

Engaging students in the implementation of criterion referenced assessment in first year law

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Abstract

The Queensland University of Technology (QUT) University Academic Board approved a new QUT Assessment Policy in September 2003, which requires a criterion-referenced approach as opposed to a norm-referenced approach to assessment across the university (QUT, MOPP, 2003). In 2004, the QUT Law School embarked upon a process of awareness raising about criterion-referenced assessment amongst staff and from 2004 – 2005 staggered the implementation of criterion-referenced assessment in all first year core undergraduate law units. This paper will briefly discuss the benefits and potential pitfalls of criterion referenced assessment and the context for implementing it in the first year law program, report on student's feedback on the introduction of criterion referenced assessment and the strategies adopted in 2005 to engage students more fully in criterion referenced assessment processes to enhance their learning outcomes.

Introduction

Criterion-referenced assessment (CRA) requires the determination and communication of detailed and clear criteria, each with performance standards, in advance of the assessment. The establishment of assessment criteria contributes to the reliability and validity of the assessment task. Clear standards that are high but attainable motivate students and focus their energy on learning rather than on competition with peers (QUT MOPP 9.1.3). Brown provides the following simple definition of criterion-referenced assessment – “An evaluative description of the qualities assessed (eg. an account of what pupils know and can do) without reference to the performance of others” (Brown, 1988). CRA may be contrasted with norm-referenced assessment, which provides information about each student's performance against that of others.

Although the University's previous assessment policy was nominally norm-referenced, the way it was applied in the Law School was not purely norm-referenced. The experience in the Law School was that academics assessed primarily against criteria and standards of some sort, even though the standards may be implicit to at least some extent. Marks were awarded for each assessment item and a grade awarded as established by the student's overall percentage. Normative guidelines would be considered at a meeting of Chief Examiners before the release of final results, however no high distinctions would be awarded as a matter of course as required under pure norm referencing unless the standard of the student's work as reflected in their overall percentage justified it. In 2004 – 2005 the Law School began the process of implementing criterion referenced assessment.

Why use criterion referenced assessment?

Benefits of CRA

Compelling arguments have been raised that students have a right to be informed and guided on the criteria and standards on which their work will be assessed (Brooker et al, 1998). Published research supports the use of CRA as achieving a number of positive outcomes:

- Use of a CRA grid can help to raise the quality of marking through greater consistency in marking both for a team of markers and for an individual marker (Hornby and Laing, 2003). This has been qualified in that it is more likely to be the case if the markers had discussed the grid together before using it (Price and Rust, 1999).
- CRA grids can help provide, from a marker's perspective, more explicit guidance to students and thus potentially improve the quality of their work. It may guide students to elements they considered obscure and non-obvious, which they might otherwise have ignored (O'Donovan et al, 2001) and may avoid the likely consequence of a lack of understanding of criteria and standards that student efforts are "likely to contain elements of random trial and error" (Sandler, 1987). Again this has been qualified by a finding that it is only likely to be true for the most motivated students unless time is spent by tutors discussing with students the meaning of the criteria terms and grade definitions (Price and Rust, 1999).
- A CRA grid can also raise the quality of feedback to the student to assist in focussing the marker's comments (Sandler, 1987). Careful use of a grid can provide valuable feedback to students not only in relation to weakness in order that they may understand how to improve in those areas but also the strengths of their work so that they may appreciate and be able to articulate the positive features of their work (O'Donovan et al, 2001).

Pitfalls

A number of potential pitfalls have also been identified in the use of CRA:

- The reliability and validity of CRA depends very much on the quality of the stated criteria and performance standards. There is frequently a need for greater clarification of what is meant by terms and phrases used in the grid (O'Donovan et al, 2001) and a need to avoid using specialised or complex terms when a simple plain English version could be found.
- As CRA involves inference and subjective professional judgment (Hagar et al, 1994), and with the potential for multiple interpretations of each criterion and grade definitions by both individual staff members and students (Webster et al, 2000) it may be viewed as unreliable.

