Teamwork in First Year Law Units: Can It Work?

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Legal Education, Teamwork, Assessment, First Year Experience

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Cover Page Footnote

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Introduction

Since the 1980s, higher education in Australia has undergone significant change, which has led to the belief that universities should cultivate students' generic skills and attributes. For example, *Achieving Quality* states that generic skills "should represent the central achievements of higher education as a process" (Higher Education Council 1992, p20). The *CALD Standards for Australian Law Schools* also recognise that tertiary curricula should "seek to develop knowledge, understanding, skills, and values" (Council of Australian Law Deans 2009, [2.3]. See also AQF Council 2010, pp32-5, 40-2; AQF Council 2011, pp45-50). Students also exhibit this more instrumentalist view of education (Saulwick & Muller 2006, pp7, 34). No longer does the modern graduate expect their university degree to equip them solely with the content knowledge of their discipline, but also with the skills and attributes relevant to their career and prospective employment.

One of the generic skills that employers seek in graduates is the ability to work effectively as a member of a team (Hanna 2003, p27; Schelfhout, Dochy & Janssens 2004, p178; Kruck & Reif 2001, p37). In a 2002 study conducted by the Australian Chamber of Commerce and Industry and the Business Council of Australia,

> *virtually all employers interviewed indicated that the demand for "solo" employees was negligible and that there was an expectation that employees work in a range of team environments both formal and informal over time (2002, p 40).*

Indeed, employers rank the skill of teamwork as more important than written business communication, customer/client focus and leadership qualities (ACNielsen Research Services 2000, pp14-16). This is reflected in the Law Discipline Scholars' Threshold Learning Outcomes, which include as TLO 5 "Communication and Collaboration". This creates an expectation, reflective of the importance of these skills to the modern legal workplace, that law graduates "be able to collaborate effectively" (Kift & Israel 2010, pp20-2).

The need to equip graduates with generic skills, such as teamwork, has been recognised by universities, and has resulted in the formation of strategies and statements concerning the development of graduate capabilities. For example, the Queensland University of Technology's *Manual of Policies and Procedures*, states that "[e]very QUT course aims to develop graduates who are able to demonstrate ... the ability to work independently and collaboratively including [by] ... being a cooperative and productive team member or leader" (Queensland University of Technology 2009, C4.3.3). According to the *Griffith Graduate Statement*, the aim is to prepare "graduates to be leaders in their fields by being ... effective communicators and team members" with the *"capacity to interact and collaborate with others effectively, including in teams, in the workplace, and in culturally or linguistically diverse contexts" (Griffith University 2009).*

However, whilst teamwork is a desirable graduate attribute, it is also a valuable learning tool that combines a variety of skills including problem-solving, communication, negotiation, reflection and time management (Johnson & Johnson 1989, p74). Furthermore, it may be an effective learning tool for Generation Y learners (Oblinger 2003, p38), who, being born between 1982 and 2002 (Howe & Strauss 2000, pp4, 15), now make up the majority of undergraduate university students (Jonas-Dwyer & Pospisil 2004). Since Generation Y seek "to be understood, accepted, respected and included" (McCrindle 2003, p29), this trait is thought to lend them to team-based approaches to study (Oblinger 2003, p38; Carver & Cockburn 2008, p210) that emphasise "social interaction in the knowledge building process" (Shield, Atweh & Singh 2005, p609).

Consequently, there is an abundance of literature on the importance of teamwork in undergraduate degrees; how to teach it, how to assess it and how to manage it (Hansen 2006; Johnson & Johnson

2005; Oakley et al. 2004; Conway et al. 1993). However, there is also much recorded about students' dislike of teamwork, especially where an early experience is unsatisfactory and builds resistance (James, McInnis & Devlin 2002; Caspersz, Skene & Wu 2002). Accordingly, despite the revolution of embedding skills into undergraduate university courses, this article commences by examining the issues that commonly arise as hurdles to implementing teamwork in this environment – both generally, and in the context of the particular discipline of law. It then examines how the teaching and assessment of teamwork was embedded into a first-year law unit at the Queensland University of Technology (QUT). Finally, it describes student perceptions of the teamwork model implemented. These perceptions show that, despite the odds, students generally considered that the model had an effective and positive influence on their learning experience and outcomes.

Hurdles to implementing teamwork

In the 1987 *Course Experience Questionnaire*, only 46% of respondents agreed or strongly agreed that their course had "developed their ability to work as a team member". In 2009, whilst that result had increased to 56.8%, it was still the lowest result in the Generic Skills Scale (Graduate Careers Australia 2009, p26). The perception of students is that teamwork is not fairly assessed (Scott 2006, pp xvi, 45; Volkov & Volkov 2007); is irrelevant to their study; or is overused, and that they feel ill-equipped to be an effective team member (Hart & Stone 2002). These issues will be discussed in turn.

Unfair assessment

The strongest concern of students in relation to teamwork is the possibility that individual contributions are not fairly assessed (Boud 2001). Perceptions of unfair assessment may arise if the assessment technique is not designed to take into account variations in the work of each team member. Consequently, a student may feel that there was a "free-rider" in their team, a member who contributes little to the task but still reaps the benefit of the final mark awarded (Caspersz, Wu & Skene 2003; Bourner, Hughes & Bourner 2001; Conway et al. 1993; Nordberg 2008). However, according to Cestone, Levine and Lane (2008, p69), student concerns are

> *equally focused on unfairly raising the grades of poor students (who may be carried along by hard-working members) as they are about the potential of penalising hard-working students (who may receive a lower course grade because they were randomly assigned to a poorly performing group).*

Students who dominate the group may also lead to perceptions of unfair assessment by inhibiting the participation of all group members and preventing the group from reaching its full potential in terms of finished product or assessed output (Kruck & Reif 2001, p39).

Even if self-, or peer, assessment of team contribution is adopted as a component of the mark awarded, the possibility of mark manipulation due to friendship, peer-group pressure or assessment based on criteria other than individual performance remains (Willcoxson 2006; Kruck & Reif 2001, p41). Nevertheless, peer assessment at least affords students the opportunity (should they desire it) to deter, or limit, both "domination" and "free-riding" through penalising poorly performing team members. Studies have also shown that exposure to peer evaluation motivates group members to contribute more to the team's success (Kruck & Reif 2001, p45; Dominick, Reilly & Mcgourty 1997), and moderates the "perceived risk to a student's mark based on others not pulling their weight" (Nordberg 2008, p491).

Relevence

Students who do not see teamwork as an obvious skill necessary for their graduate career may query why it is being incorporated in a particular unit of study (James, McInnis & Devlin 2002). They may also query its purpose if the benefits are not explained. Therefore, to increase student motivation, unit materials should clearly state why teamwork is relevant to the unit, what it hopes to achieve in terms of learning outcomes and how it links to their possible career. Furthermore, tasks involving teamwork need to be as authentic as possible to mimic workplace scenarios and demonstrate their real-world relevance (Schelfhout, Dochy & Janssens 2004, pp182-3). Importantly, the task should also be suitable for a team to work on (Gibbs 1995, p7).

Overuse

If teamwork is overused in a course, it is a cause of concern for students (James, McInnis & Devlin 2002). Teamwork can be a time-consuming task. As students need to collaborate, they need to make time to meet with other members of the team (face-to-face or virtually) as well as carry out their own responsibilities as a team member. Accordingly, if a student is involved in more than one teamwork task in a semester, they may feel overwhelmed and develop a dislike for collaborative work. Additionally, if teamwork assessment is incorporated into too many units, students may wrongly believe that it is simply a "management tool used by academic staff primarily to reduce their assessment load and of little or no benefit to students" (James, McInnis & Devlin 2002, p3). "Monitoring and regulation of the extent and timing of group work is [therefore] desirable" (James, McInnis & Devlin 2002), and such work should be appropriately embedded throughout a student's university degree.

Lack of teamwork skills

If students are unfamiliar with teamwork as required at tertiary level, their first experience is more likely to be unsatisfactory unless such skills are introduced and taught. As stated by Nelson, Kift and Creagh (2007, p3), "it is inappropriate to expect students to have good teamwork experiences unless learning about teamwork is scaffolded into study programs and courses." Although teamwork may exist in secondary schooling, "[m]any students enter higher education having developed independent study habits and are strongly orientated towards their own achievement" (James, McInnis & Devlin 2002, p3). Consequently, the provision of materials and resources "designed to promote and reinforce the behaviours necessary for effective teamwork" (Dominick, Reilly & Mcgourty 1997, p509), is vital to reducing the potential for the perceived complexity of group work to have a demotivating influence on first-year university students.

