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Assesment and Feedback

'An innovative assessment framework for enhancing learning in the Faculty of Law at QUT'

Awards for Programs that Enhance Learning

Contents

An innovative assessment framework for enhancing learning in the Faculty of Law at QUT

Introductory overview

Universities in recent years have recognised the increasing importance of equipping graduates with the capabilities necessary to be able to use and to apply their discipline-specific, technical knowledge in constantly changing global workplaces. Strategic commitment to, development and articulation of, and some expertise in mapping graduate capabilities are developing in the sector. However, the 2005 Stevens Report[1] points out that 'The extent to which the skills are achieved requires concerted measurement.' Similar concern has been expressed about the sector's relative inattention to assessing student uptake of graduate capabilities and learning about what is and is not working.[2] Further, Barrie[3] argues that '[T]he vital challenge [is to develop] assessment criteria and standards that relate to these new outcomes. It is these criteria that will make graduate [capabilities] a reality in how students approach learning at the university.'

In November 2001, QUT approved a new set of capabilities that graduates from every course should be able to demonstrate. In addition to discipline-specific knowledge and professional skills, these capabilities included aspects such as effective communication in a variety of contexts and modes, social and ethical responsibility and an understanding of Indigenous and international perspectives, and the ability to work independently and collaboratively. In targeted curriculum renewal initially enacted in 2000, the QUT Law Faculty has focussed learning improvements in the *Bachelor of Laws* (LLB) and *Bachelor of Justice* (BJus) programs on the development of students' generic capabilities. In a systematic and sustained approach spanning more than five years, initial goals of transforming the undergraduate curriculum structurally and philosophically to ensure students gain conceptual knowledge and transferable generic law and justice skills in a coherent manner

have been largely achieved and assimilated into program documentation. The Faculty has been lauded for this curriculum renewal, which has developed from a sound, theoretical, research-led base and monitored since its inception for indicators of student improvement.

> *The level of thinking and research which supports the integrationist reforms at QUT is probably the most advanced in Australia.*
>
> Prof David Weisbrot, President Australian Law Reform Commission, 2003

Embedding integrated generic capability development in these Faculty programs has resulted in the strong emergence of authentic learning approaches. The imperative of ensuring that authentic tasks are assessed appropriately, coupled with concerns about the validity and reliability of traditional methods in this context and the criticality of feedback in skills learning, have shifted the emphasis on curriculum enhancement in recent years. What has come strongly to the fore in the Faculty is a more rigorous and quality assured focus on aligning assessment practices with these new learning outcomes.

Accordingly, an important Faculty initiative since 2003 has been to develop an assessment framework that is constructed on a sound theoretical basis with an overarching goal of assuring models of best practice to assess authentic learning in all graduate capabilities, but *especially* the more challenging areas of social, relational and cultural capabilities.

Four specific areas of social, relational and cultural graduate capability development have provided a spectrum of demanding contexts for this assessment initiative: oral communication; teamwork; Indigenous content and perspectives; and ethical knowledge and values. Objectives of the initiative have been to develop a framework to guide effective assessment approaches that validly and reliably measure students' achievements, and to focus feedback to students on promoting reflective practice *as well as* the development of their capabilities.

Evidence (including attached Supporting Material (SM) and website) is presented of the outstanding impact of the assessment program in enhancing student learning and engagement while promoting and supporting equity and inclusiveness. The benefits, furthermore, are not restricted to QUT students and staff, with the success of the initiative reflected in its influence on law and other curricula nationally and its recognition internationally [SM4, SM8].

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[1] Stevens, K. (2005). Promoting and advancing learning and teaching in higher education: the messages from the AUQA Reports. Carrick Institute for Learning and Teaching in Higher Education.

[2] Carroll, M. (2005). Keynote Address, AUQA Audit Director and Business Development Manager, at http://www.csu.edu.au/division/studserv/sec/program.htm

[3] Barrie, S. (2005). (25) 1 *HERDSA News*, 1.

Selection criteria

1. Distinctiveness, coherence and clarity of purpose

Embedding integrated generic capability development in Law Faculty programs since 2000 has brought authentic learning into strong focus. However, quality concerns over the alignment of traditional assessment approaches to these new learning contexts have shifted the Faculty's emphasis on curriculum enhancement in recent years to the challenging area of assuring valid and reliable capability assessment. Since 2000, the Faculty's sustained commitment to capability development has stemmed from its coherent and systematic approach to curriculum improvement. The more recent work in assessment has been implemented in a similar manner since 2003 to ensure that student capability acquisition is well supported by an assessment program of equal quality [SM1].

Assessment framework: objectives

The Law Faculty teaching team has developed an **assessment framework** that is constructed on a sound theoretical basis with an overarching goal of assuring models of best practice[4] to assess authentic learning in *all* graduate capabilities, but *especially* in the more challenging areas of social, relational and cultural capabilities. The Framework's objectives are twofold: (a) to guide **effective assessment approaches** that validly and reliably measure students' achievements; and (b) to focus **feedback to students** on promoting reflective practice *as well as* the development of their capabilities.

Four specific areas of social, relational and cultural graduate capability development provided a spectrum of challenging contexts for this assessment initiative, as follows:
  (a) oral communication (particularly negotiation, advocacy and interviewing)
  (b) teamwork (especially in large classes and for flexible delivery)
  (c) Indigenous content and perspectives
  (d) ethical knowledge and values.

Assessment challenges identified in the initial curriculum transformation work from 2000 led to the selection of these four contexts. Specifically, both staff and student concerns existed that *either* perceptions of subjectivity or

cultural bias hampered assessment *or* the learning situation complicated the process of assessment task design, particularly in large group teaching and with flexible delivery modes. Tackling these challenges was considered to be innovative and of enduring value since they are not discipline specific and hence outcomes of this assessment initiative could apply to wider institutional contexts [SM4, SM8].