Research into student views on CRA

Research in relation to student perceptions of CRA (involving studies using particular CRA grids) suggests that:

- Students perceived a CRA grid to be a well-conceived assessment tool and clearly recognise the potential of the grid and what it was trying to achieve (O'Donovan et al, 2001).
- CRA grids are of limited practical use if presented in isolation without the benefit of explanation, exemplars and the opportunity for discussion (Sandler,1987). In this respect one study concluded:

The need for such aids resulted from the identification of several issues undermining the easy application of the grid. These included the need to clarify the meaning of terms and phrases; subjectivity and multiple interpretations or criteria and standards; a lack of match between published criteria and the feedback received (O'Donovan et al, 2001).

The first year law curriculum and criterion referenced assessment

The first year law curriculum at QUT provides the students with a package that combines substantive legal content infused with theoretical and practical knowledge and development in generic and legally specific skills (also termed graduate capabilities). The skills are developed in a legal context to a basic level of competency for all students regardless of their diversity of prior background and experience (Christensen and Cuffe, 2003). There are four foundations units in the law degree - two in first semester and two in second semester. The two first semester units LWB141 Legal Institutions and Method and LWB142 Law Society and Justice are the subject of the student survey discussed below. The second semester unit LWB143 Legal Research and Writing implemented a range of strategies to enhance student engagement with CRA in 2005.

These units offer a variety of assessment tasks including tutorial participation, oral presentations, a legal analysis exercise, assignment, research records, client letter of advice, memorandum of advice and exams. The assessment addresses both skills (graduate capabilities) and legal content knowledge. CRA sheets were adopted for all assessment tasks other than exams.

In developing the CRA sheets the following principles outlined in the University's policy on the assessment of graduate capabilities were taken into account:

- assessment practices should align with unit objectives and teaching/learning practices
- a package for assessing graduate capabilities incorporates items designed for a range of purposes
- students benefit from progressive feedback on the development of capabilities.

A coherent assessment package for graduate capabilities could include tasks that both implicitly and explicitly assess graduate capability development and achievement. Graduate capabilities should be assessed through performance in content-related tasks within units as well as in planned learning activities across units culminating in the explicit assessment of a graduating student's capacity to communicate the progress they have made in developing required graduate capabilities at an appropriate level. (QUT MOPP 9.1.5)

In the first semester of 2005 the CRA sheets were released to students on the relevant units' online teaching site and they were requested to read them and attach a copy to their assessment when they submitted it.

Student's evaluation of CRA in Semester 1, 2005

In the early part of second semester in 2005 the first year students were asked to undertake a survey to provide their feedback on the implementation of criterion referenced assessment in Semester 1 in the units LWB141 Legal Institutions and Method and LWB142 Law Society and Justice. The survey was administered in tutorials in LWB143 Legal Research and Writing. There were 288 respondents to the LWB141 survey and 275 respondents to the LWB142 survey. This response rate is approximately 60% of the internal full time and part-time student cohort in first year law.

The survey asked questions about each individual CRA sheet for each assessment task. For the purpose of this paper, the student feedback on the tutorial performance CRA sheets will be highlighted and a focus given to qualitative student comment on suggested improvements for the criterion referenced assessment experience in first year law at QUT.

Overall the student experience appears to have been a positive one. As illustrated in Table 1 the majority of students in the two units surveyed thought that the CRA "significantly" or "to some extent" helped them understand what was expected in tutorial performance. Slightly more than half of the students "frequently" or occasionally" made reference to the CRA grid. Approximately 15% never looked at the CRA grid at all in either unit. A significant proportion of students believed that CRA ensured reliability and consistency between markers. Interestingly approximately 30% of students were neutral on this issue. Over half of the respondents felt that their experience with CRA and tutorial performance had been "Very valuable" or "Good – it helped me". Roughly 40% of students in both units felt that CRA was "Ok" but that there was room for improvement.