Teamwork in law

Whilst the issues discussed above arise in all higher-education courses as hurdles to implementing teamwork in a university environment, legal education brings its own particular biases. Although teamwork is a readily identifiable skill for many graduate careers, its importance may not be so obvious to a student enrolled in a law degree. A common misconception amongst law students is that a legal practitioner is a solo employee and not a team player. However, in reality, legal practitioners commonly work as part of a team – either within a government department, or in a corporate or law-firm practice area, and commonly with other practitioners, professional staff and clients. As stated by Floyd (1997, p859):

> *Lawyers seldom work in isolation from other people. In any legal matter they always have a client. In addition, the vast majority of law school graduates will work together with others in a law firm or other organisation. In representing clients, lawyers often work together with lawyers representing other parties.*

Indeed, according to Johnstone and Vignaendra (2003, p15), the Australian Law Reform Commission[1] observed in 2000 that in formulating the requirements for undergraduate legal education in 1992, the Priestly Committee[2] themselves had failed to

> *consider the changing nature of the legal profession and legal practice for which law students were being prepared, noting that contemporary legal practice was much more internationalised, process-driven and teamwork reliant than had hitherto been the case. Further, it was critical of the way in which the Priestley Committee ... had assumed a rigid divide between law school education and professional legal training ... in which law schools teach "legal rules" and professional legal training teaches practice or skills.*

Much of the employment information currently available to law graduates refers to the ability to work within a team. For example, the *International Careers Guide* (Australian Law Students Association 2009, pp12, 24), includes references by the legal practitioners and prospective employees interviewed to "a strong sense of teamwork" and "the ability to work as a member of a team" as a factor relevant to the selection of graduate recruits. However, law students still need the link between teamwork and legal practice to be made. The inclusion of teamwork within undergraduate law units facilitates this, and provides students with the opportunity to engage in work-integrated learning and skills development, to better prepare for the transition to the workplace.

Another issue that arises with law students engaging in teamwork is their highly competitive nature (Floyd 1997; Zimmerman 1999, p971; Heath 2011, p285). They see other students as their opponents – each vying for the better grade, the law school prize, the internship and the job upon graduation. This competitiveness, when combined with the fear of "free-riding" discussed previously, leads to an unwillingness to engage in collaborative learning among students if assessment is involved. Therefore, whilst academic achievement is still important to the initial procurement of employment, "[s]tudents also need to be reminded that grades and class rank do not necessarily have much to do with how successful they will be as lawyers" in the long term (Floyd 1997, p860). The incorporation of teamwork within units may also help create a more collegiate learning experience for law students. In particular, it may afford them the opportunity to foster valuable peer study partnerships and increase their engagement, social interaction and connection (Johnson & Johnson 1999), by requiring them to meet, know and work with other members of their cohort.

Accordingly, in embedding the skill of collaboration into a first-year law unit at QUT, the aim was to address, as much as possible, the issues or hurdles to teamwork implementation discussed above. By incorporating the teaching and assessment of teamwork into the law degree in a scaffolded and explicit manner, the intention was to create a more relevant, comprehensive and reflective team exercise that emphasised both self-directed and cooperative learning and the development of work-related skills. The hope was to effectively engage the students in teamwork and, in doing so, positively influence their learning experience and outcomes.

Designing teamwork for a first year unit: The model implemented

In 2009, the QUT Law School began teaching a revised undergraduate curriculum. The curriculum review aimed to ensure that the law-graduate capabilities, drafted to align with the university's policy (discussed above), were scaffolded throughout the degree, and that First Year Curriculum

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[1] Australian Law Reform Commission 2000, pp138-142.
[2] The 1992 Consultative Committee of State and Territory Law Admitting Authorities (now the Law Admissions Consultative Committee), then chaired by Mr Justice Priestley and responsible for determining the minimum academic law units, or study requirements, for admission to legal practice.

Principles[3] (Kift 2009) were followed to provide a coherent and engaging first-year program. Teamwork comes within the First Year Curriculum Principle of 'Engagement':

> *Learning, teaching, and assessment approaches in the first year curriculum should enact an engaging and involving curriculum pedagogy and should enable active and collaborative learning. Learning communities should be promoted through the embedding in first year curriculum of active and interactive learning opportunities and other opportunities for peer-to-peer collaboration and teacher-student interaction (Kift 2009, p41).*

In 2008, during an audit of capabilities after the new curriculum was drafted, a gap in the development of teamwork became apparent. Online and face-to-face teamwork was taught and practised, in the context of the preparation of a jointly assessed client letter of advice, in a second-year unit, Principles in Equity (Carver & Cockburn 2006; 2008). Teamwork was assessed in Corporate Law, a third-year unit, but not explicitly taught. But, far from being overused, it was not embedded at all in any core first-year unit. Consequently, to achieve the scaffolding of graduate capabilities throughout the undergraduate law degree's four-year duration, it was necessary to introduce students, in their first year of study, to the skill of teamwork at a suitable level of difficulty.

In 2007, although none of their core units included teamwork, first-year law students had been questioned in a QUT First Year Experience Survey on whether they were satisfied with the use of group work within their course. Their feedback, recorded in the *First Year Experience Survey: 2007 Report* (QUT Chancellery Corporate Performance 2007), indicated that they were very negative about the idea of teamwork. Reflective of the issues examined above, comments included:

- I do not like group assessment or find it useful.
- I HATE group assessment. People drag your marks down because they are lazy and will not do the work until the last minute before it is due ... NO GROUP ASSESSMENT!!!!!!
- I really don't enjoy group work, it is very stressful and I don't think it reflects my own learning and understanding.
- Most of the group work seems pointless and time-wasting.

However, some students did acknowledge that group work was a good way to meet other students and to make friends. This was significant as there were also comments that students were "cliquey" and it was difficult to make friends. This raised concerns, as "it is within the first year curriculum that commencing students must be engaged, supported, and realise their sense of belonging" (Kift and Field 2009, p2). It was therefore thought that a teamwork exercise in a first-year unit would assist with this transition issue. Allowing first-year students to work with others in a natural progression, and thereby make friends and share experiences, may also reduce university attrition rates (James, Krause & Jennings 2010, p60; Chase & Okie 2000, p376).

In this context, in semester two of 2009 the teaching and assessment of teamwork was embedded into the new first-year program via the Torts B unit. Whilst students study Torts A in semester one, a second-semester unit was chosen as it was felt that students would by then have had some opportunity to make friends from amongst their first-year cohort and could therefore (as discussed further below) choose to work with them on the assessment should they desire. However, those who still felt isolated could use the teamwork task to meet other students.

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[3] According to Kift, curriculum design across the first year of an undergraduate degree should abide by the following six principles in order to support first year student engagement, success and retention: transition; diversity; design; engagement; assessment; and evaluation and monitoring (2009, pp10-11). "Communication and collaboration" has also been identified as a "Threshold Learning Outcome" for Bachelor of Laws graduates (Kift & Israel 2010).

The task

In Torts B, students complete for assessment a research assignment that includes the preparation of a research methodology. The methodology, due in semester week 9, requires them to identify the topics or issues of a given research problem, containing multiple areas of torts law, and to note relevant search terms. Students then document their research strategy as to what primary[4] and secondary[5] sources of law they consulted, and how they located and searched them to research the issues raised by the problem. Students are required to evaluate the sources used, in terms of the type of information provided (for example, background reading) and the sources' usefulness. They must also provide examples of information found that is relevant to answering the problem set, evaluated in terms of its currency, jurisdiction, perspective, persuasiveness, relevance, reliability and/or synthesis of argument.

As the design of any teamwork task is vital to its success (Gibbs 1995, p7), the research methodology was identified as appropriate for students to work on as a team, as it contained components that were divisible, yet interdependent; capable of timely completion; and involving equivalent learning outcomes for all students. In the previous form of the Torts B unit, which also included a research assignment, students often chose to work in groups to conduct their research. Past experience, therefore, indicated that this was a task that students not only wanted to collaborate upon, but felt comfortable in doing so. It also could easily be completed within the nine-week period allocated to it. Furthermore, as the teamwork occurred in the context of a research assignment, its introduction into a semester two unit complimented the students' other skills and abilities. At QUT, first-year law students are introduced to legal research in semester one of their degree; this capability is developed further in semester two. Thus, the research task in Torts B is designed to align with the semester two research unit in which students are concurrently enrolled.

A concern of teamwork is that students may only learn one component of the set task, as the work is divided amongst team members (McCorkle et al. 1999; Webb 1997). The aim of the research methodology was to get the students to learn about topic and issue identification, research planning and appropriate legal resources. As the research problem typically involves at least four areas of torts law, students do often choose to divide and allocate the task by area. However, even if this approach is adopted, as the research process is the same for each area of law, each student still learns how to complete all components of that process.Each team's research-methodology answer is also limited to two A4 pages. This requires students to actively work together to synthesise, refine and document their research so that each step of their team's methodology encompasses each of the problem areas. Accordingly, the main task still requires cooperation.

The teams

Noting feedback in the *First Year Experience Survey: 2007 Report* (QUT Chancellery and Corporate Performance 2007, p59) about teamwork where allocation was directed, it was decided that students could form their own teams. As there was no particular emphasis on learning about group dynamics, allowing students to self-select also assisted them to potentially avoid "free-riders", as they could then include in the team students whom they trusted or believed they would be able to work with. This is discussed further below.[6]

Smaller teams, of three or four, are recommended where students have "limited prior experience of group work" (University of New South Wales Learning and Teaching Unit 2006, p20). Team coordination, participation, productivity and consensus are also increased in smaller groups (Gibbs

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[4] For example, case law and legislation.
[5] For example, textbooks, journal articles, legal encyclopedia, databases or loose-leaf services.
[6] See below n 28 and accompanying text.

1994a, p9; Bailey & Luetkehans 1998, p22). Given this, team size for this task was limited to either three or four members.

