

TEACHING AND ASSESSMENT POLICY FACULTY OF LAW, UNIVERSITY OF PRETORIA (Amended 2010)

This document consists of two parts. Part A contains the assessment policy and part B contains guidelines relating to the drafting of study guides. A student manual has also been drafted to communicate the most important aspects of this policy to the students.

PART A: ASSESSMENT

1. APPROACH

1.1 GENERAL

This document contains the suggested assessment policy of the Faculty of Law of the University of Pretoria. The following core principles inform the suggested policy:

- Teaching and assessment must correspond;
- Problem-orientated assessment / deeper learning;
- Skills development;
- Integration between departments and modules; and
- Openness and transparency.

The approach to **assessment** that is set out in this document, **must be linked to teaching methodologies**. A particular assessment style should be the result of a particular approach to teaching – students must therefore be exposed to **problems** as part of teaching methodology. They must be required to read before class, and class discussions should follow from these readings. Students should also be required to write (opinions, pleadings, letters, notes etc) as part of the teaching methodology throughout the module. **Feedback opportunities** must be created when students must be able to measure their attempts against the “ideal” answer in preparation for formal assessment opportunities.

“Problem-orientated” / “deeper learning” assessment and teaching indicate that students must be confronted with novel factual situations during formal lectures, tutorials and tests and exams, which must be solved with reference to the theoretical underpinnings of the particular module. “Problem questions” that rely heavily on existing court cases and that expect students merely to refer to the relevant case(s) without attempting to actually “solve” the problem, do not conform to the policy. This obviously means that students must be afforded sufficient opportunity to develop problem-solving skills during formal lectures and tutorials. The nature of some modules does not allow for a problem-orientated approach but these exceptional cases must still follow a “deeper learning” approach. At the year group meetings any exceptions must be properly substantiated.

The emphasis must not be on the transfer of as much information as possible, which is then assessed by way of “recall”-type questions during tests and exams, but to expect from students to find their own solutions to legal problems by doing research and arguing by analogy, after the main principles of the relevant subject have been explained.

“Skills development” entails that Legal Skills 110 and 120 are insufficient to teach sufficient writing and reading skills to students and that the approach followed in these modules must be reinforced in other modules and academic years.

“Integration” and “openness” entails that colleagues from different departments will consider each other’s assessment practices in a spirit of cooperation and with the ultimate purpose of ensuring a justifiable LLB degree of world-class quality. A student manual has also been developed that sets out the faculty policy from a student’s perspective.

These core principles are set out in more detail below.

1.2 LEVELS OF ASSESSMENT

The level of assessment may be divided into two broad categories:

- Recall/recognition (memory-testing)
- Comprehension/application/critical thinking/problem solving

As the student progresses from the first to the fourth year, the focus in assessment must shift towards the second category. The following applies:

Recall/recognition may not exceed 40% in the first year, 30% in the second, 20% in the third and 10% in the fourth.

In **all modules** the emphasis must be less on assessing the ability to memorise, and more on assessing the ability to **solve real problems**, on **application** of the law in an integrated way, and on **developing argumentation and writing skills**. Students should for example be allowed access to the basic legislation of relevance to the topic during tests and exams. In other words, the emphasis should be on their ability to understand and apply the law rather than on memorising legislative provisions. Emphasis in especially the final year should be placed on critical thinking. Lecturers must use the following **structure** when assessing a student’s “solution” to a problem-type question. Lecturers must inform students that this approach will be followed:

<u>Step</u>		<u>Weight</u>
1.	Identify the problem.	10
2.	State the relevant legal principles.	15
3.	List authority for the stated principles.	15
4.	Apply the principles to the facts.	50 (at least)
5.	Reach a clear conclusion.	<u>10</u>
		100

If an **open book approach** is followed, less weight may be attached to the legal principles and authority for the principles, and more weight may be attached to the **application** of the principles to the specific facts.

Memorandums to these kinds of questions should allow for **alternative solutions**. If a student argues persuasively but comes to a different conclusion, marks should still be awarded. An alternative approach would be to require the student to argue the plaintiff's / state's case in the (a) part of the question, and to argue the defendant's / accused's case in the (b) part.

2. ASSESSMENT METHODS AND PROCESSES

2.1 ASSESSMENT METHODS

Over and above traditional scripts the following assessment methods may be utilised. (This is not a closed list.)

Portfolio assessment

A portfolio is a selection of student work that shows evidence of a student's endeavours, progress and achievements as well as growth over time. It aims at enabling students to demonstrate their learning and progress and involving students actively in the learning process and its assessment.