Three coherent stages in the development of the assessment framework clearly reflect a systematic, planned approach: (1) review and development; (2) trial implementation and improvement; and (3) evaluation and refinement. Strong project management and coordination of the assessment initiative enabled four teaching teams (one for each context) to work with assessment models in their specific area while collaborating in ongoing development of the assessment framework.

Crucial factors in the sustained effectiveness of the assessment program have been (a) the team leadership provided by Assoc Prof Sally Kift, and (b) the continuity brought to this assessment initiative by several core members of the original graduate capabilities project. Sally's expertise in assessment, together with the linkage she and core team members have provided to the earlier Law curriculum transformations where they developed the **graduate capabilities framework**, are important elements in the continuous and sustained improvements in learning, teaching and assessment that have been achieved.

> *The ... report on law,* Learning Outcomes & Curriculum Development for Law *(Australian Universities Teaching Committee, April 2003),* makes extensive reference to [Assoc Prof] Kift's scholarship and lauds QUT for its contributions to quality and innovation in Australian legal education.
>
> Prof David Weisbrot, President, Australian Law Reform Commission, 2006

Review and development

The review phase involved gathering information about the valid and reliable assessment of social, relational and cultural generic capabilities nationally and internationally, investigating relevant models of feedback used at other universities, and reviewing developments in educational theory concerning the assessment of these capabilities in authentic learning environments. The chief outcome of these activities was the development of a draft **assessment framework**.

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[4] 'Best practice' is used here in relation to the most effective approaches developed within the specific context of the Law Faculty's assessment framework.

Trial implementation and improvement

Assessment models that were developed collaboratively in accordance with the draft framework were subsequently separately trialled and refined by teams working in the four graduate capability contexts. Improvements during this phase benefited from input provided by areas external to the Law Faculty (e.g. QUT's Oodgeroo Unit).

Evaluation and refinement

Students and staff evaluated the assessment models developed for the four specific contexts. Evaluations centred on: which assessment approach was most inherently and authentically aligned with the targeted capability; what feedback practice most effectively facilitated a student's capability development and reflective practice; how assessment methods could be implemented to assess most validly and reliably a student's achievement of capability sets within the Faculty's capabilities framework; and how the Faculty might provide continuous staff development to support these teaching and learning improvements.

A wide range of evaluation instruments was used, including: student and staff surveys; focus groups; standard QUT Student Evaluation of Units (SEUs); reflective records; teamwork evaluations; and independent expert reviews (e.g. advocacy activities by an expert in Legal Training; ethical knowledge and values by an expert in Ethics and Education). The evaluations iteratively informed refinements to the draft assessment framework and individual tasks, and guided strategies for the most effective implementation of both the framework and the staff development model it incorporated.

Review and development
↓
Trial implementation and improvement
↓
Evaluation and refinement
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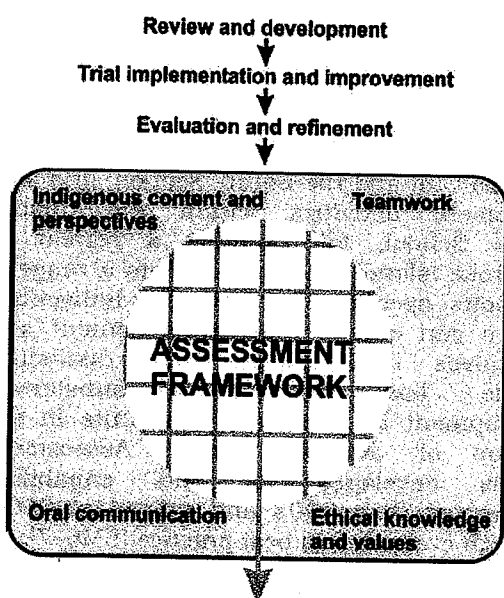
Guidelines for use (summary):

- Apply the checklist (in conjunction with supporting notes); rate individual criteria using scores of 1 (poor), 2(fair), 3 (good), 0 (unknown)
- Reapply after the assessment has taken place
- Consider seeking peer and/or student evaluation (A *Student Evaluation of Assessment* (SEA) questionnaire enables staff to focus student evaluations on individual assessment tasks *and* overall assessment strategies: see supporting website.)
- Use the evaluations to inform assessment improvements.

CRITERIA

(15) Criteria for individual assessment items

Is the assessment authentic?
Is the assessment valid?
Is the assessment reliable?
Is the assessment fair?
Is the assessment unambiguous in its intention?

Does the assessment support student learning by:
Being constructive?
Relating to different learning styles?
Relating to different cognitive styles?
Obliging deep learning strategies?
Providing timely feedback to students?

Does the assessment help teachers to teach by providing timely formative feedback to teachers?
Is the assessment workload manageable by students?
Is the assessment workload manageable by staff?
Does the assessment provide equal opportunity?
Is the assessment ethical?

(4) Criteria for the overall assessment strategy

Does the overall assessment strategy:
Allow students to demonstrate their learning in different ways?
Encourage students to learn in different ways?
Cohere to constitute a systematic and comprehensive assessment?

Is the overall assessment strategy up- and down-scalable?

Figure 1: Development and application of the assessment framework

Applying the assessment framework

Web pages enable teaching staff to access the framework and explanations of the criteria it incorporates, together with references to its scholarly base of assessment resources. Summary aspects are included in a schematic illustration of the framework's development and application (Figure 1).