As full-time, part-time, internal and external students study the Torts B unit, the "Group Join" function in Blackboard (the learning management system used by QUT) was used to enable team formation. In semester week 1, students were asked to allocate themselves to a team on the unit's Blackboard site. A number of predetermined and numbered groups were set up on the site with different names to give the students some guidance as to who may be in the group. For example, "General Teams" were aimed at students interested in working in a team not defined by location or enrolment status, and "External Teams" were included for external students wishing to meet and work with other students studying the unit remotely. Other group descriptions were aimed at students in specific geographical regions (for example, Brisbane, Sunshine Coast and Gold Coast). The option to create teams of geographically proximate members aimed to facilitate their greater integration and socialisation through face-to-face meetings. As groups could choose to limit themselves to three members, "3 Members Only" groups were provided as well. A discussion board also allowed students to advertise for team members; specify more discrete geographical groupings or desired member qualities; or attempt to form a team before allocating themselves to a predetermined group. Once enrolled in a team, members wishing to use technology throughout the task had access to their group's own private discussion board (with file-sharing) and email list.

To accommodate the task due date, students were instructed that teams had to be finalised by week 4 of the semester. Teams at the end of this week that did not have the requisite minimum of three members were contacted by the unit coordinator and assisted in reforming suitable teams. The unit coordinator was also available, if desired, to help students resolve and mediate team conflict.

Teaching the skills

As acknowledged by Nelson et al. (2007, p7), teamwork needs to be well organised and supported to overcome negative perceptions and to encourage students "to engage in teamwork activities throughout their learning and working careers". Additionally, as Torts B was the first law unit to introduce students to teamwork, the issue that many students lack the necessary skills for such work at a tertiary level also had to be addressed. This was partly achieved by incorporating discussions as to the importance of teamwork into the teaching program and allowing students to practise teamwork both in tutorials and in the context of attendance at optional additional Torts Student Peer Mentor Sessions.[7]

For example, in the week 1 tutorial, the research assignment and methodology were discussed and students were asked to complete a written reflection on prior teamwork experiences (see, e.g., Gibbs 1994b, p20) in the context of study, employment or recreation. This encouraged students to consider what they liked and disliked about working in teams (for example, "free-riders"); how they conducted themselves as a member of a team; what traits they liked in other team members; and what ground rules they desired within their Torts B teams to ensure the most positive and effective learning experience and outcomes. Further, to address students' concerns about the relevance of teamwork, lectures and tutorials highlighted (with reference to the unit materials) the rationale for including teamwork as part of the Torts B unit; how it related to the unit's learning outcomes; its benefits; and where it would be further developed throughout the undergraduate law

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[7] In the week 4 tutorial, students work in teams to critique a sample research methodology and report their findings to the class for discussion. External students complete this exercise at their External Attendance School. In the Torts Student Peer Mentor Sessions, undergraduate student mentors (who have already successfully completed their undergraduate Torts Law units) lead and facilitate group discussions with current Torts students. In this way, students are encouraged to assist each other in their learning by discussing areas of substantive law, and by providing advice and/or guidance on skills relevant to legal study. Accordingly, as sessions include many activities that are done in groups, this allows students, albeit sometimes unknowingly, to practising teamwork skills (see, e.g., Carver 2011).

degree. The use of teamwork in modern legal practice was also explained, and reference was made to the fact that other employment destinations also rely upon teamwork. Students were referred to the unit's Study Guide, which provided a written rationale for the use of teamwork; an explanation of the task involved and how it would be managed; and an online video highlighting the work-related benefits of these skills.

Resources on the various aspects of teamwork (the Teamwork Materials), were provided on the unit's Blackboard site, and students were told where they could locate them in the week 1 tutorial and lecture. The materials covered topics such as:

- forming effective teams and setting ground rules;
- organising team processes, including meeting options and the allocation of tasks, deadlines, and group roles and responsibilities; and
- how to prevent and manage conflict.

Students also had access to a Teamwork Timetable. As "students who have never worked in teams before can struggle badly" with the "practical basics of getting a group task completed to a deadline" (Gibbs 1995, p25), the timetable stepped students through a range of weekly tasks (and accompanying resources) that their group should consider when developing their team dynamic and completing their methodology. The tasks included exchanging preferred contact details and times; compiling a team job list; forming a team contract (outlining team aims, rules, expectations, meeting times and methods for monitoring group progress); and the anonymous completion by each team member of a mid-assessment evaluation of the team's performance.[8] This sequence of learning tasks aimed to provide students with methods for effective teamwork, time management and conflict resolution, which allowed for their skill enhancement via self-regulated collaboration and problem-solving. The materials were also intended to help teams form processes to encourage equal contribution to the task.

Assessing the teamwork

As noted, a primary concern of students is the fair assessment of teamwork. As Gibbs (1995, p31) notes, "if we are serious about the role of skills in our curricula, then students' grades and degree classifications should indicate something about how skilful they are." Many methods exist for assessing teamwork (see, e.g., University of New South Wales Learning and Teaching Unit 2006, pp63-65; Gibbs 1995, pp9-22). These include: equal marks (or awarding each team member the same mark for the task or group work project); redistribution; individual plus team assessment; and individual performance (each student receives an individual mark for their contribution to the final product submitted) (Nelson et al. 2007, p17). However, whilst "it is tempting to pretend that assessing the product of teamwork also assesses the process ... this isn't really so" (Gibbs 1995, p31). Accordingly, it is not only the product, but the processes involved in teamwork that should be individually assessed (University of New South Wales Learning and Teaching Unit 2006, p62). At QUT the redistribution or individual-plus-teamwork methods are therefore preferred (Nelson et al. 2007, p19).The redistribution method awards the same assessment mark to all team members; the mark is then adjusted for individual contributions through self- and/or peer assessment, whilst individual-plus-team assessment grades both the final product and individual contribution, which may be measured through self- and/or peer assessment. Subject to the possibility of peer-pressure or bias, as noted above, both methods may help reduce conflict within teams and encourage participation by providing the facility to make students accountable for team contributions

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[8] Adapted from Nelson et al. (2007, p48), the evaluation asked students to individually rate on a scale of 1 (most negative) to 5 (most positive) how they felt about their team in terms of team progress on task; member attendance at meetings; equal sharing of tasks; member contribution; response to feedback; quality of individual contribution; and communication.

(Johnson & Johnson 2005, p451; Cestone, Levine & Lane 2008, p72; Dominick, Reilly & McGourty 1997; Nordberg 2008). Indeed, according to Kruck and Reif (2001, p42), assessing teamwork on the basis of

> *a combination of grades based upon a group's total performance and upon individuals' contributions to the group's overall result offers the most promise for a viable solution to the challenge of motivating and rewarding individual team members engaged in group work projects.*

Consequently, the individual-plus-team method was adopted for Torts B.

In the previous form of the Torts B unit, which also included a research assignment, the research methodology was worth 5% of the unit's assessment when completed and assessed individually. To include an assessment of teamwork, this was increased to 10%– divided equally between the assessment of teamwork and product. As it was students' first experience of teamwork within their degree, in order to encourage future collaboration, the task was deliberately made a low-stakes activity. In light of established attitudes against teamwork, it was also anticipated that students might therefore, whilst developing their teamwork skills, find more tolerable any issues that might arise related to "equity of contribution, fairness of grading and student experience" (University of New South Wales Learning and Teaching Unit 2006, p62; see also Gibbs 1995, p9). Nevertheless, in an attempt to discourage "free-riding" and encourage students to take the process seriously (Cestone, Levine & Lane 2008, pp72, 76), the assessment of teamwork was still weighted at half of the total of 10 marks awarded for students' research methodology task.

In assessing a team's research methodology, all members received the same mark regardless of individual contribution. However, the assessment of teamwork required students to reflect on both their own performance and that of others, as members of their team, via the completion of a Teamwork Assessment Form. Each team member individually evaluated the contributions of their fellow members using predetermined criteria that were communicated to students before starting the teamwork task (Table 1). Typical of the assessment literature (Cestone, Levine & Lane 2008, p72; Thiel 1997), the criteria measured contributions to the group process, the individual task and group behaviour. The numeric value allocated to each performance descriptor (poor, average, good and very good) was used to transfer that rating into a total mark out of 12 for each student.[9] An individual student's final peer evaluation score was then determined by averaging the total scores they received from each of their team members. This average mark out of 12 was then expressed as a final mark out of four. These evaluations were also used by the unit coordinator to provide de-identified feedback to students who wished to receive it.

Table 1: Teamwork Assessment Criteria

	Poor 0	**Average** 1	**Good** 2	**Very Good** 3
Responsibility and Engagement	Does not perform assigned duties and always relies on others to do the work, and/or does not attend meetings	Performs few assigned duties and/or often needs reminding and/or often attends meetings late	Performs nearly all assigned duties and/or rarely needs reminding. Attends meetings on time	Performs all assigned duties and does work without being reminded. Attends all meetings on time
Quality of Contribution	Does not collect and/or share any relevant or useful	Collects and/or shares very little relevant or useful	Collects and/or shares information – most of which is	Collects and shares a great deal of relevant and useful

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[9] For example, if a team member scored Average (1), Good (2), Very Good (3) and Good (2), their total score would be 8 (1+2+3+2).

	information	information	relevant or useful	information
Cooperation	Usually argues unproductively and wants things their way. Does not respond positively to feedback	Sometimes argues unproductively and/or takes sides instead of considering all views. May not respond positively to feedback	Rarely argues unproductively. Usually considers all views and responds positively to feedback	Never argues. Helps the team to reach a fair decision. Responds positively to feedback
Communication	Does not listen to others, and/or communicate clearly	Occasionally listens to others. May not clearly communicate information, expectations and/or limitations	Usually listens to others and clearly communicates information and their own expectations and/or limitations	Always listens to others and clearly communicates information and their own expectations and/or limitations

Whilst the peer evaluations were submitted confidentially[10] to encourage an honest accounting (Kruck & Reif 2001, p40), in an attempt to mitigate discrimination, students were also required to reflect on and document their own skill development and contribution as a member of a team in researching and writing the research methodology. Whilst the self-reflection was marked out of one, with students receiving half a mark for an inadequate attempt and one mark for an adequate attempt, these evaluations were also used in some instances by the unit coordinator to moderate the peer evaluations of individual students where negative bias appeared evident.

