TE WHARE WĀNANGA O TE ŪPOKO O TE IKA A MĀUI
VICTORIA
UNIVERSITY OF WELLINGTON

FACULTY OF LAW

MODERATION AND ASSESSMENT REQUIREMENTS

Preamble:

a. University assessment and moderation procedures are set out in the *Assessment Handbook*. Each Faculty is required to adopt a moderation procedure in the light of the requirements in the *Assessment Handbook*. The *Assessment Handbook* requires other relevant matters also to be stipulated, such as tutor training.
b. This document is referred to below as the Law Faculty's *Assessment and Moderation Requirements*. It was prepared by the Law Faculty's Learning & Teaching Committee for the Law Faculty. It was adopted by the Faculty of Law at the meeting of 23.8.18., and approved by Academic Committee on 4.9.18.
c. The aims of this document include: (i) helping to ensure that the marking of all assessment tasks is accurate and fair; (ii) facilitating the work of the Faculty in the delivery of excellent teaching and assessment for our students, including innovative teaching and assessment practices; and (iii) encouraging collegial discussions about teaching, assessment design, and marking practices.
d. The Appendix contains information about moderation that is specific to New Zealand university-level schools of law: (i) inter law school peer review of examinations and marking; and (ii) moderation of examinations in specified subjects by the Council of Legal Education (CLE). CLE moderation is typically done by judges of New Zealand's superior courts and senior members of the New Zealand legal profession.
e. Where there is more than one course coordinator responsible for a course, the term "Course Coordinator" in this document means, unless the context otherwise requires, the Course Coordinator responsible for the part of the course in which the relevant assessment occurs.

1 KEY RESPONSIBILITIES

1.1 All academic staff and other instructors who are responsible for assessment tasks should be familiar with and apply the requirements set out in the *Assessment Handbook* and the Law Faculty's *Assessment and Moderation Requirements*.

1.2 Course Coordinators have primary responsibility for ensuring that all assessment tasks in the course comply with the *Assessment Handbook* and the Law Faculty's *Assessment and Moderation Requirements*. This includes assessment exercises set by other academic staff and adjunct instructors involved in the course. (*Assessment Handbook* ss 1.3; 1.5.6.)

1.3 Where a Course Coordinator is an adjunct instructor, the Deputy Dean should ensure that the instructor is aware of the requirements and responsibilities set out in the *Assessment Handbook*.

2 PROFESSIONAL DEVELOPMENT AND TRAINING

2.1 The Dean of Law should discuss with individual academic staff opportunities for professional development in the area of assessment. PDCP meetings are likely to be a suitable forum.

2.2 The Dean of Law is to encourage all newly-appointed permanent academic staff and all adjunct teachers or teachers holding other short-term contract positions to participate in a law teaching induction programme to be coordinated by the Faculty's Associate Dean (Learning & Teaching). This programme should include discussion of assessment design and moderation. The Associate Dean (Learning & Teaching) should ensure that the duration of this programme is no more than 90 minutes. This programme is in addition to any training by the Centre for Academic Development (CAD) that new academic staff might be required to undertake.

2.3 The Law Faculty Administrator responsible for managing tutor contracts will direct all new tutors to undertake the required training that is arranged by CAD. Where it is known that a new tutor will be involved in marking that counts toward a student's final grade, and the tutor has not undertaken training in marking, the tutor should undertake CAD training on marking. (See *Appointments Guidelines*, s 4.1).

2.4 Before the first tutorial, Course Coordinators will meet with all tutors and discuss how the Course Coordinators would like the tutorial programme to be conducted. All head tutors are to meet with the Associate Dean (Learning & Teaching) to discuss the Faculty's expectations as to tutors' professional responsibilities and conduct.

2.5 Tutors responsible for Māori and Pasifika (MPI) tutorials are to meet with the Law Faculty MPI Academic Coordinator before the first tutorial in the course to discuss the Law Faculty's expectations for MPI tutorials, including, if relevant, expectations as to assessment and moderation.

3 MODERATION

3.1 Pre-assessment moderation helps to ensure that assessment exercises align with course learning objectives and the assessment principles and requirements set out in the *Assessment Handbook*.

3.2 Moderation of marking also provides an opportunity to check that marking is consistent and fair.

Procedures for all assessment tasks

Moderation before assigning assessment tasks

3.3 Before students are assigned an assessment task, the person setting the

assessment task should have a collegial conversation about the assessment task with a member of the academic staff.

3.4 If the person responsible for the assessment task is *not* the course coordinator, that person should discuss the assessment task with the course coordinator. At this stage, the assessment task should be in the form that it is intended to be given to the students: e.g., the test paper, the instructions for a practical exercise, etc.

