fair Access (OFFA), August 2013), 52. See also Karen Handley and Lindsay Williams, 'From Copying to Learning: Using Exemplars to Engage Students with Assessment Criteria and Feedback' (2011) 36(1) *Assessment & Evaluation in Higher Education* 95, 102.

[163] Brooman and Darwent (n 103), 528.

Statistical significance refers to a result which, given the number of students in a study, cannot reasonably be explained as a chance occurrence. 'Statistical significance' is measured by a 'p-value', which is calculated as a number between 1 and 0. A 'p value' of less than or equal to .05 means that results are statistically significant. It means that the probability of an observed result occurring by chance is less than or equal to 5%.[164]

1   *Engagement with SR Survey unrelated to assessment*

We investigated whether students' engagement with the SR Survey during the semester where it was not related to reviewing a piece of assessment correlated to their overall performance in the subject.

(a) 2019 and 2020 cohorts

In relation to the 2019 and 2020 cohorts in this study, *t*-tests were used to see if there was a difference between the final results of those students who made an attempt at a SR Survey and to those who did not.[165] A *t*-test is an inferential statistic that is used to determine if there is a statistically significant difference between the averages of two groups. Here, the two groups were the students who made an attempt at the SR Survey and those who did not.

Our analysis demonstrated that students who attempted the SR Survey during the semester had a final result in the subject that was slightly higher than those who did not. This difference, however, was not statistically significant.

In 2019, the students who attempted the SR Survey early in the semester had a final result that was 2.3 points higher on average (difference = 2.3, Standard Error of the Difference = 2.1). This result was not statistically significant *(t* $(266) = 1.2, p = 0.25)$.

In 2020, the students who attempted the Module 2 SR Survey, as part of their in-class work, had a final result that was 2.5 points higher on average (difference = 2.5, Standard Error Difference = 2.3). This result was not statistically significant $(t$ $(307) = 1.1, p = 0.28)$.

(b) 2021 cohort

In relation to the 2021 cohort, we captured data on whether students had attempted the SR Survey as part of Module 2, *and* whether they also attempted the SR Survey as part of their in-class work towards the end of the semester, in Module 7, 'Becoming a Legal Professional'. A one-way analysis of variance (ANOVA) test was used. An ANOVA test is used when comparing the difference between the averages of three or more sets of data. In this case, we used an ANOVA test to see whether results in the subject were higher for students who completed the SR Survey in Module 2 only, in Module 7 only, or for students who

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164 Sandra Noakes, 'Implementing Good Practice Pedagogy to Support Law Students' Writing Skills' (2020) 30(1) *Legal Education Review* 1, 33.

165 The dependent variable in all analyses was the final result of the student. These data were not normally distributed, instead were left skewed. However, the normal assumption was likely met due to the large sample size and central limit theorem. A square transformation of the dependent variable gave normally distributed data. The analysis was repeated after a square-transformation, but this did not affect the conclusions.

completed the SR Survey in both Module 2 and Module 7, compared to those who did not complete a SR Survey at all.[166]

In 2021, attempts at the SR Survey were significantly associated with the final result ($f(3,334) = 10.3$, $p < 0.001$). Results were highest for the group who attempted the Module 7 SR Survey only (average result = 67.7), followed by those who completed the Module 7 SR Survey and the Module 2 SR Survey (average result = 64.2) followed by those who attempted the Module 2 SR Survey only (average result = 58.5), followed by those who did not complete a SR Survey at all (average result = 56.2) (See Figure 1).

Figure 1
Average results for 2021 for students who: NN - did not complete a SR Survey attempt, YN - completed the Module 2 attempt only, NY - completed the Module 7 attempt only and YY - completed both SR Survey attempts. Blue line shows the average and grey shading shows the 95% confidence interval of the mean. Each student's result is indicated by a dot.
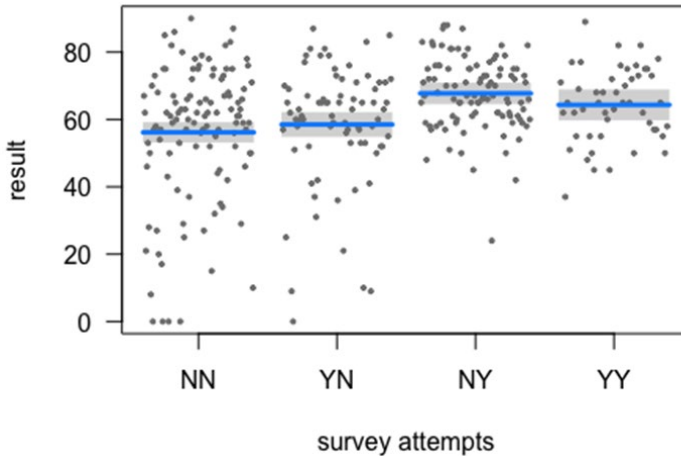
The 2021 data in relation to those students who attempted the Module 7 SR Survey as part of their in-class work is notable because it suggests that completing the Module 7 SR Survey is associated with a higher result. As discussed above, if one of the purposes of reflection is to prepare for new and different experiences, a new way of doing something or developing a new skill, then the Module 7 SR Survey occurs at a time when students have had the experience of their learning in the subject, are able to reflect on their study approaches over the semester, and then have the opportunity, via their preparation for the final exam, to do something about it.