In this way, through early exposure to the feedback instrument, students were introduced to effective teamwork traits. In addition, the process of self-evaluation or reflection afforded students the "opportunity to reflect on their own behaviour and to establish normative standards and personal improvement objectives" (Dominick, Reilly & McGourty 1997, p510).

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[10] Each student submitted their evaluations of the other team members either individually and online or in an envelope, signed across the seal, included with the hard copy of their team's research methodology.

Evaluation

As the inclusion of teamwork within the Torts B unit at QUT formed part of a new curriculum, a survey was conducted to examine student perceptions of the model and its impact on their learning experience and outcomes.[11] In order to better gauge student views on the fairness of the method of team assessment chosen (Nordberg 2008), the evaluation was conducted at the end of semester two of 2009, following the release of students' research methodology and teamwork assessment results. Students were given the option of completing and submitting survey responses either in paper form, during their week 13 tutorial[12] or online. From a total population of 733 students, 654 internal students and 79 external students studied Torts B during that semester. Whilst internal students had the opportunity to complete either the paper or the online survey, external students were restricted to online survey completion. Internal students submitted 391 paper survey responses, but only 17 online survey responses.

Low response rates for online student evaluations are common (see, e.g., Miller 2010), and affect the reliability of the data set. Furthermore, given the self-selecting nature of the students providing these responses, and the potential for their motivations for survey completion to form a latent bias (or differ from those students providing feedback within the classroom environment), these responses were not included in the corpus of results. Consequently, unless otherwise indicated, the results analysed in this article are a survey sample of 150 of the 391 paper survey responses received from internal students. These were selected on a random basis to reduce the potential for researcher bias. Further feedback was received via the student self-reflections required by the Teamwork Assessment Form.[13]

Student perceptions were captured using quantitative and qualitative methods. Quantitative data was gathered through the use of a rating survey that asked students to respond with *strongly disagree*, *disagree*, *neither agree nor disagree*, *agree* or *strongly agree* to the following statements:

1. I think that the overall process used to evaluate teamwork within my Torts B Research Methodology Team (i.e.: the Teamwork Assessment Form) assessed everybody's individual contribution fairly.[14]
2. I would like any future teamwork required as part of my university degree to use a similar process (i.e.: the Teamwork Assessment Form) for the evaluation of teamwork.[15]
3. At the start of the semester I disliked the idea of teamwork.[16]
4. The teamwork experience in Torts B was positive.[17]
5. After completing the teamwork assessment in Torts B I am willing to work in teams to complete assessment in the future.[18]
6. The end product produced by my Torts B team was as good as, or better than, what I could have produced as an individual.
7. My ability to work within a team has improved.[19]

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[11] Research ethics approval was sought, but the Chair, University Human Research Ethics Committee at QUT determined on 13 October 2009 that ethics approval was not required.
[12] The last week of the teaching semester.
[13] Where referenced as part of qualitative data, these responses are indentified by an asterisk (*).
[14] See Figure 6 below.
[15] See Figure 6 below.
[16] See Figure 1 below.
[17] See Figures 1, 2 and 3 below.
[18] See Figures 1, 2 and 3 below.
[19] See Figures 2, 3 and 4 below.

8. The Teamwork Materials on the Torts B Blackboard site were useful in guiding my teamwork in this unit.[20]

Students also selected all that applied from a range of factors (see Appendix 1) in response to the following questions:

9. The best aspects of working as a team were ...[21]
10. The worst aspects of working as a team were ...[22]
11. If you were doing this project again, what would you do differently?[23]

Finally, to generate a richer description of the phenomena under investigation, students were asked to provide written comment, and/or list any other relevant factors, in relation to questions 1, 3, 4, 7, 9, 10 and 11. They were also directed to include, in response to question 4, the general nature of any conflict experienced. The survey was therefore designed to assess the efficacy of the model in addressing many of the issues identified previously as hurdles to implementing teamwork in first-year tertiary legal studies.

Attitudes toward teamwork and the model implemented

In general, student responses strongly indicated that overall, the teamwork model implemented within the context of the Torts B research methodology provided a positive learning experience:

- I had never worked in a team at university before and this experience has been a positive one.
- I have enjoyed the process and this is without a doubt the best group study project I have ever been involved in.*
- I had a very good experience with teamwork in Torts B, both for the assessment and in class.
- Our group was amazing. I had a very positive experience and my group taught me a lot of things.

This is confirmed by the data in Figure 1, which shows that despite mixed initial impressions before starting the teamwork task, and the fact that 51.3% of students actively disliked the idea of teamwork, 71.4% of students agreed or strongly agreed that "the teamwork experience in Torts B was positive", whilst at least 50.7% were willing, after finishing the project, "to work in teams to complete assessment in the future".
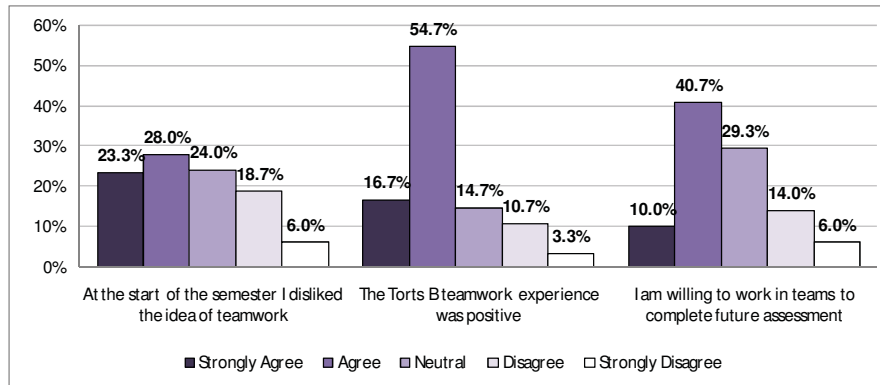
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[20] See Figures 2, 3 and 4 below.
[21] See Figure 5 below.
[22] See Figure 7 below.
[23] See Figure 8 below.

Figure 1: Overall Student Perceptions of Teamwork and the Model Implemented

Furthermore, of the 77 students initially disliking teamwork (Figure 2), 65% considered the experience to be positive, and 26% were willing to work in teams for assessment purposes again:

- It ... challenged the preconceptions I had regarding group work in general.*
- My teamwork skills have developed to the extent that I now view teamwork as a constructive process.*
- More open to teamwork now – highlighted what works well and how to approach future group assessment.

One student qualified their response that they would be willing to participate in future teamwork only "if the same structure was used". Consequently, whilst the model itself did not significantly sway opinion in favour of the idea of teamwork as a whole (and the majority of students who disliked teamwork before Torts B either continued to do so or at best were neutral to the prospect[24]), the fact that such a high percentage of students still rated the model positively champions the effectiveness of the approach– at least from the perspective of student satisfaction.

Figure 2: Perceptions of the Model -
Students "Disliking" the Idea of Teamwork at the Start of the Semester

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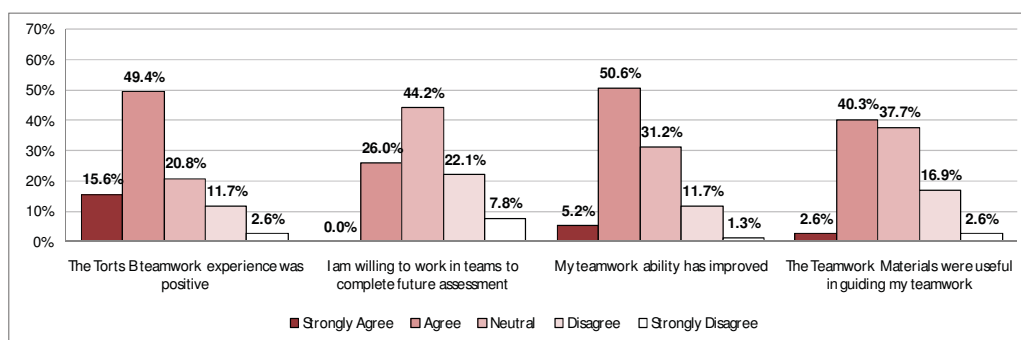
[24] In answer to the question "After completing the teamwork assessment in Torts B I am willing to work in teams to complete assessment in the future", 34 students (44.2%) answered "neither agree nor disagree", 17 students (22.1 percent) "disagree", and six students (7.8%) "strongly disagree".

Nevertheless, the approach to teamwork had a negative impact on some students. Figure 3 depicts the responses of those 73 students who were indifferent to or liked the idea of teamwork before starting the Torts B task. Again, the majority of students, 78.1%, rated the Torts B teamwork experience positively, whilst 76.7% were actively willing to work in teams in the future. Given that it is perhaps natural for students who enjoy teamwork to continue to enjoy it and be willing to do more of it, it is not surprising that these results within this group are more pronounced.