Table 1 – Student feedback on tutorial performance CRA sheets

Question	Response category and response rate by unit				
CRA helped me understand what was expected in tutorial performance	<i>A great deal</i>	<i>Significantly</i>	<i>To some extent</i>	<i>To a minor extent</i>	<i>Not at all</i>
	LWB141 11.5%	LWB141 40.3%	LWB141 37.8%	LWB141 6.3%	LWB141 3.1%
	LWB142 7.3%	LWB142 36%	LWB142 40%	LWB142 12%	LWB142 3.6%
I referred to the CRA grid for tutorial performance	<i>Constantly</i>	<i>Frequently</i>	<i>Occasionally</i>	<i>Start and finish</i>	<i>Not at all</i>
	LWB141 3.8%	LWB141 11.8%	LWB141 49.3%	LWB141 19.8%	LWB141 14.2%
	LWB142 4%	LWB142 12.4%	LWB142 45.1%	LWB142 24.4%	LWB142 13.1%
CRA ensured reliability and consistency between markers	<i>Strongly agree</i>	<i>Agree</i>	<i>Neutral</i>	<i>Disagree</i>	<i>Strongly Disagree</i>
	LWB141 4.5%	LWB141 43.8%	LWB141 32.3%	LWB141 16.7%	LWB141 2.8%
	LWB142 6.5%	LWB142 40.4%	LWB142 30.9%	LWB142 16.4%	LWB142 4%
Overall experience with tutorial performance	<i>Very valuable</i>	<i>Good – it helped me</i>	<i>OK, but there is room for</i>	<i>Not good – I didn't understand the</i>	<i>I didn't even look at the</i>

CRA			<i>improvement</i>	<i>criteria or the standards</i>	<i>CRA grid</i>
	LWB141 6.9%	LWB141 43.4%	LWB141 41%	LWB141 2.8%	LWB141 5.6%
	LWB142 6.5%	LWB142 35.3%	LWB142 45.1%	LWB142 5.1%	LWB142 5.8%

Open ended questions at the end of the survey asked students to comment on ways in which their understanding of the marking criteria for the assessment could be improved. The major themes emerging from this feedback was that students wanted more explanation of the criteria and standards, mock exercises that used the standards and to have all tutors explain the importance of the CRA sheets. In LWB142 a legal analysis exercise was undertaken, and after it had been marked and returned a number of example answers at different standards were posted to the online teaching site. 56.7% of students found these examples useful in understanding the performance standards after the event. A number of students also indicated that although the CRA sheets were good they still wanted and benefited from some written personal feedback. The following selection of student comments illustrates these themes:

If provided with the tutors and markers interpretation and understanding of the criteria it would be easier to understand.

In general the importance of reading the CRA should be highlighted more. In terms of feedback they helped but in general I didn't look at it before the assessment.

It is one thing to give the criteria sheet but it is another to actually explain it so students fully understand what they are expected to do - make students look at it in tutorials.

The criteria needs to be explained and feedback needs to be given not just a mark.

Tutorial performance criteria should be referred to in Week 1 and then continually throughout the semester.

Some example questions should be marked by the criteria sheets and shared.

More comments from tutors when they fill out the CRA.

The results of the survey were not available until towards the end of Semester 2, 2005. However many of the strategies adopted in Semester 2 align with the needs expressed by the first year students in this survey.

Strategies adopted in Semester 2, 2005 to engage students with CRA

The unit LWB143 Legal Research and Writing is predominantly a skills unit with progressive interrelated assessment increasing in complexity as students skills in legal research and writing develop across the course of the semester. The unit has for some years had detailed criteria sheets but only a very basic definition of the standards. In 2004 LWB143 was one of the first units in the Law School to develop detailed performance standards to accompany the already detailed criteria. It was clear in discussing the CRA sheets with tutors and in perusing the marked assessment that criterion-referenced assessment increased consistent marking between tutors as they had a shared understanding of the marking criteria and performance standards. The literature recognises the need for the markers to have a shared understanding of the criteria and performance standards

because divergent views will cause the students to have divergent views (Barrie et al, 1999). It was also clear from reviewing the first implementation of the CRA sheets in the unit in 2004 that students were not always reading the sheets and often merely printing them and attaching them to their assessment just before handing it in.