Coherent assessment of all and especially the social, relational, and cultural graduate capabilities requires both whole-of-course and individual task level views. The skill of *oral presentations*, for example, lies within the graduate capability of *Communication* and has been mapped onto at least nine units in the undergraduate law curriculum, through three levels of skills progression. Various assessment tasks have been designed coherently to evaluate this skill's acquisition. Improving the quality of assessment across the *entire* curriculum in the same manner has been achievable due to the comprehensive framework established during original curriculum reforms that systematically embedded integrated and incremental generic capability development in the Law Faculty curriculum [SM5: students].

Application of the assessment framework requires the processes of (1) designing assessment that is as authentic as possible and aligning it with program objectives, (2) evaluating individual assessment items by filtering them through the framework criteria, making improvements where necessary, and (3) reviewing the whole of program assessment for a particular graduate capability. The framework identifies assessment strengths and weaknesses, enabling assessment items of dubious quality to be rejected or improved and best practice aspects to be highlighted.

Best practice assessment models, after improvement through trial implementation, evaluation, and refinement, typically rate in the range 49–55 when the checklist is applied (out of a maximum possible score of 57). Considered together, the models and framework constitute a distinctive and innovative approach to quality assuring assessment for these new student learning outcomes [SM4].

> *I've used your assessment checklist as an exemplar in assessment workshops [for UTS] staff and they've found it extremely useful for thinking about the quality of assessment.*
>
> Dr Jo McKenzie, Institute for Interactive Media and Learning, UTS, 2006.

Outcomes: best practice assessments

Best practice assessment models and staff development guidelines have been produced in the area of **oral communication** in the specific skills contexts: interviewing; negotiation; advocacy; oral presentations; and tutorial performance (focussing on oral communication skills). In respect of **teamwork**, assessment models for best practice have been developed for large class scenarios: in the classroom; outside the classroom (live interactive groups); and in the virtual classroom (external students using predominantly electronic means).

Following QUT Council's 2001 adoption of a Reconciliation Statement as University policy, the Law Faculty concluded that it needed to develop more fully the core learning experiences it provided in **Indigenous content and perspectives** prior to placing most attention on assessment of this aspect through the framework. The Faculty's initiatives in the Indigenous context include: liaising with a QUT cross-faculty team embedding Indigenous content and perspectives in core curricula; regular meetings with the Heads of the Oodgeroo Unit and the Equity Section; and staff development activities within the Justice Studies School, for example a retreat at Stradbroke Island for guidance from a range of Indigenous speakers on how non-Indigenous teachers can embed Indigenous content and perspectives in curricula. One distinctive outcome has been the substantial redevelopment of four first year units in the Bachelor of Justice course. Assessment methods developed for this capability, implemented from 2003 and refined in 2004, have been evaluated as best practice [SM6–7].

Assessment in **ethical knowledge and values** demands equal attention to components of 'knowledge' *and* 'values'. Research on this topic in the framework's review and development phase resulted in *both* the cognitive (knowledge) and affective (values) aspects of ethical development being considered relevant to QUT's articulation of graduate capabilities. Best practices developed in assessing ethical knowledge and values hinge on standards-based approaches as the most effective way of avoiding difficulties associated with the inherent subjectivity of some of the material in this area. The development of a dedicated *LawEthics* website (with resources and quizzes) has also fundamentally supported this work [SM5: Sampford].

2. Influence on student learning and student engagement

Attention has been drawn already to the transformative effect on curriculum of the **graduate capabilities framework** enacted in the Faculty of Law over 2000–2002 for embedding and integrating incremental generic capability development. The **assessment framework** has been developed since 2003. Scholarly approaches underpin the design of both frameworks; their strong alignment and integration through a common focus on authentic activities mutually reinforce their influence in promoting student engagement and encouraging positive learning outcomes.

The assessment framework's deployment, including the best practice models generated, was specifically designed to address the sectoral imperative to measure student uptake of capability acquisition. Students have been engaged positively in their learning and course experience through 17 different Law (LWB) and Justice (JSB) units [SM2].

Although the units span the *entire offerings and levels* in Law and Justice, clear evidence of the impact, even at Level 1, is provided by the results of a 2003 First Year Experience survey in which Questions 11–16 addressed course experiences, particularly in learning, assessment, and engagement (Figure 2). Almost two-thirds of ≥444 respondents overall strongly agreed or agreed that: 'As a first year student in Law:

Q11 ... I can see the clear alignment between expected learning outcomes, what is taught and learnt, and the knowledge and skills that are assessed;

Q12 ... I have found that the teaching, learning and assessment tasks that I have experienced this year have *engaged/ interested* me in my learning in law;

Q13 ... I find there is adequate and useful feedback to students on their academic progress (including oral feedback in tutorials);

Q14 ... I consider that I am given sufficient instructions and information about assessment criteria to complete the assessment tasks I am given;

Q15 ... it seems to me that assessment is treated by teaching staff in the Law School as an integral component of the entire teaching and learning process;

Q16 ... I can see how the assessment tasks I have experienced have been designed to assess relevant skills *as well as* subject-specific content and knowledge.'
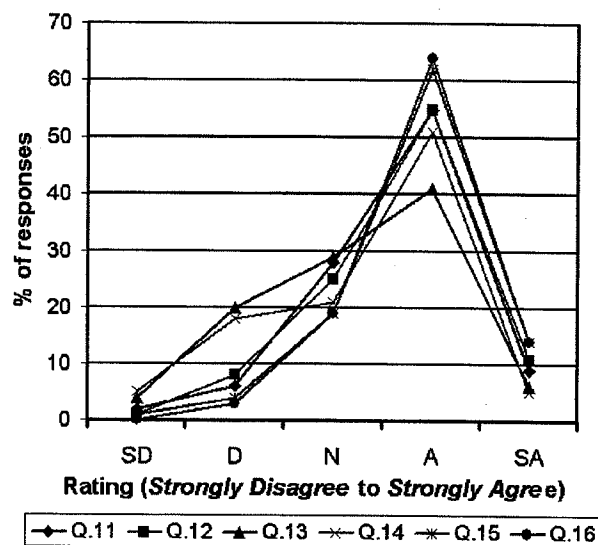
Student evaluations: assessment in Law