Self-assessment and peer assessment

Self- and peer assessment encourage students to take responsibility for their own learning. Self-assessment requires students to assess themselves against a set of given criteria. Peer assessment exercises, students themselves are involved, this time assessing peers according to a range of criteria. These methods of assessment should primarily be used as part of formative assessment (ie as part of the feedback process) and not necessarily as part of summative assessment (ie not necessarily as part of the semester mark).

Multiple choice questionnaires

Lecturers may only utilise multiple choice questionnaires if they have attended the relevant training course. Multiple choice questionnaires may not comprise of more than 25% of the final mark (semester mark plus final mark). Only lecturers may set questions.

Lecturers must also take note of the University's guidelines relating to this method of assessment that is available at http://www.up.ac.za/intranet/registrar/Appendix_5.doc.

Open book tests and exams

During an open book examination/test students are allowed to consult texts. Lecturers must provide clear guidelines to students prior to the writing of such a test or exam (which materials may be brought into the venue, may the student utilise class notes, may the material contain annotations, etc).

To a degree open-book assessment simulates real-life situations that professionals are faced with when they use available resources to solve problems by for example drafting pleadings or writing an office memorandum. This method of assessment is

well-suited to evaluating higher cognitive levels of thought and may not be used to merely assess recall.

Students must receive proper instruction when open book assessment is used as it seems to reduce students' motivation to study.

A limited open book approach may also be followed by for example allowing students to bring one page of notes to the examination/test or by allowing students to bring the relevant legislation (the Divorce Act in Family Law, the Wills Act in Law of Succession, the Constitution in Constitutional Law and Human Rights etc) to the examination/test.

“Take home” tests and exams; assignments

This assessment method allows students to work at their own pace (to a degree) with access to relevant resources.

Lecturers must provide complete guidelines to students relating to the submission date, format of the answers, and “do’s and don’ts” (eg, to what degree students may discuss answers with each other, that students may be called for an oral examination if doubt exists as to the originality of the answers, etc).

Take home exams may only be used with small groups for senior students where the lecturer is satisfied that he/she will be able to exercise control. (Take home exams at LLB level are therefore primarily suited to LLB electives.) Students must complete the plagiarism certificate and students may be called for an oral examination. The head of department's permission must be obtained and at LLB level the outcomes of the take home exam must be discussed at the relevant year group meeting. The external examiner must receive a copy of the take home exam at least two weeks prior to the date on which the exam will be made available to the students. A justifiable time limit must be set.

Where lecturers make use of **assignments**, students must hand in assignments timeously. Lecturers must provide clear guidelines relating to the handing in of assignments (place, date, time) and must clearly indicate what sanctions will apply to students should the guidelines not be complied with. Lecturers must monitor the handing in of assignments (eg by requiring students to sign a submission list.)

As to **sick tests and assignments**, students must apply, with the necessary proof, to write a “sick” test (based on illness or other exceptional circumstances). Sick tests are not automatically awarded. Lecturers must carefully consider every application. Lecturers must provide clear guidelines as to the handing in of “sick” assignments (ie when a student was too ill to hand in an assignment on the due date.)

2.2 ASSESSMENT PROCESSES

Irrespective of the assessment method chosen, a sufficient number of **feedback opportunities** must be created during which learning may take place. Feedback may take various forms.

When **traditional tests or exams** are written, the following rules apply as a minimum requirement:

General

The purpose of perusal is not to remark the paper. A few questions may be considered. If a question or the paper has been added up incorrectly, the lecturer must remedy it. If a question has not been marked the lecturer must remedy it. After a student has compared his/her paper with the memorandum and is of the view that a question has not been properly assessed, the lecturer must consider the student's argument. No student may expect of a lecturer to remark a question or the question paper him- or herself; the student must point out to the lecturer where he or she believes a mark that appears on the memorandum has been overlooked, or specifically where he or she believes he or she was not properly assessed, and only then must the lecturer consider it. If the lecturer and student cannot reach agreement as to the assessment of a particular question, the student may apply for a remark of the paper. When an external examiner remarks a paper, the external examiner simply indicates whether a student has "passed" or "failed". A student cannot qualify for a supplementary examination based on a remark.

Tests

The relevant lecturer(s) must make the memorandum available to students and must **discuss** it with them. Discussion must preferably take place in the class situation, or as otherwise agreed with the students. However, students may still consult the responsible lecturer in his or her consultation hours, or by appointment, in order to clarify the allocation of marks in a test paper. The adjustment or correction of marks must take place once the mistake has been pointed out. (As far as possible, the correction or adjustment of marks to test scripts must be requested before the semester marks are finalised.)

Examinations

Students are entitled to peruse their examination scripts. The perusal of examination scripts is conducted with reference to a written memorandum as further set out in the Faculty Regulations. (The Faculty Regulation only applies to examination scripts, and not in respect of semester tests.) It goes without saying that the perusal must take place before the supplementary examination. In cases where students were unable attend the initial perusal of scripts, such students are entitled to **apply** for the perusal of their papers within a period of two weeks after the next semester has commenced.