In 2005 the unit co-ordinator focused on embedding strategies across the semester to engage students with the CRA sheets to facilitate a cultural change amongst students to move from viewing the CRA sheets as merely something to read after assessment had been marked to a very useful learning tool that could help them improve their learning and their marks. The personal view of the unit co-ordinator that criterion-referenced assessment is organic, is an ongoing cycle of increasing understanding, improvement and engagement amongst staff and students was made known to the students from the beginning of the semester. With the tone of the semester set the unit co-ordinator adopted a variety of strategies for enhancing student engagement with the CRA sheets and to develop a common understanding with the students of what they meant to their learning and their assessment. The CRA sheets were used for all the assessment in the unit - Research Record 1 (20%), Client letter of advice (15%), Research Record 2 (25%) and Memo of advice (40%). The following strategies for student engagement were adopted over the semester:

- Lecture time on CRA – At the beginning of the semester 10 minutes or so was spent in lectures on CRA – what it is, its purpose, exemplars, how it was to be used in this unit and how students could input into how their assessment was to be assessed.
- Tutorial exercise – marking using CRA – In Week 5 in tutorials a formative assessment piece in the form of a legal citation exercise was undertaken by students, then students were required to peer mark this against a basic CRA sheet for the exercise. This activity enabled the students to be put in the place of the marker and experience the process of applying CRA sheets.
- Tutorial exercise – applying CRA to exemplars – In tutorials before the client letter and memo of advice were due students used CRA to critique with their tutors an example of previous year's assessment and other generic examples which developed common understanding between markers and students.
- Release drafts of CRA for discussion - For each piece of assessment in the unit a draft of the CRA sheet was released and then discussed briefly in lectures and tutorials and feedback was gathered from tutors and students. Students did actually email comments as well as the tutors. Students were more willing to provide feedback after the first piece of assessment and they could see how the process worked and how their input could benefit them.
- Release final version of CRA a week before assessment due – For each piece of assessment the final version of the CRA was not released until about a week before the assessment was due. This allowed the opportunity for the students to have a decent amount of working time on the assessment and by this time the students actually had meaningful questions about the CRA and the unit co-ordinator could respond to their feedback and work towards the common understanding.
- Attach principles/additional information to CRA explaining the criteria and the mark allocation - Students and markers misunderstanding or misapplication of criteria often stems from lack of understanding of the criteria. The approach taken in this unit was to provide detailed criteria for all assessment to provide as much formative feedback to students and as much guidance to markers as possible. This was important as the teaching consisted of 12 predominantly casual academics and had a student body of over 600. Some

others units strived to reduce their CRA to one page but this reductionist approach was not considered appropriate in this unit as it is a first year unit focused on learning the processes of legal research and writing and to align the CRA with the desired outcome of learning processes (rather than content per se) it was important to have detailed criteria and standards (Dunn, 2002). To this end principles/additional information was attached to the CRA sheet explaining the criteria and mark allocation, including examples of what might meet a particular performance standard, and explaining that the detailed criteria are for feedback on the steps of the cumulative process of legal research and writing. Student feedback on the criteria was also acknowledged in these principles and the linkages explicitly reinforced between the interrelated assessment in the unit. An extract from the Memo of Advice CRA sheet and principles is attached to this paper.