Rating (*Strongly Disagree* to *Strongly Agree*)

→ Q.11 ■ Q.12 ▲ Q.13 ✳ Q.14 ✳ Q.15 ● Q.16

Figure 2: Student evaluations of course experiences in Law

Student engagement and learning in social, relational, and cultural contexts

Assessment of the extent to which Law Faculty students have developed graduate capabilities is undertaken through authentic tasks. Best practice assessment models, developed and improved through the application of the framework, are explicitly linked to student learning outcomes and promote student learning and engagement. Feedback to students is an integral part of the assessment process. Both feedback opportunities and assessment alignment are made explicit in all course documentation [SM4].

Oral Communication

The major assessment task in legal *interviewing* in LWB138 involves first year students role-playing an interview between solicitor and client based on the facts of an actual legal case. Refinements following evaluation included: a more detailed assessment grid with glossary to improve reliability with a range of assessors; increased formative feedback on students' performances in the legal interview; and offering repeat interviews that enable students to take advantage of skills developed in earlier experiential learning cycles. Evaluation through nine survey questions indicated that almost two-thirds of the students agreed or strongly agreed that the activity provides a useful learning experience (with <15% of ≥260 respondents disagreeing). In addition, 85% of the students considered the feedback sheet to be *very good, good,* or *satisfactory.*

One particular assessment process which I enjoyed and especially benefited from was the legal interviewing exercise ... which involved face-to-face client interview, followed by a written component where we were required to analyse what additional facts were necessary and how we would obtain [those] from our client.

Evaluation, LWB138 student (BBus/LLB), 2004

Negotiation involves a best practice assessment task ('Life Problem') in LWB241 requiring students to prepare a written analysis of a given problem together with a negotiation plan. Submission of the plan is followed by an opportunity in tutorials for students to role-play the negotiation and compare their performance with their plan. The activity creates an authentic assessment task that links the student experience to a real world legal scenario. Refinements following evaluation included adding an early formative feedback stage that assists students (a) identify types of conflict, and (b) prepare a negotiation plan. Evaluations now indicate improvements in understanding of the assessment criteria as well as better analytical and critical written submissions related to the task. Students clearly are now engaged.

Students ... expressed their enjoyment of the written task and subsequent follow up oral negotiation, and generally were very enthusiastic about participating in the exercise and its value in terms of their skills development.

Evaluation, Tutor One, LWB241 Trusts, 2003

Achievements in developing and assessing negotiation skills in authentic contexts have received strong external support:

The QUT Law Faculty approach to the scaffolding of negotiation skills in the LLB degree is truly impressive. The theoretical and skills components are first taught to all students and then assessed in an authentic context through the negotiation of contractual disputes in first year, followed by the negotiation of an emotionally charged estate dispute in second year. Students are encouraged to appreciate the broader dimensions of effective dispute resolution in the practice of law which is essential for their transition from students to reflective practitioners. Well done QUT!

Iyla Davies, State President, Relationships Australia, 2006

Best practice assessment models in **advocacy** have been developed in two criminal law units,

LWB238 and LWB239. Tutorial programs require *every* student to participate as an advocate in at least one practical activity each of two semesters.

Advocacy exercises helped me to learn common court procedures and how to analyse a problem

SEU comment, LWB238 student, 2003

The best practice model developed has received strong endorsement from an external expert in practical legal training programs who awarded the task an exceptionally high correlation with the assessment framework.

The co-ordinators of LWB238 have put a great deal of effort into creating a valid scheme for assessment of skills with this Unit. Of particular note are video presentations which detail so clearly what is expected of a student in the Unit and the detailed assessment criteria / instructions which set out the tasks required of the student in order to succeed in the advocacy exercise.

Assoc Prof Kay Maxwell, Faculty of Law, University of Wollongong, 2003

A best practice model for **oral presentations** has been developed in LWB142. The assessment task involves students making an oral presentation in groups and dealing with questions from their tutorial group. Refinements based on SEU data and a survey of tutors aimed to enhance student engagement through: substantial revision of the range of oral presentation topics; scheduling the assessment task later in the semester; delaying the training in oral presentation skills to Week 3 to provide students with sufficient time to give full consideration to the assessment task; and more comprehensive feedback to students.

Completing oral tasks frequently helped me become confident speaking in public.

CEQ comment, LLB student, 2005

Assessment of **tutorial performance** is based on a best practice model developed in LWB332 and LWB433 and modified in LWB142 and LWB237. Central elements are communication, attendance, preparation, and participation. Assessment criteria in LWB332 are conveyed using a +/- system that not only communicates explicit criteria to students but also provides tutors with an intuitive cipher for evaluating students. The system is used to monitor tutorial participation, to provide feedback to students on their progressive skill development through the semester, and to establish a final holistic assessment. LWB433 assessment criteria are

communicated to students by way of a non-exhaustive list of examples of behaviours characterising each level of achievement.

Teamwork

The best practice models were developed to take advantage of the important real world environment of teams but with a clear awareness in mind of some common issues and student concerns regarding teamwork.