Figure 3: Perceptions of the Model–
Students Liking or Indifferent to the Idea of Teamwork at the Start of the Semester
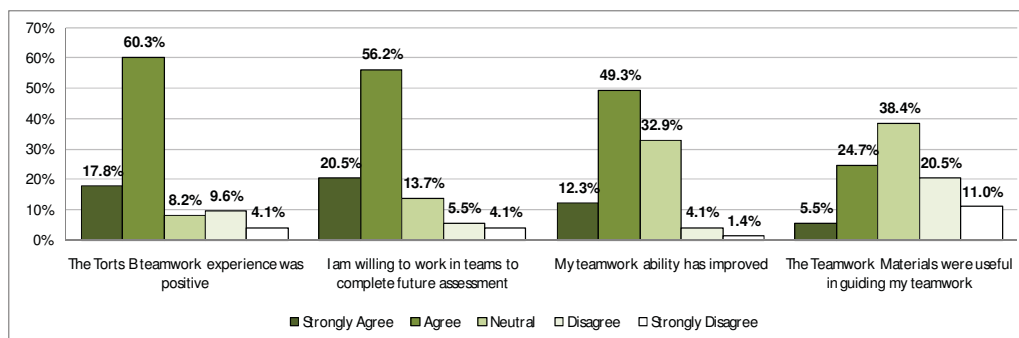
However, whilst the proportion of students rating the Torts B teamwork experience negatively was approximately the same between the two groups of students (at 14.3% and 13.7%, respectively), 9.6% of students who did not initially dislike teamwork reported that after Torts B, they were unwilling to work in teams to complete future assessment (Figures 2 and 3). Of these seven students,[25] six also stated that their Torts B experience was not positive. However, whilst one student commented that "it made me hate the process", another acknowledged that this was "more because of [their] team rather than the subject" and, by implication, the structure of the teamwork model.

Reflective of the literature regarding the hurdles to student teamwork satisfaction, of the 67 students commenting on their dislike of the idea of teamwork in question 3, 43.3%[26] referred to notions of "free-riding", or unequal contribution to workload and people not pulling their own weight. Consistent with Cestone, Levine and Lane (2008, p69), students also perceived an unfairness associated with teamwork in terms of the marks awarded for assessment, due to the model's potential to both raise the grades of non-contributing students and decrease the marks of others:

- The idea of teamwork can be rewarding, but within a university setting the teamwork can often fall apart, with certain members contributing more than others.
- I don't like the idea of having to rely on someone else – if they don't do any work it puts more pressure on others to pick up the slack or sacrifice marks.
- I don't necessarily agree with the fact that other people could potentially affect my studies and results for which I am working hard and paying a lot of money for.

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[25] In answer to the question "After completing the teamwork assessment in Torts B I am willing to work in teams to complete assessment in the future", four students (5.5%) answered "disagree" and three students (4.1%) "strongly disagree".

[26] Representing 29 students.

- Team members' failings unduly disadvantage their team members, GPAs and employment prospects.

A few students (4.5%)[27] also referred to a dislike of teamwork arising from a perception of unfair assessment due to dominating students. One student noted: "previous experiences did not work well – someone never wanting to do things in a way that suited everyone – just wanted to do things their own way [sic]."

It is perhaps for these reasons that in their survey comments, 26.7% of students[28] recognised the impact of membership on team experience, and 18%[29] advocated that students should "ensure [they] are with people [they] know will put in the effort" by choosing their own team members or attempting to "find a group with a similar level of commitment and goals". As discussed previously, all Torts B students were encouraged to do this by taking advantage of the unit's Group Join function and discussion board when forming their research methodology teams, and one student observedt: "I had a really good team and we all had similar goals so everyone contributed evenly." However, whilst the above comments also mirror the competitive, or results-driven, nature of today's law students (Floyd 1997; Zimmerman 1999; Oblinger 2003, p40), the compulsory teamwork required by the research methodology did emphasise to students the importance of a broader, and perhaps more collegiate, development in other areas as well:[30]

- It pushes everybody out of the comfort zone and makes students co-operate with other teammates ... life is not all about winning.
- Teamwork is something that has to happen in practice. So I suppose it is necessary.

The majority of students, being new to legal research, seemed to appreciate the value of collaboration for compiling a research methodology as one of the unit's learning outcomes. As anticipated, they also considered the task to be well suited to teamwork (Gibbs 1995), as "the assessment itself enabled each member to perform [a] similar task".[31] Further comments included:[32]

- I found the nature of the assignment one in which working in a team came in handy.
- The multiple aspects of the problem made delegation easier.
- We were able to divide the workload evenly between all members of the group. This enabled all of us to provide input into all areas of the assessment. This was a great way to learn how to effectively research. It gave me the opportunity to work with other students and learn from their experiences.*

Despite the literature (see, e.g., Council of Australian Law Deans 2009; Belzer, Miller & Shoemake 2003, p31; Floyd 1997), two students did question the appropriateness of developing generic skills within the context of a higher education unit and the relevance of teamwork to legal practice (preferring instead to view lawyers as solo employees):[33]

- Teamwork skills are important in the workplace and in life generally, but this does not mean that a Torts unit at a university is an appropriate place to learn them or be assessed on [them].

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[27] Representing three students.
[28] Representing 40 students across comments provided in response to questions 3, 4, 5 and 7.
[29] Representing 27 students across comments provided in response to questions 3, 4 and 9.
[30] Comments provided in response to question 1.
[31] Comment provided in response to question 1.
[32] Comment provided in response to question 4 (unless otherwise indicated).
[33] Comments provided in response to questions 1 and 7, respectively.

- I can work in a team just fine, but I do not want to. I want to learn to be able to rely wholly on myself when [things] hit the fan when I'm older and practicing.

Nevertheless, the model did appear generally successful in achieving its aim of highlighting to students the personal and work-related importance of teamwork skills, both within and outside the legal profession:[34]

- Teamwork is a good skill to use outside of the degree.
- Realise it's going to be an important part of actual practice and think it's a good idea.
- Working in a group also assisted my self-development by giving me the valuable experience of working in a team, which will no doubt be required in my future professional life.*
- The whole process was enjoyable and applicable to real-world scenarios, i.e.: the ability to work effectively as a team is essential to a successful career.*

Although they were willing to acknowledge the utility of teamwork in future employment, students' dislike of the idea of teamwork within the context of university assessment may therefore be attributable to differing perceptions of risk. Although collaboration amongst employees may be thought to decrease risk (by spreading accountability for a task owed to an employer amongst more people), when assessment is concerned, such spreading of accountability is more likely to be transformed into a "fear of the unknown"[35] – Will my other team members do their share? Will they do it well? Will my grades be penalised as a result? One student noted:

- I understand that in our career we may have to work as a team, but the highly variable attitudes of university students makes it difficult to do your best in a group situation.[36]

The efficacy of the method of assessing teamwork adopted in Torts B in managing this fear, at least in relation to its potential to deter unfair assessment and "free-riders", is discussed further below.

The learning experience: personal and skill development

Opinions across the whole sample were mixed as to the usefulness of the online Teamwork Materials in organising, supporting and fostering teamwork (Figure 4). However, whilst only 30.2% of those students indifferent to or liking the idea of teamwork before starting the Torts B taskagreed or strongly agreed that the materials were "useful in guiding my teamwork in this unit" (Figure 3), this figure increased to 42.9% for those students actively disliking the idea (Figure 2). This result is compatible with the arguments noted earlier that to assist in overcoming negative student perceptions of collaboration, teamwork needs to be scaffolded and taught (Nelson et al. 2007; James, McInnis & Devlin 2002; Nelson, Kift & Creagh 2007) – and that, therefore, this is what students want.

A number of survey responses from students neutral to or liking teamwork included comments that they rated the usefulness of the materials negatively only because they had not consulted them.[37] This is to be expected, since the decision to consult such materials is based not on the content of the materials but the perceived need for them. Students comfortable with collaboration and the skills required for teamwork are less likely than those without such aptitude to perceive the need for materials to guide them.. It is significant, therefore, that more students who disliked

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[34] Comments provided in response to question 3 (unless otherwise indicated).

[35] A theme reflected, but not elaborated on, in at least four of the comments provided in response to question 3.

[36] Comment provided in response to question 3.

[37] Similar materials provided previously to guide teamwork in another study of a law unit at QUT were not considered useful by 19.4% of students due to the resources not being relevant as the students had prior teamwork experience (Carver and Cockburn, 2008, p 223).

teamwork rated the materials as useful, as this would tend to indicate that the materials were successful in their purpose of fulfilling these students' needs.

Figure 4: Perceived Benefits of the Model–
Usefulness of the "Teamwork Materials" and Development of Teamwork Skills
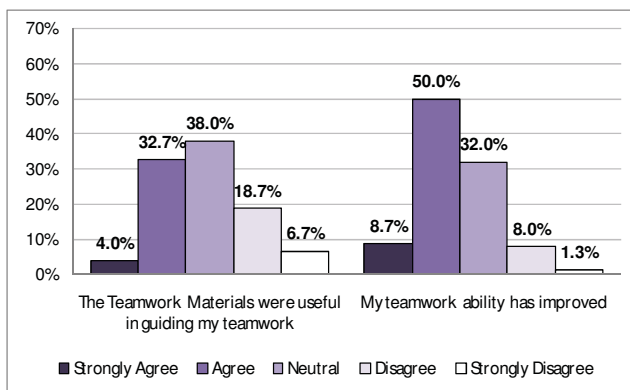
In terms of skill development, 58.7% of students (Figure 4) considered that their teamwork experience had helped them "develop skills that are imperative to functioning within a team environment".[38] Indeed, of those students who initially actively disliked teamwork (Figure 2), 55.8% agreed or strongly agreed that their ability to work within a team had improved. This is again suggestive of the effectiveness of the model to embed teamwork within the unit, as it suggests that the reason these students considered their Torts B teamwork experience to be positive is related to the fact that they learnt something about collaboration. The results recorded in Figure 3, indicating that 61.6% of those students also considered that their teamwork ability improved, similarly reflects this.