- Provide generic feedback against each of the criteria in the CRA - Traditionally in the Law School feedback on assessment has focused on providing an answer to the content of the assessment. This is needed but in this unit that content feedback was blended with the skill/process feedback against each of the criteria in the CRA sheet. Students could then clearly see the linkages between their ticks on the CRA sheet, their work and the feedback. In addition marking guides for tutors were also drafted against each of the criteria and copies of marked assessment (including the CRA sheet) at a variety of different standards was shared with markers.

The response from students to these strategies was very positive. By the end of the semester students were saying to each other on the discussion forum on the online teaching site “read the criteria sheet” the answer is there. Student emails to the unit co-ordinator would start off “You said XX in the criteria sheet what about the circumstances of YY” or “Does KK meet criteria GG?” or “When will final version be released as I want to do a final check before submitting early?”. This sort of activity by students demonstrates an increasing level of engagement with criterion referenced assessment in the unit. Undoubtedly there were still those that did not read the CRA sheets but cultural change of this nature takes time. Interestingly student queries about marks did not increase as some staff perceive to occur with the introduction of criterion referenced assessment. Queries about marks were insignificant. Out of 2400 individual pieces of assessment in the unit (600 x Research Record 1, 600 x Research Record 2, 600 x client letter, 600 X memo) only 6 students queried the marking of their letter, only 3 about the research records and 5 queried their memo mark. An unsolicited email from a student to the unit co-ordinator in October 2005 summarises the impact of the new criterion referenced regime and engagement strategies adopted in this unit:

“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 the criteria. I did make adjustments accordingly. These are an invaluable tool and proved to be of great assistance.”

Conclusion

Criterion-referenced assessment motivates students by providing them with explicit and attainable standards in advance so that they can concentrate on improving their personal best performances rather than competing with their peers as in a norm based assessment (Neil and Wadley, 1999). Research in relation to student perceptions of CRA (involving studies using particular CRA grids) suggest that students perceived a CRA grid to be a useful learning and assessment tool and that CRA grids are of limited practical use if presented in isolation without the benefit of explanation,

exemplars and the opportunity for discussion (O'Donovan et al, 2001). Our experience in implementing criterion referenced assessment in the Law School at QUT and feedback from students in 2005 reinforces this research. This paper has offered a variety of simple yet powerful time efficient strategies to engage students with criterion reference assessment that will improve their learning outcomes.

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**LWB143 Legal Research and Writing
Semester 2, 2005**

Memo of Advice Assessment Criteria and Feedback Sheet (40%) EXTRACT ONLY

Student name: _____

Criteria	Excellent 7	Good 6 - 5	Sound 4	Poor 3 - 1	Mark awarded
Problem solving and content - Unit Objectives 1 – 3					Maximum 25
Identification of the relevant facts, parties and issues	All relevant facts, issues and parties identified	Majority of relevant facts, issues and parties identified	Some relevant facts, issues and parties identified	Limited identification of relevant facts, issues and parties	
Identification of the relevant law	All relevant law (legn and cases) identified	Most of relevant law (legn and cases) identified	Some relevant law (legn and cases) identified	Limited or no identification of relevant law (legn and cases)	
Analysis of the issues in light of the relevant law	High level of analysis of issues in light of relevant law; demonstrates creative and original thinking	Persuasive level of analysis of issues in light of relevant law; some level of creative or original thinking	Superficial level of analysis of issues in light of relevant law; little or no creative or original thinking	Lacks analysis of issues in light of relevant law; no creative or original thinking	
Organisation and logical development of argument	Comprehensive and very logical development of argument adopting appropriate problem solving methodology	Reasonably comprehensive and logical development of argument adopting appropriate problem solving methodology	Basic development of argument, missing some logical connections; basic demonstration of problem solving methodology	Limited development of argument, missing many logical connections; limited demonstration of problem solving methodology	
Appropriate reliance on authorities to support argument	All arguments requiring authorities are supported by appropriate authorities (legn, cases, appropriate secondary material); no evidence of plagiarism	Most arguments requiring authorities are supported by appropriate authorities (legn, cases, appropriate secondary material); no evidence of plagiarism	Some arguments requiring authorities are supported by appropriate authorities (legn, cases, appropriate secondary material); some missing or inaccurate references; no evidence of plagiarism	Little or no use of authorities (legn, cases, appropriate secondary material) to support arguments; may contain evidence of plagiarism	
Identify options available and draw conclusions	High level of evaluation of analysis enabling the identification of all options and drawing of conclusions based upon analysis	Persuasive level of evaluation of analysis enabling the identification of the major options and drawing of conclusions based upon analysis	Basic level of evaluation of analysis enabling the identification of some of the options and drawing of some conclusions based upon analysis	Limited or no evaluation of analysis; little or identification of options; little or no drawing of conclusions based upon analysis	
	Mark: 25 - 23	Mark: 22 - 16	Mark: 15 - 10	Mark: 9 - 0	