A model for **teamwork in the classroom** was developed in LWB361 *Drafting*, a small practical skills unit (<20 students). At the conclusion of each teamwork session, students are required to assess themselves in relation to their team overall using a Teamwork Evaluation Sheet and indicators established collaboratively (e.g. *equality of contribution; ability to listen to others; discussion without domination; ability to question within the team; respect for other points of view; focus on task; ability to reach consensus; appropriate allocation of roles*). The evaluations inform separate assessments by the academic staff member in the unit. The model is currently being refined to improve the fit with the assessment framework and to determine if greater anonymity in larger classes will improve correlation of self and teacher assessments.

Best practice models for **teamwork outside the classroom** have been developed in three Law units (class sizes 200–750). High to moderate correlations with the assessment framework are evident. In LWB142 *Law, Society and Justice*, in which external students comprise at least 15% of the cohort, the assessment task is an oral presentation in a team. Learning activities associated with this task include each student completing a formatively-assessed Teamwork Reflection Sheet. In LWB334 *Corporate Law*, the major assessment task is a group assignment. A Teamwork Portfolio documenting teamwork processes and a Self and Peer Evaluation of Teamwork Sheet contribute to summative assessment. In LWB434 *Advanced Research and Legal Reasoning*, research tasks form the basis of documents students produce on a group basis: memoranda of advice; a client letter; and a client newsletter. Students complete a Reflective Record of Teamwork. These collaborative learning opportunities clearly engage students, who have commented in teamwork reflections on the considerable value of discussing ideas in a team, particularly where the areas of law being researched are unfamiliar to many.

The best aspects included some compulsory group assignments, subjects such as 'legal

research' and 'advanced legal research' taught many essential practical skills.

CEQ comment, LLB student, 2005

I was dreading it. I did not want to be part of a team at all. I thought it was a big waste of time. ...NOW... I can really see the benefits, especially if you are working with people you really trust. I feel my team members were so supportive that they brought out the best in me.'

Evaluation, LWB334 student, 2003

A best practice model, based on a group assignment, has been developed in LWB334 for **teamwork in a virtual environment**. Assessment includes a Teamwork Portfolio documenting teamwork processes and a Self and Peer Evaluation of Teamwork. In addition to assistance with group formation and opportunities for virtual teams to meet face-to-face, a private online discussion forum is provided for each external team to support communication and document exchange.

It has changed my mind about the idea of 'blind dating' and establishing teams with students I do not know.

Evaluation, LWB334 student, 2003

Indigenous content and perspectives

The delivery of enhanced learning experiences for the capability **Indigenous content and perspectives** during the development of the assessment framework has required substantial curriculum renewal. One critical issue has been a shared Faculty understanding of what constitutes an *Indigenous perspective*. Indigenous *content* is addressable from a range of perspectives but a desirable influence on student learning and engagement is achieved only by first ensuring learning experiences incorporate an Indigenous perspective.

Aligned curricula have been developed therefore to integrate an assessable Indigenous perspective, as follows: JSB131 *Framing Social Justice*, through the social construction of whiteness and by historicising structural inequality using videos and policy documents; JSB133 *Law and Government*, through student engagement with Australian customary law and assessment readings by Indigenous authors to incorporate Indigenous voices into student learning; JSB135 *Unlocking Criminal Justice*, through prescribing readings by Indigenous authors and using videos to contextualise content; JSB137 *Politics of Law*, through comparative and reflective assessment tasks that address the relationship between Indigenous people and the law; JSB352

Indigenous Justice, through the involvement of an Indigenous academic who now has ownership of the unit and is particularly able to illustrate the difference between content and perspectives through learning activities highlighting that historical context is crucial to understanding the difference between content and perspective.

Curriculum developments have focussed on the *perspectives* component of the QUT capability *demonstrating a knowledge of Indigenous content and perspectives*. Although further developments in assessment are to be progressed though re-applications of the assessment framework, a range of approaches is currently used in assessing knowledge in this context: reflective journals in JSB131 and JSB137; tutorial participation and activities (internal students) and portfolio (external students) in JSB135; major assignment and reflective journal in JSB352 [SM6–7].

Ethical knowledge and values

Cognitive aspects of **ethical knowledge** are assessed in LWB433 *Professional Responsibility*, a unit focussing on the range of ethical norms relating specifically to legal practice. Even prior to QUT adopting criterion-referenced assessment (CRA) as policy, teaching staff in this unit chose to develop a best practice model of standards-based assessment for students' discursive writing. Their decision to clearly articulate criteria and achievement standards was based on the strong opinion that this approach would address the difficulties associated with the inherent subjectivity of topics. Establishing criteria and standards removes or reduces the perception that assessment in this area is merely the assessor's subjective opinion.

The assessment grid developed was designed as a standardised model for use across all items that set out to measure cognitive skills in the manipulation of ethical concepts. Importantly, the criteria and standards form the basis of both formative and summative assessment items. The criteria established are: *comprehension of resources*; *description of main points*; *identification of issues*; *cohesion and cogency of argument*; *overall construction*; *conclusions and professional judgement*.

Assessment of **ethical values or attitudes** (i.e. *affective aspects*) cannot practicably be undertaken in isolation because signalling a test of ethical attitudes is unlikely to elicit *actual* attitudes but more likely a mimicking of attitudes that are perceived by students as being appropriate. Instead, aspects of ethical student conduct are embedded within the general assessment of student participation in tutorials to elicit genuine responses in the form of observable behaviours that can be referenced to the descriptors of conduct. Since the standards are objective and communicated prior to testing, they are considered to be free of the challenges associated with, for example, integrity testing. Sets of descriptors ranging from the most positive to negative are referenced to a single criterion of *Demonstrates an ethical approach to conduct during tutorial participation*. Descriptors cover aspects such as: support for other students in their participation; enthusiasm for and commitment to beliefs; respect for the opinions of others; attentiveness when others are speaking [SM5: Sampford].

