

# **Ensuring successful pathways in law: evaluation of alignment of assessment tasks for VE-HE articulating students studying law subjects at VU.**

Tao Bak, Liberal Arts and Preparatory Programs, VU College, Victoria University

Peter Moraitis, Liberal Arts and Preparatory Programs, VU College, Victoria University

Helen Murphy, Learning Support Services, VU College, Victoria University

## **Abstract**

*This project's specific aim is to identify issues which may prevent articulating students' success in law subjects at Victoria University. It is investigating the learning challenges faced by VE pathway students studying law subjects in both VE diploma courses and in HE degrees. The project is analysing the kinds of assessment tasks and students' written responses to these tasks in the discipline of law in specific VE diploma law subjects and HE law subjects within the articulation program from VE to HE. The research aims to provide greater breadth in understanding students' preparedness in law subjects and so provide a basis for improving pedagogy for VE pathway students in law. This session will report on and invite discussion of early research outcomes from this project.*

## **Project Context**

A key recommendation of the 2008 Review of Australian Higher Education was to increase participation in HE. Targets relating to this are 1) to raise the number of 25-34 year-olds who have attained at least a bachelor-level qualification from the current 29% to 40% by 2020, and 2) by 2020 also, to ensure that 20% of undergraduate enrolments in HE are students from low socio-economic background (Bradley, 2008, p. xiv). Articulation pathways are seen as vital (Bradley, 2008, p. 212) in increasing participation rates, and it is also vital that they function effectively.

In their report 'Making Articulation Work: TAFE to Higher Education at Victoria University', Milne, Glaisher and Keating (2006, p. 48) point out that "the level of competence TAFE students have acquired in the academic skills or core graduate attributes required for success in HE courses is a key aspect of their preparation", and that equipping these students for HE study in this way is particularly important when they receive credit for first year HE subjects which are intended to introduce students to HE study. Milne et al (2006, p. 48) found also that "students with a good grounding in key academic skills and content knowledge in a discipline experience 'smoother' HE transitions than do students who

are less well equipped”. The gaps identified by Milne et al. (2006, p. 49) as a result of VE students ‘skipping’ first year HE subjects included “literacy, independent learning, referencing and conceptual skills”.

Furthermore, Pearce, Murphy and Conroy’s (2000) *Smoother Pathways* study provided a preliminary examination of pathways in law subjects. This study concluded that there was a significant gap between the skills and assessment tasks that were used in the TAFE module compared with those used in HE (Pearce et al., 2000, p. 6). It further concluded that “assessment in TAFE Law modules does not appear to give students the same opportunity and incentive to develop higher-level conceptual, academic and generic skills as that offered by [the HE foundation subject] Business Law”. In part, the ‘blockage’ for many students in achieving success in their law subjects is that law represents a particularly challenging discipline linguistically. Characteristics of writing in law, for example, include the fact that ‘teleology’ (development towards a conclusion), and more importantly, ideology (‘political’ perspective), are deeply inherent to the realisation of meaning in [the] language’. In these cases ‘appropriate ‘English’ cannot be addressed without a thorough understanding of these “deep” characteristics of the target discourse” (Ideema 1993, p. 88). Indeed, while most institutions require an IELTS score of 7 or above for international students to enter law courses, business courses generally have an entry requirement of 6. For a variety of reasons however, including the requirements of professional bodies such as the CPA, the law that business students are required to engage with in subjects such as Corporate Law is often comparable in difficulty to that encountered in subjects in law courses.

This particular project has grown out of the work undertaken at Victoria University by the Legal Discourse Community of Practice group based in VU College. The group works closely with subject lecturers and teachers in both sectors, assisting with both the framing and delivery of assessment tasks and the language and academic skills development of students (Bak & Murphy, 2009).

### **Specifics of Project**

While much has been written about the procedural aspects of articulation from TAFE to HE, the differentiation between the two sectors and the general experiences of articulating students, there has been no in-depth research on and analysis of the kinds of assessment tasks students are expected to complete in a particular discipline which is part of an articulation program. There is a need to research and understand the articulating students’ experiences of learning in disciplines. The focus on law for this research is a deliberate choice because the cultural, epistemological and linguistic distinctiveness of law poses particular challenges for VE articulating students, students traditionally excluded from participating in the discipline of law (Jones, 2008).

This project at Victoria University consists of an in-depth examination of assessment alignment and adequacy within a particular discipline, law, with a focus on student preparedness in moving from VE to HE study. The findings will be generalisable to an extent, and the process will form a model of practice relating to evaluation of assessment tasks in relation to curriculum pathways.

The two main groups of students for whom this is relevant are

- 1) Diploma of Business (onshore & offshore) - Bachelor of Business (onshore) articulating students (comprising 40.9 % of students undertaking a pathway at VU, Jones, 2008).
- 2) Advanced Diploma of Business (Legal Practice) students articulating into either Bachelor of Laws or Bachelor of Legal Practice Management – the two most common destinations for articulating students from this course (Jones, 2008).