Supplementary examinations

Students have the same right of perusal in their supplementary examination scripts as set out in the previous paragraph. Practically speaking, the perusal of supplementary examination scripts will probably take place during the two-week period as set out in the preceding paragraph.

Concerning **problem solving**, lecturers must as far as is possible create sufficient opportunities for students to solve problems, either on their own or in groups, and must create effective feedback opportunities, **prior** to the handing in of assignments or the writing of tests. Feedback may take various forms but should as far as possible include written comments. Lecturers must provide criteria and/or model answers against which students may measure their efforts.

3. FORMAT OF ASSESSMENT

3.1 GENERAL

Each module must provide for at least two assessment opportunities. Lecturers are encouraged to set at least one assignment in stead of a semester test. Fair assessment practices must be followed. Assessment opportunities must assess the minimum necessary to determine a candidate's knowledge of a module and must include key questions on the particular field of study rather than questions on every section thereof.

The use of “**open-book**” tests or examinations (or “take home/24 hour” tests or examinations in appropriate circumstances) are encouraged in all modules but especially in final year subjects (particularly in elective modules). In such instances, students are allowed open access to all their materials, and are required to complete a written assignment (for example an opinion, a short article, heads of argument, or a memorandum). If the examiner suspects that the student used “outside assistance”, the student is called for an oral examination.

In addition, lecturers should consider the applicability of portfolio, self and peer assessment, as well as other possibilities. Where applicable, these methods should be used.

Problem-based assessment tests insight and application. Problems should confront students with **unseen sets of facts**, to which they have to apply principles. It does **not** entail that students should merely identify and discuss a relevant case, or that the “problem” substantially corresponds to hypotheticals already discussed with students.

Where students submit assignments, **Annexure C** must be stapled to the front of the assignment.

3.2 LANGUAGE AND STRUCTURE

Language and structure are taken into account in all assessment, but do not count a fixed percentage of marks. This must be made clear to students on the paper. Papers must be set in a way which, as far as possible, incorporates the use of language and structure (full sentences and paragraphs): No paper may merely require from students to fill in **only words** in spaces or to choose only between stated options. If “True or False” questions are posed, students must be asked to explain “false” answers.

Students must answer questions in full sentences and must present structured, logical answers. Court cases must be discussed in context. (It is sufficient if one party in a particular court case is mentioned.) A lecturer drafts a memorandum according to which the script is marked, and to be used by students that have registered for that particular module. The memorandum must be discussed with all the markers to ensure consistency. The memorandum must broadly inform the student what the lecturer expected. In case of tests the lecturer must discuss the memorandum with students and in case of exams the memorandum must be made available during the perusal process. The purpose of the memorandum is not to teach students how to

write. Throughout the semester students must be exposed to **model answers**, especially with regards to answering problem-based questions.

Assessment must as far as possible take the form of **written opinions, heads of argument, pleadings, judgments, memoranda, letters to clients, short articles, notes or case discussions** for submission to a law journal, or “ordinary” problem questions.

A number of style and form requirements are set out below. The emphasis must however throughout remain on the **solving** of problem questions and lecturers may not award more than 10% of the marks to the use of the correct headings in the correct sequence.

The following style and format requirements apply:

3.2.1 SHORT ARTICLE OR NOTE

A particular style is not prescribed but references must be **complete** and **consistent**.

Lecturers must provide comprehensive style requirements to students.

De Jure's style requirements are available on the faculty's website at <http://www.up.ac.za/beta/academic/law/dejure/eng/djedpol.doc>

Kok, Nienaber and Viljoen *Skills Workbook for Law Students* (2001) sets out two alternative approaches.

3.2.2 LETTER TO A CLIENT

A letter to a client expects a student to analyse a given set of facts, to identify the relevant legal principles, and to present appropriate advice to a client. If the client is a legal advisor, the letter may contain typical lawyer's language (jargon), references to cases, etc. If the client is a layperson, the student should rather present the relevant principles and advice in ordinary English.

The format is as follows:

Own address (physical and postal address)
(fax, e-mail, file reference etc)

Date

Client's address

Opening salutation (Dear Mr Brown / Dear Joe)

Descriptive heading (use either **bold print**, CAPITALS or underlining)

1. Introductory paragraph
2. Facts
3. Analysis of legal position (legal rule(s)/ principles; application of law to facts)
4. Recommendations and substantiation of recommendation
5. Closing paragraph

Closing salutation (Yours sincerely / Yours faithfully)

(Signature)

NAME (IN CAPITALS)

3.2.3 MEMORANDUM; OPINION

A legal opinion (legal memorandum) is also based on a real or hypothetical set of facts directed at colleagues in a law firm, a government official, client or the like. The purpose of a legal opinion is to analyse and provide a substantiated solution to a legal problem or issue. Authority and other sources should be acknowledged. A bibliography should also be provided.

