MEASURING AND ENHANCING THE AUTHENTICITY OF AN EXAMINATION AND OTHER ASSESSMENT TASKS

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ABSTRACT

Many Australian university assessment policies stipulate against having an examination as the sole assessment task in a unit, and a diverse range of assessment tasks have been designed to complement examinations. In a legal education context, an end-of-semester, open-book, problem-based examination incorporates some features of 'authentic assessment', but overall has a low level of authenticity. For the purposes of this article, 'authentic assessment' means a form of assessment that reflects the role of a lawyer in the real world. Strategies for improving the authenticity of an end-of-semester, open-book, problem-based examination are identified. The assessment tasks implemented in the twenty-first century in the Criminal Law subject at the Queensland University of Technology (QUT) are used as a case study. The level of authenticity of these assessment tasks is measured, and recommendations are provided for enhancing their authenticity.

I INTRODUCTION

End of semester, open-book problem-based examinations reflect 'doctrinal modes of thought';[1] 'the transmission of knowledge about legal rules and doctrine';[2] less emphasis on law students memorising legal principles and the law than there has been in the twentieth century;[3] and greater emphasis on legal problem solving.[4]

Part II of this article explores the impact of university assessment policies on the weighting of an examination within the totality of assessment tasks, and Part III identifies a diverse range of assessment tasks that have been used to complement examinations.

Part IV considers the authenticity of the end-of-semester, open-book, problem-based examination. In doing so, it illuminates the features of authentic assessment and draws attention to an Authentic Assessment Framework developed by the author, which has been designed to determine the level of authenticity of an assessment task.

In Part V of this article, the authenticity of the assessment tasks used in the Criminal Law subject at the Queensland University of Technology in the recent past will be measured using the Authentic Assessment Framework and strategies for enhancing their authenticity will be highlighted.

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1 Kate Galloway and Peter Jones, 'Guarding Our Identities: The Dilemma of Transformation in the Legal Academy' (2014) 14 *Queensland University of Technology Law Review* 15, 17.

2 Mary Keyes and Richard Johnstone, 'Changing Legal Education: Rhetoric, Reality, and Prospects for the Future' (2004) 26(4) *Sydney Law Review* 537, 543.

3 Nickolas James, 'A Brief History of Critique in Australian Legal Education' (2000) 24(3) *Melbourne University Law Review* 965, 967.

4 Galloway and Jones, above n 1, 17.

II   The Impact of University Assessment Policies on the Weight of Examinations

It goes without saying that legal educators are required to design assessment tasks within the parameters of their university's assessment policy, which incrementally changes over time. Table 1 provides a snapshot of the Australian universities that support a law school, and the maximum weight their university assessment policy attaches to an end-of-semester examination, as at 1 July 2014. The public universities in Australia that do not host a school of law have not been included in the table.[5] Note that the university assessment policies do not make a distinction between open-book and closed-book examinations, or between problem-based or essay-style examinations.

Table 1: Maximum Weight of End of Semester Examination Pursuant to the University Assessment Policy

University Assessment Policy	Maximum Weight of End of Semester Examination	Assessment Policy Website as at 1 July 2014
Australian Catholic University	65%	http://students.acu.edu.au/administration_and_enrolment/handbooks/handbook_2014/general_information/assessment_policy/4._assessment_design
Australian National University	Requires 2 or more assessment tasks, so not 100%	https://policies.anu.edu.au/ppl/document/ANUP_004603
Bond University	90%	http://bond.edu.au/prod_ext/groups/public/@pub-qagen/documents/policy/bd3_026564.pdf
Charles Darwin University	Not explicit in the policy	http://www.cdu.edu.au/governance/policies/pol-002.pdf
Curtin University	50%	http://policies.curtin.edu.au/findapolicy/docs/Assessment%20and%20Student%20Progression%20Manual%20-%206th%20Edition%20-%20Feb%202013%20V2.pdf
Deakin University	Not explicit in the policy	http://theguide.deakin.edu.au/TheGuide/TheGuide2011.nsf/191d0d51322b3a04ca2576be00064063/bd40c760a0625e10ca257b7500056767?OpenDocument
Edith Cowan University	Policy is under review	http://www.ecu.edu.au/GPPS/policies_db/policies_view.php?rec_id=0000000028
Flinders University	Not explicit in the policy	http://www.flinders.edu.au/ppmanual/student/assessment-policy.cfm#appendixb
Griffith University	Not explicit in the policy	http://policies.griffith.edu.au/pdf/Assessment%20Policy.pdf
James Cook University	70%	http://www.jcu.edu.au/policy/allitoz/JCU_076643.html
La Trobe University	70%	http://www.latrobe.edu.au/policy/documents/assessment-policy.pdf
Macquarie University	80%	https://mq.edu.au/policy/docs/assessment/policy.html
Monash University	80%	http://policy.monash.edu.au/policy-bank/academic/education/assessment/unit-assessment-procedures.html#assessment-regime
Murdoch University	70%	https://policy.murdoch.edu.au/dotNet/documents/?docid=1373&LinkedFromInsertedLink=true&public=true