Histograms in Figure 3 summarise student evaluations of the assessment criteria and standards applied to both the *knowledge* and *attitudes* elements of ethical knowledge and values. In both cases, at least two-thirds of 168 students responded positively to proposals that the criteria and standards were (Question a) *easy to understand*, (b) *objective*, (c) *relevant*, and (d) *fair*.

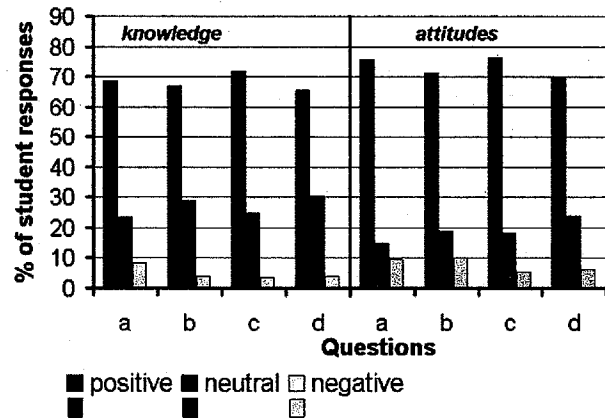**Student evaluation: ethical knowledge; attitudes**

Figure 3: Student evaluations of assessment criteria and standards related to ethical knowledge and attitudes

To assess ethical values and attitudes formatively in the large first year law cohort and to encourage student engagement with and reflection on their ethical stance at this early stage of their professional becoming, an innovative Ethical Orientation Inventory (EOI) was devised, specifically linked to the content of LWB142 *Law Society and Justice* (e.g. rule of law, equality and equity in access to justice, human rights norms, pro bono engagement, personal and professional values). Evaluations comparing the beginning and end of semester administration of the EOI in 2004 demonstrate several positive improvements in early ethical approaches [SM3].

3. Breadth of impact

The Law Faculty's assessment program is a substantial initiative that aligns with and builds on earlier developments, commencing in 2000, in embedding graduate capabilities in core curricula. The widespread benefit of the Faculty's development and enactment of the assessment framework, including applying the best practice assessment models, is reflected in the range of students reached: 17 units across all degree levels involving both the single Faculty undergraduate courses (LLB; BJus), together with *all* QUT double degrees with which they combine. Large enrolments in many of these units, in combination with the breadth resulting from the four contexts selected, translate to more than 7,400 student experiences[5] in learning and assessment involving *both* internal and external students [SM2].

Widespread benefits of the assessment program extend to students and staff in Law, to QUT, and to other universities as outlined below [SM4, SM8]. Resources that are related to the assessment program, including best practice 'How to' guides for each of the four capability contexts, are widely accessible from the program website.[6]

The focus on authentic assessment, together with the breadth of the four selected capability contexts, have enabled Law students to demonstrate their achievement of the QUT capabilities required of all graduates. Realisation of this benefit is crucial for LLB and BJus students. Over the last decade, law and justice educators have been under increasing pressure from an extensive range of stakeholders to assure the relevance of modern law and justice education to professional practice specifically and the global workplace generally. In particular, the Australian Law Reform Commission (ALRC) has emphasised that what lawyers need to do is more important for their training than what lawyers need to know.[7] The benefits of capability acquisition are also evident when the Law Admissions' Consultative Committee's Competency Standards for Entry Level Lawyers (2000) is considered. For example: the Qld Legal Services Commission (LSC) has expressed concern with

the current standard of broader ethical conduct it sees evidenced in complaints routinely made to it against legal practitioners. In response, it has engaged with QUT Law in ongoing development of a series of interactive learning scenarios in ethical values and decision making to address this perceived professional deficit. Notably, the LSC first became aware of the Faculty's work in this area through the outcomes of the assessment program.

> *The Law Faculty, through its work on quality assessment and feedback practices, has attended to the teaching and assessing of professional responsibility and ethics to law students in ways that engage them with ethical problems, not only cognitively but also affectively... This is a significant outcome and I am excited by its great potential to impact positively on professional ethical practice.*
>
> Mr John Briton, Legal Services Commissioner, 2006

Implementing standards-based assessment in the *ethical knowledge and values* context preceded University adoption of CRA as QUT policy. Further, the program's development of criteria and standards for student assessment, together with resources such as best practice guides, assisted in building Faculty expertise and creating an amenable culture that placed Law in a strong position to implement CRA fully in 2004-2005. The program also provided three staff development CRA workshops for extra support.

> *Criteria sheets – excellent! I used the detail on these sheets to point me in the right direction on all assessment pieces. I then referred back to them on completion of the first draft, by going through every point and making sure I felt I satisfied [with] the criteria. I did make adjustments accordingly. These are an invaluable tool and proved to be of great assistance.*
>
> Evaluation, LWB143 student, 2005

An audit of the existing BJus course at the commencement of the assessment program revealed a need to provide staff development in the areas of diversity and embedding Indigenous content and perspectives in core curriculum. Two professional development sessions accordingly were held for all Justice Studies academic staff. The first, a retreat at Stradbroke Island, has been noted earlier. At the second, a member of the *Indigenous content and perspectives* team who had attended a conference on the cultural construction of whiteness (hosted by Dr Aileen Moreton-Robinson) shared conference information and

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[5] Student experiences = total unit enrolments x number of relevant learning-assessment activities in 17 units

[6] www.olt.qut.edu.au/law/ASSESSMENT/

[7] The relevant recommendation of the ALRC (Report No 89) was: 'Recommendation 2. In addition to the study of core areas of substantive law, university legal education in Australia should involve the development of high level professional skills and a deep appreciation of ethical standards and professional responsibility.'

outcomes with Justice Studies staff. These activities have significantly benefited staff working on embedding these aspects in curricula and developing associated assessment models.