The format is as follows:

LEGAL MEMORANDUM

To:

From:

Re:

Date:

- I Statement of facts
- II Questions presented (question of law)
- III Short answer
- IV Applicable law
- V Application of law to the facts
for each issue:
 - rule or authority
 - application to facts
 - conclusion
 - weaknesses in case considered
- VI Summary and recommendation
- VII Bibliography

3.2.4 HEADS OF ARGUMENT

Heads of argument are based on a real or hypothetical problem (set of facts), directed at a judicial officer (judge or magistrate). The purpose of heads of argument is to set out arguments in a clear, concise and convincing way. Authority should be acknowledged, either in footnotes or included in the text. Numbering should be used. The heads of argument should contain a bibliography.

Heads of argument must be structured as follows:

In the Court of the Republic of South Africa
Case number:
In the matter between

Applicant/
The State/
Plaintiff/
Appellant

and

Respondent/
Accused/
Defendant/
Respondent

.....'s Heads of Argument

Table of contents

(on a separate page, with page numbers)

I. Introduction

- background, developments, charge, etc.

II. Facts

III Question(s) of law

- keep issues separate (arising from facts)

IV. Applicable law

- authority (statute, case law, other)

V. Application of law to facts

- keep issues separate
- answer questions of law
- **argue** to reach conclusion

VI. Conclusion

- what do you seek from the court (remedy, action must succeed, appeal should succeed)

Signed on (day and month) 200..... at (place)

Advocate for the (applicant, accused etc)

Copy to:
.....

VII. List of authorities (Bibliography)

- in alphabetical or chronological sequence
- keep books, journal articles and cases separate
- references must be complete and consistent

3.2.5 A JUDGMENT

A lecturer may require students to “solve” a hypothetical problem as if the student is the presiding officer in the case and has to hand down judgment. The following format must be followed:

1. Relevant facts
2. Relevant legal principles and resultant legal questions
3. Application of the legal principles to the facts
4. Finding / order

3.2.6 CASE DISCUSSION

The format is as follows:

1. Facts
2. Legal question(s)
3. Short answer
4. Reasons for the finding

Students should be encouraged to identify the **principles** and **policy decisions** that underlie judgments, rather than uncritically memorising the specific facts of specific cases. In the allocation of marks at least 50% must be allocated to the “reasons for the finding”. Only the most crucial facts should be set out.

3.3 FORMAT OF PAPER

1. Papers must contain the following information on the first page:
 - University logo (in applicable language)
 - Name of faculty, department
 - Subject/module, in full and code
 - Date of test (examination)
 - Total marks
 - Time allocated
 - Examiners
 - External examiner(s) (all examinations)
 - Date, time and place of inspection (for examinations)
 - Place where the memorandum will be available (tests and examinations)

(A template that may be used is attached as Annexure “A”).

2. Lecturers may also give other guidelines (for example that a certain number of questions should be answered) and **must** highlight the importance of language and structure. An example is the following:

Please take note that language (spelling and sentence format) and structure (logical paragraphing and interpretation) will be taken into account during assessment.

3. Papers must be numbered at the bottom of each page [**Page 2 of 3**].
4. There must be a clear indication at the end of a paper indicating that the paper ends [**End of paper**].

4. QUALITY ASSURANCE

4.1 ASSESSMENT PLAN

An appropriate **assessment plan** must be drafted for each module. The course coordinator(s) of each module, in consultation with the head of department, other lecturers involved in the module, academic associates, tutors and assistants must draft a **written assessment plan**. The following aspects must be dealt with:

- The **outcomes** of the particular module;
- **How** will assessment be undertaken? (tests, class tests, peer assessment, portfolio, open book, 24 hour tests etc);
- How is the **semester mark** compiled? (assignments, tests, etc; the weight of each of the components);
- How is the development of **problem solving skills** addressed in the module?
- How is the development of **research, reading and writing skills** addressed in the module?
- **When** does assessment take place?
- **Who** assesses? (lecturer, academic associates etc);
- What is the **role** of the lecturer, associate and tutor in the assessment process?
- **Control mechanisms** to ensure uniformity when more than one person assesses;
- **Comprehensive assessment guidelines** used during self-assessment when practising solving problem questions; and
- **Memoranda/guidelines** for assessment of tests, assignments and examinations by academic associates, lecturers etc.