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5   David Barker, 'An Avalanche of Law Schools: 1989 to 2013' (2013) *Journal of the Australasian Law Teachers Association* 153, 164.

University Assessment Policy	Maximum Weight of End of Semester Examination	Assessment Policy Website as at 1 July 2014
Queensland University of Technology	60%	http://www.mopp.qut.edu.au/C/C_05_01.jsp
Royal Melbourne Institute of Technology University	Not explicit in the policy	http://rmit.net.au/browse;ID=qwxbqbg739rl1;STATUS=A;PAGE_AUTHOR=Andrea%20Syers;SECTION=1
Southern Cross University	60%	http://policies.scu.edu.au/view.current.php?id=00066#s2
University of Adelaide	70%	http://www.adelaide.edu.au/policies/700/
University of Canberra	Not 100%	https://guard.canberra.edu.au/policy/policy.php?pol_id=2900
University of Melbourne	A single assessment task may be worth 100%	https://policy.unimelb.edu.au/MPF1200#section-3.1
University of Newcastle	50% unless approved by Head of School	http://www.newcastle.edu.au/Resources/Policy%20Library/000996%20-%20Course%20Management%20and%20Assessment%20Procedure%20Manual.pdf
University of New England	At least 30% but not more than 70%	http://www.une.edu.au/__data/assets/pdf_file/0008/37439/assessment-policy-2012.pdf
University of Notre Dame	Not explicit in the policy	http://www.nd.edu.au/downloads/current-students/studentadministration/guideline-assessment-07oct.pdf
University of New South Wales	Not explicit in the policy	https://www.gs.unsw.edu.au/policy/documents/assessmentpolicy.pdf
University of Queensland	Not explicit in the policy	http://ppl.app.uq.edu.au/content/3.10.02-assessment
University of South Australia	Implies not more than 85%	http://w3.unisa.edu.au/policies/manual/2014/S1AssessmentPrinciples_2014.pdf
University of Southern Queensland	Not explicit in the policy	http://policy.usq.edu.au/documents.php?id=1357PL
University of Sydney	Not explicit in the policy	http://sydney.edu.au/policies/showdoc.aspx?recnum=PDOC2012/266&RendNum=0
University of the Sunshine Coast	50%	http://www.usc.edu.au/university/governance-and-executive/policies-and-procedures/assessment-courses-and-coursework-programs-procedures-1
University of Tasmania	Not explicit in the policy	http://www.utas.edu.au/__data/assets/pdf_file/0008/30995/TLP-2.1-Assessment-Policy.pdf
University of Technology, Sydney	65%	http://www.gsu.uts.edu.au/policies/documents/assessment-coursework-policy.pdf
University of Western Australia	Not explicit in the policy, but delegated to the faculty	http://www.governance.uwa.edu.au/procedures/policies/policies-and-procedures?policy=UP07%2F23

University Assessment Policy	Maximum Weight of End of Semester Examination	Assessment Policy Website as at 1 July 2014
University of Western Sydney	As approved by the Courses and Units Approval Process	http://policies.uws.edu.au/view.current.php?id=00227
University of Wollongong	70%	http://www.uow.edu.au/about/policy/UOW058614.html
University of Victoria	Not mandated in the policy	http://wcf.vu.edu.au/governancepolicy/PDF/POA090212000.PDF

The data in Table 1 suggest that an examination is not, generally speaking, considered an appropriate single assessment task in a unit. The maximum credit weighting that may be attributed to examinations commonly ranges from 50 per cent to 80 per cent. Several university assessment policies did not explicitly address the issue of the weight that should be assigned to an examination, but that is not to say that this has not been prescribed by policies at the faculty or school level. Despite the fact that many university assessment policies have in effect discounted the examination, so that it is no longer the sole assessment task, it has survived and remains a significant method of assessing law students.