As evidenced by Figure 5 below, in addition to the development of teamwork skills, student participation in the Torts B research methodology task was perceived to have a positive effect on their learning (Johnson & Johnson 2005; Johnson & Johnson 1999) and the advancement of other academic and work-related capabilities (Johnson & Johnson 1989). In terms of academic performance and skills, whilst this evaluation does not measure the effect of teamwork on actual student results, only 25.3% of students believed, after receiving their research methodology marks, that the end product produced by their team was not as good as, or better than, what they could have produced alone.[39] The perceptions of the majority of students are consistent with research that higher achievement should occur as a result of cooperative work (Johnson & Johnson 2005, p447-8; Johnson & Johnson 1999, p72; Gross & Kientz 1999, p21). Additionally, 60.7% of students considered that working as a team had assisted their learning of the law and/or research, whilst 40% perceived that it had assisted their problem-solving. The ability to "talk to students about and share the assignment research" was identified by 74.7% as one of the best aspects of working as a team. Reflecting the benefits of deeper learning achievable through collaboration, and the discussion, evaluation and reformulation of ideas (Johnson & Johnson 2005, p445-6), student comments included:

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[38] Comment provided in response to question 4.

[39] In answer to the question "The end product produced by my Torts B team was as good as or better than what I could have produced as an individual", 24 students (16%) answered "strongly agree", 56 students (37.3%) agree", and 32 students (21.3%) "neither agree nor disagree".

- Being able to bounce ideas off the other group members has been invaluable in gaining a wider perspective of the issues.*
- Was helpful to hear and get feedback on my understanding from peers.[40]
- I was able to hone my ability to actively listen, deconstruct and analyse the opinions of my fellow team members. Surprisingly, group work aided, rather than hindered, the researching and writing process. While there did exist some conflicts of ideas, the ability to confer and edit with peers, through open group discussion, granted insight into some concepts that I had either yet to grasp, or thought differently as to their application.*

In connection with the development of other skills perhaps more relevant to lifelong learning and employment beyond the Torts B unit, 48% of students reported improvement in time management; 29.3% in leadership; 23.3% in oral communication; and 32.7% in written communication. For example, students stated that:

- I have learnt ways to structure and manage group assignments more effectively and efficiently.
- I learnt the importance of setting rules early and keeping in regular contact. These skills are very important and I can see that in practice they will be equally relevant.*
- Learnt skills such as delegating, leadership and the ability to focus in a group without getting sidetracked, time management and organisation.
- I show improvement in communication and coherency, especially in written work.
- I have learnt how to better adapt and communicate with people of different personalities.

Students also appreciated that the skills they gained were relevant to other team environments or future units of study:

- Now I've experienced it, I'll know how to work well in a group next time.
- These skills will be easily transferrable to future teamwork situations.*
- Through doing this assignment I think I have gained valuable legal research skills that will help me with every facet of my law studies from now on.*

The evaluation also suggests that, in some cases, participation in the Torts B research methodology task positively affected student socialisation (Johnson & Johnson 1999, p72-3). For example, 44.7% of students identified "meeting other students and socialising" as one of the best aspects of working as a team, whilst 27.3% identified "learning about other students". This feedback included the following comments:[41]

- It was actually very social and pleasant. We met over dinner and wine to complete the assignment.
- We got the work done and had fun at the same time. We sorted out what needed to be done and just did it.

In addition to the "ability to talk to other students about" the assignment (discussed above), "learning from other students" was also identified by 58% of students as an aspect they liked best. Although further detailed study is necessary before drawing any concrete conclusions, the following comments illustrate that the model may have also assisted in the formation of individual resilience through increasing student self-confidence or decreasing stress:

- Working in a team has made me realise I don't need to stress so much.
- [My ability to work within a team has improved] because I now have the confidence to be able to ask questions and talk to my teammates.

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[40] Comment provided in response to question 4.
[41] Comments provided in response to question 4.

- Through the group assignment I was able to overcome confidence barriers that, prior to the Research Methodology, inhibited my urge/want to contribute to class discussions/group discussions.*
- Since I did this assessment I have felt more confident in terms of become a lawyer while I do not have English as my native language [sic].*

Figure 5: Perceived Benefits of the Model –
Learning and Other Skills Development and Outcomes
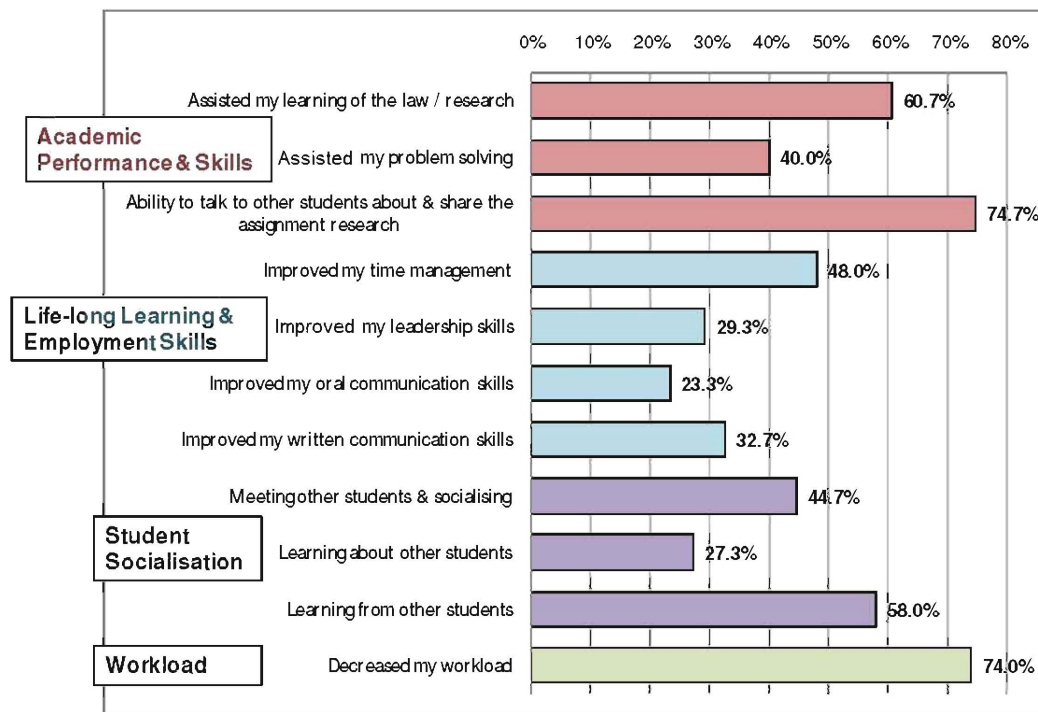
Finally, 74% of students reported "decreased workload" as an aspect they liked best about working as a team to complete their assessment. A skeptic might say, "Well, of course students will like anything they see as decreasing their workload!" However, the fact that students rated this factor so highly holds much greater significance in combating concerns associated with the teamwork model's potential to overwhelm already time-poor students.[42] Given that 15.3% of students[43] commented on their general dislike of teamwork due to the extra "effort" or "time taken" in engaging in team processes,[44] that the majority of students perceived a reduced workload indicates that the benefit of working in their Torts B team outweighed such collaboration overhead. It is important that the task is truly authentic and suited to teamwork to achieve this.

The fairness of the assessment

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[42] Discussed above under "overuse."

[43] Representing 23 students across comments provided in response to questions 3 and 4.

[44] For example, arranging "meetings and telephone and email correspondence", "working around teammates" and "conflicting class times/work". One student also complained that "there are too many clashes of ideas to finish the work quickly and efficiently."

As to the efficacy of the model in objectively assessing teamwork, as evidenced by Figure 6, 80% of students perceived that the method implemented to assess their teamwork was effective in fairly or accurately assessing individual contributions to the group task and processes. Students appeared to welcome the opportunity to have their teamwork "assessed", "graded", "evaluated" or "rated"[45] by their peers, and some[46] specifically attached significance to the confidentially of the Teamwork Assessment Form in reducing peer-group pressure and encouraging an honest accounting (Kruck & Reif 2001). Written feedback included:

- It was good how confidential it was and that we actually had a chance to grade people rather than it going unassessed.
- Good to be able to assign a number to performance.
- It was a fair way to assess everyone's contribution as the whole group has a say.
- The outcome was as we expected for the quality of individual input.
- It was an anonymous way to assess everyone, so there's no pressure from the team members. This means you can evaluate them objectively.

Students also observed that they liked the ability provided by the form's self-reflection requirement to "critique themselves" and "explain my own contribution". Its ability to act as a tool in the moderation of a team's peer evaluations was also acknowledged:

- It gave everyone the chance to reflect on their teamwork ... and allowed teams to let markers know of any problems with group members.
- Responses could be compared to make sure there wasn't any specific targeting going on.