After this a **year group** meeting takes place (May/June and October/November). During these meetings **all** lecturers who present lectures in a particular year (in other words not only the module coordinators) compare and discuss assessment in all modules, and investigate the possibilities for **integrating** teaching and assessment between modules and the development of **research, writing and reading skills**. Where appropriate the assessment plans of particular modules are then **amended** according to what has been decided at the year group meeting. **Study guides** for each of the modules are drafted in accordance with the (amended) assessment plan.

The convenor of the year group meeting reports to the LLB-committee and the chairperson of the LLB committee reports to the dean, who in turn takes up the report with the heads of departments where necessary. Heads of department also report after each semester to the dean about assessment performance in their departments.

The year group meeting assumes the role of an “ideal student” and considers the academic year from the perspective of a conscientious student: the dates when tests will be written in the particular academic year (1st, 2nd etc), the degree of difficulty of exercises, tests and exams, to what degree modules are integrated, to what degree skills are being developed, etc. In this way the year group meeting becomes a quality controller.

The assessment plan may be discussed during departmental meetings, and must form part of the performance management discussion with the head of department, and part of the performance management discussion between the heads of department and the dean.

The responsibility to ensure the correct translation and editing (technical refinement) of exam papers and memoranda rests with the subject head (module convenor).

4.2 ROLE OF EXTERNAL EXAMINER

An external evaluation must be conducted by an external examiner who is not a staff member of the University of Pretoria, with the purpose of controlling:

- The standard of teaching in a particular course as compared with the level to which the discipline has progressed internationally;
- The assessment practice followed in a particular module (this must be done with reference to the expected learning outcomes for this course as stated in the study guide);
- Coverage of the curriculum by the examination paper;
- The standard reached by students;
- The relevance of the examination to the stated expected learning outcomes or required competencies for the relevant course; and
- The quality of the internal evaluation(s).

External examiners are appointed on the basis of their competence to perform the tasks mentioned directly above.

There must be an external examiner for the examination in all final year modules. For first, second and third year modules, the dean decides in consultation with the heads of departments which of these modules' examinations will be externally examined. The head of the department, in consultation with the lecturer (internal examiner), nominates the external examiner for each of these modules. The dean must approve the nomination, but may delegate this approval power to the relevant head of department.

External examiners must complete an evaluation form. The form is attached hereto as Annexure B. The completed external evaluation form is considered as part of a

lecturer's performance management. No external examiner may serve for a term of longer than three consecutive years. The module coordinator must ensure that the external examiner completes the form. Completed forms must be given to the Faculty Administration and a copy to the head of department.

The external examiner:

- acts as moderator when the examination paper is drafted;
- examines the standard of answering and how well the answered scripts have been evaluated by means of spot-checks (see below);
- comments on the standard of the course as reflected by the examination paper and/or the oral examination and on whether the paper covers the curriculum;
- is together with the internal examiners jointly responsible for drafting examination papers and memorandums for written examinations.

An external examiner may prior to the examination advise that a particular question in the examination should be scrapped and replaced with a more appropriate and relevant question.

The external examiner must receive the following documents:

- Annexure B;
- The study guide for the relevant module (two weeks prior to the exam);
- The examination paper and memorandum (two weeks prior to the exam);
- At least ten examination scripts and a maximum of five per cent of the total number of examination scripts. He or she need not take the so-called marginal cases upon himself or herself. The spot-check should represent the various categories of achievement.

4.3 PLAGIARISM

A considerable increase in the number of plagiarism cases which are reported annually is being experienced. The University of Pretoria places a high premium on its academic standards, which implies that plagiarism is totally unacceptable. In addition, the value system which the University subscribes to requires strong action against behaviour of this nature.

4.3.1 Plagiarism within the University's Code of Conduct for Students

The "Disciplinary Code: Students" specifically includes infringement of copyright or any other form of the law of immaterial property. Plagiarism may also constitute an act of dishonesty in terms of the University's Test and Examination Instructions, while it also falls within the broader definition of misconduct in the sense that it endangers the proper course of instruction and research at the University.

4.3.2 The role of lecturers in preventing plagiarism

During the investigation of alleged plagiarism, students often argue that they had not known what was permissible, and more often that they had not realised the seriousness of the offence. By acting in accordance with the following the lecturer

fulfils an important role in the process of creating awareness in this regard, the disciplinary process is made easier, while the lecturer is protected to a large degree:

- Include a warning in respect of copyright/plagiarism in the study guides. Mention that this transgression could result in expulsion from the University and refer students to the information brochures that are available on the subject.
- Discuss the issue in class at the start of each new term. The following are important aspects:
 - Emphasise the value system and academic integrity of the University and encourage students to bring misconduct to the attention of the lecturers.
 - Clearly state that students are expected to do their own work and submit it in the prescribed manner. Using and submitting work that was done by someone else in the same or another course will not be allowed.
 - Discuss plagiarism, its meaning and what is acceptable, as well as the rules with regard to quotations and references. Special emphasis should be placed on web sites and other electronic sources.
 - Explain the rules with regard to discussions, collaboration and assisting one another. It is important for students to know what the lecturer's expectations are and what would be acceptable.
 - Explain the seriousness of the transgression and mention the fact that students at the University have been expelled as a result of plagiarism.
- Ensure that every student submits his/her assignment or research under cover of a document in which the items above have been covered. The document must be signed by the student and contain a declaration by the student that he/she has read the content of the document, understands it, and that the relevant assignment or research is his/her own work.

4.3.3 The role of the lecturer/head of department/dean in cases of suspected plagiarism

If it becomes evident that a student is guilty of plagiarism, the lecturer must take the following steps:

Investigation

- Convene a meeting with the student.
- Discuss your suspicions as well as the proof you have with the student.
- Ask the student for his or her version of the matter.
- If you are satisfied that there has been no transgression, the student may be excused and the matter thus resolved.
- If, however, your suspicions are confirmed, the matter can either be resolved within your own department or referred to the Committee for Discipline (Students).

Handling a charge within the department

The matter can be resolved in the department when all of the following apply:

- plagiarism was committed in an assignment;
- it is the student's first transgression of this nature;

- the plagiarism is minor in extent and the lecturer is of the opinion that awarding zero marks for the relevant assignment would be a sufficient penalty;
- the student admits the transgression;
- the student accepts that the case has been settled in this manner; and
- this solution is supported by the head of department.

Referral to the Disciplinary Committee (Students)

The matter is referred to the Disciplinary Committee (Students) if any of the following applies:

- plagiarism was committed in a dissertation or thesis;
- the student has previously committed a transgression of this nature;
- the extent of the plagiarism is such that the cancellation of the mark would not be a sufficient penalty;
- the student denies the transgression; or
- the head of department is of the opinion that the matter should be referred to the Disciplinary Committee (Students).

The matter is referred to the Committee by means of a written statement and report on the incident, as well as written statements from anyone who can testify in this regard. The student should also give a written statement which contains his or her student number, signature and contact details.

All documentary evidence and statements must be submitted to the Registrar via the head of department and the dean.

The marks for the assignment or research in question must be held back until the ruling of the Disciplinary Committee (Students).

4.3.4 The disciplinary hearing

If the Registrar is of the opinion that reasonable grounds exist for bringing a charge of misconduct against a student, he formulates a charge in writing which is handed to the student and in which he or she is summoned to attend a hearing. Lecturers and other witnesses whose presence may be required at the hearing, will be notified accordingly. Copies of the documents containing the charge and the sentence imposed will be provided to the dean and the head of department.

4.3.5 Penalties

If a student is acquitted by the Committee he or she retains the mark, which will be made available by the lecturer. If the student is found guilty, the Committee will decide on a suitable penalty. If the student is to be deprived of the credits for the subject or assignment in respect of which the transgression was committed, the mark is forfeited.

5. ADJUSTMENT OF MARKS

5.1 General

Decimal figures of 0.5 and larger must be rounded off to the next (larger) integer. Decimal figures smaller than 0.5 must be rounded off to the preceding (smaller) integer.

38% may be adjusted to 40% in the discretion of the head of department concerned; 39% must be adjusted to 40%.

48% may be adjusted to 50% in the discretion of the head of department concerned; 49% must be adjusted to 50%.

73% may be adjusted to 75% in the discretion of the head of department concerned; 74% must be adjusted to 75%.

In the case of first year, first semester courses, 28% may be adjusted to 30% in the discretion of the head of department concerned and 29% must be adjusted to 30%.

5.2 Examination admission

In the first semester of the first year students are admitted to the examination with a semester mark of **30%**. In the second semester of the first year and thereafter students are admitted to the examination with a semester mark of **40%**.

5.3 Supplementary examinations

Supplementary examinations are automatically granted if a student achieves **40% - 49%** as final mark.

5.4 Pass mark

The pass percentage (final mark) is 50%.

The semester mark counts 50% of the final mark and the examination mark counts 50% of the final mark.

A student cannot pass a module if he/she passed the examination but achieved a final mark of less than 50%. In such a case the student must write the supplementary examination, should he/she qualify (ie achieve a final mark of between 40% and 49%).

6. EXTRAORDINARY EXAMINATIONS

Where a student applies for an extraordinary examination in a law module for the fifth (or further) time, that student may be requested to appear before the student affairs committee of the faculty to substantiate why he/she should be allowed to write another extraordinary examination.