III   COMPLEMENTING AN EXAMINATION WITH A DIVERSE RANGE OF ASSESSMENT TASKS

In Australian law schools, while an end-of-semester, open-book, problem-based examination remained a major component of assessment practices at the turn of this century, it was complemented by a diverse range of assessment practices. Some examples of these included drafting exercises, case notes, take-home examinations, research essays, problem-based assignments, group assignments, moots, vivas, tutorial participations, oral presentations, group presentations, multiple-choice questions, short answer quizzes, book reviews, issues papers and press files (students monitor the media for specific legal issues).[6]

The range of assessment practices available today to complement the traditional examination is vast. Some contemporary examples of assessment in legal education include reflective journals, reflective court reports, advocacy exercises, letters from solicitor to client, advice from a barrister, legal citation exercises, library exercises, community-based assessments, community brochures, poster presentations and contributions to online discussion fora.[7] The breadth of these examples supports the view that the first fifteen years of this century have been dynamic for creative assessment practices in Australian legal education.

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6   Richard Johnstone and Sumitra Vignaendra, 'Learning Outcomes and Curriculum Development in Law: A Report Commissioned by the Australian Universities Teaching Committee' (2003) 370 <http://www.austlii.edu.au/au/journals/LegEdDig/2004/8.html>. The author would like to thank the conference delegates who helped to expand this list of diverse assessment practices when the paper, 'Changing Assessment Tasks in Legal Education in Turbulent Times: Authentic or Traditional?', was presented at the Thriving in Turbulent Times: Re-imagining the Roles of Law, Law Schools and Lawyers, Australasian Law Teachers Association Annual Conference 2014, Gold Coast, 12 July 2014.

7   Kelley Burton, 'A framework for determining the authenticity of assessment tasks: Applied to an example in law' (2011) 4(2) *Journal of Learning Design* 20, 25; Judith McNamara and Kelley Burton, 'Assessment of Online Discussion Forums for Law Students' (2009) 6(2) *Journal of University Teaching and Learning Practice* <http://ro.uow.edu.au/jutlp/vol6/iss2/6>; Judith McNamara, Ingrid K Larkin, and Amanda Beatson, 'Using Poster Presentations as Assessment of Work Integrated Learning' (Paper presented at Proceedings of the Australian Collaborative Education Network National Conference, Perth, 29 September – 1 October 2010). The author would like to thank the conference delegates who helped to expand this list of contemporary examples of assessment in legal education when the paper, 'Changing Assessment Tasks in Legal Education in Turbulent Times' (above n 6) was presented in 2014.

IV   Measuring and Enhancing the Authenticity of an Examination

It would be wrong to assume that an end-of-semester, open-book, problem-based examination is ' merely' a 'traditional assessment' that is not, therefore, authentic — because, as will be seen below, it does exhibit some of the features of 'authentic assessment'. Consequently, rather than viewing 'traditional assessment' and 'authentic assessment' as mutually exclusive conceptions, it is better to focus on the conceptualisation of 'authentic assessment' and appreciate that there are varying levels of 'authenticity' across the range of available assessment forms.

While the author initially believed that the concept of 'authentic assessment' was first enunciated by Herrington and Herrington,[8] apparently the idea had been contemplated as early as 1968 by Sacks.[9] In any event, recent years have witnessed the proliferation of literature on authentic assessment, especially in the context of student engagement.[10]

However, harnessing the concept of authenticity in a single, universal and comprehensive definition is a challenging task. The essence of authentic assessment is that it reflects activities that are realistic in work settings or life situations.[11] Arguably, authenticity is closest to being present when a student mimics or replicates a professional in practice. What students need to do to complete the assessment task is more persuasive than the physical or contextual setting of the task, when determining the degree of authenticity of an assessment task.[12] A greater appreciation of authentic assessment can be gleaned from pinpointing its underlying features.