3.5 The matters to be addressed in the conversation(s) described in 3.3 and 3.4 include: whether the assessment task aligns with course learning objectives and the assessment principles set out in the *Assessment Handbook* and the *Programme and Course Design Handbook;* and whether the assessment task is likely to produce an appropriate spread of grades; and whether the material to be distributed to students is free from errors and the questions will be easily understood by students and, as relevant, markers.

3.6 With internal assessment exercises, such as legal opinions, essays, or oral presentations, advance provision to students of a marking rubric (i.e. a general statement of marking criteria) will often be an appropriate practice, and the rubric should also be discussed in the conversations required by s 3.3 and 3.4. If a marking rubric has not been provided to students, it may be helpful to discuss the reasons for deciding not to do so.

3.7 If there is disagreement about to the suitability of an assessment exercise (including, as relevant, the accompanying rubric and/or the instructions) the course coordinator and, as relevant, the person responsible for setting the assessment exercise should seek advice from the Associate Dean (Learning & Teaching). Where the Associate Dean (Learning & Teaching) is also the coordinator of the course, the matter should be referred to the Deputy Dean.

3.8 Law Faculty moderation practices must also be consistent with the following documents: *The Use of Te Reo Māori for Assessment Policy* and *Use of Te Reo Māori for Assessment Policy: Procedure for the Faculty Of Law*.

Moderation in the marking of assessment tasks

3.9 If there are multiple markers of the same part(s) of an assessment task, the course coordinator should ensure that there is an appropriate process in place for ensuring that marking is accurate and that there is consistency between the different markers. That process should include at least the following steps:

- providing markers with a suitably detailed marking guide (i.e. a suitably specific statement of how marks are to be awarded) directed at ensuring that there is consistency between different markers;
- a meeting (or, if needed, a number of meetings) of markers at which marking standards are explained and a sample of each marker's marking is

compared; and

- "blind marking" by the course coordinator of an appropriate sample of marked work by each marker.

With large classes in which there are multiple markers of the same part(s) of any assessment task, the Course Coordinator should compare the spread of grades produced by each marker, and, if necessary, adjust grades using a sound process to achieve consistency in the marks awarded by different markers. If the marking moderation process has been thorough, it should rarely be necessary to use this process.

Additional procedures for examinations

3.10 Where an assessment exercise is an examination, course coordinators need to follow the procedures under the heading "Role of External Assessors" in the Appendix, in addition to the procedures set out above.

3.11 Where an assessment exercise is an examination that is moderated by the Council of Legal Education, course coordinators need to follow the procedures under the heading "Role of CLE Moderators" in the Appendix, in addition to the procedures set out above.

Procedure before final results are released

3.12 The spreadsheet of marks and grades should be forwarded to the Deputy Dean who will check whether the results are consistent with the Law Faculty's *Grade-Spread Guidelines*. To help the Associate Dean identify issues that would benefit from further consideration before the Examiners' Meeting, copies of the final spreadsheets for undergraduate courses should also to be forwarded to the Associate Dean. Final grades for a course will be released only after consideration by the relevant Law Faculty Examiners' Meeting. If marks or grades are changed following the Examiners' Meeting, there should be consultation with the Course Coordinator before they are released.

3.13 The Law Faculty's Student and Academic Services personnel are responsible for the release of final grades.

4 MODERATION RECORD KEEPING

4.1 The Assessm*ent Handbook* requires faculties to keep records of assessment moderation. Relevant record-keeping requirements set forth in the *Assessment Handbook* will be administered by the examinations coordinator (in the case of final examinations and marks) and course administrators (in the case of all other assessment exercises).

Moderation record keeping for internal assessment exercises

4.2 At the time that marks are to be entered by the course administrators, Course Coordinators will be asked by course administrators to confirm that the stipulations in the Law Faculty *Assessment and Moderation Requirements* have been followed. This should take no more than 5 minutes of a course coordinator's time. An email template will be used.

Moderation record keeping for examinations

4.3 Course Coordinators will be asked to confirm, in Reports to the relevant Examiners' Meeting, that the required moderation procedures have been followed. This should take no more than 5 minutes of a course coordinator's time.

5 MARKING BY TUTORS AND/OR CONTRACT MARKERS

5.1 There is no restriction on the amount of each student's work that can be marked by tutors or by any other person contracted to undertake marking.

5.2 The Course Coordinator will ensure that tutors and other people who are contracted to undertake marking are provided with clear and sufficiently detailed information as to how to perform the specific marking task.

5.3 The Course Coordinator must ensure that marking by tutors or by any other person contracted to undertake marking is moderated in accordance with the *Assessment Handbook* and the Law Faculty's *Assessment and Moderation Requirements*.