> ... a systematic and thorough approach to both embedding Indigenous content and perspectives in the curriculum of the Faculty, and assessing student capabilities in this area.
>
> Mr Victor Hart, Manager, QUT Oodgeroo Unit, 2006

QUT benefits that stem from this assessment program include professional development opportunities for *both* full-time and sessional staff to equip them to assess for capability attainment [SM4: McKenzie]. Sessional staff in particular bear the burden of new teaching, learning and assessment initiatives but report that the context of and imperatives for such a shift in assessment philosophy are rarely made clear to them. In response to recognising that a critical element of an enduring commitment to authentic assessment practices is the complementary training of sessional academic staff, the program leader Assoc Prof Sally Kift has provided seminars for sessional academic staff both Faculty-specific and QUT-wide.

> ... her sessions on Assessment and Feedback in Tutorials have been the first sessions to be booked out in the last two program offerings and have consistently scored the highest ratings in terms of participant satisfaction.
>
> Ms Karen Whelan, QUT Academic Development Coordinator, 2003.

Even at an interim stage in the assessment work, external QUT assessors recognised the wider applicability of the framework:

> Evidence suggests that outcomes are already available (eg, assessment framework) that will be useful beyond the Faculty. The framework [is] well researched and draws together best practice principles in a manner...accessible to staff. ...It was also observed that the project implementation has a clear focus on enduring change and improved learning outcomes.
>
> Assessor's report, Law assessment project, 2003

The assessment initiatives undoubtedly have contributed to improvements at QUT, especially through the leadership of Assoc Prof Sally Kift.

> Particularly in assessment, and in respect of the use of SEU and CEQ data to aid course and unit development, I am aware that Sally has anticipated University policy developments

in her leadership within the Faculty...her leadership is evident through incorporation of graduate capability development through changed learning objectives and assessment practices, including enhanced feedback opportunities.

> Dr Don Field, Director, Academic Policy and Programs Unit, 2003

> In leading an assessment project as Assistant Dean in the Faculty of Science, I was impressed by Sally Kift's knowledge of assessment and her initiatives to collaborate on improving assessment policies in QUT. She subsequently actively contributed to Teaching & Learning Committee working parties that gained approval for the implementation of CRA in the University.
>
> Dr Al Grenfell, Division of Academic Services, QUT, 2006

Other institutions have benefited from Law's assessment program, as is clearly evident by external recognition of its sustained effectiveness [SM4, SM8]. In the most recent 2003 discipline review of law by the AUTC,[8] it is described as 'a theoretically grounded and integrated approach to assessment' and is illustrated as a detailed case study.

Recognition of the wide dissemination of the Law Faculty's program of graduate capability development and assessment is also provided by its 2005 inclusion as one of a select number of case studies identified as 'projects and innovations which have been successfully adopted and adapted across contexts'[9] [SM4: McKenzie].

> Members of the project team have given numerous presentations on the project. For example, the team member who received an Australian Award for University Teaching has given numerous keynotes and presentations on graduate capabilities development and assessment at conferences. She has also been invited to present the work at a number of other universities, both to Law Faculties and the university more widely. Law curricula in other universities have been influenced by the QUT developments.
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> McKenzie et al, 2005, p.64

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[8] Johnston, R. and Vignaendra, S. (2003). *Learning Outcomes and Curriculum Development in Law*. AUTC Report. (www.carrickinstitute.edu.au/carrick/go/pid/48)

[9] McKenzie, J., Alexander, S., Harper, C. and Anderson, S. (2005). *Dissemination, Adoption and Adaptation of Project Innovations in Higher Education*. (www.carrickinstitute.edu.au/carrick/go/op/edit/pid/98).

The work of the Law Faculty assessment team, particularly Assoc Prof Sally Kift, has impacted significantly on developments elsewhere in Australia and overseas [SM8]. In addition, the team has produced over fifty-five relevant national and international publications. [See list on supporting website].

4. Concern for equity and diversity

Law and justice students at QUT are characterised by highly diverse backgrounds in respect of age, gender, ethnicity, socioeconomic status and school/educational catchment. Many students undertake their studies in external mode; others attend part-time rather than full-time. The Faculty is strongly committed to supporting the diversity of its student population, catering for the individual needs of both law and justice students by offering a flexible range of study options and providing extensive online resources, together with other targeted learning support opportunities. In particular, the Faculty caters to their first year experience in the discipline through dedicated seminars for low-SES and international students to assist in early acquisition of academic skills, and by way of a long-standing Pre-law Orientation Program delivered for Indigenous students [SM5: Cusack]. The Faculty has its own Equity Officer to assist in situations where students are disadvantaged by challenges such as a disability, problems at home, or financial concerns. Equity groups receive additional assistance according to individual student needs, including: equity bursaries; additional accommodations and adjustments for students with a disability; extra examination time for students from non-English speaking backgrounds; free computers for some students from disadvantaged backgrounds; and text-book loan schemes. The Faculty takes particular care to ensure that these forms of support are made known to students to facilitate their timely access (e.g. by way of weekly discipline email contact). Indigenous students in many cases study their Faculty courses with academic and personal support from staff in the Oodgeroo unit. In summary, the Faculty's commitment reflects its strong view that university study should be accessible to all and supported and facilitated in all its dimensions.