Authentic assessment compels the production of knowledge and not simply a reproduction of knowledge,[13] and as a result, authentic assessment requires students to show a comprehensive understanding of discipline knowledge.[14] Additionally, authentic assessment integrates a range of skills into the assessment task.[15] For example, problem-solving skills, higher order cognitive skills (analysis, synthesis, evaluation) and collaboration skills. An end-of-semester, open-book, problem-based examination draws on problem-solving skills and higher order cognitive skills.

Collaboration is certainly another feature of authentic assessment. As students complete examinations by themselves, this decreases the authenticity of this assessment task.

Other features of authentic assessment include that the task is flexible in its structure, complex, necessitates multiple steps, expects students to make judgments, provokes a wide range of novel ideas and responses, and creates a polished product.[16] Arguably, an examination can be complex, as it sometimes provides several pages of facts, requires students to take

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8   Jan Herrington and Anthony Herrington, 'Authentic assessment and multimedia: How university students respond to a model of authentic assessment' (1998) 17(3) *Higher Education Research and Development* 305.

9   Howard R Sacks, 'Student Fieldwork as a Technique in Educating Law Students in Professional Responsibility' (1968) 20 *Journal of Legal Education* 291, 294.

10   Caroline Hart et al, 'The Real Deal: Using Authentic Assessment to Promote Student Engagement in the First and Second Years of a Regional Law Program' (2011) 21 *Legal Education Review 97*; N Meyers, 'How to Use 5 Curriculum Design Principles to Align Authentic Learning Environments, Assessment, Students' Approaches to Thinking and Learning Outcomes' (2009) 34(5) *Assessment and Evaluation in Higher Education* 565; and Jonathan Meuller, *Authentic Assessment Toolbox* (2011) <http://jonathan.mueller.faculty.noctrl.edu/toolboxwhatisit.htm#looklike>.

11   David Boud and Nancy Falchikov, *Rethinking assessment in higher education: Learning for the longer term.* (Routledge, 2007) 23; and J Gulikers, T Bastiaens and P Kirschner, 'Authentic assessment, student teacher perceptions: The practical value of the five-dimensional framework' (2006) 58 *Journal of Vocational Education and Training* 337.

12   Kelley Burton, 'Does the Summative Assessment of Real World Learning Using Criterion-referenced Assessment need to be Discipline-Specific?' (Paper presented at Assessment in Different Dimensions, Proceedings of the ATN Assessment Conference, Melbourne, 19–20 November 2009) 94, 97.

13   Sue Burkill et al, 'Authentic Voices: Collaborating with Students in Refining Assessment Practices' (Paper presented at Assessment in Different Dimensions, Proceedings of the ATN Assessment Conference, Melbourne, 19–20 November 2009) 84, 85.

14   Jan Herrington and Anthony Herrington, 'Authentic conditions for authentic assessment: Aligning task and assessment' (Paper presented at Critical Visions, Proceedings of the 29th Higher Education Research and Development Society of Australasia (HERDSA) Annual Conference, Western Australia, 10–12 July 2006) 146.

15   Ibid 147.

16   Ibid.

multiple steps and make judgments in identifying the legal issues, identifying the relevant legal authorities (cases and legislation), applying the legal authorities to the facts and coming to a conclusion. However, it is doubtful whether an end-of-semester, open-book, problem-based examination can provoke a wide range of novel ideas and responses, and it is certainly not conducive to the creation of a polished product, especially when reflecting upon examination conditions including the time constraints.

In summary, a traditional examination may incorporate some very limited features of authentic assessment, and thus, as will be shown below, has only a low level of authenticity.

Based on the literature of authentic assessment, Burton previously developed an Authentic Assessment Framework, which provides educators with a strategy for enhancing the authenticity of assessment tasks by asking 10 closed (yes/no) questions.[17] The 10 questions are offered below in Table 2.