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[166] The dependent variable in all analyses was the final result of the student. These data were not normally distributed, instead were left skewed. However, the normal assumption was likely met due to the large sample size and central limit theorem. A square transformation of the dependent variable gave normally distributed data. The analysis was repeated after a square-transformation, but this did not affect the conclusions.

(c)   All cohorts

A two-way analysis of variance (ANOVA) test was used to model the data over all three cohorts, to examine whether an attempt at one or more SR Surveys in a semester was associated with the final result, after adjusting for the year of enrolment. A two-way ANOVA is used where two different effects are being studied. In this case, the two effects were the SR Survey attempt and the cohort year.

Across the three years, students who engaged with the SR Survey where it was not related to reviewing a piece of assessment, had a 4.4 point higher final result on average than those who did not complete a SR Survey. This difference *was* statistically significant ($f(1,911) = 18.3, p < .001$), after adjusting for year of enrolment. The cohort effect was not significant $f(2,911)=0.41, p = 0.66$).

2   *SR Survey attempts related to assessment*

As discussed above, in 2020 and 2021, one of the changes that was introduced to the SR Survey was that students were asked to complete it as a pre-requisite to seeking an appointment with the Subject Coordinator about their result in their first assessment, a case summary. Like the in-class SR Survey exercise in Module 7 'Becoming a Legal Professional', the Case Summary SR Survey was completed at a time where students had something to reflect on in terms of their approaches to their work in the subject. In addition, they then had the opportunity to apply that reflection to their next piece of assessment, the final exam. However, unlike the Module 7 SR Survey attempt, students who completed the Case Summary SR Survey generally did so if they wanted to discuss their assessment with the Subject Coordinator. It was not part of their in-class work for the subject.

In relation to the 2020 and 2021 cohorts, *t*-tests were used to see if there was a statistically significant difference between those students who completed a Case Summary SR Survey and those who did not, in terms of their improvement in their marks between the Case Summary assessment and their final exam.

A two-way analysis of variance (ANOVA) test was then used to model the data over 2020 and 2021, to examine whether improvement was significant, after adjusting for the year/cohort effect.[167] Overall, this analysis showed that there *was* a significant difference (improvement) in the marks of those who attempted the Case Summary SR Survey, compared to those who did not. Overall, the students who completed a Case Summary SR Survey, had an improvement that was 5.2% points higher on average than those who did not complete a Case Summary SR Survey. This result was significant ($f(1,589) = 11.1, p < 0.001$). The cohort effect was not significant ($f(1,589)=1.03, p =0.31$).

These results, and the statistical analysis of the interaction of the Module 7 SR Survey attempt and overall results in the subject in 2021,

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[167]   The dependent variable in all analyses was the difference in marks for the two assessments within a year for each student. These data were reasonably symmetric and so a normal distribution was assumed.

suggest that better results are achieved where students attempt the SR Survey once they have had a chance to put into practice some of the strategies suggested by the statements in the SR Survey, and reflect on how they could adjust their approach to their studies.

V   CONCLUSION

Supporting the transition of diverse students to university does not end with entry to university; this is where it starts. Transition pedagogy in relation to diverse first-year students' needs to make expectations explicit, reveal the hidden curriculum to students and foster an early sense of purpose and professionalism. This study focuses on one aspect of a transition program for a diverse cohort that attempts to achieve these goals by scaffolding and developing students' self-reflection skills. Other studies of self-reflection tasks for first-year students have indicated that students do not always understand their purpose and may not accurately assess their own work. More concerningly, diverse students may attribute their results to a lack of ability or aptitude. The results of our study indicate that the SR Survey did appear to contribute to the development of students' 'self-reflective muscle', particularly where it was embedded early in the curriculum and was supported by learning on the importance of self-reflection for lawyers and law students. In addition, quantitative analysis indicates that there was a positive correlation between students' attempts of the SR Survey and their results in the relevant subjects, particularly where students had the opportunity to reflect on what they had already achieved, and prepare themselves for new and different ways of doing something or developing new skills. These results provide encouraging ways forward to build the likelihood of success of diverse students in their law studies.