PART B: STUDY GUIDE

A study guide consists of a organisational and study component. Where appropriate and relevant the study guides to each of the modules must contain the following information:

1. Organisational component

1.1 General approach

- Author, date of compilation and copyright statement
- Table of contents and page numbers
- Module title and module code
- Word of welcome
- Significance of the module
- Overview of the module (schematic or in words)
- Educational approach
- Expectations in terms of self-directed/flexible learning
- Role of the students and the lecturer
- Clear instructions for the use of study materials
- Difficult terminology used in the guide is clearly described

1.2 Contact information

- Name
- Building and office number
- Telephone and fax
- Email
- Consulting hours
- Contact information of other lecturers
- Secretary
- Teaching assistants, tutors etc

1.3 Administrative arrangements

- Time table and/or schedules
- Venues
- Due dates for assignments, tasks, portfolios
- Dates of formal tests and examinations
- Arrangements for communication (eg notice board)
- Arrangements for submission of assignments

1.4 Study materials

- References to the prescribed textbook and other study material
- Detailed bibliography/list of references

1.5 Learning activities

- Number of contact sessions
- Distribution of available notional hours between various learning activities
- Description and purpose of learning activities (practical sessions, tutorials, discussions, student presentations etc)
- Expectations regarding all learning activities
- Specifications and guidelines for individual assignments
- Specifications and guidelines for group assignments

1.6 Assessment

- Pass requirements
- Formula for calculating semester and year marks

- Policy on absence from tests or late submissions of assignments
 - Policy on plagiarism/dishonesty
 - Assessment methods aligned with specific learning outcomes and the main outcome of the module
 - Clear guidelines and assessment criteria regarding each of the assessment methods
 - Indication of grading for participation in learning activities
 - Clear information regarding format and mark allocation
2. Study component
- 2.1 Module specifications
- Purpose of the module
 - Competence that is required of students after completion of the module
 - Knowledge, skills and understanding required for competent performance that will support the achievement of outcomes of the module
 - How the module articulates and interrelates with other modules (schematic or in words)
 - Critical cross-field outcomes that are addressed in the module must be clear and contextualised
- 2.2 Study units/themes
- Specific learning outcomes
 - Outcomes must focus on integration of higher order knowledge, skills and attitudes
 - Outcomes must contain active verbs
 - Specific learning outcomes must sustain the broader module outcome
 - Assessment criteria must be clearly defined and contextualised within the assessment strategies
 - Knowledge base required for competent performance in the module must be clearly described
3. General criteria
- Edit
 - Afrikaans and English
 - Relaxed style and learners directly addressed
 - Thorough and complete; not complex/confusing
 - Correct and complete numbering
 - Appropriate referencing
 - Copyright requirements
 - Structure, layout, language usage and content of the guide must comply with the needs of the target group
 - Study guide must provide for opportunities for interaction with the material and other students
 - Student support

Generic guidelines for compiling study guides, a checklist for evaluating the study guides, as well as a faculty-specific cover are available at:

<http://www.up.ac.za/telematic/intranet/downloads/studyguide/guidelines.doc>

An electronic template is available at:

<http://www.up.ac.za/telematic/intranet/downloads/studyguide/template.doc>

Annexure A: Format of paper



Fakulteit Regsgeleerdheid Faculty of Law



Departement
Department of

Eksamen/Toets:
Exam/Test:

Datum:
Date:

Totaal:
Total:

Tyd:
Time:

Eksaminatore:
Examiner(s):

Eksterne eksaminatore:
External examiner:

Studentenommer (verpligtend)
Student number (compulsory)

Student se van, voorletters (opsioneel)
Student surname, initials (optional)

Antwoord alle vrae (of enige 2 van die 4 vrae). Neem kennis dat taalgebruik (spelling en sinskonstruksie) en struktuur (logika, duidelike struktuur) in ag geneem word in assesering van u antwoord.

Answer all the questions (or any 2 of the 4 questions). Note that the use of language (spelling and sentence structure) and structure (logical, clear structure) are taken into account in assessing your answers.

Datum, tyd en plek van inspeksie:
Date, time and place of inspection:

Memorandum
Memorandum

: Beskikbaar by
: *Available at*

Annexure B: External Examiner

UNIVERSITY OF PRETORIA FACULTY OF LAW

DUTIES OF, AND REPORT BY, EXTERNAL EXAMINERS: LLB
--

MODULE: _____

COURSE LEADER: _____

CONTACT DETAILS: _____

1. INTRODUCTION

In order to ensure that the LLB programme at the University of Pretoria's Law Faculty is of the highest possible standard, this form has been introduced in order to guide external examiners through the evaluation process of the relevant LLB module. External examiners are requested to acquaint themselves with the contents of this document **before** conducting the external evaluation of the relevant LLB module.