Table 2: Authentic Assessment Framework

10 Questions to Determine the Level of Authenticity	Yes	No
1. Is the student required to mimic a professional in the real world?		
2. Is the student required to complete the assessment task using resources similar to that in the workplace?		
3. Is the student required to complete the assessment task under realistic conditions?		
4. Does the assessment task produce a valuable, polished product?		
5. Is higher order thinking or meta-cognition seamlessly integrated with the assessment task?		
6. Is reflection seamlessly integrated with the assessment task?		
7. Is self-assessment seamlessly integrated with the assessment task?		
8. Does the student collaborate with other stakeholders (for example, professionals/students) when completing the assessment task?		
9. Does the student need to exercise judgment or choice in determining sub-tasks of the assessment task?		
10. Does the assessment task produce a novel or diverse responses?		

If an assessment task is awarded 'no' for a question in the Authentic Assessment Framework, this points to a weak spot that would benefit from a strategy to improve its the authenticity. The framework was applied by Burton in a legal education context in 2011, and it may well have equal application to other disciplines. If disciplines transform themselves over time,[18] the authenticity of assessment tasks will also naturally vary over time.

When the Authentic Assessment Framework was previously applied to an end-of-semester open-book, problem-based examination, that examination rated 3/10.[19] In coming to this conclusion, the examination was given credit for requiring the seamless integration of higher order thinking or meta-cognition; expecting the student to exercise judgment or choice in determining sub-tasks of the assessment task, which undoubtedly stems from the various steps involved in a problem-solving strategy, such as IRAC (issue, rule, application and conclusion); and for producing novel and diverse responses. However, where the design of

17 Burton, above n 7, 25.
18 Galloway and Jones, above n 4, 15.
19 Burton, above n 7, 26.

such an examination requires students to apply legal authorities to a factual scenario, resulting in a clear-cut answer, awarding an extra point for authenticity might be too generous, because novel and diverse responses might be wrong. Irrespective of whether this point is awarded, this form of examination clearly offers a low level of authenticity, and questions 1, 2, 3, 4, 6, 7 and 8 in the Authentic Assessment Framework point to some strategies to make the assessment task more authentic.

V   MEASURING AND ENHANCING OTHER ASSESSMENT TASKS

As a case study, the authenticity of the assessment tasks now being used in Criminal Law at the Queensland University of Technology will be measured using the Authentic Assessment Framework, and strategies for improving the authenticity of these assessment tasks will be identified. Generally speaking, 'Criminal Law' has been taught across two second year undergraduate core units, and in 2014, these were labelled as 'LWB238 Fundamentals of Criminal Law' and 'LWB239 Criminal Responsibility'. These units have large cohorts of law students, usually ranging from 400 to 600 in number. In 2015, as the result of a recent integrated and whole-of-curriculum review process, Criminal Law will be taught in a single first year core unit and will be called 'LLB106 Criminal Law'.

Table 3 outlines the assessment tasks and their current weighting in Criminal Law at the Queensland University of Technology. An end-of-semester, open-book, problem-based examination has consistently been a key assessment task, and as discussed above in Part IV of this article, it achieved 3/10 under the Authentic Assessment Framework.

Table 3: Assessment Tasks, Weight and Level of Authenticity: An Example in Criminal Law

From 2000 onwards	
Advocacy Exercise 20%	6/10
Tutorial Participation 20%	3/10
End of Semester Open Book Problem-based Examination 60%	3/10
2015	
Cultural Competency Critique 20%	5/10
Barrister's Advice - Problem Solving Task 20%	7/10
End of Semester Open Book Problem-based Examination 60%	3/10

When the Authentic Assessment Framework was previously applied to tutorial participation, that component received 3/10.[20] In coming to this conclusion, tutorial participation was awarded points for requiring the seamless integration of higher order thinking or meta-cognition; expecting the student to exercise judgment or choice in determining sub-tasks of the assessment task; and for producing novel and diverse responses. Consequently, tutorial participation was just as inauthentic as an end of semester open book problem-based examination.