LWB143 Legal Research and Writing -Semester 2, 2005
Memo of Advice Assessment Criteria and Feedback Sheet (40%)
ADDITIONAL INFORMATION EXTRACT ONLY

This document provides some further information about the Memo Assessment Criteria and Feedback Sheet, including further explanation of the criteria and how they are to be interpreted. Thank you for your feedback on the criteria. Student comments have been incorporated as noted below.

The following principles guide the use of these assessment criteria:

- There are **three broad criteria** (problem solving, written communication formalities and written expression) that **reflect the culmination of the process of research and problem solving** we have been undertaking this semester and the **ultimate stage of communicating your research results**.
- Each of these broad criteria has a number of **sub criteria** (eg. “Identification of facts, parties and issues” in the Problem Solving criteria) that again reflect elements of the research cycle and problem solving process and the translation of that now into the writing process.
- Each of the broad criteria (problem solving, written communication formalities and written expression) has a **mark allocated** to it to reflect its overall importance. The sub criteria within each broad criteria do not have marks allocated to them because the sub criteria are elements of the processes of problem solving, legal analysis and the communication of results and it is the cumulative effect and synthesis of these processes that is holistically being assessed. The elements of the process are detailed in the sub criteria to provide you with more detailed **feedback**.
- Within each description of performance standard (ie. Excellent”, “Good”) of each criteria a marker may **tick to the left, centre or right of the box indicating a high, middle or low achievement of a performance standard**. For example, a tick in the far left of the “Excellent” standard box for “Identify options and draw conclusions” criteria would mean that you have done an outstanding job of identifying options and offering conclusions and there was nothing else you could have said - this is a “high” Excellent. Following on from this a tick in the far right of the “Excellent” standard box for “Identify options and draw conclusions” criteria would mean that you have done an excellent job of identifying options and offering conclusions, but there might have been one or two minor aspects that might have been done better, but your work is still of a Excellent rather than a Good standard – a “low” Excellent and you will be awarded a “low 7” mark..
- **Example of meaning of the standards** – for the “Analysis of issues in light of the relevant law” criteria if you simply said “The dog fights email is spam” then this demonstrates a Poor analysis of the issues as this is merely an answer and no reason (ie analysis of how law applies to the facts) is provided. If you said “The dog fights email is spam because it has an Australian link” then this is Sound analysis as you have provided some reason for the email being spam but haven’t fully developed the analysis. On the other hand, if you said “The dog fights email is spam because it has an Australian link as it was accessed and sent from within Australia” and then footnoted the relevant section of the act you are demonstrating an Excellent level of analysis.

Some comments against specific criteria:

- A number of the **sub criteria are similar** to that which were used for the Research Records (eg. identification of facts, issues and parties) as this task is still very pertinent in writing up your research results. You have had feedback on this task so you should be in a position to meet this criteria quite easily.
- In the **Problem Solving and Content** criteria:
 - **Analysis of the issues in light of the relevant law is critical**. Remember the feedback on the client letter – that you need to provide reasons (analysis/application of law to facts) for your answer not just the answer. See also above “Example of meaning of standards”.