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Recent research shows that participation in an alternative dispute resolution (ADR) course can increase a student's sense of belonging to the school in which it is taught, and can increase the levels of the students' mental health. This article summarises two studies conducted in the Law School at the University of Western Australia that highlight the links between the interactive nature of teaching ADR and the students' increased engagement with the school and, in turn, their mental well-being. In addition, the studies show that developing an ADR course to include tasks which provide an opportunity for sustained thinking and exploration, and which are meaningful and related to "real life" is critical to the students' learning of ADR skills and concepts. The article concludes by endorsing the New South Wales Attorney-General's call for an expanded and improved coverage of ADR, and urges universities to consider the value of constructive and interactive ADR education to students in all disciplines; not just law students.

INTRODUCTION

The New South Wales Attorney-General, the Hon John Hatzistergos, recently wrote to universities encouraging them to "consider ways in which they might expand and improve their coverage of [alternative dispute resolution] ADR and negotiation theory and practice in their undergraduate and graduate programs". His objective is to "foster a culture that focuses on problem solving and conflict resolution rather than on adversarial litigation" and he has suggested that students in a variety of disciplines (not only law) could benefit from a greater understanding of ADR, including students in "business, commerce, psychology, education, health and welfare".¹

The Attorney-General articulated in his letter what ADR educators and practitioners have known for many years² – that the learning of ADR practices is imperative for any student working in a profession and there is no end to the application of the skills and understanding of ADR. Students in the built environment disciplines (architects, engineers, planners etc), in the agricultural and environmental fields, in the biological and biomedical sciences and so on could be added to the Attorney-General's list. It is plain that in all areas of professional practice there is the capacity for disputes. Wherever there is human interaction, there is the potential for conflict and having some knowledge and skills in how to resolve disputes constructively or, better still, how to prevent disputes constructively, will be of benefit not only to the professional and his or her clients, but also to the community at large.

Not only have ADR educators understood the importance of teaching ADR to students from a professional viewpoint for many years, but some have also had the idea that they were doing more

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¹ Letter from John Hatzistergos to Australian universities (17 May 2010). For those unfamiliar with the term, ADR refers to alternative dispute resolution and "is an umbrella term for processes, other than judicial determination, in which an impartial person assists those in a dispute to resolve the issues between them". ADR education can include teaching the processes and skills of constructive negotiation, mediation, arbitration, facilitation, and conciliation amongst others. See National Alternative Dispute Resolution Advisory Council (NADRAC), *Glossary of ADR Terms*, http://www.nadrac.gov.au/www/nadrac/nadrac.nsf/Page/WhatisADR_GlossaryofADRTerms_GlossaryofADRTerms viewed 30 June 2010.

² The New South Wales Attorney-General is not the only one to make this call. See NADRAC, *The Resolve to Resolve: Embracing ADR to Improve Access to Justice in the Federal Jurisdiction* (2009), http://www.nadrac.gov.au/www/nadrac/nadrac.nsf/Page/Publications_PublicationsbyDate_TheResolvetoResolveEmbracingADRtoimproveaccesstojusticeinthefederaljurisdiction viewed 30 June 2010.

than purely producing an educational outcome.³ Observing and reflecting upon the level of engagement of students within an ADR course led the author to think that maybe there were other benefits to ADR education other than simply teaching students the skills and concepts of constructive conflict resolution. Consequently, the author conducted two studies at the University of Western Australia's (UWA) Law School. The article summarises these studies, which show that students who had participated in an ADR course demonstrated a greater sense of belonging to the Law School, and that a sense of belonging is strongly related to a students' mental well-being. The studies also reveal that it is the pedagogical style of the ADR class and, in particular, the interaction with the other students, which produces this engagement and mental health effect.

Therefore, regarding the Attorney-General's call for Australian universities to expand their teaching of ADR, he should not only ask them to teach their students how to negotiate constructively and resolve conflict, but also to think about how they teach ADR. There are additional benefits to the students and the schools in teaching ADR experientially and interactively, and this article outlines what these benefits are and how to achieve them.

THE STUDIES

2007 study

In 2007, Howieson and Ford conducted a study into student engagement, which identified that students who had undertaken the optional ADR unit exhibited a greater sense of belonging to the Law School and consequently a greater sense of engagement, than students who had not completed the ADR unit.⁴ The t-tests showed that of the 273 law students who participated in the study, those students who had completed the ADR unit (64 students) had a significantly higher sense of belonging to the school than those who had not: $t(265) = 2.11, p < 0.5$.

In that paper, and referring to earlier work conducted on student motivation and engagement,⁵ Howieson and Ford proposed that the finding that the ADR unit increased the students' sense of belonging to the Law School could be related to the following aspects of the course:

- (a) use of role-playing simulations;
- (b) inclusion of a team-based, group work presentation component that involved assigning the students into groups randomly rather than allowing the students to choose their own group members;
- (c) an interactive teaching style;
- (d) teaching conflict resolution, negotiation and communication skills that are "generic" and transferable between disciplines and linked to "real life";
- (e) creating a high level of interaction with other students in the class during the role-plays, group work and warm-up exercises;
- (f) designing tasks that took students "out of their comfort zone"; and
- (g) creating a supportive, friendly and safe classroom.