Figure 6: Student Perceptions of the Teamwork Assessment Form
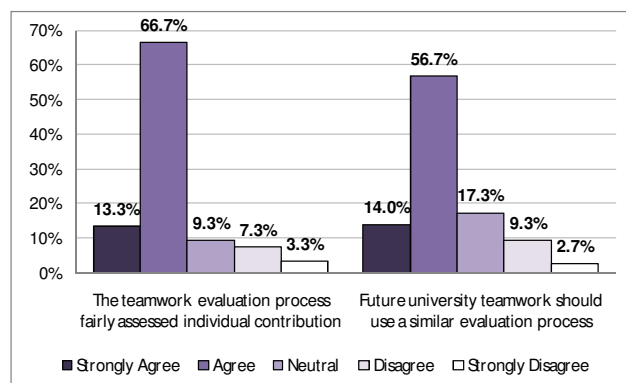
Nevertheless, whilst commenting that "teamwork is necessary and the assessment form was an excellent idea", a few students did perceive that "some people can let personal feelings get in the way of their objectivity." Accordingly, of the 135 comments received in response to question 1, 9.6%[47] acknowledged the potential for positive or negative bias generally in the assessment of

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[45] Of the 135 comments received in response to question 1, 27 students (20%) specifically remarked that they appreciated this factor.

[46] Namely, 22 (20.8%) of the 106 comments received from students who agreed or strongly agreed that "The overall process used to evaluate teamwork within my Torts B Research Methodology Team (i.e.: the Teamwork Assessment Form) assessed everybody's individual contribution fairly."

[47] Representing 13 students.

other students' team contributions, and 7.4%[48] admitted to or alleged actual bias in the assessment of results:

- Peers were assessed on their personal relationships with one another.
- Although it can be a useful process to determine the amount of contribution within a group, people may gang up on individuals or give a lower mark to someone they dislike.
- We had problems with our team; therefore I do not trust that the marks they awarded me were fair.

It has been widely acknowledged that reliability is an issue, or risk, with peer evaluation (see, e.g., Willcoxson 2006; Kruck & Reif 2001; GIHE 2011, p-24). Despite this, not one student sought academic review of their teamwork mark. Indeed, most teams were observed to be lenient or "pretty easy [in] giving out marks to their team members".[49] Therefore, given the aim of decreasing student teamwork resistance by encouraging satisfactory first-year experiences, and the fact that the mark attributable to the peer assessment was only 4% of the overall Torts B grade, this risk was considered acceptable.

Students appreciated the evaluation criteria provided by the Teamwork Assessment Form. They considered that it was sufficiently comprehensive and enabled a "thorough evaluation", or more accurate reflection of "how much [team members] contributed than if you were to just write something about them" or allocate a mark. Further comment included:

- The form worked well and asked the appropriate questions to gauge contribution.
- The evaluation process was fairly good, there was nothing wrong with the scaffold given to use and it was clear.
- It allowed quick feedback on important areas of teamwork.
- Contributions were assessed in regards to a range of criteria ... which was very good in comparison to giving an overall mark.

While most students viewed the form as providing "an appropriate platform for constructive criticism" and "plenty of opportunities for each member to provide their opinions on members' contribution", 11.1%[50] considered that, in future, an area allowing for written feedback on each team member should be provided. Presumably, students considered that this would not only provide therapeutic benefit to the person completing the form or further formative feedback to the team member concerned, but the opportunity to avoid perceptions of bias (and perhaps assist moderation) by explaining, or justifying, the fairness of the mark awarded. As one student noted, "If there is a dispute in the team then people will purposely mark people lower without them knowing. There needs to be an extended reason as to why the person assessed the person the way they did."

Overall, 70.7% of students wanted any future teamwork required as part of their university degree to use the Teamwork Assessment Form (or a similar process) to evaluate teamwork (Figure 6). Notwithstanding this, three students indicated a preference for the "individual performance" method of teamwork assessment, observing that students "should have written which group members did which work and [got] individual marks." However, as discussed previously, this method's sole focus upon team product makes it an inappropriate tool for evaluating student skill development (Gibbs 1995; University of New South Wales Learning and Teaching Unit 2006; Nelson et al. 2007), which by its nature requires an assessment of team process and behaviour. Another student stated that "it would be hard to gauge an individual's performance in a team without observing them 24/7. Of course, that would be impossible." Academic monitoring of all

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[48] Representing 10 students.
[49] Comment provided in response to question 1.
[50] Representing, of the 135 comments received in response to question 1, 15 students.

group interactions or meetings would not only impose an onerous burden on staff resources, it may also have a negative impact upon group dynamic and creativity, and hence the quality of group's final product (Kruck & Reif 2001, p40).

The survey and interview results are consistent with the proposition that the teamwork assessment implemented in Torts B acted as a remedy against non-team players (Figure 6). As in other studies showing that exposure to evaluative criteria before the start of teamwork tasks can have a positive effect on group interactions by communicating valuable traits (Dominick, Reilly & McGourty 1997), students observed that "the questionnaire outlined the main elements required of each team member". Students also commented that "being assessed on teamwork helped encourage equal participation"[51] and deterred "free-riding" and/or "domination":

- ▪ It was a good way to ensure that everyone in the group contributed to the assessment item.
- ▪ I like the way members of the team were (slightly)[52] deterred from being un-cooperative and freeloading from the others, because they knew this would impact their result.

However where "free-riding" did occur, students appreciated the ability to either "reward" or "penalise" non-team players:

- ▪ Team Assessment Form allowed an anonymous way of allocating marks and rewarding those who did an equal share – or more than their share of the work.
- ▪ It actually worked – someone received a lower mark than me because of lack of work.
- ▪ One member of my group did no work on our methodology – I liked that we could "judge" them.

Dislikes and lessons learnt

As illustrated above, students perceived the model implemented to teach and assess teamwork within the Torts B unit at QUT to have an effective and positive influence upon their learning experience overall, and 18.7%[53] of survey responses sampled stated there was nothing they disliked; perceptions from the remainder of students of the worst aspects of working as a team are summarised in Figure 7.
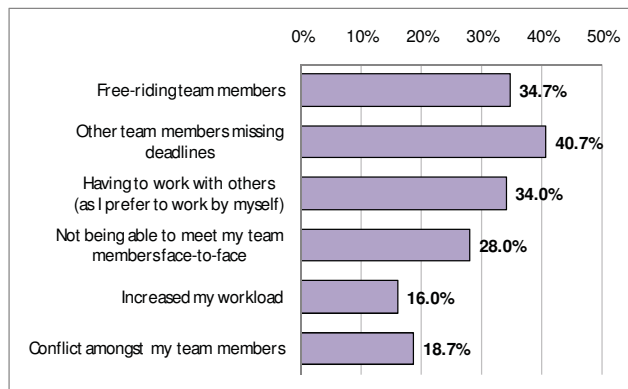
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[51] Comment provided in response to question 3.

[52] Presumably this is a reference to the fact that the mark attributable to the peer assessment, and therefore the risk taken by a "freeloader" was limited to 4% of the overall Torts B grade.

[53] Representing 28 students.

Figure 7: Proportion of Students Citing Aspects "Least Liked"
About Working as a Team

Of greatest interest is that despite their largely positive experience (Figure 1) and perceptions concerning the fairness of the assessment (Figure 6), approximately one third (or 34.7%) still complained about disliking "free-riders". Although students did perceive that the Teamwork Assessment Form allowed them to penalise non-performing team members, students still dislike "free-riders" due to the extra work caused to those who are diligent; this result, when considered with the low conflict rates reported below, may also suggest a willingness to accept this trait (without any impact on an assessment's perceived fairness) due to friendships. For example, student comments included:[54]

- In our situation we were all friends. Although the contribution from others was less, all members still awarded full marks for teamwork. That course of action was agreed upon prior to commencing the assessment.
- Not everyone contributed equally. However, we decided to all give each other full marks.

However, another student also commented that they:

- ... [did] not see why your marks are jeopardised because others don't pull their weight. I can see the skills that are trying to be taught; however, some people are just willing to let others do the work despite all the plans/strategies implemented to combat this and make it fair.

Therefore, whilst only two students appeared to question the sufficiency of the 4% weighting attributed to a direct assessment of their teamwork,[55] the result might also suggest that, despite the penalty, either non-performing students did not consider the weight of this assessment enough to motivate them to modify their behaviour, and/or diligent students did not consider that it warranted them overcoming the inconvenience of challenging team members who did not sufficiently contribute. However, this was not the experience of all students: "This is the first time a member

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[54] Comments provided in response to questions 1 and 3.
[55] These comments were: "All group members contributed equally, though this was because they were hard working – not because they were scared of losing marks on the team feedback"; "I was lucky enough to have a wonderful group, but for some people who did all of the work in their groups, they may have felt that it was unfair that slack people were only docked 4% at the most."

of my group has contributed absolutely nothing. I believe that this has assisted me in learning how to deal with these sorts of team members."[56] Future study might therefore usefully investigate the extent to which perceptions of "free-riders" affect actual student group and marking behaviour.