A 10-minute advocacy exercise was introduced, whereby a student acted as the prosecutor or defence in a criminal matter in a moot court in front of their tutor and tutorial group (20 students) and submitted a one-page outline of arguments. While the weight attributed to this assessment task varied slightly during its existence, it was, largely speaking, valued at 20%. This assessment task achieved 6/10 on the Authentic Assessment Framework outlined above in Table 2,[21] and is therefore more authentic than an end-of-semester, open-book, problem-based examination and tutorial participation, which were each awarded 3/10. Strategies for improving

20 Burton, above n 7, 26.
21 Burton, above n 7, 25.

the authenticity of an advocacy exercise include incorporating reflection, self-assessment and collaboration; as well as, requiring students to produce a valuable, polished product.[22]

In 2015, a cultural competency critique will be pioneered. According to the unit outline for LLB106 Criminal Law, this assessment task will require students to 'critique an interaction in a legal context based on their judgement of the cultural competency demonstrated during the interaction and generate options to improve the communication. Word limit: 1500 words.'

Applying the Authentic Assessment Framework to the cultural competency critique results in a score of 5/10. The cultural competency critique will require a student to produce a valuable, polished product; it seamlessly integrates higher order thinking; it seamlessly integrates reflection; requires students to exercise judgment in determining sub-tasks; and requires students to produce diverse responses about how to improve communication.

The 10 questions on the Authentic Assessment Framework highlight strategies for enhancing the authenticity of this assessment task, including to require a student to mimic a professional in the real world; complete the assessment task using resources similar to that in the workplace; complete the assessment task under realistic conditions; to engage in self-assessment; and to collaborate with other stakeholders. Consequently, the cultural competency critique has a higher level of authenticity than the end of semester open book problem-based examination and tutorial participation, but a slightly lower level of authenticity compared to an advocacy exercise.

The barrister's advice also has a maximum word limit of 1500. The unit outline for LLB106 Criminal Law specifies that in this task, "students will be required to complete a written Barrister's Opinion which is designed to assess the extent to which they are able to link facts from a given scenario to elements of the substantive defences and excuses, which are studied in the unit. They will then advise a given client as to whether the relevant defences and excuses are likely to be made out.'

While the barrister's advice looks similar to an end-of-semester, open-book, problem-based examination because it responds to a problem, its level of authenticity is higher because it requires students to mimic a barrister; the students have access to the same resources that would be expected in a workplace; the student completes the task under realistic conditions; the assessment task provides a valuable, polished product; requires higher-order thinking; requires the student to exercise judgment or choice in determining sub-tasks; and produces novel or diverse responses. Accordingly, the barrister's advice earns 7/10 under the Authentic Assessment Framework, and strategies for improving its authenticity include the seamless integration of reflection and self-assessment as well as supporting student collaboration with other stakeholders.

Overall, the authenticity of the proposed assessment tasks in 2015 (cultural competency critique, barrsiter's advice and end of semester open book problem-based examination) achieve a total of 15/30, which is an incremental improvement on the authenticity of assessment practices used since the turn of the century (advocacy exercises, tutorial participation and end of semester open book problem-based examination), which had an authenticity rating of 12/30.

Continuing to improve and refine assessment practices is to be encouraged, but as the Authentic Assessment Framework highlights, 'Criminal Law' at the Queensland University of Technology is only half-way there, as the authenticity of the assessment tasks can be designed and implemented in a much more authentic manner. Two key areas where all three of the proposed assessment tasks for 2015 can enhance their authenticity are collaboration and self-assessment.

VI   CONCLUSION

An end-of-semester, open-book, problem-based examination is generally prohibited as a single assessment practice in a unit by university assessment policies, and this is paving the way

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22   Burton, above n 7, 26-27.

toward a diverse range of more authentic assessment practices. The examination received only 3/10 on the Authentic Assessment Framework, and has a low level of authenticity.

Applying the Authentic Assessment Framework to the assessment tasks in 'Criminal Law' at the Queensland University of Technology now and into the future provides an opportunity to reinforce the authenticity of assessment tasks so that they are incrementally improving over time. It is recommended that collaboration and self-assessment be included to further enhance the authenticity of all assessment tasks. Until the examination format is completely abandoned as a method of assessment, a perfect level of authenticity will never be achieved. In the meantime, it is hoped that this approach to improving the authenticity of assessment tasks prompts others to measure and enhance the authenticity of their assessment tasks.