Subsequently in 2010, the author conducted a follow-up study to test this proposition and to investigate which particular aspects of the ADR course led to an increase in the students' sense of belonging. The author also hypothesised that a sense of belonging would lead to increased mental health benefits for the students and therefore included this investigation in the research design.

³ Douglas K, "Shaping the Future: The Discourses of ADR and Legal Education" (2008) 8(1) QUTLJJ 18; Gutman J, Fisher T and Martens E, "Why Teach Alternative Dispute Resolution to Law Students: Part 1; Past and Current Practices and Some Unanswered Questions" (2006) 16(1-2) Legal Educ Rev 125; Fisher T, Gutman J and E Martens, "Why Teach Alternative Dispute Resolution to Law Students: Part 2; An Empirical Survey" (2007) 17(1-2) Legal Educ Rev 67.

⁴ Howieson J and Ford W, "Teaching and Learning Skills: Increasing a Sense of Law School Belongingness" in *Student Engagement: Proceedings of the 16th Annual Teaching Learning Forum* (University of Western Australia, Perth, 30-31 January 2007), <http://www.lsn.curtin.edu.au/tlf/tlf2007/refereed/howieson.html> viewed 30 June 2010.

⁵ Australian Government Department of Education, Science and Training (DEST), *Student Motivation and Engagement* (2005), http://www.dest.gov.au/sectors/school_education/publications_resources/schooling_issues_digest/schooling_issues_digest_motivation_engagement.htm viewed 31 May 2010.

2010 study

Participants

The 106 study participants were law students enrolled in the ADR unit at UWA Law School in Semester 1, 2010. The age of the participants ranged from 18 to 40 years, with the majority in the 21-25 year age group. Fifty-six per cent of the students were female and 44% were male; the majority of the students had been at the Law School for three years or more. No other demographic data for the students was taken.

Methodology

The methodology involved students completing surveys at the beginning (Week 2) and end of the semester (Week 12). The surveys included the Organisation for Economic Co-operation and Development's (OECD) *Student Engagement at School survey*;⁶ five questions taken from the 37-item RAND MOS Mental Health Inventory; and questions derived from the Department of Education, Science and Training (DEST) *Student Motivation and Engagement literature* (see Appendix A).⁷ The internal reliability for all these scales was high with the "sense of belonging scale" yielding a Cronbach's alpha of .85; the "engagement scale" of .88; and the "mental health scale" of .73.

Results

Sense of belonging and mental health

The results showed that the participating students ($n = 106$) reported a significantly increased sense of belonging to the Law School from the beginning of Semester 1 (mean = 3.25) to the end (mean = 3.50), $t(68) = 2.76$, $p < 0.05$. Further, at a scale level there was a significant correlation between the students' sense of belonging and their level of mental well-being. The Pearson product moment correlation coefficients were $r = .396$, $p < 0.01$ and $r = .496$, $p < 0.01$, respectively, indicating that the more the student felt a sense of belonging to the school, the higher their levels of mental health; namely, they felt happier, daily life was more interesting, they felt in control and they felt less left out, or rattled.

Pedagogical predictors

Howieson and Ford hypothesised that the sense of belonging variable would be related to the interactive nature of the ADR classroom and the type of tasks in which the students participated. Similarly, it was thought that students' mental health might be linked to these same aspects of the course. Therefore, multiple regression analyses were run to test these propositions. The results showed that, taken together, the pedagogical variables of enjoying the skills, warm-ups, role-plays and interaction with students and teachers accounted for 18% of the variance in the sense of belonging at the end of semester, and R was significantly different from zero, $F(4, 67) = 3.66$, $p < 0.001$; and for mental health they accounted for 17% of the variance and R was significantly different from zero, $F(4, 68) = 3.28$, $p < 0.001$.

There was only one individual significant predictor of the students' sense of belonging and mental health. This was the variable of "enjoyed the interaction with other students". The standardised regression coefficient for this variable for sense of belonging was $\beta = .41$, $p < 0.005$, and for mental health it was $\beta = .27$, $p < 0.05$. This means that the more the student enjoyed the interaction with the other students, the greater the student's sense of belonging and well-being.

Learning from lectures and skills

Regression analyses were also run on the predictors of the level of learning that the students gained in the lectures and skills segments of the ADR course. The results show that tasks being (a) interesting, (b) challenging, (c) meaningful and linked to real life, and (d) varied; together with (e) the active and experiential nature of the class, (f) the class and tasks providing opportunity for sustained thinking and exploration, (g) a supportive and friendly classroom, and (h) a classroom that was safe and

⁶ Willms JD, *Student Engagement at School: A Sense of Belonging and Participation*, OECD (2003).