The model was also unsuccessful in totally discouraging "dominating" team members, with three students commenting on their dislike of the existence of this trait within their Torts B group. For example:

- The team which I was in did not work as a team should in my opinion. One member led the group and was always stepping ahead of the group making it difficult to keep up. This member took all of the responsibility away from others and even significantly changed the work of other team members.[57]

However, three students equally recognised that they had "learnt not to dominate group tasks" and to be "less controlling and have more trust" in their team.[58] Similarly, whilst it was anticipated that students would appreciate that missing deadlines would result in lower individual teamwork marks, 40.7% of surveys sampled still rated this characteristic as an aspect liked least. This may suggest that the performance description for the criterion of "responsibility and engagement" on the Teamwork Assessment Form, in focusing more upon the performance of tasks rather than their timeliness, sent the wrong message to students and requires revision for future teaching periods.

Of the remaining items in Figure 7, first, it is consistent with students' traditional dislike of teamwork, and with the result (discussed earlier) that the Torts B model itself did not significantly sway opinion in favour of the idea of teamwork as a whole that 34% of students rated "having to work with others" as an aspect liked least. . Second, it is not surprising that the responses of 28% of students indicated that they disliked "not being able to meet my team members face-to-face". Studies have shown that virtual learning groups present more barriers to learner interaction and the development of a "sense of group" as trust, cohesion and shared cognition takes longer to develop online (Orvis & Lassiter 2006; Warkentin, Sayeed & Hightower 1997). Third, although 16% of students stated that the model "increased my workload", the fact that significantly more students reported a decrease in workload (Figure 6) confirms, as analysed above, the efficacy of the teamwork model implemented. Finally, 18.7% of students considered "conflict amongst my team members" as an aspect they liked least. Of the 34 students responding to question 4 with comments on the general nature of any conflict experienced, the most significant causes were lack of communication (29.4%)[59] and, related to "free-riding", different levels of commitment to work (50%):[60]

- Overall ok, but the lazy person who no-one could get in contact with detracted from the experience.
- There is a wide range of abilities amongst students (that is not a problem). However what is a problem is the wide range of work ethic and motivation.
- People did not do what they said they would. No communication; did not turn up to meetings or have work completed when it was agreed.

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[56] Comment provided in response to question 7.
[57] Comment provided in response to question 4.
[58] Comments provided in response to question 7.
[59] Representing 10 students.
[60] Representing 17 students.

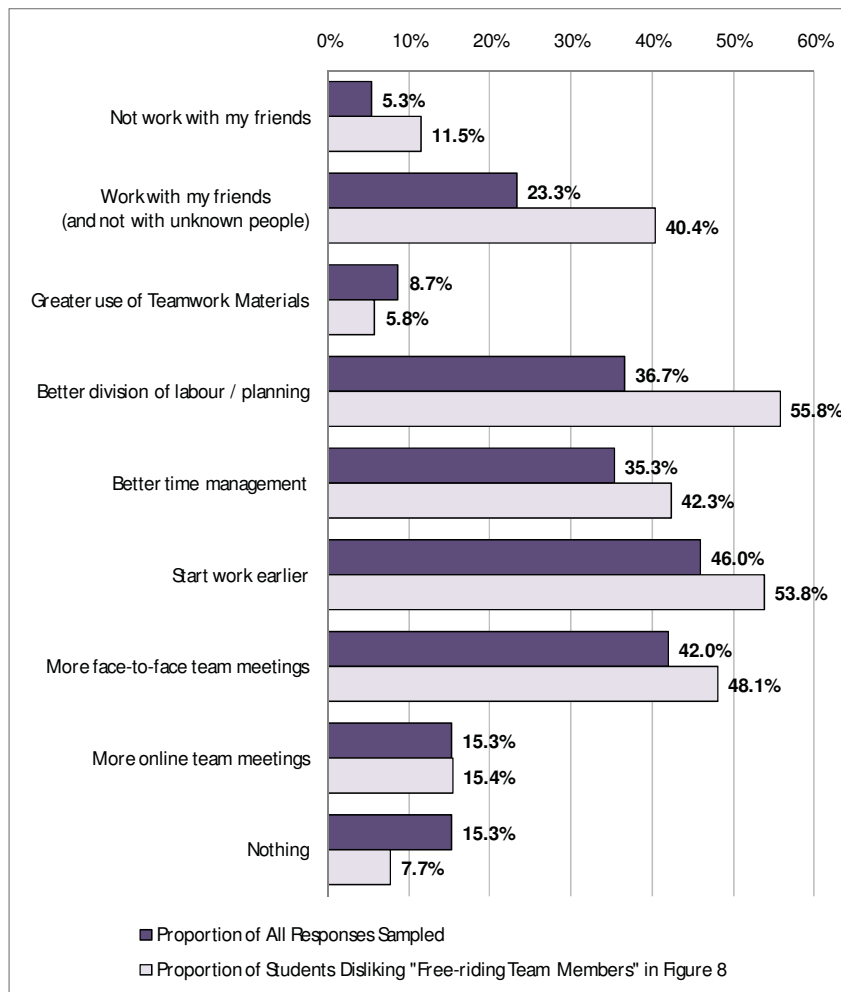**Figure 8: Proportion of Students Identifying Strategies to Better Manage Teamwork in the Future**

Figure 8 summarises the strategies that students would adopt if doing this project again. This compares those factors that students disliking "free-riding team members" would do differently with those selected by all responses sampled. First, of those students disliking "free-riders", fewer indicated that they would adopt the same teamwork approach. However whilst more (40.4%), would work with friends only, presumably in the hope of ensuring improved cooperation (Gibbs 1995, p8) and better congruence between commitment and goals,[61] this was not always perceived to be "the answer". Indeed, 11.5% would not work with friends again, stating: "I felt obligated to

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[61] See n 29 above and accompanying text.

work with friends who I know have [a] bad work ethic." Whilst the proportions of students selecting "more online team meetings" (15.4% versus 15.3%) or "more face-to-face team meetings" (48.1% versus 42%) were similar between the two groups, the lesser emphasis upon virtual teamwork is, as noted above, understandable. Furthermore, in the context of reducing the degree to which some are perceived to be of non-team players, virtual teamwork can be counterproductive, as even short delays in online communication can allow team members to be, or be seen to be, loafing (Northcraft, Griffith & Fuller 2006, p137-8). To combat "free-riders", other popular responses were: "better division of labour / planning" (55.8%); "start work earlier" (53.8%); and "better time management" (42.3%). All these options allow for clearer delineation of responsibility and more room to work around, or follow up, inadequate contribution. For, as stated by one student, "I learnt that when group members are failing to contribute equally, this issue needs to be addressed earlier rather than later."[62]

Conclusion

The model of teaching and assessing teamwork that was developed and implemented within Torts B at QUT, whilst not of itself dispelling students' general dislike of collaboration for the purpose of assessment, was effective (at least within the context of that unit) in overcoming many of the hurdles to implementing cooperative learning in tertiary legal studies. The success of the model may be attributed to the following key features:

- Openly acknowledging students' opposition to teamwork and getting them to reflect upon and discuss their previous experiences;
- Highlighting the relevance of teamwork to students' degrees and future employment;
- Allowing the students to form their own teams;
- Teaching the skills of teamwork and providing resources to scaffold students' skill development, both generally and in relation to the particular task set;
- Allowing students to confidentially assess fellow team members' individual contributions to the group process and individual task and group behaviour; and
- Providing the Teamwork Assessment Form up front. This assisted in the regulation of student behaviours by introducing students to effective teamwork traits before starting the teamwork task, and making potential "free-riders" aware that such behaviour could affect their individual result.

 The model helped to alleviate student perceptions of unfair assessment to such a degree that they wished to see it replicated in future university teamwork; moreover, students acknowledged that they developed their teamwork skills, and that the model equipped them with academic and other skills that employers consider important. Thus, students recognised the model to be relevant overall, and useful in decreasing their workload.

Whilst it is impossible for academic staff in any student-regulated learning environment to eliminate all negative experiences, and some teams will continue to experience the effects of "free-riders" and other non-team players, even those experiencing problems confess to learning something. For example:

- I realise now that you should not send emails which may appear abrupt. They will come back to bite you in the Teamwork Assessment Form!
- I have never had issues in team work so having issues enabled me to learn how to work with people.

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[62] Comment provided in response to question 7.

Accordingly, and perhaps against the odds, this article shows that the embedding of teamwork within large first-year cohorts, if done in a structured and scaffolded way supported by academic monitoring and educative resources, can work to positively influence students' learning experience and outcomes.

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Appendix 1 : Survey questions

9. The best aspects of working as a team were:

- ☐ Meeting other students and socialising
- ☐ Learning from other students
- ☐ Learning about other students
- ☐ Improved my oral communication skills
- ☐ Improved my leadership skills
- ☐ Assisted my learning of the law/research
- ☐ Other (please specify):

- ☐ Improved my written communication skills
- ☐ Assisted my problem solving
- ☐ Improved my time management
- ☐ Decreased my workload
- ☐ Being able to talk to other students about and share the assignment research

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10. The worst aspects of working as a team were:

- ☐ Increased my workload
- ☐ Having to work with others, as I prefer to work by myself
- ☐ Conflict amongst my team members
- ☐ Other (please specify):

- ☐ Other team members missing deadlines
- ☐ Free-riding team members
- ☐ Not being able to meet my team members face-to-face

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11. If you were doing this project again, what would you do differently?

- ☐ Greater use of online Teamwork Materials
- ☐ Not work with my friends
- ☐ Work with my friends (and not with unknown people)
- ☐ Other (please specify):

- ☐ Better time management
- ☐ Start work earlier
- ☐ More online team meetings
- ☐ More face-to-face team meetings
- ☐ Better division of labour/planning

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31