For both of these groups of students, there is evidence that the movement from VE-HE study represents a significant challenge. Corporate Law at Victoria University, for example, currently experiences the highest failure rate among all subjects undertaken by VE-HE articulating students (Jones 2008, p. 19). The purpose of this project is to undertake an in-depth analysis of the assessment tasks in both the VE and HE destination subjects, with a focus in particular on their linguistic dimension, and through this an evaluation of the preparedness of students moving along these articulation pathways.

The analysis involves collating assessment tasks from the relevant subject areas, and analysing them with a particular focus on their linguistic dimensions. A small number of students and staff from each subject are also being interviewed regarding the tasks as part of this examination.

### **Outcomes of project**

In conducting this kind of research project, our objective is to improve the learning experiences of articulating students, so they have more successful outcomes in their law subjects, particularly in HE. A more specific objective is to improve students' linguistic and conceptual understandings in VE and HE law subjects leading to more sustainably successful learning outcomes for students studying at Victoria University.

The focus on a particular discipline allows for the development of a model for the analysis of pathway programs which, in turn, provides a framework for curriculum development to improve VE pathways into HE. Furthermore, the conduct of an in-depth analysis of assessment tasks in law subjects in both VE and HE provides the opportunity to determine how well they are aligned in enhancing the quality of students' learning experiences.

The analysis of students' written text draws upon traditions of case analysis wherein text features are linked to social contexts (Ivanic, 1998; Martin & Rose 2003; Bazzerman & Prior 2004). The analysis of assessment task requirements while dependent upon and including the self understandings of the discipline of law (Mertz, 2007) will also draw on knowledge from other disciplines. Contemporary developments in discourse analysis (Ivanic, 1998, 2004; McLean, 1999) and linguistics (Martin & Rose, 2003; Candlin et al., 2002) will be drawn upon to frame both the analysis of assessment task requirements and the analysis of student task performance/responses. The project will develop a framework of analysis which draws heavily on perspectives which link disciplinary identity to textual performance (Pennycook, 2004).

### **Session Plan**

**Presenters** (15 mins): Outline of research project & early findings, including examples of analysis of assessment tasks and students' responses to these tasks

**Paired discussion** (5 mins): Participants consider one or more of the following:

1. In constructing pathways programs, it is important to take into account the different cultures of learning in VE and HE. This issue needs to be explored.
2. Sharing of other institutional experiences of pathways programs, particularly in the law discipline.
3. The development of effective collaborative relationships between subject teachers in VE and HE, so that articulating students' learning experiences can be more successfully aligned.

**Presenters & Whole group discussion (10 mins):** Draw together ideas from participants – in what ways are the issues and findings different from local experience? What is unique to the experience of law subjects? What aspects of the initiative are applicable more widely? What are the key issue surrounding institutional pathways programs?

## References

- Bak, T., & Murphy, H. (2009) Reconceiving an approach to teaching legal discourse: A community of practice project. *Journal of the Australasian Law Teachers Association*, 1(1&2), 197-202.
- Bradley, D. (2008). *Review of Higher Education in Australia Final Report*. Retrieved February 20, 2010, from [http://www.deewr.gov.au/HigherEducation/Review/Documents/PDF/Higher%20Education%20Review\\_one%20document\\_02.pdf](http://www.deewr.gov.au/HigherEducation/Review/Documents/PDF/Higher%20Education%20Review_one%20document_02.pdf)
- Iedema, R. (1993). Legal English: Subject specific literacy and genre theory. *Australian Review of Applied Linguistics*, 16(2), 86-122.
- Ivanic, R. (2004). Discourses in writing and learning to write. *Language and Education*, 18(3), 219-245.
- Ivanic, R. (1998). Writing and identity: the discursual construction of identity in academic writing. *Studies in Written Language and Literacy*. Vol 5. Amsterdam/Philadelphia: John Benjamins Publishing Company.
- Jones, J. (2008). *The Pathways That Matter*, Melbourne: Courses and Pathways Services (CAPS), Victoria University.
- Maclean, R. (1999). Moot Courts as human technologies: a study of subjectification. Jeffrey, P. (1999). *AARE/NZARE Conference, AARE Melbourne*, pp.1-4. Retrieved March 1, 2010 from <http://www.aare.edu.au/99pap/mac99142.htm>.
- Mertz, E. (2007). *The language of law school: learning to "think like a lawyer"*. New York: Oxford University Press.
- Milne, L, Glaisher, S & Keating, S. (2006). *Making articulation work: TAFE to higher education at Victoria University*. Melbourne: Postcompulsory Education Centre, Victoria University.
- Pearce, A., Murphy, H., & Conroy., P. (2000). Smoother pathways from TAFE to Higher Education. ASET-HERDSA Conference. Retrieved Feb 22, 2010, from <http://www.ascilite.org.au/aset-archives/confs/aset-herdsa2000/procs/pearce2.html>
- Pennycook, A. (2004). Performativity and language studies. *Critical Inquiry in Language Studies*, 1(1), 1-19.