6 FINAL DECISIONS ON MARKING

6.1 Subject to s 1.6 of the *Assessment Handbook*, the Head of School has authority, after consulting with the Course Coordinator and the Associate Dean (Learning & Teaching), to make final decisions on questions concerning marking within a course (*Assessment Handbook* ss 1.5.5; 1.6).

7 REQUIREMENTS FOR OVERSIGHT OF ASSESSMENT SCHEDULING

7.1 The Law Faculty's Manager of Student and Academic Services is responsible for the oversight of the scheduling of assessment.

8 EXAMINERS' MEETINGS

8.1 All final grades are provisional until the final grades have been confirmed by a Meeting of the Law Faculty Examiners.

8.2 The functions of the Law Faculty Examiners' meeting that are relevant to moderation include:

- monitoring assessment practices in the light of applicable Law Faculty

standards and expectations;

- ensuring the marks and grades for individual courses meet Faculty expectations (such as compliance with assessment principles set out in the *Assessment Handbook*, and achieve consistency with applicable grade-spread guidelines, appropriate parity between equivalent courses, robustness of any scaling methods, etc); and
- approving final course grades (subject to the Head of School's final approval and CLE requirements).

8.3 No final course grades will be released until they have been confirmed by the relevant Examiners' Meeting.

8.4 Undergraduate Examiners' Meetings are held in July (re trimester 1 examinations), November (re trimester 2 and full-year examinations), and February (re trimester 3 examinations). Postgraduate Examiners' Meetings are held mid-March, late June, and late November.

9 REVIEW

9.1 The Law Faculty Learning & Teaching Committee will review the Law Faculty's *Assessment and Moderation Requirements* no later than 24 months after its adoption by the Law Faculty. The Academic Committee will be advised of the outcome of any review.

9.2 The Associate Dean (Research) may advise the Faculty of adaptations to this document that may be necessary in the light of particular characteristics of the Faculty's postgraduate programmes. Such changes should be approved by the Law Faculty Postgraduate and Research Committee and the Law Faculty.

9.3 The Deputy Dean (or other Law Faculty representative on the Academic Committee) should advise the Academic Committee of major substantive changes to this document.

APPENDIX

EXTERNAL ASSESSMENT AND CLE MODERATION

All LAWS courses have external assessors. Some – those 200- and 300-level compulsory LAWS courses which are mandated by the New Zealand Council of Legal Education (CLE) – also have CLE moderators.

Role of external assessors

There are six New Zealand Law Schools. Each New Zealand Law School is, each year, paired with another New Zealand Law School for that year. The Faculty of Law academics of one of the two Schools comprise the external assessors for the other School for that year. For example, the Otago Law School Course Coordinator in *Contract Law* would be the external assessor for *Contract Law* at Victoria University, and *vice versa*.

Once a final exam paper* has been drafted, and before the exam is sat by the students, that paper is sent to the relevant external assessor at the other Law School. The Course Outline should also be sent. The external assessor's role is to comment on the exam paper's content, clarity, degree of difficulty etc, and to draw attention to any typographical errors (if any).

> **All* final exam papers - for 100-level courses, compulsory 200- and 300-level CLE courses, and for 300-level elective courses, but - by definition of "final exam papers" - not for courses which are assessed by internal assessment.

After the exam has been sat, and the scripts have been marked, a selection of scripts, along with the marking guide, are sent to the external assessor. A standard selection might comprise the script(s) with the highest mark, the script(s) with the lowest passing mark, the script(s) with the highest failing mark, and any scripts in respect of which there may be a conflict of interest - eg the marker's or examiner's son or daughter or suchlike sat the exam that year). This requirement does not exhaust other requirements that may be imposed in such circumstances. Other scripts might also be sent, at the examiner's discretion. The external assessor is invited to confirm, query or comment on the marks allocated to those scripts, particularly those sitting on a fail-pass cusp.

Role of the CLE moderators

The CLE prescribes the material which each compulsory CLE course must cover. The CLE appoints a moderator for each compulsory course. Each CLE moderator is either a Justice of the High Court or a legal practitioner. The CLE sets Guidelines for those moderators; the Deputy Dean of Law retains copies of those Guidelines.

After the final exam paper for a CLE compulsory course has been drafted, and before the exam is sat by the students, that paper is sent to the relevant external CLE moderator. The Course Outline should also be sent. The CLE moderator's role in this regard includes -

- ensuring that the exam is of a satisfactory standard;
- satisfying themselves that there has been adequate coverage of the prescription of the course as taught by each Faculty; and
- satisfying themselves that the standard of the exam is comparable between Law Schools.

The CLE moderator – unlike the external assessor – is ***not*** required to review a sample of scripts after the exam has been sat and all scripts have been marked.