APPENDIX 1: EXAMPLES OF SR SURVEY

SR Survey questions for end of semester – Fundamentals of Australian Law 2021

True/False Response questions

1. Prior to each seminar for this Unit, I completed all of the pre-seminar work, including all viewing, listening, reading, made my own notes and answered pre-seminar questions.

2. I missed fewer than 2 seminars over the semester.

3. When I missed a seminar, I contacted the Unit Coordinator to discuss the work I had missed.

4. In seminars, I took notes of what was being said by the tutor and/or my classmates, and revised those notes once class had finished.

5. I actively participated in all in class activities, answering questions raised by the tutor, participating in class discussion and group work, preparing written answers to the activities and (where appropriate) discussing them with my classmates.

6. I completed all of the Academic Integrity Modules and quizzes.

7. I regularly attended PASS for this Unit.

8. I completed all of the recommended activities to prepare for the Case Summary assessment. (If you are unsure what these activities were, please complete the Case Summary Self-Reflection Survey, which can be found at the Case Summary Assessment tab).

9. I submitted a genuine attempt at the Week 12 practice statutory interpretation problem question, and received an answer guide.

10. I prepared for the Final Exam by following the suggestions in the Exam Revision Screencast.

11. I prepared and submitted a satisfactory response to the Practice Exam, and received an answer guide.

12. I used the answer guide for the Practice Exam to make changes to my notes for the final exam.

13. I attended the Unit Coordinator's exam revision Q&A session prior to the final exam.

14. In the Final Exam, I employed good exam technique by reading the questions carefully, and allocating my time for each question based on the weighting of the question.

Open-ended response questions

15. Given your answers to the above questions, please reflect on what you did well to prepare for the exam in this Unit.

16. Given your answers to the above questions, please reflect on what ways could you improve your exam preparation.

17. Do you think your result in the Final Exam reflects the answers you have provided in this questionnaire? Why/Why not?

    Please note that this is not asking you whether you agree or disagree with your mark in the exam. It is asking you to reflect on whether your answers to the questions above reflect your mark.

18. Do you think your result in the Unit overall reflects the answers you have provided in this questionnaire? Why/Why not?

    Please note that this question is not asking you whether you agree or disagree with your result in this Unit. It is asking you to reflect on whether your answers to the questions above reflect your result.

SR Survey questions for Case Summary Assessment –
Fundamentals of Australian Law 2021

True/False Response questions

1. Prior to each seminar in Weeks 1-7, I completed all of the pre-seminar work, including all viewing, listening, reading, made my own notes and answered pre-seminar questions.

2. I attended all seminars in Weeks 1-7.

3. When I missed a seminar in Weeks 1-7, I contacted the Unit Coordinator to discuss the work I had missed:

4. In seminars, I took notes of what was being said by the tutor and/or my classmates, and revised those notes once class had finished.

5. I actively participated in all in class activities, answering questions raised by the tutor, participating in class discussion and group work, preparing written answers to the activities and (where appropriate) discussing them with my classmates. (

6. I attended all of the PASS sessions for this Unit that were scheduled in weeks 1-7.

7. I attended the PASS session in which the PASS leaders and students discussed the extra case summaries assigned for PASS.

8. I submitted an answer to the Week 3 case summary activity on *Hart v Rankin*, and received an answer guide.

9. I submitted an answer to the Week 5 identification of ratio exercise on *Bugmy*, and received an answer guide.

10. In Week 6 Class 2, I participated in the in-class activity assessing the case summary examples of *Oliver v R*.

11. Prior to attending Week 7, Class 1, I completed my own case summary of *Lembke v R.*

12. I had read the case of *Bates v R* prior to Week 7 Class 1, so was able to participate in the class discussion about this case and to jointly prepare a case summary with the tutor and the other students who had read the case.

13. I prepared a case summary of the case that I was assigned for the case summary pre-test.

14. I submitted my attempt at a case summary of *Merhi v R*, submitted this to Turnitin prior to my case summary written test, and reviewed the answer guide.

15. I have read the General Feedback provided for the case summary assessment, reviewed my case summary attempt, and made notes on the parts of the general feedback that are relevant to my response.

16. I have read the relevant case summary template for the case I attempted in the case summary assessment. I have reviewed my case summary attempt, and made notes on the parts of the case summary template that are relevant to my response (e.g., noting things that I did/did not do)

Open-ended response questions

17. Given your answers to the above questions, what did you do well to prepare for this assessment

18. Given your answers to the above questions, how do you think you could have improved your preparation for this assessment

19. Do you think your result in this assessment reflects the answers you have provided in this survey? Why/Why not?

   Please note that this question is not asking you whether you agree or disagree with your mark. It is asking you to reflect on whether your answers to the questions above reflect your mark.