Together with this document you should have received the following from the internal examiner(s) / course leader(s):

- The study guide for the relevant module (two weeks prior to the exam);
- The examination paper and memorandum for assessment (two weeks prior to the exam); and
- At least ten examination scripts and a maximum of five per cent of the total number of examination scripts. You need not take the so-called marginal cases upon yourself. The spot-check should represent the various categories of achievement.

2. EXTERNAL EXAMINERS

2.1 General

An external evaluation must be conducted by an external examiner who is not a staff member of the University of Pretoria, with the purpose of controlling:

- The standard of teaching in a particular course as compared with the level to which the discipline has progressed internationally;
- The assessment practice followed in a particular module (this must be done with reference to the expected learning outcomes for this course as stated in the study guide);
- The standard reached by students;
- The relevance of the examination to the stated expected learning outcomes or required competencies for the relevant course; and
- The quality of the internal evaluation(s).

2.2 Duties of an external examiner

The external examiner:

- (a) Acts as moderator when the examination paper is drafted by the internal examiner(s). The external examiner receives the study guide and suggested examination and memorandum at least two weeks prior to the date of the examination. The external examiner may advise that particular questions in the examination should be scrapped and replaced with more appropriate and relevant questions;
- (b) Examines how well the answered scripts have been evaluated by the internal examiner. The external examiner must re-assess the selected scripts; and
- (c) Comments on the standard of the course as reflected by the examination and on whether the paper covers the *curriculum* as stated in the expected learning outcomes for this course.

2.3 Report by external examiners

External examiners must report to the Dean of the Law Faculty in a structured manner on the examination as a whole as set out in more detail below.

3. COMPLETING RESULT LISTS AND DETERMINING EXAMINATION RESULTS

Both the internal and external examiner(s) indicate a candidate's mark on the cover of his or her answer book.

The internal examiner must complete, on the result list, the semester / year mark, examination mark and final mark (expressed as a percentage and rounded off to an integer where necessary).

The external examiner recommends whether or not the relevant student's marks must be adjusted. The internal examiner must make the recommended adjustments.

Thank you for your co-operation.

DEAN: LAW FACULTY
UNIVERSITY OF PRETORIA

**FACULTY OF LAW
REPORT OF THE EXTERNAL EXAMINER**

PLEASE NOTE:

SHOULD YOU WANT THE CONTENTS OF YOUR REPORT TO BE DEALT WITH CONFIDENTIALLY, THIS ANNEXURE MUST BE SUBMITTED DIRECTLY TO THE OFFICE OF THE DEAN, AND NOT TO THE INTERNAL EXAMINER OF THE COURSE CONCERNED

DEPARTMENT: _____

MODULE: _____

EXAMINATION PANEL

Internal: _____

External: _____

Please return the completed form to the internal examiner or the dean at:

Faculty of Law
University of Pretoria
Pretoria
0002

1	Did you receive the study guide at least two weeks prior to the examination?	YES	NO
2	Did you peruse the examination paper and memorandum at least two weeks prior to the examination?	YES	NO

PLEASE ANSWER THE FOLLOWING QUESTIONS BY INDICATING “YES” OR “NO”. (PLEASE PROVIDE REASONS IN THE SPACE PROVIDED WHERE YOU HAVE INDICATED “NO” TO ANY OF THE QUESTIONS).

Please consider the course content and stated learning outcomes as provided in the study guide for this course when answering the questions below.

3. Did the examination paper reflect the stated expected learning outcomes for this module?

4. In your opinion, is the module on an LLB standard considering the content and stated learning outcomes of the module and the examination?

5. In your opinion, were the scripts fairly marked by the internal examiner?

6. Is the examination mainly aimed at assessing insight and “solving” problem-type questions? (At first year level at least 60% of the examination should consist of problem solving / insight-type questions; at second year level 70%; at third year level 80% and at fourth year level 90%.)

7. **General / other remarks (If the space provided is inadequate, the external examiner may attach a separate A4 page.)**

SIGNATURE OF EXTERNAL EXAMINER

DATE: _____

Annexure C: Plagiarism

UNIVERSITY OF PRETORIA
FACULTY OF LAW

I (full names): _____

Student number: _____

Module and subject of the assignment: _____

Declaration

1. I understand what plagiarism entails and am aware of the University's policy in this regard.
2. I declare that this _____ (eg essay, report, project, assignment) is my own, original work. Where someone else's work was used (whether from a printed source, the internet or any other source) due acknowledgement was given and reference was made according to the requirements of the Faculty of Law.
3. I did not make use of another student's previous work and submit it as my own.
4. I did not allow and will not allow anyone to copy my work with the aim of presenting it as his or her own work.

Signature _____