⁷ DEST, n 5.

emphasised positive emotions and interactions, accounted for 30.5% of the variance in the learning that students acquired from the lectures. R was significantly different from zero, $F(7, 69) = 3.89$, $p < 0.01$ with the only significant predictor of learning from lectures being “the class and tasks provided opportunity for sustained thinking and exploration”, $\beta = .40$, $p < 0.005$. This means that the more the student thought that there was an opportunity for sustained thinking and exploration in the course, the more the student learnt from the lectures.

The same variables accounted for 51.5% of variance with R significantly different from zero, $F(7, 68) = 9.25$, $p < 0.001$ in the level of learning of the ADR skills. The significant predictors in this analysis were the “opportunity for sustained thinking and exploration” and the “meaningful and realistic nature” of the tasks as positive predictors, $\beta = .39$, $p < 0.005$; $\beta = .42$, $p < 0.005$ respectively; and the “tasks being varied” as a significant negative predictor; $\beta = -.35$, $p < 0.005$. These results indicate that for the students to achieve a higher level of skills learning, the tasks must be meaningful and realistic and provide an opportunity for sustained thinking and exploration. The results also suggest that students acquire deeper learning of skills from repetition of the same tasks rather than from having a variety of tasks.

Discussion

The results of the two studies confirm the strong links between participation in the ADR unit and engagement with the UWA Law School, particularly in terms of a sense of belonging to the school. Further, the 2010 results show that a sense of belonging is strongly linked to the students’ level of mental well-being – a particularly important finding in the current climate of recognition of the alienating nature of law schools and the high levels of mental illness among law students and legal practitioners.⁸ A further significant finding is that enjoyment of the interactive components of the ADR curriculum predicts the level of a sense of belonging and well-being. This finding confirms anecdotal evidence from ADR educators who have noted that teaching ADR in an interactive and exploratory manner seems to heighten students’ engagement with, and enjoyment of, higher education.

As always with “field work”, there were several minor limitations to the study design.⁹ However, despite this, the two studies provide strong evidence that participation in an interactive and reflexive ADR curriculum can help to create a feeling of strong association and affiliation with a school within a university setting, and can lead to increased feelings of happiness and mental ease for the students.

CONCLUSION

It is clear that professionals in many disciplines could benefit from having some skill and understanding of non-adversarial ways to resolve conflict. From the architect negotiating with his or her client, or with a builder, supplier, or planner; the human resources manager mediating a dispute between employees; the medical practitioner explaining constructively the dangers involved in a series of treatments; or the environmental or biological scientist working with communities, industry and government agencies to develop sustainable solutions, the skills of problem-solving and conflict resolution would add considerably to their professionalism. However, another benefit to teaching students ADR, it that it not only equips graduates with professional skills and attributes for the future, but it can also increase the students’ sense of well-being and belonging while they are at university. Students interacting with one another in tasks that are meaningful and promote opportunities for sustained thinking and exploration, and learning constructive conflict resolution skills along the way – now there’s a thought!

⁸ Kelk N, Luscombe G, Medlow S and Hickie I, *Courting the Blues: Attitudes Towards Depression in Australian Law Students and Legal Practitioners* (2009) (also known as the Hickie Report), <http://www.bmri.org.au/research/mental-health-clinical-translational-programs/lawreport.pdf> viewed 28 June 2010.

⁹ One limitation was the lack of a control group and another was that not all students coded their questionnaires, so the researchers were not able to match data to individual students in all cases.

APPENDIX A

	The UWA Law School has been a place where:
Sense of belonging	1. I have felt like an outsider.
	2. I have made friends easily.
	3. I have felt as if I belong.
	4. I have felt awkward and out of place.
	5. Other students have seemed to like me.
	6. I have felt lonely.
	How many times in the previous two weeks of university have you:
Attendance	7. Skipped classes?
	8. Skipped university altogether?
	In the past three months at the UWA Law School I have:
Participation	9. participated fully in most of my classes.
	10. been bored in most of my classes.
	11. been prepared for most of my classes.
	12. mostly come to class without completing the readings.
	During the past month, how much of the time:
Mental health	13. Has your daily life been full of things that were interesting to you?
	14. Have you been in firm control of your behaviour, thoughts, emotions, feelings?
	15. Did you feel left out?
	16. Did you get rattled, upset or flustered?
	17. Have you felt happy, satisfied or pleased with your personal life?
	How strongly do you agree or disagree with the following statements about the ADR class?
	18. The tasks were interesting.
	19. The tasks were challenging.
	20. The tasks were meaningful and linked to “real life”.
	21. I liked the active and experiential nature of the class.
22. The tasks were varied.	
23. The class and tasks provided opportunity for sustained thinking and exploration.	
24. The classroom was supportive and friendly.	
25. The classroom was safe and emphasised positive emotions and interactions.	

Pedagogical techniques	How much did you enjoy and learn from the following elements of the ADR class?
	26. The lecturing.
	27. The skills rehearsal/role-playing.
	28. The warm-up exercises.
	29. The student presentations.
	30. The research essay.
	31. The reflective journal.
	32. The interaction with other students.
	33. The interaction with the teachers.
	34. The guest lecturer/s.