Academic staff in this assessment program are equally committed to the Faculty goals of improving access, participation, and outcomes for diverse student groups. Moreover, developments in assessment of authentic learning have contributed in the areas of equity and diversity in three important ways: by developing best practice models that encompass a *broad range of assessment tasks* that recognise the wide variety of ways in which individual students learn; by ensuring *external students are genuinely catered for in capability acquisition*, particularly in assessment methods that authentically reflect their learning environment (e.g. teamwork in the virtual classroom; portfolios); and through substantial progress in not only *embedding Indigenous content and perspectives* in core curriculum but also *developing appropriate assessment methods*, while taking care to ensure the dedicated support of the Faculty's Indigenous students themselves [SM5-7].

The wide range of assessment approaches, well aligned with authentic learning experiences, has been outlined under SC2. External students appreciate both the recognition of their mode of study and the validity of aligned assessment tasks.

I have always been apprehensive about working in teams. As the mother of two children, working full time and studying a full time load, I am very used to working at my own pace. ...NOW... I realise that a far better assignment can be produced. You are able to get the best of everyone's ideas and input and weed out the weaker arguments. Through that you gain a more thorough understanding of what you are working on as you have others there to bounce ideas and questions off. I feel more confident working in a virtual team and now realise the extent to which technology can make team work flexible.
Evaluation, LWB334 student, 2003

The substantial progress that has been made by virtue of this assessment program's work on Indigenous content and perspectives, coupled with the inculcation of relevant learning experiences in this area, represent a significant contribution that has received wide support [SM5-7].

I have recognized significant progress by the Faculty in raising awareness of Indigenous issues as a result of the program. Not only have existing modules been enhanced to incorporate greater critique of, and reflection on, Indigenous content and perspectives, but those issues are now better assessed which makes students value them more appropriately. Also, a new unit on Indigenous Justice was added to the curriculum as a result of the program and there has been an Indigenous staff member in

the Faculty since 2004. This has added depth to the Justice Studies degree.

> Honours student & Indigenous Tutorial Assistance Scheme (ITAS) tutor, Justice Studies, 2006

My work ... allows me to attest to the positive influence on student learning and engagement that has resulted from the program. In particular I would highlight that the program reinforces QUT's institutional commitment to reconciliation, it has a wide-ranging positive impact on non-Indigenous students' understanding of Indigenous knowledge and perspectives, and the program has promoted and worked to support equitable and inclusive learning for the Faculty's Indigenous students.

> Wendy Cusack, Equity Officer, Faculty of Law, 2006

A key significant benefit of the [program's] approach has been to engage non-Indigenous students with Indigenous knowledge and perspectives. In the context of the study of law and justice this is a critical notion, if future practitioners of law, and future justice professionals, are to practice equitably and appropriately. [This] work...demonstrates the promotion and support of equity and inclusiveness by improving non-Indigenous student awareness and knowledge of Indigenous knowledge and perspectives.

> Mr Victor Hart, Manager, QUT Oodgeroo Unit, 2006

Recent official data collected by QUT's Equity Section provide independent evidence of the success of the Faculty's commitment to Indigenous and other equity groups. Figure 4 illustrates the high participation rates of two of these groups (Indigenous students; students with a disability) in Law programs in comparison with the University overall during the last two years.
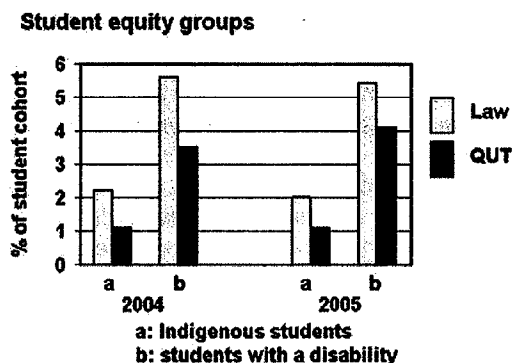
Student equity groups

Figure 4: High participation rates for Law (Indigenous students; students with a disability) compared to QUT overall

Of particular note in relation to the program's improvement of access, participation and learning outcomes for Indigenous students is the Faculty's low attrition rate and high retention rate for Indigenous students. In 2005, the Law Faculty had one of QUT's lowest attrition rates for Indigenous students (14.8%). This attrition rate was lower than the overall attrition rate of the university as a whole.

> Wendy Cusack, Equity Officer, Faculty of Law, 2006

Concluding statement

Since 2003 QUT's Law Faculty has developed and implemented an assessment framework, soundly based in theory, with a goal of assuring models of best practice in assessing authentic learning in graduate capabilities, especially those in social, relational or cultural areas. Approaches that are well thought out, coherent and systematic have enabled the Faculty to develop a framework that not only promotes valid and reliable assessment of students' achievements but also focuses feedback to students on encouraging reflective practice *as well as* the development of their capabilities.

The framework has contributed significantly to the Faculty's achievements in transforming its curricula to embed and to assure incremental generic capability development in its graduates. The extent of this impact is reflected in the influence of the framework on law, justice and other curricula beyond QUT.

The Faculty's innovations in the assessment of graduate capabilities, through the development and application of the framework, are commendable and are distinctive in the sector ... The Faculty of Law has not merely settled for the rhetoric of graduate capability acquisition but has developed assessment tasks and associated criteria and performance standards to ensure that student achievements in this regard are being measured and that this learning is a reality in their professional training.

> Assoc Prof Jennifer Radbourne, Head of School of Management, Faculty of Business, University of the Sunshine Coast

... a distinctive and highly coherent program, which has had impacts on students and staff in the Faculty of Law, on other Faculties at QUT, on other universities and on the field of legal education.

> Dr Jo McKenzie, Institute for Interactive Media and Learning, UTS, 2006.